

FINALIZED 1/11/23



## **Conservation Commission Meeting Minutes Wednesday, December 14, 2022**

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

**Present:** Kalina Vendetti (Chairperson), Jim Franklin (Vice-Chair), Megan Hickey, Dorothy MacFarlane, Glen Duffy

**Virtual:** Natalie Wiegman

**Absent:** Vittorio 'Buz' Artiano

**Staff:** Matt Penella, Conservation Agent & Mike Perrin, Assistant Conservation Agent

**Location:** Town Hall Offices Room 200

**Commission Meeting Opened:** 6:33 p.m.

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Chairperson Venetti opened the meeting at 6:33PM. The date was December 14, 2022.  
Commissioner Wiegman attended virtually and Commissioner Artiano was absent.

**VOTE TO OPEN:** PASSED 6-0-0

### **BUSINESS:**

#### **I. Signing Documents**

The Commission signed bills for the public advertisement for updates to the wetlands regulations hearing tonight, mileage reimbursement for Agent Penella, split rail fence for Camp Nekon parking area from East Coast Fence, final design for Elm St BMPs from Environmental Partners Group, and bids for the Elm St BMP and Jones River Habitat Restoration for the Patriot Leger. Also two bills for Beals and Thomas for bog restoration at Winthrop St and Jones River habitat assessment.

#### **II. Action Items**

##### **a) 93 Main St**

Chair Vendetti reopened the meeting at 6:35PM. The meeting was continued to allow for revisions.

##### **b) MBTA Taskforce Appointment**

Commissioner Artiano was appointed as the MBTA ZBA Taskforce.

**VOTE:** Jim made the motion, Megan seconded; PASSED 6-0-0

c) Community Preservation Committee Applications

Agent Penella explained the CPC applications for sign restoration at Tripphammer Park, MassDOT parcel abutting Camp Nekon, and parking area for Calista Farm. The Commission voted to approve and support the projects.

**VOTE:** Jim made the motion to approve and support, seconded by Dot; PASSES 6-0-0

d) 17 Wapping Rd Partial Certificate of Completion (COC)

Dot MacFarlane recused herself from the meeting. Agent Penella explained that 17 Wapping Rd was included in the issued Orders of Conditions for Jones River Estates, but there was no jurisdiction or work proposed on 17 Wapping. Dot had a lien on the property because of this and hopes to clear it with this partial COC.

**VOTE:** Jim made the motion to issue the COC, seconded by Glen; PASSED 5-0-1, Dot abstains

### **III. Enforcement**

a) 164 Pembroke St

Agent Penella explained that he reviewed the revised plans. The applicant and representative had not addressed all the Commissions comments. They did update the flags the Agent Penella moved. The fence line and wetland line were justified with no explanation. The delineation ended short of the property line but should extend to the line. The vernal pool was labeled but no flags were shown and information should be provided on how the pool was delineated. Leaves and other lawn debris were cleared from the vernal pool, but no photos were provided for proof as requested. Chair Vendetti recommended continuing the matter to December 28, 2022. Jay Creed, Creed & Formica Legal Services, asked for an email reiterating the requests.

**VOTE:** Jim made a motion to continue the matter, seconded by Glen; PASSED 6-0-0

b) Cobb Ave

Agent Penella spoke with the homeowner. The homeowner did not receive the Enforcement Orders, so new orders were sent with revised timelines. The homeowner agreed to compliance and wanted more info.

The homeowner, Brian Gillis, joined the meeting late and the conversation was continued. Brian said he was notified by his uncle about the issue. He said he did not personally know the person responsible for removing the trees and did not give her permission. He said he was either going to sue her or plant even more trees in the same area. He suggested leaving the invasives to anchor soil until new trees have been established. Agent Penella suggested shrubs to anchor soil. Brian said he would work with the Commission to reach a resolution.

### **IV. Minutes**

The Commission was provided the minutes for 10/12/2022. Kalina and Natalie abstained from voting.

**VOTE:** Jim made the motion to approve the minutes, seconded by Glen; PASSED 4-0-2

### **V. Updates**

a) MassWildlife Grant Denial

Agent Penella updated the Commission on the denial received from MassWildlife for the grant for Smelt Pond Invasive Control project.

b) National Oceanic and Atmospheric Administration Grant Denial

Agent Penella updated the Commission on the denial received from NOAA for the grant for fish passage.

c) 12/28/2022 Meeting

The Commission agreed that there would be a quorum for the 12/28/2022 Conservation Commission meeting.

d) Signatory

Agent Penella explained that the Accounting Department provided a form that allows the department head to be the signatory for bills. He did not feel it was necessary at this time.

## **VI. Public Hearings**

### **Section A – 8 Smelt Pond Road (Map 89 Lot 18)**

7:03PM. Chair Vendetti opened the public hearing and allowed the representative, Dillon Grady of Grady Consulting LLC, to present the project. Dillon explained that the resource areas were bordering vegetated wetland (old cranberry bog), Smelt Pond, and FEMA Zone A. He explained the project proposed an addition to an existing structure, and that the entire property is within 100' of resource areas, but fits setbacks. He explained that the decks, patio, retaining walls, shed, house, and walkway account for the 11.2% impervious coverage. The project proposed 14% coverage. Agent Penella explained that the proposed addition is within 50' of the flood zone and will be located on existing lawn and driveway.

Assistant Agent Perrin asked about septic system. Dillon explained that the current septic system can handle 3 bedrooms, but has a cesspool. Jim expressed concern about the increase of flow and close proximity of the cesspool to the pond, and suggested proposing mitigation. Jim wanted more time to view standards and language for septic systems. Agent Penella expressed concern about water quality from the existing slope as well. Water will sheet into the pond over mulch, and there is a beach area that will not mitigate the flow. Agent Penella said there needs to be a stockpile area shown as well as mitigation along the shore and bank. Jim expressed concern about the septic system again and the agents said they would coordinate with the Board of Health. Pine duBois, Jones River Watershed Association, expressed support for the Commission's requests for mitigation.

**VOTE:** Jim made a motion to continue the hearing to December 28, 2022 Section A, seconded by Glen; PASSED 6-0-0.

### **Section B – 33 Cushman Drive & Thomas Street (multiple parcels)**

7:27PM. Agent Penella explained that he received revisions and peer review responses on the 6<sup>th</sup> which provided more information on the brooks and mire info on the identification of the perennial stream. LEC peer review suggested issuing an ORAD. Lori MacDonald, Coneco Engineers and Scientists, stated that she shows setbacks based off stream lines. Agent Penella explained that the delineation could only be done on parcels where owners had signed approval and the ORAD should not include the parcels without these delineations. He suggested future filings must address resource areas off the ORAD. Lori agreed.

Agent Penella stated that he spoke with Town Council and he suggested specifying only DEP. Jim was not comfortable issuing an ORAD under only DEP. Agent Penella stated that this was common. Claire Hoozeboom, peer reviewer from LEC, recommended stating clear findings in the WPA ORAD to identify what was left out in the request. Jim disagreed and said he wanted bylaw setbacks on the plan. Agent Penella explained that if this was done, the applicant could go back to DEP for a superseding ORAD, which would then give DEP oversight. Jim wanted to continue to ask Town Council about issuing under WPA and bylaw.

**VOTE:** Jim made the motion to continue the hearing to December 28, 2022 Section B, seconded by Glenn; PASSED 6-0-0

#### **Section C – 23 Spruce Street (Map 38 Lot 72)**

7:57PM. Joe Webby, representative from Webby Engineering, presented the project. Agent Penella suggested a site visit due to the proximity to the marsh. He stated that the new structure is outside of the footprint so the project must abide to all setbacks and regulations. The project is entirely within the flood zone and land subject to coastal storm flowage. Webby stated that the proposed dwelling will be 2' above FEMA. He proposed a gravel swale to mitigate stormwater. He explained 40 square feet is within 50'. Jim agreed that a site visit is necessary. Agent Penella asked for revisions showing limit of work wrapping around the entire project, proposed tree removal, a maintenance manual for the swale, and impervious calculations.

**VOTE:** Jim made the motion to continue to December 28, 2022 Section C, seconded by Megan; PASSES 6-0-0

#### **Section C –64-70 Summer St (Map 36 Lot 9, 10-2)**

8:12PM. Agent Penella stated that the proposed project does meet riverfront area standards. He spoke to the owner and the owner would allow the Town access to the culvert. Pine duBois, Jones River Watershed Association, asked if test pits were dug. Gabriel Padilla, Grady Consulting LLC, said yes. Pine asked about a maintenance plan for the stormsepor. Gabriel said cleaning would happen twice a year. Agent Penella stated that the special conditions will call for a report every three months for the first year to inform cleaning schedule. Pine asked about the propane tanks out back. Gabriel said the tanks would be removed and Agent Penella said Orders of Conditions (OOC) could be issued and enforcement could be used to remove the tanks if necessary.

**VOTE:** Megan made a motion to close the hearing, seconded by Jim; PASSED 6-0-0

**VOTE:** Jim made a motion to issue OOC with special conditions, seconded by Dot; PASSED 6-0-0

#### **Section D – Kingston Wetland Protection Regulations (KWPR) Updates**

8:57PM. Agent Penella explained that he posted the summary for proposed updates to the KWPR. Specifically, wording around vernal pools was vague and did not match the bylaw. There was also an update to the NOI checklist that calls for a project narrative. Jim asked about variances for standards. Agent Penella said this would be more appropriate for bylaw.

**VOTE:** Jim made a motion to close the hearing, seconded by Glen; PASSED 6-0-0

**VOTE:** Jim made a motion to approve the KWPR updates, seconded by Dot; PASSED 6-0-0

**CLOSING REMARKS**

Chair Vendetti started closing remarks at 9:02PM. The next meeting will be held on December 28, 2022 in Room 200.

**VOTE:** Jim made the motion to adjourn, seconded by Megan; PASSED 6-0-0

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**Prepared by:** Michael Perrin, Assistant Conservation Agent, Conservation Department

**Approved by Conservation Commission:**

**Materials Presented at Meeting:**

- Agenda
- Agent/Staff Notes
- Applications, plans, and relevant documents associated with the public hearings and discussions
- Meeting Minutes subject to review and approval





## **TOWN OF KINGSTON** **NOTICE OF MEETING**

|                              |                                                 |
|------------------------------|-------------------------------------------------|
| <b>BOARD:</b>                | Conservation Commission                         |
| <b>DATE &amp; TIME:</b>      | Wednesday, December 14, 2022 @ 6:30 PM          |
| <b>MEETING LOCATION:</b>     | Town House-26 Evergreen St. Room 200 & VIA ZOOM |
| <b>AUTHORIZED SIGNATURE:</b> | 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 15 or Verizon 42 and streamed on YouTube at [www.pactv.org/stream](http://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. Express Newspapers bill KWPR Updates Public Hearing Notice
2. Penella mileage
3. East Coast Fence bill
4. Environmental Partners Group bill Elm St BMP Design
5. Patriot Ledger bill for bid for Jones River Stormwater Improvements

##### **ACTION ITEMS:**

1. 93 Main St RDA
2. MBTA Taskforce Appointment
3. CPC Applications
4. 17 Wapping Road COC (Jones River Estates Partial COC)

##### **ENFORCEMENT:**

1. 164 Pembroke St
2. Cobb Ave

##### **MEETING MINUTES:**

1. 10/12/2022

#### **UPDATES:**

1. MassWildlife Habitat Grant Denial
2. 12/28/2022 ConCom Meeting

#### **PUBLIC HEARINGS:**

1. **Section A – 8 Smelt Pond Road (Map 89 Lot 18)**  
Applicant: Daniel Pepe; Representative: Dillon Brady, Grady Consulting LLC. Notice of Intent (NOI) for the construction of an addition to an existing single-family dwelling within 100' of a wetland resource area.
2. **Section B – 33 Cushman Drive & Thomas Street (Multiple parcels)**  
Applicant: Rick Lincoln, Cushman Farms, LLC; Representative: Lori MacDonald, Coneco Engineers and Scientists. Abbreviated Notice of Resource Area Delineation (ANRAD) for review and approval of flagged wetlands and review of riverfront area.
3. **Section C – 23 Spruce Street (Map 38 Lot 72)**  
Applicant: Charlene Nazaretian; Representative: Joseph Webby, Webby Engineering, Inc. Notice of Intent (NOI) for the razing of an existing single-family dwelling and construction of a new single-family dwelling within 100' of a wetland resource area.
4. **Section D – 64-70 Summer St (Map 36 Lot 9, 10-2)**  
Applicant: Sean Dormady, 64 Summer St LLC & 70 Summer St LLC; Representative: Darren Grady, Grady Consulting LLC. Notice of Intent (NOI) for parking lot and stormwater improvements within 200' of a perennial stream and 100' of a wetlands resource area.
5. **Section E – Kingston Wetland Protection Regulations (KWPR) Updates**

#### **ADJOURN:**

#### **NEXT REGULAR MEETING: DECEMBER 28, 2022**

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. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.

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](mailto: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: 12/14/2022

| NAME                                | INTEREST             | ADDRESS         |
|-------------------------------------|----------------------|-----------------|
| <i>[Signature]</i>                  | PETITIONER           | 8 SMELT POND RD |
| <i>[Signature]</i> Justin F. Gaudin | ATC YOUNG PETITIONER | 64 Pembroke St  |
| <i>[Signature]</i> Joe Webby        | Survegar             | 23 Spruce       |
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