



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

Special Meeting Minutes of August 30, 2023

APPROVED NOVEMBER 27, 2023

Planning Board members Present:

Tom Bouchard, Planning Board Chair
Dave Gavigan, Planning Board Vice Chair
Bob Gosselin, Planning Board Member
Jonathan Barnett, Planning Board Member

Staff present:

Valerie Massard, Town Planner
Erin Benoit, Assistant Town Planner
Jason Silva, Building Inspector

Freedom Boat Club representatives Present:

Matthew O'Connor, Freedom Boat Club
Robb D'Ambruoso, Attorney
Matthew Carrick, Freedom Boat Club

Room 203 2:00 PM
Zoom recording available.

DISCUSSION – Freedom Boat Club, 30 Prospect St, Special Permit apparent violation.

Mr. Bouchard called the meeting to order at 2 PM.

Valerie Massard reported that a stop-work order was initiated on Thursday, August 24, 2023, due to a suspected violation of the Special Permit conditions and numerous complaints from abutters. Specifically: with the hill behind the fence along the street cut significantly back and no buffer plantings have yet been installed – they were given an extension until this fall earlier this year - abutters are upset about the work that has been done; the site has now been clear-cut and all topsoil hauled out; there are roughly 50+ truckloads of finer-grade fill being graded by dozer and compacted with a vibratory roller across the entirety of the site, which is causing abutters to complain of shaking windows and fear of foundation damage; workers have been staging at 6:30 AM and starting up at 7 AM which abutters feel is too early. Materials submitted with the special permit application allowed for some clearing/grading and limited fill, and clearly stated that no resurfacing of the entire site was envisioned.

Mr. Silva confirmed the same and stated that the work has clearly extended beyond the scope of the special permit. Mr. Silva added that during his inspection, the truckloads of fill were so numerous and simultaneous that the contractor was using the public road (Prospect Street) as a staging area for equipment and deliveries, which is unacceptable.

Mr. D'Ambruoso acknowledged the site is in an unusual state because of the stop-work order and attested that his clients did not intend to stray from the approved plan and thought they were doing what they said they would do. The Freedom Boat Club representatives stated that the cleanup of the soil related to contamination by the prior owner was much more extensive, and deeper, than anticipated, and that some of the tree removal, grading and fill was related to this activity. Mr. D'Ambruoso requested that the Planning Board and Building Commissioner allow grading work to continue, but with less disruptive machinery. The Freedom Boat Club would like to start storing winterized boats on site soon and is willing to get the plantings installed.

Ms. Massard and Mr. Silva recommend that the plantings for screening be done prior to any boats being permitted to be brought in; they were already required to have the plantings installed this fall. Both are of the opinion that the condition of fill and grading for the site as is under way - if using less disruptive equipment- is approvable, the fill is clean and pervious, and the lot is not proposed to be paved.

Upon review of the landscape architect's planting plan, it appears to show that the plantings are in the street layout, as previously approved. No plantings have been installed. Grading has cut away the hill behind the fence almost to the lot line and it will be challenging to provide adequate screening.

The Planning Board discussion found the following:

- There are alternatives to the vibratory compressor equipment; Freedom Boat agreed.
- The site is both adjacent and across the street from residences.
- The plantings, after a phone call placed to Paul Basler (Superintendent of Highways) by Mr. Bouchard during the meeting, are permitted to be in the street layout if the Petitioner agrees to maintain them, along with their fence, in writing.
- Plantings are to be done along the entire fence (except the gate).
- No boats may be stored until the plantings are installed.
- Riprap is needed along the rear of the site where the new grading drops off a few feet before the silt fence.
- Ms. Massard agreed to meet the Freedom Boat Club representatives at the site immediately after the meeting to clarify the low points where riprap is needed.
- Completion of the grading/compressing work at the site will not begin prior to 8 AM.

Meeting adjourned approximately 3:00 PM

Materials discussed/reviewed at this meeting:

- Public Hearing Minutes, Correspondence and Approved Plans filed with the permit application, and the special permit issued.
- Revised Prospect Street Plant Schedule-Screen Planting revised, received at the meeting.
- Email exchange between Valerie Massard and Stuart Clark, VP of Engineering at Green Seal Environmental representing Freedom Boat Club regarding notes on the plan