

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
September 21, 2004

Chairman Mark S. Beaton opened the meeting of the Board of Selectmen held on September 21, 2004 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Paul M. Gallagher, Olavo B. DeMacedo, Joseph D. Kelleher, Richard E. Kenney and Town Administrator Kevin R. Donovan.

The Chairman announced the dates to note and the Open Forum.

Andrew Harkins came forward to provide information about his Eagle Scout project of placing flags and poles at the Opachinski Field Complex in two locations and requested the Board approval. Mr. Beaton advised the item was on the Board's agenda and would be taken up later in the meeting.

Pine Dubois representing Jones River Marine Ecology Center requested that the Board consider putting the Community Preservation Act on the Special Town Meeting Warrant.

The Chairman opened the continuance of the Earth Removal Permits Hearing for Plymouth Gateway, LLC.

Mike Fabiano, Project Engineer for Cubellis Architects provided an overview of the status of the project with respect to the area above the slope which borders Nick's Rock Road. He advised that they had contracted with a Landscape Architect who had made recommendations for planting that would create a buffer in areas where trees had been removed and in areas where there were holes in the treed area was pre-existing. Mr. Fabiano advised that Daylor Consulting had provided the Planning Board with their review and favorable recommendation they had met with the Planning Board.

Town Planner Thomas Bott advised that the Planning Board had authorized him to work with the applicant to address concerns the Board had with the buffer zone and creation of a canopy along Nicks Rock Road and the Wildlands Trust property. Landscape Architect Chris Jones provided the Board with his recommendations for the buffer zone, which the developer had agreed to do.

Jessica Shultz, Director of the Wildlands Trust stated that she was opposed to the permit until they provide a buffer zone of 45 feet. Pine DuBois spoke as the Chairman of the Open Space Committee and stated that the Committee had objection but intended to have input during the MEPA filing. She suggested that the Town obtain a permanent buffer zone along Nick's Rock Road. Daniel Sapir reminded the Board of the stop work order was issued in June and that the project calls out for the assessment of fines and fees. Pine DuBois further stated that the historical boundary, Nicks Rock, was no longer there and most likely was crushed.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To close the hearing.

Mr. Kelleher made a motion to grant with a deed restriction for the buffer zone. Mr. DeMacedo stated that they could not put a deed restriction on a deed of the property. Mr. Kelleher removed his motion.

Mr. Beaton stated that most of the project is in Plymouth, the Planning Board was requested to weigh in on the application and a plan has been worked out for the buffer zone. He further stated that the matter of Nick's Rock would be discussed further as the Town moves forward with perambulation of the Town's bounds in the near future.

Mr. DeMacedo made a motion to grant the permit with the proposed plantings in the buffer zone and on the slope to create a canopy. The motion was seconded by Mr. Kenney for discussion. Mr. Gallagher stated that he wanted to see a formalized landscape plan.

Mr. DeMacedo stated that the consultant opinion was that the project would not be detrimental to the ground water and that he had put his professional stamp to the opinion. Mr. Beaton stated that the developer would be making the buffer better than the pre-existing conditions.

Upon motion made and seconded, following a discussion and a 3 to 2 vote, it was—

VOTED: To grant an Earth Removal Permit to Plymouth Gateway, LLC for the removal of 50,000 cubic yards of earth material from 2.51 acres in conformance with the restoration and creation of a buffer zone and plantings to create a canopy on the slope as described during the hearing.

Mr. Gallagher and Mr. Kelleher did not support the motion, Mr. Beaton, Mr. DeMacedo and Mr. Kenney supported the motion.

Mr. Beaton advised that the Town would be commencing to perambulate the Town's bounds and the question of "what happened to Nick's Rock" would be investigated. He suggested obtaining a survey to depict the Town line to put to rest the questions surrounding the boundary.

Mr. DeMacedo advised that an Eagle Scout project was done to determine the location of Nick's Rock. Mr. Kenney stated that there should be permanent land markers and the developer should work with the Town Planner.

Kathleen Walker, Real Estate Specialist and Ralph Delaney, Postmaster were present to discuss plans for a new Post Office for the Town. Ms. Walker advised that the freeze on new projects had eased and the Kingston Post Office was now a priority due to overcrowded working conditions and the parking situation. She stated they were exploring all options including seeking a new site as well as renovation of the existing site and the project would be advertised next month to solicit suitable properties.

At 8:35 p.m. the Board took a brief break.

The Chairman advised that the Board would be conducting interview of three candidates for the Chief of Police position.

Joseph Rebello, John Lundborn and Ronald Teachman were each given the opportunity to give an overview of their qualifications for the position and field questions from the Board. Questions posed related to experience in budgeting, managing overtime, goals, how they would fit in with the department and whether they would re-locate if given the position.

Following the interviews and upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To hold off on making a decision on filling the Police Chief position until the next meeting to allow the Board to collect background information on each of the candidates.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To appoint Lieutenant Thomas Kelley as Interim Police Chief to serve until the Board fills the position permanently and the individual selected is qualified.

The Board reviewed the Town Administrator's report. The Board noted the local aid in the amount of \$101,395 for Kingston that was approved by the Governor. Mr. DeMacedo noted the response received from Senator Murray regarding Chapter 40B legislation. He stated that he wanted Kingston to take the initiative, along with surrounding communities to apply pressure more collectively to effect 40B reform. Mr. DeMacedo suggested forming a sub-committee of the South Shore region. Mr. Beaton suggested the MMA forum on October 1 and 2 is possible to get things started. Mr. Donovan suggested a more appropriate place would be the annual MMA Convention in January which is well attended and would most likely result in a more lively debate. All members of the Board expressed interest in being on the sub-committee.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To accept the public and executive session minutes of the September 7, 2004 meeting.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To set the Warrant for the Special Town Meeting as written, and further;

VOTED: To appoint Barbara Hanson to the Cultural Council and accept the resignation of Colin Dahlen as the Alternate on the Zoning Board of Appeals, and further;

VOTED: To approve Andrew Harkins' Eagle Scout Project to place two Flags at the Opachinski Fields.

The Board reviewed the site plan for the expansion to the Independence Mall. The Board expressed some concern for maintaining parking spaces.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 roll-call vote, it was –

VOTED: To enter into executive session¹ for discussion of collective bargaining and pending litigation.

Respectfully submitted:

Nancy M. Howlett, Assistant to the
Town Administrator/Board of Selectmen

¹ The public session adjourned at 11:05 p.m. and the executive session adjourned at 11:15 p.m.