



Conservation Commission Meeting Minutes

Wednesday, May 14, 2025

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

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

Virtual: Jim Franklin (Vice-Chairperson),

Absent: Vittorio “Buz” Artiano, Brian Payne,

Staff: Matt Penella, Conservation Agent

Location: Town Hall Offices, Room 200 & Via Zoom

Commission Meeting Opened: 6:33 p.m.

BUSINESS:

I. Signing Documents

There were no documents for the Commission to sign at this meeting.

II. Action Items

a) 23 Spruce Street

Chairperson Vendetti re-opened the public meeting to discuss the Request for Certificate of Compliance for 23 Spruce Street. Agent Penella stated that this request has been discussed at several previous meetings. He noted that the as-built plan did not show that the conservation posts were installed in the wrong locations. When an updated as-built was submitted, it showed that the lawn extended further than what had been permitted and that the designated mitigation area had been converted to lawn. The agent stated that he is waiting to hear back from the representative on whether these outstanding issues have been addressed. He added that the Commission can either deny the request or continue the matter.

Commissioner Kozodoy asked when the agent was last in communication with the representative. Agent Penella responded that his last communication was around March 27th. Commissioner Kozodoy stated that she is willing to continue the matter to the next meeting, but after that she would be in favor of denying the request until the applicant is ready to reapply. Commissioner Hickey agreed.

VOTE: Commissioner Kozodoy made a motion to continue the COC request until May 28th, 2025. The motion was seconded by Commissioner MacFarlane. The motion PASSED with a vote 4-0-0.

b) 58 Off Boundary Street: Request for Determination of Applicability (RDA) for the proposed construction of a second-level deck and repair to the existing roof within the buffer zones to coastal wetland resource areas.

Chairperson Vendetti opened a public meeting to discuss the RDA at 58 Off Boundary Street. Agent Penella stated that the Commission had previously permitted the replacement of a deck within the same footprint with a DOA two years ago. The property owner is now seeking to install a second-level deck. He noted that the only portion of the project that would touch the ground are the support beams, which would be located within the existing lawn area.

Maureen McKinnon, property owner of 58 Off Boundary Street, stated that there is a door leading out from her bedroom where they would like to construct the proposed deck. Agent Penella presented photos of the property and the proposed deck to the Commission. He noted that this project does not require an NOI due to its limited disturbance and recommended issuance of a Negative 3 DOA. He also confirmed that the previously permitted deck replacement was completed in accordance with the original permit.

VOTE: Commissioner MacFarlane made a motion to issue a Negative 3 DOA. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 4-0-0.

c) 126, 131, 137 Ring Road (Ring Road Solar, LLC): Request for Amendment/Deviation to Orders of Conditions.

Chairperson Vendetti opened a public meeting to discuss the amendment request. Agent Penella stated that this is a request for a deviation to the Orders of Conditions to install security fencing around the solar project based on requirements from the Kingston and Plympton electrical inspectors. He noted that the Commission had previously requested a second opinion from the state electrical inspector to confirm whether the work was necessary, but no new information has been received.

Agent Penella reported that a letter from the applicant's counsel was received, claiming that the project qualifies for agricultural exemptions because the fencing will be used to protect the cranberry bogs from deer. This letter was forwarded to town counsel for review, but a response has not yet been received. Agent Penella recommended continuing the hearing to May 28, 2025, to allow time for town counsel to provide input.

VOTE: Commissioner Kozodoy made a motion to continue the hearing to May 28th, 2025. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 4-0-0.

d) Keolis MBTA: Request for Determination of Applicability (RDA) for confirmation of wetland boundaries along the MBTA commuter rail Right-of-Way, where Vegetation Management activities would take place between 2026 and 2031 under 333 CMR 11.00 regulations.

Chairperson Vendetti opened a public meeting to discuss the RDA for Keolis MBTA. Matt Donovan, project representative from Benesch, stated that the RDA is to confirm the accuracy of maps delineating vegetation management areas along the MBTA commuter rail Right-of-Way. He explained that there are two main chemical applications each year, typically occurring in May–June and August–September. Mr. Donovan presented the maps to the Commission and noted that certified applicators are always accompanied by an environmental monitor familiar with site conditions and equipped with the maps delineating treatment areas. He stated that they are seeking a Positive 2a Determination to confirm the maps and a Negative 5 Determination for the work included in the vegetation management plan.

Agent Penella stated that a series of maps were provided showing the Right-of-Way and treatment areas. He reviewed these maps and expressed that he was satisfied with the increased protection for rivers and stream crossings reflected on them. The agent recommended including language with the Positive 2a Determination clarifying that it is only valid for affirming the boundaries shown on the vegetation management plan, and that any other activities would require a wetland delineation. He read this language to the Commission. Agent Penella also noted that the MBTA is exempt from local bylaws and that the review is only under the Wetlands Protection Act.

VOTE: Commissioner Kozodoy made a motion approving the request and to issue a Positive 2a with language confirming the wetland resource boundaries and a Negative 5 determination citing exemptions under the Wetland Protection Act. The motion was seconded by Commissioner MacFarlane. The motion PASSED with a vote 5-0-0.

e) 10 Baker Avenue: Request for Amendment/Deviation to Orders of Conditions.

Chairperson Vendetti opened a public meeting to discuss the amendment request for 10 Baker Avenue. Agent Penella provided background, stating that the property was permitted a few years ago under a local Notice of Intent (NOI) for work within the outer reaches of the 200-foot Riverfront Area to an intermittent stream. Following a site visit, it was determined that the proposed house was too close to a slope and stabilization would be needed. The applicant proposed a tiered retaining wall system with mitigation plantings, bringing the project under state jurisdiction. This work was addressed through an RDA filing rather than refiling the NOI. The project was ultimately built using only one of the two plans.

The property was later sold to Jeff Katzenstein, who is now seeking a Certificate of Compliance (COC). Mr. Katzenstein stated that he and his wife are the current owners. Garrett Tunison of Tunison Environmental Consultants explained that he had prepared the original NOI plan but was not made aware of the additional work until after it had been completed. Mr. Katzenstein stated that he had seen the buffer zone planting plan before purchasing the property and that it was largely implemented with only a few missing plants. However, he was unaware of the Riverfront Area Planting Plan until shortly before closing. That plan would have required most of the front yard on both sides of the driveway to be restored with plantings. He explained that he has since worked with Mr. Tunison on a revised planting plan that proposes the same volume of plantings but relocated to a grassy area at the bottom of the retaining wall and a forested area, rather than the front yard.

Agent Penella outlined discrepancies between what was permitted and what was built, including: the planting plan not being followed, the Conservation Restriction not being placed, the fence being in a different location, and invasive plant management not being completed. Mr. Tunison presented a plan showing installed plantings and proposed relocation areas, noting that one of the areas would provide protection for a potential vernal pool.

Commissioner MacFarlane asked if the proposed plantings would be in the no-touch zone to the vernal pool. Agent Penella confirmed they would, but explained that the area is currently lawn that was not permitted. He stated the plantings would improve habitat value. Mr. Tunison added that all proposed species are native.

Commissioner Franklin raised concerns about slope stability and runoff into the intermittent stream. Agent Penella explained that runoff drains toward the vernal pool and noted that the NOI plan had included a driveway BMP, while the RDA plan (and construction) included a trench drain instead. Commissioner Franklin asked if the trench was sufficient. Agent Penella responded that, without an engineering review, it is likely not.

The Commission further discussed outstanding issues, including the missing Conservation Restriction, fencing location, invasive plant management, and stormwater BMPs. Mr. Katzenstein acknowledged the fence deviation, citing an access issue, but indicated willingness to address drainage concerns and to place the Conservation Restriction. He noted the original driveway plan included crushed stone, which he would be amenable to adding. Commissioner Franklin stated that a designer should evaluate drainage capacity and clarify differences between what was permitted and what exists.

Agent Penella recommended that the applicant return with as-built plans showing what has and has not been completed. Mr. Katzenstein formally withdrew the amendment request.

III. Enforcement

a) 44 Raboth Road

Agent Penella provided an update to the Commission, noting several unpermitted issues on the property, including docks, a large retaining wall near the pond, and a concrete parking area. He explained that the retaining wall does not meet the performance standards of KWPR, but the Commission asked the property owner to determine whether it could obtain a building permit, after which it could be filed with the Commission for consideration.

Jenna Carrol, resident of 44 Raboth Road, stated that some information for the building permit was delayed due to the absence of a building commissioner. She noted that she has reached out to engineering firms to review the retaining wall's construction and confirm whether it was built sufficiently, but has only received a response from one firm so far. Ms. Carrol added that they plan to remove the "duck dock" once the water temperature warms.

Commissioner Hickey stated that she would like the duck dock removed by the end of June. Agent Penella recommended continuing the enforcement matter to the June 25th meeting.

b) 164 Pembroke Street

Agent Penella stated that the property owner has requested continuance to May 28th. The Commission agreed to continue the discussion to May 28th, 2025.

IV: Meeting Minutes

Minutes for January 22, 2025, and February 12, 2025, were submitted to the Commission for review and approval.

VOTE: Commissioner Kozodoy made a motion to approve the minutes for January 22, 2025. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 4-0-1.

VOTE: Commissioner Kozodoy made a motion to approve the minutes for February 12, 2025. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 4-0-1.

V. Updates

a) Delano BMP

Agent Penella reported that all of the sumac near the stormwater BMP at the end of Delano had been cut down. He stated that he has not been able to determine who was responsible but plans to send a letter to area residents informing them that such activity is not permitted.

VI. Public Hearings

a) 35R East Avenue: Notice of Intent (NOI) for the construction of an addition to a single-family house in place of an existing deck, and reconstruction of the existing dwelling on the existing foundation, including addition to a second story.

Chairperson Kalina Vendetti opened the hearing for 35R East Avenue. Project representative Rick Savant presented the proposal, explaining that the renovations consist of replacing the existing deck with a small addition. He stated that the property slopes toward the Bay and has a concrete seawall. The existing structure, built of concrete blocks, is in need of updates. The plan is to remove the structure down to the foundation, with no excavation, and rebuild on the same footprint using the existing foundation, adding modernized construction and a second-story addition.

Rick explained that the proposed addition would replace the current impervious deck and would be built on helical screws, elevated to the same height as the deck. Because of the proximity to resource areas, two variances are being requested. He added that the project includes roof runoff drywells to mitigate stormwater impacts and a mitigation plan prepared by ECR consisting of turf removal, plantings along the seawall, and invasive plant management.

Agent Penella noted that the plan does not show conservation posts and recommended that posts be installed in the mitigation area in perpetuity. He confirmed that formal variance requests have been submitted and reported that the project would reduce impervious coverage from 11.4% to 10.8%. He also confirmed during a site visit that the existing deck is impervious, with no spacing between most boards. The agent stated that the mitigation plan is appropriate for the site.

Agent Penella further advised that if it is determined during construction that the foundation must be replaced, this NOI does not currently address that scenario, and it should be discussed. He also noted that several trees near the house may need removal or significant trimming for the second-story addition and recommended including this in the NOI or addressing it through administrative review under a separate permit. He recommended issuance of an Order of Conditions with special conditions, including an updated plan specifying the construction process if the foundation requires replacement. Rick agreed to add a note to the plan detailing the process for foundation replacement if needed.

VOTE: Commissioner Kozodoy made a motion to continue the hearing to May 28th, 2025. The motion was seconded by Commissioner MacFarlane. The motion PASSED with a vote 4-0-0.

b) 2 Wildwood Circle: Notice of Intent (NOI) for retroactive construction of a large play structure within the buffer zone of a Bordering Vegetated Wetland and the outer 200-foot Riverfront Area to a stream. The applicant has requested a continuance to the May 28th, 2025, meeting.

VOTE: Commissioner Kozodoy made a motion to continue the hearing to May 28th, 2025. The motion was seconded by Commissioner MacFarlane. The motion PASSED with a vote 4-0-0.

c) 10 Adams Avenue: Notice of Intent (NOI) for the proposed construction of a garage addition to a single-family house, within the buffer zones of several coastal wetland resource areas.

Chairperson Kalina Vendetti opened the hearing for 10 Adams Avenue.

Agent Penella stated that he had shared the staff report with the representative and that revised plans were recently submitted but have not yet been reviewed.

Paul Seaburg of Grady Consulting, representative for the applicant, explained that the site currently contains a single-family house. The applicant is proposing a garage addition, which would be located further from the resource areas than the existing house. He reported that the property's current impervious coverage is 25.9%, exceeding the 15 percent limit under Kingston regulations. The proposed addition would increase impervious coverage to 32.9%, requiring a variance. To mitigate the increase, stormwater infiltration systems are being proposed. He added that a variance is also being requested for the stormwater system to be located closer than 40 feet to Land Subject to Coastal Storm Flowage, though it would remain above flood elevation with no change to topography. In addition, a variance is requested for the wall-type foundation to be located closer than 50 feet to Land Subject to Coastal Storm Flowage, Coastal Beach, and Coastal Bank. Paul stated that mitigation plantings are included as part of the

proposal and explained that an existing sewer line runs through the proposed addition. The plan is to temporarily decommission the line during construction to prevent leakage and then reconnect it in accordance with sewer department requirements once the foundation is in place.

Agent Penella reported that a site visit was conducted on May 9, 2025. He noted that wetlands were delineated by South River Environmental on November 3, 2020, and that delineations are typically valid for three years. While the salt marsh, which is the furthest resource area from the project, does not appear to have shifted based on aerial imagery, it is up to the Commission whether an updated delineation should be required. He confirmed that a formal variance request was received for the increase in impervious coverage and recommended the additional variance requests outlined by Paul. The agent noted that the proposed stormwater infiltration system would capture runoff above the 15 percent threshold up to the 10-year storm. He also reported finding older files on the property that restrict lawn type, prevent lawn encroachment within four feet of the Top of Coastal Bank, require native plantings within that zone, and prohibit the use of fertilizers, pesticides, and herbicides. He stated that these conditions were not being followed during the site visit and recommended conservation posts around the mitigation area. He added that the Commission must determine whether the proposed mitigation is sufficient to warrant approval of the project with an Order of Conditions, and stated that if approved, a list of special conditions would also apply.

Commissioner Kozodoy recommended a continuance to allow time for review of the revised plan. Paul highlighted the revisions, noting that buffer zones were added to the Coastal Beach and Coastal Bank and that the stormwater system was shifted closer to the street to meet setback requirements. He questioned whether the current owners were aware of the prior condition requiring the four-foot mitigation planting strip. Commissioner Hickey confirmed that such conditions follow the property, not the owner, and Agent Penella agreed.

Commissioner Jim Franklin joined the meeting and stated that after reviewing the plan he would like to see additional infiltration and increased mitigation square footage included in the final plan.

VOTE: Commissioner Kozodoy made a motion to continue the hearing to May 28th, 2025. The motion was seconded by Commissioner MacFarlane. The motion PASSED with a vote 3-0-1.

CLOSING REMARKS

Chairperson Kalina Vendetti made closing remarks at 8:35 p.m. The next meeting will be held on May 28th, 2025, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Kozodoy made the motion to adjourn, seconded by Commissioner MacFarlane; PASSED 5-0-0.

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

Prepared by: Julianna Denum, Assistant Conservation Agent, Kingston Conservation Department

Approved by: Kingston Conservation Commission

Documents used at the meeting:

- 05/14/2025 meeting agenda
- 01/22/2025 meeting minutes
- 02/12/2025 meeting minutes
- COC documents 23 Spruce Street
- RDA documents for 58 Off Boundary Street
- Request for Amendment/Deviation to Orders of Conditions documents for Ring Road Solar (126, 131, 137 Ring Road)
- RDA documents for Keolis MBTA
- Request for Amendment/Deviation to Orders of Conditions documents for 10 Baker Avenue
- Enforcement documents for 44 Raboth Road
- Enforcement documents for 164 Pembroke Street
- Notice of Intent documents for 35R East Avenue
- Notice of Intent documents for 2 Wildwood Circle
- Notice of Intent documents for 10 Adams Avenue



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 05/14/25

NAME	INTEREST	ADDRESS
Maureen McKinnon	Deck	58 OFF Boundary St.
Rick Servant	CADICAM	SPT
DANAG NEMES	HYNES	10 ADAMS
Paul Seaberg	HYNES	10 ADAMS
Beth + Kevin Hynes	11	10 Adams
Jeffrey Katzenberg	Amendment to CDC 10 Baker	10 Baker Ave
Garratt M. Tinsley (TEC)	10 Baker Ave CDC	10 Baker Ave
Debra Adigan	35 East Ave	—
John Griffin	11	11
Bob & Cecilia Mullen	abutter	8 Adams Ave



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, May 14, 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:

ACTION ITEMS:

1. 23 Spruce Street: Request for Certificate of Compliance (RCOC)
2. 58 Off Boundary Street: Request for Determination of Applicability (RDA) for the proposed construction of a second-level deck and repair to the existing roof within the buffer zones to coastal wetland resource areas
3. 126, 131, 137 Ring Road (Ring Road Solar, LLC): Request for Amendment/Deviation to Orders of Conditions
4. Keolis MBTA: Request for Determination of Applicability (RDA) for confirmation of wetland boundaries along the MBTA commuter rail Right-of-Way, where Vegetation Management Plan activities would take place between 2026 and 2031 under the 333 CMR 11.00 regulations
5. 10 Baker Avenue: Request for Amendment/Deviation to Orders of Conditions

ENFORCEMENT:

1. 44 Raboth Road
2. 164 Pembroke

MEETING MINUTES:

1. 01/22/2025
2. 02/12/2025

UPDATES:

1. Delano BMP

PUBLIC HEARINGS:

1. 35R East Avenue: Notice of Intent (NOI) for the proposed construction of an addition to a single-family house in place of an existing deck, and reconstruction of the existing dwelling on the existing foundation, including addition of a second story.

2. 2 Wildwood Circle: Notice of Intent (NOI) for retroactive construction of a large play structure within the buffer zone of a Bordering Vegetated Wetland and the outer 200-foot Riverfront Area to a stream. The applicant has requested a continuance to the May 28th, 2025 meeting.
3. 10 Adams Avenue: Notice of Intent (NOI) for the proposed construction of a garage addition to a single-family house, within the buffer zones of several coastal wetland resource areas.

ADJOURN:

NEXT REGULAR MEETING:

1. 05/28/2025

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.