



# Conservation Commission Meeting Minutes

## Wednesday January 12, 2022

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

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

**Virtual:** Buz Artiano

**Absent:** NA

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

**Location:** Town Hall Offices Room 200

**Commission Meeting Opened:** 6:30 p.m.

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**Chairperson Kalina Vendetti:** The time is 6:30pm, the date is Wednesday January 12, 2022, 2021. Commissioner Buz Artiano is attending virtually. According to Open Meeting Law, Buz can still vote, but all votes will need to be held as rollcalls. We will now vote to open the meeting.

PASSES 7-0-0.

**Kalina:** Please note we are doing a hybrid meeting with in-person and virtual attendance. If a member of the virtual public would like to make comments during a public hearing, please use the "raise hand" function on Zoom, and you will be assigned a speaking time. If you are listening in via Telephone Dial-In, press     \*9 to raise your hand, and then press     \*6 to unmute yourself. This meeting is being recorded by PacTV and a record of this meeting will be posted on the Kingston town website as soon as we are able. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.

### **BUSINESS:**

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

**Kalina:** Will the Agent please brief us on what needs to be signed?

**Matt:** We have bills for Association of Massachusetts Wetlands Scientists Membership, Beals and Thomas Peer Review, Off Winter St Peer Review, two bills for trail signage, and mileage reimbursement for me. Also the ORAD for Off Winter St.

## II. Action Items

- a) Right of First Refusal  
*Ring Rd Bogs*

**Kalina:** We will open a discussion on the Right of First Refusal for the Ring Rd Dual-use Bogs. Commissioner Macfarlane will sit out of this conversation.

**Matt:** I have a draft of a conservation restriction, received a few hours ago. It appears to be a CR, not an agricultural preservation restriction (APR). Both Adam Schumaker and I did not have enough time to review it well before the meeting. I sent it to Town Council. Adam is here.

**Adam Schumaker, Next Sun Energy:** We had drafted a deed restriction that circulated a few weeks ago, but it came to our attention that there is an MA limitation that only makes these documents valid for 30 years. I was hesitant to do a full CR, but we are getting more comfortable using an APR.

**Pine Dubois, Jones River Watershed Association (JRWA):** I request that the updated documents be shared with JRWA.

**Kalina:** No problem. Is it premature to continue?

**Matt:** No. The Commission can make a motion to the Board of Selectmen not exercise their right of first refusal pending review of the conservation restriction.

**Shelia Vaughn, Board of Selectman:** BOS has a meeting next Tuesday. We have back-to-back meetings in the next few weeks, so keep us posted.

**Jim:** Do we know when the end of ROFR date is?

**Matt:** Single digits of February.

**Jim:** We should do everything we can to communicate that next meeting should be the end of this.

**Matt:** We do have plans that show which parts of the parcel. If the document provides the basic protections of a conservation restriction, that satisfies what the Commission was looking for, which is preventing future development. We do have the option of putting a recommendation together pending the review of the document by us and Town Council.

**Adam:** Our attorneys used a template provided by the state. Specifically, we used the APR template. It should look familiar as a CR.

**Kalina:** I think we could get this recommendation next week.

**Jim:** We could do an ad hoc meeting.

**Kalina:** We could do that and the commission and Town Council can review the document in the meantime. Is that acceptable?

**Commission:** Agrees.

**Kalina:** This is what we will do to get a timely response to the BOS.

**Mike:** Pine put in the chat that should would like to be provided the documents so she can also comment.

- b) Earth Removal Project  
*11 Wapping Rd*

**Kalina:** Dot must recuse herself again. Matt, can you please brief us?

**Matt:** I had Mike go through the revisions from the applicant. He can provide the update.

**Mike:** As a refresher, we talked about addition of erosion control in phases, measures to keep water on the property including catch basins, and pointing out some of the inconsistencies in the application. Upon my review, I found that the applicant provided satisfactory plans for erosion control measures. The revisions did not address the Commission's request to include filter fabric in the catch basins. The revisions did not provide the erosion control stages in the construction sequence as requested. The revisions do not address the Commission's request to install stormwater collection systems at the base of the driveway; two basins will sit at the tops of the slopes. As for the inconsistencies, the applicant revised the slopes to acceptable grades. The plan does not address the inconsistencies in the groundwater levels. The revisions do not address the request for additional mandatory details in the restoration plan, but the revised plan does satisfy the requests to include topography, drainage facilities, final grades, and proposed vegetation.

**Matt:** The Planner is also putting together comments for this. Also language for conditions for earth removal permits.

**Shelia:** BOS met last night and we did not vote. We wanted to see what the Planner was writing.

**Kalina:** Is the applicant available? Any comments from the public?

**Glen:** These are recommendations that we came up with, but who makes the ultimate call?

**Jim:** BOS. Do we need an action tonight? I do not think I am ready to make a recommendation, I would like more time to look over. Seems like they only partially satisfied our requests.

**Buz:** I agree with Mike's comments. It is not ready for a recommendation.

**Jim:** I make a motion that the Agent summarize our conversation at this meeting and send to the BOS. It is not a recommendation, it is informative.

**Glen:** So we recommend that the applicant answer all our requests?

**Jim:** No, we just informing them. We are not ready to make a recommendation.

**MOTION:** Jim makes the motion, Megan seconds. PASSES 7-0-0, roll call.

c) CPC Applications

**Matt:** We have two applications we are planning to submit to the CPC on Friday on the Commissions behalf. The first application is for improving natural areas through installation/repair of kiosks and other structures, updating trails and trail markers, and other land management activities. The other application is for the purchase of a parcel of land on Pratt's Pond. This abuts Camp Nekon and the State Forest, so purchase of this would make Pratt's Pond undevelopable forever. The lot is currently landlocked, but it is better to get it officially protected and it gives us more control over the Camp Nekon area. We are looking for signatures of support for both applications.

**Kalina:** We can vote on this to be safe. A motion can be made to approve the applications.

**MOTION:** Jim makes the motion, Dana seconds. 7-0-0, roll call. PASSES

## **PUBLIC HEARINGS:**

### **Section A – 1-13, 1-15 Old Orchard Ln (Map 59, Lot 53)**

**Kalina:** The time is 7:00PM. I re-open a hearing for 1-13 & 1-15 Old Orchard Ln for the repair of a sea wall within 100' of a coastal resource area. The Applicant is Mark Guidoboni and the Representative is Adam Brodsky. Does the Applicant have any comments?

**Mark Guidoboni, Old Orchard Realty Trust:** We received the bid today. With the short notice, I was only able to reach the attorney. He suggested that we request a continuance to the next meeting to evaluate the bid. His initial comment said that the scope of work did not accurately represent the RFP.

**Dana:** We need to get an end to this. This has been taking years.

**Matt:** We have put it out three times for peer review, and finally got a response.

**Dana:** We either have to fix this or we accept the mistakes.

**Matt:** We are in the process. The Commission said they wanted peer review. It is acceptable that he does not accept this with such short notice.

**Kalina:** We should grant the two weeks. It is a matter of fairness.

**MOTION:** Jim makes the motion, Megan seconds. PASSES 6-1-0, roll call, Dana votes no.

### **Section B – 48 Howland's Ln (Map 48, Lot 17)**

**Kalina:** The time is 7:06PM. I re-open a hearing for 48 Howland's Lane. The applicant is Scott Cohen of Wrentham Woods LLC and the Representative is Theo Kindermans of Stantec.

**Matt:** The information came in very recently. We got our peer review letter yesterday, and the applicant expressed that they wanted to discuss the meat of the project again during this meeting. This is up to the Commission. Right before this meeting, I did get an email from Stantec with responses, but I have not had a chance to review. We can discuss the project or continue for our review to the responses; this is up to the Commission.

**Jim:** I did get a chance to review but I would like more time to be comfortable to discuss the project. I feel that the project and plan will likely change, so this is another consideration.

**Kalina:** I agree. I think we should hold off on any questions until next meeting.

**Buz:** My only concern is the timing. I believe we have a certain time we need to act or the plan gets approved.

**Matt:** We have a waiver agreement signed by the Applicant that overwrites the time constraint.

**Buz:** Great. I am fine with a continuance.

**Scott Cohen, Applicant:** We just wanted to update the Commission about our progress with the peer reviewer, including the reduced number of houses and relocation of the project almost completely out of the buffer. We are in conversations with Stacy. I can understand that concerns about the plan changes, so I am fine with the continuance.

**Buz:** Based on this comment, I imagine substantial changes might be coming. I make the motion to continue the meeting.

**MOTION:** Buz makes the motion, Jim seconds. PASSES 7-0-0, roll call.

**Kalina:** This will be Section E.

**Sheila:** If you knew you were going to continue, you should let the public know earlier. I know you cannot anticipate this, so is there a way we can hear about this before the meeting? I've been sitting here, and you are continuing, continuing, continuing, which is fine, but is there a way to let the public know?

**Matt:** We do update the public. We amend agendas, even day of, when new information comes in. The Applicant requested the conversation, and the discussion led to the Commission deciding to continue.

**Buz:** We can only continue with a vote in a meeting, so the Applicant must request the continuance.

**Matt:** Also, the Commission has decided that the public should attend virtually. We are encouraging people to join the conversation via Zoom.

**Mike:** Before we move on, I wanted to respond to some comments in the chat. First, if any members of the public want documents, please email the conservation office. There was a question where to find the agenda, which can be found on our new website.

**Sheila:** You can sign up for a texting feature that lets you know when a department posts or amends an agenda.

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### **Section C– Foundry Pond Drive**

**Kalina:** The time is 7:20PM. I re-open a hearing for Foundry Pond Drive for the construction of two single-family dwellings, a section of road, and a stormwater catch basin. The Applicant is Joseph Mahoney of J & O Hawk Investment, LLC and the Representative is Karen Beck of Principe Engineering. The applicant has requested the hearing be continued to January 26, 2022. \* [THIS WAS INCORRECT, APPLICANT REQUESTED CONTINUANCE UNTIL FEBRUARY 23]\*.

**Buz:** I make that motion.

**MOTION:** Buz makes the motion, Jim seconds. PASSES 7-0-0, roll call.

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### **Section D – 79 Elm St (Map 55, Lot 7)**

**Kalina:** The time is 7:21PM. I open a hearing for 79 Elm St for an Abbreviated Notice of Resource Delineation. The Applicant is Yeshayah Bust and the Representative is Bradley McKenzie of McKenzie Engineering. The applicant has requested the hearing be continued until January 26, 2022.

**Dana:** I'll make that motion.

**MOTION:** Dana makes the motion, Jim seconds. PASSES 7-0-0, roll call.

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### **Section E—114 Country Club Way (Map 73, Lot 4-114)**

**Kalina:** The time is 7:22PM. I open a hearing for 114 Country Club Way. The Applicant is Kevin Tonsberg, CAO Realty Trust and the Representative is Brad Holmes, Environmental Consulting & Restoration, LLC. A Notice of Intent (NOI) was submitted for single family home improvements consisting of deck, house bump-outs, garage, retaining walls, patio, fencing, and more within the buffer zone. The applicant has requested the hearing be continued until January 26, 2022.

**Dana:** I'll make that motion.

**MOTION:** Dana makes the motion, Dot seconds. PASSES 7-0-0, roll call.

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## III. Enforcement

### a) 29-31 Main St

**Kalina:** Can the Agent please update us on the situation at 29-31 Main St?

**Matt:** I had a site visit on January 6<sup>th</sup> with Mr. Merhmann and his contractor. Erosion control is in, and construction can start. He voiced concerns about planting this time of year, and I said we

would likely still want to move forward with the restoration, but the Commission will make that decision.

*b) May Ave/Post Ct*

**Kalina:** Can the Agent please update us on the situation at May Ave/Post Ct?

**Matt:** Brad Holmes is the Representative. He emailed asking if he could provide an update at the next meeting because he would like more time to look at my agent notes with the Applicant, which I provided yesterday.

**Mike:** There is a comment in the chat asking to keep the town informed.

**Matt:** The public is welcome to attend these meetings, come ask questions and chat at the conservation office, or request documents. Regarding this 40B project, the ZBA made the recommendation and approval, so this is another good resource for information. Any info we have, short of legal documents, are open to the public.

*c) Main St- Smelt Brook*

**Kalina:** Can the Agent update us on the situation at Main St/Smelt Brook?

**Mike:** I was driving on Main St the other day, near the Charlie Horse. There is a property with an electrical building or pump building, I am not sure, but I have noticed a small path that runs along Smelt Brook behind this building. The other day, as I was driving, I noticed that the trail had been expanded and had some tire ruts, looking like a good place for dumping. I got back to the office and looked on the satellite imagery and found that there are multiple piles of dumping, including a tractor trailer. We have not been able to make any progress since I noticed this, but I wanted to make the Commission aware.

**Dana:** The building is a pump station. It should be owned by the town.

**Mike:** It is not town owned land. I believe it is owned by someone in Boston.

**Kalina:** It looks like there is an easement there.

**Matt:** We will be using our new step-by-step guide to address this issue.

IV. Minutes

**Kalina:** Will a commissioner make a motion to accept the meeting minutes from December 22<sup>nd</sup>, 2021 as they are presented?

**MOTION:** Jim makes the motion, Buz seconds. PASSES 7-0-0, roll call.

V. Updates

a) Dana Tree Clearing

**Kalina:** Will the agent update us on the clearing of trees at the Evergreen parcels?

**Matt:** Dana wanted to clear some trees off the fire roads. These are conservation-owned parcels. Mike and I went on a walk with Dana to see the trees. It does not need much approval, and I already have granted. Mike GPSed the trails for the Fire Department.

**CLOSING REMARKS**

**Kalina:** The next meeting will be held on January 26th, 2022 at 6:30PM. The time is 7:32PM. Will a Commissioner make a motion to adjourn the meeting?

**MOTION:** Dana makes a motion to adjourn the meeting; Dot seconds. PASSES 7-0-0, roll call.

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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