



Conservation Commission Meeting Minutes Wednesday, November 13, 2024

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

Present: Kalina Vendetti (Chair), Brian Payne, Megan Hickey, Dot MacFarlane, Marilyn Kozodoy, Buz Artiano

Virtual: none

Absent: Jim Franklin

Staff: Matt Penella (Conservation Agent)

Location: Town Hall Offices, Room 200 & Via Zoom

Commission Meeting Opened:

BUSINESS

I. Signing Documents

The Commission signed a Determination of Applicability for 15 Crystal Drive and an Enforcement Order for 2 Wildwood Circle. They also signed invoices from We Print Today for trail signage at Blackwater Memorial Forest, from Beals & Thomas for the Sampson's Brook Headwaters Restoration Project, from Amazon Business for underwater monitoring equipment, and from Environmental Partners Group for MS4 support.

II. Action Items

1. 58 Shore Drive: Request for Certificate of Compliance

Chairperson Vendetti opened a public meeting to discuss the Request for a Certificate of Compliance for 58 Shore Drive. Agent Penella said that the permit was issued in 2012 for an addition to a single-family house. Julianna Denum, Assistant Conservation Agent, confirmed at a site visit that the addition was built in accordance with the as-built plans and Orders of Conditions, and the Department received a certification from Rick Grady of Grady Engineering LLC that the addition was built to specifications.

VOTE: Commissioner Kozodoy made a motion to issue the Certificate of Compliance, seconded by Commissioner Hickey. PASSED 6-0-0.

2. Discuss November 27th Meeting

Agent Penella recommended cancelling the November 27th meeting, as it is the day before Thanksgiving and the only item on the agenda is a continued enforcement case.

VOTE: Commissioner Artiano made a motion to cancel the November 27th, 2024 meeting, seconded by Commissioner Kozodoy. PASSED 6-0-0.

III. Enforcement

1. 15 Bagnell Street

Agent Penella stated that all four enforcement cases on the agenda had a deadline of October 31st to perform actions per enforcement orders. 15 Bagnell Street was required to put down a seed mix and install conservation posts, which they have done. The Agent will return to check on the property in one year. He will also check on the property in the spring, as he is concerned about the seed mix taking due to the recent dry weather and because the property owner is completing the work on their own instead of hiring a professional. If the seed mix doesn't establish by the fall, the Commission may need to take further enforcement action.

VOTE: Commissioner Artiano made a motion to remove enforcement at 15 Bagnell Street from the agenda, seconded by Commissioner Kozodoy. PASSED 6-0-0.

2. 375 Elm Street

Agent Penella stated that the actions requested through enforcement were completed on this property, including installing conservation posts and planting native shrubs.

VOTE: Commissioner Kozodoy made a motion to remove enforcement at 375 Elm Street from the agenda, seconded by Commissioner MacFarlane. PASSED 6-0-0.

3. 56 Main Street

Agent Penella received a report from South River Environmental stating that the actions requested through enforcement were completed, though he has not been on site to confirm. He stated that he will follow up but still recommended removing this property from the agenda for now.

VOTE: Commissioner Kozodoy made a motion to remove enforcement at 56 Main Street from the agenda, seconded by Commissioner Payne. PASSED 6-0-0.

4. 28 Raboth Road

Agent Penella stated that Asst. Agent Denum went to the site today and saw that the required work was completed. She did notice two shrubs of the wrong species were added and will be replaced with the correct ones. The owners did plant more native shrubs than required, so Agent Penella doesn't see a reason to keep this on the agenda just for the two that will be removed.

VOTE: Commissioner MacFarlane made a motion to remove enforcement at 28 Raboth Road from the agenda, seconded by Commissioner Kozodoy. PASSED 6-0-0.

IV. Minutes

1. August 14, 2024

VOTE: Commissioner Artiano made a motion to accept the minutes for August 14, 2024, seconded by Commissioner Hickey. PASSED 5-0-1 (Commissioner Payne was absent from that meeting, so abstained).

V. Updates

1. Blackwater Memorial Forest Restoration Project

Agent Penella said that the tree work portion of the project began late last week, including cutting and chipping regenerating trees between the perimeter trail and the old bog perimeter ditches. The chips will be pushed into the ditches and eventually covered by dirt. That work, along with removing water control structures and re-establishing Sampson's Brook, is currently out to bid. Commissioner MacFarlane asked if any trees would be moved off site, and Agent Penella said no, all material will be used on-site as part of restoration.

2. Other updates

Agent Penella reported that he attended a site visit on Martha's Vineyard today to view one of the first Southern pine beetle infestations in Massachusetts. He learned that one of the tools to mitigate the impact of these infestations is thinning tree stands. The beetles target pitch pine stands, which are present at Camp Nekon, one of the town's conservation properties. The information learned today will inform future management at Camp Nekon. There is valuable timber on that property, which can be used to pay for thinning to protect against damage from Southern pine beetles.

Agent Penella also reported that Silver Lake is currently down four feet. Now that Brockton elections are over, he will continue to work on advocacy and outreach about the effects of the City of Brockton's water usage on the lake. The Old Colony Planning Council is currently contracting out a regional water study to help guide local water needs, which will help inform solutions. The City of Brockton doesn't currently implement any water use restrictions. Kingston implements water use restrictions based on flow in the Jones River, which has its headwaters in Silver Lake. Brockton taking a large amount of water from the lake without implementing restrictions leads to lower flows in the Jones River and the implementation of restrictions in Kingston. Agent Penella has heard that Brockton is trying to hire a new position to identify issues in their water system, but they have not found someone yet. The water levels in the lake are too low to allow the juvenile herring currently in the lake to leave. Agent Penella has documented juvenile herring in the lake, as well as dead freshwater mussels. The lake contains some state-listed mussel species, so he has been in touch with the MA Natural Heritage Program. Commissioner Artiano suggested ways that other towns have addressed water supply issues through building permitting processes. Agent Penella discussed the challenges that come with advocating for changes to water use for ecological reasons when people currently depend on that water source and have limited funds to make changes. Commissioner MacFarlane asked whether Brockton is legally allowed to sell Silver Lake water. Agent Penella said that selling water to other towns was part of the reason Brockton was able to take water from Silver Lake in the first place and explained some of the extensive legal complexity around Brockton's use of the lake. Agent Penella and Commissioner Artiano discussed addressing the high rate of water loss (approximately 33%) in Brockton's system as an avenue to reduce their usage.

VI. Public Hearings

1. **70 Summer Street: Notice of Intent for the proposed installation of a private well for domestic water supply purposes within the 200-foot riverfront area to Stony Brook.**

VOTE: Commissioner Kozodoy made a motion to continue the hearing to December 11, 2024, seconded by Commissioner Hickey. PASSED 6-0-0.

CLOSING REMARKS

Chairperson Franklin made closing remarks at 6:59 p.m. The next meeting will be held on December 11, 2024, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Artiano made the motion to adjourn, seconded by Commissioner Kozodoy. PASSED 6-0-0.

Note on Voting Format: In the vote tallies mentioned in these minutes, the format used is "Yes-No-Abstain".

Prepared by: Georgianna Minenna, Assistant Conservation Agent