

**TOWN OF KINGSTON  
BOARD OF SELECTMEN**

**APPLICATION FOR EARTH-REMOVAL PERMIT**

(Please Type or Clearly Print Application)

**DESCRIPTION OF PROPERTY:** Off Marion Drive  
75-39, 74-8, 82-3,

**Map(s)** 82-4 **Lot(s)** \_\_\_\_\_

**Zoning** CI, SGOD, WT/PV **Total Size** Approx. 104.5 acres

**OWNER OF PROPERTY:**

**Name** O'Donnell Family Realty  
Trust  
**Address** 54 Grove Street, Kingston,  
MA 02364  
**Tel. No.** 941-914-5999

**APPLICANT:**

**Name** O'Donnell Family Realty  
Trust  
**Title** Shawn O'Donnell, Trustee  
**Address** 54 Grove Street, Kingston,  
MA 02364  
**Tel. No.** 941-914-5999

**EXPLANATION OF NEED FOR PERMIT:**

Removal of soil for placement of fill approved under an Administrative Consent  
Order (ACO-SE-16-3P-003) (ACO) Permit issued by MassDEP on October 7,  
2016, with First Amendment dated May 26, 2021. The site will eventually be  
permitted as a multi-family housing development. Refer to attached Soil  
Management Plan for the Expansion of the Site Reclamation Project for 48 Marion  
Drive, Kingston, MA, ACO Permit and First Amendment.

**PRIOR EARTH REMOVAL PERMITS ON PROPERTY:**

**Date** Jan. 7, 2014  
**Location** **Map** Off Marion Drive **Lot** APN 82-3 and 82-4  
**Volume Removed** Permitted for 200,000 Cu. Yards

**INDICATE BELOW THE APPROVE PLANS/PERMTIS THAT NECESSITATE EARTH REMOVAL.**

**APPROVAL DATE**

- |                                     |                                    |                                                     |
|-------------------------------------|------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/>            | <b>Subdivision</b>                 | _____                                               |
| <input checked="" type="checkbox"/> | <b>Site</b>                        | ACO Permit and First Amendment<br>issued by MassDEP |
| <input type="checkbox"/>            | <b>Disposal works construction</b> | _____                                               |
| <input type="checkbox"/>            | <b>Conservation</b>                | _____                                               |
| <input type="checkbox"/>            | <b>Agriculture</b>                 | _____                                               |
| <input type="checkbox"/>            | <b>Other</b>                       | _____                                               |

**EVCAVATION INFORMATION:**

<b>Number of Acres to be Excavated</b>	Approx. 24 acres
<b>Number of Phases</b>	1 (Request waiver from phasing requirement)
<b>Phase requested in this application</b>	1
<b>Total volume of materials to be removed for entire site</b>	753,112 Cu. Yards
<b>Volume of material to be removed this phase</b>	753,112 Cu. Yards
<b>Volume to be removed in 1-yr period</b>	Approx. 400,000 Cu. Yards
<b>Volume to be removed per day</b>	0-2,300 Cu. Yards
<b>Description of material</b>	Carver Coarse sand (sand) per NRCS

**Destination of Material:**

<b>On Site</b>	_____
<b>Off Site</b>	Undetermined

**Requested hours of operation:**

<b>Monday – Friday</b>	7:00 AM - 5:00 PM
<b>Saturday</b>	No work

**PLEASE ATTACH PLANS SHOWING THE FOLLOWING:**

- I. The precise location of the proposed excavation as part of the total land area of the subject property. See Site Plan**
- II. Property lines with certified names and addresses of all abutters, including those across any way. See Site Plan**
- III. Existing contours at two-foot intervals in the area from which material is to be excavated and in surrounding areas, together with the contours at two-foot intervals below which no exaction shall take place. See Site Plan**
- IV. Natural features such as wetlands, the 100-year floodplain, ground cover, surface water and groundwater. (Water-table elevation shall be determined by test pits and soil borings satisfactory to the Board of Selectmen.) A log of soil borings shall be included, taken to the depth of the proposed excavation, congruent with the size and geological makeup of the site. See Site Plan**
- V. A topographical map showing contributory runoff and direction of flow; drainage facilities; location of wells, test pits, and borings; final grades, proposed vegetation and trees; and location and elevation of the permanent monument. See Site Plan**
- VI. Dust, erosion, and sediment-control plan for the site, for all earth-removing equipment and truck traffic. See Site Plan**
- VII. The amount and cost of proposed restoration materials, and the source from which the applicant intends to obtain them, the location of any existing topsoil stockpile. See Site Plan & Attachment A**
- VIII. Estimated quantity of material to be removed, the quantity and estimated quality of topsoil to be replaced, and the location of any on-site stockpiling of topsoil to be removed under this application. See Attachment A**
- IX. An estimate of the number of per diem truck, trips, location of truck routes and hours of truck traffic. See Attachment A**
- X. Designation on the required plan of any and all proposed phases and the number of cubic yards to be excavated in each, none to exceed five acres or 200,000 cubic yards, whichever is less. See Attachment A**

**AS PART OF YOUR APPLICATION, PLEASE SUBMIT PROOF THAT YOUR PLANS HAVE BEEN SUBMITTED TO THE BOARD OF HEALTH, BOARD OF WATER COMMISSIONERS, AND CONSERVATION COMMISSION.**


**PLEASE STATE FORM OF SURETY PROPOSED TO GUARANTEE RESTORATION  
OF SITE AND NAME AND ADDRESS OF SURETY COMPANY.**

**FORM**            To be discussed  
**NAME**            \_\_\_\_\_  
**ADDRESS**        \_\_\_\_\_

**PLEASE ATTACH LIST OF NAME AND ADDRESSES OF ABUTTERS TO OWNER'S  
PROPERTY AS CERTIFIED BY THE BOARD OF ASSESSORS.**

This application conforms to the requirements of the Town of Kingston Earth Removal  
ByLaw amended 6 May 1992, a copy of which I have read.

Date: May 12, 2022

  
Owners Signature

## Attachment A

### Earth Removal Notes

1. The groundwater elevation for this area is estimated to be below 105 (NAVD). Refer to Test Pit Logs TP-1 through TP-6 on Sheet 1 of 3. The parent soil onsite is listed as Pits, Gravel and the adjacent site is Carver Coarse Sand, NRCS Soil Map Unit 252C.
2. Total excavation quantity is approximately 753,112 Cubic Yards for the entire project site.
3. The proposed restoration materials for this site will be 6 inches of loam and will be hydro-seeded to prevent erosion. The total cost for this work is included in the Applicant's contract for the ACO operation.
4. The total number of truck trips is estimated to be 100 per day using 23 Cubic Yard dump trailers.
5. The proposed hours of truck traffic will be from 7:00 AM to 5:00 PM Monday through Friday. The proposed truck route will be Marion Drive to Gallen Road to Cranberry Road to Independence Mall Way to Route 3. Refer to Sheet 2 of 3 for a map of the proposed route.