

# Kingston Conservation Commission Minutes

## July 21, 2009

**7:02p.m.** The chairman called the meeting to order.  
**Present:** Gary Langenbach (chairman), William Kavol, William Underhill, Marilyn Kozodoy, Daniel King  
**Staff:** Brandi Gordon, Secretary

Agent Updates:

- Sampson Park – thinning of vegetation
- Sewer Grant Application

Daniel King motioned to ask the Conservation Agent to write a letter of support for the sewer grant application.

Marilyn Kozodoy seconded the motion.

**7:05p.m.** **VOTE: 5-0-0**

Agent Updates continued:

- Route 27 mitigation
- Manhasset Gardens – recommendation from the Department of Environmental Protection that the Commission should file a Request for Determination of Applicability (RDA) on the property. The Commission feels that if Manhasset Gardens wants a determination, Manhasset Gardens should file an RDA

**7:20p.m.** Informal Meeting – 21 Pottle Street Request for Extension

**Present:** John Moon

The chairman asked why the pipe for the septic system was lowered (difference in elevation from the approved plans to the most recent plans).

Discussion regarding the elevation of the pipe and purpose of weep hole

John Moon stated that he would speak with South Shore Survey and have answers needed for the next meeting.

**7:30p.m.** Continued a Public Hearing for a Notice of Intent for Elder Avenue, Map 57, Lot 74

**Present:** Rich Tabaczynski, Robert Kraus, Esq.

Robert Kraus, Esq. asked if there was a quorum due to there being a new member and the absence of one member.

The chairman stated that there were four capable voting members and the applicant could always present previous information to the new member to allow him to vote.

Rich Tabacyzinski reviewed the changes to the plans including elongating the cul-de-sac and creating a bio-retention area. He stated that they would need waivers from the Planning Board with the new changes. He reviewed the limits of work in relation to the wetlands. He discussed changes in the Stormwater Management Guidelines requiring a 15' access as opposed to a 10' access.

The chairman stated that Jim Manganello had moved one wetland flag and asked if it had been changed on the plans.

Rich Tabacyzinski stated that it had not been changed on the plans yet.

The chairman stated that on a site visit he had heard a wood frog and soon after the site visit the applicant/representative was asked by the Conservation Agent to re-evaluate the isolated vegetated wetland. He asked if this was going to happen. He also stated that the Commission almost always hires an outside consultant to review the wetland flagging, etc. He asked if any portion of the property was within the riverfront area.

Rich Tabacyzinski stated that the riverfront area was outside of the locus.

The chairman stated that it would be nice to have it identified on the plans and that it should not affect the project.

Rich Tabacyzinski stated that he would include the riverfront area on the plans.

The chairman asked if they had spoken with the Highway Superintendent regarding a drainage easement.

Robert Kraus, Esq. stated that it was not an issue.

The chairman stated that the conservation agent would like to go out to the site to check the Bordering Vegetated Wetland (BVW) delineation.

The chairman asked if the Commission would like to hire a review consultant.

Robert Kraus, Esq. stated that LEC's report verified that the isolated vegetated wetland was not a vernal pool. He stated that it was investigated and they concluded that it was not a vernal pool.

Marilyn Kozodoy stated that it was a common practice for the Commission to have a consultant hired to review the wetland delineation area.

Robert Kraus, Esq. stated that he did not believe that the report was biased toward the applicant.

The chairman stated that with a project of this size, the Commission almost always hires a review consultant.

Robert Kraus, Esq. asked about the scope of the work for the review engineer.

The chairman stated that the review wetland scientist would walk the site, evaluate the isolated vegetated wetland and review the wetland delineation.

Robert Kraus, Esq. stated that they believe the isolated vegetated wetland was determined not to be a vernal pool and they stand on LEC's evaluation.

William Underhill motioned to request the applicant to submit \$1500 for the review of the isolated vegetated wetland and the wetland delineation.

Marilyn Kozodoy seconded the motion.

**8:00p.m. VOTE: 5-0-0**

Pine duBois stated that she would like to see crushed stone used for a road surface instead of pavement which would allow the reduction in size of the basins.

Marilyn Kozodoy motioned to continue the Public Hearing.

William Underhill seconded the motion.

**8:04p.m. VOTE: 5-0-0**  
**Continued to August 18, 2009 @ 7:30p.m.**

**8:05p.m. Continued a Public Hearing for a Request for Deviation/Amendment for 35 Elder Avenue, Map 47, Lot 83**

**Present:** Joe Webby, Michael Brophy

Joe Webby submitted a memo dated July 21, 2009 from Matt Mullanley to the Commission.

Michael Brophy reviewed the change to the detention basin with the Commission.

Joe Webby referred to the memo and reviewed their comments.

Michael Brophy discussed existing conditions with the Commission.

The chairman asked if the overflow of the detention basin was smooth or rough.

Joe Webby stated that the overflow of the detention basin was rip rap.

It was the consensus of the Commission not to adhere to the recommendations included in the memo dated July 21, 2009 from Matt Mullanley.

Marilyn Kozodoy motioned to close the Public Hearing.

Daniel King seconded the motion.

**8:20p.m. VOTE: 5-0-0**

Daniel King motioned to accept the Request for Deviation.  
Marilyn Kozodoy seconded the motion.

**8:20p.m.**

**VOTE: 5-0-0**

**8:20p.m.**

Opened a Public Hearing for a Notice of Intent for 9 Tarkiln Road, Map 13, Lot 24

**Present:** Walter Sullivan, Esq., Brad Holmes, Ralph Coler, Martin Cohen, Barbara Thissell

Walter Sullivan, Esq. discussed porous pavement as an alternative to impervious asphalt.

Brad Holmes presented the project to the Commission and the public.

Barbara Thissell reviewed the existing conditions regarding stormwater runoff. She reviewed calculations which included the use of porous pavement.

Roger Cleff, owner of Alley Kat Lanes, voiced his concern regarding the current flow of stormwater onto Alley Kat Lane.

The chairman stated that the applicant could not direct additional stormwater onto Alley Kat Lane.

Walter Sullivan, Esq. gave history of the parking area and easements. He stated that the additional parking would be for staff.

The chairman stated that his concern was the detention basin going into the resource area. He stated that fewer parking spaces could mean no encroachment.

Roger Cleff asked how the area would be treated for snow and ice.

The chairman stated that it would be addressed later in the process.

William Underhill motioned to continue the Public Hearing.

Daniel King seconded the motion.

**8:45p.m.**

**VOTE: 5-0-0**

**Continued to August 18, 2009 @ 8:00p.m.**

**8:50p.m.**

Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for off Parting Ways Road, Map 105, Lot 7

**Present:** Christian Farland, Bill Cushing

Christian Farland reviewed the site visit with the Commission.

The chairman stated that when an ANRAD of this size is filed, the Commission usually requests funds to hire a review consultant. He stated that the flagging was conservative. The other issue is whether any of the isolated vegetated wetlands were vernal pools. Brooke Munroe said that isolated vegetated wetland A and C were probably certifiable. There are some reservations about isolated vegetated wetlands B and D. He stated that there was not enough information to determine whether B and D were vernal pools. The chairman read Section 4.04 of the Kingston Wetland Protection Regulations. He stated

that if they were determined to be vernal pools, the Commission always requires that the 100' no disturb zone be bounded. He stated that the applicant could wait until next year to prove that the areas were not vernal pools or they could bound the areas assuming they were vernal pools until proven otherwise.

Discussion regarding bounding the vernal pools

Marilyn Kozodoy stated that it was a matter of defining the options and putting it in writing. She stated that the Commission would need input from the Conservation Agent (upon her return from vacation) and possibly town counsel.

William Underhill motioned to continue the Public hearing.

Daniel King seconded the motion.

**9:15p.m.**

**VOTE: 5-0-0**

**Continued to August 4, 2009 @ 8:30p.m.**

**9:15p.m.**

Continued a Public Hearing for a Notice of Intent for 6 Old Orchard Lane, Map 68, Lot 9

**Present:** Joe Webby

The chairman stated that the Commission needed to make a formal decision on waiving the 25' no disturb zone on the drainage ditch and choosing a wetland line.

Daniel King asked if they had looked into porous pavement.

Joe Webby stated that they did not look into porous pavement but did change some areas to grass.

William Underhill motioned to waive the 25' no disturb zone next to the MBTA drainage ditch.

Marilyn Kozodoy seconded the motion.

**9:22p.m.**

**VOTE: 5-0-0**

Marilyn Kozodoy motioned to accept the Z-1 thru Z-40 wetland line.

Daniel King seconded the motion.

**9:27p.m.**

**VOTE: 5-0-0**

The chairman stated that conservation posts should be installed on the property every 30' west of the railroad tracks.

The chairman reviewed the special conditions with the Commission and the applicant's representative.

William Underhill motioned to close the Public Hearing.

Daniel King seconded the motion.

**9:25p.m.**

**VOTE: 5-0-0**

Marilyn Kozodoy motioned to issue Orders of Conditions with special conditions contingent on receiving funds owed in the amount of \$1473.75 for the outside consultant review.

Daniel King seconded the motion.

**9:25p.m.**

**VOTE: 5-0-0**

Marilyn Kozodoy motioned to adjourn.

Daniel King seconded the motion.

**9:25p.m.**

**VOTE: 5-0-0**