

Kingston Conservation Commission Minutes

September 4, 2007

- 7:00p.m.** The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, William Kavol, James Dehner, William Underhill
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary
- Signing of Bills
- September 19, 2007 – Conservation Commission Day – State House
- Reviewed the draft minutes of July 10, 2007
- William Underhill motioned to accept the minutes of July 10, 2007 as corrected.
Marilyn Kozodoy seconded the motion.
- 7:04p.m.** **VOTE: 5-0-0**
- Discussion regarding letter received from SEA Consultants for Route 27
- 7:05p.m.** Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for 45 Howlands Lane, Map 48, Lot 45
Present: Joe Webby, John Veracka, Clive Beasley
- The chairman stated that the Public Hearing was continued to allow the Conservation Commission to review the wetland delineation performed by the review consultant.
- The Conservation Commission's outside consultant Abigail Childs reviewed her determination of the new wetland line based on soils.
- The Commission did not have any issues with the new wetland line.
- William Underhill motioned to close the Public Hearing.**
Marilyn Kozodoy seconded the motion.
- Maureen Thomas requested two copies of a plan showing the new wetland line. She also stated that the Commission needed an additional \$383.50 from the applicant for the remainder of the bill for the review consultant.
- 7:09p.m.** **VOTE: 5-0-0**

William Underhill motioned to issue an Order of Resource Area Delineation showing the new wetland line on the new plans and subject to the receipt of \$383.50 for the remainder of the review consultant bill.

James Dehner seconded the motion.

7:14p.m.

VOTE: 5-0-0

7:15p.m.

Informal Meeting regarding Bay Farm Access

Present: Mando Aldrovandi, Tom Belastock

Mando Aldrovandi presented maps of the location of the access to the Commission. He stated that there was a 40' access easement not being utilized and asked the Commission what they could do to make the area more accessible.

Maureen Thomas stated that the Commission had just purchased an additional sign for the area to show where the access to Bay Farm was located.

The chairman stated that Matt Webble had installed a kiosk beyond the main property and had planted four blueberry bushes to define the area.

The chairman stated that he believed it was the duty of the person who owns the property which the easement goes through to maintain the access for the holder of the easement. He stated that the area was not well defined.

James Dehner recommended a 3' wide walking path (weed whipped) to keep the path lower than the surrounding vegetation.

Maureen Thomas recommended placing a pair of conservation posts at the entrance and a second pair of conservation posts further down the access. She stated that the Commission could have the highway department mow the area.

Tom Belastock, an abutter, stated that he could trim the rose bushes. He also stated that he was under the understanding that Mr. Leary had offered to maintain the area and was told not to maintain the area.

Discussion regarding conservation posts to define access

Mando Aldrovandi stated that the access was not just for the neighbors but for other residents as well.

William Kavol asked Tom Belastock to trim the area prior to the site visit with the Commission.

Site walk 9/10/2007 @ 4:35p.m.

7:37p.m.

Opened a Public Hearing for a Notice of Intent for 12 Shore Drive, Map 38, Lot 220

Present: Karen Joyce, John Fitzgerald

Karen Joyce presented the proposed project to the Commission.

The chairman asked how much the proposed deck would overhang the existing deck.

Maureen Thomas stated that she had measured two feet for the overhang.

The chairman stated that it would overhang 2' and taper to 6".

James Dehner asked why they didn't design the proposed deck to not extend past the 25' no disturb buffer zone.

The chairman stated that the applicant would only have a 2' wide passage to the deck. He stated that the Commission had allowed cantilevering of a deck into the 25' no disturb buffer zone in the past.

Maureen Thomas asked where the sona tubes would be located.

Karen Joyce showed the location of the sona tubes on the plans.

James Dehner asked where the runoff from the addition would be directed.

Karen Joyce stated that downspouts would go into a gravel area.

The chairman asked where the pipe at the bottom of the french drain was directed.

Karen Joyce stated that she did not know where the pipe was directed and asked if it could be eliminated.

Maureen Thomas stated that it would be dependent on the quality of the soils.

Karen Joyce discussed erosion issues with the Commission. She stated that the top of the bank was caving in and would like to amend the area with stone to match the neighbor's bank.

Marilyn Kozodoy motioned to continue the Public Hearing.

William Underhill seconded the motion.

7:51p.m.

VOTE: 5-0-0

Site visit 7/10/07 @ 5:15p.m.

Continued to 9/18/07 @ 7:45p.m.

7:51p.m.

Opened a Public Hearing for a Notice of Intent for 37 & 39 East Avenue, Map 49, Lot 114 & 115

Present: Kevin Grady, Bob Gosselin

Kevin Grady presented the project to the Commission and the public.

The chairman asked about the height of the retaining wall.

Kevin Grady stated that the retaining wall would be 4 ½' tall.

The chairman asked what material would be used for the wall.

Bob Gosselin stated that the retaining wall would be made of field stone.

Maureen Thomas stated that the slab was at a lower elevation than the velocity zone even where it seems to touch the velocity zone on the plans.

Kevin Grady stated that it seems like the slab touches the velocity zone but doesn't.

The chairman asked if drywells were proposed.

Kevin Grady stated that drywells were not proposed.

Bob Gosselin stated that he did not have an issue with installing drywells.

Harriet Dunklee from 2 Bay View Avenue asked how the land on the water side of the property would be stabilized.

The chairman stated that they would restore the area and plant grass. He also explained that it would be a more difficult permitting process to perform work on the coastal bank / sea wall.

Maureen Thomas asked if there were any groundwater elevations.

Kevin Grady stated that he did not perform any soil borings.

Discussion regarding dewatering

Francis McGillicuddy, an abutter, asked where the fill would be placed.

Kevin Grady showed the area on the plans where the fill would be placed.

Marilyn Kozodoy motioned to continue the Public Hearing.

James Dehner seconded the motion.

8:10p.m.

VOTE: 5-0-0

Continued to 9/18/07 @ 8:15p.m.

Site visit 9/10/07 @ 5:45p.m.

8:14p.m.

Continued 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 stated that the filing would now include the rebuilding of the deck. He stated that a small track machine would be used to access the area for the structural engineer to perform borings for pilings.

The chairman asked how the Notice of Intent would be amended if needed after test borings.

Maureen Thomas stated that they would have to amend their Notice of Intent and submit it to DEP.

Discussion regarding use of materials for pilings

The chairman stated that he would like a narrative or pictures of how they would be crossing the marsh for the borings. The chairman asked what the purpose of the borings was.

Julie Johnson stated that the borings would be used to measure bearing pressure on the soil.

James Dehner motioned to continue the Public Hearing.
Marilyn Kozodoy seconded the motion.
8:23p.m. VOTE: 5-0-0
Continued to 10/2/2007 @ 8:45p.m.

James Dehner motioned to move the meeting to Room 200 to accommodate the amount of abutters for the Public Hearing for 24 Sunset Road and return to Room 203 for the Public Hearing for Ryan's Way. Marilyn Kozodoy seconded the motion.
8:26p.m. VOTE: 5-0-0

8:30p.m. Opened a Public Hearing for a Notice of Intent for 24 Sunset Road, Map 59, Lot 8 & 10
Present: Dr. Courtland Harlow, Mrs. Harlow, Daniel Harlow, Courtland Harlow III

Dr. Harlow presented the proposed project to the Commission and the Public. He presented pictures to the Commission.

Discussion of when seawall was built and delay of project

Dr. Harlow stated that there was a sewer moratorium, three cease and desists were issued and there were family issues that had delayed the progress of the project.

The chairman asked when the garage was built.

Dr. Harlow stated that the garage was built in the 1970's.

The chairman stated that he had a concern with the deck having been removed fifteen years ago and no structure was left. He also stated that now there was a 25' no disturb buffer zone to the coastal bank.

Courtland Harlow III restated information that Dr. Harlow had stated and submitted pictures of properties (structures and homes) within the 25' no disturb buffer zone.

David Fitzgerald, an abutter, stated that in 1993 the Board of Health allowed a new septic system on the back lot.

Daniel Harlow stated that the proposed deck would not go beyond the sea wall which would be considered a disturbance.

The chairman stated that most of the pictures that were submitted by Courtland Harlow III were of permitted activities. He stated that the Commission was responsible for what was within 100' of a coastal bank.

The chairman asked if there was a foundation under the proposed existing deck.

Dr. Harlow stated that there was a crawl space with stone piers in the center. He stated that the piers had settled and he had decided to install a full foundation.

Maureen Thomas stated that the velocity zone was shown on the north and south side of the property but not where it goes thru the structure. She requested a new plan with the velocity zone line continuing thru the structure.

James Dehner stated that he had not see anything regarding time frame for the removal and rebuilding of pre-existing structures.

Discussion regarding additional information from a structural engineer about building in a velocity zone

The chairman stated that the applicant should hire a structural engineer to prove that the foundation would meet current code for structures in the velocity zone and prove that it would be structurally sound.

David Fitzgerald stated that during the no name storm of 1991, the water was two feet deep and thirty feet up the street.

David Fitzgerald asked how NSTAR services would be addressed.

Dr. Harlow stated that NSTAR would install underground services or place a pole out in the street.

David Fitzgerald asked if the access easement would be asphalt or stone.

Dr. Harlow stated that the easement would be grass as it already existed.

Dick Savicky, 21 Wharf Lane, stated that he supported the project and that the proposed addition, deck and seawall area were very protected.

Daniel Harlow stated that the height of the original stone wharf versus what was now much higher.

Russell Boidleau, 14 Wharf Lane, presented pictures to the Commission and stated that he was in support of the project.

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

9:18p.m.

VOTE: 5-0-0
Continued to October 16, 2007 @ 7:30p.m.

William Underhill motioned for the Commission to return to Room 203.
James Dehner seconded the motion.

9:20p.m.

VOTE: 5-0-0

Discussion with Skip Farrington regarding access to Bearse Cemetery

James Dehner motioned to adjourn.
Marilyn Kozodoy seconded the motion.

9:34p.m.

VOTE: 5-0-0