



Conservation Commission Meeting Minutes

Wednesday, July 26, 2023

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

Present: Vittorio "Buz" Artiano, Dorothy MacFarlane, Megan Hickey, Glen Duffy, Natalie Wiegman

Virtual: Jim Franklin (Vice-Chair)

Absent: Kalina Vendetti (Chairperson)

Staff: Matt Penella, Conservation Agent

Julianna Denum, Assistant Conservation Agent

Location: Town Hall Offices, Room 200

Commission Meeting Opened: 6:35 p.m.

BUSINESS:

I. Signing Documents

The Commission signed several documents: an amendment to Orders of Conditions for 9 Pebble Lane; a bill from Beals & Thomas for Sampson's Brook Headwaters Restoration and a bill from Environmental Partners Group for MS4 support services for the month of June.

II. Action Items

a) Request for Certificate of Compliance 30 Christmas Tree Lane

Agent Penella stated that a partial Certificate of Compliance (COC) is being considered specifically for the property at 30 Christmas Tree Lane. This property is part of a larger development project, Tree Farm Landing, for which several different Order of Conditions (OOCs) were issued. One of these OOCs remains open for 30 Christmas Tree Lane.

The agent stated that when the previous owner of the property tried to sell the house, the buyer's agent discovered the open OOCs on the deed. The proposed partial COC for 30 Christmas Tree Lane would effectively clear that parcel from the open Order of Conditions. Meanwhile, the remaining OOCs – related to the road layout, stormwater systems, sidewalks, and conservation posts for Parting Ways Road Map 105, lots 6-7 – will be evaluated at a later date.

Having confirmed the installation of the conservation posts at 30 Christmas Tree Lane and found no issues with the lot, Agent Penella recommended the issuance of a partial COC for this address. Lastly, the agent mentioned that if no response from the developer regarding the rest of the COC for the development is received, enforcement steps will be considered to mandate compliance.

VOTE: Buz made a motion to issue a COC for 30 Christmas Tree Lane, seconded by Megan. The motion PASSED unanimously with a vote 6-0-0.

III. Enforcement

a) 71 Elm Street

Agent Penella stated that from Elm Street, there appeared to be a significant amount of digging either in the buffer zone of a wetland or directly in the wetland. The agent noted that a Notice of Violation was sent out to request that someone from the property be present during the meeting to speak about what happened on site and to determine what steps should be taken to get back into compliance.

Devon Heath from 71 Elm Street acknowledged responsibility for the digging that occurred. Devon explained that they had spent "the better part of last year trying to get grapevines out". They pointed out that grapevines had been overtaking the area next to the driveway, damaging the trees that abut a rock wall along the property line, and encroaching on the electrical lines. Devon's intention was to remove the grapevine, and they were not aware that permission was needed for this activity. After unsuccessful attempts to remove the grapevines by hand, they brought in an excavator to extract the roots.

When they received the violation notice, Devon immediately ceased all work to avoid any further violation. Devon emphasized that their intent was to make a positive change, not a negative one. When Buz asked if they were open to a site visit from the agent, Devon responded affirmatively and asked if they should fill the dirt back in before the visit to show that the issue had been "fixed". Agent Penella advised Devon not to do anything until he could inspect the site. He also clarified that grapevines are native to the area and provide many

resources for native species. While they can be beneficial, they can also be unruly and damage trees.

Buz asked the agent whether someone could cut grapevines without digging in the wetlands. The agent replied that it depends - while it is generally not permitted to cut vegetation within conservation jurisdiction, grapevines encroaching on the driveway could be cut back. However, a permit would usually be required for such an activity.

Dot asked if the digging took place within the wetland. The agent was unsure, but Devon believed it occurred within the buffer zone. When Dot asked if the grapevines had ever borne fruit, Devon replied that they had not; instead, they had been entwining themselves around the large trees. Devon added that they thought the vines were invasive due to their extensive growth.

b) Subdivisions – follow up Enforcement Orders.

The agent stated that he has not taken action on the majority of the subdivisions with open Order of Conditions and that the only one in process right now is Tree Farm Landing. The recent COC request for 30 Christmas Tree Lane has started conversations with the representatives of the developer to work on getting the open OOCs closed out.

c) 2R/6 Main Street

Agent Penella reported that before the last meeting, he had reached out to Jay Desmarais, who was expected to resolve the stormwater issues on site. Jay informed him that his workers might have fixed the issues a month ago, but he would need to verify it. After not receiving any subsequent communication from Jay, Agent Penella conducted a site visit.

Upon inspection, the agent discovered that the discharge pipes remained in place, protruding over the stream. The agent noted that it appeared as though some efforts had been made to hide them, with branches and a large boulder moved on top of the location where one of the pipes is located. The agent took photographs and reached out to Jay again, requesting him to provide a description of the work that was conducted on the site because it didn't appear that anything significant had been done, other than trying to hide the pipes.

Agent Penella pointed out that he had not been at the site during a storm, so he couldn't confirm whether there was flow coming out of these pipes, or if they had been disconnected from the other end and capped. However, he mentioned that he believed the intent was to completely remove the pipes, and this had not happened.

The agent noted that Jay had not responded to his follow-up communication, leaving him unsure of what was done at the site. He added that initially, it was expected that the issue would be resolved in two weeks, and he planned to check back in a month. He ended up checking back in about six weeks, but still did not receive an answer.

VOTE: Megan made motion to issue a one-time \$300 fine for the unresolved stormwater issues, seconded by Buz. The motion PASSED unanimously with a vote 6-0-0.

VOTE: Megan made an amended motion stating that if the stormwater issues are not resolved by August 8th, daily fines of \$300 will commence until the issues are brought into compliance, seconded by Dot. The motion PASSED unanimously with a vote 6-0-0.

d) 1 Royson Drive & 19 Kingston Street

Agent Penella provided an update, stating that all fines requested had been issued and that there has been substantial work done to bring both sites back into compliance with the regulations. He added that even though he hasn't had the chance to visit the sites during a rainstorm since the last meeting, it's unlikely these properties will make it on the agenda again unless future stormwater issues arise. As of now, the agent confirmed, both properties' stormwater systems are in compliance. Jim noted that he missed the last meeting but managed to catch up by watching the video recording of the July 12, 2023, session. Similarly, Buz stated that he had signed the Mullin Rule form for the last meeting, indicating he had done the same.

IV: Meeting Minutes

Minutes for June 28, 2023, were submitted to the Commission for review and approval.

VOTE: Megan made a motion to approve the minutes, seconded by Glen. The motion PASSED unanimously with a vote 6-0-0.

V. Updates

Agent Penella provided an update, stating that a summer intern from Bristol County Agricultural High School is currently working with the Conservation Department for a duration of 60 hours over the summer. The intern's primary responsibilities include invasive plant management on conservation properties. Additionally, the intern is undertaking a small restoration project on a conservation lot at Jones River Estates, with the aim of establishing a pollinator meadow to enhance local biodiversity.

VI. Public Hearings

a) Bay Farm Association Trust Notice of Intent (NOI) – For maintenance of invasive vegetation in a pond

At 7:01 PM, Vice-Chairperson Jim Franklin reopened a continued hearing to discuss the proposed maintenance of invasive vegetation in a pond. James Tracey with TRC Environmental presented photos to the commission showcasing similar projects in New England that targeted phragmites with the same type of treatment using Clearcast, followed by cutting and mulching. James mentioned that the commission had requested he consult the treatment company to determine the optimal sequence: cutting first and then treating or vice versa. The feedback he received suggested that the herbicide is specifically designed to affect mature plants' rhizomes. Consequently, they recommended a diluted foliar spray. This method, according to the company, uses less herbicide compared to the alternative, which would require injecting each stem directly with the substance after cutting.

James also noted that he had contacted Arbor Land Management to ascertain if they controlled the spillway. The information they provided indicated that maintenance had been done in the past but lacked any records. Agent Penella conveyed that Pine Dubois from the Jones River Watershed Association had confirmed the control structure's functionality and the possibility to lower the water level there. The agent believed that a drawdown would be the best approach in this situation. If the commission approved this, the agent recommended instituting a drawdown period both before and after treatment. The agent added that treating phragmites in the system is advantageous as long as no off-target impacts occur downstream or in the estuary. He further mentioned that based on the herbicide's characteristics and the control over the water structure, any adverse effects should be avoidable. The drawdown was noted as a preventive measure.

Glen sought clarification about the procedure following the spraying of the plants. James explained that after spraying, they would allow the phragmites to die off and then return within 4 to 6 weeks post-application to cut everything down. James also pointed out that any regrowth observed would receive treatment the subsequent year. When Glen inquired about the necessity of the same drawdown process for this retreatment, the agent clarified that any respray-based retreatment would require a drawdown, a stipulation that could be incorporated into the Order of Conditions. However, if regrowth is minimal, a direct chemical wipe on the plant would suffice for retreatment.

Julia Adams, the trustee from Bay Farm Association Trust, stated their commitment to continue treating the phragmites should they return. She emphasized their intent to consistently manage the pond in accordance with the Order of Conditions set by the commission. Julia also indicated

plans to allocate funding to ensure the pond's upkeep. While they don't have records of controlling the water level, Julia mentioned the possibility of an existing mechanism to facilitate drawdown. If not, they are prepared to create the mechanism to meet the requirement.

VOTE: Buz made a motion to close the hearing, seconded by Dot. The motion PASSED unanimously with a vote 6-0-0.

VOTE: Buz made a motion to approve the NOI with conditions, seconded by Dot. The motion PASSED unanimously with a vote 6-0-0.

CLOSING REMARKS

Vice-chair Jim Franklin made closing remarks at 7:13 p.m. The next meeting will be held on August 9th, 2023, starting at 6:30 p.m. in Room 200.

VOTE: Dot made the motion to adjourn, seconded by Glen; PASSED 6-0-0

Prepared by: Julianna Denum, Assistant Conservation Agent, Conservation Department

Approved by: Conservation Commission



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 07/26/23

NAME	INTEREST	ADDRESS
Devon Heath	Elm Street	71 elm street
Julia Adams	Bay Farm Trust	22 Bay Farm Rd



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, July 26, 2023 @ 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. Amendment to Order of Conditions - 9 Pebble Lane
2. 2,375.00 Environmental Partners Group - MS4 Support Services for June
3. 7,294.37 Beals & Thomas - Sampson's Brook Headwaters Restoration

ACTION ITEMS:

1. Request for Certificate of Compliance - Parting Ways Road Map 105, Parcel 6&7

ENFORCEMENT:

1. 71 Elm Street
2. Subdivisions - followup EOs
3. 2R/6 Main Street
4. 1 Royson Drive
5. 19 Kingston Street

MEETING MINUTES:

1. June 28, 2023

UPDATES:

PUBLIC HEARINGS:

1. Bay Farm Association Trust Notice of Intent - For maintenance of invasive vegetation in a pond.

ADJOURN:

NEXT REGULAR MEETING:

1. August 9, 2023

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 or remotely. All Town Board and Commission meetings are required to provide remote participation. If there is a technical problem and remote participation cannot be provided, the meeting will end and be rescheduled.

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.