

Kingston Conservation Commission Minutes

August 21, 2007

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

Signing of bills and documents

Agent Updates:

- Agricultural Fair
- MEPA Walk and Meeting – Barrows Brook (no communication received)

7:08p.m. **William Kavol arrived.**

Marilyn Kozodoy motioned to send a letter to the Selectmen's Office, Town Administrator and carbon copied to MEPA regarding the failure to notify the Conservation Agent of the scheduled MEPA walk and meeting for Barrows Brook.

James Dehner seconded the motion.

7:11p.m. **VOTE: 6-0-0**

7:15p.m. Opening of a Public Hearing for a Request for Determination of Applicability for 58-60 Summer Street, Map 36, Lot 7

Present: Raymond Monsini, Jr.

Ray Monsini presented the proposed project to the Commission.

Marilyn Kozodoy requested that clean, washed stone be used to fill in low points of the existing parking.

The chairman requested that some type of a berm be placed in the area near the dumpster between the two buildings to keep the stone in place.

Sue Chamberlain motioned to close the Public Hearing.
William Underhill seconded the motion.
7:17p.m. VOTE: 6-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.
Marilyn Kozodoy seconded the motion.
7:18p.m. VOTE: 6-0-0

Open Discussion amongst Commission members

7:30p.m. Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for 45 Howlands Lane, Map 48, Lot 45
Present: John Veracka, Joe Webby, Clive Beasley, Abigail Childs

Joe Webby presented revised plans to the Commission with a revised wetland line. He stated that the applicant was willing to accept the changes that were recommended by Abigail Childs (outside consultant for Commission).

Discussion regarding scheduling of site visit

Abigail Childs reviewed the wetland line and process of determining the wetland line with the Commission and the public.

Elizabeth White from 14 Oak Street asked if abutters could attend the site visit.

Clive Beasley gave permission for the abutters to attend the site visit on his property.

The chairman stated that the purpose of the site visit will be to determine the wetland line.

Elizabeth White voiced her concerns regarding the water table and the effects of construction on other properties.

Marilyn Kozodoy motioned to continue the Public Hearing.
Sue Chamberlain seconded the motion.
7:58p.m. VOTE: 6-0-0
Continued to September 4, 2007 @ 7:05p.m.
Site visit 8/28/07 @ 5:10p.m.

8:02p.m. Opened a Public Hearing for a Request for Determination of Applicability for 3 Shore Drive, Map 38, Lots 180 & 215

Present: Bill Orenburger, Greg Donovan

Bill Orenburger discussed history of the property and situation with the Commission. He stated that they were looking for guidance from the Commission.

Maureen Thomas asked if the applicant was aware that the new foundation was being dug in ground water.

Greg Donovan stated that there wasn't any issue with ground water at that time.

Maureen Thomas asked if the previous house had a basement.

Greg Donovan stated that the previous house had a basement.

Maureen Thomas asked if they had any groundwater issues.

Greg Donovan stated that they did have groundwater issues, but that he had not had any issues until the Mother's Day storm.

James Dehner asked the applicant if he had a walk out basement.

Greg Donovan stated that it was a finished basement.

James Dehner asked if the water was affecting the foundation.

Greg Donovan stated that the water was not affecting the foundation.

James Dehner questioned why a sump pump flowing into a drywell would not alleviate this problem.

Greg Donovan stated that the pipe and galley box fill up.

The chairman asked the applicant if he had considered installing a separate drywell for the downspouts.

Greg Donovan stated that he had considered installing a separate drywell.

Maureen Thomas stated that it seemed as if there were other options to alleviate the problem.

Sue Chamberlain stated that in allowing this the difficulty would be setting a precedent. She stated that many property owners would like to alleviate water on their property.

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

8:29p.m. VOTE: 6-0-0

Sue Chamberlain motioned to issue a Positive Determination of Applicability.

William Underhill seconded the motion.

8:29p.m. VOTE: 6-0-0

8:29p.m. Opened a Public Hearing for a Notice of Intent for 5 Grandview Avenue, Map 38, Lot 92

Present: Joe Webby, Julie Johnson, Paul Mullen

Joe Webby presented the project to the Commission.

Maureen Thomas asked if the proposed deck was larger than the existing deck.

Joe Webby stated that they were not intending to expand the size of the deck.

Discussion regarding how the deck would be cantilevered

The chairman asked if the slab was going to be removed.

Joe Webby stated that the slab could be removed by hand.

Maureen Thomas asked how the property would be accessed.

Mrs. Mullen stated that they were planning to access the property for soil tests and borings by using the town launch area and crossing their neighbor's property.

The chairman asked what type of vegetation was in the area.

Maureen Thomas stated that there was salt marsh and sea lavender.

Site visit scheduled for August 28, 2007 @ 5:40p.m.

Marilyn Kozodoy motioned to continue the Public Hearing.
James Dehner seconded the motion.

8:44p.m.

VOTE: 6-0-0

Continued to September 4, 2007 @ 8:00p.m.

8:45p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 101 Independence Mall Way and Raboth Road, Map 89, 83 & 83, Lots 4, 11-1 and 1 respectively

Present: Mark Wagner, George Mariani, Gary Sanford, Rich Taberzinski, John Wyman

George Mariani presented the filing and proposed project to the Commission.

The chairman asked the representative to review the difference in parking area and building expansion.

The chairman asked if the turtle egg laying enhancement area was going to the 100' buffer zone line.

George Mariani stated that the silt fence and haybale line would be at the 100' buffer zone line.

Gary Sanford stated that there were two characteristics that they had to duplicate. They had to produce open sandy areas easily dug by turtles and with no shade created by tall trees. He stated that in the central area, they would need to remove the topsoil. There would be a 50' buffer of no trees.

Sue Chamberlain asked how roof runoff would be handled.

George Mariani stated that it would continue to be handled into the retention basin near the town well.

The chairman asked when the wetlands were delineated.

George Mariani stated that the wetlands were delineated this past fall.

Discussion regarding hiring an outside consultant to review the flags

The applicant was willing to place money in escrow for the Commission to hire an outside consultant.

William Underhill motioned to hire an outside consultant and retain \$2500.00 in escrow.

Marilyn Kozodoy seconded the motion.

Mark Wagner stated that he would need a formal request for the funds and a list of the approved review consultants.

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

Sue Chamberlain motioned to continue the Public Hearing.

Marilyn Kozodoy seconded the motion.

9:17p.m. VOTE: 6-0-0

Continued to 10/2/2007 @ 7:30p.m.

9:17p.m. Informal Meeting – Route 27

Present: Paul Basler, Stan Elkerton, Marie Harris

Stan Elkerton stated that he was hoping the Commission would deem the changes as a minor deviation. He stated that they were proposing to change the drainage system in six locations. He stated that they would be collecting the same amount of flow and discharging at the same points. He stated that the job was scheduled for bidding in September, and funding could be affected if it could not go out to bid until next year.

The chairman asked why the plans had changed.

Stan Elkerton stated that they had taken the plan out in the field and looked at the drainage system. He stated that the discharge was too low in some locations.

Maureen Thomas asked if the drainage was designed for a two or five year storm.

Stan Elkerton stated that they were still designed to handle a ten year storm.

Marie Harris reviewed and discussed the revised plans with the Commission.

Marilyn Kozodoy asked if the total suspended solids removal was still at the same level.

Marie Harris stated that tss removal was at the same level.

Continued the review and discussion of the revised plans

Discussion regarding Minor Deviation

10:02p.m. Continued a Public Hearing for a Notice of Intent for Lake Street / Chipman Way, Map 14 & 15, Lots 1, 5 & 6 and Lot 2
Present: Alex Spiegel, Larry Winokur, Theo Kindermanns

Larry Winokur stated that they had made revisions to the plans and one building was moved.

The chairman asked how many feet the building was moved.

Theo Kindermanns stated that the building was 65' from the edge of the wetland.

The chairman asked how far the fire lane was from the Bordering Vegetated Wetlands (BVW).

Theo Kindermanns stated that the haybales would be just outside the 25' no disturb buffer zone and the building was moved approximately 15'.

Maureen Thomas stated that in the stormwater management handbook, infiltration basins should be 100' from a tributary to a public water supply. She asked if it was possible for them to meet that setback.

Theo Kindermanns stated that they could easily be moved.

Pine duBois from the Jones River Watershed Association stated that she would certainly like to see the building moved more than 15'. She stated that DEP was in the process of determining whether Forge Pond was a drinking water supply. She stated that the project could not have the impact of further degrading Forge Pond. She stated that there would be an increase in phosphorous unless the building was moved further away. Pine duBois submitted a memorandum and assessment report to the Commission.

Discussion regarding permitting process

Lawrence Winokur stated that the project was not going to degrade Forge Pond. He stated that there was no evidence to show that Forge Pond would be degraded as a result of the proposed project.

The chairman stated that the applicant was maximizing how closely in every degree they would be impacting the resource areas with the proposed 55 townhouse style units and associated work.

Marilyn Kozodoy stated that there was no way that you could look at the land now versus after the completion of the project and expect there would be no impacts to the resource areas.

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

10:34p.m.

VOTE: 6-0-0

Continued to October 2, 2007 @ 8:00p.m.

Sue Chamberlain motioned to adjourn.
William Underhill seconded the motion.

10:34p.m.

VOTE: 6-0-0