

Kingston Conservation Commission Minutes

July 6, 2010

7:00p.m.

The chairman called the meeting to order.

Present: Gary Langenbach (chairman), Marilyn Kozodoy, Sue Chamberlain, William Underhill, William Kavol

Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Discussion regarding the stabilization fund instituted at Town Meeting for the mitigation of shellfish as a result of permitting the installation of docks/piers by the Conservation Commission

William Underhill motioned to establish an annual fee of \$50 to be deposited into the stabilization fund for the mitigation of shellfish for docks/piers that are permitted within shellfish habitat.

Marilyn Kozodoy seconded the motion.

Discussion

7:08p.m.

VOTE: 5-0-0

7:08p.m.

Continued a Public Hearing for a Notice of Intent for 26 Wapping Road, Map 44, Lot 49 & 49-2

Present: Alex Mansfield

Exhibits:

- *Notice of Intent, May 15, 2010*
- *site plan titled Jones River Restoration Preliminary Design, Jones River Kingston, Massachusetts sheets 1-10 dated December 2009 and revised through February 2010*

Alex Mansfield requested a waiver of the filing fees.

Sue Chamberlain motioned to waive the filing fees.

William Underhill seconded the motion.

7:11p.m.

VOTE: 5-0-0

Alex Mansfield stated that he had reviewed the draft Orders of Conditions and only had information regarding the split of the lot to Lot 49 & 49-2. He stated that there would be no permanent fill except the rip rap used for the riffles.

Maureen Thomas stated that she had revised the draft Orders of Conditions to add some edits including a Chapter 91 dredge permit, new lot numbers, NHESP be notified during dewatering, and property owner and Conservation Agent approval of access for creation of riffles.

Discussion regarding invasive species management

William Underhill asked if they had a contractor.

Alex Mansfield stated that the project would go out to bid in August.

Maureen Thomas asked if there would be any oversight during construction.

Alex Mansfield stated that oversight of the project would be handled by MMI.

Maureen Thomas asked if concrete and other materials on the site would be reused.

Alex Mansfield stated that most of the materials would be disposed of and not reused.

Maureen Thomas reviewed the proposed special conditions for the Orders of Conditions if approved.

The chairman asked if they were able to alleviate some of Dan Sheehan's concerns.

Alex Mansfield stated that he tried to alleviate his concerns but was not sure how successful the discussions had been.

Marilyn Kozodoy motioned to close the Public Hearing.

William Underhill seconded the motion.

7:30p.m.

VOTE: 5-0-0

William Underhill motioned to issue Orders of Conditions with special conditions.

Sue Chamberlain seconded the motion.

7:30p.m.

VOTE: 5-0-0

7:30p.m.

Opened a Public Hearing for a Notice of Intent for 1 Lantern Lane, Map 49, Lot 143

Present: Paul Brogna, Bob and Patricia Almond

Exhibits:

- *Photographs dated 7-6-2010 1-6*
- *Notice of Intent 6-3-2010*
- *Site Plan "Site Plan for 1 Lantern Lane, Kingston, MA 02364", prepared for Robert C. & Patricia M. Almond by Seacoast Engineering Company dated June 3, 2010*
- *"Plans Accompanying Petition of Robert C. & Patricia M. Almond, 1 Lantern Lane, Kingston, MA 02364, Proposed Stairs/Ramp, Walkway, Platform, Gangway and Float, in Kingston Bay, Kingston, MA" by Seacoast Engineering Company, June 2, 2010*

- *“Velocity and Flood Zone Overlay for 1 Lantern Lane, Kingston, MA 02364, prepared for Robert C. and Patricia M. Almond” by Seacoast Engineering Company dated June 2, 2010*
- *Coastal Band Section, for Robert C. & Patricia M. Almond, 1 Lantern Lane, Kingston, MA 02364 dated June 3, 2010*
- *Mass. Division of Marine Fisheries comment letter dated June 30, 2010*

Paul Brogna presented the project and photographs to the Commission.

Marilyn Kozodoy asked if there were any alternatives being presented for the proposed project.

Paul Brogna stated that he would respond to the comments made by the Division of Marine Fisheries. He stated that he would add the velocity zone to the plans.

Sue Chamberlain asked how many docks were in the area that this dock was being proposed.

Paul Brogna stated that there was one off of Old Orchard Lane, Blair Drive and then nothing until the Ah-Dee-Nah.

Discussion regarding the spacing of piles and shellfishing

Maureen Thomas stated that there was normally a note on the plans stating that the float would be stored in an upland location.

Maureen Thomas stated that on the coastal bank cross section, it did not look like there was a four to one slope.

Discussion

Maureen Thomas stated that at Town Meeting there was an article on the warrant to establish a stabilization fund for the mitigation of shellfish when a dock or pier is permitted within a mud flat. She stated that there would be an annual fee of \$50.00.

William Underhill motioned to continue the Public Hearing.

Sue Chamberlain seconded the motion.

8:05p.m.

VOTE: 5-0-0

Continued to July 20, 2010 @ 8:30p.m.

Site visit July 7, 2010 @ 4:30p.m.

8:10p.m.

Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for 20 Brentwood Road, Map 8, Lot 92

Additional time was needed by the Commission’s wetland scientist to complete the review of the wetland flagging.

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

8:10p.m.

VOTE: 5-0-0

Continued to July 20, 2010 @ 7:45p.m.

8:14p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 178 Summer Street, Map 20, Lot 5

Present: Steven Pedro

Exhibits:

- *Request for Determination of Applicability dated June 7, 2010*
- *"Site Improvement Plan" dated May 14, 2010 prepared by Ayoub Engineering*
- *"Site Detail Sheet" dated May 14, 2010 prepared by Ayoub Engineering*
- *"Conceptual Elevations" dated March 2, 2010 prepared by Ayoub Engineering*

Steven Pedro presented the project to the Commission.

The chairman stated that there was an additional 30 square feet of impervious area and asked if the Commission would like to require some type of mitigation.

Sue Chamberlain stated that the trash container area and enclosure were being moved further from the resource area and she felt that it could be considered mitigation for the additional 30 square feet of impervious area.

Discussion

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

8:24p.m.

VOTE: 5-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.

Marilyn Kozodoy seconded the motion.

8:24p.m.

VOTE: 5-0-0

8:25p.m.

Opened a Public Hearing for a Request for Amendment/Deviation for Nobadeer Village, Map 42 Lots 4-8 thru 4-15, Map 52 Lots 4-1 thru 4-7 and Map 52 Lots 4-18 thru 4-32

Present: Matt Dacey

Exhibits:

- *"As-Built Plan of Nobadeer Village owned by Kingston Lincoln Group, LLC Nobadeer Circle Kingston, MA" dated February 2, 2010 prepared by Flaherty & Stefani, Inc.*
- *Drainage Calculations dated May 14, 2010*
- *Review of Nobadeer Village Stormwater Management System dated June 3, 2010 prepared by South Shore Survey Consultants, Inc.*
- *Orders of Conditions dated December 5, 2007 with attached conditions*
- *Request for Deviation/Amendment dated June 14, 2010*

- *Letter dated July 12, 2010 prepared by Kingston Lincoln Group LLC "RE: Yard Drywells Requests"*

Matt Dacey stated that there was no malicious intent in regards to not following the plans that had been approved by the Conservation Commission.

The chairman stated that a Certificate of Compliance would be needed at some point and the Commission would not be able to issue one without a Request for Amendment.

Matt Dacey stated that he had re-routed some downspouts to lawn areas. He stated that he had started off with a couple of cigar shaped basins but the homeowners complained that their front yard was flooding. He stated that when he started to make changes he should have contacted the Conservation Agent.

Maureen Thomas stated that South Shore Survey had mentioned that some houses had been constructed smaller than what was approved and they were moved closer to the street.

The chairman asked how many homes were built with roof drain drywells.

Maureen Thomas stated that four homes not within our jurisdiction had roof drain drywells.

Matt Dacey stated that he had re-routed the downspouts running onto driveways but the homeowners may have changed them back.

The chairman asked the applicant if he would ask the homeowners in the Conservation Commission jurisdiction if they were interested in having drywells installed and explain the necessity of the structure.

Maureen Thomas stated that she could go on a site visit to determine which homes needed drywells.

Matt Dacey stated that he felt most homeowners would be adverse to having their yards disturbed after they have already been established.

Maureen Thomas stated that the applicant should send out a letter to all homeowners within the Conservation Commission jurisdiction offering the installation of drywells on their property.

Thomas Hatch from 127 Wapping Road stated that they initially had concerns with flooding but has not noticed any additional water. He stated that there was a small washout near the bridge but it was fixed. He stated that the applicant was doing a pretty good job.

Arlene Yapple-Hatch from 127 Wapping Road stated that the applicant should have expected some ramifications since he deviated from the plan.

Sue Chamberlain motioned to continue the Public Hearing.

9:00p.m. William Underhill seconded the motion.
VOTE: 5-0-0
Continued to July 20, 2010 @ 8:45p.m.

9:00p.m. Continued a Public Hearing for a Notice of Intent for off Elm Street, Map 62 Lots 5 thru 13, Map 71 Lots 1 thru 10 and 12 thru 21 and Map 79 Lots 2 thru 4

Additional time needed for review

9:01p.m. William Underhill motioned to continue the Public Hearing.
Marilyn Kozodoy seconded the motion.
VOTE: 5-0-0
Continued to July 20, 2010 @ 8:00p.m.

9:01p.m. Continued a Public Hearing for a Notice of Intent for Main Street, Map 58, Lots 92, 94, 96, 97 & 110

The applicant requested a continuation of the Public Hearing.

Discussion regarding the submission of information from the applicant two weeks prior to the scheduled public hearing date

9:05p.m. Marilyn Kozodoy motioned to continue the Public Hearing.
Sue Chamberlain seconded the motion.
VOTE: 5-0-0
Continued to August 3, 2010 @ 8:45p.m.

Discussion regarding Elm Street drainage

Agent Updates:

- 18 Brook Street – in compliance with the enforcement orders, \$300 ticket was never added to the disposition for compliance by the court
- Foster Lane – needs a couple more weeks to file RDA
- Wapping Road bogs – sent certified letter to Patrick Kelliher requesting a site visit. There was a lot of disturbance occurring on the property
- Correira Bogs - site visit this past Tuesday with Roger Correira and Brian Wick of the Cape Cod Cranberry Growers Association (CCCGA) to take a look at the work done on the property for the purpose of water management/use

Discussion

9:35p.m. Sue Chamberlain motioned to adjourn.
Marilyn Kozodoy seconded the motion.
VOTE: 5-0-0