

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
May 2, 2006

Chairman Paul M. Gallagher opened the meeting of the Board of Selectmen held on May 2, 2006 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Joseph D. Kelleher, Mark S. Beaton, Jean Landis-Naumann, Sandra D. MacFarlane and Town Administrator Kevin R. Donovan.

The Chairman welcomed newly elected Selectman Jean Landis-Naumann and announced that the Board would reorganize and opened the floor for nominations for the position of Chairman. Ms. MacFarlane nominated Mr. Kelleher and it was seconded by Mrs. Landis-Naumann. On a roll-call vote, the Board unanimously supported the nomination and Mr. Kelleher took the Chairman's place at the table. Mr. Kelleher opened the floor for nominations for Vice Chairman and Ms. MacFarlane nomination of Mr. Beaton was seconded by Mrs. Landis-Naumann. The nomination was unanimously supported.

Mr. Kelleher announced the Open Forum. George Cravenho came forward to request that the Board actively seek to fill the positions on the Affordable Housing Partnership and if they cannot fill them from the public that the Board take on the project itself. Mr. Kelleher requested that the item be on the next Agenda.

Police Chief Joseph Rebello advised the Board that he was recommending John Scott Morgan to fill the position of permanent full-time Police Sergeant. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To appoint John Scott Morgan to the position of permanent full-time
Police Sergeant.

The Chairman read the public hearing notice on the application of Royal Garden Restaurant for an Alteration of Premises. Mr. Beaton recused himself from participating and left the table.

Macy Lee came forward to speak for the applicant, Mr. Lee. Ms. Lee stated that she was not acting as Counsel on the application but serving as an advocate for her parents, the owner of the Royal Garden.

Ms. Lee stated that the ABCC had remanded the application back to the Board after a hearing with the recommendation that the Board grant the Alteration of Premises. She further stated that the Board had denied the application on two issues; site of view and potential noise and that the ABCC had determined that there was a clear line of site and there was no substantiated noise problem. Ms. Lee advised that her parents were reputable businessmen, contributed greatly to the community and would not be disruptive to the neighborhood.

Ms. MacFarlane stated that she had concerns for three things; line of sight, the locked gate and potential to pass alcohol over the gate. She stated it was a better situation with the new

application that only patrons that were seated on the deck and ordered food would be allowed to drink alcohol on the deck.

Ms. Lee stated that only five tables would be on the deck, the deck could be viewed from two locations and lighting had been added to the deck. She further stated that an application would be filed for a Special Permit from the Zoning Board of Appeals for food service on the deck and that Attorney Wallace would handle it. Ms. Lee requested that the Board grant with the condition of receiving the Special Permit since it would take 4-6 months to go through the hearing process.

Mr. Gallagher stated that he and Mr. Donovan had attended the hearing at the ABCC and Ms. Lee had made a huge presentation and requested that some of that information be presented for Mrs. Landis-Naumann since she was not on the Board for the first hearing. Ms. Lee then showed a summary of calls from Police Department records.

Mr. Kelleher asked if anyone from the public had any questions or comments. Eileen O'Sullivan of 3 Burton Lane read a statement regarding the noise at the Royal Garden. Mark O'Sullivan stated that the ABCC's decision removed the Board's ability to govern. He further stated that the Board should require some kind of noise mitigation.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To close the public hearing,

Mr. Gallagher made a motion to table the decision until the ZBA issues the Special Permit. Mr. Donovan advised that the decision must be made in a thirty day time period. Mr. Gallagher withdrew his motion. Mr. Gallagher then made a motion was made to grant the Alteration with conditions which the Board discussed at length. The Board agreed to address the noise mitigation with recommendation to the ZBA for conditions on the permit.

Upon motion made and seconded, following a discussion and a 4 to 0 to 0 vote, it was –

VOTED: To grant the Alteration of Premises for Royal Garden Restaurant with the following conditions; Subject to a Special Permit from the ZBA, alcohol served until 9:30 p.m. on the deck and limited to patrons ordering and eating on the deck, a member of the staff on the deck at all times it is open to supervise the area, and no alcohol may be brought to the deck from the restaurant by patrons.

Mr. Kelleher read the public hearing notice on the application of Brian A. Guilmet for a Wine and Malt Package Store License for Tedeschi Food Shop on Summer Street. Attorney John Geary was present representing the applicant. Attorney Geary stated that Mr. Guilmet was seeking the license to be competitive in a small market. He further advised that Tedeschi's was a convenience stop, not a destination stop. He presented the Board with a packet of information comparing Tedeschi's with other package stores. Mr. Kelleher read a letter from Vicki McMenemy the owner of Empire Wine and Spirits opposing the license. Mr. Beaton stated that

he does not have a Package Store license, only an all All Alcoholic Common Victualler license, therefore he would participate in this discussion since he saw no conflict.

Mr. Beaton stated that the Dunkin Donuts in the store would generate business to the store. Members discussed the lack of parking and the congestion entering and exiting the parking lot.

Richard Roth, the individual responsible for alcohol sales training for Tedeschi's spoke in favor of granting the license. Richard Monsini, of Garmonalk Inc./DBA Trackside Liquors spoke in opposition because there was no public need due to the number of establishments in close proximity to Tedeschi's.

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

VOTED: To close the hearing.

Upon motion made and seconded, following a discussion which included the lack of public need and a 5 to 0 to 0 vote, it was —

VOTED: To deny the application because the public need was adequately served by the number of package stores currently licensed.

Lloyd Geisinger was present from Thorndike Development and gave a brief overview on the 40R project; 730 residences, 40% affordable, 3000 sq. ft. of commercial development, 50,000 square feet of retail development, 25 acres of open space, residences arranged in a variety of neighborhoods and south bound ramp access to Route 3 from Cranberry Road. Mr. Geisinger addressed questions the Board had posed at its meeting on March 7, 2006.

Mr. Beaton stated that the Town was looking to hire a consultant to assist in the development of a Zoning ByLaw for Smart Growth Development. He further stated that a series of informal meetings would be held to provide more information. Mr. Geisinger stated that they would be looking for a Zoning ByLaw to enable him to move forward with the project.

The Board reviewed the Town Administrator's report. Mr. Donovan reported on a 10-year National Franchise Bill that has been proposed that would take out local control of the permitting process; the Memorial Day Parade activities, and receipt of Chapter 90 funds in the amount of \$254,505.

Upon motion made and seconded, following a discussion and a 4 to 0 to 1 vote, it was —

VOTED: To approve the minutes of the public and executive session meeting held on April 18, 2006.

Mrs. Landis-Naumann abstained from voting.

Mr. Kelleher stated that Mr. Gallagher requested that the Board re-address the price for parking stickers for Gray's Beach. Mr. Gallagher stated that he thought consideration should be given to

people trying to access the concession stand, a daily fee or the elimination of a sticker for parking.

The Board reviewed the request of Scott Goddard, Senior Engineer of Carr Research Laboratory, Inc. to be designated as a Special Municipal Employee, under MGL 268A. Mr. Donovan that since the firm also engages in private work before the Conservation Commission, the designation is necessary for him to provide technical review and recommendations for the vernal pool found on the site of the proposed Senior Center Land. The Board unanimously supported the request.

Mr. Kelleher announced that the Board was seeking individuals to come forward to fill vacancies on appointed Town Boards and Committees and that the list would be available on the Town's website.

The Board reviewed the application of Indian Pond Country Club Inc. for a Common Victualler license. Mrs. Landis-Naumann disclosed that she lived in Indian Pond Estates but did not feel that was a conflict to act on the application. A motion was made by Mr. Gallagher and seconded by Ms. MacFarlane to grant the license. Mr. Beaton stated that he had some problems with the fact that the streets in the area were not up to code, there were many potholes and would like to put off acting on the application for two weeks until the Planning Board and Paul Basler, Supt. Of Streets, Trees and Parks could take a look at them and report back their findings. Mr. Gallagher withdrew his motion and Ms. MacFarlane withdrew her second.

Mr. Kelleher announced the vacancy on the School Committee that would be filled by joint appointment on May 30, 2006.

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

VOTED: To acknowledge the resignation of Sue Ann Hurley with thanks for her service and further; to declare a vacancy exists for a one year unexpired term and so notify the Town Clerk of same.

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 to discuss the purchase, exchange, lease or value of real property and financial assistance requests and not return to public session.

Respectfully submitted:

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

¹ The public session adjourned at 10:05 p.m. and the executive session adjourned at 10:20 p.m.