



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES

TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
December 19, 2023

6:00 p.m. – CALL TO ORDER – ROOM 200

Vice Chairman Donald Alcombright called to order the meeting of the Board of Selectmen at 6:00 p.m.—selectmen in attendance: Sheila Vaughn, Tyler Bouchard, and Eric Crone.

Staff Present: Keith Hickey, Town Administrator; and Gloria Mitchell, Assistant Town Administrator.

ANNOUNCEMENTS:

- This meeting is recorded by PACTV. Anyone intending to make an audio or video recording of this meeting should notify the Chair at this time.
- Financial Assistance Applications are available on the town's website or by calling the Selectmen's Office.
- Holiday Hours are as follow:
 - Town House will be closed on Friday, December 22nd, and will re-open on Tuesday, December 26th.
 - Transfer Station will be open on Sunday, December 24th from 8am – 12pm. Closed on Monday, December 25th.
 - The library will be open on Saturday, December 23rd from 10am – 1pm

OPEN FORUM:

Nobody was in attendance for open forum.

APPOINTMENTS:

Public Hearing for Earth Removal Permit for PK Realty Trust for Off Route 44

PK -PK Realty Trust is requesting a permit for earth removal.

Mr. Alcombright read the Public Hearing Notice

The Board of Selectmen of the Town of Kingston will hold a public hearing at 6:00 p.m. on Tuesday, December 19, 2023, at the Town House, 26 Evergreen St, Kingston, MA, in Room 200, on the application of P.K. Realty Trust, PO Box 240, Plympton, MA 02367 for an Earth Removal Permit.

The applicant asks to be able to remove 1,100,500 cubic yards of sand and gravel offsite, from 20 acres on Assessors Maps 97, 96, 92 Lots 1, Lot 2, Portion of Lot 2, Lot 6, Portion of Lot 1, Portion of Lot 5, Off Route 44 for preparing the site for a cranberry bog, water supply/tailwater pond construction. The requested hours of operation are Monday-Friday 7:00 a.m. to 4:00 p.m. and Saturday 7:00 a.m. – 12 noon.

The application and plans are on file in the Selectmen's Office at the Town House and may be viewed during business hours.

Motion by Mr. Bouchard, seconded by Ms. Vaughn and a 4-0-0 vote,
VOTE: I move the Board of Selectmen open the public hearing.

Mr. Alcombright mentioned that the Water Commission has asked that the Selectmen not decide on the earth removal request this evening. The Water Commission's engineer will be reviewing the permit application and will provide findings at the January 9th Water Commission meeting.

Mr. Hickey stated that he spoke with the applicant prior to the meeting. They are prepared to share their presentation this evening and it was noted that it will be continued to a further meeting.

Attorney Tim Langley was in attendance to represent the applicant and informed the Board he will be providing an overview of what they are looking to do.

Bill Madden the Engineer was also in attendance who went through the application with the Board and presented the application on the screen to view.

It was noted that that this is an Earth removal permit they are stating is necessary to prepare the site for a cranberry bog, water supply/tailwater pond construction. The proposed organic cranberry bog is intended to be used to support a cranberry cultivation educational tool for students at Cardinal Cushing School. The request is for 20 + acres of 1,100,500 cubic yards total volume of materials to be removed from the site.

Also reviewed that an archeology resource review done, and it is noted within the application that there were no significant cultural resources will be affected.

The trucking route was mentioned within the application it states the trucking material from the site will be accomplished using off road articulated dump vehicles and materials will be delivered to Plympton Sand and Gravel located 3,500 feet northwest of the site.

Mr. Alcombright opened the discussion up to the public.

Josephine Biedling of 277 Meadow Steet, Carver and lives next to a site that was approved for earth removal permit 11 years ago and described her horrible experience and she is asking the Town are they prepared to protect the abutters of his project and the noise, traffic and dust.

Attorney Langley explained that he does not believe that the same experience will occur in Kingston.

Jimmy Powell of 51 Landing Road asked about the elevation of the pond and does the Town's earth removal permit bylaw state that there is a 10ft no touch zone of the water table. The question was not answered.

Meg Sheehan, an Environmental Attorney stated that this project is not allowed in the R80 residential district, and the use of the zoning must be residential. Attorney Sheehan went into detail as to why she believes this should be denied.

Mr. Crone asked Atty. Sheehan what the profit is of removing 1.1 million cubic yards of sand and gravel and her estimate is about 15 million dollars and that the benefit of this project is removing the sand and gravel and not constructing cranberry bogs.

Atty Sheehan believes the estimate is 3 million dollars in profit of the earth removal and disagrees with the R80 requirements.

Mr. Crone discussed that after research an old bog can be converted to an organic bog while Atty Sheehan disagreed.

Mr. Hickey is recommending the Board request \$10,000 for engineering peer review of what is being proposed. Town staff will meet to analyze the proposal and provide comments to the Board once the peer review is complete. This will also be reviewed by the Town Counsel.

Michele Frost of Quincy and explained that her daughter is a student at Cardinal Cushing and wanted to provide her side of this project and how her family would benefit from this project.

Pine duBois of 93 Elm Street spoke regarding the Jones River Watershed believes this project will damage the site and is not in favor of the project.

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 4-0-0 vote,

VOTE: I move the Board of Selectmen to continue the public hearing until January 16th at 6:15 p.m. Further, the Board requests PK Realty Trust to provide \$10,000 for a peer review to be completed on the earth removal proposal. The peer review company will be chosen from a list of Planning Board approved peer review firms by the Town Administrator.

Approval of Blackwater Memorial Forest Conservation Restriction

Conservation Agent Matt Penella was in attendance and gave a brief description of what was before the Board. A CR was required as part of the grant that funded half the purchase price, and he has been working with Wildlands Trust (CR holder), the MA Division of Conservation Services, Town Counsel, and the MA Department of Fish & Game's In-Lieu Fee Program (ILF- they're funding the ecological restoration of the on-site wetlands) on modifying the CR language over the last year and a half. The Board had no discussion.

Motion by Mr. Bouchard, seconded by Mr. Crone and a 4-0-0 vote,

VOTE: I move the Board of Selectmen approve the Blackwater Memorial Forest Conservation Restriction.

Request for (Two) One Day Liquor Licenses from Stephen Coe of Early Bird Café for New Year's Eve and New Year's Day

Mr. Alcombright mentioned that Stephen Coe of Early Bird Café is looking to open his restaurant for New Year's Eve 5 pm-10 pm and New Year's Day from 8 am-3 pm and serve beer and wine.

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 4-0-0 vote,

VOTE: I move the Board of Selectmen approve the request for two Day Liquor Licenses for Early Bird Café for December 31, 2023, from 5pm-10pm and January 1, 2024, from 8am -3pm

Amendment to Hours and New Entertainment License for 42nd Parallel Brewing Co

Mr. Alcombright explained that 42nd Parallel Brewing Co is requesting to extend their hours on Fridays to open earlier at 2 pm. Along with the time change it is also being requested to have a live entertainment license. Jason Silva, the building inspector has issued a contingent on the approval of a limit capacity to less than 50 people.

Motion by Mr. Bouchard, seconded by Mr. Crone and a 4-0-0 vote,

VOTE: I move the Board of Selectmen approve the request from 42nd Parallel Brewing Co. to change their hours as requested to open on Fridays at 2 pm and have a live entertainment license with a limited capacity to less than 50 people.

ADDITIONAL ITEMS:

Request to Expend ARPA Funds

Mr. Hickey explained that he is requesting the support to rescinding the balances of four previously approved ARPA funded uses and four proposed uses of ARPA funds.

Motion by Mr. Crone, seconded by Mr. Bouchard and a 4-0-0 vote,

VOTE: I move the Board of Selectmen approve rescinding the previous approval to fund the following uses:

- Anticipated Fire Department COVID expenses in the amount of \$ \$24,122.87.
- Health Department Vaccination Clinics in the amount of \$14,000.
- Installation of Microsoft 365 GCC in the amount of \$ 16,000.
- COA Dishwasher in the amount of \$762.

Motion by Mr. Bouchard, seconded by Ms. Vaughn and a 4-0-0 vote,

VOTE: I move the Board of Selectmen approve the following uses: or ARPA funds:

Fire Dept. Alerting System

\$100,000

Recreation Portable Air Conditioning	\$ 60,000
New Chiller for Elementary School	\$296,000
Replacement of the Opti-com	\$ 10,000
Total ARPA Requests	<u>\$466,000</u>

Approval of Annual License Renewals

Mr. Alcombright explained that included in the Board materials is a summary of all annual license renewals that have been submitted by Kingston businesses. The Board can approve as a whole if they would like. There was no discussion.

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 4-0-0 vote,

VOTE: I move the Board of Selectmen approve the annual licenses as printed in the agenda addendum.

Acceptance of Donation

The Veteran's Department received the following donations and is requesting the Board accept them.

Motion by Mr. Bouchard, seconded by Mr. Crone and a 4-0-0 vote,

VOTE: I move the Board of Selectmen accept the following donations to the Veteran's Department:

\$200 in gift cards from Bob and Paula Green

\$500 in gift cards from an anonymous donor

Police Chief Search Update and Next Steps

Mr. Crone noted that the consultant sent questions to 7 applicants and the group will be reviewing those this week.

MEETING MINUTES

Open Session Meeting Minutes: December 5, 2023

Motion by Mr. Crone, seconded by Ms. Vaughn and a 3-0-1 vote, Mr. Bouchard abstained.

VOTE: I move the Board of Selectmen to accept the open session meeting minutes of December 5, 2023.

TOWN ADMINISTRATOR'S REPORT:

Mr. Hickey read from his report:

Financial Updates

- There are no financial updates this week.

Project Updates

- The Wastewater Treatment Plant Upgrade project reached substantial completion last week. With only punch list items left to complete, an occupancy permit for the upgrade was issued.
- The Glycol conversion at the COA is done. New heating tape and insulation has been added to the front entrance area and currently the ceiling is going back up with new access ports to service the sprinklers. After a quick washdown tomorrow by facilities that project will be fully completed.
- Here at the Town House, we will be working to start the pre action system with the alarm panel upgrade happening tomorrow per my note. Once we have a handle on any savings from these two projects (COA/Pre Action) I will be asking to use that money to fully integrate an attic pre-action system and upgrade the Highway Barns alarm panel. I am very confident I we can make both happen with no other funding needed other than what was already approved from two afore mentioned projects, just will need to be re-allocated.
- Security cameras are being installed at Gray's Beach due to vandalism in the new playground.
- The Massachusetts Housing Partnership (MHP) has awarded the Town of Kingston a grant for technical assistance services in the amount of \$25,000 to assist the Town in planning efforts to comply with Ch 40A Sec. 3A, the MBTA Communities law. The engineering firm of Vanasse Hangen Brustlin, Inc. will be assisting the Town.

Personnel Update

- There are no personnel updates this week.

Miscellaneous Updates

- The Request for Proposals for legal services has been submitted for advertising to the Massachusetts Municipal Association, Commbuys and will be published on the Town website.

SELECTMEN COMMENTS:

Ms. Vaughn appreciated all the support of luminaries, and it was a great event, Mr. Bouchard agreed.

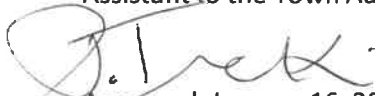
Happy Holidays to all!

Motion by Ms. Vaughn, second by Mr. Crone, and a 4-0-0 vote,
VOTE: I move to adjourn

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen



Approved: January 16, 2024

Documents used at the meeting:

Agenda
Agenda Addendum
Presentation of Earth removal
License Applications
Town Administrator Report