



Conservation Commission Meeting Minutes Wednesday, June 22nd, 2022

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

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

Virtual: Vittorio 'Buz' Artiano

Absent: Megan Hickey

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 June 22nd, 2022. The time is 6:33pm. Commissioner Hickey is absent. Commissioners Buz Artiano is attending virtually.

VOTE TO OPEN: PASSES 5-0-0

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 two bills for Environmental Partners Group for MS4 support, two reimbursements for me including the membership for Massachusetts Society for Municipal Conservation Professionals and mileage to attend the MSMCP annual conference, one bill for Strong Tree Engineering for work at Grays Beach, and a bill for Beals and Thomas for peer review for 48 Howland's Ln. We also have the Orders of Conditions for 50 Independence and documents for the LAND Grant.

II. Action Items

a) RDA Off Route 44

Kalina: We will now move on to action items. First is the Request for Determination of Applicability submitted for Off Route 44. Will the agent please brief us on the submission?

Matt: The RDA is for the lots previously owned by Sysco that were sold to Plympton Sand and Gravel. I imagine this is preparation for their pitch presented at the Town Meeting which was for the construction of an organic cranberry bog. The application designates a project area and cuts the buffers to the known wetlands from the site. The application asks the commission to determine if the area is within their jurisdiction. I would like to set up a site visit with wetlands representative, Brad Holmes, to go through the whole property to make sure all resource areas are accounted for. We can hear from the applicant.

Bill Madden, GAF Engineering: I am here representing PK Realty Trust. I was hired for some initial investigation and land planning for the parcels shown in the application. These are parcels that were part of the Sysco purchase. We are looking at partial parcels making up about 35 acres of land. We are seeking a determination from the commission to see if the wetland bylaw or Wetland Protection Act would apply to the land. We believe it does not. Brad Holmes did a review of the site. We established the boundary about 600ft away from Indian Pond to provide clarity of the study site and available options given zoning. We do not have plans for the work to be done there, but we want to select the highest and best use. We are using the avoidance principle to ensure no resource areas or buffers are impacted. There are a few Zone IIs designated by the Kingston Water Department to let the commission know there are other resource areas. The 4.5-acre parcel owned by the town is also shown. There was talk at the Town Meeting for PK Realty to purchase the town parcel, and they are still interested. We are looking for jurisdictional determination tonight.

Mike: Thank you for presenting. Can you provide clarity on the flood zones shown?

Bill: The flood zones are well outside the area.

Mike: Is there any indication on the plan showing Brad Holmes as the wetland surveyor and what date the delineation was done?

Bill: No, but we did provide a report that indicates Brad's work and the date. We can add this to the plan and revise it.

Mike: Thanks.

Glen: What is the boundary for the area as part of the application?

Mike: Everything outlined in green on the plan.

Jim: I would like to go on a site visit.

Kalina: Any comments from the public?

Jim: I make a motion to continue the meeting to allow time for a site visit. July 27th would be best.

Dot: Second.

Bill: Access is difficult, and the owners would like to be there for the visit. We would like to do some fieldwork to represent the subject area.

Matt: Please do that first and we will schedule the commission once we hear this is done. I would like to go out and spend some time on my own to investigate possible wetlands.

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

III. Enforcement

a) 19 Ring Road

Kalina: Will you please update us on the situation at 19 Ring Rd?

Mike: The homeowner prepared a restoration plan, meeting today's deadline to submit this. We will have the homeowner go over the plans. The enforcement order did not specify that the plan needed to be prepared by a qualified professional.

Chris Luongo, 19 Ring Rd: Page 1 of the packet shows the areas of work. The first phase was installing erosion control along the construction entrance. Page 2 shows the area where the previous contractor removed several trees at his own discretion. We would like to remove the stumps and regrade. I met with Kevin at Coastal Excavation to discuss the project. He recommended regrading the area by the corner of the house to prevent existing erosion issues. Page 3 shows the unauthorized digging of the hill from the previous contractor. We would like to remove these stumps, regrade the hill, and install jute to stabilize the hill, and replant. I also show exposed drainage that the previous contractor ruined. Kevin would like to redo the drainage and divert the water to a drywell. Page 4 shows the pile of logs left by the previous contractor. We would like to remove the pile. We would like to use the existing construction road for machine access. I also provided a picture of regrowth on the construction road as requested by the agent. Once the work in the backyard is done, we suggest regarding the construction road and adding plantings. Lastly, we would reinstall the concrete pillars along Ring Rd. I believe my house was 40-45ft from the resource area. My end goal is to get my backyard back and correct the construction road.

Matt: I think we are getting close. I think a site visit to assess revegetation. The plan seems to put more emphasis on fixing the backyard rather than restoration. Work outside of restoration should likely be done with a filing.

Buz: I would like to see distances from the resource area to the proposed work.

Mike: The construction road is directly abutting the BVW.

Chris: I want to fix the backyard because the previous contractor ruined it. I would like to add the additional work to utilize the construction road, because once it is closed off, it will be very difficult for me to do any more work back there.

Buz: I understand. We must make sure restoration is the focus. We need some measurements to fully understand. Anything closer than 30ft needs to be natural and we need to make sure we are controlling the runoff in the regraded area. Secondly, we must make sure the construction road allows for regrowth.

Matt: I can see how some of the additional work would fall in line with restoration to prevent further wetlands issues. We should see some defined measurements and more information on restoration actions like types of plantings.

Buz: I would like to propose a site visit.

Mike: The chicken coop should also be moved.

Kalina: Did the homeowner meet deadlines?

Matt: Yes. We need some revisions and I think a site visit will be necessary.

Jim: I agree. I think a month is good.

Buz: I would like to formally have him on the agenda for a month, so July 27th.

Chris: I will contact Kevin to have him join.

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.

IV. Minutes

Kalina: We do not have any minutes to sign.

V. Updates

Kalina: We have no updates.

VI. Public Hearings

Section A – 33 Cushman Drive & Thomas Street (Multiple parcels)

Kalina: The time is 7:19PM. I am opening a continued hearing for the ANRAD for 33 Cushman Drive. The Applicant is Cushman Farms LLC and the representative is Lori Macdonald of Coneco Engineers and Scientists. Matt, do you have any comments?

Kalina: The time is 7:19PM. I am opening a continued hearing for the ANRAD for 33 Cushman Drive. *DIALOG*. Matt, do you have any comments?

Matt: I reached out to Town Council, and he confirmed that the applicant can request process for commission review. We are here to discuss peer review. We received two quotes. One from LEC Environmental Consultants for \$2500 and one from Beals and Thomas for \$2750.

Buz: Beals and Thomas does not include meeting attendance while LEC does. My preference is LEC.

Mike Toohill, Coneco: We have no problem with LEC.

Matt: Did LEC provide a turnaround time?

Buz: I did not see any.

Matt: I think 2 months would suffice.

Mike: August 10 and 24 are meeting dates.

Kalina: Will a commissioner make a motion?

Buz: I make a motion to retain LEC Environmental Consultants.

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

Buz: I make a motion to continue this hearing until August 10, 2022, Section A.

VOTE: Buz makes the motion to continue, Glen seconds; PASSES 5-0-0.

Section B – Section B – 64-70 Summer St (Map 36 Lot 9, 10-2)

Kalina: The time is 7:25PM. I reopen a continued hearing for 64-70 Summer St. The applicant has requested a continuance until July 13, 2022. This would be Section C.

VOTE: Jim makes the motion to continue, seconded by Glen; PASSES 5-0-0.

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

Kalina: The time is 7:26PM. 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. Does the representative have any comments?

Brad Holmes, ECR: We are here with revisions as discussed during the last meeting. We added some notes on the plan as well as some details including conservation posts.

Kalina: Any comments from the agents?

Mike: Brad and Joe added some administrative notes brought up at the last meeting. They added an area to be replanted east of the garage. Dimensions for the structures were added. I think the plan is just about there. I had final findings I wanted to discuss with the commission. First, there was no monitoring plan. I would recommend to the commission to include a three-year monitoring plan with annual reports.

Buz: I agree with the monitoring plan.

Glen: Agreed.

Jim: Agreed.

Mike: Another finding is the consideration of the erosion control at the construction entrance placed at the end of every day. The stone apron would catch sediment as is.

Buz: I do not think it is necessary or realistic.

Jim: I agree with Buz.

Mike: There were no dimensions shown for the new planting area.

Buz: Is there a planting schedule?

Brad: There are 8 additional shrubs in the restoration plan. These would be less than 8ft apart.

Matt: I would prefer to see the new planting area shifted or extended north to protect the resource areas near the northeast corner of the property.

Brad: I think that is a great idea.

Mike: The yard does slope towards the road and the potential vernal pool across the road. I think some native plantings along Ring Rd would protect the resource area. This could also provide privacy.

Matt: The northeast corner of the property was formerly treed. Plantings along Ring Rd would have a positive impact.

Brad: The front yard would be loamed and seeded, and the driveway would be gravel.

Buz: The plantings in the front would likely be ripped out in the future. I do not see the need.

Mike: There is little crowning on Ring Rd.

Jim: Is it possible to install a swale along Ring Rd?

Brad: Yes.

Matt: I think a swale would be good to prevent stormwater runoff.

Buz: I think a swale is good.

Brad: I think a gentle swale would be installed in the northeast of the property. I do not think we need to show it on the plan.

Buz: I make a motion to close the hearing.

VOTE: Buz makes a motion, Dot seconds; PASSES 5-0-1, Kalina abstains.

Buz: I make a motion to approve the project with the plan revised June 20th with additional conditions calling for three years of restoration area monitoring and an annual report in December following completion, construction of swale at the base of the driveway to divert water towards the northeast of the property, and to move the restoration area along the east side of the driveway closer to the retaining wall.

VOTE: Buz makes the motion, Jim seconds; PASSES 5-0-1, Kalina abstains.

CLOSING REMARKS

Buz: Before we close, I wanted to state that we are extremely lucky to have Matt and Mike as our agents. They are well organized, efficient, and do great work.

Kalina: They are a great time and are always knowledgeable and personable. The next meeting will be held July 13, 2022, at 6:30PM. The time is now 7:48PM.

VOTE: Jim makes the motion to adjourn, Dot 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
- 19 Ring Road Restoration Packet