



Conservation Commission Meeting Minutes

Wednesday, September 24, 2025

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

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

Virtual: Dorothy MacFarlane and Vittorio “Buz” Artiano

Staff: Matt Penella, Conservation Agent

Location: Town Hall Offices, Room 200 & Via Zoom

Commission Meeting Opened: 6:31 p.m.

Announcement: The Open Space Committee is still 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

BUSINESS:

I. Signing Documents

The Commission signed the following documents: Enforcement Orders for 164 Pembroke Street and invoices for Bonomi Welding, Beals & Thomas, Kingston Landscaping and Environmental Partners for APEX.

II. Action Items

a) Troop 49 camp-out request

Chairperson Vendetti opened a discussion on the request by Troop 49 to camp out at Hathaway Preserve. Dylan Veracka, of Boy Scout Troop 49, spoke to say that he will be working on his Eagle project over the weekend. There are some new scouts in the troop and so they want to have a camp out after finishing the project. They got permission from the Fire Department to have a small fire and are seeking the permission of the Commission to have a camp out. Agent Penella said he approves of the camp out and that he received an email from the Fire Chief permitting the fire. The project the troop will be working on is the rollercoaster boardwalk at the Hathaway Preserve. Commissioner Vendetti thanked Dylan and the Troop 49 for their service to the community.

VOTE: Commissioner Payne made a motion to approve the request. The motion was seconded by Commissioner Kozodoy. PASSED 7-0-0.

b) Ring Road Solar (126, 131, & 137 Ring Road): Request for Determination of Applicability regarding proposed installation of deer fencing around the bog solar complex.

Chairperson Vendetti opened a public meeting to discuss the RDA for Ring Road Solar for the installation of deer fencing within the buffer zone to wetland resource areas, including a Riverfront Area. Agent Penella stated that this is an RDA to have the Commission make a determination on a proposal made by the applicant to install security/deer fencing around their bog property claiming exemptions under WPA (Wetlands Protection Act) and KWPR (Kingston Wetlands Protection Regulations). Chairperson Vendetti then called on the applicant and/or representatives to speak. John Klavens, of Klavens Law Group, spoke as counsel for Ring Road Solar, which may also be referred to as Greenbacker which is the larger solar developer that owns Ring Road Solar. Ring Road Solar is not just the owner of the dual use solar facility installed at the site but also of the land and existing cranberry farms. Mr. Klavens stated: in February of 2025, Ring Road Solar requested a minor amendment to add some additional fencing and the basis for that amendment was clarified in April to be an agricultural exemption. Then, in August 2025, the request for amendment was withdrawn and in its place the current RDA is being presented. The request is to determine that the proposed installation of mesh fencing is exempt as a normal improvement of land in agricultural use under both the state and local wetlands regulations; these regulations provide an exemption for improvement of land in agricultural use. State regulations say that installation of fencing is deemed to be a normal improvement and Mass DEP states that what is considered a normal improvement can change over time. The mesh fencing will address another problem as well, that being the Kingston and Plympton wiring inspectors determined that the electrical code required additional fencing to keep unauthorized people away from the solar facility. Mr. Klavens also said that the Commission made written determinations that the entire dual use facility constitutes normal improvement of land in agricultural use in each of the four Orders of Conditions that were issued for this project, whether original or amended. He further stated that exempt agricultural activity is still subject to minimal performance standards regarding prevention of erosion and siltation of wetlands, and therefore the fencing has been designed with those performance standards in mind. Mr. Klavens then turned the presentation over to Jess Roden, Senior Project Manager, to review the specifications and

layout for the planned fencing. Mr. Roden referred to the map with an updated layout of where the fence would be installed and said the updates include suggestions made by members of the Commission during a site visit. The plan proposes: the site being fully enclosed with mesh fencing with several points of key access with gates, pressure-treated posts replaced with galvanized steel that will be driven in rather than augered, and a silt sock will be used to minimize disturbance and erosion. There is some existing fencing on site which would be tied in with the new fencing. Mr. Roden turned the presentation over to Ian Ward, the cranberry farmer for the site on Ring Road, to discuss the agricultural use of the fence. Mr. Ward introduced himself and discussed the problem of deer on the farm. The deer have been an increasing issue on the bogs in the area. While hunting is a viable option, deer fencing is an expensive but effective alternative. The deer are threatening the crops by eating the berries and vines, poking holes in the bogs with their hooves, and importantly the deer fecal matter is a food safety concern, especially for fresh food production. The USDA cautions about that matter and there is grant funding for fencing and so this will become more common in the cranberry industry going forward. Mr. Ward concluded by saying that these are the main reasons why deer fencing is important at the site. Agent Penella's comments: There have been a few changes made to the layout on the plan including the swap to galvanized poles and they will drive the poles instead of digging, a silt sock in place of a silt fence, and changing the layout to encase the entire bog area. The application is compliant with WPA. However, as for KWPR, the agent disagrees that the Commission has come to four determinations that the *entire* solar project is normal improvement of land and agricultural use. Not necessarily pertaining to this RDA, but for the administrative record going forward, it is important to have these determinations be clearer. In 2020, the Commission made the determination that the project on Ring Road met the performance standards of KWPR 5.19 and 5.23, i.e. the agricultural and the variance standards, and then gave an explanation for how the applicant demonstrated compliance with the variance standards, but no explanation of how they determined how it met the standards of land and forestry in agricultural use. That may be because the Solar Massachusetts Renewable Target Project (SMART) was new and the Commission may have believed that the local regulations lacked the ability to approve the project. Agent Penella disagreed with how the Commission at that time approved the project and said were it to be presented like that now, then he would not put the permit forward. Mr. Klavens had stated that the Commission had made four determinations on the Orders of Conditions. Agent Penella clarified that this is because each time there is an issuance of two permits in each situation, one under the local bylaw and one under the State permit. And then in 2021, there was the Amendment where the Commission did not have the legal authority to go back and review every single Order of Conditions. Rather, only what is brought forward specifically for the Amendment is what would have been reviewed. In 2020, if the Commission felt that the project was actually exempt from KWPR 5.19 then there would be no reason for them to issue OOCs at all as the project would have been exempt. To say that an entire solar array like this one is normal improvement of agricultural use is not correct. SMART program regulations would need more language to pertain to land use on a municipal basis. However, all that being said, Agent Penella said that what has been shown on the proposal would meet KWPR agricultural exemptions and he noted that the deer population is indeed increasing and deer are being seen on bogs more frequently. Deer can be problematic especially with dry harvesting. Brian Wick, of the Cranberry Growers Association, sent comments that mirrored the talking points about deer being a concern. The agent also pointed out that the Riverfront Area was not mentioned at all on the plan, but WPA also

provides the same exemption under a different statute so it isn't problematic in terms of an agricultural exemption. For the record, it should be noted that the project is in the Riverfront Area as there is a perennial stream that runs through the area. Agent Penella said that the Commission should look at the filing based on its' content rather than weighing performance-related issues from the site development. Any performance-related issues can be dealt with through Enforcement or the COC process. The agent recommends issuing a Negative 5 DOA under WPA and KWPR. Negative 5 states that the area is jurisdictional under WPA and KWPR but the proposed work meets the requirements of the state of exemptions; those exemptions are 3.10 CMR 10.02 2b and 10.04 c1 and under WPA and KWPR 5.19. Commissioner Franklin said that while he is not opposed to the project he wants it noted that the request for fencing the entire area did not come to the Commission in a straightforward way.

VOTE: Commissioner Franklin made a motion to issue a Negative 5 DOA approving the project, as clarified by the Conservation Agent. The motion was seconded by Commissioner Kozodoy. PASSED 6-1-0.

c) 28 Raboth Road : Request for Determination of Applicability for proposed removal of hazard trees and treatment of invasive plants.

Chairperson Vendetti re-opened a public meeting to discuss the RDA for 28 Raboth Road, submitted by Stenbeck & Taylor on behalf of owner, Frank Derico. The applicant has requested continuance to October 8, 2025. Agent Penella stated that applicant requested more time in order to collect materials the Commission had requested.

VOTE: Commissioner Kozodoy made a motion to continue to October 8, 2025. The motion was seconded by Commissioner Hickey. PASSED 7-0-0.

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 and the 200-foot Riverfront Area to an Intermittent Stream.

Chairperson Vendetti re-opened a public hearing to discuss 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. Agent Penella said the Commission had been waiting for information on the stream categorization and information on the future storm water drainage calculations. The information was received, and Agent Penella put out the bids for peer review and informed the applicant that a continuance to October 22, 2025 would be needed and he also requested that bids from consultants come back by October 15, 2025.

VOTE: Commissioner Payne made a motion to continue to October 22, 2025. The motion was seconded by Commissioner Kozodoy. PASSED 7-0-0.

IV. Enforcement

a) 44 Raboth Road

Agent Penella stated that the last time the Commission discussed the matter, he had just received plans from the structural engineer, but more information on the plan was needed. Paul Armstrong, Building Commissioner, had also informed the owner of what the Building Department needs for a complete filing. Agent Penella said that this enforcement has been going on for about a year and the smaller items have been handled, but now the wall and the concrete parking area need to be addressed.

Commissioner Kozodoy asked if some of delay has been due to a transition in town staff and the agent agreed that that is the case to some extent. It is unclear from the engineer's plan if the plan shows the existing condition or what it should be; so whether the plan is an as-built or not is unknown. A stamped and signed letter from the engineer is still needed for the Building Department and the Commission. Commissioner Franklin said he is in favor of moving forward with expectations and a timeline so that this enforcement does not go on for another year. Commissioner Kozodoy asked Agent Penella if he could reiterate in writing, to the applicant, the requirements and timeline. Commissioner Franklin pointed out that if the owner had enlisted an online engineer from the block company, then they most likely would not conduct a site visit. Agent Penella said he had heard from the owner, and they said they'd engaged a 3rd party engineer who did not conduct the surveying portion of the work. The owner was then going to engage a land surveyor but the agent recommended they wait on that until they found out specifically what the Building Department needs. Since then, the Building Department has stated that they need the wall field located and a statement that it was built according to the specifications of the block manufacturer. Agent Penella pointed out that there is currently a backup engaging land surveyors. Commissioner Franklin said that an extension can always be granted if needed. Members of the Commission agreed to give the owner 30 days to meet the requirements discussed. A member of the public, Shawn Stanghellini, of 46 Raboth Road, spoke via Zoom to say that he thought the last time the discussion was held regarding 44 Raboth Road, the Commission had given until the present date to produce the needed documentation from the engineer. Commissioner Franklin clarified that a document from the engineer was received, but it was missing some needed details, and so the Commission is discussing the next steps to take. Commissioners Hickey and Payne recollected that at the last meeting, the owners of 44 Raboth Road did produce a document from an engineer, but that the document was not complete and/or accurate, so the Commission issued a continuance for the document to be clarified. However, the Commission did not provide a specific deadline for that. Commissioner Payne said the next step will need to be more forceful. Agent Penella offered some background detail about 46 Raboth Road, the neighboring property. 46 Raboth Road was built through a wetlands permit. At one point the agent conducted a site visit with Mr. Stanghellini to review remaining tasks that needed to be done. The agent pointed out that storm water was coming off of the end of Raboth Road and down into the wetlands on his property. Mr. Stanghellini has been working with ECR to take care of that. Then Mr. Stanghellini had brought it to the agent's attention that he felt the runoff going through his property is coming from unpermitted work being done at 44 Raboth Road. Mr. Carroll, owner of 44 Raboth Road, came to the Commission to state that the reason why he had the wall and

parking area built, was to prevent runoff from going down into the pond. But as a result, it seems to be the case that now the water diverts and goes through Mr. Stanghellini's property at 46 Raboth Road. The agent summed up that now there is an enforcement issue that spans multiple properties, three properties in fact, including digging that had been done at the property closest to 46 Raboth Road, owned by the owners of 28 Raboth Road. Commissioner Franklin pointed out that those separate but connecting issues need to be discussed by the Commission. Agent Penella said the runoff issue needs to be assessed by an engineer, perhaps the water had been running that way all along, although according to the owner of 44 Raboth Road, the wall was built in order to change the way runoff flows. Commissioner Franklin said that it is time to compel action.

VOTE: Commissioner Franklin made a motion to add to the enforcement order that the owner of 44 Raboth Road present to the Commission what they are asking for by the November 12th meeting, failure to do so will result in fines of \$300 per day. The items needed are: the engineer's as-built certification stating the wall is structurally sound and built to specifications, (and that it has been reviewed as an as-built), a survey be done showing location and grades on the plot plan. The motion was seconded by Commissioner Payne. PASSED 7-0-0.

CLOSING REMARKS

Chairperson Vendetti made closing remarks at 7:28 p.m. The next meeting will be held on October 8, 2025, starting at 6:30 p.m. in Room 200.

VOTE: Commissioner Hickey made the motion to adjourn, seconded by Commissioner Franklin. PASSED 7-0-0.

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, September 24, 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. Enforcement Orders for 164 Pembroke Street (not enough signatures at Sep 10th meeting)
2. Invoices for Bonomi Welding, Beals & Thomas, and Kingston Landscaping.

ACTION ITEMS:

1. Troop 49 camp-out request
2. Ring Road Solar (126, 131, & 137 Ring Road): Request for Determination of Applicability regarding proposed installation of deer fencing around the bog solar complex.
3. 28 Raboth Road: Request for Determination of Applicability for proposed removal of hazard trees and treatment of invasive plants.

ENFORCEMENT:

1. 44 Raboth Road

MEETING MINUTES:

UPDATES:

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.

ADJOURN:

NEXT REGULAR MEETING:

1. October 8, 2025

Join Zoom Meeting

<https://pactv.zoom.us/j/96816332793?pwd=WmZRUWhTc0dsWUxrNGhSSiBNdDFldz09>

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: 9-²⁴23-2025

Scanned

NAME	INTEREST	ADDRESS
Dylan Veracka	Troop 49	52 evergreen
Chris Veracka	Troop 47	52 evergreen st
Chris Crown		275 Main