

Kingston Conservation Commission Minutes

October 7, 2008

- 7:00p.m.** The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, Sue Chamberlain, William Underhill, William Kavol, James Dehner
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary
- Two requests from Boy Scout Troops for camping on Hathaway Preserve
- James Dehner motioned to approve the two requests for camping at Hathaway Preserve subject to notifying all other necessary departments.
Marilyn Kozodoy seconded the motion.
- 7:02p.m.** **VOTE: 5-0-0**
- Reviewed the draft minutes of August 19, 2008
- Marilyn Kozodoy motioned to approve the minutes of August 19, 2008 as corrected.
William Underhill seconded the motion.
- 7:10p.m.** **VOTE: 6-0-0**
- Reviewed the draft minutes of September 9, 2008
- William Underhill motioned to approve the minutes of September 9, 2008 as corrected.
Marilyn Kozodoy seconded the motion.
- 7:26p.m.** **VOTE: 6-0-0**
- Discussion regarding the payment/hiring of review engineers for projects with the Wetlands Protection Fund
- 7:32p.m.** Opened a Public Hearing for a Notice of Intent for 83 Howlands Lane, Map 38, Lot 193
Present: Steve Kotowski, Paul Camara
- Steve Kotowski presented the after the fact filing to the Commission and the public.
- Marilyn Kozodoy asked when the garage was constructed.
- Paul Camara stated that it was constructed in November of 2007.
- Maureen Thomas asked how roof runoff was being handled.
- Paul Camara stated that nothing had been installed yet to handle the roof runoff.

Maureen Thomas asked how the applicant was planning to handle roof runoff.

Paul Camara stated that he could install a gutter system.

Maureen Thomas asked if the roof runoff would discharge over land.

Paul Camara stated that he would like to put some crushed stone down to keep the area from eroding.

The chairman asked the applicant if he was aware that he was supposed to file with the Conservation Office prior to construction.

Paul Camara stated that he was aware that he was supposed to file with the Conservation Office prior to construction. He stated that the area has always been wet and that the water table increased when town sewerage was installed. He stated that he had to install a sump pump because of the increase in the water table.

Discussion regarding berm installed by the town today, October 7th

The chairman stated that the applicant would need to mitigate for the portion of the garage constructed within the 25' no disturb buffer zone.

James Dehner stated that the project that was constructed without a permit could have been permitted with a few meetings. Now the Commission is faced with allowing something that the Commission wouldn't normally allow.

Paul Camara presented pictures to the Commission showing activities by the Town in the past five years.

James Dehner stated that he did not want people to think that they could do what they want and then file after the fact.

James Dehner suggested that the Commission should ask the applicant to remove the existing shed, remove debris and plant a natural buffer with conservation posts.

The chairman asked about the square footage of the shed.

Maureen Thomas stated that the shed was 84 square feet.

Maureen Thomas asked if there were any plans for adding a driveway.

Paul Camara stated that he did not have plans to add a driveway.

Discussion regarding drainage improvements

Marilyn Kozodoy asked the applicant if he was willing to remove the shed and plant a natural buffer.

Paul Camara stated that he was willing to remove the shed and plant a natural buffer. He asked if he could plant shrubs.

Marilyn Kozodoy stated yes.

Sue Chamberlain stated that the mitigation work needed to occur in a timely manner.

Paul Camara stated that he could have the shed dismantled and removed in four to six weeks.

Maureen Thomas asked the Commission if they wanted a 10' buffer to the wetland flags marked with conservation posts.

The chairman stated that 10' may be too much because of the size of the yard. He recommended 5' from the wetland line.

Discussion regarding location and type of shrubs, quantity/location of conservation posts and time frame to complete mitigation work

Sue Chamberlain motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:00p.m.

VOTE: 6-0-0

Sue Chamberlain motioned to issue Orders of Conditions approving the garage with mitigation and special conditions.

William Underhill seconded the motion.

8:00p.m.

VOTE: 6-0-0

8:00p.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 proposed drainage system with the Commission and the public.

The chairman asked if the pipe going to and from the revetment was a 4" pipe.

Kevin Grady stated yes, but there was no guarantee that there will be 100% infiltration.

James Dehner stated that most of the drainage would eventually flow towards the revetment and that options were limited on the site.

Kevin Grady explained how the drainage system would function.

Maureen Thomas asked if the applicant would need a permit from the Army Corp of Engineers.

Kevin Grady stated no.

Maureen Thomas stated that there will be conditions in the Orders specifying when construction can occur based on the tide schedule.

Harriet Dunkley from 2 Bayview Avenue asked if construction of the revetment would be accessed from the beach.

Maureen Thomas stated that they would have to construct the revetment from the upland side of the property.

Francis McGillicudy, an abutter, asked how the boulders would arrive at the property.

Kevin Grady stated that tractor trailers and heavy machinery would be used to deliver the boulders.

Francis McGillicudy asked how high the proposed revetment would be compared to the existing revetment.

Kevin Grady stated that the revetment would be about the same height.

Harriet Dunkley asked if the proposed revetment would be lower than the Cadigan's sea wall on Rocky Nook Avenue.

Kevin Grady stated that the Cadigan's wall is vertical so it appears larger.

Discussion regarding any possibility of impacts to the Cadigan's property and that the new revetment should not exacerbate or undermine the wall any more than the current conditions

Jeff McGillicudy, an abutter, asked if there were any other drainage pipes installed that would lead toward his property.

Kevin Grady stated that he was not aware of any other drainage pipes leading towards their property.

Maureen Thomas stated that if there were other drainage pipes, they had not been permitted.

Sue Chamberlain motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:20p.m.

VOTE: 6-0-0

Sue Chamberlain motioned to issue Orders of Conditions with special conditions.

William Underhill seconded the motion.

8:20p.m.

VOTE: 6-0-0

8:21p.m.

Continuation of a Public Hearing for a Notice of Intent for 18 Shore Drive, Map 38, Lot 222

The applicant's representative requested a continuation.

Discussion regarding:

- continuing the Public Hearing
- requesting the applicant to re-notify abutters
- re-advertising the Public Hearing due to them not being heard in over six months because of requests for continuations by the applicant

William Underhill motioned to request the applicant to re-advertise the Public Hearing and re-notify abutters.

Marilyn Kozodoy seconded the motion.

8:25p.m. VOTE: 6-0-0

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:25p.m. VOTE: 6-0-0
Continued to November 18, 2008 @ 7:30p.m.

8:28p.m. Opened a Public Hearing for a Request for Determination of Applicability for 26 Shore Drive, Map 38, Lot 225

Present: Teresa Goode

Teresa Goode stated that she wanted seasonal access to the beach and did not realize that she would need permits. She stated that the staircase was in two pieces and was removable. She stated that there was no digging involved and that there was wood on stone with a few bolts.

The chairman asked where the staircase was stored during the winter.

Teresa Goode stated that the staircase was stored next to her house where she stores her canoe.

Maureen Thomas asked where the staircase was bolted.

Teresa Goode stated that there were some bolts in the riprap.

Maureen Thomas explained to the applicant why she was requested to submit a filing. She stated that the Commission would not want the staircase damaged by a storm and/or becoming storm debris, which could cause further damage if tossed about by storm action.

Teresa Goode stated that they normally remove the staircase when the weather becomes wintery.

James Dehner motioned to issue a Negative Determination of Applicability with conditions.

Sue Chamberlain seconded the motion.

8:35p.m. VOTE: 6-0-0

James Dehner motioned to close the Public Hearing.

William Underhill seconded the motion.

8:35p.m.

VOTE: 6-0-0

8:36p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 39 Landing Road, Map 37, Lot 2

Present: Pine duBois

Pine duBois discussed history of the site and presented the project to the Commission. She stated that they would like to stabilize the building, remove wooden debris, cut the phragmites and remove them off site. She stated that they would also like to remove the poison ivy by hand and cut the Norway Maples to gain some control over the vegetation. She also stated that it would be best for the site to consider some type of wooden walkway to direct walking traffic.

Pine duBois stated that part of the reason behind cutting the phragmites is to perform a core sample to see what material was there. She stated that she believed filling may have occurred in the past.

The chairman asked how they were going to address the footings and propping up the roof in building #1.

Pine duBois stated they would come back to the Commission with a repair request (Notice of Intent). She stated that there would be no excavation or footings at this time.

Maureen Thomas asked if the walkway would be placed on the surface without any disturbance.

Pine duBois stated that there was currently debris in the area where they would like to place the walkway. She stated that once the debris was removed, the ground would be soft and they could place something there temporarily like wooden pallets.

Sue Chamberlain stated that the applicant had mentioned cutting trails on the property at one point.

Pine duBois stated that she was proposing to cut the phragmites, Northern Maples, poison ivy and bittersweet. She stated that they hope to apply to the Community Preservation Committee for repairs and would come back to the Commission with a filing.

Maureen Thomas asked if there would be any stockpiling of debris.

Pine duBois stated that she thought it would be easier to use some type of raft to remove the debris because of the difficulty of the site.

William Underhill motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

8:52p.m.

VOTE: 6-0-0

William Kavol motioned to issue a Negative Determination of Applicability with conditions. William Underhill seconded the motion.

8:52p.m.

VOTE: 6-0-0

8:54p.m.

Continued a Public Hearing for a Notice of Intent for Wapping Road, Map 51, Lot 1

Present: Steve Kotowski

Steve Kotowski stated that there were no changes to the plan. He stated that he was notified of the site visit but did not receive any correspondence from the review consultant yet.

Maureen Thomas stated that she had just received correspondence from the review consultant today.

The chairman stated that he had generally reviewed the recommendations received by the review consultant.

Sue Chamberlain stated that there were some fairly serious issues that needed to be addressed.

Maureen Thomas stated that they would need to submit an alternatives analysis and a request for waiver.

Maureen Thomas stated that when the area is re-surveyed, it may change the impacts to the 25' no disturb buffer zone.

Anne Marie Cunningham from 179 Wapping Road asked if there would be just one house lot or if there would be more in the future.

Steve Kotowski stated that he had reviewed the lot with the applicant and it was very unlikely that he would be able to permit more than one house lot on this property.

Discussion regarding the possibility of the town purchasing the lot with Community Preservation funds, the application process to the Community Preservation Committee (CPC), time frames, process

Discussion regarding conflict of interest and checking with Town Counsel

Maureen Thomas stated that they could have a conversation with the applicant to find out whether he was interested in applying to the CPC for the town to have the option of purchasing the property.

Steve Kotowski asked if the Commission could write a letter of recommendation to the CPC.

The chairman stated that the Commission could write a letter of recommendation and that the CPC would recommend certain applications in January.

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

9:20p.m.

VOTE: 6-0-0

Continued to November 18, 2008 @ 7:45p.m.

9:25p.m. Continuation of an Opening of a Public Hearing for 8 Riverside Drive, Map 47, Lot 10

The applicant requested a continuation.

William Underhill motioned to continue the opening of the Public Hearing.

Marilyn Kozodoy seconded the motion.

9:26p.m. **VOTE: 6-0-0**

Continued to October 21, 2008 @ 7:45p.m.

Discussion continued regarding the payment / hiring of review engineers for projects with the Wetlands Protection Fund

Discussion regarding the Conservation Commission budget; use of the Wetlands Protection Fund to supplement the request 5% budget cut

Discussion regarding 49R Main Street court hearing

James Dehner motioned to adjourn.

Sue Chamberlain seconded the motion.

10:05p.m. **VOTE: 6-0-0**