



Conservation Commission Meeting Minutes **Wednesday, October 26, 2022**

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

Present: Jim Franklin (Vice-Chair), Dorothy MacFarlane, Glen Duffy, Vittorio 'Buz' Artiano, Megan Hickey

Virtual:

Absent: Kalina Vendetti (Chairperson)

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

Location: Town Hall Offices Room 200

Commission Meeting Opened: 6:30 p.m.

Vice-Chair Jim Franklin opened the meeting. The date was October 26th, 2022, and the time was 6:30PM. Chairperson Kalina Vendetti was absent.

VOTE TO OPEN: PASSED 5-0-0

BUSINESS:

I. Signing Documents

Previously approved Certificates of Compliance for 1-13 & 1-15 Old Orchard Lane were signed. Previously approved Determinations of Applicability (DOAs) for 54 Off Boundary Street were signed. Previously approved Determinations of Applicability (DOAs) for 27 Atwood Street were signed. Previously approved Orders of Conditions for MassDOT were signed. Bills were signed.

II. Action Items

a) Commission Member Discussion and Appointment

Agent Penella updated the Commission that the Conservation Department received two applications for the open seat. He introduced Natalie Wiegman to the Commission and briefly explained her background. Natalie addressed the Commission and explained her interest, including her experience in wetlands science and permitting in Boston. Natalie addressed concerns about conflict of interest and confirmed she does not imagine she would run into any conflicts. Buz made a motion to recommend Natalie to the Board of Selectman for appointment.

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

b) Old Orchard Lane Certificates of Compliance (COC)

Agent Penella updated the Commission about his site visit on October 13th, 2022. He provided context for the project and highlighted the restoration area as the focal area. He explained that the only deviation observed was regarding the placards. The verbiage on the placards is slightly off regarding the restoration area. The Commission agreed the deviation in verbiage could be addressed in the COCs and describe how the homeowner can maintain compliance. Agent Penella read the perpetual conditions.

VOTE: Buz made a motion to approve the COCs with special conditions as stated by the Agent, seconded by Glen; PASSED 5-0-0

c) 93 Main St RDA

Agent Penella reminded the Commission that this matter started as an enforcement issue. The violation discussed was clearing of land and grading within the buffer zone. He conducted two site visits and explained best management practices to the contractor. He explained the proposed work, which includes clearing, grading, and filling of the yard to expand the lawn. He asked about the status of ownership. Agent Penella identified the Isolated Vegetated Wetland (IVW) that is likely being negatively impacted, and explained that a larger lawn would likely introduce more and greater threats. Agent Penella explained that the applicant would have to demonstrate the need for work and prove there will be no impact to the wetland.

Representative Bill Dyer (167 Center St, Plympton, MA) of WLD responded to Agent Penella's comments. He claimed he did not know about the wetlands. He created a mulch berm to stop sedimentation or runoff into the wetland. The 50' buffer is at the property line, so the homeowners want to clear to the line. He explained the small slope would likely not wash anything into the wetland. He explained that woodchips would be placed to mitigate runoff.

Agent Penella explained that the existing extent of lawn is already very big. Pam Alexander, applicant & owner, stated that the sale of the house to her and her husband was settled on July 19, 2022. Buz asked Agent Penella if there is anything prohibiting the Commission from allowing clearing up to 50' and asked about requiring mitigation as a win-win, naming the installation of a rain garden designed by a professional engineer or landscape architect. The Commission agreed there needs to be mitigation and a plan showing mitigation prepared by a qualified professional. Buz recommends continuing until December 14, 2022.

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

III. Public Hearings

Section A – 23 Spruce St (Map 38 Lot 72)

7:09PM. Vice-Chair Jim Franklin did not open the meeting as the representative was required to resend abutters notifications and did not meet the required timeframe for notice. The hearing will be opened on November 9, 2022 Section A.

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

Vice-Chair Franklin opened the hearing at 7:10PM. The Commission received a continuance request from the Applicant prior to the meeting and voted to continue the hearing until November 9, 2022 Section B. Continuance was requested because both parties are waiting for a response from peer review.

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

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

Vice-Chair Franklin opened the hearing at 7:12PM. Buz noted he has hired Grady Consulting for a job in Middleborough and does not see a conflict of interest. The Commission agreed.

Representative Darren Grady of Grady Consulting LLC presented the application. He explained DEP provided comments and they responded. The plan changed due to updated wetlands delineation, including the size and shape of wetlands. Area calculations were added for impervious coverage. The rain garden was shifted away from the abutting neighbors, which should alleviate concern for viewing. Darren also provided the missing signature page with the applicant's signature.

Agent Penella explained that DEP requested special conditions for riverfront area protection. He also asked for clarification about mitigation vs landscaped areas. Darren said he could provide more details. Agent Penella asked if any borings were done in the back parking lot to investigate historic filling of wetlands. Darren explained no borings were done but he has satellite imagery that shows historic filling. Dot explained that the entire area behind the post office was wet and still collects water. Darren explained that the puddling will be replaced by a rain garden. Agent Penella asked about maintenance of the stormwater systems and requested an Operation and Maintenance Plan. He also asked about asphalt vs gravel areas. Darren explained that the revised plan showing asphalt is reflective of the current conditions, which may have been different when the previous plan was prepared. Agent Penella expressed that mitigation should occur in degraded areas. Darren agreed to a site visit with the revised plan and historic photos to assess potential mitigation options. Agent Penella asked about debris removal. Darren explained historic trash would be removed from the site by hand. Agent Penella requested the plan be revised to show a scale bar, north arrow, and percentages of impervious coverage. Agent Penella requested plans be provided that show existing, previous, and proposed conditions. Buz requested an as built be provided once the project is complete.

VOTE: Buz made a motion to continue to November 9, 2022 Section D, seconded by Glen; PASSED 5-0-0

IV. Action Items Continued

d) 19 Kington Street Request for Amendment to Orders of Conditions

Agent Penella provided background information. Discussion of impervious vs pervious classification of materials. Paul Bakis presented the plan. Paul explained that the proposed changes are the footprint and driveway. He highlighted previously approved stormwater drainage systems, including swale and drywells. Agent Penella explained the percentages increased from 0.7% to 13.5%. Discussion about filing process. The Commission feels that the amendment could be approved with mitigation, or a new NOI should be submitted. Paul requested continuance to November 9, 2022 to allow him to speak with the applicant to about submitting a new NOI or continuing with the amendment process.

VOTE: Buz made the motion to continue until November 9, 2022, seconded by Glen; PASSED 5-0-0

V. Enforcement

a) Cobb Ave

Agent Penella updated the Commission about fines and enforcement. Mary Ann Neal provided payment, while Peter McMillan did not. An Enforcement Order was sent to 24 Holmes Ave.

b) 110 Country Club Way

Agent Penella presented a timeline to the Commission. He noticed mowing behind conservation posts in May 2022. He reached out and attempted to schedule a site visit. Homeowner expressed she would sue the town if enforcement action was taken. Then, she said she would inform her landscapers. No action was taken during June – October. The agents noticed mowing last week. They reached out and she threatened to sue if enforcement action was taken. Agent Penella explained that he believes that posts were installed as per a previous EO and no restoration was required. He feels that the Commission can take enforcement action and should hold the homeowner to the same standards of the rest of the town. He presented the violation step-by-step process. Buz recommended requiring a signed document from the homeowner agreeing that no mowing will occur beyond the posts through enforcement order, then act if mowing continues. The Commission felt the situation was clear—the homeowner knowingly violated the laws and bylaws, and should be fined according to the step-by-step conservation.

VOTE: Megan made a motion to issue \$300.00 fine, seconded by Dot; PASSES 5-0-0

VI. Minutes

Minutes 7/13/2022 & 7/27/2022 were submitted to the Commission for review.

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

VII. Updates

a) Off Route 44 RDA

Agent Penella briefly updated the Commission that the Applicant is suing the town regarding the DOAs.

b) Second November Meeting

The second November meeting is scheduled for the day before Thanksgiving. A few Commissioners could not attend. The Commission agreed to cancel the meeting.

VOTE: Megan made the motion to cancel the November 23, 2022 meeting, seconded by Dot; PASSED 5-0-0

c) Mulliken's Landing Pier Project

We have evidence that the pier is too far into the river. The Conservation Department is working with the contractor and other involved parties to correct it. Buz feels this will be a minor correction.

CLOSING REMARKS

Vice-Chair Jim Franklin started closing remarks at 8:26PM. The next meeting will be held on November 9, 2022 in Room 200.

VOTE: Buz made the motion to adjourn, seconded by Dot; PASSED 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

