



Conservation Commission Meeting Minutes

Wednesday, April 24, 2024

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

Present: Kalina Vendetti (Chairperson), Dorothy Macfarlane, Marilyn Kozodoy, Vittorio "Buz" Artiano, Megan Hickey, Brian Payne

Virtual: Jim Franklin (Vice-Chairperson)

Absent: N/A

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 a \$3,237.91 invoice from Beals & Thomas for the Sampson's Brook Headwaters Restoration Project, an \$807.43 invoice from Forestry Suppliers for trail maintenance supplies, and a \$7.29 invoice from We Print Today for laminated signage.

II. Action Items

- a) **8 Braintree Avenue: Request for Determination of Applicability (RDA) for the proposed removal and replacement of the existing asphalt driveway with a pervious material and to create a garden area within the 100-foot buffer zone to several coastal wetland resource areas.**

Chairperson Vendetti opened a public meeting to discuss the RDA for 8 Braintree Avenue for the proposed removal and replacement of the existing asphalt driveway with a pervious material and the creation of a garden area within the 100-foot buffer zone to several coastal wetland resource areas.

Walter Foster, the property owner of 8 Braintree Avenue, and Emilie Lahey from Gardenia Landscape Design presented the site plan to the Commission. Emilie stated that the property owners, Walter and Robin, want to increase the vegetable garden area in their front yard and replace the existing asphalt driveway with a U-shaped crushed stone driveway. This would include additional landscaping with mostly native plantings.

Agent Penella stated that most of the proposed work is within the 100-foot buffer to the Coastal Bank and that all of the proposed work is within the 100-foot buffer to Land Subject to Coastal Storm Flowage. The agent noted that the proposed work is within an existing developed lawn/garden area. He recommended issuance of a Negative 3 Determination of Applicability (DOA). Don Macauley, a resident of 2 Braintree Avenue, expressed support for the project.

VOTE: Commissioner Artiano made a motion to issue a Negative 3 Determination of Applicability (DOA) with the following special conditions: 1) the minimum aggregate size of the driveway shall be no smaller than 3/8 of an inch to maintain a pervious surface; 2) the use of pesticides, herbicides, and fungicides is prohibited in the driveway area; and 3) fertilizers must be organic and slow release. The motion was seconded by Commissioner Kozodoy. The motion PASSED with a vote 7-0-0.

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

Chairperson Vendetti re-opened a public meeting to discuss the extension request for 20 Marion Drive (1 Royson Drive). Agent Penella stated that the extension request will be continued to allow time to review recently submitted materials.

III. Enforcement

a) 28 Raboth Road

Agent Penella stated that this discussion was continued from the last meeting. During a site visit to a neighboring property, he noticed erosion issues stemming from a renovated lawn that was affecting Smelt Brook. Upon reviewing aerial images, it was discovered that there had been an unpermitted lawn expansion causing erosion very close to or into Smelt Brook. A Notice of Violation was sent, and the homeowner contacted Stenbeck & Taylor, who put together a plan. The agent noted that the plan was recently submitted and has not yet been reviewed.

Brian Taylor from Stenbeck & Taylor stated that he is representing the homeowner for the project. Brian noted that they assessed the existing conditions on the property and implemented immediate erosion control measures. Following Agent Penella's recommendation, they installed a silt sock at the toe of the slope to protect the resource area. Brian pointed out that the plan includes the silt sock and topographic details.

Brian mentioned that the homeowner reported significant tree damage after a recent tropical storm and that the homeowner removed some of the hazardous trees. Brian engaged an arborist, who confirmed that pine trees on the site had been damaged by beetle infestation. Additionally, the homeowner reseeded the slope, but recent heavy rains caused rivulets throughout. A landscaper filled the rivulets, graded the area, seeded it, and applied jute to stabilize the slope. Brian noted that the jute is biodegradable and installed with ferrous material staples to ensure the slope remains stable in various weather conditions.

Brian noted that the existing house and driveway are at the top of the slope and that the homeowner had already installed a riprap swale at the end of the driveway to help disperse runoff and aid in erosion control. He mentioned that the plan shows the jute erosion control and that approximately 11,800 square feet of jute was installed on the slope. The landscaper hand-seeded, installed the jute, and then hydroseeded on top of the jute. Brad Holmes conducted the resource area delineation, which is also shown on the plan.

The agent asked what the closest distance was between the bank of Smelt Brook and the area of disturbance. Brian Taylor stated it was approximately 8 to 9 feet. Agent Penella asked if there was a restoration plan. Brian Taylor stated that he was waiting to meet with the Commission first. The agent presented aerial and site photos to the Commission showing the area of recent clearing. The agent mentioned that additional plantings, other than lawn, are needed to help stabilize the slope. Commissioner Artiano asked if the cleared trees were all pine. Brian stated that it appeared to be about half a dozen mature pasture pines.

The agent noted that the restoration plantings need to be native to Southeastern Massachusetts, not cultivars, and should include a mixture of trees, shrubs, and seed mixtures to stabilize the site. He added that a solid vegetated buffer to Smelt Brook is necessary. It was determined that the restoration plan would need to be submitted to the Commission at least one week before the May 22nd meeting for review.

b) 2 Braintree Avenue

Don Macauley, a resident of 2 Braintree Avenue, stated that this discussion pertains to enforcement action regarding the removal of two trees. He noted that currently 100% of the

house is within the Coastal Bank buffer zone. Don stated that he contacted Grady Consulting and an architect about potentially razing and rebuilding the house on the property outside of the buffer zone. Don presented an existing conditions plan to the Commission and noted the 100-foot buffer zone to the Coastal Bank. The agent noted that the entire property is within jurisdiction and that the buffer zone to Land Subject to Coastal Storm Flowage (LSCSF) extends out to Braintree Avenue.

Don stated that an ash tree was removed in August of 2021 on the property. He explained that limbs from the tree were overhanging the solar panels on the house. An arborist, Mark LeClair, assessed the tree and recommended its removal after noticing dust at the bottom, indicating internal infestation. The tree, approximately 60 feet tall, overhung the bedroom. Mark LeClair instructed Don to contact the Conservation Commission to inquire about removing the tree. Don stated that his wife called the Commission and was told it was okay to remove the tree, believing it was outside the 100-foot buffer zone of the Coastal Bank. Don mentioned that they were unaware it was within another buffer zone on the property.

He further explained that the second tree was removed by the Town of Kingston Highway Department in the spring of 2022 because it was interfering with the school bus. Don stated that he has no record of the removal but that the Highway Department should.

Don stated that he hopes to present a plan to the Commission within the next year or two for rebuilding a house on the property, which could include the replacement of a tree or trees. The agent noted that meaningful mitigation would be required along the Coastal Bank to stabilize it and that moving a house on the property would likely require extensive mitigation based on recent filings. The agent also stated that they plan to file either an Administrative Review or a Request for Determination of Applicability (RDA) for planting cultivars of a native holly between their property and 11 Wharf Lane. Commissioner Artiano asked what would be done in the interim since the raze and rebuild of the house would take a year or two. The agent stated that he would want to see native species, not cultivars, for mitigation. Commissioner Artiano suggested an area for mitigation and replanting a couple of trees.

Commissioner Payne stated that he doesn't want to wait several years for mitigation on-site and would like to see something more robust to address flooding. The agent suggested planting three trees that would be sufficient for the area, noting that mowing under the trees could cause problems. Don proposed planting three trees behind the shed and allowing that area to naturalize, and one tree near the property line where there is no grass. The agent and Commission agreed with this plan. The agent asked Don to provide him with the landscaping plan of the proposed tree species, and that this will be revisited in one month.

c) 11 Wharf Lane

Mary Hill from 11 Wharf Lane stated that she did not receive an official Notice of Violation and was not clear about the violation she should be addressing. The Commission discussed with the agent the need to send the Notice of Violation and agreed to revisit the enforcement issue at the May 22nd meeting.

IV: Meeting Minutes

Minutes for March 13, 2024, were submitted to the Commission for review and approval.

VOTE: Commissioner MacFarlane made a motion to approve the minutes for March 13, 2024. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 6-0-1.

V. Updates

a) Administrative approval 25 Rocky Nook Avenue

Agent Penella noted that he issued administrative approval for a minor change to the Order of Conditions for 25 Rocky Nook Avenue. This change involved converting pavement, lawn, and a seashell driveway to pervious pavers.

VI. Public Hearings

a) 15 Saint Francis Avenue: Notice of Intent (NOI) for the proposed construction of an addition to the existing house, the relocation of a shed, and associated grading within the buffer zone to wetland resource areas.

Chairperson Vendetti opened a public hearing for the proposed construction of an addition to the existing house, the relocation of a shed, and associated grading within the buffer zone to wetland resource areas. Agent Penella stated that this hearing will be continued to May 8th.

VOTE: Commissioner Artiano made a motion to continue the hearing to May 8th, seconded by Commissioner Kozodoy. The motion PASSED with a vote 7-0-0.

b) 9 Jones River Drive: Notice of Intent (NOI) for the construction of an addition to the existing home, a deck, and associated site grading within the buffer zone to Land Subject to Coastal Storm Flowage.

Chairperson Vendetti re-opened a public hearing for the proposed construction of an addition to the existing house, a deck, and associated site grading within the buffer zone to Land Subject to Coastal Storm Flowage. Jed Hannon from Atlantic Coast Engineering presented the restoration plan to the Commission, as requested at the last meeting.

Jed noted that there is currently no buffer to the resource area. He stated that the Commission previously voted to request a mitigation plan to provide a buffer along with conservation posts. Jed explained that the mitigation plan extends from the Bordering Vegetated Wetland flags to the 30-foot no-touch area and is extensive. Agent Penella stated that the mitigation plan works well for the area. The agent noted that the plan provides a vegetated buffer to the resource areas and maintains it in perpetuity with the delineation of the conservation posts. The agent stated he has no issue with issuing an Order of Conditions for the property with the special condition that the conservation posts be maintained in perpetuity.

Commissioner Kozodoy stated that she approves of the plan. Commissioner Artiano noted that he still has some concerns about the driveway. Agent Penella noted that the driveway is not within the Commission's jurisdiction, but if any changes cause runoff issues in the future, then enforcement action could be taken. Jed Hannon noted that there are no planned changes to the existing asphalt driveway and that the as-built required when the project is complete should match the plan presented to the Commission.

VOTE: Commissioner Artiano made a motion to close the hearing, seconded by Commissioner Franklin. The motion PASSED with a vote 7-0-0.

VOTE: Commissioner Artiano made a motion to approve the Notice of Intent with the special condition that the conservation posts be maintained in perpetuity, seconded by Commissioner Franklin. The motion PASSED with a vote 7-0-0.

CLOSING REMARKS

Chairperson Kalina Vendetti made closing remarks at 7:34 p.m. The next meeting will be held on May 8th, 2024, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Hickey made the motion to adjourn, seconded by MacFarlane; PASSED 7-0-0

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:

- 04/24/2024 agenda
- 03/13/2024 meeting minutes
- RDA documents for 8 Braintree Avenue
- Extension Request documents relating to 20 Marion Drive (1 Royson Drive)
- Enforcement documents for 28 Raboth Road
- Enforcement documents for 2 Braintree Avenue
- Administrative approval documents for 25 Rocky Nook Avenue
- Notice of Intent documents for 15 Saint Francis Avenue
- Notice of Intent documents for 9 Jones River Drive



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD: Conservation Commission

DATE & TIME: Wednesday, April 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 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. \$3,237.91 invoice from Beals & Thomas for the Sampson's Brook Headwaters Restoration Project
2. \$807.43 invoice from Forestry Suppliers for trail maintenance supplies
3. \$7.29 invoice from We Print Today for laminated signage

ACTION ITEMS:

1. 8 Braintree Avenue: Request for Determination of Applicability (RDA) for the proposed removal and replacement of the existing asphalt driveway with a pervious material and to create a garden area within the 100-foot buffer zone to several coastal wetland resource areas.
2. 20 Marion Drive (1 Royson Drive) Extension Request

ENFORCEMENT:

1. 28 Raboth Road
2. 2 Braintree Avenue
3. 11 Wharf Lane

MEETING MINUTES:

1. 03/13/2024

UPDATES:

1. Administrative approval 25 Rocky Nook Avenue

PUBLIC HEARINGS:

1. 15 Saint Francis Avenue: Notice of Intent (NOI) for the proposed construction of an addition to the existing

house, the relocation of a shed, and associated site work within the buffer zone to wetland resource areas.

2. 9 Jones River Drive: Notice of Intent (NOI) for the proposed construction of an addition to the existing house, a deck, and associated grading within the buffer zone to Land Subject to Coastal Storm Flowage.

ADJOURN:

NEXT REGULAR MEETING:

1. 05/08/2024

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.



KINGSTON CONSERVATION COMMISSION

26 Evergreen Street, Kingston, MA 02364



PUBLIC HEARING NOTICE

The Kingston Conservation Commission will hold a public hearing on Wednesday, April 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, Kingston G.L. Chapter 13. This meeting is regarding the Notice of Intent received by Grady Consulting, LLC on behalf of the applicant Chelsea Lynch for the property located at 15 Saint Francis Avenue. The project proposes the construction of an addition to the existing home, the relocation of a shed, and associated site work within the 100-foot buffer zone of a Bordering Vegetated Wetland. Public Hearings begin at 6:45 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 HEARING NOTICE

The Kingston Conservation Commission will hold a public meeting on Wednesday, April 24th, 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, Kingston G.L. Chapter 13. This meeting is regarding the Request for Determination of Applicability submitted by Wally Foster & Robin Brown for the property located at 8 Braintree Avenue. The project proposes to remove and replace the existing asphalt driveway with a pervious material and to create a garden area within the 100-foot buffer zone to several coastal wetland resource areas. Public meetings begin at 6:30 p.m. and may continue after any public hearings, which begin at 6:45 p.m.

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 by your location +1 929 205 6099 US (New York)

This notice is also available at masspublicnotices.org

Conservation Agent: Matt Penella



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 4/24/2024

NAME	INTEREST	ADDRESS
BRIAN TAYLOR	26 RABOTH RD	26 RABOTH RD
DON MACAULAY	2 Braintree Ave	2 Braintree Ave King
Mary & Jeff Thiel	11 Wharf Lane	
Robin Brown	8 Braintree Ave	8 Braintree Avenue
Walter Foster	Project	↓
Emilie Lahey / Gardenia landscapes Design	↓	92 Chandler St. Duxbury, MA
Philip McKinnon	Wetland / 1550 11 Station St	