

# Kingston Conservation Commission Minutes

## August 18, 2009

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

Reviewed the draft minutes of July 21, 2009

Daniel King motioned to accept the minutes of July 21, 2009 as corrected. Marilyn Kozodoy seconded the motion.

**7:05p.m.** **VOTE: 6-0-0**

Reviewed the draft minutes of August 4, 2009

Daniel King motioned to accept the minutes of August 4, 2009 as corrected.

William Underhill seconded the motion.

**7:10p.m.** **VOTE: 6-0-0**

Agent Updates:

- Wapping Road Dam drawdown occurred due to boards in the raceway breaking
- 6 Prospect Street – construction of addition within 200’ Riverfront Area and within the 100’ buffer zone to a BVW without any permits from Conservation
- 35 Reed Street – Commission would like conservation posts installed on property
- 9 Smelt Pond Road – enforcement order lifted and \$300 fine dismissed
- 49R Main Street – went out to site and staked 25’ no disturb zone, seeded last area, property owner will call when conservation posts are installed

- Camp Nekon – restitution request from District Attorney’s office for cutting of trees. Gave estimate of \$2688.20 based on five trees @ 537.64/tree based on an online value estimator
- Hathaway Preserve – Mutt Mitt dispenser and trash barrel stolen, more rubbish where power lines are located on the property, kiosk damage was repaired by Sam Beane and his father, move kiosk closer to road
- 22 Evergreen Street – applicant and attorney didn’t show up for hearing in Superior Court and asked for a re-opening of the case. Town Counsel wanted their attorney’s fees paid and the judge gave them that plus an additional \$500
- Cole Avenue – DEP issued a Superseding Order of Conditions
- Forest Stewardship Program Applications – applications were signed by the Town Administrator and need to be delivered to Austin Mason to be delivered to DCR
- Riverways Priority Project – Kelleher Dam

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

The applicant requested a continuation of the Public Hearing.

Sue Chamberlain motioned to continue the Public Hearing.  
William Underhill seconded the motion.

**7:35p.m.**     **VOTE: 6-0-0**  
**Continued to September 22, 2009 @ 8:15p.m.**

**7:36p.m.**     Informal meeting – 19 Station Street  
**Present:** Craig and Michelle Solari, Kevin Grady

Craig Solari read a letter that he had written regarding the history of the project/property.

Kevin Grady stated that the applicant would need a variance from the Regulations because the entire parcel was within the 100’ buffer zone. An adjoining parcel still would not satisfy the Regulations. He stated that the applicant would like to re-survey the property and have new plans put together but would like feedback from the Commission. He stated that they could meet Title V requirements. He asked if a variance would be allowed with a de-nitrification system. It provides a 68% nitrogen reduction with maintenance.

Craig Solari stated that if the proposal was accepted that it would turn the settlement.

The chairman stated that he would like some time to think about it. He stated that the applicant had Orders of Conditions to cross the stream and the reason why they were not extended was because the property where the leaching field was to be located was sold. He stated that he felt strongly that if the Commission was to waive the 100' setback and allow a de-nitrification system that it would set a precedent. The chairman stated that no portion of the piping for a septic system is allowed within the 100' buffer zone because the By-law was changed in 2004 to support the existing Regulations.

Kevin Grady stated that maybe something within the parcel might make it unique where it wouldn't set a precedent.

Discussion regarding Nobadeer Village

Maureen Thomas asked if anyone knew whether there was a sewage treatment plant proposed for the Hanna development.

Craig Solari stated that no one he knew has even seen a plan for the proposed development.

Craig Solari stated that with speaking with his attorney the issue about setting a precedent did come up. He stated that he would prefer to use the lot that he owns rather than using another parcel.

Kevin Grady stated that the applicant may request another informal meeting with the Commission once they have more legal information.

The chairman stated that the Commission would need to take this under advisement.

**8:06p.m.** Continued a Public Hearing for a Notice of Intent for 9 Tarkiln Road, Map 13, Lot 24  
**Present:** Brad Holmes, Walter Sullivan, Esq., Barbara Thissell, Martin Coleman

Walter Sullivan, Esq. gave history of meetings for the proposed project. He stated that they had met with the Planning Board last night and told them that they would prefer to use porous pavement. He stated that they were removing all component parts of the septic system and agreed to accept the Water Quality Committee's consultant Mark Devine from BSC Group. The Department of Environmental Protection's concern was spills that consist of oil, gas, etc. He stated that the area would be used for satellite parking for staff members. Drips of oil from automobiles would be monitored and parking would be assigned. He stated that they would be leaving the same drainage system in place that would be used for impervious pavement.

Brad Holmes stated that the flags were relocated and that he would update the plans.

Sue Chamberlain stated that because porous pavement was going to be used, they might not need to have as much disturbance with the drainage system.

Walter Sullivan, Esq. stated that there would be a smaller detention basin.

Barbara Thissell reviewed the drainage system with the Commission and public. She stated that they would like to place caution signs on the property as well but they would be close to the wetlands.

The chairman asked the applicant to review the waivers that were needed.

Walter Sullivan, Esq. stated that the waivers included 10' wide spaces instead of 9' and a 30' wide entrance with a median instead of a 24' wide entrance.

The chairman asked what would line the sides and bottom of the detention basin.

Barbara Thissell stated that the detention basin would be loamed and seeded.

Maureen Thomas asked what year storm porous pavement treats.

Barbara Thissell stated that they were using porous pavement to reduce the size of the detention basin. It would treat a 1" water quality storm.

Maureen Thomas stated that she left a message for Christine O'Diaga at DEP regarding the stormwater handbook. There are going to be some revisions and the recommendation not to use porous pavement in a Zone 2 is going to be removed.

Maureen Thomas stated that she thought the Commission should figure out how much alteration within the Riverfront Area had been used. She stated that there is normally a 25' no disturb zone adjacent to the flood zone but it has existing lawn and a concrete walkway. The applicant is proposing to put plantings around the basin which would create a better buffer.

Maureen Thomas suggested having the drainage calculations reviewed.

Walter Sullivan, Esq. stated that a drainage review was mentioned at the Planning Board meeting and they discussed using Mark Devine from BSC Group.

Maureen Thomas stated that she had received a letter from the property owners of Alley Kat Lane. The main issues were snow storage, drainage and maintenance of the stormwater system.

Sue Chamberlain asked if the applicant had looked into an alternate egress.

Walter Sullivan, Esq. stated that they had looked into alternate egress but it made the most sense to use Alley Kat Lane since they had deeded access.

Roger Cleff, owner of Alley Kat Lanes, asked if he could get something in writing stating why they couldn't access this parking area off of Tarkiln Road. He stated that they have had issues with people parking along the road.

Walter Sullivan, Esq. stated that these concerns had been addressed at the Planning Board meeting. He stated that the problem is that Tarkiln

Road is a traveled way especially during early hours. He stated that there was an issue with adding an additional driveway to Tarkiln Road.

Marilyn Kozodoy motioned to continue the Public Hearing.  
Daniel King seconded the motion.

**8:55p.m. VOTE: 6-0-0**

**Continued to October 6, 2009 @ 7:30p.m.**

**8:58p.m.** Opened a Public Hearing for a Notice of Intent for 4 Sylvia Place Road, Map 73, Lot 3

**Present:** Joe Webby, John Mathias

Joe Webby presented the project to the Commission and the public.

Maureen Thomas asked if they were proposing any erosion controls.

Joe Webby stated that he would add the erosion controls to the plans.

Maureen Thomas stated that vibration from the use of heavy equipment was a concern of the neighbors since the proposed project was near Russell Pond Dam.

The chairman stated that the septic system upgrade was required due to the three season porch being converted into a four season room.

Maureen Thomas stated that they were not doing any groundwork for the conversion of the three season porch and that it was remaining within the existing footprint.

Sue Chamberlain asked if there was any type of encasement involved with the new septic system.

John Mathias stated that they would be installing a monolithic tank.

Cindy Shurtleff from 16 Sylvia Place Road stated that the stream water was a resource for the town of Kingston. The vibration on the dam is a concern. She asked if there was a possibility to restrict large trucks and

heavy equipment from Sylvia Place Road. She also asked where the trucks would be parking and if there would be a police detail.

John Mathias stated that the Police Department would determine whether the situation would be unsafe and warrant a police detail.

The chairman stated that the Commission could not make unreasonable requests to the applicant. He stated that they could ask the applicant to try to limit the amount of vibration.

Jade Rizzo from 42 Indian Pond Road asked about the size of the septic tank.

John Mathias stated that it was a five bedroom septic tank.

Daniel King motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

**9:23p.m.**

**VOTE: 6-0-0**

**Continued to September 1, 2009 @ 7:30p.m.**

**Site visit August 27, 2009 @ 5:30p.m.**

Discussion regarding 9 Tarkiln Road

William Underhill motioned that the detention basin and corner of the parking lot would be considered new disturbance.

Marilyn Kozodoy seconded the motion.

**9:30p.m.**

**VOTE: 6-0-0**

The Commission determined that the storage shed and walkway would be considered existing disturbance.

William Underhill motioned to adjourn.

Daniel King seconded the motion.

**9:32p.m.**

**VOTE: 6-0-0**