



TOWN OF KINGSTON
BOARD OF SELECTMEN
OPEN SESSION
MINUTES
TOWN HOUSE-26 EVERGREEN ST. ROOM 200 & VIA ZOOM
March 12, 2024

6:00 p.m. – CALL TO ORDER – ROOM 200

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

Staff Present: Patricia Tucker, Assistant to Town Administrator.

ANNOUNCEMENTS:

- 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 at this time.
- Financial Assistance Applications are available on the town's website or by calling the Selectmen's Office.
- As a reminder, the parking at the Ah-Dee-nah is closed.
- Dog licenses are available in the Clerk's office. Please keep in mind that there is a \$20 late fee if your dog is not registered by March 15th.
- On March 19th the Agricultural Commission is sponsoring a program for all ages hosted by Mike Porter Catskill Forest Association on the health benefits of Maple Syrup
- The Annual Town Meeting is scheduled for Saturday, May 4th
- The Annual Town Election is scheduled for Saturday, May 18th.
- Nomination Papers are now available and need to be returned by March 29th at 11:30 am
- For anyone interested in volunteering, we have several vacancies on various committees and boards. To see a complete list of the openings, please visit our website at kingstonma.gov.

OPEN FORUM:

There was no one in attendance for open forum.

APPOINTMENTS:

Approval of One Day Liquor Licenses

Ms. Emberg explained that Micheal Snowdale of Stellwagen Beer Co is requesting Two- One Day Liquor Licenses for the Clover Cup Hockey Tournament the weekend of March 15th. All proper paperwork has been received including a letter from The Bog regarding the event. The paperwork was reviewed and signed off on by the Interim Police and Fire Chief

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 5-0-0 vote,

VOTE: I move to approve the request from Micheale Snowdale dba Stellwagen Beer Co for Two - One Day Beer and Wine Liquor License for the Clover Cup Hockey Tournament at the Bog the event is taking place on March 15, 2024, from 5 pm-10 pm and March 16, 2024, from 12 pm – 6 pm.

6:05 P.M. Continuation of Public Hearing for Amendment of A3 Liquor License

Ms. Emberg stated as they briefly talked about this at the February 27th meeting that 3 Dogs LLC dba A3 is requesting an

amendment to their alcohol license. Currently, they are licensed to sell Wine and Malt. A3 is requesting a Change of Category to allow them to sell all types of alcohol. The request was reviewed by the appropriate departments and there were no objections.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 5-0-0 vote,
VOTE: I move the Board of Selectmen to open the public hearing.

There were no questions from the Board or the public.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 5-0-0 vote,
VOTE: I move the Board of Selectmen to close the public hearing.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 5-0-0 vote,
VOTE: I move the Board of Selectmen to approve the amendment to the license of 3 Dogs LLC dba A3 Pizza to an All-Alcohol Beverage License.

Request from Promotor Line Inc. to hold the Annual Cape Cod Getaway MS Bike Ride on June 29, 2024

Ms. Emerg explained that a request was received by Promotor Line Inc. to hold the Annual Cape Cod Getaway Bike ride on June 29, 2024, through the streets of Kingston. The request was sent to the Interim Police Chief and the Fire Chief along with the Superintendent of Streets for review, their recommendations are in the meeting packet.

Motion by Mr. Bouchard, seconded by Mr. Alcombright and a 5-0-0 vote,
VOTE: I move the Board of Selectmen to approve the request from Promotor Line Inc. to hold the Annual Cape Cod Getaway MS Bike Ride on June 29, 2024, according to the traffic control plan presented with the following conditions:

- The applicant successfully acquires the proper permits to hold the said event from MassDOT.
- The applicant contacts the Kingston Police Department to schedule detailed officers as recommended by the Interim Police Chief.

Discussion of Tax Work-Off Program Limit

Ms. Emberg explained that the Board had reviewed this in early 2023 and supported the change of the Senior Workoff and Veteran Workoff benefit from \$750 to \$1,000 for FY2024. At that time, they discussed revisiting the discussion. Mr. Hickey did some analysis of surrounding towns and suggested that the amount be increased to \$1,250 for FY25. Funding will continue to be provided through the Assessor's Overlay account.

Motion by Mr. Alcombright, seconded by Mr. Crone and a 5-0-0 vote,
VOTE: I move the Board of Selectmen to recommend including a warrant article at the 2024 Spring Town Meeting to increase the senior and veteran tax work-off allowance to \$1,250.

Approval of Common Victualler License

Ms. Emberg explained that a new common victualler license application for Keegan Kreations has been submitted. This is located at 136 Main Street.

Motion by Ms. Vaughn, seconded by Mr. Bouchard and a 5-0-0 vote,
VOTE: I move to approve the common victualler license for Keegan Kreations

Appointment to Conservation Commission

Ms. Emberg explained that the Conservation Commission has two vacant seats. Marilyn Kozodoy applied, and at their February 28th Conservation Commission meeting, they voted on a favorable recommendation of Ms. Kozodoy for one of the vacant seats.

Motion by Ms. Vaughn, seconded by Mr. Alcombright and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to appoint Marilyn Kozodoy to the Conservation Commission effective immediately through June 30, 2026.

Acceptance of Donation

The Council on Aging received the following donations and has asked the Board to accept:

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to accept the following donations:

- \$20 Donation to benefit the Café Program from Donald Kelly
- \$300 donation from Barbara Potter to be used for the purchase of a new TV in the library.

Review of Draft Town Meeting Articles

Ms. Emberg stated that she had requested that the Town Administrator Hickey provide a draft list of articles. Ms. Emberg noted that at the next Selectmen's meeting on March 26th, the Board will be closing the warrant.

There were no comments or questions from the Board.

MEETING MINUTES

Approval of Open Session Meeting Minutes – January 30, 2024

Motion by Mr. Crone, seconded by Mr. Bouchard and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to approve the open session meeting minutes from January 30, 2024, as amended in the packet.

6:15 P.M. Continuation of Public Hearing for Earth Removal Permit for PK Realty Trust for Off Route 44

Ms. Emberg stated PK Realty Trust is requesting a permit for earth removal. The public hearing began on December 19, 2023, where testimony was heard from the applicant and the attendees. A peer review of the plan was proposed by the Town and agreed to by the applicant. The public hearing was continued to January 16, 2024, Selectmen's meeting in anticipation of the peer review being complete. The peer review was not finished in time for the January 16th meeting, so the public hearing was opened and continued to this agenda.

Motion by Mr. Bouchard, seconded by Ms. Vaughn and a 5-0-0 vote,

VOTE: I move the Board of Selectmen to open the public hearing.

Ms. Emberg explained what has been done thus far in this request. Two peer reviews were completed on this proposal. The first was contracted by the Water Commissioners, the second by the Selectmen. Both reviews are included in the Board packet. There are extensive comments on the peer reviews within the addendum.

Mr. Scott Horsley shared his screen and provided a PowerPoint presentation to the Board as well as providing his qualifications with his extensive experience with cranberry bogs. Along with that, Mr. Horsley went into detail on his slides regarding:

- Water Table Map with the Proposed Project and Public Supply Well
- Groundwater Flow Towards Brook Street Private Wells and Public Supply Well

According to the Applicant, the project is intended as an educational opportunity to train students on sustainable agriculture.

The engineering firm hired by the Water Commissioners, ResilientCE, raised several issues.

Some of the concerns are:

- ResilientCE suggests a question be asked of the applicant about when the area within the Water Resource Overlay District will be returned to the natural vegetative state, within one year of the fill removal in the Water Resource

Overlay District or within one year of completion of earth removal on the entire site?

- ResilientCE has found that the Earth Removal Permit Application submitted by G.A.F Engineering, Inc. on behalf of P.K. Realty Trust proposes work that has the potential to negatively impact the Town's water supply.

The engineering firm hired by the Board of Selectmen, Scott W. Horsley, has provided his opinion on the proposed project below and his conclusions are:

- The proposed project includes the construction of a cranberry bog and an associated water supply reservoir. The project design does not comply with several provisions of the Kingston Earth Removal Bylaw (as articulated above) and increases the vulnerability of groundwater contamination and risks to downgradient drinking water supplies.

Ms. Emberg asked the Board if they had any comments or questions and there were none at the time.

Water Commissioner, Bob Erlandsen of 99 Monks Hill Road, stated that the Water Commissioners stand by comments sent in before with serious concerns regarding unknowns.

As a resident, Mr. Erlandsen went on to say that when you are creating a lesson plan there are so many teachable bogs that are not doing well and teachable should be secondary.

Richard Loring Chair of the Water Commissioner spoke as a resident and questioned extensively about how you change this teachable for secondary.

Dana Dupere of Holmes Ave is worried that with the flow of water, the pond will dry up. What if it dries up what will happen?

Attorney Rob D'Ambruoso understood there are reservations by some individuals, and they can work to get everyone more comfortable with the project. Atty D'Ambruoso stated that it bears mentioning that there is a bylaw regarding earth removal. The inquiry is does this project complies with the bylaw requirements.

Bill Madden, Civil Engineer with JF Engineering introduced himself and stated he is a designer and permitter of cranberry bogs. He stated that this will be reviewed at the MEPA level and DEP for water management, and this is not a low-impact project it's an earth-removing project with the result of a cranberry bog. Mr. Madden feels the project fits within the site and the regulations of the bylaw.

Mr. Horsley asked what the need for the earth removal is and why couldn't a bog be built at or near the existing grade. Mr. Madden responded that the site has steep topography, and the level requires a significant grade change. It is not the best soil and needs to be manipulated.

Mr. Crone asked, rather than remove the earth can you spread it out?

Mr. Madden replied that there is an opportunity for that, an excavated sight is needed.

Matt Penella, Conservation Agent clarified that the applicants' reps filed an RDA with The Town and they did bring the request to DEP to supersede the Conservation determination and DEP overturned the Town's decision.

There was an appeal regarding the Kingston Wetlands Protection Bylaw, but Mr. Penella reviewed that with Town Counsel, and the paperwork was never completed. Within the local bylaw, the determination by the Conservation is still in effect.

Attorney D'Ambruoso made a closing statement that procedurally, it would make sense to try and try again and they don't want a project detrimental to the town. He is requesting to come back to the Board with a new application that may be a smaller project.

Farmer has an aligned interest in the community. More separation from ground water is better and they don't feel it will degrade the water.

Is it safe the primary concern is groundwater, and Ms. Emberg is a concern.

Motion by Mr. Bouchard, seconded by Mr. Crone and a 5-0-0 vote,
VOTE: I move the Board of Selectmen to close the public hearing.

Attorney Rob D'Ambruoso requested that they withdraw without prejudice to resubmit. The Board briefly discussed.

Motion by Mr. Alcombright, seconded by Mr. Bouchard and a 4-1-0 vote, Ms. Vaughn opposed.

VOTE: I move the Board of Selectmen to deny the Earth Removal Permit filed by P.K. Realty Trust for the following reasons:

- Possible Impact on the Town of Kingston Water Supply
- The Earth Removal Application does not comply with several provisions of the Kingston Earth Removal Bylaw, such as Chapter 12 Articles 7, 9 and 12

Review of 2023 Kingston Open Space & Recreation Plan Draft for Comment by the Board of Selectmen

Ms. Emberg explained that in November of 2023 Conservation Agent, Matt Penella distributed the Draft Kingston 2023 Open Space & Recreation Plan. A requirement of the Plan is DCS requires the Board of Selectmen to comment on and approve the plan. Included in your Board materials is the proposed Plan.

Ms. Emberg thanked the team that contributed to this plan.

Mr. Penella stated this will be on the website once fully approved.

Motion by Mr. Alcombright, seconded by Mr. Crone and a 5-0-0 vote,

VOTE: I move to authorize the Chair to submit a letter of support for the Draft Kingston 2024 Open Space & Recreation Plan as presented

Update from MBTA Working Group

Ms. Emberg explained that the MBTA working group has worked to present their recommended MBTA Zoning Overlay District to the Board.

Ms. Valerie Massard shared her screen and presented her presentation to the Board. The presentation is in the Board materials for reference.

Some of the topics Ms. Massard discussed:

What is an MBTA Community:

- + All Massachusetts MBTA towns as defined by the Department of Housing and Livable Communities (HLC) are required to adopt new zoning to allow multi-family housing that meets state guidelines for the new law.
- + Kingston is:
 - + required to create a new multifamily zoning district with a 50-acre minimum size
 - + required to increase the multifamily unit capacity by not fewer than 805 units, at a gross density of 15 units per acre.
 - + we don't have to build any housing, we have to zone for it
- + Multi-family shall be permitted "as of right" with no age restrictions.

National and State Housing Needs:

- + Nationwide housing shortage; state/local governments throughout the US adding multi-family zoning.
- + Massachusetts losing workforce to other states: aging demographic, New England weather, cost of living, old houses.
- + Kingston has a similar demographic to Massachusetts: aging population; costs of living/housing are high; limited housing options.

The deadline for Kingston to review this is October 2024, the Town is at risk if we decide not to do this:

- + **Loss of state funds! We have used them for the following:**

- + MassWorks Infrastructure Program
 - + \$6 million Lowe's, Amazon, Elevated Roots water and sewer
- + LAND (Local Acquisitions for Natural Diversity) Grants
 - + \$400,000 towards Blackwater Memorial Forest (Winthrop Street)
 - + \$195,000 towards Cranberry Watershed Preserve Annex (Grove Street)
- + Municipal Vulnerability Planning for Climate Resiliency
 - + \$20,000 to prepare MVP Plan; any future funds
- + Brownfield Redevelopment Funds
 - + \$45,000 studied Maple Street Fire Station to estimate cleanup needs

Mr. Bouchard added that Ms. Massard was the one who got the grants, for this and it is a massive project.

Ms. Massard added that the Town doesn't have to build these units but it has to be zoned for them.

Mr. Bouchard thinks there will be changes after Towns hold spring town meetings so Kingston discussing in the Fall is a good start.

TOWN ADMINISTRATOR'S REPORT:

Ms. Emberg read through Mr. Hickey's report:

Financial Updates

- Kingston received receipts totaling \$85,089 for FY24 Migrant Aid from the Commonwealth to supplement the room tax lost from extended stays at Kingston hotels.
- The Community Preservation Committee has recommended the following projects be presented at the Annual Town Meeting for voter consideration:
 - ▶ Affordable Housing Trust \$50,000
 - ▶ Repairs to the Building on Major John Bradford Home \$71,850
 - ▶ Advance the Jones River Corridor Preservation \$ 50,000
 - ▶ Calista Fann Grass Land \$2,895
 - ▶ Chimney Swift Tower Eagle Scout Project \$1,000
 - ▶ Tennis Courts Rehabilitation Renovation \$ 150,000
 - ▶ Recreation-Opachinski Irrigation Wells \$92,000
- I have been asked to attend a meeting with the Schol Department on March 14th to assist in reviewing and discussing their FY25 draft budget.

Project Updates

- The boat ramp project is beginning on March 25th when the tide is at its lowest.

Personnel Update

- Veteran Agents Den Forbes and Pricilla Brackett have both provided their resignations. They will both be leaving in July. Pricilla Den and I met with the Duxbury Veterans Agent to determine if there is any interest in sharing the position with Duxbury. The two towns would become a district and would share the Veterans Agent position along with an administrative position. This option is supported by Den and Pricilla. We will be meeting again soon to continue discussions. I will keep the Board up to date on this opportunity.

Miscellaneous Updates

- There are no miscellaneous updates this week.

SELECTMEN COMMENTS:

Motion by Mr. Bouchard, seconded by Mr. Alcombright and a 5-0-0 vote,
VOTE: I move to adjourn
The meeting was adjourned at 8:14 PM.

NEXT REGULAR MEETING:

March 12, 2024

Respectfully submitted,

Patricia Tucker
Assistant to the Town Administrator/Board of Selectmen

Documents used at the meeting:

Agenda
Agenda Addendum
Town Administrator Report