

Kingston Conservation Commission Minutes

August 5, 2008

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

Agent Updates:

- 399 Elm Street – Oil spill clean-up, storage of oil in bus on site
- 18 Brook Street – two oxen stored within the 100' buffer zone

7:03p.m. **William Kavol arrived.**

Agent Updates continued:

- 28 Riverside Drive – cutting of trees within riverfront area
- 8 Riverside Drive – installation of fence possibly within the 25' no disturb buffer zone
- Cole Avenue – received soil investigation report from Peter Fletcher, pictures of a property discharging water / soap from a washing machine into the brook

William Underhill motioned to send an enforcement order to the property owner that is discharging wastewater into the brook.

Sue Chamberlain seconded the motion.

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

Agent Updates continued:

- Delano Avenue – given deadline to remove woodchips
- 83 Howlands Lane – Webby Engineering needed additional time to re-survey

- 49R Main Street – no activity

Marilyn Kozodoy motioned to issue a letter to the property owner giving one week from the receipt of the letter to begin restoration work or fining would commence for each day thereafter.

Sue Chamberlain seconded the motion.

7:10p.m.

VOTE: 6-0-0

Agent Updates continued:

- 75 Wapping Road – final letter issued and copied to DEP and Army Corps regarding wetland restoration completion
- St. Joseph's Church – removing sediment from stream, placement of water bars along the natural ravine area, planting of pine trees on slope that eroded from parking lot runoff
- 24 Sunset Road – Leslie Fields of Woods Hole Group interested in reviewing velocity zone, top of bank delineation and providing advice. Estimate of \$1900 without attending a Commission meeting and \$2500 with attending a Commission meeting
- Hilltop, Pottle Street – repaving parking lot
- Kingston Intermediate School – lowest bidder for naturalized detention area around the large detention basin as part of the LID project was Rochester Ventures, Inc. If there is enough money left in the grant for construction, the remaining level spreader and forebay work may be put out to bid as well
- Draft Open Space Map and Open Space & Recreation Plan – The Open Space Committee is working on both. The OSRP had expired in 2007.

Reviewed the draft minutes of July 1, 2008

James Dehner motioned to approve the draft minutes of July 1, 2008 as corrected.

William Underhill seconded the motion.

7:25p.m.

VOTE: 6-0-0

7:30p.m.

Continued a Public Hearing for a Notice of Intent for 187 Summer Street, Map 20, Lot 3

Present: Robert Kraus, Esq., David Baker, Mark Manganello

Maureen Thomas stated that the Commission had performed a site visit and the portion of the project that involves reconstruction of the pavement and leaching basins was not an issue with the Conservation Commission.

David Baker stated that litter sweeping by hand occurs regularly and sand sweeping of the parking lot was performed in May/June. He stated that he was working with the contractor on a maintenance plan for the petro bags and that he has seen improvement with the functioning of the catch basins. He also stated that chicken wire had been installed at the bottom of the fence to prevent a gap that would allow stone to go down to the stream.

Maureen Thomas stated that it seemed that the stream was impaired from the sediment. She stated that it would be nice to see the stream cleaned out and increasing visibility would be a trade off to improve the stream.

Sue Chamberlain stated that she saw the degradation of the stream during the site visit. She stated that if the applicant could protect the stream's temperature and keep the banks from eroding that she may be in favor of the project.

James Dehner stated that he understood that there was a lot of degradation caused that was not the current property owners fault. He stated that he did not feel that this proposal was within the Commission's guidelines and stated that he considered it a take. He stated that restoration was proposed only because it was a take. He stated that he did not see the project fitting into what is allowable to justify it.

Mark Manganello stated that they would be losing the height of the trees but gaining quantity in native plant species.

Robert Kraus, Esq. stated that the stream was in horrible condition and it may create a native environment once it is functioning properly.

James Dehner stated that he felt that the proposed mitigation would require a lot of tweaking further into the project. He stated that the Commission would need to implement something for the long term and they would need to ensure that they were enhancing the habitat. He stated that he would rather lean towards not cutting the trees.

Mark Manganello stated that the applicant was open to aggressive monitoring.

James Dehner stated that something needed to be in place in the event that the proposed mitigation did not work.

Marilyn Kozodoy requested the applicant to review the specific native plantings that they were proposing.

Mark Manganello reviewed the possibilities of native plantings that could be used on the site.

David Baker stated that he did not have an issue with any conditions that may be added to the Orders of Conditions and expects to be closely monitored.

James Dehner stated that there may need to be some adjustments with the plants especially with the effects of salt and pollution. He stated that he would be leaning towards a bond or some type of security for the Commission to have in the event that the project was not successful at a later date.

Maureen Thomas stated that the Commission needed a new planting list and long term vegetation management plan. The concrete spillway should be removed and replaced with a vegetated swale with check dams.

David Baker stated that he had envisioned cleaning out the Mass Highway catch basins at his expense.

James Dehner suggested signs on the property to increase public awareness of the resource areas.

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

7:59p.m.

VOTE: 6-0-0

Continued to September 9, 2008 @ 7:30p.m.

Marilyn Kozodoy motioned to reschedule the regularly scheduled meeting of September 2, 2008 to September 9, 2008 due to the Labor Day holiday. Sue Chamberlain seconded the motion.

8:00p.m. VOTE: 6-0-0

Marilyn Kozodoy motioned to reschedule the regularly scheduled meeting of September 16, 2008 to September 23, 2008. Sue Chamberlain seconded the motion.

8:00p.m. VOTE: 6-0-0

8:00p.m. Continued a Public Hearing for a Notice of Intent for 5 River Street, Map 37, Lot 44

Present: Joseph Webby, John Linares

Joe Webby reviewed changes to the plan with the Commission.

Sue Chamberlain stated that the yard waste and construction debris needed to be removed from the 25' no disturb buffer zone.

The chairman asked how they were proposing to move the studio.

Joe Webby stated that they were proposing to use rollers.

Maureen Thomas stated that the Commission had asked at the last meeting for the driveway to be moved off of town property.

John Linares stated that it was his understanding that the town would install a fence and he would maintain it.

Maureen Thomas stated that Town of Kingston markers could be placed on some of the fence posts.

Marilyn Kozodoy asked if there was any way to make the property bounds visible.

Discussion regarding marking the property bounds and part of the driveway being on town property

James Dehner stated that he believed that the issue with the current driveway on town property was a management issue and should be addressed in a letter separate from the filing.

Maureen Thomas stated that wetland flags 2 & 3 had been moved. She stated that the Commission would not want the area mowed and the swing set would need to be kept out of the 25' no disturb buffer zone.

James Dehner stated that there is usually a condition that specifies no use of pesticides, herbicides or fertilizer within the 25' no disturb buffer zone.

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

8:16p.m. VOTE: 6-0-0

Marilyn Kozodoy motioned to issue Orders of Conditions with special conditions.
James Dehner seconded the motion.

8:17p.m. VOTE: 6-0-0

8:18p.m. Continued a Public Hearing for a Notice of Intent for Wapping Road, Map 51, Lot 1
Present: Joe Webby

Joe Webby stated that the property owner was agreeable to the additional flagging.

Sue Chamberlain motioned to request funds from the applicant not to exceed \$1000.00 under MGL Chapter 53G for the Conservation Commission to hire an outside consultant.
James Dehner seconded the motion.

8:24p.m. VOTE: 6-0-0

Karen Morley, the listing agent for the property, asked what would occur at the next Conservation Commission meeting.

Discussion regarding the Public Hearing process

Marilyn Kozodoy stated that the possibility of vernal pools on or in close proximity to the property had been discussed at the last Public Hearing.

Anne Marie Cunningham, an abutter, stated that she was concerned about any possible impacts on the stream that is located at the back of her yard.

Sue Chamberlain stated that it was important for the abutter to know that any activity would be outside of the 200' Riparian Zone to the stream.

Joe Webby told the abutter that their home was closer to the stream than the proposed home.

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

8:36p.m. VOTE: 6-0-0
Continued to September 23, 2008 @ 7:30p.m.

8:36p.m. Continued a Public Hearing for a Notice of Intent for 37 East Avenue, Map 49, Lot 114 & 115

The applicant requested a continuation of the Public Hearing.

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

8:36p.m. VOTE: 6-0-0
Continued to September 9, 2008 @ 8:00p.m.

Break

9:00p.m. Opened a Public Hearing for a Request for Determination of Applicability for 21 Jones River Drive, Map 47, Lot 97
Present: John and Karen Wheble

John Wheble presented the proposed wind turbine project to the Commission. He presented photographs of the existing dock.

John Wheble stated that he wanted to bring some of the existing material into the piling to increase the holding power which is why the area would need to be jetted.

Maureen Thomas asked if the fiberglass section and the aluminum section would be connected when jetting.

John Wheble stated no.

Maureen Thomas asked what would be used for jetting.

John Wheble stated that a pump, pipe and water were used for jetting.

James Dehner asked about the total disturbance.

John Wheble stated that the materials would be removed with a wheel barrel and not all materials would need to be removed.

Maureen Thomas asked if jetting would produce spoils.

John Wheble stated that it would produce spoils, but not as much as hand auguring.

John Wheble gave an explanation of how the jetting would occur.

Discussion

Sue Chamberlain mentioned her concern of birds possibly flying into the wind turbine.

John Wheble stated that most birds follow the water course.

Maureen Thomas asked how many days the pipe staging would be on the property.

John Wheble stated that the pipe staging shouldn't be there more than a couple of days.

Discussion

James Dehner motioned to close the Public Hearing.

Marilyn Kozodoy seconded the motion.

9:20p.m.

VOTE: 6-0-0

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

Sue Chamberlain seconded the motion.

9:20p.m.

VOTE: 6-0-0

James Dehner motioned to adjourn.

Marilyn Kozodoy seconded the motion.

9:20p.m.

VOTE: 6-0-0