



Conservation Commission Meeting Minutes

Wednesday, August 27, 2025

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

Present: Kalina Vendetti (Chairperson), Megan Hickey, Marilyn Kozodoy, Dorothy MacFarlane, Jim Franklin (Vice-Chairperson)

Virtual: Brian Payne

Absent: Vittorio "Buz" Artiano

Staff: Matt Penella, Conservation Agent

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: Determination of Applicability (DOA): 3 Grandview Avenue, Certificates of Compliance (COC): 63 Smith's Lane.

II. Action Items

a) 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. The applicant has withdrawn their Request for Amendment/Deviation.

Agent Penella reported that after consultation with their counsel, they have decided to withdraw the Request for Amendment/Deviation and instead to come forward with an RDA filing in order to ask the Commission to determine whether or not certain exemptions apply under WPA and KWPR.

b) Request for Determination of Applicability (RDA) for 17 Nobadeer Circle 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. The applicant has requested a continuance to September 10, 2025.

Agent Penella said that the Commission had requested the applicant go to the Board of Health first and that that is still pending. Commissioner Franklin made a general comment that members of the Commission read over Title V and become familiar with the compliance standards and language in regard to conservation.

c) Right of First Refusal for property Map 69, Lot 19 on Elm Street.

Agent Penella stated that the Town had received Notice of Intent (NOI) to sell a Chapter 61 property, Map 69, Lot 19, on August 11, 2025 which triggered the 120-day Town Right of First Refusal. Wildlands Trust, Inc. would like the Town to exercise its right and transfer the right to Wildlands Trust as it abuts one of their properties, the Stewart Preserve, and could be used as a parking lot for the preserve. As a point of clarification, Agent Penella said his records show the map to be Map 63, Lot 19.

VOTE: Commissioner Franklin made a motion to recommend that the Board of Selectmen exercise their Right of First Refusal and transfer it to Wildlands Trust, Inc. The motion was seconded by Commissioner Kozodoy. PASSED 5-0-0.

III. Public Hearings

a) 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 (BVW) and the 200-foot Riverfront Area to an intermittent stream. The applicant has requested continuance to September 24, 2025.

VOTE: Commissioner Franklin made a motion to continue to September 24, 2025. The motion was seconded by Commissioner Hickey. PASSED 5-0-0.

b) 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 (BVW) and the 200-foot Riverfront Area to an intermittent stream. The applicant has requested continuance to September 10, 2025.

VOTE: Commissioner Franklin made a motion to continue to September 10, 2025. The motion was seconded by Commissioner Kozodoy. PASSED 5-0-0.

IV. Enforcement

a) 176 Main Street

Bill Kenney from River Hawk Environmental, representative for owners Adam and Danielle Dennison, presented a restoration plan. The plan includes plantings of Eastern Cedars, chokeberry, elderberry, high bush blueberry and mountain laurel closer to the street. In addition, it is proposed that conservation placards be placed on the stone wall in lieu of posts in front of or behind the wall. Commissioner Franklin commented that a discussion should be had with DPW to ensure that storm water runoff from the street does not continue to be an issue. Agent Penella said that he will reach out to DOT and the Highway Department to see if necessary, it can be addressed as part stormwater upgrades. Mr. Kenney stated that the plan narrative proposes a 2-year monitoring program of the plantings and 3 different options to treat the invasive knotweed. Agent Penella said that the 2-year plan is standard however the year of completion does not count toward that. The agent then requested that he have time to review the final plan before the Commission votes on it and suggested a conditional vote by the Commission based on the agent's review. Commissioner Kozodoy asked for clarification on the methods of treating the knotweed using glyphosate (Round-up). Commissioner Franklin said that as knotweed grows, it diminishes the strength of the roots, and so to cut it and then apply the Round-up is an effective method. Agent Penella said that a licensed and informed applicator could apply the glyphosate responsibly in order to reduce the invasive species in this area.

VOTE: Commissioner Franklin made a motion that following Agent Penella's final review of the plan, enforcement orders under local and state be issued mandating the restoration work on the plan be completed by November 15, 2025, and if not completed by then, \$300 fines per day will be issued. The motion was seconded by Commissioner Kozodoy. PASSED 5-0-0.

b) 39 Winthrop Street

Agent Penella gave an update that the Commission had asked him to reach out to the homeowner and inform that a filing was needed for unpermitted work, the filing was submitted on time in the form of an administrative review application. The agent conducted a site visit and discussed jurisdictional areas and permitting with the homeowner and he will go forward with determining whether the project meets the requirements of the administrative review or not. If the project does not meet the requirements, the homeowner will need to file an RDA. Commissioner Franklin recused himself as an abutter. No motions required.

c) 164 Pembroke Street

Commissioner Kozodoy recused herself as an abutter. Agent Penella reported that a site visit by Commissioners Vendetti, Hickey, and Payne was conducted on August 20th. They discussed how any rainfall would carry granular application down to the vernal pool, affecting water quality. They walked the back and side yards and found those areas to be in compliance with conservation posts and there has been no more dumping of landscape debris. There are perpetual conditions on the property prohibiting the use of chemicals and fertilizer upslope from the wetland and another condition added years later that applies to a different portion of the property. The Wetland Protections Act and KWPR state that there are penalties when a wetland is contaminated. Agent Penella wants it to be very clear to himself, the homeowner, and the Commission what is allowed and not allowed on that lawn area. The Agent said there are other, safer ways to treat lawns; one of which is Compost Tea that is applied wet and absorbed into the roots. Homeowner, Joseph Casna, spoke to say that he thought the landscaper was applying organic or natural fertilizer. He suggested going forward with hand sprayer application. Agent Penella said that Compost Tea versus a dry, granular product would be preferable. Commissioner MacFarlane suggested planting clover which has nodules in the roots that make nitrogen available to the plants around them and help produce a greener lawn. Commissioner Franklin said that by allowing things to continue as they are it is contributing to the contamination of the wetland. Agent Penella said that the septic system and property development had been permitted by DEP, but not by the town, but the use of fertilizer was not permitted. He acknowledged that the lawn has been treated by fertilizers for almost 30 years and may be so accustomed to it, that admittedly without the application of fertilizers, it may not thrive. However, with the positioning of the property with surrounding wetlands, it was not meant to have expansive, landscaped areas. Agent Penella said it is important for the Commission to get to a point where they know there will not be additional runoff into the vernal pool. There may be impacts from the septic system, but due to it being permitted many years

ago, nothing can be done about that aspect. However, the Commission *can* prevent further contamination and detriment. Mr. Casna spoke to say that how the water got there in the first place is not being discussed. Mr. Casna said he had been informed by Mr. Kubel of NHESP that the origin is not the concern, but rather the species of eggs found in the pool. He said that the water in the vernal pool is from a connecting stream that comes in from the right side of the property and is a hand-dug trench meant to conduct the road drainage to the back of the property and into the cranberry bogs. There is another connecting stream that feeds the vernal pool which conducts road wastewater and it is all regulated by the dam that had been installed by the cranberry grower. Commissioner Franklin asked Mr. Casna if changing the type of lawn would be a viable option for him. Commissioner MacFarlane reiterated that adding clover would not require him to tear up the current lawn, he would just be adding to it. Commissioner MacFarlane and Mr. Casna discussed the origin of the trench that became a stream. Agent Penella said that the origin is irrelevant, runoff applications from lawns are still not allowed into vernal pools, including chemical, liquid fertilizers. Abutter, Marilyn Kozodoy, spoke to say that that she has lived at 160 Pembroke Street since 1999, before Mr. Casna's house was built. She questioned whether there is current wetland delineation for the property and Agent Penella said that there is one, and upon his field review he moved a couple flags. Ms. Kozodoy asked for clarification as to whether there are buffer areas to help with the issues, as her understanding had been that the area was supposed to be naturally vegetated. Agent Penella said that the area in question is at the front of the house, on the side of the vernal pool, and it is not a sufficient buffer area to protect the pool due to limited space. Ms. Kozodoy asked if Agent Penella expected a Certificate of Compliance to be submitted and if he had the required documentation for that, such as an as-built. Agent Penella said that there has been no COC filing although the homeowner at one point was working with a landscape architect to come up with a plan. There was a pool filing in 2002 that was filed without a plan, instead just a pencil sketch of the pool, and the filing came with the condition that any disturbed areas would be replanted. Due to the fact that the filing did not come with a plan, the Agent is unclear if the pool was built correctly or if the landscaping around it was done correctly. Based on aerial imagery, Agent Penella said it appears that the landscaped plantings at the front of the property were done before the COC was issued and unfortunately, there is no plan of record. In order for a COC to be submitted at this point, the standard requirements of an as-built and a certification from an engineer would be needed. Lastly, Ms. Kozodoy asked if the Commission would consider using the statement that is used with properties at the top coastal bank regarding no use of chemicals or fertilizers; and also the statement about record-keeping in order to disallow any confusion going forward with this property. Commissioner Franklin stated that he thought the Commission had asked for an as-built years ago, and Mr. Casna said it had been submitted. Agent Penella clarified that what had been requested and submitted was a baseline existing conditions plan of record. Commissioner Franklin recapped that an ongoing issue has been documented, corrective action is to restrain the activity causing detriment to the wetland, and the Commission is within its boundaries to make a decision to preclude the use of fertilizers or any such application based on the fact that there is an ongoing detriment to the resource area. Mr. Casna has the right to bring any pertinent information to Agent Penella for discussion and review.

VOTE: Commissioner Franklin made a motion to authorize the Conservation Agent to issue an enforcement act that prevents the application of any nitrogen, phosphate, herbicides, pesticides,

fertilizers and any contaminants or lawn treatments on the entire lawn. The motion was seconded by Commissioner MacFarlane. PASSED 4-0-1.

V: Meeting Minutes

Minutes for May 14, 2025, were submitted to the Commission for review and approval.

VOTE: Commissioner Kozodoy made a motion to approve the minutes for May 14, 2025. The motion was seconded by Commissioner MacFarlane. PASSED 5-0-0.

VI: Updates Agent Penella updated the Commission on the Blackwater Memorial Restoration Update. The bridges are about 99% complete, the pathways have been connected to the bridges, and erosion control matting has been put down between the bridges and the streams. Guided walks will be scheduled soon and the property can be opened.

CLOSING REMARKS

Chairperson Vendetti made closing remarks at 8:40 p.m. The next meeting will be held on September 10, 2025, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner MacFarlane made the motion to adjourn, seconded by Commissioner Franklin. 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, August 27, 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): 3 Grandview Avenue
2. Certificates of Compliance: 63 Smiths Lane

ACTION ITEMS:

1. 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. **The applicant has withdrawn their Request for Amendment/Deviation.**
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. **The applicant has requested continuance to September 10th, 2025.**
3. Discussion regarding Right of First Refusal for property Map 69, Lot 19 on Elm Street.

ENFORCEMENT:

1. 176 Main Street
2. 39 Winthrop Street
3. 164 Pembroke Street

MEETING MINUTES:

1. 05/14/2025

UPDATES:

1. Blackwater Memorial Forest Restoration Update

PUBLIC HEARINGS:

1. 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. **The applicant has requested continuance.**

2. 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 September 10th, 2025.**

ADJOURN:

NEXT REGULAR MEETING:

1. September 10, 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: August 27, 2025

NAME	INTEREST	ADDRESS
Christian Malone	Conservation	7 obery St. Plymouth
Joseph CARNA		164 Pembroke ST.
BILL KENNEY	176 MAIN ST.	176 MAIN ST.