



Conservation Commission Meeting Minutes

Wednesday, January 24, 2024

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

Present: Kalina Vendetti (Chairperson), Megan Hickey, Natalie Wiegman, Dorothy Macfarlane,

Virtual: Vittorio "Buz" Artiano

Absent: Jim Franklin (Vice-Chairperson), Glen Duffy

Staff: Matt Penella, Conservation Agent

Location: Town Hall Offices, Room 200

Commission Meeting Opened: 6:30 p.m.

BUSINESS:

I. Signing Documents

The Commission signed an Order of Conditions for 77 Country Club Way and an Extension to Order of Conditions for 46 Raboth Road. Additionally, the agent reported signing a \$71.70 invoice from MassCor for the Camp Nekon sign and a \$26.20 travel reimbursement for the Assistant Conservation Agent. The return for the bid bond for the Mullikens Landing project was also signed.

II. Action Items

- a) **45 River Street: Request for Determination of Applicability (RDA) for resurfacing the parking area and adding stormwater improvements (drainage) within the 200-foot riverfront area to the Jones River.**

Chairperson Vendetti opened a public meeting to discuss the Request for Determination of Applicability (RDA) for 45 River Street, concerning resurfacing the parking area and adding stormwater improvements (drainage) within the 200-foot riverfront area to the Jones River. Bo Boynton from Duxbury Construction stated that he is the engineer representing the Town of Kingston for the project. Agent Penella stated that this RDA will be continued. There will be an amendment request in the public hearing portion of the meeting, but the RDA is not ready to be assessed by the Commission at this time.

VOTE: Commissioner Wiegman made motion to continue the RDA for 45 River Street until February 28, 2024, seconded by Commissioner MacFarlane. The motion PASSED with a vote 5-0-0.

b) Ratify handbook update

Chairperson Vendetti opened a public meeting to ratify the handbook. Agent Penella suggested continuing the process to allow for a revision of the document using redlining. This would enable the Commission to thoroughly review it.

VOTE: Commissioner Hickey made motion to continue the handbook ratification until February 14, 2024, seconded by Commissioner MacFarlane. The motion PASSED with a vote 5-0-0.

III. Enforcement

No enforcement matters were discussed by the Commission.

IV: Meeting Minutes

Minutes for December 13, 2023, were submitted to the Commission for review and approval.

VOTE: Commissioner Wiegman made a motion to approve the minutes for December 13, 2023, seconded by Commissioner Hickey. The motion PASSED with a vote 5-0-0.

V. Updates

a) Membership changes

Agent Penella stated that Commissioner Wiegman and Commissioner Duffy are resigning from the Conservation Commission and will no longer be part of the board. He also noted that two individuals have already reached out about joining the Commission, and he will review their qualifications and make recommendations to the board.

b) Handbook update

Commissioner MacFarlane noted a misspelling on page 7, which Agent Penella acknowledged. Agent Penella stated he's correcting all mentions of 'KWPA' to 'KWPR' (Kingston Wetland Protection Regulations) throughout the document. Additionally, Commissioner MacFarlane suggested changing a word on the first page for better understanding.

c) Additional updates

Agent Penella provided updates on various activities. The Sewer Commission hired someone to conduct a box turtle sweep with retrievers at the Davis property. However, Natural Heritage declined the use of the Offal Pits parcels in the conservation restriction for the Davis property due to existing Article 97 protection. Consequently, the Sewer Commission will need to provide in-lieu payments to a non-profit organization to buy quality habitat elsewhere.

Agent Penella also mentioned that a veteran participating in the tax work-off program assisted in installing color-coded trail markers at Camp Nekon to align with the trail map. Efforts are ongoing to publish the maps. Despite a decrease in off-road vehicle use at the property, it remains a concern. To address this, Environmental Police officers have been provided with a spreadsheet detailing off-road vehicle use patterns to aid in on-site patrolling.

Additionally, another tax work-off participant will assist in measuring the kiosk at Camp Nekon to facilitate the installation of plexiglass.

VI. Public Hearings

a) 45 River Street: Amendment request involving modifications to the boat ramp to make it steeper, narrower, and shorter within the 200-foot riverfront area to the Jones River

Chairperson Vendetti opened a public hearing for the amendment request for 45 River Street, which involves modifications to the boat ramp to make it steeper, narrower, and shorter within the 200-foot riverfront area to the Jones River. Bo Boynton, a civil engineer from Duxbury Construction, stated that he is representing the Town of Kingston for the work at 45 River Street. Bo stated that plan modifications are being made to the existing Notice of Intent for the proposed boat ramp.

Bo presented the proposed plan to the Commission. Bo stated that the primary change is the steepness of the ramp. The proposed modification is a 15% slope to the ramp which makes it easier for boats to lift off the trailer. Bo also mentioned that they would also like to make improvements to the precast concrete slab and work with a post tension tendon reinforcing the slab. Bo noted the close proximity of the existing ramp to the concrete wharf and stated that

the new ramp should be moved, so it doesn't undermine the wharf area. Bo stated that the transition area is another plan modification. There is proposed regrading which will create a better transition to the boat ramp. The agent noted that the footprint of what they are proposing has a smaller footprint and is less impactful than what was previously approved. Chairperson Vendetti asked if the proposed work would impinge on the handicapped parking that is available now. Bo stated that they absolutely intend to meet the ADA compliance on handicapped parking. Commissioner Artiano sought clarification from Bo, he asked if they are casting the concrete ramp out of the water, post tensioning it, and then pushing it into the water. Bo replied that is correct.

VOTE: Commissioner MacFarlane made a motion to issue an amended Order of Conditions for 45 River Street, 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.

Chairperson Vendetti reopened a hearing for the Notice of Intent for Off Anderson Avenue (0 Sawmill Drive) 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. Dean Smith from New Leaf Energy, the project representative, presented an aerial view of the project area to the Commission. He outlined the delineation of offsite and manmade ponds and highlighted the required buffer zones on the plan.

Dean presented the project plan, noting that a portion of the array field would be within the outer portions of the 100-foot buffer but outside of the 50-foot no structure zone. He explained that the installation of ballasted systems with concrete supports for the racks would involve no earth disturbance. Additionally, Dean addressed the presence of a portion of the electrical trench within the 100-foot buffer and the proposed fencing within the 30-foot no landscaping zone, noting erosion control measures.

Rob D'Ambruoso from D'Ambruoso law was legal counsel representing the applicant. He stated that this project was previously approved by the Kingston Conservation Commission in 2020 and the Order of Conditions that was issued had lapsed. Rob mentioned that a DOA was issued that is still valid which determined the bog was an upland bog. Rob also noted that the resource areas near the bog were manmade.

Diane O'Brian, an abutter from 29 Sawmill Drive, stated that she is the closest abutter to the bog. Diane noted that the applicant has not proposed working with her given her close proximity to the project. Agent Penella asked Dean if they have a permit from the planning

board. Dean stated that they were issued a permit and that there is no expiration on the zoning approval. Dean noted that the issues raised by Diane are Planning Board issues and not under the jurisdiction of the Conservation Commission. Dean noted that there are outstanding conditions to address landscape buffering, but this is under the purview of the Planning Board.

Chairperson Vendetti asked Diane if she has brought these issues before the Planning Board. Diane stated that she was not aware of the Kingston hearing when it took place. Agent Penella stated that the Conservation Commission only has jurisdiction over limited portions of the project. Dean Smith noted that there is a condition in the zoning approval that states that they must approach all adjacent landowners to get agreement on a landscape buffering plan which would include fencing.

Member of the public, Pine DuBois asked what the wetland is connected to. Pine asked if there would be a fence surrounding the area and if the fence would allow for wildlife passage. Pine inquired about the habitat impacts and noted that this is jurisdictional to the Conservation Commission. Agent Penella mentioned that there is a preexisting fence and the connecting fence would allow for wildlife movement. Agent Penella noted that the bogs will no longer be functional. Pine asked about the maintenance plan for the solar panels. Dean Smith noted that it will be seeded with a native grass seed mix. He added that they will not use fertilizers or herbicides.

Kami Dolbeare, an abutter from 51 Ocean Hill Drive, noted that there were studies done in the past and wanted to know if anything new has been done since the original studies were conducted. Dean Smith noted that they have been delayed by the interconnection applications and that they expected the timeframe to be different. Dean stated that no new studies have been done. Agent Penella added that a new wetland delineation has been conducted for the property. Jared Connell from New Leaf Energy provided contact information to abutters.

The property owner, Dave Morey, from Morey Custom Services, stated that he has owned the property since 1977. Morey noted that the retention pond was dug for street drainage and that they had a tailwater pond excavated for the cranberry bog. Dave noted that the permitting for the solar took place in four planning board meetings and that the permit in Plymouth was not denied, it was withdrawn. John Dennehy, an abutter from 43 Ocean Hill Drive, asked about the buffering on his property line and noted that it falls on the wetland line. Agent Penella stated that any buffering agreement is outside of the Commissions jurisdiction, but any work done on the property is within jurisdiction.

Bernadette Munsey, an abutter at 43 Sawmill Drive, stated that she wanted to let the Commission know that she was not informed via mail until the first continuance of the hearing. Agent Penella asked Bernadette if she received an abutter notification for the Kingston Conservation Commission hearing. Bernadette stated that she received a notification for the first continuance. Agent Penella noted that abutter notifications only go out once and should go out before the first hearing takes place. Dean Smith noted that all abutters were aware before there was any public discussion. Abutter, Diane O'Brian noted that she got an abutter notification two weeks after the first scheduled meeting. Agent Penella stated that he recommends continuance to clarify the administrative record. He added that he did not see anywhere in the filing the impervious coverage on site. Additionally, the fencing installation within the no landscaping setback requires a formal waiver. The agent noted that, aside from analysis of impervious surface coverage, he sees nothing about the project that would likely have a detrimental effect on the wetlands.

c) 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.

Chairperson Vendetti reopened the hearing for the Notice of Intent for 3 Grandview Avenue for the proposed construction of a second-floor addition to the existing house, located within and near wetland resource areas. Brad Holmes from Environmental Consulting & Restoration (ECR) stated that the project has been revised to remove the helical piles. Brad noted that the only portion of the project within jurisdiction is the proposed second-floor addition over the existing house, with all supports to be located inside the existing structure. He mentioned that shading studies have been conducted, and due to the north-south orientation of the house, there will be no significant impact from shading on the salt marsh.

Agent Penella reported receiving a comment from Coastal Zone Management (CZM), stating that "it doesn't appear that the shading impacts rise to the level of detrimental, as the growing season shading patterns overlap with the existing shading from the adjacent property at 5 Grandview Ave during a portion of the day, and the shading from both properties shifts throughout the day so that no area is shaded for the entire day during the growing season of the new construction." The agent recommended issuing an Order of Conditions with a special condition prohibiting the staging or storage of materials within resource areas. The limit of work would be considered the foundation of the existing house, and any materials found within the salt marsh would be cause for issuance of fines and/or enforcement orders.

VOTE: Commissioner Artiano made a motion to close the hearing, seconded by Commissioner Hickey. The motion PASSED with a vote 5-0-0.

VOTE: Commissioner Artiano made a motion to issue an Order of Conditions with a special condition prohibiting the staging or storage of materials within resource areas, seconded by Commissioner Wiegman. The motion PASSED with a vote 5-0-0.

CLOSING REMARKS

Chairperson Vendetti made closing remarks at 8:15 p.m. The next meeting will be held on February 14th, 2024, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Wiegman made the motion to adjourn, seconded by Commissioner MacFarlane; PASSED 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:

- 01/24/2024 agenda
- 12/13/2023 meeting minutes
- RDA Documents for 45 River Street
- Conservation Commissioners handbook
- Amendment request documents for 45 River Street
- NOI documents for Off Anderson Avenue (0 Sawmill Drive)
- NOI documents for 3 Grandview Avenue



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: Jan. 24, 2023 (pg 1 of 2)

NAME	INTEREST	ADDRESS
DEAN SMITH	NEW LEAF ENERGY	55 TECH DR, LOWELL MA
David Morey	Land Dunein	263 Black Gx Rd Plymouth
Lynne Morey	" "	" "
Freeman Baynton III 'Bo'	Kingston Archiver	45 RIVER ST
Freeman Baynton Jr	" "	" "
Jared Connell	NLE	55 Tech Drive - Lowe
Tom Bombardier	Ramp	39 Round Hill Rd
Matthew Wheel	Ramp	23 Jones River Dr.
Bernadette Muncy	O sawmill	43 SAWMILL DR - Plym
Ric Kueger	Ramp	4 Kennedy Rd
Tom Thyla	Ramp	10 Bk St.
Bruce Holmes	36 Grandview	ECR
Charles Elias	29 Sawmill dr	



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: Jan 24, 2023 (ps 2 of 2)

NAME	INTEREST	ADDRESS
Chase Gough		29 Sawmill Dr
Diana Bzarr		29 Sawmill Dr



KINGSTON CONSERVATION COMMISSION

26 Evergreen Street, Kingston, MA 02364



PUBLIC MEETING NOTICE

The Kingston Conservation Commission will hold a public meeting on Wednesday, January 24th, 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 Thomas Taylor on behalf of the applicant Town of Kingston for the property located at 45 River Street. The proposed work includes resurfacing the parking area and adding stormwater improvements (drainage) within the 200-foot riverfront area to the Jones River. 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 HEARING NOTICE

The Kingston Conservation Commission will hold a public hearing on Wednesday, January 24th 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 Request for Amendment filed by Thomas Taylor on behalf of the applicant Town of Kingston regarding the property at 45 River Street. The proposed amendment involves modifications to the boat ramp to make it steeper, narrower, and shorter within the 200-foot riverfront area to the Jones River. 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



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, January 24, 2024 @ 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. Extension Permit for Order of Conditions 46 Raboth Road
2. Order of Conditions for 77 Country Club Way
3. \$26.20 travel reimbursement for the Assistant Conservation Agent - signed by the Conservation Agent
4. \$71.70 MassCor invoice for the Camp Nekon sign - signed by the Conservation Agent

ACTION ITEMS:

1. 45 River Street: Request for Determination of Applicability (RDA) for resurfacing the parking area and adding stormwater improvements (drainage) within the 200-foot riverfront area to the Jones River.
2. Ratify handbook update

ENFORCEMENT:

MEETING MINUTES:

1. December 13, 2023

UPDATES:

1. Membership changes

PUBLIC HEARINGS:

1. 45 River Street: Amendment request involving modifications to the boat ramp to make it steeper, narrower, and shorter within the 200-foot riverfront area to the Jones River.

2. Off Anderson Avenue (0 Sawmill): Notice of Intent 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.
3. 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.

ADJOURN:

NEXT REGULAR MEETING:

1. February 14, 2024

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.