



Conservation Commission Meeting Minutes

Wednesday, September 13, 2023

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

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

Virtual: Vittorio "Buz" Artiano, Glen Duffy

Absent: Kalina Vendetti (Chairperson)

Staff: Matt Penella, Conservation Agent

Julianna Denum, Assistant Conservation Agent

Location: Town Hall Offices, Room 200

Commission Meeting Opened: 6:30 p.m.

BUSINESS:

I. Signing Documents

The Commission signed three bills. The first was a bill for \$4,750.00 from Driveways by Heap, covering the asphalt paving installation for the parking area at Calista Farm. The second bill, amounting to \$6,045.00, was from Environmental Partners Group for MS4 support services rendered in the month of July. Lastly, a bill from Beals & Thomas totaled \$15,190.08 for the Sampson's Brook Headwaters Restoration Project.

II. Action Items

a) 8 Stonewall Terrace

Vice-Chair Jim Franklin opened a public meeting to discuss the Request for Determination of Applicability (RDA) for 8 Stonewall Terrace. Maureen Maney, the homeowner of 8 Stonewall Terrace, detailed that the RDA request pertains to the installation of a three-season porch

attached to the existing house. She noted the land had already been cleared when the house was initially purchased.

Agent Penella stated that the carpentry students from Silver Lake Regional High School are slated to build the porch under the supervision of their teacher, Anthony Ruffini. There was the question of whether the project area was within Commission jurisdiction, so the agent stated that he went on site to measure the distance to the nearby stream which was 180-feet away, placing it within the Commission's jurisdiction. The agent noted that the project lies within the outer reaches of the 200-foot riverfront area and would not necessitate the clearing or cutting of vegetation.

Expanding on the construction details, the agent shared that the carpentry instructor indicated the students would likely dig the sono tubes by hand. However, if necessary, they would utilize a bobcat equipped with a drilling attachment. The agent further noted that he did not see the need for erosion control measures. He cited the presence of a 180-foot vegetated natural buffer between the stream and the project site, as well as a 100-foot vegetated natural buffer preceding the wetlands. Moreover, the area's topography doesn't promote runoff towards the resource areas. Given these factors, the agent recommended the issuance of a Negative 3 Determination of Applicability (DOA).

VOTE: Dot made motion to issue a Negative 3 DOA, seconded by Natalie. The motion PASSED unanimously with a vote 6-0-0.

b) 39 Winter Street

Vice-Chair, Jim Franking, opened a public meeting to discuss the RDA for 39 Winter Street. Dennis Randall of 39 Winter Street informed the Commission that he intends to replace a structurally unsound, deteriorating deck with a slightly larger one, utilizing the existing footprint. He noted the project's proximity to the wetlands in the rear part of his yard, stating that they are approximately 75 to 100 feet away. Dennis added that he does not anticipate any negative impacts on the wetlands due to the proposed project.

Agent Penella stated that Dennis Randall's initial RDA filing was for reconstructing the deck with an expansion. However, it was subsequently modified to incorporate a three-season porch and a roof deck. Given the presence of a Bordering Vegetated Wetland (BVW) that extends to the western or northwestern corner of the property, the project comes under the Commission's jurisdiction. The proposed work is set to take place in an area previously developed, predominantly where the old deck stood, with the remainder being former lawn or gardens. The shortest distance from the BVW to the limit of work is roughly 55 feet. The agent added

that Dennis has future plans to construct a terraced rock wall system to level the backyard, and it was communicated to him that this would require a separate filing with the Commission. Although the property slopes towards the wetlands, only minimal disturbance is expected from this project. Agent Penella noted that assessing the previous deck was not possible since it had already been demolished and removed. Although there isn't a formal wetland delineation, the wetlands' edge was evident during the site visit. The agent further mentioned that French drains would be installed at the base of every downspout. The enclosed three-season room on top of the deck is planned to be 8x12 feet, and a sun garden is proposed for the roof, accessible by stairs.

The agent highlighted that given the project's complexity, the Commission might request further details. Alternatively, they could issue a Negative 3 DOA with any conditions they deem necessary. The agent added that the project can likely be built without detrimental effects to the adjacent wetlands, even with the expanded footprint.

Dennis Randall clarified that the plans given to the Commission were preliminary. The final version will be crafted by an architect to ensure it is load bearing, structurally sound, and compliant with codes. He also mentioned that any future retaining walls or structures meant to stabilize the slope would be presented to the Commission in a separate filing.

Dot asked Dennis about his plans for handling runoff. Dennis responded by saying that he intends to do a water collection system using a 55-gallon rain barrel equipped with a solar-powered pump. Glen sought clarification regarding the previously discussed terracing; the agent confirmed that it wasn't included in this project's permitting scope.

Megan inquired about the impervious surface coverage and stated that she would like to see what the impervious surface increase would be for this expansion. The agent noted that there can be a condition stating that the decking be spaced appropriately to be pervious. Dennis added that the only area that will be impervious will be under the three-season room and that the runoff will be channeled into a water barrel and overflow will go into a French drain so there is no erosion.

VOTE: Buz made motion to issue a Negative 3 DOA with the condition that the deck shall be spaced appropriately to maintain a pervious surface, seconded by Natalie. The motion PASSED unanimously with a vote 6-0-0.

III. Enforcement

a) 2R/6 Main Street

Agent Penella provided an update to the Commission about the stormwater issues on site. He confirmed that the illicit discharge pipes, which were directing water into a nearby stream, have been pulled, capped, and the surrounding area has been stabilized. However, additional evidence has been received showing stormwater runoff from the property's lot and driveway entering the stream in large sheet flows now that the pipes have been removed.

Agent Penella communicated with the property owner, who highlighted significant runoff from the neighboring property as a primary concern. Subsequently, a meeting was convened with the ownership and management of 2R Main Street and the owner of 6 Main Street. The purpose of the meeting was to discuss potential solutions to address the stormwater before its entry into the stream. Both property owners expressed their intent to consult with engineers and will provide an update in the forthcoming weeks.

The agent noted that the 2R Main Street property predates current wetland regulations, which means the town cannot enforce stormwater issues on this property. However, Agent Penella clarified that should any future redevelopment occur on the property, addressing these stormwater concerns would be mandated. The agent added that the property owners are inclined to address the stormwater issues, but with the understanding that they don't wish to make a significant investment now, should they decide to redevelop in the future. However, they agreed to explore temporary solutions to address the direct sheet flow into the stream for the time being.

b) 110 Country Club Way

Agent Penella presented a timeline of past enforcement issues at the property to the Commission. He recounted that last year there was a problem concerning mowing behind the conservation posts. In 2022, the Commission voted to issue a \$300 citation for non-compliance with an Enforcement Order, which was paid. This year, while inspecting erosion control at a nearby property, the agent observed continued mowing behind the conservation posts and took photos from the sidewalk for documentation. Consequently, a citation was issued, and Julie Johnson, the homeowner, was invited to the Conservation Commission meeting to discuss the issue.

Agent Penella referenced the Commission's violation response guide, which states that the Commission might require restoration in cases of repeated mowing behind the conservation posts. The agent recounted his conversation with Julie Johnson during her latest visit to the conservation office. She informed the agent that despite her communication with her

landscaping company regarding the issue, the problem persists due to them frequently sending different crews and she also cited a language barrier as a contributing factor. Julie expressed feeling targeted by the Commission and informed Agent Penella that she's placing him on notice, requesting that he refrain from further inspections of her property. The agent emphasized that he was merely performing his duties and subsequently consulted Town Counsel. Town Counsel advised the agent that both he and the Commission are within their rights to consistently apply the regulations.

Agent Penella noted that he is not recommending restoration at this time; however, if non-compliance continues, the Commission could justifiably require it. Dot proposed a solution, stating that conservation placards should display the prominent languages spoken in the area. Jim emphasized that homeowners with a history of enforcement issues should ensure compliance regardless of whether it was the landscaping company's fault. He noted a lack of effort on Julie's part, particularly since she hasn't taken up Agent Penella's offer to meet with her landscaping company. Megan pointed out that it isn't the agent's responsibility to liaise with landscapers—that obligation lies with the homeowner.

Jim inquired if the Commission could mandate additional signage. Agent Penella responded that he would consult with Town Counsel about the feasibility of additional signage and would address this in the next meeting.

IV: Meeting Minutes

Minutes for July 26, 2023, and August 09, 2023, were submitted to the Commission for review and approval.

VOTE: Dot made a motion to approve the minutes for July 26, 2023, seconded by Natalie. The motion PASSED unanimously with a vote 6-0-0.

VOTE: Dot made a motion to approve the minutes for August 09, 2023, seconded by Natalie. The motion PASSED unanimously with a vote 6-0-0.

V. Updates

a) Eversource – Notification of exempt utility maintenance

Agent Penella mentioned that the conservation office has received another notification concerning the exempt utility maintenance on power lines in Kingston. He added that any member of the public seeking detailed information on this matter is welcome to contact the conservation office directly.

b) Discussion on Fall Town Meeting

Agent Penella informed the Commission that he added this item to discuss any topics that the Commission might want to present at the Fall Town Meeting. He pointed out that while the deadline has already passed, if there's an urgent matter, he can explore options to include it in the upcoming meeting.

VI. Public Hearings

a) 3 Grandview Avenue Notice of Intent

Vice-Chair Jim Franking opened a public hearing at 7:02 p.m. to discuss the Notice of Intent (NOI) for the construction of a second-floor addition to an existing house. The applicant has requested a continuance to October 25th, 2023.

VOTE: Megan made a motion to accept the continuance request to October 25th, 2023, 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: Megan made the motion to adjourn, seconded by Natalie; PASSED 5-1-0

Note on Voting Format: In the vote tallies mentioned in these minutes, the format used is "Yes-No-Abstain".

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

Approved by: Kingston Conservation Commission



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, September 13, 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. \$4,750.00 bill from Driveways By Heap - asphalt paving installation Calista Farms parking area
2. \$6,045.00 bill from Environmental Partners Group - MS4 Support Services for July

ACTION ITEMS:

1. 8 Stonewall Terrace RDA
2. 39 Winter Street RDA

ENFORCEMENT:

1. 2R/6 Main Street
2. 110 Country Club Way

MEETING MINUTES:

1. July 26, 2023
2. August 09, 2023

UPDATES:

1. Eversource - Notification of exempt utility maintenance
2. Discussion on Fall Town Meeting

PUBLIC HEARINGS:

1. 3 Grandview Avenue NOI - For construction of a second-floor addition to the existing house (this hearing will be

opened and continued to September 27, 2023)

ADJOURN:

NEXT REGULAR MEETING:

1. September 27, 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.



KINGSTON CONSERVATION COMMISSION

26 Evergreen Street, Kingston, MA 02364



PUBLIC HEARING NOTICE

The Kingston Conservation Commission will hold a public hearing on Wednesday, September 13th in Section A, in accordance with the Wetlands Protection Act, M.G.L Chapter 131, section 40, as amended, and the Town of Kingston Wetlands Protection By-Laws, Chapter 13. This meeting is regarding the Notice of Intent received by Environmental Consulting & Restoration, LLC on behalf of Susan Larson concerning the property located at 3 Grandview Avenue. The proposed work is associated with the construction of a second-floor addition to the existing house located within and near wetland resource areas. Public Hearings begin at 7:00 p.m. and will continue alphabetically by section assigned.

This meeting will be held in person in Room 200 of the Kingston Town House. The public will also be able to attend the meeting virtually through Zoom.

Please visit the link below to join the webinar:

<https://pactv.zoom.us/j/93546722040?pwd=eitwaksyQm9oWW1xMTlnL0tob1l0QT09>

Passcode: 403139

Or Dial-In by Telephone:

US: +1 301-715-8592

Webinar ID: 935 4672 2040

Passcode: 403139

This notice is also available at masspublicnotices.org

Conservation Agent: Matt Penella