

Kingston Conservation Commission Minutes

November 18, 2008

7:00p.m. The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, James Dehner, William Kavol, Sue Chamberlain, William Underhill
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Discussion regarding a request for an extension of Orders of Conditions for Harvest Drive Extension

William Underhill motioned to extend the Orders of Conditions for Harvest Drive Extension for two years.

Marilyn Kozodoy seconded the motion for discussion.

Discussion regarding choosing a two year extension as opposed to a three year extension

7:07p.m. **VOTE: 6-0-0**

7:07p.m. Informal meeting - 25 Jones River Drive – Tom Wheble

Maureen Thomas reviewed the enforcement issue on the property. She stated that approximately 14 trees had been removed.

Tom Wheble stated that there were two walls on the property, one of which abuts the marsh. He stated that on the upland side of the wall there were a couple of overgrown yews and a large burning bush.

Maureen Thomas stated that the property owner had seeded the area with grass and was planning on re-vegetating the area. She stated that he was willing to replant and that using cedars would reestablish what was there.

Tom Wheble stated that his father was a tremendous collector and there was an excessive amount of scrap metal on the property. He stated that he wanted to make it a safer area. He also stated that abutters had cleared up to the same location on their properties and he didn't feel that it was a significant amount of clearing.

The chairman stated that his concern was that the lower wall abuts the salt marsh. He stated that he would like the Commission to perform a site visit.

James Dehner stated that knowing historically what the native habitat was along the Jones River would be helpful. He stated that the Commission should be concerned with the 25' no disturb zone. He also thought that the activities that occurred on the property may have disrupted the hydraulic cycle by speeding up the surface flow to the river.

Tom Wheble stated that no material was brought in or taken out from the site.

Discussion regarding replanting the disturbed area

James Dehner stated that Red Maples might be an option and they could be pruned each year with a pole saw.

Tom Wheble stated that he felt he has enough trees on the property for habitat.

Sue Chamberlain stated that the 25' setback was a no disturb area. She stated that the property owner would need to plant trees to replace what was removed. She also stated that plantings were needed to control erosion and the area needed to be restored as close as possible to what it was prior to the disturbance.

James Dehner stated that the property owner would still have a view shed with maples that would lose their leaves in the fall.

The chairman stated that it appeared that more stones were added to the lower wall at the edge of the marsh. He stated that he would like to see some restoration of the 25' no disturb zone.

Tom Wheble stated that water comes up to the lower wall on the property. He stated that scrub cedar and cherries were removed from the wall.

Maureen Thomas asked how long it had been since the 25' no disturb zone was mowed.

Tom Wheble stated that the 25' no disturb zone was mowed this season.

Maureen Thomas asked how the area was mowed when it contained briars, wisteria and bittersweet.

Tom Wheble stated that some of the area was cut, but you would have to be on site to see what areas.

The chairman stated that he saw that the applicant had removed a lot of metal. He stated that the Commission would have allowed the removal of invasive plants.

Tom Wheble stated that he was willing to replant the area and would respect the 25' no disturb zone.

Maureen Thomas asked the Commission if this should be handled under an enforcement order.

The chairman stated that the enforcement order would create a paper trail.

Tom Wheble stated that he was not required to be in front of the Commission tonight but was here to talk about this.

Marilyn Kozodoy motioned to have the Conservation Agent issue a letter to the property owner, perform a site visit and determine the appropriate plantings.

William Underhill seconded the motion.

7:39p.m. VOTE: 6-0-0

7:39p.m. Continued a Public Hearing for a Notice of Intent for 18 Shore Drive, Map 38, Lot 222

Applicant requested a continuation.

James Dehner motioned to continue the Public Hearing.
William Underhill seconded the motion.

7:39p.m.

VOTE: 6-0-0

Continued to December 2, 2008 @ 8:15p.m.

Agent Updates:

- 49R Main Street – started regarding loam, some maples on property ready to plant, property owner stated that he will plant blueberry bushes
- 9 Smelt Pond Road – received a letter from the property owner requesting a waiver of the fine, letter stated that his friends helped remove debris. He invited the conservation agent on a site visit to inspect the premises. Upon inspection the Conservation Agent found that only the burning pit was removed and burning was still occurring in the wetland area

Sue Chamberlain motioned to issue a hand delivered letter giving the property owner an additional thirty day time frame to comply with the enforcement order.

William Underhill seconded the motion.

7:50p.m.

VOTE: 6-0-0

Agent Updates continued

- Smelt Pond Bogs – removed fill from 25' no disturb zone, seeded area with winter rye

William Kavol motioned to remove the enforcement order.

Sue Chamberlain seconded the motion.

7:54p.m.

VOTE: 6-0-0

Agent Updates continued

- 12 Cushman Drive – cutting of brush within the inner riparian zone of First Brook and 100' buffer zone, possibly within the 25' no disturb zone as well, property owner willing to replant and leave areas to grow back

Sue Chamberlain motioned to have the conservation agent verify the 25' no disturb buffer zone and require plantings within the inner riparian zone if necessary.

William Underhill seconded the motion.

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

8:02p.m. Continued a Public Hearing for a Notice of Intent for Wapping Road, Map 51, Lot 1

The applicant requested a continuation.

James Dehner motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**8:02p.m. VOTE: 6-0-0
Continued to December 16, 2008 @ 7:45p.m.**

Reviewed the draft minutes of September 23, 2008

Marilyn Kozodoy motioned to accept the minutes of September 23, 2008 as corrected.

James Dehner seconded the motion.

8:05p.m. VOTE: 6-0-0

Reviewed the draft minutes of October 7, 2008

William Underhill motioned to accept the minutes of October 7, 2008 as corrected.

Marilyn Kozodoy seconded the motion.

8:08p.m. VOTE: 6-0-0

8:08p.m. Opened a Public Hearing for a Notice of Intent for 26 Evergreen Street, Map 35, Lot 27 & 56

Present: Heidi Sokol, Bob Rego, Bob Clark

Bob Rego presented the proposed project to the Commission. He reviewed existing conditions and handed out additional calculations to the Commission.

William Underhill asked if they ever discussed using pervious paving for some of the parking or sidewalk.

Bob Rego stated that long term maintenance would be difficult and cost would be an issue.

Marilyn Kozodoy asked if Paul Basler (Superintendent of Streets, Trees and Parks) had an opportunity to look at this proposal since he would be in charge of maintenance.

Bob Rego stated that he probably hadn't seen the proposal yet, but most of the maintenance would consist of vacuuming out the catch basins once per year.

The chairman stated that he was concerned about the proposed mitigation and that more was needed in other areas.

James Dehner stated the feasibility of this project was based on mitigation being proposed.

The chairman stated that he had asked about the portion of the site near the railroad tracks being restored. He stated that conservation restrictions could be placed on portions of Blackwater Swamp and the Senior Center property which would cost no money. He stated that there were previously disturbed areas where mitigation could occur.

James Dehner stated that they needed a memorandum of understanding between all involved parties.

Marilyn Kozodoy stated that there are strict performance standards and there were many opportunities to improve the area.

The chairman suggested that the Commission hire a consultant to review this project with the Wetland Protection Fund. He stated that the Commission would need to ask for permission from the Selectmen first.

Ron Gleason stated that they were trying to find some way to satisfy the mitigation requirement. He stated that it should be done but there was no way to guarantee that they can fund the clean up.

Dave Calter asked why filling one area while another area was being cleaned up was allowed.

Discussion

The chairman stated that the Senior Center project was being watched very carefully by other residents and developers.

William Underhill stated that they need some type of written definition of mitigation and assurance that it would be completed. He stated that a sub-committee could be set up to define what would be an acceptable and adequate mitigation plan. We need a concrete plan that is agreeable to all parties involved.

Bob Rego stated that the area was previously impacted and utilized. He stated that they could propose mitigation off site but asked if they would need approval from the Selectmen for work on other town properties.

The chairman stated that the proposed mitigation would still be part of the current site and that he wanted it to be part of the filing. He stated that there should be some restoration and that it needed to be more definitive.

Marilyn Kozodoy stated that she was surprised to see a limited paragraph regarding restoration/mitigation compared to the list that had been discussed at previous meetings.

Maureen Thomas stated that the Conservation Commission could approve plans for other areas with conservation jurisdiction. She stated that the Planning Board would require a landscaping plan which could easily be a mitigation plan for the restoration of the 25' no disturb zone. She stated that she had spoken with Paul Basler regarding wood chips being added within 25' of the wetlands.

The chairman asked why not expedite the clean up and issue an enforcement order on the property.

William Underhill stated that if the town was trying to have itself thought of as going green, every aspect needed to be in sync.

James Dehner stated that an enforcement order would not be appropriate at this time. He stated that they were here for mitigation. An enforcement order would slow down the process.

The chairman stated that a letter would be sufficient.

Sue Chamberlain stated that the committee was looking for some guidance to move the project forward. She stated that mitigation would be a part of the filing and the way in which it was done would be worked out through the process of the filing.

Bob Rego reviewed what he thought the Commission would like to see.

The chairman asked when they would be filing with the Planning Board and asked about the reduction in parking.

Heidi Sokol stated that the Planning Board was fine with the reduction in parking.

Maureen Thomas stated that the 25' no disturb buffer zone and the 100' no disturb zone to a vernal pool overlapped in some areas. She showed the areas on the plan.

The chairman requested calculations of what portions of the drainage basins would now be in previously undisturbed areas.

William Kavol stated that the Senior Center Building Committee should see the Board of Selectmen and have them order the Highway Department to clean up the area.

The chairman stated that the agent would begin the process of hiring a review consultant for drainage.

Marilyn Kozodoy motioned to hire a review engineer with the Wetlands Protection Fund pending permission from the Board of Selectmen.

William Underhill seconded the motion.

9:09p.m.

VOTE: 6-0-0

William Underhill motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

9:09p.m. VOTE: 6-0-0

9:10p.m. Continued a Public Hearing for a Request for Determination of Applicability for 8 Riverside Drive, Map 47, Lot 10

Present: Randall Bilodeau

Maureen Thomas stated that the Commission had decided to allow the fence to remain in the 25' no disturb buffer zone.

James Dehner motioned to issue a Negative Determination of Applicability.

Marilyn Kozodoy seconded the motion.

9:14p.m. VOTE: 6-0-0

James Dehner motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

9:14p.m. VOTE: 6-0-0

Discussion regarding additional funds needed from applicant of Wapping Road for review consultant bill

James Dehner motioned to have the applicant of Wapping Road pay the remaining \$367.84.

Marilyn Kozodoy seconded the motion.

9:16p.m. VOTE: 6-0-0

Discussion regarding:

- 15 Old Orchard Lane – property owner picked up a Notice of Intent packet, in compliance with enforcement order
- 18 Brook Street – seeded a few times and washed out, told a berm had been installed but no evidence of it

Sue Chamberlain motioned to fine the property owner of 18 Brook Street \$300 for not complying with his enforcement order.

Marilyn Kozodoy seconded the motion.

9:20p.m. VOTE: 6-0-0

Discussion regarding:

- Mulliken's Landing – Mando Aldrovandi – asked if brush could be cleared due to people dumping debris

James Dehner motioned to allow clearing of brush at Mulliken's Landing.
William Underhill seconded the motion.

9:22p.m. VOTE: 6-0-0

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

9:25p.m. VOTE: 6-0-0