I, PAUL M. GALLAGHER, Town Clerk of Kingston, do hereby certify that the following is a true and exact copy of the Minutes of the Annual Town Meeting, the second continued session of Tuesday, the 21th of June. The Meeting was duly called and voted as posted in the Warrant.

Poll workers for the meeting were as follows:

**PRECINCT 1**
Maureen E. Twohig  
Mary Hayes  

**PRECINCT 2**
Abigail Keane  
Christine Chipman

**PRECINCT 3**
Priscilla W. Brackett  
Maureen C. Mauriello

**PRECINCT 4**
Hannah Creed  
Daune B. Frey

**Tellers**
Paul L. Armstrong  
Paul F. Basler  
Tammy Murray

**Doorkeepers**
Joseph M. Mauriello  
Ralph Boyns  
Gretchen Emmetts

**Clerk's Office**
Adeine L. Silvia  
Diane Poirier  

**Moderator**
Janet Wallace

There being 135 voters the meeting was called to order at 7:05 p.m. by the Moderator, Janet Wallace. Ms. Wallace then reviewed the rules of the meeting, the reading of the warrant was waived and then led the Pledge of Allegiance.

The Moderator then led the Pledge of Allegiance and recognized and requested a moment of silence for Jeffrey Matthias, a local resident lost at sea in the sinking of the tanker El Faro and John Cloud a long time resident murdered in Rhode Island the prior day.

The Moderator reminded the audience that acceptable behavior before, during and after the Town Meeting is required.
The Moderator then recognized Ms. Jean Landis-Naumann to ask for reconsideration of Article 32. There was a second from the floor. Ms. Naumann stated that facts and information was missed due to the late hour of the previous session. The Moderator explained the reconsideration and called for a hand vote.

_on a handcount the Motion to reconsider failed having 52 in the affirmative and 92 in the negative._

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**ARTICLE 33 - Lake Street Culvert Easement**

Majority Vote: No Quorum Required

Motion By: Conservation Commission – James Parker

Move: That the Town vote to accept, from the City of Brockton, permanent easement on Lake Street (Parcel 008-041) in the Town of Kingston, being a 1,390 sf portion more or less, said parcel, as described in the deed recorded with the Plymouth County Registry of Deeds in Book 935, Page 175, for the purpose of replacing a culvert under the roadway on Lake Street, or to take any other action relative thereto.

**Board of Selectmen - 5-0-0 [Favorable]**

*Description:* The purpose of this article is to acquire a permanent easement for the purpose of replacing and maintaining a culvert through which the Jones River flows.

With a second from the floor, Mr. Parker explained the easement required from The City of Brockton to place a pipe beneath the roadway. There being no debate, the article was voted:

_on a unanimous voice vote Article 33 Carried._

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**ARTICLE 34 – Amendment to the Zoning By-Laws; Location of Districts and Flood Plain Overlay District**

2/3 vote: Quorum 100

Motion By: Conservation Commission – James Parker

Move: To amend the Zoning By-Laws, Article 3.2. Location of Districts, Section 3.2.2., and Article 4.12. Flood Plain Overlay District, Section 4.12.1.2. as printed in the warrant.

**Board of Selectmen – 5-0-0 [Favorable]**

*Description:* This article is so that the By-Laws remain current with new FEMA Floodplain maps.

As printed in the warrant:

To see if the Town will vote to amend the Zoning By-Laws, Article 3.2. Location of Districts, Section 3.2.2., and Article 4.12. Flood Plain Overlay District, Section 4.12.1.2. by adding the underlined language and deleting the strikethrough language, as shown below to reflect changes in FEMA Flood Maps:

3.2.2. The general boundaries of the Flood Plain Overlay District within the Town of Kingston are shown on the Plymouth County Flood Insurance Rate Maps (FIRMs) dated July 6, 2012 or November 4, 2016 and issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The exact boundaries of the District are defined by the one hundred (100) year base flood elevations shown on the FIRMs and further defined by the Flood Profiles contained in the current Flood Insurance Study dated July 17, 2012 or November 4, 2016. These maps, as well as the accompanying Study, are incorporated herein by reference and are filed with the office of the Town Clerk, Planning Board, Inspector of Buildings and Conservation Commission.
4.12.1.2. The Flood Plain Overlay District is established as an overlay district to all other districts. The Floodplain Overlay District includes all special flood hazard areas within the Town of Kingston designated as Zone A, AE, AO, and VE on the Plymouth County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Kingston are panel numbers: 25023C0218J, 25023C0219J, 25023C0331J, 25023C0332J, 25023C0334J, 25023C0341J, 25023C0353J, 25023C0354J, and 25023C0361J, dated July 17, 2012. These maps and the accompanying FIS are incorporated herein by reference and are on file with the Building Department and the Conservation Commission. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plains and with the following:

- Code of Federal Regulations (CFR) for the National Flood Insurance Program (NFIP) (currently 44 CFR 59, Paragraph 60.3);
- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal Sanitary Sewage, DEP (currently 310CMR 15, Title 5)

With a second from the floor, Mr. Parker explained that the town is required to participate and accept the FEMA update. It would affect those requiring and those no longer requiring insurance. It is limited to only a small number of residents. Mr. Daniel Harlow of Howland's Lane questioned whether those residents are contacted and it was determined that they are personally responsible to know. Questions regarding the Wapping Road Dam were addressed, it not being impacted. Information is published in local media.

With very limited opposition the Moderator called a 2/3 majority voice vote. The motion on Article 34 Carried.

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ARTICLE 35 – Library Construction Project Grant Application

Majority Vote: No Quorum Required
Motion By: Library Building Study Committee – Vanessa Verkade

Move: To accept the design of the library building and authorize the Library Trustees and/or Selectmen to apply for and accept grants, as printed in the warrant.

Board of Selectmen – 5-0-0 [Favorable]
Finance Committee – 5-0-0 [Favorable]

Description: This article authorizes the Town to apply for, accept and expend a State grant that would cover an estimated 42.4% of the cost of building a new library.

With a motion from Ms. Vanessa Verkade and second from the floor, Ms. Verkade made a presentation with slides and reviewed the needs assessment, architectural plans and cost studies. A great deal of discussion and debate followed with support and opposition. The discussion centered around need, cost and tax burden. Additionally, there was support for a library of the future. Questions regarding availability of sewer capacity were addressed and it was determined that at this time there wasn’t sufficient space. Ms. Sia Stewart, Library Director explained that this article was only to allow filing for a grant and that any approval of the plan would require additional town meeting articles and a ballot question for a Propositition 2 1/2 over ride. Mr. John Creed Motioned to “Move the Question.” With limited opposition the motion carried and it was voted:

The Motion on Article 35 carried on a voice vote with limited opposition.

A Motion to reconsider did not carry.
ARTICLE 36 – Establishment of Jones River Restoration Fund

Majority Vote: Quorum 100
Motion By: Board of Selectmen – Lindsay Wilson

**Move:** That the Town appropriate the sum of $125,000.00 by the transfer from Free Cash to assist in the removal of the Elm Street Dam, as printed in the warrant, said appropriation or transfer being contingent upon receipt of the balance of necessary funds, via State or Federal grant or otherwise, to complete said project, and that the Board of Selectmen be authorized to take any action to carry out this expenditure.

Board of Selectmen – 3-1-1 [Favorable]
Finance Committee – 6-0-0 [Favorable]

**Description:** This article will contribute to the funding of the removal of the Elm Street Dam, contingent upon receiving the balance of necessary funds, via State or Federal grant or otherwise, to complete said project.

On a motion by Mr. Lindsay Wilson and seconded by Ms. Jean Landis-Naumann, Mr Alex Mansfield of the Jones River Watershed Association made a presentation regarding the Elm Street Dam removal and its detriment to the flow of water in the river, the improvement to water quality and the reestablishment of fish populations. There was a lengthy discussion with concerns for the structural integrity of the Water Department building post removal and water quality and access to potable water from the watershed. There was also concern for the sediment that will require dredging. These issues and concerns were addressed and the vote was taken:

With limited opposition the voice vote on Article 36 Carried.

A Motion to Reconsider by Ms. Karon Wierman of Tall Timbers failed on a Unanimous Voice Vote.

ARTICLE 37 – Wireless Communication Facilities Lease

Majority Vote: No Quorum Required
Motion By: Board of Selectmen – Susan Munford

**Move:** To authorize the Board of Selectmen to negotiate and execute lease agreements for communication towers and wireless communication facilities, as originally approved under Article 22 of the 1998 Annual Town Meeting, for Town-owned property located at Opachinski Athletic Field Complex, for a term up to thirty (30) years; said lease agreements to be entered into in accordance with G.L. c.30B.

Board of Selectmen – 5-0-0 [Favorable]

**Description:** The current wireless communication facilities lease on the Town-owned property located at Opachinski Athletic Field Complex expires in 2017. A lease term up to thirty (30) years is not uncommon in the industry. The lease will have an annual rent escalation clause.

The Motion was moved by Ms. Susan Munford and seconded by Sandra MacFarlane. Ms. Munford explained that this article was to open negotiation on the Pottle Street Cell Tower. It was explained that the land is leased and funds are directed to the Recreation Department for maintenance. There was no debate.

Article 37 Carried on a Unanimous Voice Vote.
**ARTICLE 38 – Tax Agreement - 20 Elizabeth Drive (6 Acre +/- Parcel)**

Majority Vote: No Quorum Required

Motion By: Board of Selectmen – Susan Munford

**Move:** That the Board of Selectmen be authorized to enter into a tax agreement, as printed in the warrant

To see if the Town will vote in accordance with G.L. c. 59, § 38H to authorize the Board of Selectmen to enter into a Tax Agreement with CEC Solar #1040, LLC, located at 361 Centennial Parkway, Suite 300, Louisville, CO 80027 for a period of up to twenty-five (25) years, and to approve said agreement under which CEC Solar #1040, LLC will pay the Town a sum of money per year relative to a SIX (6) acre +/- parcel of land located at 20 Elizabeth Drive, Kingston, related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 810 kW AC, said Tax Agreement is on file in the Town Clerk’s Office, and further to allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreement to reflect any changes in the size of the parcel of land up to 2 acres so long as the payments reflected in the Tax Agreement rise commensurately; or take any other action relative thereto.

Board of Selectmen – 5-0-0 [Favorable]

Finance Committee – 5-0-0 [Favorable]

**Description:** This article authorizes the Board of Selectmen to enter into a tax agreement regarding personal property taxes for a Large-Scale Ground Mounted Solar Photovoltaic Installation.

Seconded by Mr. John Creed, Ms. Susan Munford explained the agreement being presented for personal property taxes for photo-voltaic.

**On a Unanimous Voice Vote Article 38 Carried.**

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**ARTICLE 39 – Tax Agreement – 25 Elizabeth Drive (12 Acre +/- Parcel)**

Majority Vote: No Quorum Required

Motion By: Board of Selectmen – Susan Munford

**Move:** That the Board of Selectmen be authorized to enter into a tax agreement, as printed in the warrant

To see if the Town will vote in accordance with G.L. c. 59, § 38H to authorize the Board of Selectmen to enter into a Tax Agreement with CEC Solar #1041, LLC, located at 361 Centennial Parkway, Suite 300, Louisville, CO 80027 for a period of up to twenty-five (25) years, and to approve said agreement under which CEC Solar #1041, LLC will pay the Town a sum of money per year relative to a NINE (9) acre +/- parcel of land located at 25 Elizabeth Drive, Kingston, related to the proposed construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 660 kW AC, said Tax Agreement is on file in the Town Clerk’s Office, and further to allow the Board of Selectmen to negotiate any amendments necessary to said Tax Agreement to reflect any changes in the size of the parcel of land up to 2 acres so long as the payments reflected in the Tax Agreement rise commensurately; or take any other action relative thereto.

Board of Selectmen – 5-0-0 [Favorable]

Finance Committee – 5-0-0 [Favorable]

**Description:** This article authorizes the Board of Selectmen to enter into a tax agreement regarding personal property taxes for a Large-Scale Ground Mounted Solar Photovoltaic Installation.

On a motion by Ms. Susan Munford and seconded by Ms. Jean Landis-Naumann it was voted:

**Article 39 Carries on a Unanimous Voice Vote.**
ARTICLE 40 – Amendment to the Zoning ByLaws Off-Street Parking Requirements

Move: To see if the Town will vote to Amend the Town of Kingston Zoning By-Laws Section 6.4. "Off Street Parking Requirement" by making the following changes: expanding the distance for shared parking in Section 6.4.1.1 from 300 feet to 600 feet and to eliminate the provision that such parking cannot cross a collector or sub collector street. And further amend Section 6.4.1.1.a. so the minimum requirements from residential parking will be reduced from 2 parking spaces per dwelling unit plus 1 space for each bedroom over two (2) to 1.5 spaces per Dwelling Unit with 2 bedrooms or less, and 2 spaces per Dwelling Unit with 3 bedrooms or more. And further to amend Section 6.4.1.1.b. so the minimum requirements for retail business, commercial or personal service establishment parking will be reduced from 1 parking space for each two hundred (200) square feet of gross floor area to 1 space per 250 square feet of gross leasable floor area. And further to amend Section 6.4.1.1.c. so the minimum requirements for office, professional, business, or public parking reduced from 1 parking space for each two hundred (200) square feet of gross floor area to 1 space per 250 square feet of gross leasable floor area as described in a document entitled "Planning Board Report Annual Town Meeting 2016".

Board of Selectmen – 5-0-0 [Favorable]
Finance Committee - 5-0-0 [Favorable]
Planning Board - 5-0-0 [Favorable]

Description: This article reduces the minimum off-street parking requirements for the structures or uses indicated.

As proposed in By-Law written in Warrant:

6.4.1. Required Parking
6.4.1.1. All parking demand created by new structures or uses, additions to existing structures or uses, and change of use in existing structures shall be accommodated entirely off-street on the same premises as the activity it serves, or located within three hundred (300) feet of the building entrance on a separate parcel, not being separated by an aeroil, collector or sub collector street and in a zoning district allowing such activity. The following minimums must be met, unless these are reduced on a special permit from the Planning Board upon determination that special circumstances render a lesser provision adequate for all parking needs:

a. Residential use: Two (2) parking spaces per dwelling unit plus one (1) space for each bedroom over two (2). 1.5 spaces per Dwelling Unit with 2 bedrooms or less, and 2 spaces per Dwelling Unit with 3 bedrooms or more to be located within 300 feet of the Dwelling Unit.
b. Retail business, commercial or personal service establishment: One (1) parking space for each two hundred (200) square feet of gross floor area. 1 space per 250 square feet of gross leasable floor area.
c. Office, professional, business or public: One (1) parking space for each two hundred (200) square feet of gross floor area. 1 space per 333 square feet of gross floor area.
d. Medical or dental office or clinic: Four (4) parking spaces for each individual office or suite, plus four (4) parking spaces for each additional doctor or dentist within a single office or suite.
e. Manufacturing, processing, wholesale: One (1) parking space per each thousand (1,000) square feet of gross floor area, plus one (1) space for each three (3) employees on the largest shift.
f. Place of assembly, restaurant: One (1) parking space per every three (3) seats.
g. Other Use Categories: Use categories to be determined by the Planning Board or the Inspector of Buildings, as appropriate, at the time of Site Plan Review when required by the Inspector of Buildings; in other cases where Site Plan Review is not required, use categories shall be determined in accordance with standards contained in Time-Saver Standards for Site Planning, Joseph De Chiara and Lee E. Koppelman, McGraw Hill, New York City, 1984.
h. Pre-School/Day Care Facilities: The minimum reasonable parking requirements for such facilities shall be as follows: (1) one off-street parking space shall be required for each faculty member who is required to be present at the facility pursuant to the facility’s state license, based upon the maximum number of children for which the facility is licensed; (2) one parking space or queue shall be required for every four children based upon the maximum number of children for which the facility is licensed; and (3) whenever safe to do so, pick up and drop off of children without the parking of a vehicle.

The Motion made by Susan Boyer was seconded by Elaine Fiore. Ms. Boyer stated this article addressed parking issues in the town center while addressing business planning, storm water management and multi housing development. There was limited discussion and it was noted that Residential Zoning was not retroactive.

With Limited Opposition the Motion Carried on a 2/3rd Majority Voice Vote.
ARTICLE 41 – Amendment to the General By-Law Chapter 6 Public Peace and Safety Article 2 Public Drinking

Majority Vote: Quorum 100

Motion By: Board of Selectmen – Elaine Fiore

**Move:** To amend the Town of Kingston General By-Law Chapter 6 Public Peace and Safety Article 2 Public Drinking as printed in the warrant.

**Board of Selectmen – 4-0-1 [Favorable]**

**Article 2. Public Drinking**

No person shall drink any alcoholic beverages, as defined in Chapter 138, Section 1 of the General Laws, while: (a) in or upon any public way, or any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, or any park or playground municipal property, without consent of the Board of Selectmen or (b) while in or upon private land, building, structure or place without consent of: the public official or board; or the owner or person in control thereof. Any person violating this by-law shall upon conviction be fined not more than fifty dollars ($50.00) for each offense.

**Description:** This article will allow for the consumption of alcoholic beverages on public property only at such times, special events, outdoor festivals, etc. as are sanctioned by the Board of Selectmen.

The Motion was moved by Ms. Elaine Fiore and seconded by Mr. Lindsay Wilson. Ms. Fiore described the article and its intent. It would allow under the direction and approval of the Board of Selectmen, public drinking of alcohol on Town Owned Properties. It was stated that the ABCC requirements would be followed. There was limited opposition and supportive discussion.

**The Motion on Article 41 Carried with minimal opposition.**

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ARTICLE 42 – Disband the Permanent Building Committee

Majority Vote: No Quorum Required

Motion By: Board of Selectmen – Sandra MacFarlane

**Move:** That the Town vote to disband the Permanent Building Committee as established under Article 23 of the 1990 Annual Town Meeting and amended under Article 23 of the 2011 Annual Town Meeting.

**Board of Selectmen – 5-0-0 [Favorable]**

**Description:** This article approves the disbanding of the Permanent Building Committee. The functions of the Committee have been assumed by the Facilities Manager, who is now a Town employee.

On a motion by Ms. Sandra MacFarlane and a second by Ms. Elaine Fiore, Ms. MacFarlane explained that the hiring of a Facilities Manager and inactivity by the members, the recommendation is to disband the Permanent Building Committee. With no further debate:

**The Motion on Article 41 Carried Unanimously.**

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ARTICLE 43 – Disband the Audit Committee

Majority Vote: No Quorum Required

Motion By: Board of Selectmen – Sandra MacFarlane

**Move:** That the Town vote to disband the Audit Committee as established under Article 15 of the 1994 Annual Town Meeting and amended under Article 30 of the 1995 Annual Town Meeting and Article 29 of the 2001 Annual Town Meeting.

**Board of Selectmen – 5-0-0 [Favorable]**

**Description:** This article approves the disbanding of the Audit Committee. The Committee has not met in several years, and the Town engages the services of a professional audit firm.

On the Motion by Ms. Sandra MacFarlane and seconded by Ms. Elaine Fiore it was voted to disband the Audit Committee as the Town has a private auditor. There being no discussion:

**The Motion on Article Carried on a Unanimous Voice Vote.**
ARTICLE 44– Petitioned Article – Rezone 9 Basler’s Lane
2/3 Vote: Quorum 100
Motion By: Mr. Robert Gardner

Move: Motion to be provided by Petitioner.

Board of Selectmen – Pending
Finance Committee – N/A on Petitioned Article

Description: To see if the Town will vote to amend the Zoning Map of the Town of Kingston by changing the classification of use of a certain parcel of land from Residential-20 District (R20) to Commercial District (C) said parcel being located at 9 Basler’s Lane and shown on the Kingston Assessor’s Map 67 as Lot 38.

Move: To see if the Town will vote to amend the Zoning Map of the Town of Kingston by changing parcels of land from a Residential-20 District (R20) to Commercial District (C) said parcels being located at 9 Basler’s Lane and shown on the Kingston Assessor’s Map 67 as Lot 38.

On the motion by the Petitioner, Mr. Robert Gardner of 9 Basler’s Lane, it was seconded for discussion from the floor. Mr. Gardner presented his request to rezone his property. There was minimal discussion as this property would become identical to other properties on Basler’s Lane. There was concern, which was addressed, pertaining to the proximity to Pawtuxet Park. There being no additional discussion:

The Motion on Article 44 Carried on a 2/3 majority Voice Vote.

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Article 45 - Petitioned Article – Change Zoning to all new uses in previously publicly owned buildings
2/3 Vote: Quorum 100
Motion By: Petitioner

Move: Motion to be provided by Petitioner.

There was no motion on Article 45.

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At 9:51 p.m., on a motion by Mr. Robert Kostka and seconded by Ms. Elaine Fiore it was moved to adjourn Sine Die.

On a Majority Voice Vote the Motion to Adjourn carried in the Majority.

Respectfully Submitted:

Paul M. Gallagher
Town Clerk