

# Kingston Conservation Commission Minutes

## June 3, 2008

- 7:00p.m.** The chairman called the meeting to order.  
**Present:** Gary Langenbach (chairman), Marilyn Kozodoy, James Dehner, Sue Chamberlain, William Underhill, William Whitehill  
**Staff:** Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary
- Discussion regarding applicants submitting new information in a very untimely manner to the Commission
- 7:07p.m.** **William Kavol arrived.**
- Reviewed the draft minutes of April 15, 2008
- James Dehner motioned to accept the minutes of April 15, 2008 as corrected.  
William Underhill seconded the motion.
- 7:10p.m.** **VOTE: 7-0-0**
- Marilyn Kozodoy motioned to change the "Policy on Receipt of Information" to receive revised plans or additional information no less than two weeks prior to the continuation date of the public hearing.  
William Underhill seconded the motion.
- 7:14p.m.** **VOTE: 7-0-0**
- 7:16p.m.** Opened a Public Hearing for a Request for Amendment / Deviation for 5 Grandview Avenue, Map 38, Lot 92  
**Present:** Julie Johnson, Joe Webby, Paul Mullen, Cathy Mullen
- Joe Webby presented the request for amendment to the Commission.
- Maureen Thomas presented photographs of the salt marsh to the Commission.
- James Dehner asked Joe Webby to explain what impacts the deck would have to the resource area.
- Joe Webby stated that the runoff from the 63 square foot roof would be tied into a French drain and then into a drywell.

Maureen Thomas asked Joe Webby to explain the French drain to the Commission.

Joe Webby presented a diagram of the French drain to the Commission.

Discussion regarding mitigation

The chairman requested that the applicant pull back the three riverfront piers of the existing dock by four feet from their current location to act as mitigation.

James Dehner requested that the property owner take the top plugs from the new holes for the piers and place the plugs on top of the old holes for the piers.

William Underhill motioned to close the Public Hearing.  
Marilyn Kozodoy seconded the motion.

**7:33p.m. VOTE: 7-0-0**

James Dehner motioned to issue an amendment to the Orders of Conditions with conditions and mitigation as discussed.  
Marilyn Kozodoy seconded the motion.

**7:35p.m. VOTE: 7-0-0**

**7:36p.m. Continued a Public Hearing for a Notice of Intent for 24 Sunset Road, Map 59, Lot 8 & 10**

**Present:** Matthew Watsky, Esq., Greg Morse, Dr. Peter Rosin, Lenore White, Dr. Courtland Harlow, Mrs. Harlow, Daniel Harlow, Courtland Harlow III

Matthew Watsky Esq. reviewed the 1992 Orders of Conditions with the Commission and the public.

Greg Morse reviewed the existing site, proposed work and the history of the 1992 filing with the Conservation Commission. He presented a document regarding the art and science of determining flood zones.

Maureen Thomas asked how many sona tubes were proposed for the deck.

Greg Morse stated that eight sona tubes were proposed for the deck.

Dr. Peter Rosin stated that there was no 3' wave in the area where work was proposed. He stated that the area was considered a spray zone and that there was no significant wave energy. The site is 2' higher than the properties on either side of this property. He also stated that it was a highly disturbed site with no significant water depth or wave energy.

Dave Fitzgerald from 12 Sunset Road had questions regarding previous plans versus the current plan and if the current plans were accurately depicting the velocity zone since previously engineered plans showed a different velocity zone.

Lenore White identified the resource areas. She stated that re-installing the deck on pilings would not affect flood control or storm damage prevention.

The chairman stated that there had not been a structure there for 16 years and that the deck was not grandfathered.

Maureen Thomas requested a profile of the coastal bank, velocity zone delineation and bench marks.

Maureen Thomas asked if the piers were landward of the cap stones.

Greg Morrison stated yes.

The chairman stated that the Town of Kingston Wetland Protection Regulations were not enacted until 1997.

The chairman requested the total square footage of the proposed deck.

Marilyn Kozodoy urged the applicant to urge their supporters to be supportive and not argumentative. (delete)

Marilyn Kozodoy stated that the purpose of input from the public was to offer new information or ask a question, not to be argumentative with the Commission, and urged the applicant to encourage their supporters to adhere to this policy.

Daniel Harlow stated that they did not control, dictate or suggest any behavior by the public.

The chairman voiced his concerns about an irate supporter of the project coming to his place of business and being verbally threatening towards him regarding the decision process.

Bob Campo, the irate supporter in question, became argumentative and acted inappropriately during the meeting without being recognized by the chairman.

James Dehner motioned to continue the Public Hearing. Marilyn Kozodoy seconded the motion.

**8:17p.m.**

**VOTE: 7-0-0**

**Continued to 7/1/2008 @ 7:30p.m.**

**Site visit 6/20/2008 @ 5:00p.m.**

**8:25p.m.**

Opened a Public Hearing for a Request for Determination of Applicability for 9 Smelt Pond Road, Map 89, Lot 19

**Present:** Fred Svenson

Fred Svenson presented the history and the already existing project to the Commission.

James Dehner stated that the bank was not completely stabilized.

Discussion regarding what to include in the enforcement order

Fred Svenson asked how there would be more impervious area with a roof if there was pre-existing concrete from the previous structure.

Maureen Thomas asked if there had been concrete underneath the wooden deck.

Fred Svenson stated yes.

Fred Svenson stated that he could install drywells on the back of the house. He stated that gutters would be installed.

William Whitehill stated that he did not believe a site visit would be necessary yet. He stated that the applicant needed to address the issues with erosion and drywells and present the solution to the Commission.

Discussion regarding erosion / wash out

Maureen Thomas requested the leaching pit and connection be depicted on the plan. She also requested a detail of the leaching pit.

Marilyn Kozodoy motioned to continue the Public Hearing.  
William Underhill seconded the motion.

8:42p.m.

**VOTE: 7-0-0**

**Continued to 7/1/2008 @ 8:15p.m.**

8:49p.m.

Continued a Public Hearing for a Notice of Intent for 37 East Avenue, Map 49, Lot 114 & 115

**Present:** Kevin Grady

Kevin Grady reviewed the revisions to the plans.

James Dehner asked how the water flowed to the pipe and how the clay soil would affect it.

Kevin Grady stated that there would be two bio retention cells. Two and a half feet of clay would be removed.

The chairman asked where the 6" emergency overflow would go.

Kevin Grady showed where it would go on the plans.

Maureen Thomas asked if there was a setback from the property line for structures.

Kevin Grady stated no.

Maureen Thomas asked if there was a way to elevate the area so that water would not go onto the neighbor's property.

Kevin Grady stated that there would be a rain garden just inside of the hedge row.

James Dehner asked how they could keep debris from entering the gutters and keep them from clogging.

Kevin Grady stated that it would be in the best interest of the property owner to keep the gutters maintained.

Mr. McGillicuddy, an abutter, asked if the roof and basement drain into the bio-cell.

Kevin Grady stated yes.

Harriet Dunkley, an abutter, asked how they would avoid the buried propane tank on the property.

James Dehner asked if there should be a stop work order if a propane tank did exist that was not permitted by the Conservation Commission.

Maureen Thomas stated that an enforcement order should be issued once the information is verified.

Harriet Dunkley stated that she was going to request the Zoning Board of Appeals to review the revised plans because the ZBA had not seen these changes since the applicant had been before them.

Marianne Respitoso from 4 Bayview Avenue voiced her concerns regarding the amount of proposed and current work on the property.

Discussion regarding beach nourishment

Kevin Grady stated that Rocky Nook did not consist of unconsolidated sediment. He stated that the area did not contribute to beach nourishment.

Discussion regarding the proposed coastal revetment

Kevin Grady stated that they were trying to replace what was already there. He stated that the revetment would be sloped instead of vertical. He also stated that they were sloping up the ends of the revetment in an attempt to redirect water onto their property and it would not increase water onto the neighbor's property.

Maureen Thomas asked if the applicant would be using rough faced stones to dissipate the energy from the wave action.

Kevin Grady stated that they had proposed split faced stones, but could change them to rough faced stones.

Maureen Thomas stated that the area had been an area of accretion and has expanded approximately .46' per year.

Discussion regarding accretion and beach nourishment

Sue Chamberlain stated that this should always be looked at. She stated that it was pertinent and important and that it should be addressed each time a project of this nature is proposed to the Commission.

The chairman stated that there were two issues that needed to be resolved; whether to require the addition of sand and whether to use rough or split faced stones.

James Dehner stated that he felt no sand should be required and split faced stones should be used for the revetment.

William Underhill stated no sand should be required and rough faced stones should be used in the corners.

The chairman stated that he would prefer rough faced stones in the corners of the revetment.

Sue Chamberlain and Marilyn Kozodoy stated that they preferred the use of rough faced stones to increase the dissipation of wave energy.

William Whitehill mentioned that split faced stones were used on the jetty in Plymouth and it has held up well.

Maureen Thomas stated that they should have Kevin Grady find out if rough and split faced stones could be used together.

Discussion regarding the velocity zone

Mrs. McGillicudy asked about the location of the parking spaces.

Kevin Grady showed the location of the parking on the plans.

Marilyn Kozodoy motioned to continue the Public Hearing.  
William Underhill seconded the motion.

**9:50p.m.**

**VOTE: 7-0-0**

**Continued to July 1, 2008 @ 8:30p.m.**

**9:50p.m.**

Continued a Public Hearing for a Notice of Intent for 24 Evergreen Street, Map 35, Lot 28

**Present:** Dana Junior, Peter Napellio

Dana Junior reviewed the revisions to the plans with the Commission.

James Dehner recommended that the applicant use rain (gutter) guards which diffuse the water like rain drops.

Dana Junior stated that he could also install a drip trench which is a 1' wide crushed stone area.

Discussion regarding conditions

Sue Chamberlain motioned to close the Public Hearing.  
William Underhill seconded the motion.

**10:15p.m. VOTE: 7-0-0**

Sue Chamberlain motioned to issue Orders of Conditions with special conditions.  
William Underhill seconded the motion.

**10:15p.m. VOTE: 7-0-0**

**10:15p.m. Continued a Public Hearing for a Notice of Intent for 22 Evergreen Street, Map 35, Lot 28-2**

**Present:** Dana Junior

Dana Junior requested a continuation of the public hearing.

William Underhill motioned to continue the Public Hearing.  
William Whitehill seconded the motion.

**10:15p.m. VOTE: 7-0-0**  
**Continued to July 1, 2008 @ 9:00p.m.**

Discussion regarding:

- 68 Evergreen Street – major or minor deviation
- Cole Avenue – hiring an outside consultant to review the wetland line

Marilyn Kozodoy motioned to hire a soil scientist to review the soils in relation to the wetland delineation with the Wetland Protection Fund.

Sue Chamberlain seconded the motion.

**10:22p.m. VOTE: 7-0-0**

Sue Chamberlain motioned to adjourn.  
James Dehner seconded the motion.

**10:22p.m. VOTE: 7-0-0**