



Office of  
Kingston Planning Board  
Town House  
26 Evergreen Street  
Kingston, Massachusetts 02364

**PLANNING BOARD January 12, 2004**  
**Planning Board Meeting Minutes**

Members Present: Mike Ruprecht, Susan Farrell, Penny Svenson, Ed King, Jim Colman, Tom Bouchard, Thomas Bott, Town Planner

**7:00 – Meeting Called to Order**

The Board reviewed the December 22, 2003 minutes. Mr. King moved to approve the minutes with some changes. Mr. Ruprecht 2<sup>nd</sup>. Four approved, Unanimous

Mr. Bott discussed the Gray's beach handicap parking. Some questions that need to be answered are is Gray's Beach Rd. a public way. Some parking would be outside the gate. Would this be a problem for the public? Who would have jurisdiction over the parking areas, if outside of the gate? Mr. Bott will do the research and get back to the board.

Mr. Bott presented a letter for signature to the Board from ConsCom to the governor regarding Open Space Bond Money. Mr. King feels there is no downside to the request. Mr. Colman agreed and signed the letter.

Mr. Colman asked about the Affordable Housing By-Law. Mr. Bott stated that it had been presented to the Selectman for the warrant for Town Meeting.

**7:30 p.m. – L. Knife and Sons Special Permit**

Present for L.Knife was John Sullivan, attorney; Brian Maguire, Tim Sheehan, Mr. Mike Brophy, Joe Webby,  
Abutters: Kristen Nolan, Keiran Nolan, Ed Murphy, Mr. Pateria, Marian Pedro, Jim Burgess, Lee Brock, Peter Benasse, Cheryl ?, Lawrence Hart, Rob McDonald, Mary Anne Cooke, Paul Gallagher, Christine Murphy, Marjorie Pires, Jo-Ann Murphy, Paul Whalen, Dan St. Croix, Ron Gleason, David Harlow.

Mr. King read the notice. John Sullivan passed out handouts to the board.

He stated that two acoustic tests have been done for the crushing machines. It is not re-cycling but re-processing. They are proposing a 120' X 200' building. He answered some of the questions brought up at the last meeting. He explained that only 4 trucks a week take a left, the rest take a right onto 3A. If Elder and Spring Street were expanded traffic could move a lot quicker. He explained that memos are written to employees to reinforce the 15 mph speed limit. Another concern was the noise. The noise level is 60 decibels at the lot line. The glass crushing machines are below the 60 decibels level. Mr. Sullivan addressed the hours of operation. In 1983

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the Town of Kingston took L.Knife to court to address the hours of operation. The case was dismissed. Presently the hours of operation are 7:30 a.m. until 10 p.m. They try to get the trucks out on the road before 7:30 a.m., before the neighborhood kids leave for school.

Mr. Colman opened the meeting to the public.

Ed Murphy of Spring and Elder Street stated that an addition to the building would increase the volume of traffic and would bring more recyclers to the location. Mr. Sullivan said the bottles had to be shipped off-site prior to this, and that having it on site would reduce the traffic by 800 trucks per year. Brian Maguire addressed the problem with expanding business. He said they don't bring other cans to the site. Another abutter said they bring them from other areas now. There are trucks from all different recyclers. Aldo Valenziano of 16 Bradford Rd. said a bigger facility means more beer, more trucks, and more trucks backing-up. He also asked if doors are open when they are backing up. Mr. Sullivan said the doors go down before crushing. If the doors are open will crushing be done there? Mr. Peteria was introduced as an acoustic engineer. He did not take into consideration that scenario. Mr. Ruprecht asked what could be the least noisy solution. What's the lowest it could get and how would it be done. Mr. Peteria said they could use a sound transmission path and use a panel to lessen the noise level. The truck door could be sealed. He said he did not calculate all these scenarios. Mr. King wanted to know how to get the noise to 40 decibels. Is that achievable? Mr. Peteria said he doesn't know until he looks at it. He asked how many glass crushers there were. Mr. Sullivan said one.

Marian Boudreau of the Boys and Girls Club of Plymouth said L.Knife had donated money to their organization. Jim Burgess was concerned about the trucks backing up. Another abutter asked if the alarms could be turned off as the trucks back up. Mr. Maguire said no, the DOT wouldn't allow that. Other trucks are backing up at the same time.

Mr. Sapir spoke and said that when the plan was first approved in 1981 there was a restrictive covenant on the property. Does anyone on the Board who has been here, know if it was filed with the Registry of Deeds. Nobody remembered. He also said there was supposed to be \$37K in an escrow account. The hours were supposed to be 8 a.m. til 5 p.m. 5 days a week. There were supposed to be only 40 trucks a day, 130 trips a day and there would be Rt. 3 access. He asked what happened to all that was promised. Mr. Maguire said Mass Highway wouldn't allow Rt. 3 access. The rest of the issues nobody seemed to know about.

Heather Berry of 28 Cole St. – said L.Knife is a good company and they care about the neighborhood. Robert Boutin of Mayflower St. said he walks his dog everyday and that trucks leaving L.Knife use both lanes leaving the site and block traffic on Rt. 3A. Kristen Nolan said that their neighborhood looks like an industrial park, and that at least an industrial park closes at 5 p.m. Here in their neighborhood, it's open til 10 p.m. The recycling should be done in an industrial park, not in a residential neighborhood. She is concerned about the kids at the bus stop. Traffic safety and changes to the bottle bill. Cheryl Gillis is an employee of L.Knife and said that they are an environmentally good company. Peter Benasse of 7 Thomas Street said this is an old mistake that we are living with and that there needs to be a moratorium on any more expansions. Wendell Chamberlain of the JRWA said he is not for or against the project, but feels L.Knife are good corporate citizens. Kelly Gray of 7 Bradford Ave. brought in an article from 1986 about beer dumping on the L.Knife premises and that kids were confiscating the beer. Mr. Maguire said that that was a long time ago, and things have changed since then. Lawrence Hart of 17 Bradford St. wanted to know if other redemption trucks would be closed. Mr. Sullivan said all the trucks are enclosed. Kieran Nolan said what happens to beer that is left in the bottles. Joe

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Webby said that a tank would collect liquid in 2000-gallon tanks. Rob McDonald of Riverside Dr. works for L.Knife and said the only noise is from Rt. 3. Walter John, also an employee, said there is no noise, and that he lives on the premises. Mary Ann Cook of Jones River Dr. is awakened by the beeps all the time and she's not even next door. The noise is coming from the trucks, not Rt. 3. Paul Gallagher said that expansion and growth is imposing on the neighborhood. Kristen Murphy of Jones River Dr. is concerned about glass contamination and potential rats. L. Rizzo has been an employee for 30 years and said this is a top-notch operation. Mike Ruprecht said why can't they move the bottle crusher to the to the can crushing side of the building. Mr. King questioned the sq. footage. Mr. Sheehan said that bottles are going to Lakeville now. Presently the building is 90,000 sq. ft. and the addition is 30,000 sq. ft. The recycling machine is only 1% of the building. Marjorie Pires wanted to know if Brewster Rd. a paper street would be used for industrial use. Jim Burgess said it may be good for commercial business but it's not good for the neighborhood. Kristen Nolan said that the bottle bill expansion would be an incentive to redeem more bottles and more bottles to show up at L.Knife. Wants to request a traffic study. Nick Cantene wants to know why you need 30,000 sq. ft. to recycle bottles. Paul Whalen wants to know what is the effect of glass in the river. Dan St. Croix of 14 Bradford Ave. wants to know how many more employees will be hired. Mr. Sheehan said they use vans for employees. Ron Gleason of Pembroke St. spoke in favor of the plan, but has a complaint about traffic and truck noise. Stacy Antoniou wants to know how many crushers. Mr. Sheehan said one. Mr. Sears of 18 Bradford Rd. said he has lost his driveway. Mr. Bouchard wants to know about the lighting and could we get a lighting engineer. He wants to know what the environmental impact would be. Mr. Colman moved to continue the hearing to February 9, 2004 at 7:15 p.m. Unanimous.

### **8:45 p.m. – Maple Street Special Permit**

Mr. King read the hearing. Mr. Bott explained that Peter Conant had requested a continuance, as he really had no more news on the plan. Mr. Conant requested a postponement until March 8, 2004 at 7:30 p.m.

### **8:46 p.m. - Bearses Farm Special Permit**

Mr. Orwig requested a continuance, as the engineer has not had time to look at Dan's plans. The Board continued the hearing until January 26 at 7:15 p.m.

### **8:50 p.m. – Compass Bank Special Permit**

Compass Bank requested a continuance until January 26, at 7:20 p.m.

### **9:00 p.m. – Indian Pond Estates Condos**

Mr. King read the hearing notice. Mr. Tonsberg was not present for the hearing. Discussion of High Pines by the Board. Issues of lighting and emergency access have still not been finalized. Abutters feel it's unfair to have to keep coming out to hearings that Mr. Tonsberg never attends. The hearings started in July of 2003 and nothing has been accomplished. The issues brought to the attention of the Board about conditions at Indian Pond Estates have never been resolved by

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Mr. Tonsberg. Mr. King motioned to deny the plan without prejudice. Mr. Ruprecht second. Ms. Farrell felt that we should deny it with prejudice, as Mr. Tonsberg can come back next week if it's denied without prejudice. Mr. King changed his motion and moved to deny the plan with prejudice. Mr. Ruprecht second. Unanimous.

### **9:30 p.m. Copperwood Realty**

Mr. Kraus asked for a continuance until February 9. The Board motioned to continue until February 9, 2004. Unanimous.

### **9:40 p.m. – The Pines at Kingston**

Present: Ted Lessinger; Brian Dunn; John Scanlan; Robert Kraus, Attorney; Tom Sexton; Robert Moser, traffic engineer, Pine DuBois; Tim Dalia, Dan Sapir

Mr. Kraus explained the progress that has been made with issues brought up by the Board. All trees that are being cut down have been tagged, which Mr. Basler had requested. The grade of the road has been reduced. New drainage system to collect water at the water basin. The retaining walls have been brought back, to keep the natural look of the site, slope easements are being done, the island will be landscaped. They are addressing site distance requirements. Ten trees will have to be removed to provide site distance. They will extend the retaining wall, and keep it exactly as the original wall. They are requesting 12 waivers. Tom Sexton said there are lots of mature trees. He thinks the Board should walk the site. There is a loss of natural features. There is a 110 ft. site turn around. He doesn't recommend a right of way. Mr. Bott said that Indian Pond Road is a collector road. The Board will go out and look. Pine wanted to know about gravel removal. Mr. Kraus stated that 23,000 yards will be removed. Mr. Sapir asked if there was anyone on the Board that feels he/she should be recusing themselves from voting on this plan due to a conflict of interest with the Board. Nobody responded. Mr. Sapir asked that this question be put in the minutes of the meeting. Mr. Bott stated that he doesn't think this property is good for a conventional sub-division, and a cluster should be considered. Pine asked if the deed would be restricted. Mr. Colman motioned to continue the hearing until February 9, 2004 at 7:50 p.m. Mr. Ruprecht second. Vote unanimous. Mr. Colman closed the hearing.

Meeting adjourned at 10:45 p.m.