



# Conservation Commission Meeting Minutes

## Wednesday February 9<sup>th</sup>, 2022

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

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

**Virtual:** Buz Artiano, Megan Hickey

**Absent:** Kalina Vendetti (Chairperson), Dana Duperre

**Staff:** Matt Penella, Conservation Agent

Mike Perrin, Assistant Conservation Agent

**Location:** Town Hall Offices Room 200

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

---

**Acting Chairperson Jim Franklin:** The date is February 9<sup>th</sup>, 2022. The time is 6:38pm. Chairperson Vendetti will not be attending tonight and commissioners Buz Artiano and Megan Hickey are attending virtually. According to Open Meeting Law, Buz and Megan can still vote, but all votes will need to be held as rollcalls. We will now vote to open the meeting.

**VOTE:** PASSES 5-0-0 (Jim, Glen, Dot, Buz, Megan)

**Jim:** 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 Beals and Thomas for 48 Howlands Lane, a bill for Pare Corporation for inspection of the Kelleher Dam, and a bill for tree work at Sampson Park from Mark Leclair.

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

a) Annual Report

**Jim:** Will the Agent please provide brief the Commission on the Annual Report?

**Matt:** I prepared the Annual Report covering ConCom happenings for 2021. If anyone has an edits or additions please let me know.

**Jim:** Thank you for your hard work.

**Dot:** Where will this be published?

**Matt:** This will be in the Town Annual Report and posted to our website.

### III. Enforcement

a) 29-31 Main St

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

**Matt:** No change due to the weather.

b) May Ave/Post Ct

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

**Matt:** At the last meeting, the Commission voted to issue enforcement orders to guide the restoration work that was specified in the previous enforcement order. I sent these via email to the ConCom and we have them here to sign tonight. The Kingston Wetlands Protection Regulations (KWPR) form has the majority of the details. Enforcement was taken instead of an OOC because OOC allows 3 years.

c) 97 Main Street

**Jim:** Can the Agent update us on the situation at 97 Main St?

**Mike Perrin, Assistant Conservation Agent:** I brought this to the Commission's attention last meeting. This is the lot next to the Charlie Horse with lots of dumping of various materials near Smelt Brook. I was able to get the contact info for the new owner, the lots changed hands under a foreclosure in July, and will be sending a Notice of Violation to the owner tomorrow. Matt did get out to the property with DEP and saw potential dumping of hazardous waste.

### IV. Minutes

**Jim:** Will a commissioner make a motion to accept the meeting minutes from January 26, 2022 as they are presented?

**Megan:** I was only in attendance for part of the meeting, from after the hearing for 79 Elm St onward. My vote will be to approve only that section of minutes.

**MOTION:** Buz makes the motion, Dot seconds. PASSES 5-0-0.

### V. Updates

a) Neighborhood Outreach Grant

**Jim:** Will the Agent update us on the Neighborhood Outreach Grant?

**Matt:** Mike submitted an application to the Neighborhood Outreach Grant through Department of Conservation and Recreation and the Massachusetts Open Space Network. We received the requested amount, even though the deadline had closed.

**Mike:** Look forward to some new outreach materials and that workshop. It was \$350.00 so it will cover mailing and that workshop.

b) Pratt's Pond Parcel

**Matt:** We submitted a CPC application for the purchase of the Pratt's Pond parcel. The CPC recommended reaching out again about the possibility of getting the land donated, though the real estate agent had specified that the owners were trying to get as much money as possible from the deal. I approached them again about donation and they agreed to donating the property.

**Jim:** Thank you to the landowners!

c) Big Y Parking Lot

**Mike:** On my lunch break, I saw some digging/trenching going on in the Big Y lot near the wetland by McDonalds. I touched base with the excavating company, and they informed me that this was preliminary work for an Atm being put in there. While the digging was on the 100ft cusp, the staging of the trucks was occurring next to the wetland, creating potential for dirt or asphalt to go into the wetland if any materials overshoot the truck. They agreed to put some erosion control and move the staging area to prevent this.

**Megan:** I think this may be going through other departments.

**Matt:** I will talk to the Town Planner tomorrow about this because there are problems with the drainage.

**Buz:** I believe there was an order in place that the owner of the lot/parking lot manager would have to clean the wetland, which I am sure is still filled with trash.

## **PUBLIC HEARINGS:**

---

### **Section A – 88 Ring Road (Map 61, Lot 29)**

**Jim:** The time is 7:00PM. I open a hearing for 88 Ring Road for a Notice of Intent received for work associated with the construction of a home addition, construction of a stone revetment, and associated site grading within 100 feet of a wetland resource area. The Applicant is Alex Darzenta and the Representative is Joseph Webby of Webby Engineering Associates, Inc. Does the representative have any comments?

**Joe Webby:** The applicants received a permit for an application for the addition through the Building Department. The Conservation Department saw this occurring and figured out it was near a wetland, then stopped work. We had Brad Holmes delineate the wetlands. The proposed addition is outside of the 50ft no structure setback. The proposed retainment wall is along the 50ft no structure setback.

**Mike:** The foundation was already put in. While doing a visit at the Ring Rd bogs near the end of the year, Matt and I noticed this work being done and checked the DEP wetlands layer, sparking the Enforcement Orders we already issued and met. The order called for erosion control, which has been placed and maintained. There are a few missing features. The plan does not show the FEMA flood zone, which comes up to the existing dwelling, and we do recognize FEMA flood zone as a resource area (KWPR 8.01). The plan does not show current or proposed stockpile areas for storing dirt and materials; there are three existing dirt piles from the grading already completed. The plan shows a gravel driveway, which was previously explained to us as an easement, so this needs to be clarified. We do not have any information about proposed regarding through showing contour lines before and after. A construction narrative was not provided, which the Commission would greatly benefit from because it would define has already been done and what is proposed and by who. There was no mention of

landscaping or lawn, and this work will be extensive because the majority of the land is bare dirt, so the Commission should see information on landscaping.

**Jim:** The FEMA map shows Zone A comes up to the existing house. From MassGIS, this lot appears to be in core habitat, so this should be discussed.

**Glen:** The foundation is in?

**Jim:** Yes clearing and foundation.

**Mike:** Yes. There is currently a retainment wall that is falling apart, so the applicant wants to repair/replace this. The easement or driveway was used for access to old bogs behind the property.

**Jim:** Was the foundation discussed with the Enforcement Order?

**Mike:** Yes, the foundation was in and no work has been done since the order was issued, besides work requested by the ConCom.

**Buz:** I would like to see an updated plan and I would like a site visit.

**Alex Darenta, 88 Ring Rd:** My ex did the clearing of the land and had a company come and pour the foundation after receiving the building permit.

**Alex Yukna, 82 & 86 Ring Rd:** I am a neighbor and I would like to show my support. As a contractor, I would recommend the Commission allow the applicant to backfill and pour the floor and decking of the foundation. Without this, the existing foundation might fail.

**Jim:** Is the foundation not backfilled?

**Alex Y:** Correct.

**Jim:** So the ground could frost?

**Alex Y:** Correct.

**Matt:** My recommendation would be for the Commission to continue and try to set up a site visit. The edits or concerns are on the Applicant for revisions.

**Jim:** Will a commissioner make a motion to continue this hearing to allow for site visit and revisions? February 23 will be the next meeting date, Section D

**MOTION:** Dot makes the motion, Glen seconds. PASSES 5-0-0.

---

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

**Jim:** The time is 7:15PM. 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. The applicant has requested continuance until February 23<sup>th</sup>, 2022. This will be Section B.

**Matt:** We are still going through the peer review process.

**VOTE:** Dot makes the motion, Glen seconds. PASSES 5-0-0.

---

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

**Jim:** The time is 7:16PM. I re-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 of a wetland resource area. The Applicant has requested continuance until February 23<sup>rd</sup>, 2022. This would be Section C.

**Matt:** We are still waiting to schedule a site visit, which has been delayed with the snow. We may try to schedule something for Friday if possible.

**VOTE:** Dot makes the motion, Glen seconds. PASSES 5-0-0.

**CLOSING REMARKS**

**Kalina:** The next meeting will be held on February 23<sup>th</sup>, 2022 at 6:30PM. The time is 7:20PM. Will a Commissioner make a motion to adjourn the meeting?

**MOTION:** Dot makes the motion, Jim seconds. PASSES 5-0-0.

---

**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