

Conservation Commission Meeting Minutes

Wednesday, March 26, 2025

Town of Kingston

26 Evergreen Street, Room 200

Kingston, MA 02364

Present: Kalina Vendetti (Chairperson), Vittorio “Buz” Artiano, Marilyn Kozodoy, Dorothy MacFarlane, Megan Hickey

Virtual: Brian Payne

Absent: Jim Franklin (Vice-Chairperson)

Staff: Matt Penella, Conservation Agent

Location: Town Hall Offices, Room 200

Commission Meeting Opened: 6:30 p.m.

Announcement: The Open Space Committee is seeking a new member. The Open Space Committee assists the Conservation Commission in overseeing the management and use of conservation properties to help better access and utilize these resources in a positive way. This is an opportunity for a resident to assist in implementing the town’s open space plan, help improve parking and trails, and identifying future conservation and passive recreation priorities in the town. Interested residents may inquire by calling the Conservation Office at 781-585-0537, or by e-mail to Assistant Conservation Agent, Julianna Denum at:

jdenum@kingstonma.gov

BUSINESS:

I. Signing Documents

The Commission signed the Orders of Conditions for 10 Shore Drive, a bill from Hunt’s Photo & Video for the purchase of a camera for site visits, a bill from We Print Today for hard copies of the Open Space & Recreation Plan (which is now at the library), an invoice from Apex for MS4 support for the month of February and a bill from Sumco for the phase one of construction for Sampson’s Headwater Restoration Project.

II. Action Items

a) **Eversource – Carver to Kingston Reliability Project: Request for Certificate of Compliance (RCOC).**

Chairperson Vendetti opened a public meeting to discuss the RCOC for Eversource's Carver to Kingston Reliability Project, SE 037-0920. Agent Penella stated that there had been an issue with the language as there was no certification on the as-built. A letter was received on February 14, 2025 from the Survey Manager from VHB, the consultant on the project, detailing that they received the as-built structure data certifying the post-construction conditions and the data was compared to the proposed locations as VHB had staked out, located within areas under the Commission's jurisdiction, and that they found the installed pole locations to be plus or minus within 10' of the proposed pole locations and found that the as-built locations caused no additional impact within jurisdictional areas. The Agent informed the applicant that he feels the language is still on the weak side and they then followed up with a letter from Brian Bernier, the project manager at Eversource, which detailed that: the installation of the line from Carver to Kingston Reliability Project was completed in Kingston; and that as the Project Manager overseeing the work he attests that Line 147 was built to design specifications as proposed in the original NOI application without deviation from the approved plans. All work was completed in compliance with the Orders of Conditions (OOCs) issued by the Conservation Commission and on the modified OOCs that were received in 2021. All work was completed in Fall of 2024. The Agent said that it is a transmission line project and on one hand it was reported that everything was within the OOCs, and on the other hand it was reported to be plus or minus 10 feet; he does not have any real concerns with the issue but wanted better language than had originally been provided. Peter Defusco, Senior Environmental Specialist at Eversource, stated that it three people provided certification; two professional land surveyors and a project manager. As a summary, Mr. DeFusco stated that the project was completed as proposed as buffer zone only. They have closed out in Plympton and Carver, as well as a Notice of Termination under their general construction permit and now they would like to close out in Kingston.

VOTE: Commissioner Kozodoy made a motion to issue the Certificate of Compliance. The motion was seconded by Commissioner MacFarlane. The motion PASSED 6-0-0.

b) **2 Wildwood Circle: Request for Determination of Applicability (RDA) in retro for construction of a large play structure within the Riverfront Area to an Intermittent Stream and the Buffer Zone to a Bordering Vegetated Wetland. The applicant has requested continuance while filing a Notice of Intent (NOI) for the project.**

Chairperson Vendetti opened a public meeting to discuss the RDA for 2 Wildwood Circle, filed in retro, for construction of a large play structure within jurisdiction. The applicant has requested a continuance while they file a Notice of Intent. Agent recommended a continuance until May 28, 2025.

VOTE: Commissioner MacFarlane made a motion to continue until May 28, 2025. The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

c) Howland's Lane-Pilgrim John Howland Society (Map 48, Lot 16) : Request for Determination of Applicability (RDA)

Chairperson Vendetti opened a public meeting to discuss the RDA for Map 48, Lot 16 on Howland's Lane, filed by the Pilgrim John Howland Society. Peter Arenstam, Executive Director of the Pilgrim John Howland Society, stated that they have been working towards getting a National Register of Historic Places designation for their land at Rocky Nook as a way to preserve, protect, and promote the space on a national level. The purpose of the project is the conservation of Joseph Howland House Archaeological Site for visitors and wildlife to share the open space that was once an orchard and meadow. Removing the undergrowth will allow the exposure of the ancient stone walls that are the oldest in New England. This plan will restore it to its original state and allow management of the area for conservation purposes in a natural setting as well as serving for the buffer for the wetlands behind the tree line. Agent Penella showed the plan on the map and explained that most of the site is forested with the salt marsh and the Jones River being down slope. He stated that conditions at the site are a mix between native flood plain forest, successional areas often dominated by invasive species such as garlic mustard in the understory, and disturbed areas. A lot of the site is covered in black plastic sheeting underneath the dirt and vegetation, which was left as a protective layer after archaeological surveys. The wetlands (VPW) were delineated by Michael Ball of Marsh Matters Environmental on January 25, 2025. The filing does not request determination of resource area boundaries, only whether the work proposed is subject to the state and local regulations. The wetlands are much closer to Howland's Lane than the agent initially thought, and since his site visit in November 2024, the sketch plan has been updated to eliminate work within the actual wetlands. The sketch plan makes note that most work to be done is to be determined through conversations with the Conservation Commission and a professional archaeologist. The sketch plan shows mowed grass areas, created using a short grass seed mix (mixed native and non-native species) interspersed with forested areas to remain as is; the sides of the property would receive a tall meadow sea grass mix which is primarily a native species mixed with Fescue which will have a faster growth period. There are a couple areas of roadside erosion control measures that are out of jurisdiction. When looking at the plan, blue represents the wetland line, green is the 30' no-landscaping setback, and red is the 100' buffer. Within the 30' no-landscaping setback from Kingston Wetlands Protection Regulations (KWPR) 10.07 B 1&2 mowed grass area and mowed grass pathways are proposed, as is a wood-rail fence, and an interpretive sign. On the plan, the blue shape indicates the area of what had been a spring many years ago and now has a boulder on the site. The agent said that it is debatable as to whether the mowed areas and the mowed pathway areas count as landscaping in this instance given the existing conditions, but the fencing would certainly count as landscaping. The project may have special consideration of the public benefit and walking paths connecting the historic features, but there may also be ways to

minimize potential impact. One would be to specifically condition the project so that no chemicals, pesticides, or fertilizers could be used within jurisdictional areas and no grass clippings will be dumped on site. In that case, there would be a mowed mix of native and non-native grasses close to the resource areas but without the typical detrimental impacts of turf. Another would be to reconfigure the pathway surfacing to something that would not be considered landscaping and would replace the mowed grass area within the 30' buffer to the tall grass mix; and in that case even if the meadow grass was tall the well would still be visible along the trail. The agent stated that these are some ideas to consider since right now it is a situation that may not meet KWPR setbacks because of the no landscaping. The agent's recommendation is if the Commission has concerns or suggestions regarding the removal, planting, or maintenance of vegetation at the site they should be discussed at the current meeting. In general, the agent believes the practices will enhance wildlife habitat and ecological health at the site as well as the buffer zone's capacity to protect the Vegetated Protected Wetlands (VPW) and any resource areas down slope. In addition, no heavy machinery should be used and so specific conditions would be needed. The agent suggested the Commission either issue a -3DOA or continue the meeting suggesting that the applicant meet the 30' no landscaping requirements. Commissioner MacFarlane inquired on the extent of the plastic sheeting. Mr. Arenstam replied that the black plastic was placed there after archaeological digs to protect the site and it is mostly located where the foundation of the Howland house was and so not the entire area. Commissioner MacFarlane said that in time the plastic will deteriorate and create more fine plastics that wash into the river and in her opinion it should be removed completely. Commissioner Artiano asked Agent Penella if most of the area at the site had been previously disturbed. The agent said historically it was a meadow a couple hundred years ago, and now everything south of the blue line on the plan is intact forest, some of what is between the red and blue line has had the understory cleared out where the archaeological work was done and a lot of invasive species have been established in that area. He said that it will be very difficult to remove all the invasive garlic mustard to establish a meadow area, in addition there is some barbed wire fencing there now. Commissioner Artiano asked what the purpose is of the trail going to the site of the former spring. Mr. Arenstam said that the thought was to have a path to the site with a sign describing what had been there for educational purposes. Commissioner Artiano suggested limiting the pathway by having it be a straight path down, rather than a loop that goes past the 30'. The Commissioner said that he is 100% behind the idea of the project but it needs to work for all involved. Mr. Arenstam agreed and said it is their intention to respect the environment, the archaeology and ecology, and also stated that Bob Hoxie, historic landscape designer, had drawn up the plan and the proposed pathway. Commissioner Payne said that he is behind the proposal and thinks it is a very good idea and has seen similar things in other towns. But, as a historian and educator, he does not see the value of extending the pathway so close to the wetlands just so that visitors can see the site of the former spring. He sees educational value in other parts of the site and made the suggestion that they go up to the green line with the site development, and then between the green and blue line, try to do something that is more focused on the ecology and less on the history.

Commissioner Payne would also like to stress the importance of removing the plastic and he believes there are better strategies to use to protect the underground historical site. Therefore, he would like it stated on the proposal that the plastic will be removed. Commissioner Kozodoy appreciates the goal to inform people of what the site is and was and asked if there could be an interpretive feature that would be installed out of conservation jurisdiction. Mr. Arenstam stated that, yes, that could be done, and it might be something placed near the monument; similar to the kiosk with maps located at the John and Elizabeth Howland site across the street. He was concerned though that if people read that there is a spring, they are going to want to go look at it. Commissioner Hickey made the suggestion that on the kiosk they could state that the former spring is located within the buffer to the wetlands, and that an effort is being made to bring back ecology to the area and that this may in turn hinder people from going back to the wetland area. She also said that including the historical information about the site on the kiosk, and not having a path going to the spring at all, may also help. Commissioner Kozodoy asked if they could remove the barbed wire. Mr. Arenstam said they will have Bob Hoxie work on a new plan with the Commission's input in mind.

VOTE: Commissioner Kozodoy made a motion to continue until April 9, 2025. The motion was seconded by Commissioner MacFarlane. PASSED 6-0-0.

III. Public Hearings

a) 20 Marion Drive (now 1 Royson Drive): Request for Amendment to SE 037-0880

Chairperson Vendetti reopened the hearing for the Request for Amendment for the proposed installation of a sediment forebay and rain garden within the 200' riverfront area of Smelt Brook. Agent Penella said that they had not received the alternatives analysis until that afternoon, he then forwarded them to the Horsley Witten Group and asked them to provide a rough timeline for when they would be able to review it and he has not yet heard back from them. He recommended that the matter be pushed out to May 28, 2025. Agent Penella visited the property the week before and said that the applicant had taken significant effort to protect the area around the catch basin and he gave them instructions on further measures to take, i.e., trash removal and speaking to the landscaper about not blowing things towards the wetlands.

VOTE: Commissioner Hickey made a motion to continue until May 28, 2025. The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

b) 105 Monk's Hill Road: Notice of Intent for expansion of unpermitted, preexisting dock on Smelt Pond, and permitting of preexisting shed within the Buffer Zone to Inland Resource Areas, including Smelt Pond.

Chairperson Vendetti opened the hearing for the Notice of Intent for the expansion of unpermitted dock on Smelt Pond and permitting of preexisting shed within the Buffer Zone to Inland Resource Area, including Smelt Pond. Paul Seaberg, of Grady Consulting, presented the proposal. The site currently consists of a single family residence on a 158,920 square foot lot. The property abuts Smelt Pond to the north and consists of

bordering lands subject to flooding, land under water bodies and waterways, and bordering vegetated wetland (BVW) resource areas associated with the pond. The no-disturb setbacks and buffer zone are based off the BVW shown in blue on the plan. There is an existing dock and an existing shed adjacent to the pond. The condition of the dock is deteriorating and the applicant is proposing to remove the existing dock and construct a new dock in the same location. The proposed dock consists of a 4'x8' ramp and a 4'x16' dock section and a 10'x16' long dock platform at the end. In addition, there is an existing shed located approximately 9' from the bordering vegetated wetland that had been installed by the previous property owners around 2016. The current owners were not aware that the shed did not comply with Kingston's wetland regulations, so they are seeking a variance to maintain the shed in its location within 40' of a resource area. As an alternative, there is space to relocate the shed to meet the setback requirement, however, that would require additional clearing of vegetation and structure of a new foundation. In order to minimize disturbance of the buffer zone and potential impacts to the resource area, the applicants are proposing mitigation consisting of native plantings. Agent Penella stated that conservation posts are shown as a plan detail, and that the plant species proposed are appropriate for the location and that the amount of mitigation is appropriate. The unpermitted aluminum dock is seasonal and appeared on GIS imagery between 2008 and 2012. The applicant is looking to replace the dock with a permanent dock design built to meet the standards of the Chapter 91 Program. Spacing on the dock should meet the minimum standard of $\frac{3}{4}$ " spacing between 6" wide decking to allow light through. The proposed dock overlays the existing one with less than one additional foot lengthwise expanding over the pond, and adds an 8' ramp landward and increases the platform at the end of the dock 10'x16', which is the maximum allowed under KWPR. The Commission may require that no float or terminal portion of the dock shall exceed more than 160 square feet in the area. The dock itself is well within the maximum limit set by KWPR, which is 4'x150', and the proposal makes the case that there are not better locations to build a new structure that would be less impactful to submerged vegetation. The support spacing meets the standard set in KWPR as well. The project as proposed would result in 2.3% impervious surface within jurisdictional buffers which is far less than the maximum allowed under KWPR. The existing shed does not meet the structure setback in KWPR as it is less than 40' to the VPW, VLSF, and land under water bodies and waterways. It is only 19' from the VPW. The representative provided a formal variance request that explains why such a variance should be issued. Agent Penella was impressed by the variance request and said he would recommend it as a model request going forward in some cases. A site visit was conducted on May 29, 2024 during which time the agent and applicant walked near the vernal pool near the front of the property and the agent noted that there was a robust natural vegetative buffer to the vernal pool and the applicant understood the importance of that feature and the regulatory protections of it. Regarding the shed variance, the representative provided a coherent, sensible, rational variance request, formatting as KWPR 5.23 requires and they have provided what appears to be sufficient mitigation provided that conservation posts do get installed in the right locations. Regarding the dock, the existing one is less impactful to the resource areas but is in

need of repair. The proposal seems to meet all the standards of WPA and KWPR and a Chapter 91 license would also be needed, but typically receiving Order of Conditions is the first step. Special conditions that the agent recommends attaching to any permit are: conservation posts in perpetuity, detailed allowance for maintenance of mitigation area, boats moored to a dock should not be allowed to release contaminants, and structural maintenance of piers or any portion thereof require the owner to inquire of the Commission as to whether the work will require the filing of a new NOI, maintenance of a wooden structure will not include the use of hazardous chemicals, cleaners, paints, or wood treatments. Final approval of the pressure treatment type should go through the Conservation office. The Agent also said that the sand area near the dock had been legally permitted in 2006 when a DOA was issued by the Commission to allow re-deposition of sand, creating a beach area. Commissioner Hickey inquired what the path near the water consists of and Mr. Seaberg said it is dirt and grass. Commissioner Kozodoy asked if the fire pit near the dock was permitted, and the homeowner replied that it had been permitted in the 2006 filing. Commissioner Artiano stated that he was fine with the existing shed remaining, with an addition to the OOCs of a requirement that no hazardous materials or chemicals be stored within it; and he approves of the dock proposed. The commissioner then recommended that they allow mitigation and put conservation posts around it, and then add additional posts along the entire 30' or 40' no disturb zone at every 50' and have it in the as-built plan that, if and when the property is sold, the next owner cannot claim they did not know what was there. Agent Penella said he would have to check on the legality of adding that the shed cannot be rebuilt once it degrades, and it should be removed and the area re-vegetated. Commissioner MacFarlane asked if the 30' goes through the trees and the agent replied that it does and it is landward of the path. Agent Penella presented the idea that conservation posts on the pond-ward edge of the cleared area as shown on the 2006 DOA, to protect the area from further disturbance. Commissioner Kozodoy asked if there was a way to plant the mitigation area in such a way that it would disallow use of any chemicals and/or pesticides. Agent Penella said that yes that could be required, also adding the proviso of no fertilizer application within 50'. Commissioner Hickey asked if a variance was needed to increase the dock. The agent replied that it does not require a variance since it meets all the standard requirements laid out in KWPR. Commissioner Kozodoy inquired if the agent would be approving the materials used in constructing the dock and asked if there were better options than ACQ or copper azole. Agent Penella said he would need to approve the materials used and that copper azole is very commonly used but that micronized copper azole (MCA) is one of the most benign measures to use from the conservation standpoint. Mr. Seaberg said that MCA is the material they propose to use.

VOTE: Commissioner Artiano made a motion to close the hearing. The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

VOTE: Commissioner Artiano made a motions to approve the NOI with the special conditions as stated by Agent Penella with the additional conditions that nothing

hazardous be stored in the shed, no use of fertilizers or chemicals in the mitigation planting, no fertilizer within 50' of wetlands, and that conservation posts should be installed around the proposed mitigation area as discussed; to grant the variance to leave the shed in its current location with the understanding that it can't be expanded or enlarged in any way and that conservation posts will be placed along the sandy beach area with direction from the agent in order to establish a firm boundary so that it does not expand over time. In addition, the applicant must get Chapter 91 permitting prior to construction of the dock.

The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

c) 18 Old Orchard Lane: Notice of Intent for the demolition of an existing single-family house, moving an existing shed, and mitigation plantings within the Buffer Zones to Coastal and Inland Resource Areas.

Representative Joe Webby, Webby Engineering, stated that there is an existing dwelling on the property at 18 Old Orchard Lane that the applicant would like to demolish and build a new dwelling approximately the same size in the same area. Brad Holmes, of Environmental Consulting & Restoration, LLC (ECR), delineated the wetlands resource areas. There is a perennial or intermittent stream. Mark Guidaboni, a Trustee for Old Orchard Realty Trust, stated that it is a very old structure that is rotted, structurally unsound with concrete block foundation, and it is currently occupied. The proposal is to go from a 726 square foot structure to 864 square feet. The plan is limited by a 20' wide permitted sewer easement, so the proposed structure is to move it away from the velocity zone and resource area without encroaching on the sewer easement. Further, the applicant proposes to move or demolish an 8x8' shed. The impact would be minimal to have it moved by hand rather than by an excavator or demolished. The proposed location for a new shed is under review by the Building Inspector since the lot is oddly shaped and the front yard needs to be defined (zoning does not allow sheds in front yards). The concrete walkways and patio areas are being removed, thus creating more pervious space. Agent Penella stated that they received a couple NOI support memos from ECR, but the original narrative from Webby Engineering was never updated. What ECR sent met the filing requirements, but for the administrative record there are still some conflicting or erroneous information on the older project narrative and so there may still be things in the official record of this filing that are not representative of the current plan. The plan proposes to demolish the single family dwelling and construct a new one further away from the inland bank of a stream, but closer to the Vegetated Protected Wetland (VPW). However, streams have a higher level of protection than a VPW associated with a stream. The sewer easement precludes moving the structure any further unless it could be sited on the southeast portion of the lot. It is an odd-shaped lot with a horseshoe shape area that appears to be sufficient space to build a house. There is an historic apple orchard on the property. If the house was sited there, then no filing with the Commission would be needed. The applicant proposes a stone drainage swale around three sides of the proposed residence and a 250 square foot mitigation planting area. The project proposes to reduce impervious surfaces from 4.59 % to

4.44%. Regarding the stream, the agent asked the Commission to discuss whether it is intermittent or perennial; he does not know if it is manmade or not but regardless it does not matter if it was dug or straightened. In this case, the Commission will make a decision on the project meeting the guidelines and based on getting the best protection for the resource area as possible. The agent does not believe the definition of the stream matters when the area in question has been developed for a long time, therefore it would meet the redevelopment standards, which the proposed project was designed to meet. The agent feels it would be feasible to issue a determination on the project itself, with a special condition, stating that by no means does this decision render a determination on what the wetland boundary is. Commissioner Hickey questioned why the Commission wouldn't want to make that determination regarding the stream now, rather than down the road. The agent said that on July 28, 2024 ECR delineated on-site wetlands and flagged the bank of a supposed intermittent stream. But then on USGS maps it was detailed as a perennial stream though it is shown in a straight line. Brad Holmes reviewed the site conditions and said that the banks are steep and it appears to be the result of ditching activities in an attempt to drain the BPW that sits up-gradient closer to the train tracks. ECR states that manmade streams do not carry riverfront protections under WPA regulations but the agent is not sure if any of that is relevant in the current situation since it can't be proven that the stream is manmade and the proposed plan was already designed to meet the redevelopment standards for Riverfront Area. Under KWPR, barring any observations of lack of flow, it's considered a perennial stream as pointed out by ECR. However, in the second memo from ECR, it is called a Type 4 intermittent stream, claiming that the performance standards of KWPR regarding perennial streams do not apply. The agent reiterated that he feels redevelopment standards apply in this situation and his advice would be that the Commission does not make a determination whether the stream is perennial, intermittent, manmade or not. Commissioner Artiano agreed and he feels that the stream was manmade a long time ago. Commissioner Kozodoy pointed out that how the stream functions also comes in to play. Agent Penella stated that regardless of how it is defined, the fact remains that there is a stream there and it is carrying things down to Kingston Bay; and the Commission wants to minimize what gets into the Bay. Chairperson Vendetti recognized Mr. Guidaboni who said that they are willing to make all the accommodations they possibly can even without the final definition of the stream being determined. He also added that the Plymouth County Mosquito Control maintains the stream or ditch as part of their ongoing maintenance process and they visited the site March 21, 2025 and identified that the stream would be cleaned out again this year or next and so it is a modified structure on a regular basis going forward. Mr. Guidaboni said Brad Holmes from ECR cited in his original definition that there was not enough wetland area providing the source for the stream to qualify it as perennial. Agent Penella said that rather than focusing on classifying the stream, the Commission should be focusing on improving conditions for the stream. The agent also said there has not yet been a formal variance request, the existing structure is already within the 50' KWPR no-structure area, there is no grandfathering, so a formal variance still needs to be requested and issued. A variance is not needed for the 40' storm water setback because

crushed stone swale is proposed. The applicant proposes to move the shed by hand. The proposed mitigation plantings are outside the limit of work, which is acceptable, as long as the planting is done with hand tools as opposed to machinery. Due to the sloping of the property, it would be beneficial to have the mitigation planting area cross the 100' buffer line and go as far as the neighboring lot line. Commissioner Kozodoy requested that no fertilizers and chemicals be used in the mitigation planting. Agent Penella said that if the permit is issued the special conditions will include: conservation posts in perpetuity, detailed allowance for maintenance of mitigation area, proposed addition of stockpile of silt sock should be reviewed as part of the pre-work ESC check, any dumpster used as part of this project should be covered, no fertilizers or chemicals to be used in the mitigation plantings or within a certain distance that is to be determined, stream classification does not need to be determined at the time of the permit. Commissioner Artiano raised concern about runoff from the roof. Agent Penella said there are storm swales on three sides of the structure. Commissioner Hickey asked if conservation posts were shown on the plan and the agent said that there are not; and so the addition of posts will have to be a special condition. Commissioner Artiano asked where the parking is on the property and Mr. Guidaboni pointed out that the parking is outside the 100' buffer on the roadway. To re-cap, Commissioner Artiano said the Commission needs: a variance request for the 50' no-structure to the BVW and Inland Bank, a mitigation extension change, conservation posts shown on the plan, language about the shed being hand-carried, no pesticide or fertilizer use.

VOTE: Commissioner Kozodoy made a motion to continue to April 9, 2025. The motion was seconded by Commissioner MacFarlane. PASSED 6-0-0.

d) 2 Braintree Avenue: Notice of Intent for additions to a single-family house within the Buffer Zones to Coastal Resource Areas and within Land Subject to Coastal Storm Flowage.

Nick Leing, of Grady Consulting, distributed the plan revision to the Commissioners. The revision proposes a 4" caliper *Dogwood* tree and the owner asks for some leniency as to the exact placement of the tree in the front yard. Also proposed are a drywell which feeds down into a trench drain (1'x 2') along the southerly boundary, four conservation markers at 25' increment spacing as requested. Agent Penella said that the conservations look good, he defers to Commissioner Artiano on the drywell, and as for the tree, the *Dogwood* species is wrong for the area and probably wouldn't thrive and he will coordinate with the applicant to determine a correct species to plant. In addition, the agent would like the language on the plan to be changed where it says: "proposed 4" caliper tree required by the Conservation Commission as additional enforcement for 5/9/2024 enforcement order issued to prior owner" because it is actually additional mitigation for the current NOI filing. Commissioner Artiano pointed out that the language had already been changed according to the revision before them. Commissioner Hickey requested that a special condition be added that the tree is to be kept in perpetuity, should it fall or become damaged, it is then to be replaced. Commissioner Artiano said that the drywell and trench look good and it appears that all

the revisions were addressed on the plan. Agent Penella read from the special conditions of 20 Shore Drive that could be applied to 2 Braintree Avenue, as the properties are very similar. The special conditions are: preconstruction conditions will say that the Commission will provide the requested variances, and dumpster must be covered, materials stored at the site should be stored in a neat and orderly manner in appropriate containers and covered whenever possible, any construction debris reaching the salt marsh or river from this site shall be cause for immediate fines. After construction conditions: restoration area must be well established before a COC can be issued. Perpetual conditions: conservation posts as detailed on the plan of record must remain in perpetuity and in visible condition and posts and/or placards should be replaced as needed, the mitigation planting area as shown on the plan of record must be maintained in a natural state in perpetuity consisting of plant species native to Southeastern Massachusetts and at no point may the mitigation planting area be reduced in size. Lawn encroachment and establishment of invasive plants must be prevented in the mitigation planting area, if at least 75% coverage is not maintained the Commission may require additional seeding or planting, mulch or any other material must not be added to the areas as the intent is to achieve dense and natural vegetation. Maintenance of the mitigation planting area is allowed as follows: vegetation is allowed to be trimmed to the height of 18" during winter months (November 15-March 31) excepting the planted tree and shrub species, no mowing of the mitigation planting area is allowed, no chemicals, fertilizers or pesticides are allowed in the mitigation area.

VOTE: Commissioner Artiano made a motion to close the hearing. The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

VOTE: Commissioner Artiano made a motion to approve the NOI as discussed, with the special conditions read by the Conservation Agent and with the revised plan presented on March 26, 2025 as the filed plan of record; with the special condition that the tree species be approved by the Conservation Agent prior to placement, and the owner has discretion as to the exact placement of the tree in the front yard. The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

II. Action Items (continued)

d) Ring Road Solar, LLC (126 and 131-137 Ring Road; SE 037-0889 and 0890) security fencing with wildlife passage included. Request for Amendment/Deviation.

Chairperson Vendetti a public meeting to discuss the Request for Amendment or Deviation for 126 and 131-137 Ring Road, the request was submitted by Beals & Thomas on behalf of Ring Road Solar, LLC. File# SE 037-0889 and 037-0890. Agent Penella reported that he had reached out to ask of there had been any report back from the State Electrical Inspector and there had been no word as of yet; therefore the agent recommended continuing to April 9, 2025.

VOTE: Commissioner Artiano made a motion to continue to April 9, 2025. The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

IV. Enforcement

a) 44 Raboth Road

This enforcement matter was moved to May 14, 2025

V. Updates

a) 36 Reed Street hazard tree removal: Administrative Review

Agent Penella reports that the homeowner at 36 Reed Street contacted him about a tree that had tipped over during a storm. The owner had called Colonial Tree Company to assess the tree, and they recommended the owner contact Conservation regarding the issue. The agent reports that the tree is growing right out of a stream and is not leaning towards the house. The Tree Warden was consulted and he felt that the tree was potentially hazardous to Pembroke Street and the sidewalk. At that point the agent talked with the tree company and their proposal was to use a crane from Reed Street and top off the tree, leaving as much of it as possible. It was agreed upon to use vegetable based oil in place of bar oil on the cut, at the agent's request. Agent Penella then issued an Administrative Review permit.

b) KWPR standard conditions

Agent Penella provided for review to the Commission with potential edits and re-wording to some of the KWPR standard conditions, to be discussed at future meetings.

CLOSING REMARKS

Chairperson Vendetti made closing remarks at 8:27 pm. The next meeting will be held on April 9, 2025, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Kozodoy made a motion to adjourn, seconded by Commissioner MacFarlane. PASSED 6-0-0

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

Prepared by: Hannele Minsk, temporary transcriber



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: March 26, 2025

NAME	INTEREST	ADDRESS
Edwin W. Day	PJHS	224 FARM ST
Peter Atenstam	HOWLANDS LAKE	MILLIS, MA 02054
	PJHS	18 HAY ROCK RD
	Howlands Lane	Plymouth, MA 02360
NICHOLAS C LEUNG	2 BRAINTREE AVENUE	71 EVERGREEN STREET
MARK GUNDBERG	18 OLD ORCHARD	15 OLD ORCHARD
Joe Webby	18 OLD ORCHARD	Kingston



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, March 26, 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.
 - OOCs for 10 Shore Drive
 - Hunts Photo & Video- camera for site visits
 - We Print Today- OSRP hardcopies
 - Apex- MS4 support February

ACTION ITEMS:

1. Request for Certificate of Compliance: Eversource- Carver to Kingston Reliability Project
2. 2 Wildwood Circle - Request for Determination of Applicability (in retro) for construction of a large play structure within the Riverfront Area to an Intermittent Stream and the Buffer Zone to a Bordering Vegetated Wetland. The applicant has requested continuance while filing a Notice of Intent for the project.
3. Request for Determination of Applicability- Howlands Lane- Pilgrim John Howland Society (Map 48, Lot 16).
4. Request for Amendment/Deviation: Ring Road Solar, LLC (126 and 131-137 Ring Road; SE 037-0889 and 0890)- Security fencing with wildlife passage included.

ENFORCEMENT:

1. 44 Raboth Road- moved to April 23, 2025

MEETING MINUTES:

UPDATES:

1. Administrative Review Update: 36 Reed Street hazard tree removal

PUBLIC HEARINGS:

1. 20 Marion Drive (now 1 Royson Drive): Request for Amendment to SE 037-0880

2. 105 Monk's Hill Road: Notice of Intent for expansion of unpermitted, preexisting dock, and permitting of preexisting shed, within the Buffer Zone to Inland Resource Areas, including Smelt Pond.
3. 18 Old Orchard Lane: Notice of Intent for demolition and reconstruction of an existing single-family house, moving an existing shed, and mitigation plantings, within the Buffer Zones to Coastal and Inland Resource areas.
4. 2 Braintree Avenue: Notice of Intent for additions to a single-family house within the Buffer Zones to Coastal Resource Areas and within Land Subject to Coastal Storm Flowage.

ADJOURN:

NEXT REGULAR MEETING:

1. April 9, 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.