



Conservation Commission Meeting Minutes Wednesday March 23rd, 2022

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

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

Virtual: NA

Absent: Buz Artiano

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

Location: Town Hall Offices Room 200

Commission Meeting Opened: 6:30 p.m.

Chairperson Vendetti: The date is March 23rd, 2022. The time is 6:33pm. Commissioner Artiano is absent.

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

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 a reimbursement to me for the purchase of chest waders. And another reimbursement to me for yellow caution tape. Because of amphibian season, I put caution tape on the Raboth Rd side and I have locked the gate at the Monks Hill Rd side. I coordinated with the fire department in this effort.

II. Action Items

a) Pratts Pond Parcel

Kalina: Will the Agent please update us on the Pratts Pond parcel acquisition project? Oh, this is from last meeting's agenda.

Matt: I will still provide an update. Town Council is putting together a package with deed review right now. Then it will go in front of the Board of Selectman, where it should be approved for acceptance.

III. Enforcement

a) 64-70 Summer St

Matt: We issued an enforcement order after the last meeting to compel an NOI filing and place proper erosion control, as discussed at the last meeting he attended, including a screen on the chain link fence out front. The deadline for the erosion control was this past Friday, so fines can start accumulating. The deadline for the NOI filing is this upcoming Friday, and we could issue fines if this is not submitted. Sean stopped by the office yesterday and informed me that he has erosion control out there and will send photos. I still have to inspect that. He said Grady is preparing an application but cannot meet the Friday deadline, so I told him to come before the Commission so that you can decide whether you want to issue fines or extend deadlines.

Kalina: Please come up Sean.

Sean Dormady, 15 School St: I am before you tonight just to update you. I hired Grady consulting for the filing and they are hopefully finishing up soon. I brought some photos showing the erosion control on the site. We are still working on putting some more erosion control in, but I wanted to show that we are working towards the goal of compliance.

Glen: So Matt, you still need to get out there?

Matt: Yes. From our conversation yesterday. He is working on getting the proper erosion control out there. It is clear from the photos that he is making progress and working with the Commission, so I would e fine with some leeway, but this is up to the Commission.

Jim: How much time do you think it would take to get the erosion control in?

Sean: With the weather thawing, I would say we can go out there within the week and do some cleanup as well. The application is the concern. We have not forgotten about the application, unforeseen circumstances lead to a delay.

Jim: Did Grady indicate a timeline?

Sean: He said probably a week and a half, but he had a big pile. Three weeks to be safe.

Matt: The original deadline for the NOI filing is the 25th, so if we went 3 weeks from that deadline, that would be a week before our next meeting. This would be April 15th for the NOI deadline & erosion control, and we will talk about the results at the April 27th meeting.

Jim: I make a motion to extend the deadline to April 15th for the erosion control and NOI filing.

VOTE: Jim makes the motion, Dot seconds; PASSES 5-0-0.

b) 29-31 Main St

Mike: Mr. Merhmann informed me that he was getting in touch with his contractor this week and they would hopefully start the work soon.

c) May Ave/Post Ct

Matt: No updates.

d) 97 Main St

Mike: This is the situation regarding the dumping and storage of materials along Smelt Brook. I talked with Dan Orwig, the consultant, and we gave him a deadline of this Friday to clean the cart road. He informed me that the cart road has been cleaned up. We plan to get out there soon to confirm it. They are preparing a filing as well.

Megan: I saw a white truck with a white trailer. Then I saw a sawhorse blocking the trail, which could be good.

Matt: I think this was placed to block any random people from dumping on the cart path.

e) 19 Ring Rd

Matt: We have Chris, the homeowner, here. A quick refresher is that Mike and I saw work being done along a wetland while driving on Ring Rd. We pulled over to check it out and found a small excavator against the wetland. I issued a stop work order and he explained that he was working on a drainage issue and said the homeowner cut the trees.

Chris Luongo, 19 Ring Rd: I've been at this property for 6 years now. Some trees and a lot of branches have come down during the storms. During the last big storm, Ring Rd was shut down for almost a week. I had trees down leaning into the wetlands. I had trees leaning from the wetlands to the coop and shed. I hired the man that Matt came in contact with, Wes James, to do the tree work, and he honestly went rogue. The trees leaning towards the shed were uprooted and leaning in, which arborists told me would take a crane and a lot of money. Mr. James was recommended as a tree climber. He took care of one tree professionally. I expressed concern about a large pine over the house then went to work. When I returned, he had taken out 4 pines in the same corner, and he left an absolute mess; this was a shock to me. He ended up pulling out the two pylons to come off Ring Rd and leveled the land out near the wetland. There was a contractor down the road doing a pool, so Wes got fill from him to level out the ground, which is the pile that you see on Ring Rd now. This is when Matt made contact with Wes, and Wes told me that the town issued a complain that the road was a mess and said h would clean it up. He did not clean it up, I did, and here we are now. I did not know about the 100ft rule. It is my goal to get this cleaned up and back to compliance. My goal was not to fill the wetland or develop the area, just to have the hazardous trees removed. I would like to restore the area to its natural state, including the slope that he regraded, but would also like to design the backyard so it does not flood.

Matt: Was he licensed?

Chris: I am not sure. I know he is undergoing hard times, but that is besides the point.

Matt: The type of tree work, especially with hazard trees, is permissible by the Commission, but the Commissioners nor Agents had the chance to view to see the trees and condition any necessary work. Biggest thing in my eyes is getting erosion and sedimentation control (ESC) around the wetland because the fill is likely running into the wetland. After this, the Commission should go on a site visit to determine proper steps for restoration.

Chris: That fill was supposed to go to the back for regarding. It was never supposed to stay there. He also never told me about the stop work order. The road cut by the wetland was for access to the backyard and he convinced me this was alright.

Jim: Was the machine doing in there?

Chris: He was moving the large logs.

Matt: He told me he was digging the hill to work on drainage issues.

Jim: I see puddles, where is the wetland?

Chris: The wetland was not filled, the puddles are all over my yard. The purpose of the access was to pull the stumps in the backyard.

Jim: So what was the extent of the tree work? Did he limb the trees?

Chris: Yes, he limbed a few trees then dropped them where there were no other trees. This was when he told me he needed a machine to move the logs.

Jim: So he made a road to drag the trees.

Chris: Right, and he said he needed the fill to regrade.

Jim: So one of my concerns was that somebody was trying to make a new access road, but this does not sound like the case. So, it will go back to the natural state?

Chris: Correct. This was never my intention. As spring approaches, I hope to replant the area.

Matt: So do you have a use for the fill?

Chris: He told me we needed it to fix what we did, so I am not sure at this time. JLS Land Clearing came out to look, but no work has been done since we received the letter. I want this to be a natural buffer again as soon as possible.

Jim: Matt, what are you thinking?

Matt: I think enforcement. We want a professional to come and design a restoration plan. I think the Commission wants to set a date for ESC and restoration plan.

Chris: I also want the fill gone.

Kalina: What are we thinking for timeline?

Chris: Is it ok to have a contractor meeting with the Agent?

Matt: Yes. I think the Commission should request ESC as soon as possible and we can have an update at the next meeting on the progress.

Chris: So what kind of ESC?

Matt: I think the contractor would have a good idea. Contact me with the idea and I can come out and check. I would say a month is probably enough for a full restoration plan. Get rid of the fill if you think you will not use it. For the

next meeting, please have a restoration plan ready. And we want the ESC in as soon as possible.

Chris: Is it possible to wrap the work in the backyard in?

Jim: This would likely be a separate filing for a structure.

Matt: This could also be an enforcement order or an NOI.

Kalina: Get in touch with the Agent to have these terms defined.

Matt: To be clear, we need to see the ESC installed before the 27th, and a restoration plan shortly after. If not, enforcement orders will be issued and fines will follow.

Chris: So to be clear, after tonight, I am allowed to go in here and do the ESC. And we can discuss the other work at the meeting?

Matt: Yes. Any structures would likely be under an NOI and not enforcement order.

PUBLIC HEARINGS:

Section A – 48 Howland’s Ln (Map 48, Lot 17)

Kalina: The time is 7:25pm. 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 April 13th.

VOTE: Jim makes a motion to continue, Dot seconds; PASSES 5-0-0.

Section B – 1-13, 1-15 Old Orchard Ln (Map 59, Lot 53 & Map 59, Lot 53-3)

Kalina: The time is 7:26pm. I reopen a hearing for 1-13 & 1-15 Old Orchard Lane for coastal engineering review of the seawall. The applicant is Mark Guidoboni and the representative is Adam J Brodsky, Esq. Does the agent have any comments?

Matt: We received the coastal review from Mitchell Buck of Woods Hole Group (WHG). We are looking at the request to the Order of Conditions (OOC). We went through the peer review process and Mitch’s report discloses information about the integrity of the wall and what the Commission can do to improve it. My brief breakdown of the report highlights are as follows: the project almost made best use of conditions (existing wall and trees). The Commission went on a site visit and saw the trees, which are big, maybe even historic, and likely should not be removed. We saw there was ample room for retreat down Old Orchard away from the trees, which could also cut down on the impact to the beach. Both peer reviewers noted the lack of native vegetation on the bank, which proposes structural and resource area issues. There seems to be removal of vegetation in the north section of 15 Old Orchard and possibly some addition of lawn. At this point, we can see there was an impact on the resource area beyond what was permitted. I think it would be appropriate to include mitigation in the amendment to make an overall benefit to the resource areas. I think the area top of bank should be the mitigation area, as also noted by the peer review; this could look like removing invasives and adding natives to create a buffer and would suffice as an amendment.

Dot: I was on the Commission when the issue first came and we talked extensively about saving that tree.

Matt: I did not see anything in the minutes, but when I got to the site, it was clear that the Commission would not require their removal.

Jim: Looking at the site and peer review, I did not see a way the wall could be rebuilt. There is a negative impact, so we should see some mitigation in the application to offset the impact.

Dot: I thought the major issue was the toe covering the beach with stone.

Matt: This was why the original certificate of compliance was denied. Through the peer review, it can be deduced that the original filing could have been revised to get the impact into allowable limits. At the same rate, there was other opportunities on the property to minimize the impact. I think we went into this last coast review process thinking the wall might have been poorly constructed, but the reviewer found that there is more stability than previously thought.

Jim: Have you discussed the concerns regarding the top of bank with the applicant yet?

Matt: No.

Adam Brodski, representative: When we were here in August, the concern we discussed was the structural integrity of the wall. We general agree with the report from the peer review done by WHG which stated the project generally conforms with the design, except for the encroachment of the toe onto the coastal beach. Interestingly, it said the extra stones added make the wall more resilient. There was also no scouring and no erosion to the marsh, and Mr. Buck even saw more marsh growing through the beach. Generally, I think the Trust would be more than happy to perform mitigation along top of bank. We are happy to have a conversation about programs and plantings.

Matt: I hoped to discuss the report with CZM. The general plantings are going to be native coastal vegetation, and I am unsure about the width of the buffer. I would like to talk to CZM about a meaningful buffer width.

Adam: In respect to time, we could also talk to our wetlands scientist.

Matt: I think it would be appropriate if it did come from the applicant as a modification to the request.

Adam: Would the Commission close the public hearing conditional upon a restoration plan subject to the approval of the Commission?

Jim: I think I would like to keep this open so everyone can see and be part of the communication.

Matt: I agree. What do you see the benefit of closing?

Adam: The clients time and money. I understand.

Jim: Also, there was addition of lawn. So whatever we get as a plan, we should make sure it covers both the lawn and the toe.

Mark Guidiboni: To clarify, we put rip rap treatment on the middle section to mitigate any runoff. We removed invasives in the process. We had native rosa rugosa, which is starting to grow back. I have no problem referring to an expert.

Jim: Any vegetation is going to stabilize the bank more than lawn.

Mark: We have documentation of no erosion. What I am hearing is that you would like to see native plantings on the two areas that were constructed with the stones. Do we need to replace the vegetation on the existing seawall? The southern section is stabilized with vegetation.

Dot: As a point of information, rosa rugosa is not native to the area. This is a common misconception.

Mark: Understood.

Matt: I think we should hear from Mitch on this, particularly requesting mitigation behind the already existing vegetated buffer.

Mitch Buck, Woods Hole Group: I think a strip a few feet wide would suffice. I think the already vegetated area would be sufficient, though more buffer would help.

Matt: How long would be necessary to get the plan together?

Adam: The next meeting would be sufficient. We have specific guidance, thank you.

Jim: I make a motion to continue until 4/13.

VOTE: Jim makes the motion, Dot seconds; PASSES 5-0-0.

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

Kalina: The time is 7:56pm. 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. The applicant has requested continuance until April 13th.

Matt: We did receive updated materials from Brad Holmes. We are continuing to allow for Commission review.

VOTE: Jim makes the motion, Dot seconds; PASSES 5-0-0.

IV. Minutes

Kalina: The minutes from the previous meeting were not completed, so we will vote on them next meeting once the minutes are complete.

V. Updates

a) Commissioner Duperre Resignation

Matt: We received notice that Commission Duperre is going through some health complications, so he is resigning from the commission.

Kalina: He has done great work for the Commission for a long time, so he will certainly be missed. We are sorry to hear and hope he gets better soon.

CLOSING REMARKS

Kalina: The next meeting will be held on April 13th, 2022 at 6:30PM. The time is 7:59PM. Will a Commissioner make a motion to adjourn the meeting?

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

Prepared by: Michael Perrin, Assistant Conservation Agent, Conservation Department

Approved by Conservation Commission: *5/25/22*

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



AMENDED 3/22/22



TOWN OF KINGSTON
NOTICE OF MEETING

BOARD: CONSERVATION
COMMISSION

MEETING LOCATION: Room 200

DATE & TIME: March 23, 2022
6:30 p.m.

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.

The Commission requests that all members of the public attend virtually. All Commissioners, Applicants, and Representatives are asked to attend in-person. To access the meeting remotely, please use the following instructions:

To access via Zoom:

<https://pactv.zoom.us/j/93546722040?pwd=eitwaksyQm9oVWV1xMTInL0tob1l0QT09>

Passcode: 403139

Or Dial-In by Telephone:

US: +1 301-715-8592

Webinar ID: 935 4672 2040

Passcode: 403139

AGENDA

BUSINESS 6:30 p.m. – 7:00 p.m.

1. Signing Documents
 - Bill for Matt reimbursement for waders
 - Bill for Matt reimbursement for tape*
2. Action Items
3. Enforcement
 - 29-31 Main St
 - May Ave/Post Ct
 - 97 Main St
 - 19 Ring Rd
 - 64-70 Summer St
4. Minutes:
 - March 9, 2022
5. Updates:
 - Dana resignation*

AMENDED 3/22/22

PUBLIC HEARINGS:

Section A – 48 Howland's Ln (Map 48, Lot 17)

Applicant: Scott Cohen; Representative: Theo Kindermans, Stantec. Notice of Intent (NOI) to construct a new 36-unit residential housing development within 100' of a wetland resource area.

THIS HEARING WILL BE CONTINUED UNTIL APRIL 13, 2022

Section B – 1-13, 1-15 Old Orchard Ln (Map 59, Lot 53 & Map 59, Lot 53-3)

Applicant: Mark Guidoboni; Representative: Adam J Brodsky, Esq. Request for Amendment to Order of Conditions (R. Am. OOC) for DEP Filings SE 037-0869 and SE 037-0854 to repair a sea wall within 100 feet of a coastal resource area.

Section C – 114 Country Club Way (Map 73 Lot 4-114)

Applicant: Kevin Tonsberg, CAO Realty Trust. Representative: Brad Holmes, Environmental Consulting & Restoration, LLC. Notice of Intent (NOI) for single family home improvements consisting of deck, house bump outs, garage, retaining walls, patio, fencing, and more additions within 100' of wetland resource areas.

THIS HEARING WILL BE CONTINUED UNTIL APRIL 13, 2022

NEXT MEETING: April 13, 2022 @ 6:30PM

**PLEASE NOTE THE MEETING WILL BE AUDIO RECORDED.
OTHER BUSINESS NOT REASONABLY ANTICIPATED WITHIN 48 HOURS**

The Town of Kingston advises its employees and the public that it does not discriminate on the basis of 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 761-585-0505 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: 3/23/22

NAME	INTEREST	ADDRESS
Sean Dermady	Conservation	15 School St
Chris Longo	Wetlands	19 King Road
MARK O'CONNOR	1-15 ocd section	15 ocd section
Adam Brodsky	"	175 Derby St Hingham
PAUL BROGNA	"	90 HAMPDEN ST LN, BOSTON

