

Kingston Conservation Commission Minutes

July 1, 2008

- 7:00p.m.** The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, James Dehner, Sue Chamberlain, William Underhill, William Kavol
Staff: Maureen Thomas, Conservation Office and Brandi Gordon, Secretary
- Discussion regarding the Conservation Restriction for the Holmes Property on Landing Road
- William Underhill motioned to accept the Conservation Restriction for the Holmes Property on Landing Road as discussed.
Sue Chamberlain seconded the motion.
- 7:24p.m.** **VOTE: 6-0-0**
- Reviewed the draft minutes of June 3, 2008
- James Dehner motioned to accept the minutes of June 3, 2008 as corrected.
Sue Chamberlain seconded the motion.
- 7:29p.m.** **VOTE: 6-0-0**
- Discussion regarding 49R Main Street – delay in work, wetland plantings in the fall, non-payment of fine
- 7:30p.m.** Continued a Public Hearing for a Notice of Intent for 24 Sunset Road, Map 59, Lot 8 & 10
Present: Greg Morse, Dr. & Mrs. Harlow, Andrew Watsky, Esq., Dr. Peter Rosin
- The chairman stated that the Commission had performed a site visit on June 20th and had some questions for the engineer at the site visit.
- Greg Morse reviewed the changes to the plan for the Commission and the public.

Peter Rosin stated that the goal was to describe the nature of flooding. He stated that there was not a functional velocity zone because water/wave action did not reach a three foot wave. He stated that the site was elevated (possibly in 1992) and the top of the sea wall was at elevation 13. The site is higher than FEMA's profile by two feet.

Andrew Watsky stated that he felt the project fully complies. He stated that the area was in a velocity zone but was not subject to three foot wave action due to the revetment and fill.

Maureen Thomas stated that neither the Conservation Agent nor the Commission was experienced with reviewing velocity zone delineations. She recommended that the Commission should consider hiring an outside consultant to review the velocity zone delineation. She stated that there had been errors in the past with delineations of velocity zones that were not reviewed. Stan Humphries of LEC Environmental has been contacted regarding this project.

The chairman stated that he felt more comfortable having someone review the velocity zone and resource area delineation since we had seen three different plans with differing velocity zones.. He recommended using the Wetland Protection Fund to pay for the review.

Andrew Watsky stated that he felt this was a stalling technique and this could have been raised at the last meeting.

The chairman stated that he disagreed. The plans were received the night before the meeting and the plans were not discussed by members outside of a public meeting. He also stated that this filing began in February of 2007 and had been continued by the applicant many times.

Marilyn Kozodoy also referenced the late receipt of plans and questions which arose during the last sitewalk. She stated that she did not feel comfortable acting on the application without access to consultant expertise for the Commission.

Greg Morse stated that this has gone before the Building Inspector and Zoning Board of Appeals.

Lenore White asked why the Commission needed to know about the velocity zone when the applicant was not proposing any vertical walls.

The chairman stated that if the velocity zone was determined to be further landward it could affect the foundation. He stated that there was a 25' no disturb buffer zone whether or not it was previously disturbed. He stated that the Commission has permitted decks to overhang the 25' no disturb buffer zone.

Maureen Thomas read a memo from Paul Armstrong, Building Inspector dated June 10, 2008 regarding construction in velocity zones. She stated that she spoke with Paul Armstrong about cantilevering the deck and suggested to the Commission to consider a 6' cantilever.

The chairman stated that the Agent and members of the Commission had met with Coastal Zone Management (CZM) regarding a previous coastal revetment project and they had said that the closer a structure gets to the coastal bank, the more adverse impacts occur.

Marilyn Kozodoy motioned to hire an outside consultant with the Wetland Protection Fund.
Sue Chamberlain seconded the motion.

Discussion regarding the scope of the review and qualifications of Stan Humphries

8:02p.m. VOTE: 6-0-0

Dave Fitzgerald, an abutter, stated that he was in support of Dr. Harlow's project but it needed to be done correctly. He discussed history of the home owned by the Slot's. He distributed pictures to the Commission of the Harlow's property in different years and stages as well as an article on coastline changes.

Maureen Thomas asked what they were proposing to do with the runoff from the house and other impervious areas.

Greg Morse stated that they were planning on using a standard downspout.

Maureen Thomas asked where the downspout would be directed.

Greg Morse stated that it would be directed to the surface.

Maureen Thomas asked what surface it would be directed to.

Greg Morse stated that it would be directed to the lawn area.

Dr. Harlow stated that on all of his properties he has directed runoff into drywells.

Maureen Thomas asked what material would be used for the driveway.

Dr. Harlow stated that the driveway would be stone.

Discussion regarding the review consultant and current engineer

Andrew Watsky, Esq. stated that he found that it's better for the Commission to allow the review consultant and current engineer to discuss any issues.

The chairman stated that the review consultant could contact the engineer for the project once it had been reviewed.

Sue Chamberlain asked if the applicant would consider cantilevering the deck.

Dr. Harlow voiced his concern that attaching a deck to the structure could cause other issues.

William Underhill motioned to continue the Public Hearing.

Sue Chamberlain seconded the motion.

8:18p.m.

VOTE: 6-0-0

Continued to August 19, 2008 @ 7:30p.m.

8:20p.m.

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

The applicant was not present.

Sue Chamberlain motioned to continue the Public Hearing due to lack of participation from the applicant.

William Underhill seconded the motion.

8:23p.m.

VOTE: 6-0-0

Continued to August 19, 2008 @ 8:30p.m.

Discussion regarding 187 Summer Street Site Visit (July 31, 2008 @ 5:30p.m.), clearing of trees, mitigation, affects to stream

William Underhill motioned to re-organize.

Sue Chamberlain seconded the motion.

8:32p.m. VOTE: 6-0-0

William Underhill motioned to keep Gary Langenbach as chairman and James Dehner as Vice Chairman.
James Dehner seconded the motion.

Discussion on the motion

8:45p.m. VOTE: 6-0-0

The chairman motioned to nominate and keep William Underhill as the Conservation Commission representative for the Community Preservation Committee.
William Kavol seconded the motion.

8:46p.m. VOTE: 6-0-0

James Dehner motioned to adjourn.
William Kavol seconded the motion.

8:48p.m. VOTE: 6-0-0