



Conservation Commission Meeting Minutes Wednesday, May 11th, 2022

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

Present: Kalina Vendetti (Chairperson), Jim Franklin (Vice-Chair), Dorothy MacFarlane

Virtual: Megan Hickey

Absent: Vittorio "Buz" Artiano, Glen Duffy

Staff: Matt Penella, Conservation Agent (attended virtually)

Mike Perrin, Assistant Conservation Agent

Location: Town Hall Offices Room 200

Commission Meeting Opened: 6:30 p.m.

Chairperson Kalina Vendetti: The date is May 11th, 2022. The time is 6:33pm. Commissioner Hickey is attending virtually. Commissioners Buz Artiano and Glen Duffy are absent.

VOTE: PASSES 4-0-0

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?

Mike Perrin: We have the Orders of Conditions (OOCs) denying the Notice of Intent (NOI) application for 54 Off Boundary St.

Matt Penella: I have been working with Town Council to prepare the denial OOCs for Howland's Lane. They are just about complete, but I still need another day. We have until Wednesday to issue the documents.

II. Action Items

a) 11 Bay Farm Pier COCs & b) 11 Bay Farm House

Kalina: First is 11 Bay Farm Road Certificates of Compliance (COCs).

Matt: We have two COCs, one for the pier and one for the house. I completed a site visit earlier this week with Duxbury Construction. Everything appeared to be according to the plan. For the house, the only minor change was using less impervious surface than originally planned, which benefits the resource area. I am recommending the commission approve the request and issue the COCs.

c) 41 East Ave Request for Amendment to Order of Conditions

Kalina: What about the request for Amended OOCs for 41 East Ave?

Matt: The amendment is to use wood piles for the foundation instead of concrete due to the proximity of the bedrock to the surface. I spoke with professionals at Coastal Zone Management and Department of Conservation and Recreation, and the consensus was that typically these projects are not supposed to use gray beams, but it would be acceptable in this situation because they are not in a dune resource area.

Joshua Bowes, Merrill Engineers and Land Surveyors: I am the representative. Upon initial boring, we found the shallow bedrock. I do not think we specified in the application what material the pilings would be made from. Like Matt said, it was brought to the attention of CZM and DCR, and it was cleared because it is not in a coastal dune. There will be no gray beams above grade. The change would consist of a square, column structural support. Since it was not specified in the plan, we wanted to provide the new foundation plan for the file and wanted permission from the commission.

Mike: I looked through the issued OOCs and I did not find any indication of what materials the footings would be made from.

Josh: I also did not find anything about this in the filing.

Matt: We are having this initial hearing to determine if this is an amendable action. If it is determined that it is appropriate, then we schedule a hearing and go through a public hearing and notify abutters and follow the process. I do not think that would be necessary in this case. I never received a letter from CZM stating the information presented, so I would like time to look through the file again and get the letter. If there is no indication of the footing material in the filing and we receive the letter from CZM, then I believe this can be done administratively.

Mike: The special conditions call for a report from the Army Corps of Engineers (ACOE). We received a self-verification letter from the applicant informing ACOE about the project, but we have not heard anything back from them. I left ACOE a voice message today inquiring about the process, so we are waiting to hear from them. This is a pre-construction special condition. The verification form may be adequate for the start of construction, or we might have to wait for their response. There is also a special condition stating that the OOCs must be recorded at the Registry of Deeds, but we have not received proof of this. So the applicant must get these recorded and provide proof before construction can begin.

Josh: We can get them recorded. We do not believe we are in the jurisdiction of ACOE based on location, but the response to the verification letter should provide this. I provided an updated foundation plan today showing a proposed finish grade, which goes over the footings, which should be helpful for anyone looking over the application. The footings will be below grade. We are available for any assistance or questions.

III. Enforcement

a) 47 Main Street

Kalina: Will the agent please brief us on the situation at 47 Main St?

Matt: We are going to push this to the next meeting to allow the homeowner to respond to our notice of violation sent yesterday. This is an ongoing issue that several departments are working on.

b) 29-31 Main St

Kalina: Will the agent please brief us on the situation at 29-31 Main?

Mike: No update. We will keep reaching out. They have 3 years for the restoration work as the work was issued as an OOC. From our last conversation, Mr. Mehrmann is ready to do the work and is struggling with contractors at this point.

c) May Ave/Post Ct

Kalina: Will the agent please brief us on the situation at May Ave/Post Ct?

Matt: Same as last time. We have received the annual monitoring report, but I have not scheduled a site visit to go over details in the field.

d) 19 Ring Rd

Kalina: Will the agent please brief us on the situation at 19 Ring Rd?

Mike: I got in touch with the homeowner today. At the last meeting, I updated the commission that the fill had been removed from the wetland and the erosion control had been installed. The commission is now waiting for a full property restoration plan, which the homeowner has until May 25th to get to the commission.

e) 64-70 Summer St

Kalina: Will the agent please brief us on the situation at 64-70 Main St?

Matt: We received a plan from Grady and we shared it with the commission. We have not looked it over for completeness.

f) 114 Country Club Way

Kalina: Will the agent please brief us on the situation at 114 Country Club Way?

Matt: Last Monday, we were notified by an abutter that the homeowner had installed the fence as according to the OOCs signed by the commission. The abutter believes the fence is a 1' onto her property. We cannot prove or disprove that. We had not issued the OOCs at the point of installation. The applicant picked the OOCs up and recorded them yesterday. I informed the homeowner that the commission would likely be issuing fines because the OOCs were clear about this regarding any violations. I do not believe that homeowner or representative is here to discuss. The homeowner stated that they did not know about the need to pick up the OOCs and record them before the work.

Jim: I believe we were all on the same page about any violations on the property, and it was made clear that any violations would result in fines. I recommend issuing fines.

Mike: For clarification, the OOCs must be issued and recorded before any work is done, which was not done.

Megan: Is there any wording about fines?

Matt: The maximum is \$300 per day. There is the ability to issue fines daily. I would not recommend fines greater than a one-time, one day maximum.

Jim: When was the work done and when were the OOCs issued and recorded?

Matt: The OOCs were issued and recorded yesterday, and the fence was completed last Monday, May 2nd.

Jim: I would recommend issuing the 8-days at maximum fines per day.

Megan: I agree.

Dot: I agree as well.

Matt: I recommend voting on fines.

VOTE: Jim makes the motion to fine for 8-days at \$300 per day, Dot seconds; PASSES 4-0-0.

IV. Minutes

Kalina: Any questions about the minutes?

Mike: I provided them yesterday morning to the commission.

Dot: I will check my spam folder.

V. Public Hearings

Section A – 50 Independence Rd (Map 12 Lot 2)

Kalina: The time is 7:03PM. I re-open a continued hearing for 50 Independence Rd for a Notice of Intent received for work associated with the construction of 16 parking spaces within 100 feet of a wetland resource area. The Applicant is Freeman Boynton Jr., of Duxbury Construction. The applicant has requested to continue this meeting until the May 25th meeting.

VOTE: Jim makes the motion to continue, Dot seconds; PASSES 4-0-0.

Section B – 88 Ring Road (Map 61, Lot 29)

Kalina: The time is 7:04PM. I open a continued 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. The applicant has requested to continue this meeting until the May 25th meeting.

VOTE: Jim makes the motion to continue, Dot seconds; PASSES 4-0-0.

VI. Updates

a) KWPR Revisions

Kalina: Can the agent please update us on the Kingston Wetlands Protection Regulations (KWPR) revisions?

Matt: We needed to make minor clerical changes because the Kingston Reporter is no longer in print. State regulations still require us to post notices in a print newspaper, so we needed to change sections to reflect these changes. The notices will be posted in the Old Colony Memorial newspaper, the Plymouth newspaper, and checks will be made to Gannett Media.

Jim: I do not think people will see these notices if they are in the Plymouth newspaper.

Matt: The other option is the Patriot Ledger, which is far more expensive and will also not likely be seen.

Dot: The Patriot Ledger is hard to find in stores. It is time for the state to change their regulations to allow electronic notices.

Matt: I agree.

Jim: Is it possible to post the notices in the Ledger hard copy and the Report electronically?

Matt: I can ask Town Council.

Kalina: We can make that to either OCM or the Ledger, but I do not believe there is anything preventing us from posting electronically as well.

Matt: Correct, though I am not sure of the cost to post electronically. We can inquire about that. The Ledger makes sense for large developments, but the homeowners doing smaller projects requiring notification will be happy to save money if we go with the OCM.

Kalina: The cost of the Ledger would be a burden on the homeowner.

Mike: I have found that stores carrying newspaper carry papers from multiple towns. So if people were buying the Reporter to see our notifications, they would also have access to the OCM.

Matt: I have found this to be the case as well and have seen the OCM around town.

b) 12 Alpine Rd Administrative Review

Kalina: Can the agent please update us on the 12 Alpine Road administrative review?

Mike: We received an admin review from the homeowner to reconstruct a deck. The deck is right on the cusp of jurisdiction, so the admin review seemed appropriate. I did a site visit yesterday. The yard is small and has a significant slope to a wetland. There will be no machinery used and hand tools will be used for the holes. No dirt or material will be stockpiled. The homeowner agreed to install erosion control in the form of silt fence along the backyard.

c) 88 Ring Rd Administrative Review

Kalina: Can the agent please update us on the 88 Ring Rd administrative review?

Matt: The homeowner submitted an admin review form for tree removal of a hazardous tree leaning towards the house. She removed the top of the tree before the site visit. I approved the work and required 10-15 ft be left for regeneration or wildlife habitat.

Matt: In the chat, an attendee asked what would happen if the Howland's Lane documents are not issued by Wednesday. It is my understanding that the applicant could claim that the commission has given up their jurisdiction. The document is at 95% ready and I am confident we can get this signed and issued before Wednesday.

Megan: Are we all set for Town Meeting?

Matt: Yes. The Board of Selectman has been contacted asking if one of them could present the article then defer to me for questions. The commission is free to get the word out. It is a raise and appropriate, so I imagine there will be discussion. I believe this is the town's best chance to get this work done.

Mike: We do have information on the website about the articles.

CLOSING REMARKS

Kalina: The next meeting will be held on May 25th, 2022 at 6:30PM. The time is 7:19PM. Will a commissioner make a motion to adjourn the meeting?

VOTE: Jim makes the motion to adjourn, Dot seconds; PASSES 4-0-0.

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 5/11/22



TOWN OF KINGSTON
NOTICE OF MEETING

**BOARD: CONSERVATION
COMMISSION**

MEETING LOCATION: Room 200

**DATE & TIME: May 11, 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=eitwaksyQm9oVWV1xMTInL0tob110QT09>

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
 - 54 Off Boundary OOC Denial
 - 48 Howland's OOC Denial
2. Action Items
 - 11 Bay Farm Pier COC
 - 11 Bay Farm House COC
 - 41 East Ave AOOC
3. Enforcement
 - 47 Main St
 - 29-31 Main St
 - May Ave/Post Ct
 - 19 Ring Rd
 - 64-70 Summer St
 - 114 Country Club Way
4. Minutes:
 - 4/13/22*

AMENDED 5/11/22

5. Updates:
- KWPR Public Hearing Revisions
 - 12 Alpine Run Rd Admin Review*
 - 88 Ring Rd Admin Review*

PUBLIC HEARINGS:

Section A – 50 Independence Rd (Map 12 Lot 2)

Applicant: Freeman Boynton, Jr; Representative: Freeman Boynton, Jr., Duxbury Construction LLC. Notice of Intent (NOI) to construct 16 asphalt parking spaces along Independence Road within 100' of a wetland resource area.

CONT. TO 5/25/22

Section B – 88 Ring Road (Map 61 Lot 29)

Applicant: Alex Darzenta; Representative: Joseph Webby, Webby Engineering. Notice of Intent (NOI) to construct an addition to existing dwelling, construct a stone revetment wall, and site grading within 100' of a wetland resource area.

CONT. TO 5/25/22

NEXT MEETING: May 25, 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 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.

