



Conservation Commission Meeting Minutes

Wednesday, March 27, 2024

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

Present: Kalina Vendetti (Chairperson), Megan Hickey, Dorothy Macfarlane, Marilyn Kozodoy

Virtual:

Absent: Jim Franklin (Vice-Chairperson), Vittorio "Buz" Artiano

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 an Order of Conditions for 41 East Avenue and a \$14.07 mileage reimbursement for the Conservation Agent. The agent stated that he signed a \$65.00 invoice from the Massachusetts Association of Conservation Commissioners (MACC) for a fundamentals course and a \$12.51 reimbursement to the Assistant Conservation Agent for a vernal pool workshop.

II. Action Items

a) 20 Marion Drive (1 Royson Drive) Extension Request

Chairperson Vendetti opened a public meeting to discuss the extension request for 20 Marion Drive (1 Royson Drive). Larry Demar stated that he is representing Royson Properties for the extension request for the Order of Conditions that is set to expire in May. Agent Penella

mentioned that an Order of Conditions was issued for a series of commercial buildings off Marion Drive, which is now called Royson Drive. The agent noted that two of the five buildings have been built so far and mentioned that there are drainage issues on site that need to be addressed. He added that the property's engineer submitted a letter stating that once the project is finished, the drainage issues will no longer exist. However, the agent questioned this and said that he would like to speak with the engineer about it.

It was noted that the site plan review with the planning board required a rain garden to be installed, which is not on the conservation plan of record and requires permitting with conservation. The agent stated that if the permit is extended, this is an opportunity to fix the issues on site. He emphasized that the commission is not obligated to extend the permit and that it cannot be appealed. The agent suggested issuing a permit pending an engineered drainage fix. He added that there is still enough time for the engineer to work on a solution and present it at a future meeting.

Commissioner Kozodoy stated that the expiration date is May 17th, 2024, and noted that there is a problem that requires engineering. Commissioner Kozodoy asked the agent about the paragraph in the Order of Conditions that mentions passive naturalization of the riverfront area. Agent Penella stated that none of that work has been done yet and that the area slated for passive naturalization hasn't been heavily disturbed. However, that is the area where stormwater issues are occurring. The agent recommended continuing the meeting to have the engineer provide a plan to address the stormwater issues on site.

VOTE: Commissioner Kozodoy made a motion to continue the meeting to April 10, 2024, seconded by Commissioner MacFarlane. The motion PASSED with a vote 4-0-0.

b) ZBA filing 70 Summer Street

Chairperson Vendetti stated that the Conservation Agent wanted to discuss a Zoning Board of Appeals (ZBA) filing for 70 Summer Street. Agent Penella explained that a recent ZBA filing proposes adding a third-story addition to the building at 70 Summer Street. The agent noted previous permitting at the property and mentioned that this will require a filing with the Conservation Commission due to its close proximity to Stony Brook. He also mentioned that the proposed third-story addition includes residential units that will result in increased use of the property. The agent noted that the mitigation and stormwater features required during previous permitting have not yet been implemented. He said he would issue a letter to the property owner, instructing them to file with the Conservation Commission.

Commissioner MacFarlane noted that the building was built on a filled wetland and expressed concerns about whether the building would be able to support another floor. Commissioner Kozodoy also expressed concerns about the building's integrity and the increased activity given its close proximity to the resource area.

III. Enforcement

a) 56 Main Street

Agent Penella stated that during a ZBA filing review, he noticed that there are wetlands behind the property. He noted that this is adjacent to 38 Crescent Street, which recently had an Order of Resource Area Delineation (ORAD) issued by the Conservation Commission. He noted that the ORAD plan of record indicated additional wetlands behind 56 Main Street that did not appear on the plan presented to the ZBA. The agent stated that he reviewed historical aerial imagery, which shows that a parking lot was installed in the area where wetlands were indicated on the ORAD plan from 38 Crescent Street.

The agent presented the historical aerial imagery to the Commission, highlighting the clearing and the parking lot area in the photos. He presented the ORAD plan to the Commission, showing the indicated wetland in the area where the parking lot was installed at 56 Main Street. The agent noted that a wetland scientist cannot delineate wetlands on another person's property and that the plan is an estimation. However, it indicates that the wetland scientist saw a wetland on 56 Main Street and noted an approximate buffer extending onto the property at 38 Crescent Street. The agent stated that based on aerial imagery, a parking lot was installed, and the structure may also fall within Conservation Commission jurisdiction. He stated that if the work was unpermitted based on wetlands 50+ feet away, it would require a retroactive filing. If a wetland was filled to put in the parking lot, that would require different action.

Adam Harrington and Jacob Barns stated that they are the co-owners of 56 Main Street. Jacob noted that when they received the permit from planning and zoning, there was an issue with the number of parking spaces needed. He stated that during the permitting process, the project was in front of Conservation. Agent Penella asked for clarification. Jacob stated that the filing would have been reviewed by someone in conservation when they got the permits, once in 2016 and again in 2018. The agent asked if this was for the foundation and construction of the building. Jacob replied that is correct. Adam Harrington provided copies of the building permits and two photos to the Commission from when they originally bought the property. The agent noted that he has not checked the building permits for the structure to see if his predecessor signed off on the building.

Adam noted that they are not proposing to build or add anything to the property; the ZBA filing was due to having a new tenant. Jacob noted that the back lot of the property used to be paved and had small cabins. Commissioner MacFarlane asked how long ago the cabins were there. Jacob stated that he believes the cabins were there from the late '50s into the '80s. The agent noted that the cabins came up in the ZBA hearing, and it is well known that they existed. However, that doesn't mean there weren't wetlands there.

Agent Penella stated that his recommendation would be to have a wetland scientist take soil samples in the parking lot area, with him present, to see if there are wetland soils there. Jacob noted that they had a tree company take a couple of trees down in the back area. Jacob mentioned that they were not aware there were wetlands back there. Jacob stated that the building inspector informed them that there were wetlands far back on the property, but not where the parking lot area is. Jacob stated that they have no issue if they need restoration or replication. The agent reiterated that his recommendation would be to have a wetland scientist take soil samples in the parking lot area, with him being present to observe the digging, to see if there are wetland soils there. Adam asked how this would relate to them getting their new tenant's occupancy. The agent stated that it depends on how the Commission would like to proceed. He noted that it may cause issues if there was a wetland there that needs to be restored and the parking lot is removed. Jacob stated that they are not putting any additional strain on the environment compared to what has been done to the property for the last 50 years. The discussion was continued to April 10th to allow time for an assessment from a wetland scientist.

b) 556 Elm Street

Sue Carlson stated that she is the property owner of 556 Elm Street. Sue mentioned that after reviewing her deed and closing documents, she didn't find any mention of wetlands on the property, though Indian Pond was outlined. She noted that the cove where her property is dries up in the summer. She was surprised to discover a wetlands violation. The agent explained that it's common for wetlands not to be disclosed as part of a property purchase in Massachusetts and that it is the buyer's responsibility. He added that he wasn't aware of anything on the property other than Indian Pond, but the pond does count as a wetland. The agent noted that he discovered an unpermitted dock while reviewing a ZBA filing. Sue pointed out that the dock was presented as a selling point by the real estate agent. She said she reached out to the agent and the previous homeowner to obtain any plans or documents related to the dock.

The agent explained that the dock would require a retroactive filing, or it would need to be removed. He showed historical aerial photos of the property to the Commission and pointed out that the dock appeared between 2013 and 2014. The agent noted that the dock requires

permits from the Conservation Commission and the DEP Chapter 91 program. He mentioned that he reached out to DEP, and they had no record of it. He stated that if the homeowner wishes to keep the dock, permits will be required, and if not, the dock can be removed. The agent noted that land within 100 feet of the pond's edge falls under the Conservation Commission's jurisdiction. Sue asked about the timeline for resolving the issue, and the agent said that it would be continued to May 22nd to allow the homeowner time to decide whether they want to keep the dock.

IV: Meeting Minutes

Minutes for February 28, 2024, were submitted to the Commission for review and approval. Commissioner Kozodoy was not part of the Commission on February 28, 2024. Therefore, there were not enough members present to vote on the meeting minutes.

V. Updates

a) Keolis MBTA right-of-way

Agent Penella stated that a notification was received from Keolis, the contractor managing the MBTA right-of-way vegetation maintenance activities for this year. If any member of the public wishes to review it, they can contact the Conservation Department.

b) 10 Bonnie Lane Administrative Review

Agent Penella stated that an Administrative Review request was received for the removal of three mature pine trees at 10 Bonnie Lane. After assessing the trees, it was determined that they were hazardous and within striking distance of the house. The trees were not located within the resource area. The Administrative Review was approved, and it was required that one of the trees closest to the wetland have 20 feet of the trunk left for wildlife habitat.

c) Cranberry Watershed Preserve – USDA cranberry station

Agent Penella stated that he reached out to Adrienne Wiegman, who works at the USDA Cranberry Station, for advice on maintaining bogs at the Correia property if it were purchased. During the conversation, Adrienne mentioned that they were working on a project to test a new early frost warning system for bogs and were looking for a recently retired bog to set up temperature sensors. The agent suggested the Albertini section of the Cranberry Watershed Preserve since it was farmed up until 2015. He asked Adrienne to send a picture of what would be installed and how it would work to ensure it meets all the guidelines. The agent noted that he gave permission for the monitor to be installed. He presented photos of the monitor to the Commission.

VI. Public Hearings

No public hearings were discussed by the Commission.

CLOSING REMARKS

Chairperson Vendetti made closing remarks at 8:01 p.m. The next meeting will be held on April 10th, 2024, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Hickey made the motion to adjourn, seconded by Commissioner MacFarlane; PASSED 4-0-0

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:

- 03/27/2024 agenda
- 02/28/2024 meeting minutes
- Extension Request documents for 20 Marion Drive (1 Royson Drive)
- 70 Summer Street ZBA documents
- Keolis MBTA right-of-way maintenance notice
- 10 Bonnie Lane Administrative Review documents
- 56 Main Street enforcement documents
- 556 Elm Street enforcement documents



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 03/27/2024

NAME	INTEREST	ADDRESS
Sue Carlson		556 Elm St.
Jim + Chris Hayes		11 Jones River Dr.
Larry Demar	Rayson Dr.	9 Prospect Ct
Adam Harrington	56 Main St.	—
JACOB BARNES	56 MAIN	—



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD: Conservation Commission

DATE & TIME: Wednesday, March 27, 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 the Local Seen 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 the Local Seen. 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. Mileage reimbursement totaling \$14.07 to Conservation Agent
2. \$65.00 invoice from MACC for fundamentals course for the Assistant Conservation Agent - signed by Conservation Agent
3. \$12.51 reimbursement to the Assistant Conservation Agent for a vernal pool workshop - signed by Conservation Agent
4. Order of Conditions 41 East Avenue

ACTION ITEMS:

1. 20 Marion Drive (1 Royson) Extension Request
2. ZBA filing 70 Summer Street

ENFORCEMENT:

1. 56 Main Street
2. 556 Elm Street

MEETING MINUTES:

1. 02/28/2024

UPDATES:

1. Keolis MBTA right-of-way update
2. 10 Bonnie Lane Administrative Review
3. Cranberry Watershed Preserve - USDA cranberry station

PUBLIC HEARINGS:

ADJOURN:

NEXT REGULAR MEETING:

1. 04/10/2024

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.