

Conservation Commission Meeting Minutes

Wednesday, July 9, 2025

Town of Kingston

26 Evergreen Street, Room 200

Kingston, MA 02364

Present: Megan Hickey (Chairperson pro tempore), Marilyn Kozodoy, Dorothy MacFarlane, Brian Payne, Jim Franklin (Vice Chairperson, arrived at 6:39 pm)

Absent: Vittorio “Buz” Artiano, Kalina Vendetti

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 properties in 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 \$13,722.00 for foot bridge work at Blackwater Memorial Forest, an invoice from Beals & Thomas for \$11,371.82 for the Sampson’s Brook Restoration Project and an invoice from Archaeological Consulting Services for \$2,118.00 for survey at Lake Street culvert.

II. Action Items

a) Request for Determination of Applicability (in retro): 2 Wildwood Circle for the construction of a large play structure with in the Riverfront Area to an Intermittent Stream and the Buffer Zone to a Bordering Vegetated Wetland. Chairperson Hickey opened a public meeting to discuss the Request for Determination of Applicability for 2 Wildwood Circle. The applicant has requested to withdraw the filing.

VOTE: Commissioner MacFarlane made a motion to accept the withdrawal of the filing. The motion was seconded by Commissioner Payne. PASSED 4-0-0.

b) 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.

Chairperson Hickey re- opened a public meeting to discuss the Request for Amendment or Deviation for 125 and 131-137 Ring Road, submitted by Beals & Thomas on behalf of Ring Road Solar, LLC. SE 037-0889 and 0890. The applicant did not provide updated materials by the submission deadline therefore this issue should be continued to July 23, 2025.

VOTE: Commissioner Payne made a motion to approve the continuance to July 23, 2025. The motion was seconded by Commissioner Kozodoy. PASSED 4-0-0.

III. Enforcement

a) 164 Pembroke Street

The property owner called and said that their legal representative could not make the meeting and requested a continuance. Agent Penella recommended continuance to July 23rd so the owner could be present with legal representation. Commissioner Franklin arrived at 6:39 pm and stated that he would like the Commission to make clear that as of July 23rd they will move forward regardless of representation. Agent Penella said he will let the property owner know that it will be continued until July 23rd, but as of that date it will be discussed by the Commission, regardless of attendance.

VOTE: Commissioner Payne made a motion to continue the matter to July 23, 2025 with the understanding that this will be the final continuance on this enforcement item. The motion was seconded by Commissioner Franklin. PASSED 4-0-1.

Commissioner Franklin began to chair the meeting at Enforcement Item #23.

b) Pilgrim John Howland Society

Agent Penella stated that this is an RDA from a few months prior when the non-profit John Howland Society wanted to do landscaping to make the historical aspects of the site more identifiable and user-friendly. The Agent visited the site in early June while a tree company was

doing work and noticed that the clearing had been done straight down to the wetland line, potentially just beyond it. This project had been permitted with the stipulation that there would be no landscaping within the 30' buffer. The representative, Eldon Gay, told the agent that he had told the tree company to stop, but they continued right down to the wetland line. Mr. Gay then placed flags to mark the buffer zone line. The Agent recommended that conservation posts be installed. Mr. Eldon Gay of Millis, MA a member of the John Howland Society and caretaker of the site stated that some cedar trees were going across the 30' buffer zone line. When the contractor was pulling the trees, the briars and vines started to come out as well, so they removed the vines by hand. Once the briars were removed they were able to stake out the 30' line. Commissioner Hickey recommended conservation posts along the 30' line. Agent Penella recommended posts be placed every 50' for a total of 5 posts.

VOTE: Commissioner Kozodoy made a motion to request the applicant to add conservation posts along the 30' line in perpetuity for a total of 5 posts in lieu of a fine. The motion was seconded by Commissioner Hickey PASSED 5-0-0.

IV. Public Hearings

a) Notice of Intent (NOI) for 54 Shore Drive for the proposed construction of a garage addition within the buffer zones of several coastal wetland resource areas.

Commissioner Franklin opened a hearing for a NOI for the proposed construction of a garage addition within the buffer zones of several coastal wetland resource areas, Section A, 54 Shore Drive. The representative of the applicant, Paul Seaberg of Grady Consulting, presented the proposed project. He stated that the site currently consists of a single-family dwelling with a gravel driveway in front of the property as well as a shed, a patio and gazebo at the rear of the property. The resource areas for the site consist of a salt marsh, coastal bank, and land subject to coastal storm flowage. The applicant is proposing to construct a 38.5' x 29' garage addition to the front of the existing house. The proposed garage is located 30.2' from the coastal bank, 33.7' from land subject to coastal storm flowage, and 52' from the salt marsh area. The proposed addition is no closer to the resource areas as the existing structure, a variance has been requested to allow the wall-type foundation to within 50' of the land subject to coastal flowage and the coastal bank resource areas. The site currently consists of 2,393 sq ft of impervious area or 18.7% within the buffer zone (which exceeds the 15% requirement). There is no known existing storm-water management for the site. The project proposes to increase the impervious coverage by 1,144 sq ft, with the proposed addition, which would be 27.6% in coverage within the buffer zone. A variance is requested for the increase in impervious coverage greater than 15%. The project proposes a storm-water infiltration system to retain and infiltrate the storm water run-off from a portion of the existing home, i.e. 899 sq ft of the existing roof and the proposed addition which is 1,144 sq ft, which is designed for 5" rainfall

event. The storm-water management system is located on the plans at the front of the property just within the 100' buffer zone. With the proposed storm-water mitigation system, the remaining untreated impervious coverage would be decreased to 1,494 sq ft or 11.6% which is less than the 18.7% existing and the 15% requirement. The plan also proposes 548 sq ft of native mitigation plantings along the northwesterly property line, a silt sock erosion control barrier between the construction and the resource areas, and 4 conservation posts along the mitigation plantings.

Agent Penella's staff comments: This is a Rocky Nook property where the area is already over the impervious coverage and this proposed plan would make that higher but then mitigate some of that with storm-water infiltration. The agent questioned whether any test pits had been done to determine if this system could be built to the specs that are called for and Mr. Seaberg said that test pits have not been done, but that they used the NRCS web soil survey which is consistent with past approvals issued by the Commission. Commissioner Franklin asked if any subsurface soil excavation has been done at the site or nearby, Mr. Seaberg replied that such excavation had not been done. Agent Penella raised the point that going forward the Commission could question the issue of test pits in the Rocky Nook area, because if the applicant cannot do mitigation then permits cannot go forward. Mr. Seaberg said that in the scenario that they hit ledge, then a shallower system could be used, perhaps a crushed stone trench along the northerly side of the property. The agent suggested doing an inspection of soils in the location of the infiltration area before any other work is done and that there has to be an appropriate level of storm-water infiltration as mitigation. Agent Penella also brought up that there is some unpermitted work done by a previous owner: a concrete patio at the top of coastal bank with a retaining wall on either side also made of concrete all within the velocity zone, and a gazebo in existence since at least 2003, partially in the velocity zone. The Sewer Department will need to be included on any work that is done to the sewer line. Commissioner Kozodoy asked about some trees that are in jurisdiction on the property. Agent Penella said that at the site visit, the owner mentioned they would like to remove a couple trees. Assistant Conservation Agent Denum had recommended they could include the tree removal on the same filing. The tree removal was not included in the filing so it could be done separately through admin review or an RDA. Mitigation plantings there could help prevent runoff from entering the salt marsh from the left side of the property but there is no buffer protecting the coastal bank. The proposed infiltration system is designed to infiltrate runoff from 2,000 sq ft of roof for the ten-year storm or 5" rainfall event. Agent Penella asked Mr. Seaberg if the plan had been updated for which downspouts will be connected to that. Mr. Seaberg said that it had been updated and all the downspouts are shown on the plan. The Agent said that he received comments from the Town Planner stating that the plan should include the limit of moderate wave action which appears to coincide with the velocity zone at this location. Agent Penella said that every effort should be made to limit runoff and contamination to the Massachusetts

Shellfish growing areas, and he also stated that measures should be taken to limit chemicals and fertilizers in the mitigation planting area. The Agent said that the Commission needs to determine whether or not the unpermitted work within jurisdiction needs to be permitted in-retro, removed, or if restoration or mitigation measures are necessary. In addition, the Commission should determine whether the proposed mitigation is sufficient enough to warrant approval of the project or issuance of OOCs; the standard should be a cumulative positive or neutral situation regarding detrimental effects to the relevant resource areas. Agent Penella stressed that the Commission will want to ensure that the mitigation system will do what it's designed to do because if it doesn't work then the impervious surface would be increased. Commissioner MacFarlane asked what the ramifications would be by removing the concrete pad. Agent Penella said the pad was more than likely built on top of ledge on one side and is holding back soil and lawn on the other side. If the concrete was removed then something would need to be done to hold the soil in place. Underneath the concrete the surface is most likely naturally impervious. The Agent said he could reach out to Coastal Zone Management to get their input. Commissioner Kozodoy questioned if extending the mitigation plantings and decreasing the lawn would help. Owner of 54 Shore Drive, Paul Baker, spoke to say that the runoff they experience is more the ocean water coming onto the property, with each storm they lose part of their oceanside yard. He mentioned that there is a USGS geographical marker cemented into the concrete pad. Mr. Seaberg commented that he believes the concrete pad is much older than 2008. Commissioner Hickey asked what type of foundation the garage would have and then suggested test pits be done. Judy Maccaferri, neighbor at 56 Shore Drive, spoke to say that marker has been there for at least 50 years, and that the site was previously Army barracks and so she believes the concrete pad to be very old. Agent Penella went through potential special conditions: any dumpster used during the project should remain covered throughout the duration of construction, no outdoor chemicals and fertilizers, 2-years inspection and reporting on the mitigation area which begins the year after project completion, conservation posts in perpetuity, detailed allowances for vegetation management, no removal of native tree species or mulching as part of maintenance as the area beneath should be allowed to naturalize, the planting area should be maintained in a natural state in perpetuity and at no point may it be reduced in size, if at least 75% coverage is not maintained then the Commission may require additional planting or seeding, mulch or any other material must not be added to the areas as the intent is for dense and natural vegetation, no chemicals or fertilizers (including organic insecticides) in the mitigation planting area, and test pits must be done at the filtration and foundation site. Commissioner MacFarlane expressed concern that if it turns out there is ledge underneath the soil, and a 4' deep foundation wall can't be built on that, that blasting would be done. Commissioner Franklin said that the Commission does not allow blasting without a major reconsideration of a permit. Commission Hickey would like to see the removal of the cluster of trees to be addressed on the plan and that the mitigation

planting area be extended. Agent Penella made some suggestions about the type of plantings and that the mitigation could extend 4' wide down to the gazebo area.

VOTE: Commissioner Kozodoy made a motion to close the public hearing. The motion was seconded by Commissioner MacFarlane. PASSED 5-0-0.

VOTE: Commissioner Kozodoy made a motion to approve the project with the special conditions as stipulated, pending the acceptance of an updated plan showing the special conditions. The motion was seconded by Commissioner Payne. PASSED 5-0-0.

b) Notice of Intent (NOI) for Baker Avenue (Map 58, Lot 92-6) for the construction of a single-family home with a driveway, garage, deck, roof water infiltration system, drinking water well, utilities, grading, and landscaping within the 100-foot buffer zone to a Bordering Vegetated Wetland (BVW) and the 200-foot Riverfront Area to an intermittent stream.

Chairperson Franklin opened a public meeting to discuss the Notice of Intent for Baker Avenue (Map 58, Lot 92-6) for the construction of a single-family home with a driveway, garage, deck, roof water infiltration system, drinking water well, utilities, grading, and landscaping within the 100-foot buffer zone to a Bordering Vegetated Wetland (BVW) and the 200-foot Riverfront Area to an intermittent stream. Representative Brad Holmes of ECR, Evan Wile of the applicant team, and Engineer, Dick Debenedictis, were present to speak. Mr. Holmes said that there had been a question about the ownership and applicant information and that the Commission had requested a notarized signature detailing the ownership and applicant information. The applicant has been changed to Baker Avenue Trust, with Matt Haney as a trustee (present virtually). The NOI form and NOI site plans have been corrected to show this information. Mr. Holmes said that the proposed project is for a single-family home on Baker Avenue on an undeveloped lot. The lot is large with the majority of it being wetland from Route 3A into the site towards Baker Avenue. This would be a single-family home with a gravel driveway, a drinking water well, grading and utilities that connect to sewerage, landscaping in and around the project. The project has been designed to meet the Kingston Conservation Commission's setbacks for building, storm-water and no-touch zone; the project has also been designed to comply with the Commission's bylaw for work within the Riverfront Area to an intermittent stream and to be under the impervious percent allowed. Storm-water components are proposed within the dwelling as well as a storm-water infiltration system within the driveway associated with an upgrading project that will be presented to the Commission under a separate NOI. Mr. Wile said that they propose to have the drainage system underground rather than having an open pit/retention basin.

Agent Penella's staff comments: The new application packet was received which now shows the owner of the property as the applicant with a notarized signature on the filing and a trustee certificate is included in the packet. Per a site visit on June 5, 2025, the wetlands were delineated by ECR in October 2024. As of yet, the Agent does not have confirmation of the type of stream and the boundary of it. The proposed work is located within the 100-foot buffer zone to a VPW and the 200-foot Riverfront Area associated with a supposed intermittent stream. A portion of the proposed dwelling is located within the inner 100-foot buffer Riverfront Area along with a portion of the yard. The proposed project is on an undeveloped lot with natural vegetation present. The proposed single-family house would be just past the 50-foot no-structure setback to VPW and partially within the inner KWPR Riverfront Area. The project includes a roof-water infiltration system as mitigation on the outer extent of jurisdiction. The proposal includes a large Caltech underground drainage system beneath the gravel driveway for future drainage located just outside the 40-foot zone by 6 inches. The impervious surface is below the 15%. Conservation posts are proposed, 2-feet below and 2-feet above ground.

According to KWPR 6.04 B 7:

"Lands within 200 feet of rivers, streams, and creeks are presumed important to the protection of these resource areas because activities undertaken in close proximity to resource areas have a high likelihood of adverse effect upon them either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. Adverse impacts from construction and use can include, but not be limited to, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat." Commissioner Kozodoy asked about the frontage. The Agent stated that the frontage for this lot is along Main Street, but completely blocked by wetlands all along Main Street and so the in that sense the frontage is on Baker Ave. The town zoning allows frontage on a road that is not being used to access the property when there are wetlands in the way. KWPR 6.04 C1 states: "General Performance Standards for riverfront areas. No activity or work, other than the maintenance of an already existing structure, which will result in the building within or upon, removing, filling, or altering of riverfront area, shall be permitted by the Conservation Commission, except upon a clear showing by a preponderance of credible evidence that any proposed work and its natural and consequential cumulative impacts and effects shall have no adverse effect upon any of the By-Law wetland values."

The burden of proof is upon the applicant. (b) As part of the Applicant's burden of proof, it is the responsibility of the applicant to provide the Conservation Commission with any and all information that the Commission may request orally or in writing that the Commission deems necessary to enable it to ascertain whether the proposed work and its natural and consequential cumulative impacts and effects will not have any adverse effect upon any of the By-Law wetland values. The Commission may deny the application where the applicant fails to furnish any information requested by the Commission."

KWPR 6.04 C3B:

“For the riverfront area for a Type-II intermittent stream, no activity, other than the maintenance of an already existing structure, that will result in the building within or upon, or removing, filling, dredging or altering of said intermittent stream or within 50 feet of the Type-II intermittent stream within the riverfront area may be permitted by the Conservation Commission, except as provided under the aforesaid Subsection C.(1).”

KWPR 6.04 C3E:

“The Commission may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 100-foot riverfront area of any intermittent stream unless the applicant overcomes the presumption of significance by a preponderance of the credible evidence that the area or a portion of it may be disturbed without harm to the wetland values.” Refer to Wetland Values as defined in KWPR 1.02.

Staff Recommendations: Agent Penella stated that the Commission will determine what values the stream and wetlands are providing in this case, and that it is up to the applicant to show that none of those values will be detrimentally impacted by the project’s development. The storm-water was moved out of the 40-foot buffer but there is still a large proposed feature lacking information on drainage area or storm sizing. The Commission should request this information in order to ensure there will be no detriment to the wetlands being only 40.5 feet away. The Commission may deny the project for lack of information if it is not provided, or have a peer reviewer assume the maximum drainage or flow scenario from the expired subdivision plan adjacent to the property from 2017. If necessary, the Commission may heavily condition any approval of a future drainage system in order to prevent detrimental effects. Alternately, the applicant could modify the plan to remove the drainage system and maintain a drainage easement instead; that way the drainage system could be reviewed in a future filing along with the drainage area and all accurate calculations. The Commission may want confirmation of stream type and should determine whether the applicant has overcome all KWPR resource area standards under 6.04, the Commission should determine which of the wetland values or interests this stream provides as well as the VPW. The Agent suggests C, E, F, K, M & N from KWPR 1.02. The Commission may wish to perform a site visit to see the stream and VPW in order to more accurately assess the value or they may determine to put it out to peer review. Regardless of whether the extra future drainage stays in the filing, the Commission should want more information on the wetland values and interests provided by the stream and associated VPW before making any decision; particularly as this filing proposes significant development within the 100-foot KWPR Riverfront Area and the presumed significance of not only the inner 100-foot but the entire 200-foot area. In this process, the Commission could confirm whether the stream meets the standards for intermittent stream rather than perennial which would require further action. This stream is a direct tributary to Smelt Brook with connectivity to the Ocean which makes it a more important resource area.

Commissioner Kozodoy asked Mr. Holmes for clarification on why Mr. Wile was at the podium with him when his name is not listed on the documentation. Mr. Holmes said that he is a member of the applicant team. Commissioner Franklin said that he feels the Commission needs to determine the type of stream before continuing the discussion and he also asked the agent

for more information regarding the storm-water plan that was mentioned as part of a subdivision plan. Agent Penella said that there was a subdivision approved by the Planning Board in 2017 and then it was never built so therefore expired. He explained that without knowing what the drainage area is or the storm sizing, it's potentially problematic if the system backs up or blows out, so the Commission would want more information. If there is not a specific storm-water plan, and this is just a proposed future aspect, then the calculations are being done on just possibilities. Should this go out to peer review and there still aren't calculations then the subdivision on file could be referenced and the peer reviewer could take the maximum flow scenario and apply it to the entire site. Since the proposed storm-water system is just 6" outside of the no storm-water system boundary to the wetland, should not function correctly then there is a high likelihood for it to be problematic to the wetland and the stream. The Commission agreed that more information on the storm-water system is needed, a site walk by the Commission is prudent, and peer review on the stream type should be conducted. The Commission scheduled a site walk with Mr. Holmes for July 22nd at 4:00 pm. Agent Penella asked Mr. Holmes to provide pertinent information on the storm-water system that he can include in his requests to consultants for peer review quotes.

VOTE: Commissioner Kozodoy made a motion to continue to August 27, 2025. The motion was seconded by Commissioner MacFarlane. PASSED 5-0-0.

c) Notice of Intent (NOI) for 49 Old Mill Road 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.

Chairperson Franklin re-opened a hearing for a NOI for the proposed construction of 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 at 49 Old Mill Road. The applicant has requested a continuance to August 13, 2025.

VOTE: Commissioner MacFarlane made a motion to continue to August 13, 2025. The motion was continued by Commissioner Kozodoy. PASSED 5-0-0.

III. Enforcement (continued)

b. 44 Raboth Road

Agent Penella gave an update that he has been receiving emails, photos, and videos from abutters of potential wetland violations at the 44 Raboth Road property. In addition, he has records from the Kingston Fire Dept. for an incident that occurred on July 4, 2025 on the property and is waiting on records from the Police Dept. on the incident. There has been an unpermitted dock on the site since at least 1971, possibly since 1960. It was replaced and

significantly resized between 2019 and 2021, and is roughly 50' long and 13' wide. A smaller dock was removed per the Commission's request. There is a floating dock that appears to be brought close to shore over the winters. The floating dock was used on July 4th for a fireworks display at which time part of the dock caught fire, an abutter called KFD on the morning of July 5, 2025 because the dock was smoldering. Fireworks are known to contain many contaminants and are particularly damaging to smaller freshwater systems. Photos show damage to the floating dock and the plastic barrels that supported the dock floating away across the pond. As for the tree clearing, the construction of a large retaining wall and the installation of a concrete pad for the parking area, the Commission had previously said that it was unlikely these would be permissible under KWPR and possibly not permitted by the Building Department either. Guidance had been given to the homeowner to go to the Building Dept. for a permit for the retaining wall and in the process put together a structural plan to determine whether it was safe or not. The homeowner has reportedly obtained the services of a structural engineer in order to produce drawings required to file for a Building Permit. The wall and the concrete pad continue to be unpermitted modifications within jurisdiction. There are multiple sheds on the property within jurisdiction including a log burning stove shed. A good portion of the unpermitted alterations have been done off of the subject property, on land owned by Jennifer Dirico, with her permission according to Tom Carroll of 44 Raboth Road. With the way the law around wetland regulations work, the Dirico's could at some point become liable for unpermitted work done on their property, therefore the Commission may want to bring them into the conversation so they are aware of that possibility. According to the photos and videos sent by the abutter, unpermitted jurisdictional work has continued in the form of earth works, dumping of landscape debris, and setting off fireworks from the unpermitted floating dock. The earth works are disturbing an area prone to runoff into the wetlands behind 46 Raboth Road that are connected to the pond.

KWPR 10.03 B4

"A residential property shall not be permitted to have more than one dock, pier, walkway or float, in combination or otherwise, at any time. The Commission encourages private property owners to collaborate on design and construction of shared dock, pier, walkway and float systems rather than install individual systems that will cause more adverse impacts to the wetland resource areas."

KWPR 10.03 B5

"Docks, piers, walkways, and/or floats shall not degrade inland or coastal wetland resource areas during construction or for the life of the structure through alteration of water quality, water species and their habitat, aquaculture, agriculture, fishing, fowling, navigation, passage or

recreation, circulation, bottom sediments, banks, beaches, plant productivity, fisheries (finfish & shellfish), wetland plants, aquatic animals and their habitat, rare species and their habitat, aquaculture, agriculture, fishing, fowling, navigation, passage or recreation.”

Several other performance standards apply related to the impacts on native aquatic vegetation or limit on dock or pier size. It is unlikely that the recently expanded dock would be permitted by the Commission as it is roughly 13 feet wide vs. the maximum standard of 4 feet. While the smallest dock was removed, the property does still have two docks including the floating one and they are significantly larger than allowed under KWPR.

Abutter, Shawn Stanghellini of 46 Raboth Road, stated that in addition to the conservation issues, he is concerned about the 6-foot portion of the L- shape part of the retaining wall that sits on his deeded right of way. In addition, the fill that was used for the wall has debris in it. Homeowner, Jenna Carroll, spoke virtually to say that some of the information Mr. Stanghellini presented about the wall is not correct and that the 6-foot portion of wall is right next to her house and so if it is indeed a right of way then it would go through her house. Ms. Carroll further stated that the fireworks on July 4th are a neighborhood tradition and she is willing to be held responsible if necessary. Agent Penella pointed out that if fireworks are being set off on a dock that is owned by a particular person, then that person is ultimately responsible. The issue came up of Mr. Carroll using a backhoe to scrape nails and possibly expose the roots of trees within jurisdiction. The Commission had reviewed videos of this being done. Commissioner Hickey asked about a boat fire that had occurred on the property. Ms. Carroll said that it was contained with a fire extinguisher and the Fire Dept. was not needed, and that the boat is now in the pond in good condition. Commissioners Hickey and Kozodoy pointed out that the concern is contaminants and that maintenance occurred on a boat within jurisdiction, that then caught fire leading to the use of a fire extinguisher, which contaminate the land and then said contaminants runoff into the wetlands. Agent Penella stressed that on a property so close to wetlands more care needs to be taken when doing any yard work, construction, and maintenance to vehicles or boats. There is nothing at this property to protect the wetlands and to withhold runoff. Commissioner Franklin said that there is nothing that can be done on this property that is not within jurisdiction since it is located on a peninsula surrounded by water. Commissioner Kozodoy stated that it has been a year since all of these things were discussed by the Commission and they were supposed to be addressed. Agent Penella said that what the property owner had been tasked with specifically was dealing with the wall and removing the third dock. Agent Penella stated that the wall and the concrete pad are

the biggest issues and so he recommends getting engineering information and feedback from the Building Dept. as to whether these are permissible or not. He said that if the homeowner can show they are making progress on getting that information and then filing with the Building Dept. that would be helpful to the Commission. As for the large dock situation, the agent said it could wait until the Commission revisits and revises dock guidance. The agent recommended that the floating dock be removed as it is damaged and unpermitted. Commissioner MacFarlane said that there seems to be a lack of understanding on the part of the homeowner as to the importance of what the Commission is saying about the level and type of activity that can or cannot be done on the property. Commissioner Kozodoy said that the time has come for the Commission to take action. Commissioner Hickey recommended that the floating dock be removed from the site and that the large yard work debris be removed as well by the next meeting, which is July 23, 2025. Commissioner Payne and Hickey felt a fine of \$300 for damage done to the pond during the fireworks was in order. Agent Penella said that since this would require an enforcement order delivered by a constable, the August 13, 2025 meeting would be more reasonable. Commissioner Franklin said he would like it to be on record that there should be no digging on site or site modifications without a permit, subject to \$300 fine and potential enforcement order. If the removal of the dock *and* debris is not completed by August 13th, \$300 fine per day will be issued for each day past the deadline. Commissioner Franklin also stated that an update from the engineer on letterhead should be presented by August 13, 2025 or a \$300 per day fine will be issued until it is received. No further dumping of vegetation is allowed, subject to a \$300 fine and a potential enforcement order will be issued.

VOTE: Commissioner Kozodoy made a motion that Agent Penella will issue the Enforcement Order as stated and that a report from an engineer must be submitted by August 13, 2025. The motion was seconded by Commissioner Payne. PASSED 5-0-0.

Ms. Carroll asked if she could still have landscapers and if so what should she do with debris. She was told by the Commissioners that landscaping is permitted but all debris must be taken off site, preferably to the Transfer Station.

V. Meeting Minutes:

Commissioner Kozodoy made a motion to accept the minutes for March 26, 2025. The motion was seconded by Commissioner Hickey. PASSED 4-0-1.

VI. Updates

a) Blackwater Memorial Forest

Agent Penella reported that the restoration work has been done since the spring and 99% of the work reestablishing the trail around the former bog has been completed. Within the next week or so, work will be done to finalize the dirt adjacent to the trail with native mix hydro-seeding and a cover crop. In the fall, hydro-seeding will be done again. The bridges are being built by Bonomi Welding. The goal had been to make the trail as close to ADA compliant as possible, but unfortunately the looped trail was not connected to the parking lot. A contractor is working on a quote to show what it would involve to make it accessible, most likely it will need to be a stone dust parking spot attached to the trail.

CLOSING REMARKS

Chairperson Franklin made closing remarks at 9:23 p.m. The next meeting will be held on July 23, 2025 starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Hickey made a motion to adjourn. The motion was seconded by Commissioner Kozodoy. 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: Hannele Minsk, interim transcriber.



TOWN OF KINGSTON

NOTICE OF MEETING

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, July 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. \$13,722.00 invoice from Bonomi Welding for foot bridge work at Blackwater Memorial Forest
2. \$11,371.82 invoice from Beals and Thomas for the Sampson's Brook Restoration Project
3. \$2,118.00 invoice from Archaeological Consulting Services for survey at Lake Street culvert

ACTION ITEMS:

1. 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 to withdraw this request.)**
2. 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. **(This item will be continued to July 23rd, 2025.)**

ENFORCEMENT:

1. 164 Pembroke Street
2. 44 Raboth Road
3. Pilgrim John Howlands Society

MEETING MINUTES:

1. 03/26/2025

UPDATES:

PUBLIC HEARINGS:

1. 54 Shore Drive: Notice of Intent (NOI) for the proposed construction of a garage addition within the buffer zones of several coastal wetland resource areas.
2. Baker Avenue (Map 58, lot 92-6): Notice of Intent for the construction of a single-family home with a driveway, garage, deck, roof water infiltration system, drinking water well, utilities, grading, and landscaping within the

100-foot buffer zone to a Bordering Vegetated Wetland and the 200-foot Riverfront Area to an intermittent stream.

3. 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. **(The applicant has requested continuance to August 13th, 2025.)**

ADJOURN:

NEXT REGULAR MEETING:

1. 07/23/2025

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.