



Conservation Commission Meeting Minutes

Wednesday, December 13, 2023

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

Present: Jim Franklin (Vice-Chairperson), Megan Hickey, Natalie Wiegman, Dorothy Macfarlane

Virtual: Vittorio "Buz" Artiano

Absent: Kalina Vendetti (Chairperson), Glen Duffy

Staff: Matt Penella, Conservation Agent

Julianna Denum, Assistant Conservation Agent

Location: Town Hall Offices, Room 200

Commission Meeting Opened: 6:31 p.m.

BUSINESS:

I. Signing Documents

The Commission signed an invoice from Environmental Partners Group for \$10,334.00 for MS4 support for October. Agent Penella stated that Chairperson Vendetti signed an invoice from Wildlands Trust for \$13,654.02, covering the conservation restriction endowment fee for Blackwater Memorial Forest. Additionally, Agent Penella stated that he signed a \$107 payment to the Plymouth County Registry of Deeds for recording the Blackwater Memorial Forest Wetland Restoration Project Order of Conditions.

II. Action Items

a) 85 Summer Street: Request for Determination of Applicability (RDA) for the placement of a shipping container within 100 feet of a bordering vegetated wetland, and within the 200-foot riverfront area to Stony Brook.

Vice-Chair Jim Franklin reopened a public meeting to discuss an RDA for 85 Summer Street for the placement of a shipping container within 100 feet of a bordering vegetated wetland, and within the 200-foot riverfront area to Stony Brook. Agent Penella stated that this was a continuation of a previous meeting, pending a site visit from the Commission.

Agent Penella updated the Commission on the shipping container's location relative to the adjacent wetlands. He noted that the shipping container had already been placed and told the applicant that it required a permit. Agent Penella asked the applicant if they were positive if the shipping container was located on their property. Steve Darby from 85 Summer Street confirmed its location on his property. However, based on GIS aerial maps, Agent Penella suggested the container might be on Solstice's lot. Steve Darby replied that it is his understanding that the lot owned by Solstice is much farther over than what appears on the aerial maps. The agent acknowledged that sometimes the GIS maps can be shifted. Steve Darby reiterated that, as far as he knows, the container is well within his property lines. Commissioner Franklin noted that the lines on the GIS maps are not survey grade.

Commissioner MacFarlane inquired why the shipping container couldn't be moved to the concrete parking lot area. Steve Darby explained that doing so would reduce necessary parking spaces. When asked about the permanence of the container for his business, Darby emphasized its role in inventory storage and maintaining competitiveness. Commissioner MacFarlane expressed her preference for relocating the container but recognized the need for a certain number of parking spaces. Commissioner Hickey questioned the number of required parking spaces, to which Darby responded that 13 were needed and currently provided.

Commissioner Franklin highlighted that in the event of a large storm, water could flow underneath the container as it isn't on a foundation. Agent Penella noted the area's heavy development. Public attendee Pine duBois speculated that the area might function more as a drainage zone than a high-quality wetland.

VOTE: Commissioner Artiano made motion to issue a Negative 3 DOA. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 5-0-0.

b) 77 Summer Street: Request for Determination of Applicability for the removal of existing deck, construction of a new deck, and resurfacing of the existing patio area within the 200-foot riverfront area to Stony Brook.

Vice-Chair Jim Franklin opened a public meeting to discuss an RDA for 77 Summer Street for the removal of the existing deck, construction of a new deck, and resurfacing of the existing patio area within the 200-foot riverfront area to Stony Brook. Steve Darby, owner of 42nd Parallel Brewery at 77 Summer Street, explained that the proposed work involves removing the current back deck and constructing additional decking to facilitate the transport of business equipment inside the building. He mentioned the removal of an old shed by a previous landlord, leaving an unsightly area. Darby presented a diagram to the Commission, illustrating the proposed work and the proximity to Halls/Stony Brook, and mentioned that the patio would be permeable.

Agent Penella displayed aerial photos of the site, pointing out that the proposed construction is within a heavily disturbed area. Commissioner Artiano inquired about the need for new footings for the deck. Darby responded that he is consulting with engineers regarding this matter and Artiano suggested considering Diamond Pier footings to minimize excavation.

Public member Pine Dubois expressed concern about littering in the patio area, particularly cigarette butts and trash potentially ending up in Stony Brook. In response, Darby mentioned his efforts in cleaning the brook and proposed organizing a trash cleanup day with the Conservation Commission. Darby noted that there will be proper cigarette butt disposal containers on site and surveillance cameras to monitor the area. Commissioner Franklin suggested adding 'no littering' signs, and Agent Penella recommended informational signage about Stony Brook.

VOTE: Commissioner Macfarlane made motion to issue a negative 3 DOA with a special condition to use Diamond Pier deck footings to avoid excavation. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 5-0-0.

c) Davis/Offal Pits – CR/Sewer

Vice-Chair Jim Franklin opened a public meeting to discuss the Offal Pits/Davis property. Agent Penella reported on a recent meeting with Sewer Commissioner Brian Donohoe about the leaching field project at the Davis Property. Donohoe discussed the high costs of temporarily shipping sand offsite, leading to the proposal to stage the material onsite. As the property is in a priority habitat, a conservation restriction negotiated with Natural Heritage was required. The Sewer Department proposed cutting two acres of forested land for onsite material staging, with plans for the site to naturalize after using the sand for the project. Natural Heritage agreed to

this proposal but required a 2:1 ratio of undisturbed habitat, meaning four acres of undisturbed land would be conserved for the two acres used.

Agent Penella mentioned that Brian Donohoe inquired if the commission would be interested in putting a conservation restriction on part of the Offal Pits parcel recently transferred to conservation. The agent had no issues with this proposal and noted that it would add a layer of protection, especially for a vernal pool on the property. He presented a map of the parcels in question to the Commission and noted that staging the material onsite would save about \$2 million. Public member Pine duBois stated her agreement with the proposal, emphasizing the importance of protecting the vernal pool.

Brian Donohoe stated that the conservation restriction already in place is being amended. He added that he wants to ensure that the language in the conservation restriction allows for access. Brian noted that Wildlands Trust will be the holder of the conservation restriction.

VOTE: Commissioner Artiano made motion to approve the land use and offer parcel 82-5 for use as a designated conservation restriction parcel. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 5-0-0.

d) Blackwater Memorial Forest Conservation Restriction

Vice-Chair Jim Franklin opened a public meeting to discuss the Blackwater Memorial Forest Conservation Restriction. Agent Penella stated that the Conservation Restriction needs approval and signatures from the Commission.

VOTE: Commissioner Wiegman made motion to approve and sign the Blackwater Memorial Forest Conservation Restriction. The motion was seconded by Commissioner Macfarlane. The motion PASSED with a vote 5-0-0.

e) Open Space Plan

Vice-Chair Jim Franklin opened a public meeting to discuss the Open Space Plan. Agent Penella stated that the Open Space Plan needs approval and signatures from the Commission. Commissioner Macfarlane stated that the Open Space Plan is very well done.

VOTE: Commissioner Wiegman made motion to approve and sign the Open Space Plan. The motion was seconded by Commissioner Macfarlane. The motion PASSED with a vote 5-0-0.

f) CPC Calista Farm

Vice-Chair Jim Franklin opened a public meeting to discuss the CPC application for Calista Farm Grassland Rehabilitation. Agent Penella stated that the application needs to be approved by the Commission and has a letter of support for the Commission to sign. He stated that the work would entail contracting a licensed pesticide applicator to spray the invasive plants at Calista Farm.

VOTE: Commissioner Hickey made motion to approve CPC application for Calista Farm Grassland Rehabilitation and to sign the letter of support. The motion was seconded by Commissioner Macfarlane. The motion PASSED with a vote 5-0-0.

g) CPC for Conservation purchase of Corriera Bog

Vice-Chair Jim Franklin opened a public meeting to discuss the Community Preservation Committee (CPC) application for the conservation purchase of the Corriera Bog property. The agent reported that the CPC application placeholder was submitted by the Jones River Watershed Association as part of a joint application. He highlighted ongoing collaboration with several non-profits aimed at purchasing the Corriera bog properties on Wapping Road.

The application is seeking funding to cover a down payment and any necessary due diligence work for the property's purchase. Additionally, the agent mentioned a placeholder for a federal coastal resiliency grant, potentially providing up to \$2 million for the purchase. This grant would specifically target ecological restoration of the property. The agent pointed out that the wetlands on the site, including the Jones River, have been heavily modified, underscoring the importance of the restoration efforts.

VOTE: Commissioner Macfarlane made motion to vote in approve the CPC application and sign the letter of support. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 5-0-0.

III. Enforcement

No enforcement matters were discussed by the Commission.

IV: Meeting Minutes

Minutes for October 11, 2023, were submitted to the Commission for review and approval.

VOTE: Commissioner Hickey made a motion to approve the minutes for October 11, 2023, seconded by Wiegman. The motion PASSED with a vote 5-0-0.

V. Updates

a) 19 Kingston Street Administrative Review

Agent Penella provided an update on the administrative review concerning the property at 19 Kingston Street, specifically addressing the removal of trees. He reported on a site visit conducted with the tree warden, where they assessed five large white pines located behind the house in the back left-hand corner. The assessment concluded that these trees posed a hazard to both the residence at 19 Kingston Street and the neighboring property at 21 Kingston Street.

Based on this evaluation, Agent Penella approved the removal of the five pine trees through the administrative review process. He specified that 10–20-foot sections of the tree bases (bowls) should be left undisturbed to provide habitat value and stipulated that there be no ground disturbance during the removal process.

VI. Public Hearings

a) 3 Grandview Avenue Notice of Intent (NOI) for the proposed construction of a second-floor addition to the existing house, located within and near wetland resource areas.

Vice-Chair Jim Franklin reopened a public hearing for the proposed construction of a second-floor addition to the existing house at 3 Grandview Avenue, located within and near wetland resource areas. Cameron Larson from Environmental Consulting and Restoration (ECR) stated he represents Sue Larson for the Notice of Intent for 3 Grandview Avenue. He provided a summary and showed the proposed plan to the Commission, noting the proximity to the Jones River and a salt marsh, as well as land subject to coastal storm flowage. The proposal included a second-floor addition and support piles to the rear of the house, including four helical screws within the upper limits of the salt marsh and two additional support piles within the interior portion of the basement.

Agent Penella read his staff report to the Commission. He noted the DEP circuit rider's comment that a 401-Water Quality Certification is required for the project if plywood is used as temporary fill. Penella also pointed out issues with the original plan, including incorrect FEMA flood zone identification and the absence of salt marsh delineation and coastal storm flowage zones. He stressed the need for the plan to follow the color-coding system outlined in the NOI checklist and for it to show updated revision dates.

Site photos were shown, highlighting the salt marsh's proximity to the house and the location of the proposed helical piles. Commissioner Artiano inquired about the foundation, with Doug Friesen from Duxborough Designs explaining its substandard condition. He described it as "something of a poured foundation" with minimal footing. He stated that the four helical piles would help solidify the house.

Commissioner Franklin asked for clarification on 'substandard', and Doug elaborated on the foundation's lack of solid cores and rebar. Commissioner Artiano stated that he doesn't see how a variance will be possible. Agent Penella continued reading his comments from the staff report. He noted that the helical piles would be minimally disruptive compared to alternatives, however, it would displace small amounts of salt marsh. The agent raised concerns about additional shading on the salt marsh. Additionally, the agent noted that the house showed a septic on the submitted plan, but ECR confirmed the house was connected to sewer. He expressed his view that the installation of helical piles, even if situated beneath the cantilevered portion of the house, would constitute an expansion of the existing footprint. This vertical expansion, in his opinion, would still be considered an addition, with shading concerns requiring attention. Penella emphasized the need for a correct and updated plan for the administrative record and proper assessment by the Commission.

Agent Penella emphasized the salt marsh's critical role in storm damage prevention, pollution control, flood control, erosion and sedimentation control, as well as in protecting fisheries, shellfish, wildlife habitats, and potentially aquaculture, given the house's location on the Jones River. He noted that regulations prohibit any project in a salt marsh, or nearby areas, from destroying or adversely affecting the marsh's productivity and wetland values. He underscored the importance of this in relation to the proposed footings directly in the salt marsh, raising concerns about sea-level rise and the potential scouring effect on the helical piles.

Cameron Larson responded to the staff report, stating ECR's opinion that the project's only work within the resource area involves the four helical piles. He debated whether the addition itself falls within the resource areas and presented photos showing the current shading of the salt marsh, comparing it to a nearby house with a similar structure and no adverse shading effects. He stated that ECR would provide a revised plan with the required color-coded scheme.

Commissioner Franklin expressed concerns about the project causing further encroachment on the salt marsh. He suggested the applicant consider using alternative technologies that would not impact the marsh. Commissioner MacFarlane asked about the purpose of the helical piles, and Doug Friesen confirmed their role in supporting the existing foundation. Discussing alternatives, Doug mentioned the possibility of using steel beams inside the house. Commissioner Artiano inquired about a mockup of the shading patterns, which Doug agreed to provide for different times of the year.

VOTE: Commissioner Hickey made a motion to continue the hearing to January 10th, 2023 (Section A). The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 5-0-0.

b) Off Anderson Avenue (0 Sawmill Drive): Notice of Intent (NOI) for the proposed construction of a 3.2 mW (DC) ground mount solar energy system within a cranberry bog, and within the buffer zone of a wetland resource area. The applicant has requested a continuance to December 27th, 2023.

Vice-Chair Jim Franklin opened a public hearing for the proposed construction of a 3.2 mW (DC) ground mount solar energy system within a cranberry bog, and within the buffer zone of a wetland resource area. The applicant has requested a continuance to December 27th, 2023.

VOTE: Commissioner Hickey made a motion to continue the hearing to December 27th, 2023. The motion was seconded by Commissioner Wiegman. The motion PASSED with a vote 5-0-0.

CLOSING REMARKS

Vice-chair Jim Franklin made closing remarks at 8:18 p.m. The next meeting will be held on December 27th, 2023, starting at 6:30 p.m. in Room 200.

VOTE: Hickey made the motion to adjourn, seconded by Commissioner MacFarlane; the motion PASSED with a vote 5-0-0.

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, Kingston Conservation Department

Approved by: Kingston Conservation Commission

Documents used at the meeting:

- 12/13/2023 agenda
- 10/11/2023 meeting minutes
- RDA documents for 85 Summer Street
- RDA documents for 77 Summer Street
- Map relating to the Davis/Offal Pits
- Open Space and Recreation Plan
- Letter of support for CPC application: Calista Farm Grassland Rehabilitation
- Letter of support for CPC application: Conservation Purchase of Corriera Bog Property



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, December 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 9 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. Invoice received by Environmental Partners Group, LLC for \$10,334.00, for MS4 support for October 2023
2. Invoice received by Wildlands Trust for \$13,654.02, covering the conservation restriction endowment fee for Blackwater Memorial Forest, signed by the Conservation Commission Chair
3. \$107 payment to the Plymouth County Registry of Deeds for recording the Blackwater Memorial Forest Ecological Wetland Restoration Project Order of Conditions, signed by the Conservation Agent

ACTION ITEMS:

1. 85 Summer Street: Request for Determination of Applicability for the placement of a shipping container within 100 feet of a bordering vegetated wetland, and within the 200-foot riverfront area to Stony Brook.
2. 77 Summer Street: Request for Determination of Applicability for the removal of the existing deck, construction of a new deck, and resurfacing of the existing patio area within the 200-foot riverfront area to Stony Brook.
3. Davis/Offal Pits - CR/Sewer
4. Blackwater Memorial Forest Conservation Restriction
5. Open Space Plan

ENFORCEMENT:

MEETING MINUTES:

1. October 11, 2023

UPDATES:

1. 19 Kingston Street Administrative Review

PUBLIC HEARINGS:

1. 3 Grandview Avenue: Notice of Intent (NOI) for the proposed construction of a second-floor addition to the existing house, located within and near wetland resource areas.
2. Off Anderson Avenue (0 Sawmill Drive): Notice of Intent (NOI) for the proposed construction of a 3.2 mW (DC) ground mount solar energy system within a cranberry bog, and within the buffer zone of a wetland resource area (the applicant has requested a continuance to December 27th, 2023).

ADJOURN:

NEXT REGULAR MEETING:

1. December 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

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 12/13/23

NAME	INTEREST	ADDRESS
Stephen Darby	Forty Second Brew Co	77 Summer St.
Stephen Richman	KJJ Realty Trust	85 Summer St
BOIAN DONAHUE	SEWER PROJECT	17 School St
JACK O'LEARY	KJJ REALTY TRUST	85 SUMMER ST.
Pine du Bois	Stony Brook	93 Elm / TRWA

TELEPHONE: 781-585-0537



KINGSTON CONSERVATION COMMISSION

26 Evergreen Street, Kingston, MA 02364



PUBLIC HEARING NOTICE

The Kingston Conservation Commission will hold a public hearing on Wednesday, December 13th in Section B, 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 New Leaf Energy, Inc. on behalf of applicant Dean Smith concerning the property located Off Anderson Avenue (0 Sawmill Drive). The proposed work is associated with the construction of a 3.2 mW (DC) ground mounted solar energy system within an upland cranberry bog, and within the buffer zone of a wetland resource area. 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/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSjBNdDFldz09>

Meeting ID: 968 1633 2793

Passcode: 756156

Or dial-in by telephone:

US: +1 929 205 6099

This notice is also available at masspublicnotices.org

Conservation Agent: Matt Penella



KINGSTON CONSERVATION COMMISSION

26 Evergreen Street, Kingston, MA 02364



PUBLIC MEETING NOTICE

The Kingston Conservation Commission will hold a public meeting on Wednesday, December 13th, 2023, at 6:30 PM in Action Items, 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 Request for Determination of Applicability filed by Steve Darby for the property located at 77 Summer Street. The proposed work includes the removal of the existing deck, construction of a new deck with additional loading dock space, and resurfacing the existing patio area with rock/gravel and pervious pavers. The proposed work will occur within the 200-foot riverfront area to Stony Brook. 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/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSjBNdDFldz09>

Meeting ID: 968 1633 2793

Passcode: 756156

Or dial-in by telephone:

US: +1 929 205 6099

This notice is also available at masspublicnotices.org

Conservation Agent: Matt Penella