

Kingston Conservation Commission Minutes

June 8, 2010

7:06p.m. The chairman called the meeting to order.
Present: Gary Langenbach (chairman), William Underhill, Marilyn Kozodoy, Sue Chamberlain
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Agent Updates:

- Foster Lane – deadline for filing RDA for maintenance of the drainage ditch extended to June 30, 2010
- Pine Brook Culvert – culvert removed, final inspection from NRCS next week
- 22 Evergreen Street – remand of denial on agenda for June 22, 2010, no changes proposed, Town Counsel mistakenly told the judge that the denial was based on a lack of information
- Cole Avenue – Conservation Agent assisting Town Counsel with affidavit briefly explaining the difference between the By-Law and Wetlands Protection Act
- Nobadeer Village – new letter received from South Shore Survey on the review of the stormwater management system

7:10p.m. **William Kavol arrived.**

Discussion regarding the need of a Request for Amendment filed for Nobadeer Village

Marilyn Kozodoy motioned to notify Matt Dacey of Champion Builders that he would need to file a Request for Amendment for changes that have occurred to the plans.

William Underhill seconded the motion.

7:16p.m. **VOTE: 5-0-0**

7:16p.m. Opening of a Public Hearing for a Request for Determination of Applicability for 125 Pottle Street, Map 35, Lots 2, 5, 9 & 19

Present: Jack Riordan

Jack Riordan stated that they were in the process of completing the third phase of the ball field one restoration project which included a parking improvement plan. He presented the project to the Commission.

The chairman asked if there would be a change in the elevations.

Jack Riordan stated that they would grub out the unsuitable material and build up from there.

Jack Riordan stated that the swale along the outside of the fence was for water storage.

The chairman stated that over time, reprocessed asphalt typically becomes impervious.

Marilyn Kozodoy asked if this project would get to the point where engineering would be needed.

Jack Riordan stated he was using an engineer who developed the cross section and had suggested rain gardens. The engineer is willing to help throughout the process.

Jack Riordan asked if the reprocessed asphalt should be graded toward a certain area.

William Underhill suggested directing the runoff to rain gardens.

Sue Chamberlain stated that the applicant needed to be aware of where the reprocessed asphalt came from and if it was good quality. She stated that the reprocessed asphalt from the town should be used in the areas closest to the wetlands.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

7:40p.m.

VOTE: 5-0-0

7:40p.m.

Opened a Public Hearing for an Abbreviated Notice of Resource Area Delineation (ANRAD) for 20 Brentwood Road, Map 8, Lot 92

Present: Mark Guidoboni

Mark Guidoboni reviewed the history of the property. He requested that the \$400.00 filing fee be waived due to the application before the Community Preservation Committee (CPC). If the property were to be bought through an outside source then the fee would stay in place.

Marilyn Kozodoy stated that at the CPC meeting, she had remembered an issue that had been discussed regarding the other properties that were included in the CPC application not being contiguous. She also stated that questions had been asked regarding ownership of some of the parcels and that it was not a wetland line issue for the CPC.

Mark Guidoboni stated that his plan was incomplete. He stated that he would like to go forward with the plan. He stated that the ANRAD would also determine upland areas and whether it was a buildable lot.

Marilyn Kozodoy motioned to not waive the \$400 filing fee.

William Underhill seconded the motion.

7:51p.m.

VOTE: 5-0-0

Maureen Thomas stated that the northern part of the riverfront area was labeled mean annual high water and the southern part of the riverfront area should also be labeled the same.

The chairman stated that the Commission normally asks for money from the applicant to hire a wetland scientist to conduct a review of the flagging.

William Underhill motioned to request the applicant to submit \$2000.00 for the Conservation Commission to hire a wetland scientist to review the flagging on the property.

Marilyn Kozodoy seconded the motion.

7:56p.m.

VOTE: 5-0-0

The chairman explained the process of an ANRAD with the public.

Barbara Coyle from 17 Brentwood Road stated that she would like the area to remain undisturbed. She stated that there was a lot of wildlife habitat on the property.

Federico Morales from 18 Brentwood Road stated that he wanted to make sure that the stream was not being labeled as a seasonal stream.

Jessica Healy from 12 Montclair Avenue stated that the river comes up to their backyard and that they had water in their basement this past spring.

Maureen Thomas explained the process of hiring an outside consultant to review the wetland flagging.

Heidi Olson from 18 Brentwood Road stated that the property is currently a congregation point for after hours activities. She asked how the area would be monitored if it was purchased by the town.

The chairman stated that if the property was purchased as open space, it would be an issue just like any other Conservation Commission property.

Mark Guidoboni stated that at this juncture he was only trying to determine where the wetlands were on the property and what options he might have.

Sue Chamberlain motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:11p.m.

VOTE: 5-0-0

8:12p.m.

Continued a Public Hearing for a Notice of Intent for Elder Avenue, Map 57, Lot 74

Present: Mark Manganello

Mark Manganello stated that there were no obligate or facultative species in the isolated vegetated wetland. He stated that he determined that the area was not a vernal pool.

Maureen Thomas stated that she had received a letter from Robert Kraus, Esq. requesting a 60 day continuation/extension of time. She stated that she agreed with everything that was stated in the report provided by Mark Manganello.

Sue Chamberlain motioned to continue the Public Hearing.
Marilyn Kozodoy seconded the motion.

8:15p.m.

VOTE: 5-0-0

Continued to September 21, 2010 @ 7:30p.m.

8:15p.m.

Continued a Public Hearing for a Notice of Intent for Parting Ways Road, Map 105, Lot 6

Present: Christian Farland, Peter Opachinski, Tom Rego, Bob Rego

Christian Farland reviewed the past meeting. He stated that a letter was submitted that supported the proposed drilling minimizing impacts. Ideal conditions would be that the vernal pool was dry during drilling. He stated that he received a letter from Marti Nover indicating that the wetland resource areas were certifiable vernal pools.

Marilyn Kozodoy stated that she had done some reading regarding drilling under a vernal pool and some of what she read dove tailed the letter. She mentioned a frac out contingency plan. She also mentioned the amount of distance from the entrance and exit points of the drilling to the vernal pool.

Christian Farland stated that part of the frac out contingency plan would be to isolate the area with haybales.

Discussion regarding water and bentonite used for drilling

Peter Opachinski stated that the bentonite would be scooped out with a front end loader once drilling was complete and it could be mixed in with gravel.

Bob Rego stated that bentonite was a type of clay.

William Underhill asked that assuming there were no complications, how long would the work take to complete.

Peter Opachinski stated that the work would take about one week to complete.

Maureen Thomas stated that additional information would be forthcoming from Marti Nover (review consultant).

The chairman stated that the Commission was in an awkward situation because they could not close the public hearing if additional information would be submitted at a later date. He stated they should still submit a disaster response plan.

Bob Rego stated that they could close the Public Hearing and file a separate ANRAD for the vernal pool certification.

Maureen Thomas suggested an amendment to the ORAD.

Discussion regarding vernal pool delineation and awaiting information from Marti Nover

Frank Gould from 139 Parting Ways Road asked that if the areas were not certified as vernal pools yet and they are assumed vernal pools already then why couldn't the public hearing couldn't be closed based on the assumption.

Discussion regarding how the assumption of the areas being vernal pools would affect the drilling location

William Underhill asked if the application could be approved with the Planning Board subject to the Conservation Commission's approval.

The chairman stated that if they are vernal pools then they would need to move the pipe outside of the 100' no disturb zone.

Marilyn Kozodoy asked what would be done differently in the plan design if it were a vernal pool.

The chairman stated that the distances from outside the buffer of the potential vernal pool vs. the known vernal pool are almost identical if the drilling is moved.

Discussion regarding a change to the plans that involves moving all drilling outside any known or potential vernal pool buffers

Sue Chamberlain stated that a condition could be included in the order that the Commission could accept incoming information.

Maureen Thomas stated that they could ask the applicant for a letter stating that they were agreeable to paying for the vernal pool certification beyond the Notice of Intent. She stated that if the Commission and the applicant were in agreement to complete the study then there shouldn't be an issue.

Maureen Thomas reviewed the special conditions that would be included in the Orders. There will be a letter from the applicant stating that they are in agreement with continuing the vernal pool evaluation and certification and the applicant will pay any additional money required.

William Underhill motioned to close the Public Hearing.
William Kaval seconded the motion.

9:05p.m. VOTE: 5-0-0

Marilyn Kozodoy motioned to issue Orders of Conditions with special conditions.
William Underhill seconded the motion.

9:06p.m. VOTE: 5-0-0

9:08p.m. Continued a Public Hearing for a Notice of Intent for 15 Baileys Circle, Map 27, Lot 57-6
Present: Joe Webby, Don Quinn

Joe Webby stated that they created a cross section on the plans as requested by the Commission.

The chairman asked if they were going to slope the skirting of the pool towards the circle.

Joe Webby stated that there would be a lot of area to infiltrate prior to reaching the wetland.

Sue Chamberlain motioned to close the Public Hearing.
Marilyn Kozodoy seconded the motion.

9:24p.m. VOTE: 5-0-0

Marilyn Kozodoy motioned to issue Orders of Conditions with special condition.
William Underhill seconded the motion.

9:24p.m. VOTE: 5-0-0

9:24p.m. Continued a Public Hearing for a Notice of Intent for Main Street, Map 58, Lot s92, 94, 96, 97 & 110

The applicant requested a continuation of the Public Hearing.

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

9:28p.m. VOTE: 5-0-0
Continued to July 6, 2010 @ 8:45p.m.

Reviewed the draft minutes of May 4, 2010

William Underhill motioned to accept the minutes of May 4, 2010 as corrected.
Sue Chamberlain seconded the motion.

9:37p.m. VOTE: 5-0-0

Sue Chamberlain motioned to adjourn.
Marilyn Kozodoy seconded the motion.

9:45p.m. VOTE: 5-0-0