

FINALIZED 10/12/2022



Conservation Commission Meeting Minutes Wednesday, August 24, 2022

Town of Kingston
26 Evergreen Street, Room 200
Kingston, MA 02364

Present: Jim Franklin (Vice-Chair), Megan Hickey, Dorothy MacFarlane

Virtual: Kalina Vendetti (Chairperson)

Absent: Glen Duffy, Vittorio 'Buz' Artiano

Staff: Matt Penella, Conservation Agent

Mike Perrin, Assistant Conservation Agent

Location: Town Hall Offices Room 200

Commission Meeting Opened: 6:30 p.m.

Vice-Chairperson Jim Franklin: The date is August 24th, 2022. The time is 6:36pm. Commissioner's Artiano and Duffy are absent. Commissioner Vendetti is attending virtually.

VOTE TO OPEN: PASSES 4-0-0

Jim: Please note we are doing a hybrid meeting with in-person and virtual attendance. If a member of the virtual public would like to make comments during a public hearing, please use the "raise hand" function on Zoom, and you will be assigned a speaking time. If you are listening in via Telephone Dial-In, press *9 to raise your hand, and then press *6 to unmute yourself. This meeting is being recorded by PacTV and a record of this meeting will be posted on the Kingston town website as soon as we are able. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.

BUSINESS:

I. Signing Documents

Jim: Will the Agent please brief us on what needs to be signed?

Matt: We have the Determinations of Applicability for Off Route 44 RDA. We have amended Orders of Conditions for 15 Kingston St. We have the denial Orders of Conditions for 79 Elm St. We have a bill for stormwater support from Environmental Partners. We have a bill for Photoshop for me.

II. Action Items

a) Grays Beach Playground RDA

Jim: We will now open a public meeting regarding the RDA submitted for playground replacement at Grays Beach. Will the agent please brief the commission on the application?

Matt: Justin from StrongTree Engineering is here representing the Town for the RDA submitted for playground replacement and stormwater infrastructure improvements. It is in jurisdiction, but the majority of the work is occurring in the existing playground footprint. The stormwater will flow into a new bioretention swale. They are using pervious surfaces. Erosion control will be installed. I recommend issuing a DOA with negative 3 decision with no special conditions.

Jim: Any comments from the public?

Megan: I make a motion to issue a Negative 3 Determination with no special conditions.

VOTE: Megan makes the motion, Dot seconds; PASSES 4-0-0

b) 46 Shore RDA

Jim: We will now open a public meeting regarding the RDA submitted for seawall repair at 46 Shore Dr. Will the agent please brief the commission on the application?

Matt: A few weeks back, there was an excavator on the beach by The Nook. I stopped work and told them they had to file. Smitherz Landscaping filed an RDA. There is not enough info on the work description. No plan was provided. I told them an RDA was fine because it was repair only. I let them know that stakes with photo evidence would be needed to ensure no expansion. We need more description on the details of the work and photo evidence of the staking, or some other measure for the Commission to ensure no expansion of the seawall has occurred. I recommend we continue and wait for revisions. Please provide more info on the work description including machinery and process.

Josh Smith, Smitherz Landscaping: I will do that.

c) 41 Winter St RDA

Jim: We will now open a continued public meeting regarding the RDA submitted for tree removal and fence replacement at 41 Winter St. Will the agent please brief the commission on the application?

Matt: Mike and I conducted a site visit this week. I felt that two of the trees were worthy of keeping as high value white oaks. The other trees could be cut down. There is also a leaning white oak that has structural damage, which we said could be cut down. We also observed tree of heaven and requested removal and maintenance of this invasive species. To avoid confusion, I prepared a diagram showing which trees could be removed. We also recommend a special condition that would state the applicant has to use methods that would minimize impact to the wetland. I recommend issuing a negative 3 DOA that follows the Tree Removal Overview with the special condition mentioned before.

Megan: I make a motion to issue the Determinations of Applicability with the special condition as stated by the agent.

VOTE: Megan makes the motion, Dot seconds; PASSES 4-0-0

d) Emergency Certification Snapping Turtle Ln

Jim: We will now open a meeting for the Emergency Certification for Snapping Turtle Ln. Will the agent please brief the commission on the situation?

Matt: In the fall, we received a notification from DEP about an oil release at Indian Pond which was at 5-7 Snapping Turtle Lane. It was at a cranberry bog. The homeowner has done a cleanup. We were recently informed that the oil spill was worse than previously thought and

they need to do a bigger cleanup of the pond. The pond is low due to the drought, so, currently, the excavation work can be done more efficiently and cheaper; this is an opportunity to cleanup this hazard. The work fits the specifics of emergency certifications. I did sign and respond on Monday, so now we need the commission to ratify with a vote and send again.

Jim: How has the rain impacted this?

Matt: It is still low. I need a motion to ratify the emergency service certification.

VOTE: Dot makes the motion to ratify, Megan seconds; PASSES 4-0-0

III. Enforcement

IV. Public Hearings

Section A – Thomas St/Cushman Dr (multiple parcels)

Jim: The time is 7:00PM. I open a continued hearing for 33 Cushman Dr for an ANRAD received for the delineation of resource areas. The Applicant is Cushman Farms LLC and the representative is Lori Macdonald of Coneco Engineers and Scientists.

Matt: Last time we discussed this, we decided to go peer review. LEC was chosen for the work. I met her on site to affirm wetland boundaries. She has put a report together and it was sent to the applicant. The report showed that the application did not include all landowner signatures. Town Counsel recommended not issuing an ORAD because of this. Permissions and signatures are required for all landowners involves, which includes the MBTA and Town. A decision should not be made tonight.

Dot: I make a motion to continue.

VOTE: Dot makes the motion, Megan seconds; PASSES 4-0-0.

Jim: I think we should toss it because it is incomplete.

Matt: The Commission can continue to a specific date or continue indefinitely, which would require another PHN. We can say a month.

Jim: Do I hear an amendment to the vote to continue until October 12?

VOTE: Dot amends the motion, Megan seconds; PASSES 4-0-0

Section B – 64-70 Summer St (Map 36 Lots 9 & 10-2)

Jim: The time is 7:06PM. I open a continued hearing for 64-70 Summer St for a Notice of Intent received for work associated with parking lot and stormwater management improvements within 200 feet of Stoney Brook and within 100' of a wetlands resource area. The Applicant is the Sean Dormady and the representative is Darren Grady of Grady Consulting LLC.

Matt: On June 9, DEP requested more information to prove compliance for riverfront area performance standards. A response from Grady was submitted in early August. We are waiting on another response from DEP and a DEP file number, which is required before any decisions. We are waiting on an additional check for 1.5x multiplier for riverfront area. We are unsure that the statement claiming all work is in degraded areas is accurate, which we need clarity on. There are more standards that we are not sure are accurate or satisfy performance standards. We did not receive a wetland methodology from the updated wetland delineation done this summer. There is discrepancy in the plans between what will be gravel and what will be asphalt, as well as the shape of the rain garden. They did not provide percentages of impervious vs

pervious. These details are to show that the application is not complete. We need to wait for DEP response and the following revisions need to be made: wetland delineation date, accurate surface material coverage, and accurate rain garden design. We also need an existing vs proposed plan to understand work in previously degraded areas. We discussed at the site visit that some areas had been filled, so the Commission needs the wetlands report to make a decision on restoration. There should be a special condition if OOCs are issued stating no future work can occur within the RFA. I recommend continuance until October. We need to see movement and corrections.

Megan: I think we should continue to September 12 to light the fire under them and hope DEP answers.

Matt: It usually takes DEP awhile to answer.

Dot: I make a motion to continue the hearing until September 14 Section A.

VOTE: Dot makes the motion, Megan seconds; PASSES 4-0-0

V. Enforcement

a) 29 Ring Road

Matt: We received a restoration plan for the property. The plan looks good.

Mike: I have requested that erosion control measures be added to the plan. We can reference the revised plan in enforcement orders.

Ricardo Maduro, 29 Ring Rd: We will show erosion control on a revised plan.

Dot: I make a motion to issue enforcement orders to allow restoration work.

VOTE: Dot makes the motion, Megan seconds; PASSES 4-0-0

b) 164 Pembroke St

Matt: We are going to continue this discussion due to a family emergency. Their lawyer provided proof that the homeowner has acquired a wetland scientist, which was the minimum required by today in the enforcement orders.

c) 93 Main St

Matt: I saw that the area has been cleared and the area has been regraded. I know there are wetlands on the property from previous enforcement. I stopped work and contacted the owner to let them know they would need to file. I would think that the work is permissible, but the Commission should have the opportunity to condition the work. I am not sure how the rain impacted the area, and I told them sediment into the wetland would be a problem. They need a wetland delineation and a plan to show the Commission. We are waiting for the filing, then we can condition the work or require restoration.

Dot: It seems a shame that they removed them.

Matt: We are not sure if the trees were in jurisdiction. I am not sure if the trees were high value or damaged. It seems like the owner is just trying to clean things up and did not know the work would require a filing. I will continue to monitor the situation. Stabilization of soils should be the main focus.

e) 47 Main St

Matt: At the last meeting, the homeowner informed us that Brad Holmes was working on the situation. The owner is not here. We can push the issue to the next meeting, and I can reach out to Brad. I do not feel it is appropriate to issue fines tonight.

VI. Minutes

Jim: We have the minutes from June 8, 2022. Any discussion?

Megan: I make a motion to approve the minutes.

VOTE: Megan makes the motion, Dot seconds; PASSES 4-0-0.

VII. Updates

a) September 28th Meeting

Matt: I will be on vacation up until the 27th. If the commission was OK with skipping the meeting, we could cancel the meeting.

Megan: I make a motion to cancel the September 28th meeting.

VOTE: Megan makes the motion, Dot seconds; PASSES 4-0-0

b) Exempt Utility Maintenance Landing Rd

Matt: The highway department has hired EPG for replacement for the broken stormwater system on Landing Rd. There is scouring between the road and Jones River and sedimentation is occurring during rain events. A new system is required to avoid another failure. The system will include catch basins to remove sediment, and the outflow will go under the road into infiltration basins before reaching the Jones. It is an exempt utility maintenance. A plan and narrative was provided to prove the exemption. All work will be within the road layout. It should be a benefit through infiltration of stormwater before entering the Jones.

c) Grants

Matt: I attended the kickoff meeting for the wetland restoration grant for BMF. The grant will cover all activities involved and no match is required. Bridgewater State University will be involved in studying the before and after. We also received the money back from the LAND grant. We are close to having the parking lot be ready.

CLOSING REMARKS

Jim: The next meeting will be held on September 14th, 2022 at 6:30PM. The time is 7:52PM. Will a commissioner make a motion to adjourn the meeting?

VOTE: Megan makes the motion to adjourn, Dot seconds; PASSES 4-0-0.

Prepared by: Michael Perrin, Assistant Conservation Agent, Conservation Department

Approved by Conservation Commission: 10/12/2022

Materials Presented at Meeting:

- Agenda
- Agent/Staff Notes
- Applications, plans, and relevant documents associated with the public hearings and discussions
- Meeting Minutes subject to review and approval



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, August 24, 2022 @ 6:30 PM
MEETING LOCATION:	Town House-26 Evergreen St. Room 200 & VIA ZOOM
AUTHORIZED SIGNATURE:	Matt Penella, Conservation Agent

This meeting notice is being posted on the Official Town House Bulletin Board, pursuant to General Law Chapter 30A, Section 20. Said notice and agenda must be filed in the Office of the Town Clerk at least **48 HOURS** prior to such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

For those who want to watch this meeting, it is being broadcast by PACTV on Comcast 15 or Verizon 42 and streamed on YouTube at www.pactv.org/stream.

For anyone wishing to speak during the meeting, you are welcome to join us in person in room 200 or to join the Zoom call.

This meeting is being recorded by PACTV. Anyone intending to make an audio or video recording of this meeting should notify the Chair.

AGENDA

6:30PM – CALL TO ORDER – ROOM 200

SIGNING DOCUMENTS:

1. Off Route 44 DOAs
2. 15 Kingston St AOOCs
3. 79 Elm St Denial OOCs
4. EPG July

ACTION ITEMS:

1. Grays Beach Playground RDA
2. 46 Shore Dr RDA
3. 41 Winter St RDA
4. Emergency Certification Snapping Turtle Ln

ENFORCEMENT:

1. 47 Main St
2. 29 Ring Rd
3. 164 Pembroke St

MEETING MINUTES:

1. 6/8/22

UPDATES:

PUBLIC HEARINGS:

1. Section A – 33 Cushman Drive & Thomas Street (Multiple parcels)

Applicant: Rick Lincoln, Cushman Farms, LLC; Representative: Lori MacDonald, Coneco Engineers and Scientists. Abbreviated Notice of Resource Area Delineation (ANRAD) for review and approval of flagged wetlands and review of riverfront area.

2. Section B – 64-70 Summer St (Map 36 Lot 9, 10-2)

Applicant: Sean Dormady, 64 Summer St LLC & 70 Summer St LLC; Representative: Darren Grady, Grady Consulting LLC. Notice of Intent (NOI) for parking lot and stormwater improvements within 200' of a perennial stream and 100' of a wetlands resource area.

ADJOURN:

NEXT REGULAR MEETING: SEPTEMBER 14, 2022

Join Zoom Meeting

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSiBNdDFldz09>

Meeting ID: 968 1633 2793

Passcode: 756156

Or, dial by your location

+1 929 205 6099 US (New York)

This meeting of the Conservation Commission will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.

The Town of Kingston advises its employees and the public that it does not discriminate based on a person's disability in employment or in access to its programs, services, and activities. This meeting location is accessible to people with disabilities. The Town of Kingston has designated Paul Armstrong to coordinate efforts to comply with the requirements of Executive Order 526, the Americans with Disabilities Act, the federal Rehabilitation Act and various other federal and state laws protecting the rights of people with disabilities.

If you have a disability and require a reasonable accommodation to fully participate in this event, please contact the ADA Coordinator no later than forty-eight (48) hours prior to the event by phone at 781-585-0505 or email parmstrong@kingstonma.gov to discuss your accessibility needs. Requests for accommodations or modifications made within the forty-eight (48) hour window will be honored to the maximum extent feasible, but it may not be possible to fulfill them.



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 8/24/22

NAME	INTEREST	ADDRESS
DOUG DONDERO	THOMAS ST	14 COPPER BERRY KINGSTON, MA.

