

Conservation Commission Meeting Minutes

Wednesday, April 9, 2025

Town of Kingston

26 Evergreen Street, Room 200

Kingston, MA 02364

Present: Kalina Vendetti (Chairperson), Marilyn Kozodoy, Dorothy MacFarlane, Megan Hickey

Virtual: Vittorio “Buz” Artiano, Jim Franklin (Vice-Chairperson)

Absent: Brian Payne

Location: Town Hall Offices, Room 200 & Via Zoom

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 following documents: an invoice from Bonomi Welding for \$1,125.00, an invoice from W.B. Mason for \$30.39, an invoice from We Print Today for \$181.90, a CKRP Certificate of Compliance for the Eversource Carver to Kingston Reliability Project, an Order of Conditions for 105 Monk’s Hill Road, and an Order of Conditions for 2 Braintree Avenue.

II. Action Items

a) Request for Certificate of Compliance: 18 Old Mill Road #SE 037-0653 and #SE 037-0772

Chairperson Vendetti re-opened a public meeting to discuss the Request for Certificate of Compliance at 18 Old Mill Road. Agent Penella stated that this RCOC had been filed months ago and prior to scheduling a site visit, the representative informed him that they had discovered that one of the Orders of Conditions had not been followed completely during construction and they would be hiring a contractor to complete the work appropriately. They then requested continuances twice, no information has been provided by the applicant since. The Agent informed the Commission that their vote would apply to both requests.

VOTE: Commissioner Hickey made a motion to deny the COC requests for 18 Old Mill Road; the motion was seconded. Commissioner Hickey amended the motion to include both COC requests for Old Mill Road. PASSED 6-0-0.

b) Request for Determination of Applicability: 19 Pine Hill Road addition to a single-family house within jurisdiction.

Chairperson Vendetti opened a public meeting to discuss the Request for Determination of Applicability (RDA) for addition to a single-family house within jurisdiction at 19 Pine Hill Road. Representative, Fred Arrowsmith, is proposing an addition to 19 Pine Hill Road and stated that he does not feel it will encroach anymore on the resource area than what has already been constructed, and is open to hearing what commission has to say.

Agent Penella pulled up photos from the site visit and stated that this is the application for an addition to a single-family home within the periphery of jurisdiction of 100' Buffer Zone to a cranberry bog, or in this instance may be a Bordering Vegetated Wetland (BVW). The property was legally developed in 2005 through a Notice of Intent (NOI) and Order of Conditions (OOCs), and then in 2007 a Certificate of Compliance (COC) was issued. The Agent said that the house doesn't exactly appear to have been built to plan, but that portion of the plan is out of jurisdiction, as is most of the property. There appears to be minimal impervious surface within jurisdiction and with the proposal there would only be a minimal increase. There is only a small portion of the addition that is within jurisdiction, the full structure is well outside the 50' no-structure setback in KWPR, the proposal appears to meet all the standards of WPA and KWPR. The Agent noted that the wetlands were not delineated and the plan states that the information was taken from the record plan back in 2006, but that the boundary is unlikely to have changed as it is an active farmed cranberry bog edge. The Agent took some measurements off of Access GIS and it appears to support what is shown on the plan as far as what the setbacks are on the property; the approximate tree line on the plan appears accurate, although there appears to be an unmarked delineation between established and maintained lawn and a natural area to the west, there is a line that extends from the area of the shed to Pine Hill Road.

The proposal calls for no clearing of natural vegetation. The Agent said that there is a shed of questionable legal origin that has been in place since at least May 2010, it is outside the 50' no-structure setback but it is unlikely to of ever been permitted. From the site visit, Agent Penella noticed a patio area up against the tree line, which is about 100 square feet of impervious surface and is most likely unpermitted. The Agent stated that it would make sense to request permitting on the existing shed and the patio while requesting permitting for the addition to the home. The Agent noted that the proposed structure is outside the 50' no-structure setback, everything proposed appears to meet the standards of KWPR and WPA but there is the matter of the previous, unpermitted work. He said that the Commission could issue a Negative 3 DOA or continue the meeting and ask for more information such as impervious surface numbers. The Agent stated that the applicant should add the shed and the patio to the current filing. Commissioner Hickey asked if the patio was made with pavers and Agent Penella responded that, yes, it is. Aerial photos of the property were shown, indicating the location of the tree line, the wetlands, patio, shed and location proposed 48'x40' addition. With the addition, an underground propane tank will need to be moved closer to the road, the tank is not in jurisdiction. Only a corner of the addition would be in jurisdiction, i.e. within the 100' Buffer Zone. Commissioner Artiano asked if the home has a full foundation and the representative replied that it does. The Commissioner then stated that it is a very straight forward, delineation of wetlands, and he agrees with Agent Penella that the permitting of the shed and patio should happen at this time, to get it on a plan of record. Commissioner Artiano said that this could be done as an Order of Conditions when the foundation as-built is submitted. Commissioner Franklin asked if the septic setup would need to be updated with this addition, the applicant stated that that is not a concern since the house was built for 5 bedrooms and is currently assessed at 3 bedrooms, therefore the septic can well accommodate the proposed bedroom. Agent Penella reiterated Commissioner Artiano's point, that the shed and patio can be added as a special condition. The representative asked if he should add these post facto and Commissioner said that yes he should since the purpose of doing so is to establish what is on the property now. Commissioner Artiano said that when a surveyor does an as-built for the foundation, the location of the shed and patio should be included, as well as their dimensions. Agent Penella said that this is an RDA so the Commission would be issuing a Determination of Applicability (DOA) with the special condition that they need to see the as-built and that the as-built should show the shed and patio. The alternative would be to have the submitted plan updated before issuing the permit. Commissioner Artiano started to make a motion to approve the RDA with special conditions until Agent Penella clarified that there is no follow up after a DOA. Commissioner Artiano then retracted his motion and instead requested the applicant bring in an updated plan showing the location of the existing shed and patio prior to the issuance of an RDA, and that the plan needs to be completed and stamped by a surveyor. Agent Penella said that the way this could work is the Commission could vote on issuing the DOA with that caveat, and the Agent would prepare the permit for the next meeting on May 14, 2025 and not give the permit to the applicant until there are signatures. Then Agent Penella clarified that the shed is already on the plan, so it is just the patio that needs to be added. Commissioner Artiano then made the motion to approve the RDA with the stipulation that the patio is located on the plan. The representative said that this request would be a hardship for the applicant but

he would ask the engineers to get out to the property as soon as possible and add the patio to the plan.

VOTE: Commissioner Artiano made a motion to approve the RDA with the stipulation that the plan be updated to show the patio; the motion was seconded. PASSED 6-0-0.

III. Public Hearings

a) 18 Old Orchard Lane: Notice of Intent

Chairperson Vendetti opened a public hearing to discuss the NOI for the proposed demolition and reconstruction of a single-family house and moving of a shed within the Buffer Zones to Coastal and Inland Resource Areas. Agent Penella stated that the Commission received everything that they requested at the last meeting including the updated mitigation plan extension, conservation posts. Agent Penella had reached out to the Water Department regarding planting on the water main and the Water Dept. requested that plantings stay 5' away from the water main, and this is also shown on the plan. One issue that had not been brought up at the last meeting is the conservation restriction posts detail. The old style is 3' deep, 1' above ground and the new standard is 2' below, 2' above. So, this new standard should be added as a special condition. Another detail added was that the shed would be dismantled or removed by hand. And lastly, a variance request was received. Therefore all that the Commission required has been provided by the applicant, everything meets WPA and KWPR standards. Agent Penella recommended that the Commission close the hearing, issuance of OOCs with special conditions, i.e.: Conservation posts in perpetuity at 2' feet above ground and 2' below, detailed allowance for maintenance of mitigation area, proposed additional stockpile of silt sock should be reviewed as part of the pre-work ESC check, any dumpster used must be covered, no use of outdoor chemicals and fertilizers, no fertilizer in mitigation area and within 50' of a resource area, language regarding not confirming the stream type at this time, removal of the yard waste before construction. The Applicant, Mr. Guidaboni, thanked Agent Penella for providing the format for the variance request which made things easier.

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

VOTE: Commissioner Kozodoy made a motion to approve the project with the aforementioned special conditions. The motion was seconded by Commissioner MacFarlane. PASSED 6-0-0.

(Commissioner Franklin requested that a Mullin Rule Form for be on record for him for the meeting that he missed and reviewed.)

II. Action Items (continued)

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

Chairperson Vendetti opened a public meeting to discuss the Request for Applicability for Map 48, Lot 16, on Howland's Lane filed by the Pilgrim John Howland Society. Agent Penella reviewed that at the last meeting it had been discussed that it may be difficult to issue a permit, given landscaping work happening within the 30' buffer. The applicant provided an update to the plan, removing landscaping activities from the 30' buffer, so now there is nothing that violates the standards of KWPR. Agent Penella recommended the Commission issue a Negative 3 Determination of Applicability since the applicant has now shown a proposal that aligns with the standards of WPA and KWPR. Peter Arenstam, Executive Director of the Pilgrim John Howland Society, spoke to say that as the Agent brought out, they had modified their plan to stay away from the Buffer Zone and to keep any modifications out of that area. Mr. Arenstam said they will be using mechanical means to remove the underbrush. Agent Penella read from the plan that "plastic coverings will not be used in future archaeology digs and any plastic material will be removed." Mr. Arenstam said that yes, going forward they will not use plastic coverings in the ground and any plastic they find, will be removed. He also stated that he confirmed with several archaeologists that plastic covering are still commonly used in digs.

VOTE: Commissioner Kozodoy made a motion to approve the RDA and to issue a Negative 3 Determination. The motion was seconded by Commissioner MacFarlane. PASSED 6-0-0.

d) Request for Amendment/Deviation: Ring Road Solar, LLC (126 and 131-137 Ring Road; #SE 037-0889 and #SE 037-0890) for Security fencing with wildlife passage included, submitted by Beals & Thomas

Chairperson Vendetti opened a public meeting to discuss the Request for Amendment for Ring Road Solar, LLC. Agent Penella stated that there have still been no updates from the state electrical inspector. The lawyer for the applicant reached out to Town Counsel to see if they would be getting involved. Commissioner Kozodoy asked if they should be expecting input from Town Counsel and Agent Penella said no, not unless the Commission asks for it. Agent Penella recommended a continuance to May 14, 2025 and if there is further delay, then the applicant may be informed that the request may be denied due to lack of information.

VOTE: Commissioner MacFarlane made a motion to continue to May 14, 2025. The motion was seconded by Commissioner Kozodoy. PASSED 6-0-0.

CLOSING REMARKS

Chairperson Vendetti made closing remarks at 7:11 p.m. The next meeting will be held on May 14, 2025, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Kozodoy made a motion to adjourn. The motion was seconded by Commissioner Hickey. 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: April 9, 2025

NAME	INTEREST	ADDRESS
FRED ARROWSMITH	19 Pine Hill Kingston	31 Lakespur LN 19 Pine Hill Ply.
Peter Aienstam	Howland Lane Rocky Neck	18 Hoy Oak Rd Plymouth
ELDON W. GAY	HOWLAND LANE	224 FARMS MILLIS MA
MARK GUIDOBONI	18 OLD ORCHARD	15 OLD ORCHARD LN KINGSTON



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, April 9, 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. \$1,125.00 invoice from Bonomi Welding
2. \$181.90 invoice from We Print Today
3. \$30.39 invoice from WB Mason
4. CKRP Certificate of Compliance
5. 105 Monks Hill Road Order of Conditions
6. 2 Braintree Avenue Order of Conditions

ACTION ITEMS:

1. Request for Certificate of Compliance: 18 Old Mill Road SE 037-0653
2. Request for Certificate of Compliance: 18 Old Mill Road SE 037-0772
3. Request for Determination of Applicability (RDA): 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:

MEETING MINUTES:

UPDATES:

PUBLIC HEARINGS:

1. 18 Old Orchard Lane: Notice of Intent (NOI) for demolition and reconstruction of an existing single-family house, moving an existing shed, and migration plantings, within the Buffer Zones to Coastal and Inland Resource areas.

ADJOURN:

NEXT REGULAR MEETING:

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.