



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

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
September 21, 2011**

MEMBERS PRESENT: John Haas, David Rose, Paul Dahlen, David Rose, Philip Ricardi; George McAdams OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer

7:30 JH Opened the meeting

7:30 Wrightington- SP

Attorney Kraus and Kevin and Linda Wrightington were present for the hearing.

Mr. Haas asked Mr. Boerger if he wanted to rejoin in the hearing process as he missed one hearing. Mr. Boerger stated that he would like to continue and that he is up to date on the proceedings. There will be a five member board for this hearing.

Attorney Kraus provided additional documentation consisting of a study of noise levels done at the subject property. Attorney Kraus stated that Mr. Sheadel, the engineer who did the study, was unable to be present this evening.

Mr. Rose read the public hearing notice and the hearing was opened at 7:35.

Attorney Kraus reviewed the memo provided to the Board and there were discussions concerning noise levels in the area and the amount of time it took for trucks to idle, back up and leave the premises in the morning.

Mr. Labriola came forward and stated that he had sent a number of emails to the Town over the course of 4-5 years concerning the noise levels and also stated that it is not just the noise, but vibrations are also a factor and he would like that looked into as well. He stated that it starts about 8:15 am to approximately 9:00 am. There is noise and vibrations from large diesel trucks. He stated that the business has changed enormously in the last 21 years; that he would like to see appraisals and the impact on neighboring properties; that he considers this a hazard; and that this was never a boat storage. He added that he is willing to try to work out the issues.

The report was referenced and the method for measuring the sound and the graphs contained in the report were discussed.

It was further discussed that the engineer, Mr. Sheadel, should be present to speak about the report and answer questions. It was also discussed that if the engineer could provide solutions to the sound problems, that it should be considered and discussed as well. It was suggested by Mr. Rose and other members of the Board that the site be visited during hours of operation in the morning and the abutters' property should also be visited during this time.

Mr. Haas asked if any members of the public were present to speak about the project.

Mr. Sears, owner of the property that abuts the Wrightington's property, came forward. He stated that he has lived there for 51 years and there are trucks frequently going up and down Route 106 making noise and vibration and it is not an issue. He added that the Wrightington's had put up a fence as a courtesy to him and that he has no issue and is in favor of the operation of the business on the property.

Steve Dorren, 102 Elm Street, came forward and stated that if Mr. Labriola had provided the Wrightingtons with a solution that the Wrightingtons would have likely complied. Mr. Haas explained that there is nothing incumbent upon the Labriola's to do that.

It was discussed that the hearing should be continued to allow Mr. Sheadel to be present and to allow an opportunity for Board members to visit the property.

Mr. Boerger moved to continue the hearing to November 2, 2011 at 7:30 pm. Mr. Dahlen seconded. The vote carried unanimously.

General Business

Mr. Douglas Govoni, 45 Howland Street, was present to informally discuss his prior application that he had withdrawn. He stated that he now wants to go forward and requested that the filing fee be waived. He added that he would provide the abutters list, envelopes necessary for mailing and the advertisement fee. The board agreed that the fee would be waived, but that Mr. Govoni will pay the mailing and advertising costs.

The minutes of September 7, 2011 were reviewed. Mr. Boerger moved to accept the minutes as amended. Mr. Pike seconded. The vote carried unanimously.

It was unanimously voted to adjourn the meeting at 9:12 pm.