

Kingston Conservation Commission Minutes

March 18, 2008

- 7:00p.m.** The chairman called the meeting to order.
Present: Gary Langenbach (chairman), Marilyn Kozodoy, Sue Chamberlain, William Underhill, William Kavol, William Whitehill
Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary
- Agent Updates:
- 83 Howlands Lane - schedule site visit
 - 8 Cedar Lane - schedule site visit
 - 9 Smelt Pond Road - schedule site visit
- 7:08p.m.** **James Dehner arrived.**
- Gary Langenbach recused himself.**
James Dehner acted as chairman.
- Discussion regarding the letter received from Brad Holmes dated March 10, 2008 (attached to minutes)
Letter was read aloud to the Commission.
- Sue Chamberlain motioned to send an acknowledgement of receipt of the letter received from Brad Holmes date March 10, 2008 and attach to the minutes.
Marilyn Kozodoy seconded the motion.
- 7:20p.m.** **VOTE: 7-0-0**
- 7:20p.m.** **Gary Langenbach returned as Chairman.**
- 7:22p.m.** Continued a Public Hearing for an Abbreviated Notice of Resource Area Delineation for in the vicinity of Exit 8 (Smiths Lane) interchange on Route 3, Map(s) / Lot(s) 75/10, 75/11, 75/12, 66/50, 66/75, 76/4, 76/5, 76/6, 76/8, 76/9
Present: Kara Brewton, Lindsay Wilson
- Kara Brewton presented revised plans to the Commission and stated that wetland flags 99 and 100 were tied back into the culvert.
- Discussion regarding flagging
- Maureen Thomas stated that wetland 2a and 2 were connected and not considered isolated now.
- William Underhill motioned to continue the Public Hearing.
William Kavol seconded the motion.
- 7:35p.m.** **VOTE: 7-0-0**
Continued to April 1, 2008 @ 8:00p.m.

7:39p.m. Continued a Public Hearing for a Notice of Intent for 24 Sunset Road, Map 59, Lot 8 & 10

The applicant requested a continuation to May 6, 2008 @7:30p.m.

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

7:40p.m. **VOTE: 7-0-0**

Reviewed the draft minutes of January 22, 2008

William Underhill motioned to accept the minutes of January 22, 2008 as corrected.

Sue Chamberlain seconded the motion.

7:46p.m. **VOTE: 7-0-0**

Reviewed the draft minutes of February 5, 2008

Sue Chamberlain motioned to accept the minutes of February 5, 2008 as corrected.

William Underhill seconded the motion.

7:47p.m. **VOTE: 7-0-0**

7:48p.m. Continued a Public Hearing for a Notice of Intent for 18 Shore Drive, Map 38, Lot 222

Present: Steve Kotowski, Kevin Doyle, John Veracka

Steve Kotowski presented the revised plans to the Commission and reviewed the revisions to the plans with the Commission and public.

Maureen Thomas questioned the location of elevation 17 on the previous plan versus the revised plan.

Steve Kotowski stated that the current plans were more accurate because they had a previous modeling issue with the computer.

Maureen Thomas asked what the elevation would be at the end of the stone wall.

Steve Kotowski stated that the elevation at the end of the stone wall should be 17.5' to 18.5'.

Discussion regarding contours on the plans and details of the existing and proposed revetment

William Whitehill suggested that the applicant submit an overlay showing the proposed revetment over the current conditions.

Steve Kotowski stated that they could take additional pictures of the site and show where the proposed work would occur.

William Underhill motioned to continue the Public Hearing.
Marilyn Kozodoy seconded the motion.

8:33p.m. **VOTE: 7-0-0**
Continued to 4/1/2008 @ 8:15p.m.

8:33p.m.

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

Present: Robert Kraus, Esq., David Baker, Kevin Malonowski

William Whitehill disclosed to the Commission and the public that he knew the Malonowski's but that there was no conflict of interest.

Robert Kraus presented pictures of the repaired berm to the Commission. He stated that they were proceeding with the Notice of Intent and were working on answering questions that had been submitted to Bruce Babcock from the Conservation Agent. He stated that he was hoping to address the enforcement order tonight and possibly have it removed.

Maureen Thomas stated that the enforcement order was issued after the Notice of Intent was submitted because the applicant was trying to include maintenance of the property as mitigation. Maintenance was part of the perpetual conditions originating from a previously issued Order of Conditions and Certificate of Compliance.

David Baker stated that he was under the impression that they had to deal with the enforcement order prior to the Notice of Intent filing. He stated that they had fixed the berm, cleaned the area of trash and installed petro bags (now known as StreamGuard).

Maureen Thomas stated that they needed to cease and desist from adversely affecting Mile Brook.

Dave Baker stated that they would need additional time to address the questions from the Conservation Agent and requested a continuation.

William Underhill motioned to continue the Public Hearing.
Marilyn Kozodoy seconded the motion.

8:50p.m.

VOTE: 7-0-0

Continued to 4/1/2008 @ 8:45p.m.

8:51p.m.

Opened a Public Hearing for a Request for Determination of Applicability for 10 Braintree Avenue, Map 59, Lot 35

Present: Peter Alsheimer, Pamela Slot

Peter Alsheimer presented the proposed project to the Commission.

Maureen Thomas asked if the area would need any erosion controls.

Peter Alsheimer stated that he could install erosion controls if needed.

Maureen Thomas asked if there would be a need for dewatering.

Peter Alsheimer stated no.

Sue Chamberlain motioned to close the Public Hearing.

William Underhill seconded the motion.

8:58p.m.

VOTE: 7-0-0

Sue Chamberlain motioned to issue a Negative Determination of Applicability with conditions.

William Underhill seconded the motion.

8:58p.m. VOTE: 7-0-0

8:58p.m. Opened a Public Hearing for a Request for Determination of Applicability for 399 Elm Street, Map 79, Lot 2

Marilyn Kozodoy motioned to continue the Public Hearing per the applicant's request.

Sue Chamberlain seconded the motion.

8:59p.m. VOTE: 7-0-0
Continued to 4/1/2008 @ 7:45p.m.

9:00p.m. Informal meeting regarding 187 Summer Street Enforcement Order
Present: Robert Kraus, Esq., David Baker, Kevin Malonowski

David Baker stated that they had installed a device equal to the petro bag called StreamGuard that lasts six months to a year.

Robert Kraus stated that they would like to have the enforcement order terminated because they were acting in good faith.

David Baker stated that they have done everything except water quality testing of Mile Brook and submitting an analysis to the Commission.

James Dehner stated that he did not believe water testing was relevant at this time and suggested that it could be addressed under the Notice of Intent filing if necessary.

Sue Chamberlain motioned to rescind the Enforcement Order.

Marilyn Kozodoy seconded the motion.

9:19p.m. VOTE: 7-0-0

Sue Chamberlain motioned to adjourn.

Marilyn Kozodoy seconded the motion.

9:19p.m. VOTE: 7-0-0