



COMMONWEALTH OF MASSACHUSETTS
TOWN OF KINGSTON
Warrant
Special Town Meeting

To one of the Constables in the Town of Kingston, County of Plymouth and Commonwealth of Massachusetts,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of said Town qualified to vote in town affairs to meet at the Kingston Intermediate School, 65 Second Brook Street, on Tuesday, June 2, 2009, at 7:15 p.m., then and there to act on the following articles:

Article 1

To see if the Town will vote to remedy the action taken on Article 1 of the April 4, 2009, Special Town Meeting by transferring, a sum of money from available funds in the treasury to supplement appropriations to the FY2009 Operating Budgets to certain accounts, or take any other action relative thereto.

Article 2

To see if the Town will vote to remedy the action taken in Article 16 of the October 1, 2008, Special Town Meeting, wherein certain streets within the Tall Timber Estates Subdivision Phase III were accepted, by correcting the name of the subject road, which was misidentified as "a portion of Pine Hill Drive" so that it is properly identified as "a portion of Pine Hill Road", as shown and identified on the revised plan entitled "As-Built Plan of Tall Timbers Estates Phase III", prepared by Vautrinot Surveying Inc., dated December 4, 2006", and on the revised metes and bounds description, both on file with the Town Clerk, or take any other action relative thereto.

Article 3

To see if the Town will authorize the Board of Selectmen to petition the General Court for a special act providing that the legislation be adopted as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE DEPARTMENT OF HIGHWAYS AND THE TOWN OF KINGSTON TO EXCHANGE CERTAIN PARCELS OF LAND

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same as follows:

SECTION 1. Upon completion of its review and its approval of the plans for the construction of a ramp in the town of Kingston to provide access from public ways serving the Kingston MBTA Station and land in Kingston and Plymouth in the vicinity thereof to state highway route 3, southbound, the department of highways, hereinafter referred to as the "department," shall notify the board of selectmen of the town of Kingston. The notice shall include one or more plans depicting (1) the layout of the ramp, (2) the extension of Cranberry road as approved by the town of Kingston planning board as provided in section 3 and (3) necessary easements, both construction and permanent, within the boundaries of the town's land described as parcels 1 (being a portion of Kingston Assessors' Map 66, Lot 50), 2 (comprised of portions of map 66, Lot 50 & Map 75, Lot 11), 3 (being a portion of Cranberry Road Right-of-Way) and 5 (comprised of portions of Map 66, Lot 50 & Map 75, Lot 11) on the plan identified in said section 3. Neither the layout of the ramp, the extension of Cranberry road nor the easements shall require the relocation of the town's existing sewer treatment and recycling facilities.

SECTION 2. Notwithstanding any general or special law to the contrary, the department, following its acquisition of the land and the easements described in section 3, shall convey to the town for municipal

purposes, the portion of land owned by the department shown as parcel 6 (Mass Highway 1958 Layout #4722) on the Plan (as defined below) located south of the layout of the ramp no longer required for highway purposes. The parcel shall not be less than 30,000 square feet, shall be contiguous to parcel 4 (comprised of portions of Map 66, Lot 50 & Map 75, Lot 11) and shall be described in the notice given to the board of selectmen under section 1.

SECTION 3. (a) Notwithstanding any general or special law to the contrary, the board of selectmen of the town of Kingston, upon receipt of the notice required under section 1 and, as requested by the department, shall either convey by deed to the department or release the town's interest in, and the department shall acquire by the deed, eminent domain or otherwise, the land required for the ramp to be laid out as a state highway in the following described parcels of land owned by the town: not more than 1.95 acres of the town's land described as parcels 1, 2 and 3 above and on that plan of land entitled "Plan of Land Parcels in Kingston Massachusetts to be Exchanged between the Town of Kingston and the Massachusetts Department of Highways," dated August 6, 2007 (the "Plan"). The deed or release shall also include such easements in said parcels 1, 2, and, 3 above and on parcel 5 described above and on the Plan as the department requires in connection with the construction and operation of the ramp. (b) The department, in accordance with section 7A of chapter 81 of the General Laws, on behalf of the town of Kingston, shall alter Cranberry road to create its extension as approved by the planning board of the town of Kingston as a roadway to the ramp. The extension shall be located within said parcels 2 and 5 as shown on the plan. (c) The extension of Cranberry road shall be designed and constructed in accordance with the design standards adopted under the town of Kingston smart growth zoning by-law and approved by the planning board of the town of Kingston.

SECTION 4. The board of selectmen of the town of Kingston shall apply for the permits and approvals required from the department of environmental protection to use the lands described in section 3 for the purposes provided in sections 1 and 3.

SECTION 5. Notwithstanding any general or special law to the contrary, upon completion of the ramp in accordance with the approvals issued by the department, the department shall notify the town of the completion and shall take control of and operate the ramp as part of the department's highway system.

SECTION 6. The plan referred to in Section 3 shall be kept on file with the chief engineer of the department and the town administrator of the town of Kingston.

SECTION 7. This act shall take effect upon its passage.

Article 4

To see if the Town will vote to appropriate a sum of money to be expended in anticipation of the reimbursement authorized for the State's share of the cost of work to be done under Chapter 90 of the General Laws, or take any other action relative thereto.

Article 5

To see if the Town will vote to amend the Town of Kingston Zoning Map by expanding the "Wind Turbine Overlay District" to include the land consisting of Assessors' Map 19, Lot 7; as shown on the "Wind Turbine Overlay Expansion Plan", on file with the Town Clerk, or take any other action relative thereto.

Article 6

To see if the Town will vote to amend the Town of Kingston Zoning Map by changing the classification of use of a certain parcels of land from a Commercial/Industrial Park District to Residential-40 (R40) District. Said parcels being located on a paper street known as Thomas Street and shown on the Kingston's Assessors' Map 75 as Lot 4, 5, 6, 7, and Map 66 as Lot 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 47, 75, 76, or take any other action relative thereto.

Article 7

To see if the Town will vote to accept the provisions of Massachusetts General Law, Chapter 60A, Section 1, to exempt from motor vehicles excise tax, Massachusetts residents who are on active military duty outside the country for at least forty-five (45) days of the excise calendar year, and further; if the serviceman is wounded or killed in an armed conflict, the exemption applies regardless of the number of days deployed, or to take any other action relative thereto.

Article 8

To see if the Town will vote to accept the provisions of Massachusetts General Law, Chapter 60A, Section 9, to allow Massachusetts National Guardsmen and Reservists deployed outside the state, or their dependents, up to 180 days after that service to pay their motor vehicle excise tax without interest or penalties, or to take any other action relative thereto.

Article 9

To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59 § 5, Clause 41A from \$40,000 to \$48,000 as the income limit to qualify for the “circuit breaker” state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for the fiscal year beginning on July 1, 2009, or to take any other action relative thereto.

And you are directed to serve this Warrant by posting attested copies at the Kingston Public Library, at the Reed Community Building, at the Kingston Intermediate School, at the Kingston Elementary School and at the main entrance to the Town House, the polling places of the precincts in said Town, fourteen (14) days at least before the time of holding said meeting.

HEREOF fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

GIVEN under our hands this 18th day of May, in the year of our Lord Two Thousand Nine, the Independence of the United States of America the Two Hundred Thirty Third and the Two Hundred Eighty Third Anniversary of the Incorporation of the Town of Kingston.

BOARD OF SELECTMEN

Sandra D. MacFarlane, Chairman

Dennis N. Randall, Vice-Chairman

Richard J. Arruda

Mark S. Beaton

Paul M. Gallagher