



Conservation Commission Meeting Minutes

Wednesday, May 8, 2024

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

Present: Kalina Vendetti (Chairperson), Jim Franklin (Vice-Chairperson), Marilyn Kozodoy, Dorothy Macfarlane,

Virtual: Megan Hickey

Absent: Vittorio “Buz” Artiano, Brian Payne

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 9 Jones River Drive, a Determination of Applicability for 8 Braintree Avenue, an \$1800.00 invoice from Environmental Partners Group, LLC, and a \$46.30 mileage reimbursement to the Conservation Agent.

II. Action Items

- a) 19 Kingston Street: Request for Determination of Applicability (RDA) for a proposed roof overhang extension off an existing single-family dwelling within the buffer zone to a wetland resource area.**

Chairperson Vendetti opened a public meeting to discuss the RDA for 19 Kingston Street. Agent Penella stated that there has been a lot of permitting on the property and the house is still

under construction. The agent stated that the applicant reached out about doing a roof overhang and a barn. He told the applicant that the barn would likely not be permitted through an amendment, so they responded that they would just like to do the roof overhang.

The agent provided a background on the permitting for the property, including several amendments. The agent noted that the roof overhang was already built after conducting a recent site visit and that an after-the-fact filing fee would be required. There is no foundation proposed for the roof overhang, only four footings. The closest distance to the wetland is approximately 75 feet, which meets the no-structure setbacks for KWPR.

The agent noted that the overhang does increase the impervious coverage in jurisdiction from the 8.4% approved to 10.8%, adding 240 square feet to the 840 square feet that was already approved. The agent stated that he wanted to know if the upper half of the driveway was pervious yet. The existing erosion and sedimentation controls should be sufficient provided they are maintained. The agent noted that there were several stormwater enforcement issues on the property in 2023, with fines issued.

The agent noted that there are still some things that need attention on the property. This includes the filter fabric that was removed in front of 15 Kingston Street, and the area in front of 19 Kingston Street is not stabilized or protected with proper erosion controls, causing sediment to run into the catch basin which dumps into the stream behind the property. Additionally, some of the erosion control behind 15 & 19 Kingston Street are in disrepair. There is a sump pump piping water out back in front of the erosion control, which isn't in good condition. The agent questioned what the long-term solution should be there, such as a dry well or tying it to the foundation drain that was permitted.

The agent stated that there was an administrative approval for removing five pine trees near the wetland edge. The admin approval conditioned that 10-20 feet were to remain for wildlife value and that there could be no ground disturbance. During the recent site visit, it was discovered that all trees were cut flush to the ground. The agent noted that the overhang is permissible; however, there continue to be stormwater issues on the property and the admin approval not being followed is troubling. He noted that this is likely an enforcement issue and stated that a Negative 3 DOA is sufficient for this type of permitting. The agent noted that the Commission could issue a Positive DOA requiring further permitting, but in this case there should be no issue with what they are asking, given they fix the erosion control.

The agent stated that the applicant, property owner, and any future property owners should be aware of the perpetual special condition #1, which states: "due to the likelihood that drainage off the developed portion of the lot will dump untreated into local wetlands, chemical use on

the property should be minimized. Any lawn fertilizers applied must be slow-release and low in phosphates and other sources of phosphorus. The applicant should keep detailed records of this information should the Commission inquire.”

The representative, Rob Carlezon, from Grady Consulting stated that regarding the pines, the client noted that there was a timing issue with receiving the email with the stipulation for the 10–20-foot bowls. Rob stated that he cannot speak about the matter personally.

Commissioner Kozodoy asked for clarification about a tree bowl for those who are not familiar. The agent explained what the tree bowls are. The agent stated that it sounds like the trees were already cut before the permit was issued, based on Rob’s response. Rob stated that when he spoke with the client, he mentioned that the trees had been cut, and then after the fact the email was sent. Rob noted that he has not seen the email chain and is not 100% sure of the situation.

Commissioner Franklin asked for clarification about if the admin review was noted on the permit and the email. The agent stated that is correct. He noted that there was a delay between when he filed the admin review and issuance of the permit. Commissioner Franklin stated that he would recommend enforcement for not following the admin review permit. Commissioner Kozodoy concurred. The agent noted that the overhang is already built. Commissioner Franklin asked for feedback from other Commissioners about the issuance of fines and whether it should be a one-time fine or a fine for each tree. The agent stated that the Commission could ask the applicant to come to the next meeting to speak to the issue.

VOTE: Commissioner Franklin made a motion to issue an enforcement action with a \$300 fine against the contractor for cutting down the tree bowls, which is in violation of the admin review approval, seconded by Commissioner Kozodoy. The motion PASSED with a vote 5-0-0.

VOTE: Commissioner Franklin made a motion to continue the RDA to May 22nd, seconded by Commissioner MacFarlane. The motion PASSED with a vote 5-0-0.

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

Chairperson Vendetti re-opened the Extension Request for 20 Marion Drive (1 Royson Drive). Rick Grady from Grady Consulting stated that he is representing the applicant, Larry Demar. Rick mentioned that 2 out of the 5 buildings have been built. He added that once the additional drainage systems are constructed, this will assist with the stormwater issues on-site that are impacting Royson Drive. To mitigate the flooding concerns along Royson Drive, they are proposing the construction of a vegetated rain garden and sediment forebay. This involves

routing the discharge from the paved swale area into a sediment forebay, cutting the 8" PVC pipe where it would also enter the sediment forebay, and constructing a check dam. There would also be an overflow with an 8" riser within the rain garden. Rick explained that this would increase infiltration, improve the quality of runoff, and alleviate flooding on Royson Drive. Since this is separate from the Extension Request, they are requesting a separate filing for the additional work. Rick noted that the ponded area was previously deemed a riverfront area by the Commission and that drainage is an activity that is allowable in a riverfront area..

Commissioner Franklin noted that the elevation on the back side of the rain garden looks like it slopes upward. Rick confirmed that to contain the runoff, they need to construct a berm on the back side. Agent Penella stated that a site visit was conducted to review the proposed plan and noted that it does not meet the setback requirements. He added that there have been stormwater issues and fines issued on the property. If the proposed rain garden is approved, it would need a variance request. He added that there is a special condition stating: "Excepting the work approved hereunder, no additional work or alteration surfaces shall be allowed within the riverfront areas of the site identified by Assessors Map 75, lots 27, 31, & 32, and Map 83, lot 1. This restriction may only be varied by the Commission for good cause and only upon submission of an NOI or an amendment to this Order of Conditions. This condition shall operate as a perpetual restriction."

Commissioner Franklin asked if there was a reason why the rain garden had to be placed in the proposed area. Commissioner Kozodoy expressed interest in seeing an alternative design that moves the rain garden further away from the riverfront area. Agent Penella mentioned the option of putting this up for peer review. He recommended issuing the Extension Request with the caveat that a solution be presented to the Commission within approximately four months. Commissioner Franklin agreed with a four-month extension.

VOTE: Commissioner Kozodoy made motion to issue the Extension Permit for a period of one year, pending the submission of a corrected stormwater management solution that adheres to the current Order of Conditions. This must be submitted no later than four months from the issuance of the Extension Permit. The motion was seconded by Commissioner Franklin. The motion PASSED with a vote 5-0-0.

III. Enforcement

a) 2 Braintree Avenue

Agent Penella stated that the Commission determined at the last meeting that four trees would be planted to resolve the enforcement issue: one next to the shed and three behind the shed, along with passive restoration in the area behind the shed with conservation posts. Don reached out stating that he was under the impression that the agreement entailed only the

planting of trees and did not include passive naturalization and conservation posts. The agent stated that Don wanted to come back before the Commission to ensure he understood what needed to be done and possibly request a change.

Don Mccauley, property owner at 2 Braintree Avenue, stated that he was at the last meeting for an enforcement order for two trees that were removed, one by himself and one by the town. Don noted that when he left the last meeting, he was under the impression that four trees were to be planted and the area behind the shed left to naturalize. Don expressed concern about a future rebuild on the property and mentioned that this would most likely require extensive mitigation measures. He stated that if he gives up too much of the land behind the shed now, he won't have anything to offer later when he plans to rebuild, noting that the property size is small.

Jim Franklin clarified that this action was for enforcement, not mitigation, and that it would not necessarily mean the area would be "no-touch" forever. The agent suggested that this could be done without conservation posts, making it more temporary in nature. Megan noted that the location of the trees was supposed to help mitigate the enforcement and flooding issues. Don mentioned that the water runoff does not affect the area where the trees were proposed to be planted. He presented aerial imagery and an as-built plan to the Commission, showing the area with water runoff issues.

The agent noted that the proposed planting of the trees was intended as corrective action for not filing and to have the best effect on the wetland resource areas of the property. Don pointed out that the only area to plant trees behind the shed is near the property line. The Commission was amenable to planting trees in that location. The Commission agreed to have the Conservation Agent issue an Enforcement Order for the planting of trees, which will be ratified at the next meeting.

IV: Meeting Minutes

Minutes for March 27, 2024, were submitted to the Commission for review and approval.

VOTE: Commissioner Kozodoy made a motion to approve the minutes for March 27, 2024. The motion was seconded by Commissioner MacFarlane. The motion PASSED with a vote 4-0-1.

V. Updates

No updates were discussed by the Commission.

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 site work within the buffer zone to wetland resource areas.

Chairperson Vendetti re-opened a public hearing 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. Rick Grady from Grady Consulting stated that he is representing the applicant, Chelsea Lynch, for the property at 15 Saint Francis Avenue. Rick presented the plan to the Commission and noted that there are numerous wetland resource areas around the property. The agent noted that all the wetlands were delineated by Garret Tunison. Rick mentioned that no tree clearing is needed for the proposed addition and that the shed on the property was already there when the homeowner purchased the property.

Rick stated that no additional bedrooms are proposed with the addition. Commissioner Franklin asked what the addition is for if it does not include a bedroom. Chelsea Lynch, the property owner, stated that there is a small room with a chimney that they want to close off. She mentioned that there is a coat closet in the kitchen that they eventually want to remove and that the proposed addition will be used for storage, including coats and kitchen supplies. Chelsea reiterated that the room is not intended for a bedroom.

Agent Penella stated that the house is on septic and a portion of the septic system is within jurisdiction. The agent mentioned that the addition does propose another bathroom. He added that if the septic system requires an upgrade, it would likely not be permitted by the Commission. However, the septic system is approved for four bedrooms. Agent Penella noted that the proposed addition meets all the setbacks for the Kingston Wetland Protection Regulations (KWPR). He also noted that the permitting for this property is spotty, and there is no proof of permitting for the construction of the house. He stated that there is minimal additional impervious coverage being proposed.

The agent mentioned the potential for conservation posts on the side of the addition and that the project is within the outer reaches of the stream and vernal pool. The area of the proposed work is already developed. He stated that any runoff from the house would run into the BVW and not the area of the vernal pool.

Commissioner Franklin asked if a variance request was submitted for the riverfront area. The agent stated that it might not be needed in this case due to the previously developed condition. Commissioner Franklin stated that he would like to see a formal variance request and that it can be noted in the paperwork that the proposed work is in a previously disturbed area. Commissioner Kozodoy stated that she would like to incorporate the conservation posts. Rick

Grady verbally requested the variance and suggested areas for the placement of the conservation posts. Commissioner Franklin asked if the area where the shed will be moved out of would be left to naturalize. Rick Grady confirmed that the area would be left to naturalize.

VOTE: Commissioner Franklin made a motion to approve the NOI with the following special conditions: 1) conservation posts must be maintained in perpetuity, allowing the area behind them to revegetate naturally. 2) The application of chemicals is prohibited on the property, including fertilizers, pesticides, herbicides, and fungicides. The motion was seconded by Commissioner Kozodoy. The motion PASSED with a vote 5-0-0.

VOTE: Commissioner Franklin made a motion to close the hearing for 15 Saint Francis Avenue, seconded by Commissioner Kozodoy. The motion PASSED with a vote 5-0-0.

CLOSING REMARKS

Chairperson Kalina Vendetti made closing remarks at 8:18 p.m. The next meeting will be held on May 22nd, 2024, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Franklin made the motion to adjourn, seconded by Kozodoy; 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:

- 05/08/2024 agenda
- 03/27/2024 meeting minutes
- RDA documents for 19 Kingston Street
- Extension Request documents relating to 20 Marion Drive
- Notice of Intent documents relating 15 Saint Francis Avenue
- Enforcement documents relating to 2 Braintree Avenue



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD: Conservation Commission
DATE & TIME: Wednesday, May 8, 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. Order of Conditions 9 Jones River Drive
2. Determination of Applicability (DOA) 8 Braintree Avenue
3. \$1800.00 invoice from Environmental Partners Group, LLC for MS4 support for the month of March
4. \$46.30 mileage reimbursement to the Conservation Agent

ACTION ITEMS:

1. 19 Kingston Street: Request for Determination of Applicability (RDA) for a proposed roof overhang extension off an existing single-family dwelling within the buffer zone to a wetland resource area.
2. 20 Marion Drive (1 Royson) Extension Request

ENFORCEMENT:

1. 2 Braintree Avenue

MEETING MINUTES:

1. 03/27/2024

UPDATES:

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.

ADJOURN:

NEXT REGULAR MEETING:

1. 05/22/2024

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)

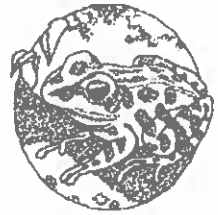
This meeting of the Conservation Commission will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting or remotely. All Town Board and Commission meetings are required to provide remote participation. If there is a technical problem 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

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 05/08/2024

NAME	INTEREST	ADDRESS
Chebeca Lynch	NOI review	15 St Francis Ave Kingston
Rick Grady	" "	" " "
Larry Demar	Regulation	9 Prospect Ct
Don MACAULAY	Enforcement	2 Bramble Ave