



Office of the Kingston Planning Board
Kingston Town House
26 Evergreen Street
Kingston, Massachusetts 02364

Meeting Minutes of November 14, 2022

Approved 8/21/23

Members:

Thomas Bouchard, Chair
David Gavigan, Vice Chair
Joanne Cullen, Clerk
Robert Gosselin, Member
Jonathan Barnett, Member
Richard Kenney, Alternate Member

CALL TO ORDER

Chair Tom Bouchard called the meeting to order at 7:05 PM

ROLL CALL

Tom Bouchard: Present
David Gavigan: Present
Joanne Cullen: Present
Jonathan Barnett: Present

Not Present: Bob Gosselin and Richard Kenney

Staff Present:

Valerie Massard, Town Planner

Community Present via Zoom: None Present

ANNOUNCEMENT

Mr. Bouchard “This meeting is being recorded by PACTV. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.”

APPOINTMENTS:

Public Hearing M&M Cantor Court LLC ‘Freedom Boat Club’ Lot 26-B Prospect Street, Kingston, Massachusetts-Assessors Map 67 Lot 26-B.

Request for approval of Special Permit per the Town of Kingston Zoning Bylaw Section 5.2 Table of Uses to allow for Winter ‘Dry’ Boat Storage in the industrial zoning district and Site Plan Review per Section 10.3 of the Zoning Bylaw.
Ms. Cullen read Public Hearing Notice as advertised.

Chairman Tom Bouchard opened the Public Hearing.

Special Permit requires minimum 4 votes and there were only 4 members present. The rules and procedures of Mullin's Rule were reviewed, and the Proponent agreed to proceed with 4 members present.

Attorney Rob D 'Ambrosio, of D 'Ambrosio Law in Plymouth representing M&M Cantor Court LLC 'Freedom Boat Club'.

Industrial Use site to store "dry boats". Boats are going to be winterized, all work done off site at a facility in Cedarville (Plymouth).

Site will be adjusted a little bit eventually and some tree clearing (as shown on plans) to increase the capacity to roughly 230 boats-(based on approximate 25x10 foot size).

Single level storage-no racks. Screening is planned. Passive site. Boats will be primarily moved twice a year. They will be stored in the fall/winter, and they will come out in the Spring. There will not be traffic of boats coming in and out. There should not be increased traffic or noise.

"Foundry Pond" is adjacent, and they have set themselves back more than 100 feet from the pond to avoid any environmental issues. They are outside of the Conservation Commission's jurisdiction. They will maintain existing vegetation.

There is an existing drainage facility onsite from a previous seaweed processing operation. It will be bricked up and filled in to further prevent any run-off- which is not expected to happen and should be clean water regardless.

There will be security cameras. A little bit of tree clearing on the North side.

No paving or permanent structures to be built.

Timber piles were stored on the property in previous years that may be responsible for the small amounts of arsenic detected in the soil. The client has done a Phase 1 environmental study. It is in the process of being remediated under a Limited Action Removal (LAR). They will take 8-12 inches of soil off the periphery that they think will capture the area with contaminates. Clean fill will be brought in. Suggests visiting the Freedom Boat lot in Cedarville to see a comparable lot.

Valerie Massard makes a summarization of the ownership of the lot previously and what is existing now. Reiterates the plans proposed by Freedom Boat and descriptions of the boats, their composition and answered all the questions that the Planning Department had initially.

These are the proposed conditions, after meetings with staff:

3 basins previously dropped in by previous kelp processor will be sealed so there will not be any water directed to the Pond.

No stacking of boats allowed.

No pavement or buildings.

Nothing except what is proposed will be allowed.

Municipal Lien Certificate ensuring that any back taxes or fees (if any) will be paid in full prior to being issued a building permit.

The chain-link fence may have slats put in to preclude the view from the street of the stored boats.

The boats will not be pulled all the way to the fence to minimize view of the boats from the driving view because the parking is at a lower elevation than the street.

There will be staked drive lanes the beginning of each season that the Fire Department will approve each year.

Repair to any damaged slats in the chain-link fence every year is proposed.
All the work for boat maintenance or repair will be done off site.
They will inspect the boats' fuel systems off site before bringing them to this property.
During off season they will make bi-weekly inspections of the boats at the site and keep a written record available to the Town upon request.
There will be a spill container kit on site.
There will be a trained person that works for this franchise that is trained on spill response. This person's name will be on record with the Fire Department.
No service maintenance or repair of any engines or marine equipment may occur on site.
No storage of materials related to marine service, maintenance, repair, or any other use on the subject site unless it's described in this permit.
No customer access to the site.
No daily in and out operations allowed.
No stacking of boats allowed.
No modifications will be made unless reviewed by the Planning Board
No storage of boats with inboard motors allowed without additional safeguards and review by the Planning Board.
All times of operation will aim to be during regular business hours:
7AM-6PM Monday-Friday
9AM-5PM Saturday

Jonathan Barnett asks if there is a possibility that there would be boats or trucks on the street.
Mr. D'Ambrosio answered that will never happen.
Mr. Barnett asks about the maximum size of the boats.
Mr. D'Ambrosio said these boats will not be large.
Principle Matt O'Connor joined the conversation to speak to the size of the boats should not exceed 25-30 feet. The boats are brought in one at a time on a regular hydraulic trailer, lowered onto blocks and the truck/trailer pulls away.

Mr. Gavigan asked about buildings. Mr. D'Ambrosio said there will be no buildings constructed.
Mr. D'Ambrosio said there will only be a trailer on site that is used for the emergency spill container kit.
Residents were given access to Site Plans for review.

Mr. Bouchard notes that Kingston did not always have zoning laws so industrial spaces are sometimes now within residential areas. He agrees that this is a very reasonable and light use of an industrial site.

Paula Anthrop, 19 Tremont Street wants to know how the boats get from Prospect Street to Plymouth. She is wondering if traffic will be impacted.
Mr. O'Connor reassures residents that these are regular utility trucks and not giant tractor trailers.

Mr. Gavigan asked if lights would be on the property.

Mr. O'Connor answered that there is not additional lighting proposed. Night safe security cameras will be used and only shine on the property if there is an unexpected issue.

David O'Leary, 23 Prospect Street. Concern over looking at the plans showing boats right up to the street. Requests plantings to screen the neighbor's view of the boats. He also wants to ensure that the "promises" being made are adhered to.

Chairman Tom Bouchard said they will try to make sure that they are held responsible for all conditions proposed.

Ms. Massard reviews the plans for overhead wires and street layout, noting fence is within the layout.

Mr. D'Ambrosio speaks to the boat yard being set down in elevation and thus there is a limited view of the boats if you were walking down the street.

Mr. O'Connor and Mr. D'Ambrosio are willing to do plantings. They are respectfully requesting approval with conditions to be met at a later hearing instead of continuance.

Ms. Massard looking at the plans, states that the chain-link fence would possibly have to be relocated outside of the road layout, or an easement for the fence should be discussed.

Christine Cody, 13 Prospect Street states concern about traffic safety. She asks if the hours can be amended to avoid the neighborhood children's getting on the bus in the morning and off the bus in the afternoon.

Mr. Bouchard says this request is unfeasible and not reasonable to ask of any business.

Mr. D'Ambrosio reassures resident that there will be no steady stream of huge trucks. He reminds the audience that this is an industrial use site that could lead to far much more invasive businesses. Mr. Bouchard reiterates this point.

Carol Nickles, 4 Prospect Ct. She is wondering if the boats will ever use Prospect Ct or just Prospect Street.

Mr. O'Connor says that his drivers will always use the safest road to travel on.

Ms. Nickles also asks if Freedom Boats can ever ask for permission to do marine repairs on site.

Mr. Bouchard said that they can ask.

Matt Judge, 27 Prospect Street. Asks for clarification on the number of boats on site.

Mr. D'Ambrosio said the number currently estimates 232 boats but that is based on the area of the land which will naturally limits the number of boats kept there. Larger boats would mean a fewer number of boats.

Mr. Judge feels that "slats in the fence" is not going to be enough of a screen.

Mr. Bouchard said if the fence must be moved anyway, perhaps a wooden fence could be put up instead.

Ms. Massard suggests a site walk with neighbors and applicants to go over what may realistically screen the boat yard to everyone's satisfaction.

Plantings, a fence, or a combination of both-whatever screens the site properly is what is recommended.

Frank Nickles, 4 Prospect Ct. Suggests the Town could probably grant an easement within the right of way to put the fence closer.

This recommendation is well received by the Planning Board.

Ms. Massard clarifies the conditions agreed upon with the amendments suggested.

Carol Nickles, 4 Prospect Ct. Requesting to know when the boatyard's busy times will be.

Mr. O'Connor estimates the busy months of the year tend to be mid-September through New Year's and then mid-April through July 1.

Frank Nickles, 4 Prospect Ct. Comments that this is a very calm and mild project that is best case scenario for this industrial site.

No further community input.

Applicant and Mr. D'Ambrosio agree to accept a 4-person vote.

Motion to close the Public Hearing.

Motion: Joanne Cullen

Second: Jon Barnett

All in Favor

Vote: 4-0-0.

Motion to approve the site plan for M&M Cantor Court LLC 'Freedom Boat Club' for winter dry boat storage Lot 26-B Prospect Street, Kingston, Massachusetts-Assessors Map 67 Lot 26-B in the industrial zoning district with conditions as stated and recorded.

Motion: Joanne Cullen

Second: Jon Barnett

All in Favor

Vote: 4-0-0.

Motion to approve the Special Permit for M&M Cantor Court LLC 'Freedom Boat Club' for winter dry boat storage Lot 26-B Prospect Street, Kingston, Massachusetts-Assessors Map 67 Lot 26-B in the industrial zoning district with conditions as stated and recorded.

Motion: Joanne Cullen

Second: Jon Barnett

All in Favor

Vote: 4-0-0.

Appointment for Site Plan review BrownBuilt Construction at 1 Tremont Street and 163 Summer Street.

Rick Grady, Planning Engineer for Grady Consulting on behalf Scott Brown. Fire Department previously requested they remove 2 trees which they show on the plans. That was the only major change since the last site plan review. The draft conditions are acceptable in their opinion.

Ms. Massard gave a brief history of the site plan changes. Amory Engineering has reviewed these plans. Recommend any changes require the applicant comes before the Planning Board to approve changes. Ms. Massard read the recommended conditions previously given to the client and the Planning Board members.

Paula Antrop, Tremont Street has concerns over parking in the street and people trying to use the street as a cut-through. She does not understand how the proposed plan is even possible. Mr. Chairman advises her to speak at the Zoning Board of Appeals meeting.

Missy Batista, 7 Dillingham's Way. She is asking if there is still a one way in and out. Ms. Massard confirmed that was approved.

Andrea Regan, 3 Burton Way. Requests to see the Site Plan to see the arborvitae and drainage at the back of the property since it is different than the one she had seen previously. The applicant agrees to show her the plan.

Motion to approve the revised site plan as presented with the stated condition (D) the word "plan" has been stricken from the conditions.

Motion: Joanne Cullen

Second: Jon Barnett

All in Favor

Vote: 4-0-0.

MBTA update: Ms. Massard is looking to initiate a MBTA task force with a representative from Planning, Water, Sewer, Selectmen and Conservation to help steer the process of trying to satisfy the State's requirements.

NEW/OLD BUSINESS:

MEETING MINUTES: None to review.

Motion to adjourn.

Motion: Joanne Cullen

Second: David Gavigan

All in Favor.
Vote 4-0-0

Meeting adjourned.

Materials Discussed/Reviewed at this meeting:

- Agenda
- Draft Final vote Freedom Boats
- Application materials and plans for 1 Tremont St and 163 Summer St.