

FINALIZED 1/11/2023



Conservation Commission Meeting Minutes Wednesday, December 28, 2022

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

Present: Dorothy MacFarlane, Vittorio 'Buz' Artiano, Megan Hickey, Natalie Wiegman

Virtual: Matt Penella, Conservation Agent

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

Staff: Mike Perrin, Assistant Conservation Agent

Location: Town Hall Offices Room 200

Commission Meeting Opened: 6:31 p.m.

Acting Chair Megan Hickey opened the meeting at 6:31PM. The date was December 28, 2022. Chairperson Kalina Vendetti, Vice-Chair Jim Franklin, and Glen Duffy were absent. Conservation Agent Matt Penella attended virtually. Buz Artiano attended virtually for the first ten minutes, then attended in person.

VOTE TO OPEN: PASSED 4-0-0

BUSINESS:

I. Signing Documents

The Commission signed a bill for Gatehouse Media for bids for the Elm St BMP/Jones River Habitat Restoration project. The Commission signed the previously approved Orders of Conditions for 64-70 Summer St.

II. Action Items

a) 93 Main St

Assistant Conservation Agent Mike Perrin presented the background on the filing. The representative submitted a revised plan with species names and storm capacity calculations for the rain garden. Mike asked if any more trees would be removed, to which Pam Alexander, Applicant, responded no. Mike pointed out that the maintenance plan does not include annual reports, and suggested the applicant submit photos annually for the first three years after completion. The Commission agreed. Agent Penella recommended that coneflower be replaced with a native species. The applicants agreed to both requests, which would be added to special conditions.

VOTE: Buz made the motion to issue a Negative 3 Determination of Applicability with special conditions outlined by the agents, Natalie seconded; PASSED 4-0-0

III. Enforcement

a) 164 Pembroke St

Agent Penella stated that there was no change since the last meeting. The Conservation Department asked for the revisions again on behalf of the Commission, and no revisions were provided. Agent Penella explained that the original timeline to submit a current conditions plan was met, but the revisions were taking awhile.

Joe Casna, homeowner, stated that the weather was proposing difficulties to getting the work done, but progress was being made.

VOTE: Buz made a motion to continue the matter to the next meeting, seconded by Natalie; PASSED 4-0-0

IV. Minutes

The minutes from the 10/26/2022 meeting were provided to the Commission prior to the meeting.

VOTE: Natalie made a motion to approve the minutes, Dot seconded; PASSED 4-0-0

V. Updates

a) Mulliken's Landing

Agent Penella provided an update, stating that the work was mostly complete. The crew removed 10' of pier and he was waiting on an as-built plan.

b) 40 Shore Drive Administrative Review

Assistant Agent Perrin updated the Commission on the approved administrative review for 40 Shore Dr. The homeowner was hoping to cut and remove a dead limb of a cherry tree that overhangs the top of coastal bank, as well as a small maple tree that sits at ~100'. The removal will take place entirely from the backyard and no machinery will be used. The project was approved and ratified by the Commission.

VI. Public Hearings

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

7:00PM. The applicant requested continuance to the January 11, 2023 meeting Section A.

VOTE: Buz made the motion to continue the hearing, seconded by Dot; PASSED 4-0-0.

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

7:01PM. Agent Penella explained that the revised plans identify riverfront area (RFA) as approximate, but it should be considered accurate RFA because the RFA was assessed by the peer reviewer. Lori MacDonald, Coneco Engineers & Scientists, explained that they were labeled approximate because it would not make a difference in the design. She explained that most of 33 Cushman was in RFA. Lori explained that some of the streams on or near the work area could not be delineated because they were not on their property. One of these streams was identified as perennial, which was challenged but ultimately accepted by Coneco. Buz asked why some delineations were approximate. Agent Penella explained that they could not apply resource area and buffer delineations on property they do not own, and Lori explained that they used MassGIS layers for the approximates.

Agent Penella requested that the approximate delineations should be easier to identify on the plan that the current color, which is grey. He also requested that the southernmost delineation should not be labeled approximate because it was reviewed by the peer reviewer. Clair Hoozeboom, LEC Environmental and peer reviewer, explained that the small parcel to the south should not be considered approximate because it was reviewed in the field. She also stated that the 100' buffer off the bordering vegetated wetland on 33 Cushman should not be considered approximate, but the RFA should be considered approximate. After receiving these revision, Agent Penella stated that he would be OK with issuing an ORAD through WPA.

VOTE: Buz made the motion to continue to January 11, 2023 Section C, seconded by Natalie; PASSED 4-0-0

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

7:20PM. The applicant requested continuance to January 11, 2023.

VOTE: Natalie made the motion to continue the hearing to January 11, 2023 Section B; PASSED 4-0-0

CLOSING REMARKS

Acting Chair Megan Hickey started closing remarks at 7:21PM. The next meeting will be held on January 11, 2023 in Room 200.

VOTE: Dot made the motion to adjourn, seconded by Natalie; PASSED 4-0-0

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**

BOARD: Conservation Commission

DATE & TIME: Wednesday, December 28, 2022 @ 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 15 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. Bill for Gatehouse Media for Elm St BMP/Jones River Restoration Bids
2. 64-70 Summer St Order of Conditions

ACTION ITEMS:

1. 93 Main St RDA

ENFORCEMENT:

1. 164 Pembroke St

MEETING MINUTES:

1. 10/26/2022

UPDATES:

1. Mulliken's Landing

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.

THIS HEARING HAS BEEN CONTINUED TO JANUARY 11, 2023

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.

THIS HEARING HAS BEEN CONTINUED TO JANUARY 11, 2023

ADJOURN:

NEXT REGULAR MEETING: JANUARY 11, 2023

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 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: 12/27/22

NAME	INTEREST	ADDRESS
Pam/Leroy Alexander	93 Main	—
Joseph Casna		164 Pembroke

