

# Kingston Conservation Commission Minutes

## September 1, 2009

**7:01p.m.** The chairman called the meeting to order.  
**Present:** Gary Langenbach (chairman), Daniel King, Marilyn Kozodoy, Sue Chamberlain, William Underhill  
**Staff:** Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Agent Updates:

- 49R Main Street – achieved compliance with the Enforcement Order
- 18 Brook Street – not in compliance with the Enforcement Order
- 6 Prospect Street – property owner called and left message
- 35 Reed Street – going to perform site visit regarding the installation of conservation posts
- Foster Lane - Tim Shea – looking into installing a dock, the floats are already removed and will separately file for the shed

Sue Chamberlain motioned to extend the deadline for filing with the Commission an additional two weeks.

Daniel King seconded the motion.

**7:05p.m.** **VOTE: 5-0-0**

Agent Updates continued:

- Hathaway Preserve – filed a police report for stolen property in the amount of \$100.00
- Cole Avenue Superior Court Appeal – never received a copy of the Motion for Judgment on the Pleadings from Robert Kraus, Esq. Town Counsel will forward a copy to us.
- Kelleher Dam Inspection – have received draft report. Dam is classified as a low hazard dam in poor condition with maintenance needs but also a candidate for dam removal assessment.

- 37 Rigdale Drive Conservation Restriction – submitted to Division of Conservation Services and requested an expedited review. Property owners have requested Certificates of Compliance.
- 99 Monks Hill Road – property owner would like to donate 2 acres of land to the town. She would like to place a Conservation Restriction on the property that would be donated.
- Forest Stewardship Program Applications – mailed to Austin Mason for delivery to DCR
- 40-R Earth Removal Application to Selectmen – Thorndike Development has submitted an application to the Board of Selectmen for an earth removal permit

**7:12p.m. William Kavol arrived.**

Agent Updates continued:

- 105 Monks Hill Road – new owners would like to pave the driveway
  - It was the consensus of the Commission that the potential vernal pool needed to be re-evaluated.
- Site visit for 99 Monks Hill Road – September 8, 2009 @ 4:30p.m.

Discussion regarding referring to General Meeting Sequence and Rules on the back of the agenda at meetings

**7:30p.m. Continued a Public Hearing for a Notice of Intent for 4 Sylvia Place Road, Map 73, Lot 3**

**Present:** Joe Webby III, John Veracka

Joe Webby presented the revised plans to the Commission and the public.

The chairman asked if the oak tree was going to be removed.

Joe Webby stated that the oak tree was to remain.

Maureen Thomas stated that it was an improvement over existing conditions and reviewed potential special conditions for the Orders of Conditions.

The chairman stated that they would ask the contractor to use Indian Pond Road for access to the property and to reduce vibrations as much as possible.

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

**7:42p.m. VOTE: 6-0-0**

Marilyn Kozodoy motioned to issue Orders of Conditions with special conditions.

William Kavol seconded the motion.

**7:43p.m. VOTE: 6-0-0**

**7:43p.m. Break**

**8:00p.m. Opened a Public Hearing for a Request for Determination of Applicability for 26 Wapping Road, Map 44, Lot 49**

**Present:** Pine duBois

Pine duBois presented an update of events to the Commission and the public. She stated that within 30 hours of filing an RDA with the Conservation Commission there was a structural failure at Jones River Realty Trust. The original filing was for a preliminary drawdown. The raceway was framed with a wooden structure with boards and the wooden frame gave way and couldn't hold the boards. She stated that they removed two boards and cracked a third to try and re-establish flow to the river. A Notice of Intent would be filed for the deconstruction of the dam. She stated that they would like to amend the RDA to allow them to continue to monitor the area. She discussed two storm drains that were bringing a lot of sediment into the river and a plastic corrugated half pipe to allow some fish passage.

It was the consensus of the Commission to not require the applicant to fix the raceway wooden structure. There was no issue with the temporary plastic corrugated half pipe for fish passage.

Pine duBois stated that the raceway under the building would be reinforced with additional sheets of plywood.

Phillip Anderson, an abutter, stated that he has blue spotted salamanders behind his house all the time. He stated that he was concerned with the lack of wildlife since the dam broke.

Pine duBois stated that they were conducting photo monitoring and if they were interested their yard could be added.

Phillip Anderson was concerned about when the cranberry bog owner withdraws water and the water levels in the river drop tremendously. It does replenish over time.

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

**8:32p.m. VOTE: 6-0-0**

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.  
Daniel King seconded the motion.

**8:32p.m. VOTE: 6-0-0**

**8:34p.m. Opened a Public Hearing for a Notice of Intent for Pembroke Street (Route 27) between Grove Street and Country Way**  
**Present:** Kevin McCune, NSTAR Representative

Kevin McCune presented the project to the Commission. He stated that there were some new locations for the gas main but some were within the roadway layout and will be affected by the current Route 27 project.

Discussion regarding erosion controls.

The chairman asked when they would be starting the project.

Kevin McCune stated that they had already started the project in non-resource areas.

Maureen Thomas stated that they actually did some work within resource areas but allowed them to proceed. She stated that she received the Natural Heritage and Endangered Species Program letter and the project is exempt from a MESA review. It was also reviewed under the MA Wetlands Protection Act and it would have no adverse impacts.

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

**8:46p.m. VOTE: 6-0-0**

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

William Underhill seconded the motion.

**8:47p.m. VOTE: 6-0-0**

Daniel King motioned to adjourn.

Sue Chamberlain seconded the motion.

**8:48p.m. VOTE: 6-0-0**