

Kingston Conservation Commission Minutes

March 4, 2008

7:00p.m.

The chairman called the meeting to order.

Present: Gary Langenbach (chairman), Sue Chamberlain, James Dehner, Marilyn Kozodoy, William Underhill, William Whitehill

Staff: Maureen Thomas, Conservation Agent and Brandi Gordon, Secretary

Discussion regarding:

- new publications for the office library
- MACC Conference
- Charlie Horse – proposed top coat of asphalt, paved swale that goes to wetland
- 9 Smelt Pond Road – called property owner to request a site visit
- 49 R Main Street – starting work on restoration plan, waiting for call to inspect silt fence

7:09p.m.

William Kavol arrived.

Discussion continued:

- EB Sampson Fund request for Hathaway bridge repairs granted
- 319 Grant at Kingston Intermediate School should be complete by this summer
- Pawtuxet Park – kiosk and new sign as Boy Scout project
- Sylvia Place Dam
- Jeff Mathias – Smelt Pond Bogs

7:20p.m.

Continued a Public Hearing for a Notice of Intent for 41 Winter Street, Map 10, Lot 59

Present: Steve Kotowski, Leo Laliberte

Steve Kotowski presented revised plans to the Commission.

Maureen Thomas requested that the new erosion control line shown on the plans to consist of silt fence instead of haybales.

Maureen Thomas discussed special conditions with the Commission.

The chairman requested that a drywell be installed on the upland side of the proposed building.

Discussion regarding existing chain link fence within the 25' no disturb buffer zone

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

7:35p.m.

VOTE: 7-0-0

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

Marilyn Kozodoy seconded the motion.

7:35p.m.

VOTE: 7-0-0

7:35p.m.

Opened a Public Hearing for a Notice of Intent for 18 Shore Drive, Map 38, Lot 222

Present: John Veracka, Steve Kotowski, Kevin Doyle

Steve Kotowski presented the proposed project to the Commission and the public.

Sue Chamberlain asked if there were any requirements for the foundation of the house.

Steve Kotowski stated that the proposed foundation would be 6" higher than the existing foundation.

The chairman stated that allowing a full structure to replace an existing deck within the 25' no disturb buffer zone might be precedent setting.

Kevin Doyle stated that all asphalt would be removed from the site and replaced with native plantings, a porous driveway and even the existing shed would have a "green" roof. No turf would be used on site.

Maureen Thomas asked if the applicant would need a permit from the Army Corp of Engineers for coastal bank work.

Steve Kotowski stated that they would not need a permit from Army Corp of Engineers because it would be considered repair work.

Marilyn Kozodoy motioned to continue the Public Hearing.

William Underhill seconded the motion.

7:56p.m.

VOTE: 7-0-0

Continued to March 18, 2008 @ 7:45p.m.

Site visit March 11, 2008 @ 5:00p.m.

7:58p.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: Lloyd Geisenger, Kara Brewton, Lindsay Wilson, Mike Weirbonics

Mike Weirbonics stated that he performed a site visit and reviewed the wetland flagging with the Commission.

There were minor revisions to the plans per Mike Weirbonics request.

Lloyd Geisenger stated that they were looking to file a Notice of Intent in a couple of months.

Discussion regarding the potential vernal pools on the site and possible certification

The chairman stated that the determination of whether the areas were vernal pools should be resolved by the end of April.

Maureen Thomas requested that Mike Weirbonics draw up the scope of work for the Commission.

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

8:17p.m.

VOTE: 7-0-0

Continued to March 18, 2008 @ 7:20p.m.

Site visit March 13, 2008 @ 4:30p.m.

8:24p.m.

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

Present: Rob Kraus, Esq.

Rob Kraus requested a continuation of the public hearing to allow additional time to respond to the comments received from the Conservation Agent and regarding the enforcement order.

Discussion regarding the enforcement order and mitigation

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

8:38p.m.

VOTE: 7-0-0

Continued to March 18, 2008 @ 8:00p.m.

8:40p.m.

Continued a Public Hearing for a Request for Determination of Applicability for 15 Winthrop Street, Map 19, Lot 11

Present: Todd Bryan, Tracey Pimental

Maureen Thomas stated that the applicant could prove that the cranberry bog was constructed from an upland or the applicant could concede that the area was a wetland.

Todd Bryan stated that he was willing to concede that the area was a wetland and follow any conditions issued under a Determination of Applicability.

Maureen Thomas stated that the commission could issue a Negative Determination of Applicability with conditions.

James Dehner stated that if a Determination could be written with three conditions or less, it was his understanding that a Negative Determination of Applicability could be issued. If more than three conditions were needed, the impacts of the project would warrant the applicant to submit a Notice of Intent.

Discussion regarding conditions

Sue Chamberlain motioned to close the Public Hearing.
William Underhill seconded the motion.

8:55p.m.

VOTE: 7-0-0

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

William Underhill seconded the motion.

8:55p.m.

VOTE: 7-0-0

8:55p.m.

Gary Langenbach recused himself.

Marilyn Kozodoy became acting chairperson.

8:56p.m.

Continued a Public Hearing for a Request for Deviation / Amendment for Elm Street, Map 64, Lot 29-7

Present: Brian Wallace, Andrew Weiss

Marilyn Kozodoy requested the applicant to review the Request for Deviation / Amendment for Commission member James Dehner who was not present for the opening of the public hearing in order to allow him to vote.

Brian Wallace reviewed the Request for Deviation / Amendment.

Maureen Thomas stated that if Jon Regosin from Natural Heritage and Endangered Species Program (NHESP) believes the area should be larger with no adverse impact to the vernal pool, then she encouraged the Commission to approve Jon Regosin's recommendation.

Marilyn Kozodoy stated that the Commission would need to decide on one of the three proposals submitted by the applicant to the Commission.

Sue Chamberlain motioned to close the Public Hearing.

William Underhill seconded the motion.

9:02p.m.

VOTE: 7-0-0

Sue Chamberlain motioned to approve the Request for Amendment for the proposal with Dr. Jon Regosin's (NHESP) recommendations subject to the receipt of revised plans.

William Underhill seconded the motion.

9:02p.m.

VOTE: 7-0-0

9:02p.m.

Gary Langenbach returned as chairman.

Discussion regarding the Senior Center Building Committee letter dated February 13, 2008 requesting a favorable vote to issue a letter of support to the Senior Center Building Committee regarding the current site

Marilyn Kozodoy motioned to issue a letter addressing the request to the Senior Center Building Committee.

William Underhill seconded the motion.

9:20p.m.

VOTE: 4-3-0 (James Dehner, Sue Chamberlain, William Whitehill)

Discussed and agreed to wording of letter as follows:

Dear Mr. Gallagher and fellow Senior Center Building Committee Members,

As a Commission charged with upholding the interests of the Massachusetts Wetland Protection Act and the Town of Kingston Wetland Protection By-law and Regulations, we look forward to working with your committee on the new Senior Center building project. Our committee will continue to be available for informal discussion on your plan.

Marilyn Kozodoy motioned to adjourn.

William Underhill seconded the motion.

9:30p.m.

VOTE: 7-0-0