



**TOWN OF KINGSTON**  
*Office of the Sewer Commission/Wastewater Department*  
26 Evergreen Street  
Kingston, MA 02364

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Elaine A. Fiore  
Peter C. Cobb  
Thomas W. Taylor, II

Minutes  
January 25, 2011

The regular meeting of the Board of Sewer Commissioners was held in Room 201 of the Town Hall and called to order by Elaine Fiore at 7:00 PM. Members in attendance were Elaine Fiore, Peter Cobb and Thomas Taylor.

Bob Burpee had an appointment with the Board at 7:00 PM. Mr. Burpee stated that he was representing Mr. and Mrs. Ryalls of 30 Bay Farm Road. He has been working on permitting renovations for the house at 30 Bay Farm Road. Recently Mr. Ryalls spoke to his neighbors at 35 Bay Farm Road. He is interested in purchasing their house. They would like to make each house a 4 bedroom home.

The Board discussed that sewer capacity was not transferrable. Ms. Fiore stated that she was not comfortable with the idea. Mr. Cobb asked if it would change the betterment rights. He was hesitant to approve something that may have been turned down in the past. A transfer would not be allowed. Mr. Taylor stated that there would be no difference to the betterment assessment. He did not have a problem with it as long as the 5 bedroom home is converted into a 4 bedroom home. Mr. Burpee commented that a deed restriction stating that each property would remain a 4 bedroom home would not be a problem. Ms. Poirier suggested that the Assessors field cards be researched to see how the properties were listed when betterments were assessed and how they are listed now. Mr. Burpee commented that he had been to the office asking how betterments were assessed and was told that the properties cards were used. His understanding is that if the Ryalls purchase 35 Bay Farm Road and make it a 4 bedroom home that they will not move forward with their plans to add onto 30 Bay Farm Road. Ms. Fiore asked if the Board was comfortable making this decision.

MOTION, by Peter Cobb, seconded by Thomas Taylor, to allow 1 bedroom to be removed from 30 Bay Farm Road and that 35 Bay Farm Road be used as a 4 bedroom, and that a 4 bedroom deed restriction designation is recorded at the Plymouth County Registry of Deeds. This vote is contingent upon the results of the property at 35 Bay Farm Road being purchased by the Ryalls and the results of the research of the Assessors' property cards. The motion was unanimously voted.

Ms. Fiore asked Mr. Burpee why the Ryalls were not happy with the deed restriction agreement. Mr. Burpee stated that they had issues with the terminology related to the property inspection. Mr. Burpee questioned the need to write a new restriction when the property is sold. Once it is recorded it should never have to be done again. The language should be simplified and refer to the number of bedrooms. The Board took the suggestions under advisement.



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Department bills were approved and the bill schedules signed totaling \$507.04 and \$1759.20.

Ms. Fiore mentioned that High Pines Condominiums would be the next project on the waiting list for sewer service if the Kingsbury Plaza does not accept the capacity being held for them. A reply was due by January 21, 2011.

Dunkin Donuts has presented the plan for a 19 seat restaurant to the Planning Board again. The roundtable discussion Mr. Vandal attended left him with the impression that they wanted to split the flow from the new building and send part of it to the sewer and part of it to a septic system. The Board of Health has heard nothing about it. The history of the buildings and the capacity needs should be reviewed again for R.K. Crossing.

Ms. Fiore discussed that she had spoken with someone at 72 Main Street, Kingston Block, a few months ago regarding the sewer billing. They were told the service charge would be removed from the bill for the second meter and they seemed fine with that. They are questioning being billed again and when contacted, Mr. Iannucci, through his daughter, indicated that they now intend to remove the second water line and meter. When the account was researched a service charge for September had been billed in error. The service charge will be credited and should offset the charge billed in December 2010.

The Board received copies of the Intended Use Plan (IUP) for 2011 that the State has released recently. This information is available on the DEP web site and is listed as the Clean Water State Revolving Fund 2011 Draft Clean Water Intended Use Plan. Kingston did not make the list but is on the Project Priority List should funding become available.

MOTION, by Thomas Taylor, seconded by Peter Cobb, to approve the minutes of December 14, 2010. The motion was unanimously voted.

MOTION, by Peter Cobb, seconded by Elaine Fiore, to approve the minutes of December 30, 2010. Mr. Cobb and Ms. Fiore voted to approve the minutes. Mr. Taylor abstained as he was not present at the meeting.

MOTION, by Peter Cobb, seconded by Elaine Fiore, to approve the regular and executive session minutes for January 11, 2011. Mr. Cobb and Ms. Fiore voted to approve the minutes. Mr. Taylor abstained as he was not present at the meeting.

Ms. Fiore mentioned that Mr. Talerman has made an offer of settlement to Revoli through their attorney. The court case is currently scheduled for February 8, 2011.

MOTION, by Peter Cobb, seconded by Thomas Taylor, to adjourn the meeting at 7:45 PM. The motion was unanimously voted.

Suzanne Richards  
Administrative Assistant