

Conservation Commission Meeting Minutes

Wednesday, January 22, 2025

Town of Kingston

26 Evergreen Street, Room 200

Kingston, MA 02364

Present: Kalina Vendetti (Chairperson), Marilyn Kozodoy, Megan Hickey, Brian Payne

Virtual: Dorothy Macfarlane, Vittorio “Buz” Artiano

Absent: Jim Franklin (Vice-Chairperson)

Staff: Matt Penella, Conservation Agent

Julianna Denum, Assistant Conservation Agent

Location: Town Hall Offices, Room 200

Commission Meeting Opened: 6:35 p.m.

Announcement: The Open Space Committee is seeking a new member. Interested residents should call the Conservation Commission at 781-585-0537 or e-mail Assistant Conservation Agent, Julianna Denum at: jdenum@kingstonma.gov

BUSINESS:

I. Signing Documents

The Commission signed the Letter of Support for the Bates Pond Accessible Trail Project. Agent Penella stated that he had previously signed some small bills for office supplies.

II. Action Items

a) **23 Spruce Street: Request for Certificate of Compliance (RCOC).**

Chairperson Vendetti opened a public meeting to discuss the RCOC for 23 Spruce Street. Agent Penella stated that during a site visit it was observed that the conservation posts were not installed in the correct locations as per the as-built plan. Since then, the posts have been moved and appear to be in the correct location. However, the agent would like an update on the as-built plan showing proof that the posts are installed and located by survey equipment. The agent recommended continuing the matter until February 12, 2025.

VOTE: Commissioner Kozodoy made a motion to continue the hearing until February 12, 2025. The motion was seconded by Commissioner Hickey. The motion PASSED 6-0-0.

b) 120 Country Club Way: Request for Certificate of Compliance (RCOC)

Chairperson Vendetti opened a public meeting to discuss the RCOC for 120 Country Club Way. Agent Penella stated that at his recommendation, the applicant has requested a continuance to February 12, 2025. The applicant has filed their RCOC, the agent conducted a site visit, and prepared a staff report informing the applicant of deficiencies.

VOTE: Commissioner Kozodoy made a motion to continue the hearing until February 12, 2025. The motion was seconded by Commissioner Hickey. The motion PASSED 6-0-0.

c) 18 Old Mill Road SE 037-0653 : Request for Certificate of Compliance (RCOC)

d) 18 Old Mill Road SE 037-0772 : Request for Certificate of Compliance (RCOC)

Chairperson Vendetti opened a public meeting to discuss the RCOC for 18 Old Mill Road. Agent Penella stated that applicant has requested a continuance to February 12, 2025 and it may need to be continued again after that date as a site visit has not yet been scheduled and that the representative has confirmed that some portions of the original requirements have not been completed and that the frozen ground is a factor.

VOTE: Commissioner Payne made a motion to continue the hearing until February 12, 2025. The motion was seconded by Commissioner Kozodoy. The motion PASSED 6-0-0.

III. Enforcement

a) 44 Raboth Road

Agent Penella stated that one of the property owners reached out to him prior to the January 8, 2025 meeting (cancelled) to say that they had not heard from the Building Department. The Agent forward to the property owner the most recent correspondence he had received from the Building Department, requesting design specifications for a retaining wall. The Commission had requested the owner to file for a building permit from the Building Department, which in turn asked for specs on the blocks being used and for the design plan of the wall. The design plan has not been submitted to the Building Department yet and there has not been discussion between the owner and the Building Department for several months. Additionally, the Health Department raised some concerns about the property after observing that there appeared to be drainage plumbing exiting from the underside of a shed and also noted a possible non-functioning privy. Agent Penella had not been able to confirm that there was anything discharging on the site. Commissioner Kozody suggested that the agent confirm again with the

Building Department that no further communication with the property owner has happened and to send another reminder to the owner.

VOTE: Commissioner Artiano made a motion to continue the hearing to February 26, 2025. The motion was seconded by Commissioner Kozodoy. The motion PASSED 6-0-0.

b) 56 Main Street update

Agent Penella reported that the restoration work was completed by the October 31, 2024 deadline, the work on-site matches the restoration plan as approved by the Commission, and an as-built plan was received identifying the wetland boundaries as stated in the enforcement order. The agent recommends the enforcement issue be removed from the agenda.

VOTE: Commissioner Kozodoy made a motion to remove the issue from the agenda. The motion was seconded by Commissioner Hickey. The motion PASSED 6-0-0.

c) 11 Wharf Lane update

Agent Penella reported that the restoration work was completed by the November 30, 2024 deadline and the work on-site matched the mitigation proposal that was approved by the Commission. The agent recommends the enforcement issue be removed from the agenda.

VOTE: Commissioner Kozodoy made a motion to remove the issue from the agenda. The motion was seconded by Commissioner Hickey. The motion PASSED 6-0-0.

d) 2 Wildwood Circle

Agent Penella reported that a Request for Determination of Applicability (RDA) filing in-retro was received as requested within the timeframe given by the Commission. The agent will have the RDA scheduled for a meeting in February. The agent recommends the enforcement issue be removed from the agenda.

VOTE: Commissioner Artiano made a motion to remove the issue from the agenda. The motion was seconded by Commissioner Kozodoy. The motion PASSED 6-0-0.

IV. Public Hearings

a) 20 Marion Drive (1 Royson Drive) : Request for Amendment of Order of Conditions (OOCs).

Chairperson Vendetti opened the public hearing for 20 Marion Drive, also known as 1 Royson Drive, this is a request for an amendment for the proposed installation of a sediment forebay and a vegetated rain garden within the 200' riverfront area of a smelt brook. Commissioner Artiano stated that he may have possible conflicts with the issue as Grady Engineering is currently doing work for him, the broker that represents Royson Drive is his broker as well, and one of the tenants also works for him. The Commission thanked him for the disclosure but did not see the need for him to stand down. Rick Grady of Grady Consulting representing the

project, stated that he hoped that an agreement could be met with regards to a consultant/peer review on the work that was submitted. Agent Penella said the Commission had asked him to get additional quotes and to work with the applicant directly. He gave his recommendation to the applicant and they did not come to an agreement, at which point he told them to come back before the commission for a decision. The agent stated that five quotes had been requested; one of which did not respond, one came in at \$9,300 including having to sub-contract the storm water portion which didn't seem efficient to him, one quote came in low at \$975 but was insufficient in the amount of hours dedicated for review, and two quotes came in at the middle and were sufficient in what they would provide. One being Strong Tree Engineering \$2,950 and the other being Horsley Witten Group at \$4,900. The agent said he followed up with Strong Tree Engineering because their proposal did show an amount of hours that seemed sufficient but they did not provide direct response to the three items that the Commission had requested the review work would cover. Horsley Witten Group did detail all the information as requested. Strong Tree Engineering later confirmed that their quote did include the cover work on all three items as requested. The agent recommended the Commission determine which peer review consultant they would want to use at which point the applicant would be given a deadline to pay the quoted fee. The applicant would have the ability to appeal that to the Board of Selectmen. However, the Board of Selectmen's ability to overrule the Commission's decision and accept the appeal would be based on the consultant chosen being not adequately credentialed for the work. Commissioner Kozodoy stated that the only two issues the applicant could appeal would be lack of credentials and/or a conflict of interests. The agent agreed and further stated that if the applicant fails to pay the fee then the Commission would have reason to deny the request.

VOTE: Commissioner Kozodoy made the motion to hire Horsley Witten Group to be the Commission's peer reviewer. The motion was seconded by Commissioner Hickey. The motion PASSED 6-0-0.

Commissioner Artiano wanted the deadlines reiterated. The agent stated that payment for Horsley Witten Group would go directly to the Town of Kingston, made by check payable to the Town of Kingston within 10 days of being notified. The applicant will be notified by certified mail or by constable and then the payment is due by no later than noon on February 7, 2025.

VOTE: Commissioner Artiano made the motion that the payment is due no later than noon on February 7, 2025. The motion was seconded by Commissioner Kozodoy. The motion passed 6-0-0.

Commissioner Artiano recommended the agent ask the applicant to submit payment as a bank check.

VOTE: Commissioner made the motion to continue the hearing until February 12, 2025. The motion was seconded by Commissioner Kozodoy. The motion passed 6-0-0.

V. Meeting Minutes

Minutes for August 28, 2024, were submitted to the Commission for review and approval.

VOTE: Commissioner Payne made a motion to approve the minutes for August 28, 2024. The motion was seconded by Commissioner Kozodoy. The motion passed 6-0-0.

Minutes for September 25, 2024, were submitted to the Commission for review and approval.

VOTE: Commissioner Payne made a motion to approve the minutes for September 25, 2024. The motion was seconded by Commissioner Kozodoy. The motion passed 6-0-0.

Minutes for October 23, 2024, were submitted to the Commission for review and approval.

VOTE: Commissioner Payne made a motion to approve the minutes for October 23, 2024. The motion was seconded by Commissioner Kozodoy. The motion passed 6-0-0.

Minutes for December 18, 2024, Executive Session were submitted to the Commission for review and approval.

VOTE: Commissioner Payne made a motion to approve the minutes of the December 18, 2024, Executive Session. The motion was seconded by Commissioner Kozodoy. The motion passed 6-0-0.

The minutes for the January 14, 2025, Executive Session were submitted to the Commission for review and approval.

VOTE: Commissioner Kozodoy made a motion to approve the minutes of the January 14, 2025, Executive Session. The motion was seconded by Commissioner Hickey. The motion passed 5-0-1.

VI. Updates

a) Eversource Right-of-Way vegetation management update

Agent Penella stated that according to a report from Eversource, they will be conducting work on the power lines in the Northwest part of town and will be cutting any incompatible woody vegetation.

b) Guide to Kingston Conservation Areas Storymap on Conservation Department website

Agent Penella updated the Commission that there is now a storymap link on the Conservation website with a breakdown on all the public facing conservation properties, including background and access information.

<https://storymaps.arcgis.com/stories/1bbc593b25c54c5282d113f959992adb>

c) Protect Kingston Wildlife citizen group

Agent Penella informed the Commission that there is now a citizen group called Protect Kingston Wildlife whose aim is to limit use of Second-Generation Anticoagulant Rodenticides (SGARs). This is part of a state-wide campaign guided by Mass Audubon. The group's Facebook page is Protect Kingston Wildlife where more information can be found.

CLOSING REMARKS

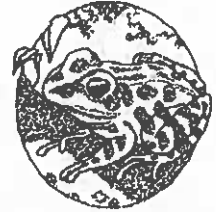
Chairperson Vendetti made closing remarks at 7:08 p.m. The next meeting will be held on February 12, 2025 at 6:30 p.m. in Room 200.

VOTE: Commissioner Kozodoy made the motion adjourn, seconded by Commissioner Payne; PASSED 6-0-0.

Note on Voting Format: In the vote tallies mentioned in these minutes, the format used is "Yes-No-Abstain".



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 01/22/2025

NAME	INTEREST	ADDRESS
Rick Gray	Royson Drive	71 Evergreen St Kingston



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, January 22, 2025 @ 6:30 PM
MEETING LOCATION:	Town House-26 Evergreen St. Room 200 & VIA ZOOM
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.

For those who want to watch this meeting, it is being broadcast by the Local Seen on Comcast 9 or Verizon 42 and streamed on YouTube at www.youtube.com/@kingstonmeetingsLS

For anyone wishing to speak during the meeting, you are welcome to join us in person in room 200 or to join the Zoom call.

This meeting is being recorded by the Local Seen. Anyone intending to make an audio or video recording of this meeting should notify the Chair.

AGENDA

6:30 PM – CALL TO ORDER – ROOM 200

SIGNING DOCUMENTS:

1. Letter of support for the Bates Pond Accessible Trail Project

ACTION ITEMS:

1. Request for Certificate of Compliance: 23 Spruce Street
2. Request for Certificate of Compliance: 120 Country Club Way
3. Request for Certificate of Compliance: 18 Old Mill Road SE 037-0653
4. Request for Certificate of Compliance: 18 Old Mill Road SE 037-0772

ENFORCEMENT:

1. 44 Raboth Road
2. 56 Main Street update
3. 11 Wharf Lane update
4. 2 Wildwood Circle

MEETING MINUTES:

1. 8/28/2024; 9/25/2024; 10/23/2024; 12/18/2024 Executive Session; 1/14/2025 Executive Session

UPDATES:

1. Eversource Right-of-Way vegetation management update

PUBLIC HEARINGS:

1. 20 Marion Drive (1 Royson Drive): Request for Amendment of OOCs

ADJOURN:

NEXT REGULAR MEETING:

1. 2/12/2025

Join Zoom Meeting

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSjBNdDFldz09>

Meeting ID: 968 1633 2793

Passcode: 756156

Or, dial by your location

+1 929 205 6099 US (New York)

This meeting of the Conservation Commission will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting or remotely. All Town Board and Commission meetings are required to provide remote participation. If there is a technical problem and remote participation cannot be provided, the meeting will end and be rescheduled.

The Town of Kingston advises its employees and the public that it does not discriminate based on 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.