



ENGINEERING,
INC.

ENGINEERS
SURVEYORS

June 8, 2022

Town of Kingston
Conservation Commission
26 Evergreen Street
Kingston, MA 02364

Re: Request for Determination of Applicability (RDA)
Map 97 Lot 1, Map 97 Lot 2, Map 92 Lot 5 (partial), Map 96 Lot 2 (partial),
Map 96 Lot 6, Map 96 Lot 1 (partial)
P.K. Realty Trust
P.O. Box 240
Plympton, MA 02367
G.A.F. Job No. 20-9617

Dear Members of the Conservation Commission,

G.A.F. Engineering, Inc., on behalf of our client P.K. Realty Trust is submitting this Request for Applicability (RDA) seeking a jurisdiction determination for the areas depicted on the plan entitled "Plan to Accompany Request of Determination of Applicability", prepared for P.K. Realty Trust, dated June 8, 2022. We request a written finding by the Conservation Commission after a public hearing as to whether the areas depicted on this plan are subject to the Wetlands Protection Act G.L. Ch. 131, Section 40 and the Kingston Wetland Protection Bylaw, Kingston G.L. 13. No work is proposed at this time. This determination is needed to assess various land use opportunities.

In addition to the above reference plan, you will find an aerial image (supporting documentation) indicating the area subject to this request as well as a Site Review report dated June 8, 2022, prepared by Environmental Consulting and Restoration LLC.

Also included are:

- Two (2) copies of the Determination of Applicability and supporting documentation
- Five (5) copies of the Plan entitled "Plan to Accompany Request for Determination of Applicability" prepared for P.K. Realty Trust, dated June 8, 2022
- A check made payable to Gannett Media in the amount of \$42.50 for the legal notice
- A check made payable to the Town of Kingston in the amount of \$75.00 for the Determination of Applicability application fee
- An executed Waiver Agreement relative to Public Hearing/Meeting Timeframe

We trust the foregoing information is sufficient for the commission's immediate needs. Kindly advise as to the time and date of public hearing and we will have a representative present to discuss this request. An electronic file has also been sent.

Please contact me directly if you have any questions.

266 MAIN ST.
WAREHAM, MA 02571

TEL 508.295.6600
FAX 508.295.6634

Very Truly Yours,



William F. Madden, P.E.

bill@gafenginc.com

WFM/jlc

Enclosures

cc: P.K. Realty Trust

DEP SERO – 20 Riverside Drive Lakeville, MA 02347



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

City/Town _____

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

P. K. REALTY TRUST
Name
P.O. BOX 240
Mailing Address
PLYMPTON MA 02367
City/Town State Zip Code
781-844-4270
Phone Number
E-Mail Address
Fax Number (if applicable)

2. Representative (if any):

G.A.F. ENGINEERING INC.
Firm
WILLIAM F MADDEN, P.E.
Contact Name
266 MAIN STREET
Mailing Address
WAREHAM MA 02571
City/Town State Zip Code
508-295-6600
Phone Number
E-Mail Address: BILL@GAFENGINE.COM
Fax Number (if applicable): 508-295-6631

B. Determinations

1. I request the KINGSTON Conservation Commission make the following determination(s). Check any that apply:

a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.

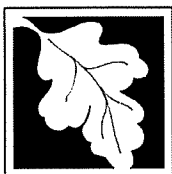
b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.

c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.

d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

KINGSTON
Name of Municipality

e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

City/Town _____

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

OFF ROUTE 44 _____ KINGSTON _____
Street Address City/Town

Assessors Map/Plat Number _____ Parcel/Lot Number _____

- b. Area Description (use additional paper, if necessary):

REFER TO ATTACHED PLAN _____ ENTIRE PARCELS _____
PORTION OF PARCELS 96-1, 96-2, 92-5, 97-1, 97-2, 96-6

- c. Plan and/or Map Reference(s):

PLAN TO ACCOMPANY REQUEST FOR DETERMINATION OF _____ JUNE 8, 2022 _____
APPLICABILITY PREPARED FOR P.K. REALTY TRUST Date

Title _____ Date _____

Title _____ Date _____

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

NO WORK IS PROPOSED AT THIS TIME _____



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

NO WORK IS PROPOSED.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

City/Town _____

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Name

Mailing Address

City/Town

State

Zip Code

Signatures:

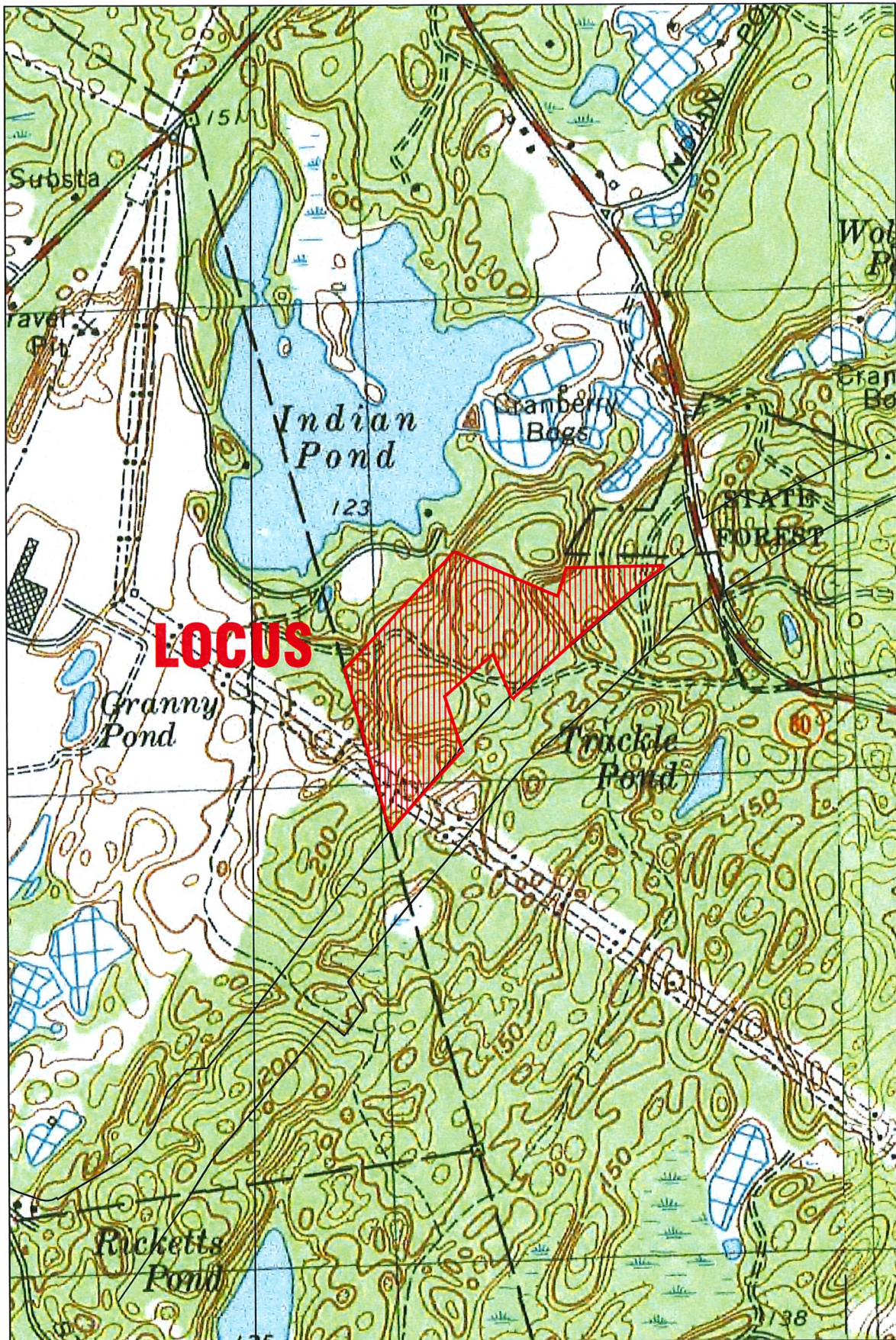
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Don Houie
Signature of Applicant

6/8/2022
Date

Muriel F. Madden
Signature of Representative (if any)

6/8/22
Date



SCALE: 1" = 1000'
 PK REALTY TRUST

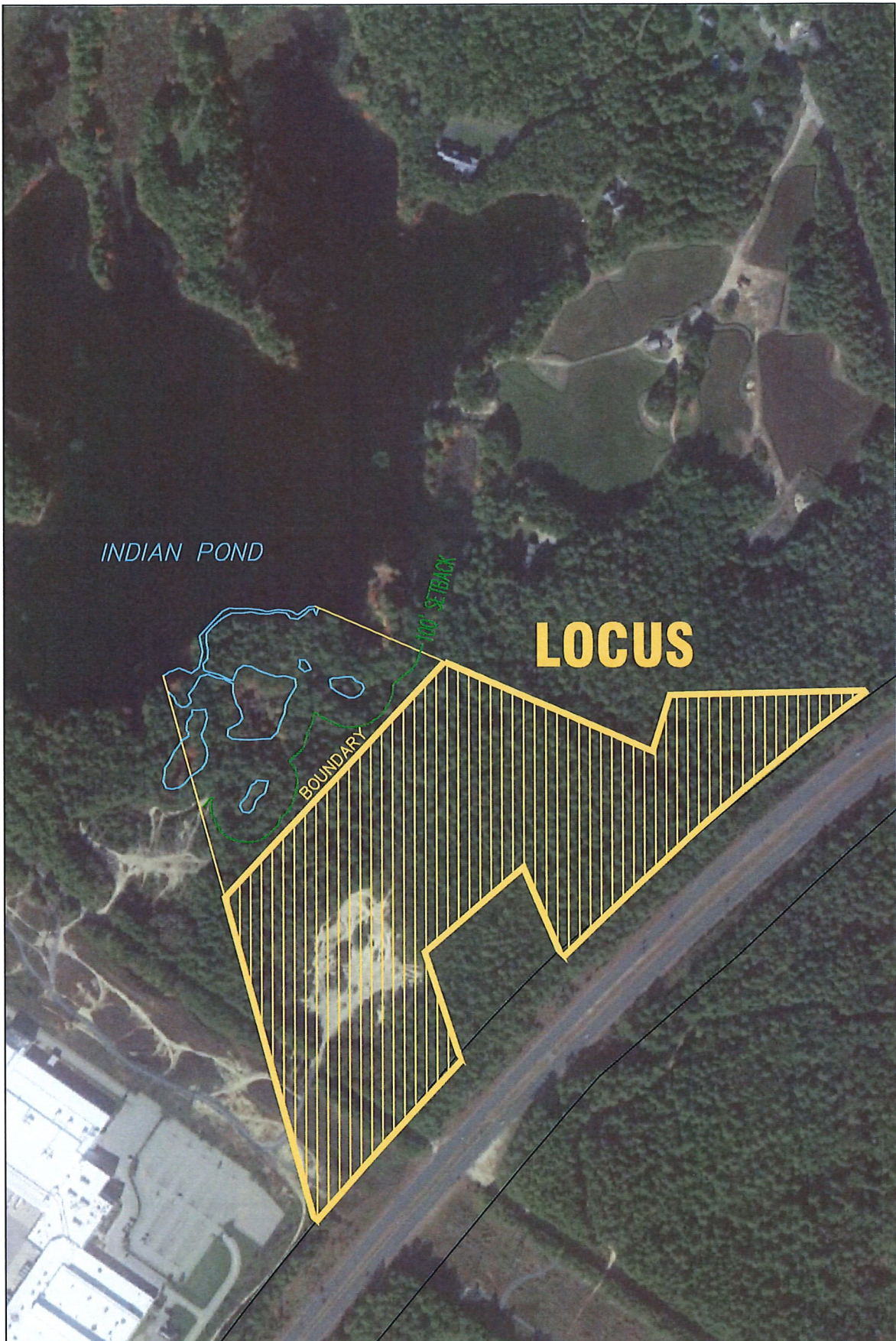
U.S.G.S. LOCUS

SOURCE: MASS GIS
 WAREHAM, MA



ENGINEERING, INC.

FIGURE 1



INDIAN POND

LOCUS

BOUNDARY

NO STAKE



SCALE: 1" = 500'
PK REALTY TRUST

AERIAL OVERVIEW

SOURCE: GOOGLE EARTH
WAREHAM, MA



FIGURE 2

National Flood Hazard Layer FIRMette



70°46'1"W 41°57'40"N



70°45'23"W 41°57'13"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone .
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/8/2022 at 10:45 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Environmental Consulting & Restoration, LLC



June 8, 2022

Site Review Report – off Route 44, Kingston

Site Review Report Narrative

During March 2022 Environmental Consulting & Restoration, LLC (ECR) performed reviews of the existing conditions of the undeveloped parcels of land located off Route 44 in Kingston (the Site). The site consists of several parcels of land located to the south of Indian Pond, east of the Boston Edison easement, and north of Route 44. The parcels of land are identified on the site plan entitled Plan to Accompany Request for Determination of Applicability, off Route 44, Kingston, MA, prepared for PK Realty Trust, dated June 8, 2022, prepared by GAF Engineering, Inc. The northeastern portion of the site contains wetland resource areas, which were delineated by ECR during the March site reviews. The wetland resource areas delineated at the site in the northeastern portion of the site are significantly away (more than 100 feet) from the boundary line. The area identified on the site plan to the south of the boundary line consists of forested uplands with ranging topography and lacks wetland resource areas.

As a result of ECR's site reviews and review of available on-line databases, ECR is able to confirm that the portion of the site to the south of the boundary line does not contain wetland resource areas or Conservation jurisdictional areas as defined by the Massachusetts Wetlands Protection Act and/or Town of Kingston Wetland Bylaw. Also, review of the MassGIS wetlands database reveals the following:

- The portion of the site to the south of the boundary line is not located within Estimated or Priority Habitats of Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
- The portion of the site to the south of the boundary line does not contain Certified or Potential Vernal Pools according to the MaNHESP.
- The portion of the site to the south of the boundary line does not contain USGS mapped streams.
- The portion of the site to the south of the boundary line is not located within an area mapped as Land Subject to Flooding (FEMA flood zones).
- The portion of the site to the south of the boundary line is not located within an Area of Critical Environmental Concern.

As a result of ECR's site review, ECR is able to confirm that the portion of the site to the south of the boundary line does not contain wetland resource areas or buffer zones as defined in the Massachusetts Wetlands Protection Act and its implementing Regulations found at 310 CMR 10.00 or Town of Kingston Wetlands Bylaw and Regulations.

Attachments

Attached for your review are the following attachments:

1. USGS Site Locus Map
2. FEMA Map
3. NHESP Estimated & Priority Habitat Map

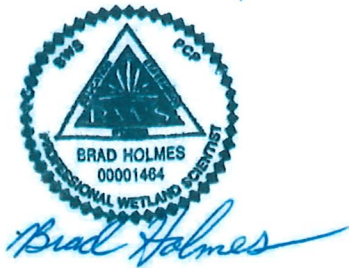
ECR

Environmental Consulting & Restoration, LLC

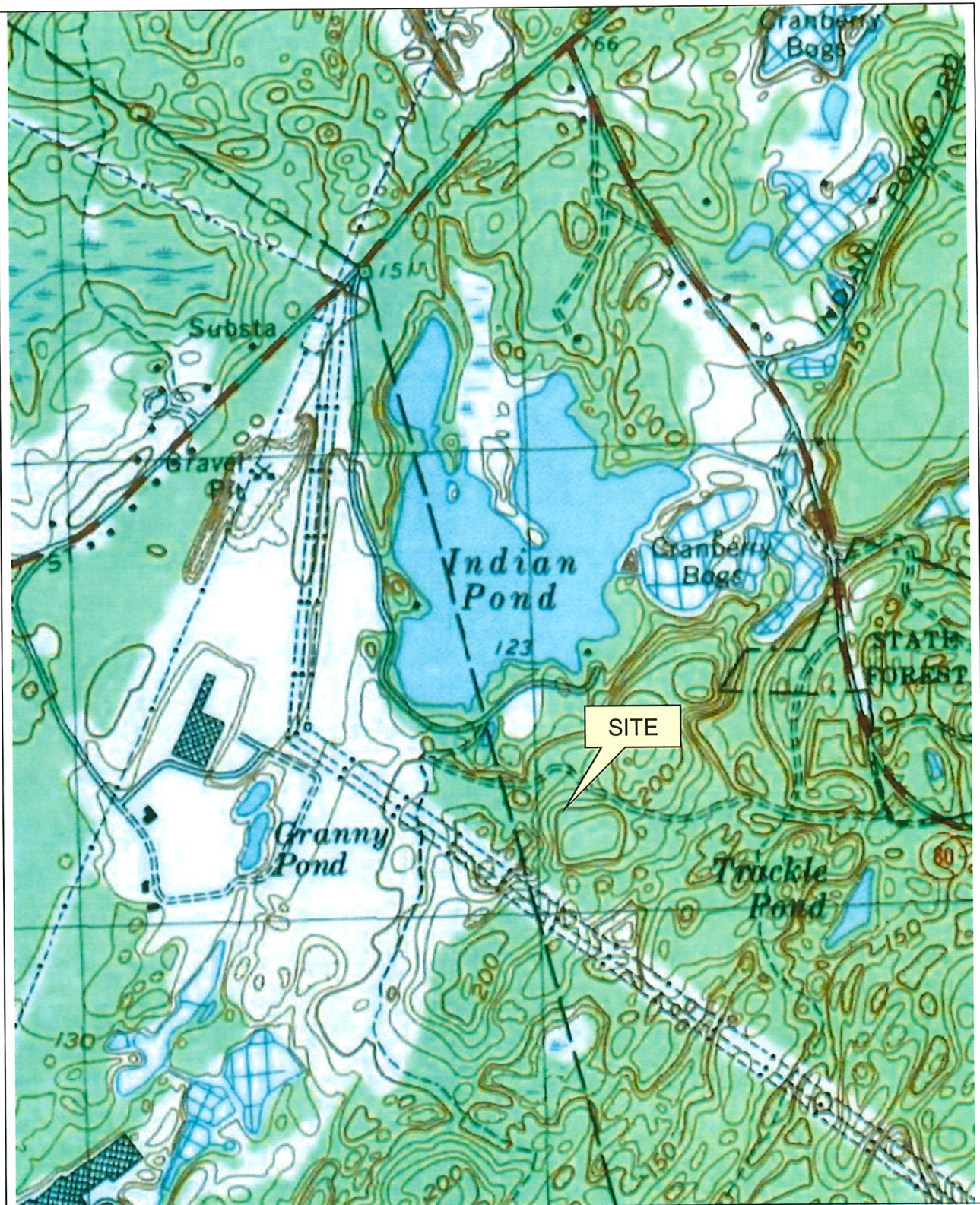


Upon review of this site review memo, please contact me at (617) 529 – 3792 or brad@ecrwetlands.com with any questions or requests for additional information.

Sincerely yours,
Environmental Consulting & Restoration, LLC



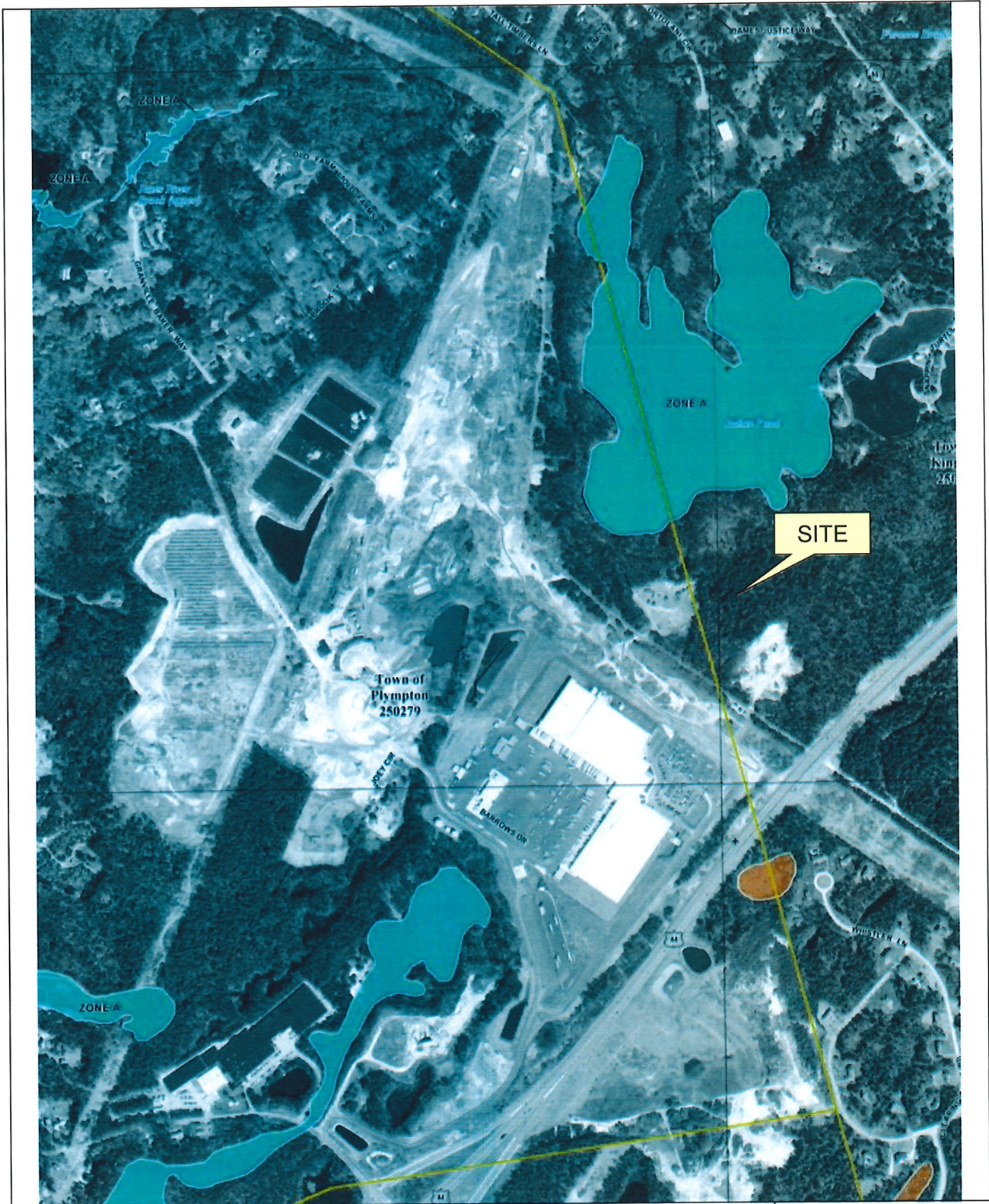
Brad Holmes, PWS, MCA
Manager



USGS SITE LOCUS MAP
off Route 44
Kingston, Massachusetts

Source: MassGIS Mass Mapper

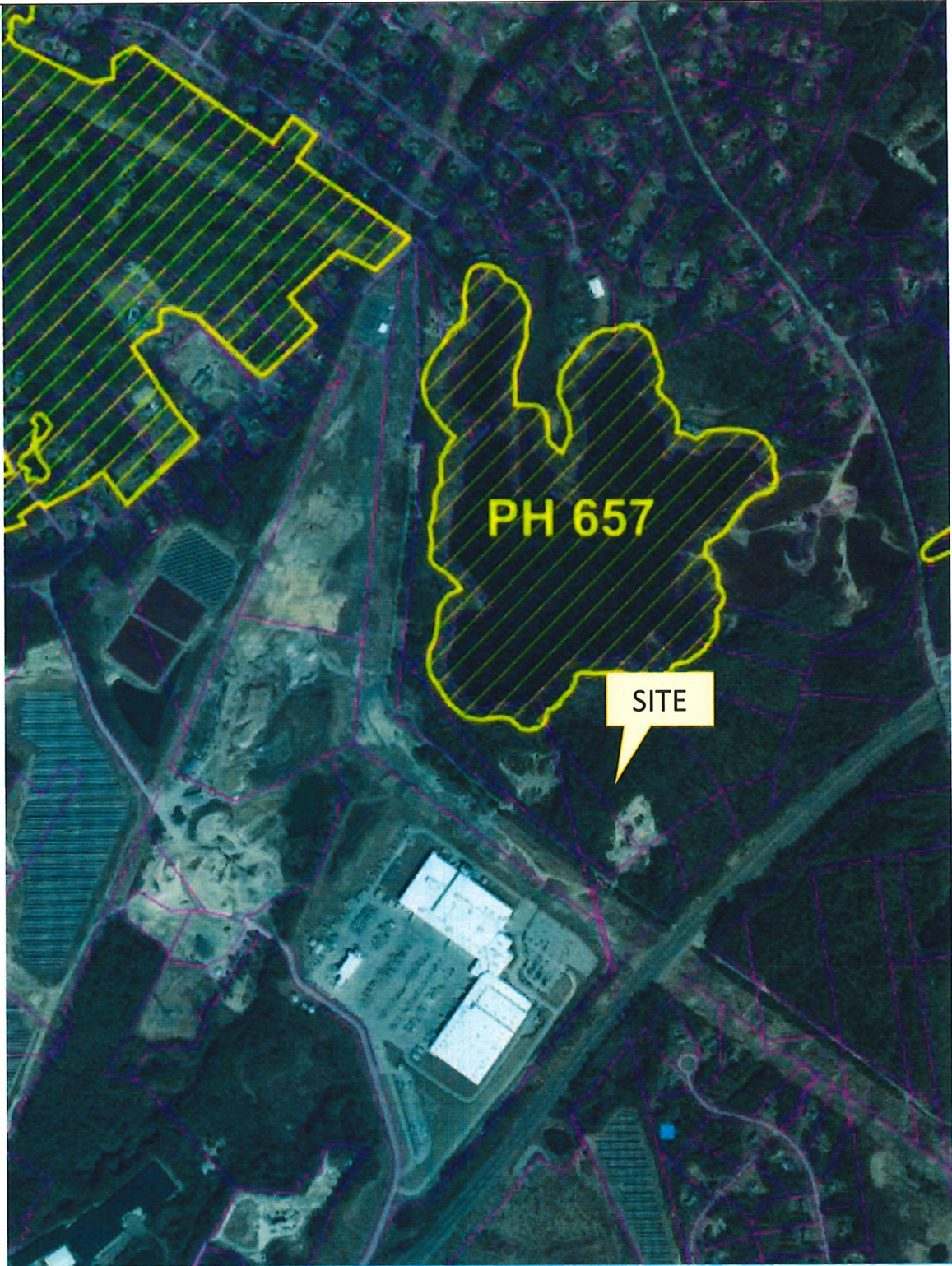




**FEMA MAP
off Route 44
Kingston, Massachusetts**



Source: FEMA Map 25023C0334K Eff. 07/06/2021



**Priority Habitats of Rare Species, Estimated Habitat of Rare Wildlife
& Certified Vernal Pools Map
off Route 44
Kingston, Massachusetts**

Source: MassGIS Mass Mapper



KINGSTON WETLAND PROTECTION REGULATIONS

C.3

WAIVER AGREEMENT

Public Hearing / Meeting Time Frame

Massachusetts General Law, Chapter 131 & 40 (Wetlands Protection Act), and the Town of Kingston Wetland Protection By – Law, Section 5.03 A & B, and the associated Regulation, mandate that a public hearing be held within 21 days of receiving a Notice of Intent. These laws also mandate that a public meeting be held and a decision rendered within 21 days of receiving a Request for Determination of Applicability. Due to a high volume of requests, we may have to hold the hearing for your project after the 21 day time period has lapsed.

Meetings are held every first and third Tuesday of each month.

I understand the Commission will make every effort to hold a public hearing / meeting within the mandated 21 day time frame and render a decision within the subsequent time frame. However, due to present circumstances, I hereby waive the time requirement set forth in Chapter 131 & 40 (Wetlands Protection Act), its regulations at 310 CMR 10.00, and the Town of Kingston Wetlands Protection Regulations, Section 5.03 A & B.

In agreeing with this waiver, I accept that the public hearing / meeting will take place within 50 days of receiving the Request for Determination of Applicability or Notice of Intent.

Murphy Madden 6/8/22
(Signature of Applicant or Representative) (Date)

Applicant's Name: (Print) PK REALTY TRUST
Address: P.O. Box 240, Plympton ma 02367
Telephone: 1-781-844-4270
Project Location: off rte 44 Kingston

GAF ENGINEERING, INC.
266 MAIN STREET
WAREHAM, MA 02571
(508) 295-6600

1084

53-179/113

PAY AMOUNT OF Seventy Five and no/100's DOLLARS

CHECK AMOUNT

\$ 75.00

EXPLANATION	AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
9/8/02	Town of Kingston	9617 - RDA Filing Fee	1084



Eastern Bank
24 HOUR SERVICE 1-800-EASTERN

Muu F Madder



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GAF ENGINEERING, INC.
266 MAIN STREET
WAREHAM, MA 02571
(508) 295-6600

1085

53-179/113

PAY AMOUNT OF Forty Two and 50/100's DOLLARS

CHECK AMOUNT

\$ 42.50

EXPLANATION	AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
9/8/02	Gannett Media	9617 - RDA Legal Ad	1085



Eastern Bank
24 HOUR SERVICE 1-800-EASTERN

Muu F Madder



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