



Conservation Commission Meeting Minutes

Wednesday, August 13, 2025

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

Present: Jim Franklin (Vice-Chairperson, acting as Chair), Marilyn Kozodoy, Dorothy Macfarlane, Megan Hickey, Brian Payne

Virtual: Vittorio “Buz” Artiano,

Absent: Kalina Vendetti (Chairperson)

Staff: Matt Penella, Conservation Agent

Location: Town Hall Offices, Room 200 & Via Zoom

Commission Meeting Opened: 6:30 p.m., with Acting Chair Jim Franklin calling to order

BUSINESS:

I. Signing Documents

The Commission signed a \$120 invoice from Kingston Landscaping, LLC for mowing at Calista Farm and a \$685 invoice from MACC for annual membership fees.

II. Action Items

- a) **3 Grandview Avenue: Request for Determination of Applicability (RDA) for the proposed reconstruction and expansion of a deck on a single-family house within the buffer zone to several coastal wetland resource areas, and above the resource area boundary of salt marsh.**

Vice-Chairperson Jim Franklin opened the public meeting to discuss the RDA for 3 Grandview Avenue. Agent Penella noted that this property has been before the Commission previously. He stated that the project proposes to expand the existing deck to connect with an entryway on

the side of the house. The work will largely replace the existing structure with a small expansion. He further noted that shading concerns on the salt marsh were addressed under a prior filing and do not present concerns for the current proposal. No portion of the project is proposed to touch the ground.

Agent Penella recommended issuance of a Negative 3 Determination of Applicability with the special condition prohibiting staging or storage of materials within resource areas. He added that the limit of work shall be the foundation of the existing house, and that any materials found on the salt marsh will result in fines and/or enforcement orders.

Commissioner MacFarlane inquired about the footing shown on the plan. Sue Larson, property owner of 3 Grandview Avenue, stated that the footing was existing and not newly installed. Agent Penella presented the plan to the Commission and noted that he does not see any detrimental impacts to resource areas from the proposed work. Commissioner Franklin inquired about the length of the cantilevered portion of the deck, which was noted as 6.5 feet.

Commissioner Artiano joined the meeting.

VOTE: Commissioner Hickey made a motion to issue a Negative 3 Determination of Applicability with the special conditions prohibiting the staging or storing of materials within resource areas, establishing the foundation of the existing house as the limit of work, and stating that any materials found on the salt marsh will result in fines and/or enforcement orders. The motion was seconded by Commissioner Payne. The motion PASSED with a vote 6-0-0.

b) 17 Nobadeer Circle: Request for Determination of Applicability (RDA) for the proposed construction of an addition to a single-family house within the buffer zone to wetland resource areas, including a potential vernal pool off-site.

Vice-Chairperson Jim Franklin opened the public meeting to discuss the RDA for 17 Nobadeer Circle. Agent Penella stated that the proposal is for a small addition within an existing developed lawn area. Thomas Urtz, property owner, stated that the addition would be located at the rear of the house. Agent Penella presented the project plans and noted that the addition is proposed to be 320 square feet. Mr. Urtz added that the location is as far from the vernal pool as possible and that an existing fence delineates the yard area.

Agent Penella noted that the property owner indicated during the site visit that the addition is intended as office space. He informed the owner that information on the existing septic system may be required to determine whether an upgrade is necessary. He further noted that the Health Agent advised that additions of this type must also be reviewed by the Board of Health,

as Title 5 requires septic systems to be evaluated as if the addition constitutes an extra bedroom. Agent Penella stated that this information is not yet available and should be provided before the Commission makes a determination.

Commissioner Franklin expressed concern regarding potential increases in septic flow. Commissioner Artiano disagreed, stating that a bedroom must meet specific criteria, such as two means of egress, which are not proposed with this addition. He added that most leaching fields approved by the Board of Health are designed with capacity for an additional bedroom under Title 5 requirements. Commissioner MacFarlane stated that the matter should be reviewed by the Board of Health before further discussion by the Commission.

VOTE: Commissioner MacFarlane made a motion to continue the discussion to provide time for the project to be reviewed by the Board of Health. The motion was seconded by Commissioner Kozodoy. The motion PASSED with a vote 5-1-0.

VOTE: Commissioner MacFarlane made an amended motion to continue the discussion to August 27th to provide time for the project to be reviewed by the Board of Health. The motion was seconded by Commissioner Kozodoy. The motion PASSED with a vote 6-0-0.

c) 63 Smiths Lane: Request for Certificate of Compliance (RCOC).

Vice-Chairperson Jim Franklin opened the public meeting to discuss the Request for Certificates of Compliance for 63 Smiths Lane. Agent Penella stated that two separate Orders of Conditions had been issued for the property: one for aquatic vegetation management of invasive species, and another for the expansion of the parking lot area. He reported that he conducted a site visit and observed no issues with the completed work. He recommended the issuance of Certificates of Compliance for both Orders of Conditions.

VOTE: Commissioner Artiano made a motion to issue Certificates of Compliance for SE 037-0700 and SE 037-0841. The motion was seconded by Commissioner Hickey. The motion PASSED with a vote 6-0-0.

d) Discussion regarding Right of First Refusal for property Map 69, Lot 19 on Elm Street

Agent Penella stated that this item concerns a Chapter 61 Right of First Refusal (ROFR) for a Notice of Intent to sell property located at Map 69, Lot 19 on Elm Street, at the corner of Elm Street and Silvia Place. He stated that the notice received indicates the property is being sold for the purpose of constructing a single-family house. The plan shows the proposed house outside of the Commission's jurisdiction.

Agent Penella added that the property owner had approached him a couple of years ago to ask if the town would be interested in purchasing the property. At that time, the town was likely not interested, but Wildlands Trust might have interest since the parcel abuts their property. He noted that the town has the option to exercise its right of first refusal and transfer the property to a non-profit.

He recommended continuing the discussion to allow time for the Commission to consider the ROFR if Wildlands Trust expresses interest. The discussion was continued to August 27, 2025.

III. Enforcement

a) 44 Raboth Road

Agent Penella stated that when this matter was last before the Commission about a month ago, it was decided to issue an Enforcement Order (EO) along with a \$300 fine for fireworks. The EO required removal of the unpermitted floating dock from the pond and jurisdictional portion of the property. Agent Penella reported that he received evidence confirming the dock removal as well as the removal of landscaping debris.

He further noted that he received an update from an engineer regarding the unpermitted retaining wall. Jenna Carrol, resident of 44 Raboth Road, stated that their engineer conducted a site visit and requested photos related to construction of the wall. She added that she is following up with her husband, who built the wall, to provide additional information and expects to have plans available within 2–3 weeks.

Agent Penella recommended continuing the discussion until September 10, 2025, to allow time for the engineering plans to be submitted.

IV: Meeting Minutes

Minutes for June 11, 2025, were submitted to the Commission for review and approval.

VOTE: Commissioner Payne made a motion to approve the minutes for June 11, 2025. The motion was seconded by Commissioner Kozodoy. The motion PASSED with a vote 6-0-0.

V. Updates

a) Blackwater Memorial Forest

Agent Penella stated that the bridge construction on site is taking longer than anticipated. One bridge has been completed and the other is in progress and expected to be finished soon. He noted plans to schedule a couple of guided site walks once the site reopens to explain the

restoration work to the public. He further reported that the restoration work looks good at this stage but will take additional time to fully grow back.

VI. Public Hearings

- a) 49 Old Mill Road: Notice of Intent for an addition and porch along the rear of the existing home, within the 100-foot buffer zone to a Bordering Vegetated Wetland and the 200-foot Riverfront Area of an Intermittent Stream.**

Vice-Chairperson Jim Franklin reopened the hearing for 49 Old Mill Road. Agent Penella stated that no updated materials have been submitted and recommended continuing the hearing to August 27, 2025.

VOTE: Commissioner Artiano made a motion to continue the hearing to August 27th, 2025, section B. The motion was seconded by Commissioner MacFarlane. The motion PASSED with a vote 6-0-0.

CLOSING REMARKS

Acting Chair Jim Franklin made closing remarks at 7:20 p.m. The next meeting will be held on August 26th, 2025, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Hickey made the motion to adjourn, seconded by Commissioner Kozodoy; 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: Julianna Denum, Assistant Conservation Agent, Kingston Conservation Department

Approved by: Kingston Conservation Commission

Documents used at the meeting:

- 08/13/2025 meeting agenda
- 06/11/2025 meeting minutes
- COC documents for 63 Smiths Lane
- RDA documents for 3 Grandview Avenue
- RDA documents for 17 Nobadeer Circle
- Documents relating to Right of First Refusal for property Map 69, Lot 19
- Enforcement documents for 44 Raboth Road
- Notice of Intent documents for 49 Old Mill Road



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, August 13, 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. \$120.00 invoice from Kingston Landscaping, LLC for mowing at Calista Farm
2. \$685.00 invoice from Massachusetts Association of Conservation Commissions for annual membership fees

ACTION ITEMS:

1. 3 Grandview Avenue: Request for Determination of Applicability (RDA) for the proposed reconstruction and expansion of a deck on a single-family house within the buffer zone to several coastal wetland resource areas, and above the resource area boundary of salt marsh.
2. 17 Nobadeer Circle: Request for Determination of Applicability (RDA) for the proposed construction of an addition to a single-family house within the buffer zone to wetland resource areas, including a potential vernal pool off-site.
3. 63 Smiths Lane: Request for Certificate of Compliance (RCOC).
4. Discussion regarding Right of First Refusal for property Map 69, Lot 19 on Elm Street.

ENFORCEMENT:

1. 44 Raboth Road

MEETING MINUTES:

1. 06/11/2025

UPDATES:

PUBLIC HEARINGS:

1. 49 Old Mill Road: Notice of Intent for an addition and porch along the rear of the existing home, within the 100-foot buffer zone to a Bordering Vegetated Wetland and the 200-foot Riverfront Area of an Intermittent Stream.
(This public hearing will be continued to August 27th.)

ADJOURN:

NEXT REGULAR MEETING:

1. 08/27/2025

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.



KINGSTON CONSERVATION COMMISSION



26 Evergreen Street, Kingston, MA 02364

SIGN-IN SHEET

PLEASE NOTE THIS MEETING IS BEING VIDEO & AUDIO RECORDED

DATE: 08/13/2025

NAME	INTEREST	ADDRESS
Juliana Stein		
Juliana Stein		
Susan Larson		
Rick FLANAGAN		