



**Kingston Zoning Board of Appeals
Town House
26 Evergreen Street
Kingston, MA 02364**

Minutes 06/04/25

The Kingston Zoning Board of Appeals meeting on June 4, 2025, focused on a special permit application for a 70,000 sq. ft. transfer station at 48 Marion Drive. The applicant, Kingston Environmental LLC, sought to challenge the building commissioner's denial, arguing the use fits under the definition of a public utility building or a processing facility. The board discussed the legality of the transfer station under the 1987 Solid Waste Management Act, which prohibits specific prohibitions without affirmative language. Concerns about traffic, noise, and environmental impact were raised. The board voted 4-1 to uphold the building commissioner's denial.

Opening the Meeting and Initial Discussion

- Paul Dahlen opens the Kingston Zoning Board of Appeals meeting for June 4, 2025, and calls for a second to open the meeting.
- The only agenda item for the night is 48 Marion Drive.
- Lane Goldberg provides details about the applicants, Mary O'Donnell, and Jack Walsh, and the proposed special permit for a 70,000 square foot transfer station, sorting facility, and rail transfer station for waste and recyclables.
- Paul Dahlen questions the procedural aspects of the meeting, seeking clarification on the previous vote and the current status of the permit.

Clarification of the Permit and Procedural Issues

- Dave Kulikowski explains the purpose of the meeting, stating that the current zoning by-laws do not define a transfer station, making it prohibited under Section 4.1.
- The board's duty is to confirm or deny whether the definition of a waste transfer station meets the definition of a public utility building.
- Paul Dahlen seeks further clarification on the procedural aspects, ensuring the board

understands the current status of the permit.

- Dave Kulikowski confirms that the special permit is not for the board but for the planning board if the definition is approved.

Legal Counsel's Explanation and Clarification

- Attorney Robert Galvin explains that the appeal is not for a special permit but to challenge the building commissioner's decision.
- Galvin clarifies that the appeal is to determine whether the building commissioner's decision was correct or incorrect.
- Galvin mentions that the applicant, Kingston Environmental LLC, has the right to use the tracks if they have permissible use.
- Paul Dahlen questions the feasibility of the project if the tracks are not available, seeking assurance from Galvin.

Discussion on the Use of Tracks and Public Utility Building

- Galvin explains that the use of the tracks is contingent on having permissible use, as confirmed by a letter from the entity controlling the tracks.
- Paul Dahlen expresses concern about the feasibility of the project if the tracks are not available within a reasonable timeframe.
- Galvin emphasizes that the project is designed to use the rail line for transportation, reducing the need for trucking.
- Paul Dahlen questions the applicant's strategy of bypassing the planning board and seeking approval from the zoning board.

Arguments for and Against the Proposed Use

- Galvin argues that the proposed use fits within the definition of a public utility building or a processing facility.
- Galvin highlights the benefits of the project, including potential cost savings for the town and reduced environmental impact.
- Paul Dahlen and other board members express concerns about traffic, noise, and the potential impact on neighboring properties.
- Galvin reassures the board that the project will comply with all necessary regulations and conditions imposed by the planning board.

Public Comments and Concerns

- John Sullivan expresses concerns about the potential impact on his business and the surrounding neighborhood, including noise, traffic, and reduced property values.

- Jimmy Powell suggests that the town consider amending the zoning by-laws through a town meeting to get more public input.
- Paul Dahlen⁶ questions the suitability of the site for the proposed use, suggesting that other towns might be more suitable.
- Eric Crone provides information about the town's financial constraints and the potential benefits of the project, including curbside pickup and cost savings.

Board's Deliberation and Vote

- The board discusses the merits and concerns of the proposed use, considering the legal and procedural aspects.
- Paul Dahlen calls for a motion to close the public hearing and proceed to a vote.
- The board votes to uphold the zoning enforcement officer's ruling, with a four to one majority in favor.
- The meeting concludes with a motion to adjourn, which is seconded and approved by the board.