

Conservation Commission Meeting Minutes

May 28, 2025

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

Present: Kalina Vendetti (Chairperson), Marilyn Kozodoy, Megan Hickey, Brian Payne

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

Absent: Dot MacFarlane

Staff: Matt Penella (Conservation Agent), Julianna Denum (Assistant Conservation Agent)

Location: Town Hall Offices, Room 200 and via Zoom

Committee Meeting Opened: 6:30 pm

Announcements: 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

BUISNESS

I. Signing Documents

- a. The commission signed the following documents: Determination of Applicability for 58 Off Boundary Street and Determination of Applicability for MBTA Keolis.

II. Action Items

- b. **2 Wildwood Circle: Request for Determination of Applicability (in retro)**
 - i. The applicant requested a continuance of the RDA for retroactive construction of a play structure. Agent Penella explained that the applicant had filed a Notice of Intent (NOI) for the same project, and the RDA would remain open until the NOI is resolved.

- ii. **VOTE:** Motion by Commissioner Kozodoy, seconded by Commissioner Payne. PASSED 6-0-0.

c. 88 Ring Road: Request for Determination of Applicability

- i. Brad Holmes of ECR presented the RDA for minor modifications to a previously permitted project. The proposed work included:
 - 1. Expansion of a gravel driveway into an existing lawn area
 - 2. Construction of a pervious deck with 3/8" spacing
 - 3. Relocation of a native planting area to accommodate the driveway
- ii. Agent Penella provided background on the site, which had been subject to enforcement in 2021 due to unpermitted clearing and fill in a wetland area. Restoration was completed and is currently in the monitoring phase. He confirmed the proposed deck was pervious and the gravel driveway would use ¾" aggregate. He recommended a Negative 3 Determination with perpetual conditions for the deck and driveway materials, and that these conditions be included in the Certificate of Compliance for the overall project.
- iii. **VOTE:** Motion by Commissioner Kozodoy to issue a Negative 3 DOA with perpetual conditions. Seconded by Commissioner Hickey. PASSED 6-0-0.

d. 23 Spruce Street: Request for Certificate of Compliance

- i. Agent Penella reported that the applicant had not responded to requests to address outstanding issues, including:
 - 1. Conservation posts installed in incorrect locations
 - 2. Mitigation area not constructed to approved specifications
 - 3. The Commission agreed to deny the request until the applicant is ready to refile.
- ii. **VOTE:** Motion by Commissioner Hickey to deny the RCOC. Seconded by Commissioner Kozodoy. PASSED 6-0-0.

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

- i. Greg Sampson (attorney) and Iain Ward (operator) presented a request to install fencing around the solar array, citing safety concerns raised by local electrical inspectors. The applicant claimed the fencing also served an agricultural purpose by deterring deer from cranberry bogs.
- ii. Commissioners Franklin and Artiano raised concerns about:
 - 1. Lack of written code references from inspectors
 - 2. Agricultural exemption being used to justify a safety-related issue
 - 3. Incomplete fencing around wetland edges
- iii. The Commission requested written documentation from both towns' electrical inspectors specifying the code violations necessitating the fence.

- iv. **VOTE:** Motion by Commissioner Artiano to continue the matter to June 11, 2025. Seconded by Commissioner Hickey. PASSED 6-0-0.

III. Enforcement

f. 164 Pembroke Street

- i. Note: Commissioner Kozodoy recused herself.
- ii. Agent Penella reported that prohibited chemical fertilizers and herbicides were applied near a certified vernal pool, violating perpetual conditions on the property. The applicator admitted to using standard fertilizer with pre-emergent herbicide, contradicting prior claims of organic-only treatments.
- iii. The Commission discussed requiring signage on the property to inform future applicators of the restrictions. Commissioner Artiano suggested this become a standard condition for similar properties. The matter was continued to allow time for the property manager to submit a copy of the lawn care contract.
- iv. **VOTE:** Motion by Commissioner Payne to continue the enforcement matter to June 11, 2025. Seconded by Commissioner Franklin. PASSED 5-0-0.

IV. Public Hearings

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

- i. Chairperson Vendetti reopened the hearing for a proposed amendment to the Order of Conditions for the installation of a sediment forebay and rain garden within the 200-foot Riverfront Area of Smelt Brook. Agent Penella reported that the peer review report was not yet complete. He informed the Commission that the peer reviewer had noted the absence of calculations for the sizing of the rain garden, which would prevent them from evaluating whether the proposed stormwater feature was appropriately designed. The peer reviewer estimated an additional cost of \$800–\$1,000 to complete that analysis, contingent on the applicant providing the necessary calculations.
- ii. Commissioner Kozodoy expressed that the sizing analysis should be included, otherwise the submission would be considered incomplete. Agent Penella noted that the applicant was still in the construction phase of other buildings on the site and that the amendment was not time-sensitive. The Commission agreed to continue the hearing to July 23, 2025, to allow time for the applicant to provide the required information and for the peer review to be completed.
- iii. **VOTE:** Motion by Commissioner Kozodoy, seconded by Commissioner Hickey. PASSED 6-0-0.

h. 2 Wildwood Circle: Notice of Intent (NOI)

- i. Brad Holmes of ECR presented a Notice of Intent for the retroactive permitting of a large wooden play structure constructed within the 100-foot buffer zone to a Bordering Vegetated Wetland (BVW) and the outer 200-foot Riverfront Area to an intermittent stream. The structure had been built without prior approval, replacing a previously unpermitted above-ground pool and deck. The applicant had initially filed an RDA, but the Commission determined that a waiver was required due to the increase in impervious surface, necessitating an NOI.
- ii. The applicant proposed mitigation in the form of 12 native shrubs planted in a sparsely vegetated area within the 50-foot buffer zone. Agent Penella confirmed that the structure increased impervious coverage on the lot by approximately 2.3% (690 sq. ft.), exceeding the 15% threshold allowed under the Kingston Wetland Protection Regulations (KWPR). He stated that the mitigation area was appropriate and would improve habitat value.
- iii. Commissioner Franklin noted that the structure was elevated and constructed with gaps between boards, and questioned whether it should be considered impervious. Agent Penella clarified that the spacing was insufficient to qualify as pervious. Commissioner Artiano requested that the number of shrubs be doubled to 24 and that conservation signs be installed on the existing fence every 50 feet.
- iv. **VOTE:** Motion by Commissioner Artiano to close the hearing. Seconded by Commissioner Kozodoy. PASSED 6-0-0.
- v. **VOTE:** Motion by Commissioner Artiano to issue an Order of Conditions with the following special conditions:
 - 1. Doubling of proposed mitigation plantings from 12 to 24 shrubs
 - 2. Installation of conservation signage on the fence every 50 feet in perpetuity
 - 3. Seconded by Commissioner Franklin. PASSED 6-0-0.

i. Proposed updates to the Kingston Wetland Protection Regulations (KWPR).

- i. Agent Penella presented proposed updates to the KWPR to clarify jurisdiction over the 200-foot buffer zone to vernal pools. He explained that the current language created a loophole where the area was considered jurisdictional, but no activities were explicitly regulated within it. The revised language:
 - 1. Clarifies that land within 100 feet of a vernal pool is jurisdictional
 - 2. Ensures that activities within that area are subject to regulation
- ii. The updates were prompted by a recent review of a proposed shooting range near a vernal pool. Town Counsel reviewed and approved the proposed changes. Agent Penella noted that a full rewrite of the KWPR is planned following the recent approval of the revised bylaw by the Attorney General's office.

- iii. **VOTE:** Motion by Commissioner Kozodoy to approve the proposed updates. Seconded by Commissioner Payne. PASSED 6-0-0.

j. 49 Old Mill Road: Notice of Intent (NOI)

- i. Brad Holmes presented a proposal to replace an existing sunroom and deck with a slightly larger addition and porch at the rear of the home. The work is located within the 100-foot buffer zone to a BVW and the 200-foot Riverfront Area to an intermittent stream. The proposed addition would be constructed on a frost wall foundation, and the porch would be supported by piers.
- ii. Agent Penella confirmed that the existing deck was impervious and that the proposed work would not encroach closer to the wetland. He noted that the project exceeded the 50-foot no-disturb zone and would require a variance under KWPR 10.08(B)(6). The applicant proposed a mitigation planting strip in an area of existing lawn, but Agent Penella requested additional details on the infiltration system, conservation posts, and removal of yard waste observed near the wetland.
- iii. The Commission requested:
 - 1. Clarification on the foundation type and roof runoff infiltration system
 - 2. Installation of conservation posts
 - 3. Submission of a variance request
- iv. **VOTE:** Motion by Commissioner Hickey to continue the hearing to June 11, 2025. Seconded by Commissioner Kozodoy. PASSED 6-0-0.

k. 35R East Avenue: Notice of Intent (NOI)

- i. Rick Savant of Steinbeck and Taylor presented revised plans for the reconstruction of a single-family home, including the addition of a second story and replacement of an existing deck with a small addition. The project is located within the buffer zone to coastal wetland resource areas. The applicant added a protocol for foundation replacement in case it is needed during construction and included six conservation markers on the plan.
- ii. Agent Penella recommended approval with special conditions, including:
 - 1. Connection of all roof downspouts to the proposed infiltration system
 - 2. Two years of monitoring for the mitigation area
 - 3. Prohibition of outdoor chemical use
 - 4. Maintenance of the mitigation area in a natural state
- iii. **VOTE:** Motion by Commissioner Artiano to close the hearing. Seconded by Commissioner Payne. PASSED 6-0-0.
- iv. **VOTE:** Motion by Commissioner Kozodoy to issue an Order of Conditions with the above special conditions. Seconded by Commissioner Franklin. PASSED 6-0-0.

l. 10 Adams Avenue: Notice of Intent (NOI)

- i. Paul Seaberg of Grady Consulting presented revised plans for a garage addition to a single-family home located within the buffer zones of several coastal wetland resource areas. The revisions addressed prior concerns and included:
 - 1. A 4-foot-wide native planting strip along the top of the coastal bank, as required by a 2009 Order of Conditions
 - 2. An expanded stormwater infiltration system
 - 3. Coordination with the Sewer Department for temporary disconnection and reconnection of a sewer line
 - 4. Addition of a stockpile location and conservation posts
- ii. Agent Penella emphasized that the 4-foot planting strip was a pre-existing requirement and should not be considered mitigation for the current project. He recommended that the planting be installed prior to the start of construction and that a deadline be set even if the project is not pursued. The Commission discussed enforcement of prior conditions and the need for additional mitigation.
- iii. **VOTE:** Motion by Commissioner Artiano to close the hearing. Seconded by Commissioner Kozodoy. PASSED 6-0-0.
- iv. **VOTE:** Motion by Commissioner Artiano to issue an Order of Conditions with the following special conditions:
 - 1. Installation of the 4-foot planting strip prior to construction
 - 2. Two-year monitoring of mitigation areas
 - 3. Prohibition of fertilizers and outdoor chemicals
 - 4. Connection of roof runoff to infiltration system
 - 5. Seconded by Commissioner Kozodoy. PASSED 5-1-0 (Hickey opposed).

V. Minutes

m. February 26, 2025

- i. **VOTE:** Motion by Commissioner Hickey to approve the minutes. Seconded by Commissioner Franklin. PASSED 5-0-1 (Vendetti abstained).

VI. Updates

- n. **Blackwater Trail Restoration:** Work is scheduled to begin in early June, including bridge installation. Agent Penella expects the property to reopen soon.
- o. **Tall Timbers Phase 4:** The developer has dissolved their business entities, leaving open Orders of Conditions unresolved. Town Counsel advised that enforcement is not possible without named individuals on the permits. Agent Penella will notify affected homeowners.

VII. Future Meetings

- p. The next meeting will be held on June 11, 2025
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CLOSING REMARKS

VOTE: Motion by Commissioner Franklin to adjourn. Seconded by Commissioner Hickey.
PASSED 6-0-0.

Meeting Adjourned: 8:52 p.m.

Note on voting format: In the vote tallies mentioned in these minutes, the format is used “Yes-No-Abstain”

Prepared by: Georgianna Minenna, Assistant Conservation Agent, with the assistance of artificial intelligence (Microsoft Copilot).

Documents Used at the Meeting:

- 05/28/2025 Meeting Agenda
- DOA documents for 58 Off Boundary Street and MBTA Keolis
- RDA documents for 88 Ring Road
- RCOC documents for 23 Spruce Street
- Amendment/Deviation documents for Ring Road Solar
- NOI documents for 2 Wildwood Circle, 49 Old Mill Road, 35R East Avenue, and 10 Adams Avenue
- Proposed updates to KWPR
- Enforcement documents for 164 Pembroke Street
- Meeting minutes from 02/26/2025



TOWN OF KINGSTON **NOTICE OF MEETING**

BOARD:	Conservation Commission
DATE & TIME:	Wednesday, May 28, 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. Determination of Applicability (DOA) 58 Off Boundary Street
2. Determination of Applicability (DOA) MBTA Keolis

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 continuance to the June 25th, 2025 meeting.
2. 88 Ring Road: Request for Determination of Applicability for the installation of a deck, revisions to the driveway, and relocation of a native planting area within the buffer zone of a Bordering Vegetated Wetland.
3. 23 Spruce Street: Request for Certificate of Compliance (RCOC)
4. 126, 131, 137 Ring Road (Ring Road Solar, LLC): Request for Amendment/Deviation to Orders of Conditions

ENFORCEMENT:

1. 164 Pembroke Street

MEETING MINUTES:

1. 02/26/2025

UPDATES:

PUBLIC HEARINGS:

1. 20 Marion Drive (now 1 Royson Drive): Request for Amendment to SE 037-0880
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.
3. This hearing is regarding the proposed updates to the Kingston Wetland Protection Regulations (KWPR).
4. 49 Old Mill Road: Notice of Intent (NOI) 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.

5. 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.
6. 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. June 11, 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.