



Conservation Commission Meeting Minutes Wednesday, October 12, 2022

Town of Kingston
26 Evergreen Street, Room 203
Kingston, MA 02364

Present: Jim Franklin (Vice-Chair), Dorothy MacFarlane, Glen Duffy

Virtual: Vittorio 'Buz' Artiano, Megan Hickey

Absent: Kalina Vendetti (Chairperson)

Staff: Matt Penella, Conservation Agent & Mike Perrin, Assistant Conservation Agent

Location: Town Hall Offices Room 203

Commission Meeting Opened: 6:30 p.m.

Vice-Chair Jim Franklin opened the meeting. The date was October 12th, 2022, and the time was 6:31pm.

VOTE TO OPEN: PASSED 5-0-0

BUSINESS:

I. Signing Documents

Previously approved Orders of Conditions for 45 River St were signed. An Enforcement Order for 47 Main St was ratified. Bills were signed.

II. Action Items

a) Winthrop St Gesture of Appreciation

The Commission discussed a draft of a sign to thank the donors of the easement for the Winthrop St parking lot. Bob Benassi, a close friend to the donors, provided a draft from Signarama. Jim contacted the family to gather their opinions. Agent Penella suggested matching the typical conservation area signs, which are wood with white lettering. The Conservation Department agreed to handle contacting Signarama about a new sign.

b) 25 Bavarian RDA

The Commission discussed the Request for Determination of Applicability (RDA) for 25 Bavarian Way for proposed work including construction of a retaining wall. This RDA was a result from the Request for Amendment to Orders of Conditions discussed by the Commission last meeting. Assistant Agent Perrin explained that the proposed wall is closer to than the wetland than the approved wall, but the new wall would protect footings and better handle runoff

and erosion. The wall is to have native plantings. The Commission approved and voted to issue Negative 3 Determinations of Applicability (DOAs).

VOTE: Buz made the motion, Glen seconded; PASSED 5-0-0

c) 46 Shore Dr RDA

The Commission heard this RDA at previous meetings. Photos showing measurements of the existing seawall were requested and photos were provided before the meeting. The photos and measurements will be used to ensure no expansion of the seawall occurs during the repairs. The Commission approved and voted to issue Negative 3 DOAs.

VOTE: Glen made the motion, Dot seconded; PASSED 5-0-0

III. Public Hearings

Section A – 33 Cushman Drive & Thomas Street (multiple parcels)

Vice-Chair Franklin opened the hearing at 7:00PM. The Commission received a continuance request from the Applicant prior to the meeting and voted to continue the hearing until October 26, 2022.

VOTE: Glen made the motion, Dot seconded; PASSED 5-0-0

Section B – Route 3A at Wadsworth Place (Map 68 Lots 60 & 62)

Vice-Chair Franklin opened the hearing at 7:02PM. Edward Hutchinson, Representative from Tetra Tech, presented the filing to the Commission. The application proposes replacing the existing stone culvert with concrete. The resource areas are bank and land under water. The bank would experience 4 linear feet of permanent impact and the land under water would experience 9 square feet of permanent impact.

Agent Penella explained that the area experiences major flooding issues with the existing culvert and highlighted adequate erosion and sedimentation controls in the proposed plan. Agent Penella argued that Kingston Bay should be listed as a critical area in the stormwater report. Agent Penella asked for drainage improvements if possible. Beth Parent, Tetra Tech, said revisions to the stormwater report can be made to reflect this. She also highlighted the addition of a trash rack. Agent Penella asked about a maintenance plan, to which Beth did not have an answer. He also asked if any catch basins drained into the area, which Beth answered no. Agent Penella expressed concern about bringing fill offsite due to the presence of kudzu. The Commission and representative agreed that treatment of soils could be added to special conditions. Beth explained that MassDOT would hold the easement on private property. The Commission approved the application and voted to issue OOCs with special conditions.

VOTE: Buz made the motion to close the hearing, Glen seconded; PASSED 5-0-0

VOTE: Buz made the motion, Glen seconded; PASSED 5-0-0

Section C – 19 Kingston St (Map 68 Lot 92-2)

Agent Penella updated the Commission stating that the Representative, Darren Grady and Gabriel Padilla of Grady Consulting, were providing materials and making progress. They were

also waiting for DEP comments and no file number was yet issued. The Representative and Applicant requested a continuance to October 26, 2022.

VOTE: Buz made the vote to continue, Glen seconded; PASSED 5-0-0

IV. Action Items Continued

d) 54 Off Boundary St RDA

Representative Paul Brogna of Seacoast Engineering Company presented the plan for seawall repair at 54 Off Boundary Street. He explained that some cap stones had fallen off and will be replaced, as well as many chink stones. There was an emergency repair done to the wall in 2018 that Mr. Brogna was not involved in. The application proposes all work possible will be done from the top of coastal bank. Assistant Agent Perrin suggested the Commission request measurements of the repair area as well as extent of existing bank. Mr. Brogna agreed. Mr. Brogna explained he would come back to the Commission if work off the top of coastal bank is required.

Agent Penella expressed the need for special conditions to ensure no expansion of seaward encroachment occurs during the repair and no smoothing of the wall occurs. The conditions would look similar to 46 Shore Dr. Mr. Brogna explained that the toe would remain the same and that some cap stones might need to be removed then replaced while they replace the fallen cap stones. Buz stated he wanted replacement of chink stones by hand to be documented in the DOAs. Mr. Brogna agreed to the Commissions requests.

VOTE: Buz made a vote to issue Negative 3 DOA with special conditions, Glen seconded; PASSED 5-0-0

e) 27 Atwood St RDA

Homeowner Albert Lancione presented an RDA application to the Commission for the installation of a shed and fence within 100ft of a salt marsh. The shed is for storage and the fence is for his dog. Agent Penella explained that the shed would be placed roughly 26ft from the marsh, but the shed would be placed on existing lawn. Assistant Agent Perrin explained to Mr. Lancione that any work outside of the RDA, including future landscaping he mentioned, will need to be done through a new filing. Buz requested conditions requiring Mr. Lancione to bring the excavation spoils from fence installation offsite and to cement the fence posts in place. Mr. Lancione agreed.

VOTE: Buz made the motion to issued Negative 3 DOAs with special conditions, Glen seconded; PASSES 5-0-0

V. Enforcement continued

a) 164 Pembroke St

Agent Penella updated the Commission on the situation. The Representative, Joe Webby of Webby Engineering, submitted plans highlighting existing conditions on the property including wetland delineation and structures. The Certified Vernal Pool (CVP) was not identified on the plan. The Commission requested the CVP be added to the plan. Agent Penella requested a site visit to confirm wetland delineation. Jay Creed, Attorney, asked if Agent Penella wanted Michele Grenier present, to which he responded it did not matter to him. Agent Penella also pointed out that the recently installed swing set was not shown on the map. Agent Penella said he would be

in touch about scheduling a site visit, and Buz suggested continuing until December 14, 2022 to allow time for the site visit and revisions.

VOTE: Buz made the motion, Dot seconded; PASSED 5-0-0

b) Cobb Ave

Agent Penella explained that one-day fines at \$300.00 had been issued to Ms. Neal and Peter McMillan Pro Tree. Town Counsel told Agent Penella that a survey would be required to confirm the location of the tree in respect to the town road and private property boundaries. Agent Penella expressed that the tree was further landward from the top of coastal bank than previously imagined, and that the surrounding vegetation consisted of invasive species; he did not feel large-scale restoration was necessary. Buz expressed he would like to see a 10ft tree next to the existing stump to stabilize the bank and add habitat. Jim requested requiring invasive management as well. Buz made a motion to issue Enforcement Orders to 24 Holmes Ave for the remedial actions.

VOTE: Buz made the motion, Glen seconded; PASSED 5-0-0

c) 48 Marion Drive

Agent Penella summarized the situation. An abutter has been submitting complaints about aerial sediment deposition into the wetlands. Photo and video evidence was provided to the Conservation Department showing the violation, but DEP said it would be hard to build a case. The O'Donnell Family Realty Trust is working with DEP to address the issue. According to the state, the fill is not contaminated. Agent Penella did not feel a site visit was necessary as he had been on-site recently with Mary O'Donnell and other town employees. Agent Penella suggested getting more information and assistance from DEP or taking action with Town Counsel.

Shawn O'Donnell expressed frustration that he was not notified about the matter being on the agenda. Agent Penella apologized for not notifying him. Shawn explained that DEP issued an Administrative Consent Order (ACO), and the area was far from any wetland or stream. He said he understood the legitimate concerns the abutter expressed and was taking action to deal with the aerial deposition, including watering four times per day and moving a roadway. He explained that he had already been working with the ZBA and Selectman and did not view this as a Conservation Commission issue.

Commissioners requested a site visit. Shawn said he would be happy to walk them around the site. Shawn explained that he wanted to continue with the ACO and wants to later develop the area. The Commission agreed to continue the discussion after completion of the site visit.

d) 29-31 Main St

There was no update as the property owner had not returned the Conservation Department's calls.

VI. Minutes

Minutes from 7/27/2022, 8/10/2022, 8/24/2022, and 9/14/2022 were submitted to the Commission for review.

VOTE: Glen made the motion to approve the minutes, seconded by Buz; PASSES 5-0-0

VII. Updates

a) Camp Nekon Cleanup & Campout

Agent Penella updated the Commission about the Camp Nekon Cleanup and Campout on October 15, 2022 at 11AM. He asked the Commission's approval for having a fire during the campout.

VOTE: Buz made the motion to approve, seconded by Glen; PASSED 5-0-0

b) Off Route 44 DOA Appeal

Agent Penella updated the Commission about the appeal submitted by GAF Engineering Inc. following the issuance of the DOAs. The appeal is only for the DEP DOA. There will be a site visit with the state on Tuesday. The Commission will be updated throughout the appeal process.

CLOSING REMARKS

Vice-Chair Jim Franklin started closing remarks at 8:46PM. The next meeting will be held on October 26, 2022 at 6:30PM.

VOTE: Glen made the motion to adjourn, Buz seconded; PASSES 5-0-0

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

Approved by Conservation Commission:

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, October 12, 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

6:30 PM – CALL TO ORDER – ROOM 200

SIGNING DOCUMENTS:

1. 45 River St Order of Conditions
2. 47 Main Enforcement Orders
3. EPG Elm St BMP- bill for engineering services
4. Beals and Thomas Jones River Habitat Assessment- bill for consulting services

ACTION ITEMS:

1. Winthrop St Gesture of Appreciation
2. 25 Bavarian Way RDA
3. 46 Shore Dr RDA
4. 54 Off Boundary RDA
5. 27 Atwood RDA

ENFORCEMENT:

1. 164 Pembroke St
2. Cobb Ave
3. 48 Marion Drive

4. 29-31 Main St

MEETING MINUTES:

1. 7/27/22
2. 8/10/22
3. 8/24/22
4. 9/14/22

UPDATES:

1. Nekon Cleanup & Campout
2. Off Route 44 Appeal

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 - Route 3A at Wadsworth Place (Map 68 Lots 60 & 62)**
Applicant: Massachusetts Department of Transportation- Highway Division; Representative: Edward Hutchinson, Tetra Tech. Notice of Intent (NOI) submitted for headwall replacement of an intermittent stream south of Route 3A.
3. **Section C - 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: OCTOBER 26, 2022

Join Zoom Meeting

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSjBNdDFldz09>

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: 10/12/2022

NAME	INTEREST	ADDRESS
ED HUTCHINSON	TETRA TECH ROUTE 3A HEADWALL	100 NICKERSON RD. MARCUSBURGH, MA
ALBERT LANCIONE	fence shed	27 Atwood St
Robert Brown	Park	Waltham St
PAUL BROGNA	54 off BOUNDARY	P.O. BOX 155 DUXBURY, MA 02531
Mary O'Donnell	48 Sparrow Dr	24 Pond View Dr
Shawn O'Donnell	"	"
Laura Casna		
Joseph Con		
JACQUES CREED	164 Pembroke St	733 B Plain St Marshfield

