



## **Zoning Board of Appeals**

Kingston Town House, 26  
Evergreen St. Kingston Ma 02364

### **ZONING BOARD OF APPEALS MINUTES 08/07/24**

The Kingston zone Board of Appeals discussed a petition by Priolo Wapping Realty LLC for a comprehensive permit to build an age-restricted residential development with 60 units at 113 and 117 Wapping Road. Key issues included drainage, sidewalk design, and waivers for local regulations. The water department expressed concerns about excavating within 10 feet of the water table, potentially contaminating future well sites. The conservation agent highlighted the need for buffer zones and proper landscaping. The developer argued that the proposed changes met state regulations and were necessary for the project's feasibility. The board decided to postpone a final decision, seeking further input from the conservation agent. The meeting discussed concerns about excavation near the water table and its potential impact on well sites. The town needs additional well sites due to high water demand, pumping nearly 3 million gallons daily. The applicant requested specific waivers for a development project, including buffer zones and retention ponds. The board emphasized the need for test holes to monitor groundwater levels. The applicant expressed frustration over delays, noting the project has been stalled for a year. The board decided to continue the hearing to finalize conditions, with a follow-up meeting scheduled for November 6. Additionally, the board denied the withdrawal of a 12-unit project due to unresolved issues, including water supply and other site concerns.

#### **Board Members**

#### **Action Items**

- ☐ Provide a list of conditions to address the outstanding engineering comments.
- ☐ Draft the decision with the agreed-upon conditions and share with the applicant.
- ☐ Schedule the matter for the next meeting on August 21st.

#### **Outline**

#### **Public Hearing Introduction and Initial Remarks**

- Paul Dahlen opens the Kingston zone Board of Appeals meeting at 7:01 PM on Wednesday, August 7, 2024.
- The project involves constructing an age-restricted residential development with 60 units at 113 and 117 Wapping Road in Kingston.
- Pat Brennan from PGB Engineering, provides an update on revised plans and drainage calculations received in response to previous comments.

#### **Engineering Updates and Conditions**

- Pat Brennan explains the major changes, including the use of a vertical concrete curb and sidewalk to address sidewalk and grass strip issues.
- The need for handicap ramps at each end of the walk is highlighted, along with an additional waiver required for a 10-foot-wide drainage easement.
- Test holes at infiltration facilities and regular mowing of detention basins are recommended as conditions of approval.
- Waivers from Board of Health regulations regarding private wells and sewer lines are discussed, with specific details on the requested waivers and their implications.

#### **Water Department Concerns and Waiver Requests**

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- Richard Loring from the water department, expresses concerns about excavating within 10 feet of the water table due to potential future well sites.
  - The water department's inability to provide municipal water to the project area is noted, with a focus on the long-term impact on the town's water supply.
  - Paul Dahlen questions the timing of the water department's concerns, leading to a discussion on the proximity of the leaching field to potential well sites.
  - Paul Dahlen I, representing the developer, argues that the proposed septic system meets state regulations and questions the necessity of the waivers requested by the water department.

#### **Discussion on Septic System and Water Table Concerns**

- Paul Dahlen discusses the feasibility of maintaining a 10-foot buffer from the water table during excavation.
- The developer Glen Priolo emphasizes the extensive testing and engineering work already done to ensure the project meets all regulations.
- Chris Veracka, water superintendent, confirms the need for a hydrant on the property and the potential impact on future water supply plans.
- The board members express concerns about the potential contamination of groundwater and the long-term implications for the town's water supply.

#### **Conservation Agent's Input and Public Concerns**

- Pine Du Bois from the Jones River Watershed Association, raises concerns about the project's impact on the water table and the potential for contamination.
- The importance of maintaining the buffer zone around wetlands is emphasized, with references to the town's bylaw and state regulations.
- Paul Dahlen reiterates the developer's commitment to meeting all regulations and the feasibility of the proposed project.
- The board members discuss the need for further input from the conservation agent and the potential conditions for approval, including the requirement for test holes and maintaining a buffer from the water table.

#### **Final Remarks and Next Steps**

- Paul Dahlen suggests conditioning the approval to require test holes and maintaining a buffer from the water table, with further discussion needed on the specifics.
- Paul Dahlen I expresses frustration with the late concerns from the water department and the need for clear conditions to move forward.
- The board members agree to continue the discussion at the next meeting, with the conservation agent's input to be included.
- The meeting concludes with a consensus to address the remaining concerns and finalize the conditions for approval at the next meeting on August 21, 2024.

#### **Need for Additional Well Sites**

- Paul Dahlen mentions the town's substantial growth and the need for additional well sites to prevent over-pumping.
- Paul Dahlen explains the moratorium on water usage due to high demand and the need to let wells rest and replenish.
- Paul Dahlen references a report from the town's engineer and conservation, indicating no other versions of the report were seen.
- Lane Goldberg expresses concern about the board being asked to consider potential future issues that could harm a private owner.

#### **Discussion on Waivers and Buffer Zones**

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- Paul Dahlen explains the request for specific waivers rather than a broad sweep, including buffer zones and retention ponds.
- Paul Dahlen clarifies that the request is for waivers in case of groundwater issues, not digging in wetland areas.
- Paul Dahlen expresses frustration over the prolonged process and the need for a final decision.
- Paul Dahlen I emphasizes the importance of preserving the site and the need for clear conditions to avoid further delays.

#### **Conditions for Approval**

- Paul Dahlen suggests adding conditions for test holes to be monitored by a town agent.
- Paul Dahlen I agrees but notes that the town's engineer has already done the necessary monitoring.
- Paul Dahlen and Lane Goldberg discuss the need for clear conditions to ensure compliance and prevent future issues.
- Paul Dahlen reiterates the importance of getting a final decision to move forward with the project.

#### **Finalizing Conditions and Voting Process**

- Paul Dahlen explains the need for a written decision from the town council before taking a final vote.
- Paul Dahlen I emphasizes the urgency of getting a vote to move forward with the project.
- Lane Goldberg suggests making a motion to table the decision until the next meeting to allow time for writing the conditions.
- Paul Dahlen discusses the process for finalizing the decision and the importance of having a clear written document.

#### **Withdrawal of Proposed 12-Unit Project Riverview/ May Court**

- David Hennig employed by Attorney Robert Galvin, representing Riverview Properties LLC, requests withdrawal of the proposed 12-unit project.
- Paul Dahlen suggests denying the withdrawal due to unresolved issues, including water supply and other concerns.
- Paul Dahlen reads a statement from Mrs. Tree, highlighting issues with recreational space, visitor parking, and flooding.
- Paul Dahlen and Lane Goldberg discuss the need to deny the withdrawal and the project due to the lack of a feasible water supply.

#### **Denial of Withdrawal and Application**

- Paul Dahlen makes a motion to deny the withdrawal request, emphasizing the unresolved issues.
- David Hennig inquires if the board's decision aligns with town council's recommendation.
- Paul Dahlen confirms that the board's decision is made independently but considers town council's advice.
- Lane Goldberg makes a motion to close the public hearing and deny the application, which is seconded by Kevin Writhington and approved.

#### **Final Actions and Adjournment**

- Paul Dahlen reads the findings from the original decision, emphasizing the lack of a feasible water supply.
- Lane Goldberg makes a motion to close the ZBA hearing for August 8, which is seconded by Doug Dondero and approved. 4-0
- Lane Goldberg makes a motion to adjourn the meeting, which is seconded by Kevin Writhington and approved.
- The meeting is officially adjourned with all members in favor. 4-0

