

FINALIZED 1/14/23



Conservation Commission Meeting Minutes Wednesday, November 9, 2022

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

Present: Jim Franklin (Vice-Chair), Dorothy MacFarlane, Glen Duffy, Natalie Wiegman

Virtual: Vittorio 'Buz' Artiano, Megan Hickey

Absent: Kalina Vendetti (Chairperson)

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

Location: Town Hall Offices Room 200

Commission Meeting Opened: 6:30 p.m.

Vice-Chair Jim Franklin opened the meeting at 6:35PM. The date was November 9, 2022.
Chairperson Kalina Vendetti was absent.

VOTE TO OPEN: PASSED 6-0-0

BUSINESS:

I. Signing Documents

The Commission signed bills for Elm St BMP design, Grainger, Plymouth County Registry of Deeds, WB Mason, Jones River habitat assessment, and bog restoration design.

II. Action Items

a) 79 Elm St RDA

Agent Penella provided background on the OOC denials issued in recent months and explained the RDA was submitted for the abandonment of the existing septic system and replacement with a new system. The existing septic is within the 100' buffer and this proposal would site the new system outside of the 100' buffer and within 200' of RFA. The proposed plan places the system best can given the resource areas. Grading is required for the proposed project. Board of Health files show a COC with septic system different than existing. Questions included parking on septic system, box around tank in plan, and sourcing of fill.

Erik said the previous work was never completed. He explained that the box around is for grading. The representatives tried to propose as little grading as possible to allow for limits of fill. Erik explained that clean fill would be trucked in. The proposed system is designed for water loading so average parking proposes no problems. The project met Title 5. The current system will be pump out, crush it, filled with clean material.

Matt agreed that the proposed is the best possible use and recommended issuance of a negative 3 determination.

VOTE: Glen made the motion, Dot seconded; PASSED 6-0-0

III. Enforcement

a) 48 Marion Dr

Matt summarized previous conversation with the owners. The requested site visit was completed. He explained he did not have a concrete recommendation due to the complexity of the situation. He explained that he did have evidence of violation and but enforcing the violation would not be strong. He proposed either taking enforcement or not taking enforcement to gather more information. He recommended getting more information from other boards. The violation was aerial deposition of sediment into wetlands and the ACO is main issue for aerial sedimentation. He explained that there is an open cease and desist from Building Inspector which was upheld by ZBA. Matt did not view this as a conservation issue yet and advised against jumping in at this time.

Megan asked if the cease and desist was signed by ZBA and finalized. Matt did not think so. He explained that the appeal failed after the cease and desist. There were discussions about conservation business vs town business. Matt reiterated that DEP said the evidence of the violation does not hold a strong position. The participants observed wind blowing dust during the site visit, but did not reveal anything significant. An Enforcement Order could be issued to correct or address the problem, which the owners have already stated they are doing. He suggested continuing indefinitely to gather data, then revisit.

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

IV. Public Hearings

Section A – 23 Spruce St (Map 38 Lot 72)

7:04PM. Vice-Chair Jim Franklin opened the hearing. Agent Penella stated that he did not feel the application was complete and therefore was not ready for review. The proposed project abuts salt marsh, a sensitive resource area, and no narrative was provided to explain conformance with WPA and KWPR standards; the burden of proof is on the applicant and representative. The Commission agreed with the Agents comments. Joseph Webby of Webby Engineering Associates, Inc. presented the plan, a raze and rebuild entirely within 100' of the salt marsh and entirely within FEMA flood zone AE12. He explained that the project conforms to planning setbacks.

LuAnn McAuliffe, 18 Waterview Lane, asked about square footage of existing vs proposed. Webby did not have an answer. Christine Bunar, 22 Atwood St, asked if the dimensions were accurate, to which Webby responded yes. She also asked about the impact to flooding and flood retention after the proposed removal of the four oak trees. Agent Penella explained that removal of the trees would negatively impact stormwater management and mitigation should be shown. She also asked about the location of the proposed footprint, to which Webby responded the proposed is further away from the resource area than the existing. She also asked if the

abutters notification could be expanded beyond the current 100'. Dot MacFarlane expressed concern about drainage, and the Commission agreed that drainage patterns and controls should be shown on a revised plan. Agent Penella reiterated that a narrative should be provided before the next hearing.

VOTE: Glen made a motion to continue the hearing to December 14 Section C, seconded by Dot; PASSED 6-0-0.

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

Vice-Chair Franklin opened the hearing at 7:25PM. The Commission received a continuance request from the Applicant prior to the meeting and voted to continue the hearing until December 14, 2022 Section B.

VOTE: Buz made the motion, seconded by Glenn; PASSED 6-0-0

Section C – 19 Kingston St (Map 68 Lot 92-2)

Vice-Chair Franklin opened the hearing at 7:27PM. Paul Bakis of Grady Consulting LLC presented the proposed project. He explained that there were no structures within 50' and no landscaping within 30'. The proposed impervious coverage was 13.6% as opposed to the previously approved plan with 0.7%. Relocation of the driveway caused the increase of coverage. The plan also proposed a covered porch instead of a deck. Bakis explained that the drywells do not tie into the wetlands. He also explained that the lawn is designed to pitch to a swale which will lead to the street and eventually a catch basin. The Commission and Agent discussed relevancy of the existing OOC in relation to the new NOI.

Buz asked why the applicant changed the location of the driveway. Michael Liuzzi, homeowner and applicant explained that he wanted the proposed garage on the right side of the house and would be willing to move the driveway and garage. Valerie Liuzzi, homeowner and applicant explained that they also wanted to move the driveway for privacy. Bakis stated that the grading may be difficult if the driveway is flipped. The Liuzzi's explained that the half walkout would be for the windows only.

Jim proposed mitigation for the increase in coverage, but Agent Penella disagreed because it is a new NOI and not an amendment. The Agent said special conditions would be more appropriate. Buz asked if a grass swale could be added along the driveway for stormwater runoff control before hitting the road.

The Agent recommended approving the proposed project and issuing OOCs with a special condition preventing chemical use on the lawn.

VOTE: Buz made a motion to close the meeting, seconded by Glen; PASSED 6-0-0

VOTE: Buz made a motion to issue OOCs with the above special condition, seconded by Glen; PASSED 6-0-0

Section D – 64-70 Summer St (Map 36 Lots 9 & 10-2)

Vice-Chair Franklin opened the hearing at 8:06PM. Agent Penella explained the site visit with the representative. The representative provided aerial imagery showing details on area previously disturbed. The agents spoke with DEP. DEP instructed them to ensure the proposed

plan was in compliance with riverfront area standards and to send any updated information. The agent said the proposed rain garden, plantings, and grading is likely adequate for stormwater management, alongside the stormseptic to treat runoff. Buz asked if the septic was already installed, to which the representative, Gabriel Padilla of Grady Consulting LLC, said no. Buz said that the stormwater management will significantly improve the current conditions. The agent recommended continuance to allow the Department and Commission to ensure all riverfront area standards are being met and to provide all updated information to DEP.

Pine duBois, Jones River Watershed Association, expressed distress about additional asphalt in close proximity to the brook. Agent Penella said the previous conditions, hardpack gravel with grading sloping to the brook, was likely causing more detrimental impacts. Dot stated that some of the gravel areas had plants, and Agent Penella highlighted the proposed restoration areas between the newly paved areas and the brook as well as the removal of historic rubbish.

The Commission discussed a special condition allowing the Town to access the culvert for future removal.

VOTE: Glen made a motion to continue the hearing to December 14, 2022, seconded by Buz; PASSED 6-0-0

V. Enforcement Continued

b) 123-125 Wapping Rd

Agent Penella explained that a Notice of Violation was sent to Glenn Priolo, 123-125 Wapping Rd, pointing out several violations to existing Orders of Conditions, including no evidence of recording, not sending copies of additional permits, no revisions to final plans provided to Conservation, no contact information for contractors, no construction sequence, no documentation provided for correspondence with other departments, no temporary cover if the soil was disturbed for longer than two months, and no proof that site grading was done expeditiously as outlined in special conditions. Glenn Priolo explained that he reached out to Mary but heard nothing back. The representative did provide info and photos showing the entrance road and erosion control and vegetative cover on the site. The engineer was working on a construction sequence. Agent Penella expressed that the applicant did attempt to follow the conditions. There is a 40B eligibility plan on the adjacent property, but this matter is about commercial development.

c) 164 Pembroke St

Agent Penella recommended continuance. He went on a site visit to touch the wetlands flags and provided notes to the applicant and representatives. Conservation is waiting on revisions.

VI. Minutes

Minutes for 10/12/2022 were provided to the Commission. The Commission wanted more time to review.

VII. Updates

a) Kingston Protection Wetland Regulations Revisions

Agent Penella explained the proposed revisions to the Kingston Wetland Protection Regulations (KWPR). The setbacks for of vernal pool were made clearer. The vernal pool regulations state that

100' is added to mean high water level, then another 100' for the envelope. He explained next town meeting would allow him to clean up regulations that do not match the bylaw. Proposed changes to the KWPR will be presented 10 days before the December 14, 2022 Commission meeting.

CLOSING REMARKS

Vice-Chair Jim Franklin started closing remarks at 9:03PM. The next meeting will be held on December 14, 2022 in Room 200. There will be no meeting on November 23, 2022.

VOTE: Dot made the motion to adjourn, seconded by Natalie; PASSED 6-0-0

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, November 9, 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 EPG for Elm St BMP Final Design
2. Bill for Grainger
3. Bill for Plymouth Country Registry of Deeds
4. Bill for WB Mason
5. Bill for Beals & Thomas for Jones River Habitat Assessment
6. Bill for Beals & Thomas for Bog Restoration Design

ACTION ITEMS:

1. 79 Elm St RDA

ENFORCEMENT:

1. 48 Marion Dr
2. 123-125 Wapping Rd
3. 164 Pembroke St (Continued to 12/14/2022)

MEETING MINUTES:

UPDATES:

1. Language in By-Law Application of Vernal Pool

PUBLIC HEARINGS:

1. **Section A – 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.
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 – 19 Kingston St (Map 68 Lot 92-2)**
Applicant: Valerie & Michael Luizzi; Representative: Paul Bakis, Grady Consulting, LLC. Notice of Intent (NOI) for the construction of a single-family dwelling and associated driveway and landscaping 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.

ADJOURN:

NEXT REGULAR MEETING: DECEMBER 14, 2022

Join Zoom Meeting

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSiBNdDFldz09>

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: Nov 9.

NAME	INTEREST	ADDRESS
Bob Erlandsen	Camp Nelson	99 Manley Hill
PAUL BAUS	Lot 2 Kingston	71 Evergreen Grady Consulting
Maguire Duggan	O'Donnell	24 Pondview
Mary O'Donnell	O'Donnell	24 Pondview
Erik Schumaker	79 Elm	McKenzie Engineering
Christine Bunar	22 23 Spruce	22 Atwood
LuAnn McAuliffe	23 SPRUCE	18 WATERVIEW
Tyler Duggan	48 ^{O'Donnell} marion Dr.	
Joe Webby	23 Spruce	

