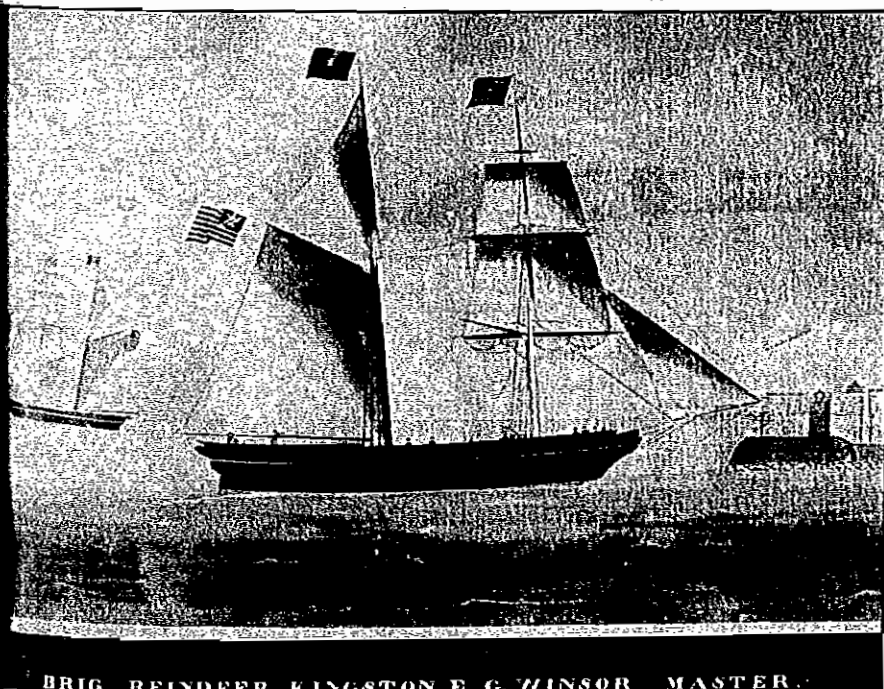


# Town of Kingston

## Annual Report 1992



BRIG REINDEER KINGSTON. E. C. WINSOR MASTER.

**ANNUAL REPORT  
OF THE  
TOWN OFFICERS  
OF THE  
TOWN OF KINGSTON  
MASSACHUSETTS**

This photograph shows an oil painting, by an unknown painter, of the brig "Reindeer", Elbridge G. Winsor, master, entering an unidentified European port.

The "Reindeer," of 136 tons burden, was built in 1844 by Lysander Bartlett, Jr. in the Bartlett building yard on the Jones River — about where the residence at 15 Landing Road stands in 1993. The brig was owned by Benjamin Delano, Joshua Delano and Elbridge G. Winsor.


(Photo courtesy of the Jones River Village Historical Society)



**1992**

**Eagle Graphics Inc.**

30 Lancaster Street  
Boston, MA 02114

 printed on recycled paper

## REPORT OF THE CHAIRMAN OF THE BOARD OF SELECTMEN

By indicating their wish for change, the voters of Kingston have reflected the feeling of the nation. During 1992, voters increased the Board of Selectmen and the Zoning Board of Appeals from three to five members. The town meeting also voted to increase the Board of Health to five members at the April 1993 town election.

The continuing growth of the community, both business and residential, is altering the appearance and patterns of the Town. The MBTA Advisory Committee, a subcommittee appointed by the Selectmen, is cataloging a list of concerns that the Town has about the Old Colony rehabilitation project and anticipating ways of mitigating any deleterious effects the project and the future growth it will precipitate will have on the community.

The fiscal management of the Town remains strong and the Town continues to enjoy an AA bond rating while many Massachusetts communities learned their rating have slipped. Because of this rating, the Town has been able to borrow money at low interest rates. Implementation of quarterly tax collections authorized by the voters has reduced the need for short-term borrowing.

The Board did borrow money for closure of the landfill and a portion of the landfill has now been covered in accordance with the regulations of the MA Department of Environmental Protection. Trash is now collected at the transfer station either for recycling or for transfer to the SEMASS incinerator.

In spite of cutbacks in state and federal funding, the Selectmen continue to pursue remedies to the sewage-disposal problems that many homeowners experience and to pollution of Kingston Bay. Also in the interest of public safety, the Board is coordinating its efforts with those of the Plymouth and Duxbury nuclear advisory committees to monitor activities at Pilgrim Nuclear Station.

The Board of Selectmen is grateful to the Town Administrator and to all elected officials, town employees, and the unpaid volunteers who provide the Town's services faithfully and professionally. In spite of the dismaying events that have occasioned the suspension of the police chief and a police officer, the Selectmen are confident that the public is being well protected and well served by Acting Police Chief Wayne Cristani and the police officers under his direction.

Clive W. Beasley, Chairman

Incorporated 1726

### TOWN OF KINGSTON

Area of Town 19.21 sq. miles

ANNUAL TOWN MEETING  
First Saturday in April

ANNUAL TOWN ELECTION  
Second Saturday in April

POPULATION 1992 TOWN CENSUS  
9,028

POPULATION 1990 FEDERAL CENSUS  
9,045

TAX RATE FOR FY1993  
\$13.71

## TOWN OFFICERS AND COMMITTEES

### ELECTED

#### MODERATOR

Lawrence I. Winokur.....Term Expires 1993  
168 Main Street

#### TOWN CLERK

Mary Lou Murzyn.....Term Expires 1993  
3 Silver Lake Drive

#### SELECTMEN

Clive W. Beasley, Chairman.....Term Expires 1993  
45 Howland's Lane

Marjorie F. Cadenhead.....Term Expires 1993  
101 Wapping Road

Ronald L. C. Maribett.....Term Expires 1994  
257 Elm Street

Christina E. Willis.....Term Expires 1994  
22 Atwood Street

Kevin F. Cully.....Term Expires 1995  
18 Pine Brook Drive

#### ASSESSORS

James C. Judge, Chairman.....Term Expires 1994  
6 Center Street

William J. Twohig.....Term Expires 1993  
35 Mayflower Street

William R. Fairweather.....Term Expires 1995  
59 Oldfield Drive

#### COLLECTOR OF TAXES

Howard Keith Peavey.....Term Expires 1995  
30 Pembroke Street

#### TOWN TREASURER

Roscoe A. Cole, Jr. ....Term Expires 1993  
8 Brewster Road

#### SCHOOL COMMITTEE

Colleen P. Costa, Chairman.....Term Expires 1994  
59 Wapping Road

Janet K. Dinsmore.....Term Expires 1993  
39R Maple Street

Charles A. Noble, III.....Term Expires 1993  
2 Barnabas Mill Road

James E. Coyle.....Term Expires 1995  
18 Mountain Ash Drive

Marion Lanagan.....Term Expires 1995  
240 Main Street



## HOUSING AUTHORITY

William J. O'Brien, Chairman.....	Term Expires 1993
(state appointee)	
18 Brook Street	
Joseph M. Palombo .....	Term Expires 1993
18 Harborview Drive	
Richard C. Scanlon.....	Term Expires 1995
37 Grove Street	
Cynthia A. Fitzgerald.....	Term Expires 1996
19 Oak Street	
Paul A. Vantangoli.....	Term Expires 1997
5 Brightside Avenue	

## LIBRARY TRUSTEES

Joseph F. Glass, Chairman .....	Term Expires 1995
153 Summer Street	
Margaret J. Warnsman .....	Term Expires 1993
100 Summer Street	
Brian G. McWilliams .....	Term Expires 1993
9 Green Street	
Mary C. Cherry .....	Term Expires 1994
12 Indian Pond Road	
Valerie C. Nee.....	Term Expires 1994
7 James G. Justice Way	
Dennis N. Randall .....	Term Expires 1995
360 Grove Street	

## SILVER LAKE REGIONAL SCHOOL DISTRICT COMMITTEE FROM KINGSTON

James D. Pratt .....	Term Expires 1993
266 Main Street	
Frances E. Botelho-Hoeg.....	Appointed to 1993 ATE
394 Elm Street.....	Term Expires 1994
Wayne G. Bouley .....	Term Expires 1995
36 Brook Street	
George A. Cappola.....	Term Expires 1995
5 Lydon Lane	

## BOARD OF HEALTH

David D. Fitzgerald, Chairman.....	Term Expires 1993
19 Oak Street	
Roberta C. Medal.....	Appointed to 1993 ATE
11 High Pines Drive .....	Term Expires 1994
Paul A. Tura.....	Term Expires 1995
12 Jones River Drive	

## TREE WARDEN

Fred E. Nava .....	Term Expires 1993
181 Brookdale Street	

## CONSTABLES

Alfred D. Darsch .....	Term Expires 1995
4 Pleasant Street	
James R. Goonan.....	Term Expires 1995
2 Pleasant Street	

## WATER COMMISSIONERS

Richard W. Loring, Jr., Chairman .....	Term Expires 1994
30 Tremont Street	
George D. Cravenho .....	Term Expires 1993
277 Grove Street	
Fred D. Svenson, Jr. ....	Term Expires 1995
9 Smelt Pond	

## PLANNING BOARD

Susan M. Farrell, Chairman.....	Term Expires 1997
101 Lake Street	
Frederick E. Corrow .....	Term Expires 1993
218 Indian Pond Road	
Edmund J. King, Jr. ....	Term Expires 1994
49 Winthrop Street	
Robert T. Gosselin, Jr. ....	Term Expires 1995
24 Silver Lake Drive	
Michael J. Ruprecht.....	Term Expires 1996
236 Main Street	

## RECREATION COMMISSION

John P. Holmes, Chairman .....	Term Expires 1994
11 Brook Street	
Alan J. Drew .....	Term Expires 1993
19 Evergreen Street	
Nancy E. Kenyon .....	Term Expires 1993
15 Bradford Avenue	
Jason P. Potrykus .....	Term Expires 1994
165 Indian Pond Road	
Dennis M. Carvalho .....	Term Expires 1995
178 Main Street	

## APPOINTED

## ACCOUNTANT

Nat Granino .....	Term Expires 4-01-93
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## ADMINISTRATOR

Doris Haight .....By Contract

## AMERICANS WITH DISABILITIES ACT COORDINATOR

Christina L. Willis .....Indefinite

## ANIMAL CONTROL OFFICER

Arthur J. Thomas .....Term Expires 4-30-93

## ARTS COUNCIL

Vilma R. Balboni .....Term Expires 6-30-93

Kimberly K. Beasley .....Term Expires 6-30-94

Patrick P. Berry .....Term Expires 6-30-93

Mary Ann Driscoll .....Term Expires 6-30-94

.....Term Expires 6-30-93

Raymond Russo .....Term Expires 6-30-94

Gobin J. Stair .....Term Expires 6-30-94

Anne Walsh .....Term Expires 6-30-94

## ASSISTANT ASSESSOR

(M.G.L. Chapter 41, Section 25A)

Judith A. Yelle .....Term Expires 7-01-93

## ASSISTANT ASSESSOR (Honorary)

James G. Makrys .....Term Expires 6-30-93

John T. Donahue .....Term Expires 6-30-93

## ASSISTANT TOWN CLERK

(M.G.L. Chapter 41, Section 19)

Mary E. Boutin .....Term Expires 4-10-93

## ASSISTANT TOWN TREASURER

(M.G.L. Chapter 41, Section 39A)

Gean C. Richards .....Term Expires 4-10-93

## BUILDING INSPECTOR

Paul L. Armstrong .....Term Expires 6-30-94

Fred D. Svenson, Jr., Alternate .....Term Expires 6-30-94

## CABLE ADVISORY COMMITTEE

(1991 ATM Art. 41, 1991 STM Art. 19)

L. Richard Ellison .....Term Expires 6-30-93

D. Charles Wusenich .....Term Expires 6-30-93

Francis R. Murphy .....Term Expires 6-30-94

Peter M. Vacchino .....Term Expires 6-30-94

June A. Ballinger .....Term Expires 6-30-93

David A. Chuckran .....Term Expires 6-30-93

Joseph J. D'Agostino .....Term Expires 6-30-93

Kevin F. Cully, Selectman Liaison .....Term Expires 6-30-93

## CENTRAL PLYMOUTH WATER DISTRICT

Michael E. O'Meara .....Term Expires 6-30-93

## CHIEF PROCUREMENT OFFICER

Doris Haight .....Term Expires 6-30-93

## CLERK, BOARD OF SELECTMEN

Miriam MacInnis .....Term Expires 6-30-93

## COMMUNITY PROBATION BOARD

Joseph A. Costa .....Term Expires 6-30-93

## COMMUNITY SERVICE BOARD

Ima A. Ruffini .....Term Expires 6-30-93

## CONSERVATION COMMISSION

Pine duBois, Chairman .....Term Expires 6-30-95

Roger J. Grant .....Term Expires 6-30-93

George W. Schilling .....Term Expires 6-30-93

Marie F. King .....Term Expires 6-30-94

Stephen A. McDonald .....Term Expires 6-30-94

Philemon T. Walters .....Term Expires 6-30-94

William E. Watson .....Term Expires 6-30-95

Jay Wennemer, Enforcement Officer .....Term Expires 6-30-93

## COUNCIL ON AGING

Muriel A. Boyce, Director .....Term Expires 6-30-93

Althea C. Cushman .....Term Expires 6-30-93

Delia N. Ferreira .....Term Expires 6-30-93

Gladys K. Malone .....Term Expires 6-30-94

Frances E. Durgin .....Term Expires 6-30-95

Olavo B. DeMacedo .....Term Expires 6-30-95

Olive M. Wisely .....Term Expires 6-30-95

Richard P. Cretinon .....Term Expires 6-30-95

## DEPUTY TAX COLLECTOR

William E. Po .....Term Expires 12-31-93

Roscoe A. Cole .....Term Expires 12-16-93

## E-911 COMMITTEE

Michael Best .....Duration of Committee

Harley S. Cadenhead .....Duration of Committee

Eugene F. Creedon .....Duration of Committee

David R. Griffiths .....Duration of Committee

David C. McKee .....Duration of Committee

Philip W. Tura .....Duration of Committee

## EDUCATIONAL FUND TRUSTEES

Renelta A. Moran .....Term Expires 6-30-93

David W. Gavigan .....Term Expires 6-30-94

Arthur T. Hand .....Term Expires 6-30-95

Horace C. Weston .....Term Expires 6-30-96

Roscoe A. Cole .....Term Expires 6-30-97

## EMERGENCY MANAGEMENT AGENCY

Dennis L. Tavares, Director .....Term Expires 6-30-93  
\_\_\_\_\_, Deputy .....Term Expires 6-30-93  
Volunteers list on file.

### FENCE VIEWERS

Walter W. Hoeg .....Term Expires 6-30-93  
\_\_\_\_\_. .....Term Expires 6-30-93

### FIELD DRIVER

Charles King .....Term Expires 6-30-93  
Timothy W. King .....Term Expires 6-30-93

## FIRE DEPARTMENT

### FIRE CHIEF

Jon H. Alberghini .....Term Expires 6-30-93

### FIREFIGHTER/EMTS — Permanent Force

Jon H. Alberghini, Chief; David C. McKee, Deputy Fire Chief; Kenneth Calvin; Mark Douglass; Robert T. Heath; Stephen Heath; Gregory B. Kraft; David Matinzi; Glenn Rizzuto; Bernard H. Sampson.

### FIREFIGHTER/PARAMEDIC — Permanent Force

Kevin Nord; John O'Neil.

### FIREFIGHTER/PARAMEDIC — Call Force

David J. Kaye; Stephen Silva; Philip W. Tura.

### FIREFIGHTER/EMT — Call Force

Sean Kilduff; James Reed.

### CALL FORCE

Michael J. Best; David Binari; Jeffrey Bond; John Brown; Philip Burnham; Lt. Joseph Chaves; Frank Donovan; Donald Drew; Robert Ellis; Richard Garuti; David Heath; Capt. Edgar W. Loring; Richard W. Loring, Jr.; Thomas Neal; Lt. William O'Brien, III; Lt. William O'Brien, Sr.; Christy Parezo; James Reed; Paul Tura; Lionel Warner.

### DISPATCHERS

Michael Balboni; Michael J. Best; Patricia Chandler; Stephen Perrault.

### FISH COMMITTEE

### GAS INSPECTOR

James A. Robare, Sr. ....Term Expires 6-30-93  
Norman E. Bouchard, Alternate .....Term Expires 6-30-93

### HANDICAP COORDINATOR

John C. Veracka, Jr. ....Term Indefinite

## HANDICAPPED COMMISSION

(1988 ATM, Art. 25)

Christina L. Willis, Chairman .....Term Expires 6-30-94  
Penny Phillips .....Term Expires 6-30-93  
Michelle Hill .....Term Expires 6-30-93  
Luanne Fowler .....Term Expires 6-30-93  
Jean M. Landis-Naumann .....Term Expires 6-30-95  
\_\_\_\_\_. .....Term Expires 6-30-95  
\_\_\_\_\_. .....Term Expires 6-30-93

### HARBORMASTER

Charles A. McCloskey .....Term Indefinite  
Michael Blais, Assistant .....Term Expires 6-30-94  
Dennis Carvalho, Assistant .....Term Expires 6-30-94  
John P. Holmes, Assistant .....Term Expires 6-30-94  
Thomas R. Neal, Assistant .....Term Expires 6-30-94

### HISTORIAN

Doris M. Johnson .....Term Expires 6-30-97

### HISTORICAL COMMISSION

(M.G.L. Chapter 40, Section 8E)

Walter W. Hoeg .....Term Expires 6-30-95  
June A. Ballinger .....Term Expires 6-30-93  
Daniel A. Walker .....Term Expires 6-30-93  
Marion Lanagan .....Term Expires 6-30-94  
John K. McNabb .....Term Expires 6-30-94

### ICHABOD WASHBURN FUND TRUSTEES

Miriam MacInnis .....Term Expires 6-30-97  
John C. Veracka, Jr. ....Term Expires 6-30-97  
Mary W. Whiteley .....Term Expires 6-30-97

### INDUSTRIAL DEVELOPMENT COMMISSION

Robert W. Crosscup, Chairman .....Term Expires 6-30-94  
John R. Hamilton .....Term Expires 6-30-93  
Jeffrey A. Batchelor .....Term Expires 6-30-94  
Joseph J. D'Agostino .....Term Expires 6-30-94  
Paul H. Randall .....Term Expires 6-30-94  
Marie Shea .....Term Expires 6-30-94  
Mario V. Vernazzaro .....Term Expires 6-30-95

### INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY

Robert W. Crosscup, Jr. ....Term Expires 4-30-93  
William J. Twohig .....Term Expires 4-30-94  
Roscoe A. Cole, Jr. ....Term Expires 4-30-95  
William R. Fairweather .....Term Expires 4-30-96  
James C. Judge .....Term Expires 4-30-97

**INSURANCE ADVISORY COMMITTEE**

Wayne G. Bouley.....Term Expires 6-30-93  
 Arthur P. Naumann, Jr. ....Term Expires 6-30-93  
 George M. Zifcak, Jr. ....Term Expires 6-30-93

**LIBRARY DIRECTOR**

Lusia Stewart.....Term Indefinite

**LOCAL SUPERINTENDENT**

Fred E. Nava.....Term Expires 6-30-94

**LOCAL WATER RESOURCES MANAGEMENT AGENCY**

Michael G. MacPherson.....Term Expires 6-30-93

**MASS BAYS LOCAL GOVERNANCE**

Richard E. Dennehy, Representative .....Until business concludes  
 Leo A. Kelley, Alternate.....Until business concludes

**MEASURER OF WOOD AND BARK**

Paul M. Gallagher.....Term Expires 6-30-93

**OLD COLONY ELDERLY SERVICES**

Ann White, Representative .....Term Expires 6-30-93  
 Hazel E. Foley, Alternate.....Term Expires 6-30-93

**OLD COLONY PLANNING COUNCIL**

Eugene F. Creedon.....Term Expires 6-30-94

**OLD COLONY PLANNING COUNCIL****AREA AGENCY FOR AGING**

Muriel A. Boyce, Representative .....Term Expires 6-30-93  
 Gladys K. Malone, Alternate .....Term Expires 6-30-93

**OLD COLONY PLANNING COUNCIL****JOINT TRANSPORTATION COMMITTEE**

Eugene F. Creedon, Delegate.....Term Expires 6-30-93  
 Paul M. Gallagher, Alternate .....Term Expires 6-30-93

**PARKING CLERK**

Miriam MacInnis.....Term Expires 6-30-93

**PERMANENT BUILDING COMMITTEE**

(1990 ATM, Art. 23)

Paul L. Armstrong .....Term Expires 6-30-93  
 Frank J. Catani.....Term Expires 6-30-93  
 Philip R. Burnham .....Term Expires 6-30-94  
 Frank P. Coglianò .....Term Expires 6-30-95  
 Fred D. Svenson, Jr. ....Term Expires 6-30-95

**PLUMBING INSPECTOR**

Norman E. Bouchard .....Term Expires 6-30-93  
 James A. Robare, Sr., Alternate .....Term Expires 6-30-93

**PLYMOUTH COUNTY ADVISORY BOARD**

Kevin F. Cully .....Term Expires 6-30-93  
 Clive W. Beasley, Alternate.....Term Expires 6-30-93  
 Ronald L. C. Maribett, Alternate .....Term Expires 6-30-93

**PLYMOUTH COUNTY EXTENSION SERVICE**

George E. Fraser, II, Director .....Term Expires 6-30-93

**POLICE DEPARTMENT****CHIEF (Acting)**

Wayne J. Cristani

**SERGEANTS (PF)**

Wayne J. Cristani; Gordon R. Fogg; Jeffrey J. Ponte; James J. Schilling;  
 Richard B. Pina (Acting Sgt.).

**OFFICERS (PF)**

Richard J. Arruda; Deborah M. Brock; Alan H. Cabral; Michael E. Darsch;  
 Loren A. Frost; David R. Griffiths; Thomas A. Kelley; John D. Morgan;  
 Dennis P. O'Brien; Robert J. Sarson; James P. Sauer; Kimberly J. Spargo;  
 Robert C. Wells.

**PERMANENT INTERMITTENTS (PI)**

Maryann Furfari; Zachary I. Potrykus; Robert J. Santos; Roger Silva; Ronald  
 J. Vernazzaro; Steven J. Vernazzaro; Joseph E. Walsh.

**SPECIAL OFFICERS**

Douglas Abde, Jr.; Michael Balboni; Bradford P. Bartlett; Richard A. Bosworth;  
 Bruce Burton; Glenn W. Bushee; Edward A. Caron; George V. Cavicchi;  
 Michael A. Close; Edward M. Donnelly; Andrew Scanlon; Christine H.  
 Spalding; Maurice J. Splaine; Michael Wager.

**DISPATCHERS/SPECIAL OFFICERS**

Susan M. Macy; Donna M. Pepin.

**RECYCLING COMMITTEE**

(1990 ATM, Art. 21)

Linda M. Heath, Chairperson.....Term Expires 6-30-93  
 Christopher S. Newton.....Term Expires 6-30-93  
 Kerri M. Atchison.....Term Expires 6-30-93  
 Carl G. Atwood.....Term Expires 6-30-93  
 Elizabeth J. Monks .....Term Expires 6-30-93  
 Lauren R. Chartier .....Term Expires 6-30-93

**REGISTRAR OF VOTERS**

(M.G.L. Chapter 51, Section 15)

Mary C. Crowley, Chairman.....Term Expires 3-31-94  
 D. Charles Wusenich .....Term Expires 6-30-93  
 Mary Lou Murzyn, Clerk .....Term Expires 4-10-93  
 Lucy S. Cushman.....Term Expires 3-31-95

**ASSISTANT REGISTRAR:** Sacred Heart High School  
Sr. Emma Jean Middendorf

**ASSISTANT REGISTRAR:** Silver Lake Regional High School  
Audrey E. Riddle

**RIGHT-TO-KNOW COORDINATOR**

George Bray, III ..... Term Expires 6-30-93

**SEALER OF WEIGHTS AND MEASURES**

Herbert Wolfer ..... Term Expires 6-30-93

**SEWERAGE ADVISORY COMMITTEE**

Julianne M. Nemes ..... Term Expires 6-30-93

William J. Twohig ..... Term Expires 6-30-93

Bartholomew A. Vernazzaro ..... Term Expires 6-30-93

Mark Doyle ..... Term Expires 6-30-93

**SHELLFISH CONSTABLE**

Charles A. McCloskey, Jr. .... Term Expires 6-30-94

Michael Blais, Deputy ..... Term Expires 6-30-94

Dennis Carvalho, Deputy ..... Term Expires 6-30-94

John P. Holmes, Deputy ..... Term Expires 6-30-94

Thomas R. Neal, Deputy ..... Term Expires 6-30-94

**SPLIT TAX RATE STUDY COMMITTEE**

Theodore C. Alexiades ..... Final Report Filed  
John Charters ..... November 24, 1992

William R. Fairweather

Ronald A. Gleason

James C. Judge

Ronald L. C. Maribett

John K. Miller

Paul H. Randall

William J. Twohig

James A. Vantangoli

**SUPERINTENDENT OF SCHOOLS**

(Appointed by joint vote of Superintendence Union and Silver Lake Regional  
School District Committees)

Paul A. Squarcia

**SUPERINTENDENT OF STREETS**

Carl G. Atwood ..... Term Expires 6-30-95

**SUPERINTENDENT OF WATER**

Michael G. MacPherson ..... Term Expires 5-22-93

**SURVEY BOARD**

Jon H. Alberghini ..... Term Expires 6-30-93

Stephen Sessoms ..... Term Expires 6-30-93

Charles H. Tewksbury ..... Term Expires 6-30-93

**SWORN WEIGHERS**

**O'DONNELL SAND & GRAVEL**

Gregory Doyle ..... Term Expires 6-30-93

Richard Gleason ..... Term Expires 6-30-93

**SOUTHEASTERN SAND & GRAVEL**

John Daniano ..... Term Expires 6-30-93

**TOWN COUNSEL**

Kopelman & Paige, P.C. .... Term Expires 6-30-93

**VETERANS' AGENT**

Donald L. Sauer ..... Term Expires 4-30-93

**VETERANS' SERVICES DIRECTOR**

Donald L. Sauer ..... Term Expires 4-30-93

**WATERFRONT COMMITTEE**

William R. Fairweather ..... Term Expires 6-30-93

Thomas J. Hobin ..... Term Expires 6-30-93

Jeffrey C. Crocker ..... Term Expires 6-30-94

Arthur Vantangoli ..... Term Expires 6-30-94

John P. Hennessy ..... Term Expires 6-30-95

**WIRE INSPECTOR**

Lionel B. Warner ..... Term Expires 6-30-93

R. Kenneth Savard, Alternate ..... Term Expires 6-30-93

**YOUTH COMMISSION**

Donna M. Farrington, Chairperson ..... Term Expires 6-30-93

Martha E. Tuberosa ..... Term Expires 6-30-93

Deborah A. Carroll ..... Term Expires 6-30-93

Sharon M. Chasse ..... Term Expires 6-30-93

Colleen P. Costa ..... Term Expires 6-30-93

Maryanne Martin ..... Term Expires 6-30-93

..... Term Expires 6-30-93

Frances Carpenter, Director

**ZONING BOARD OF APPEALS**

..... Term Expires 6-30-94

Stanley J. Kuzborski ..... Term Expires 6-30-97

Jose E. Carvalho, Jr., Clerk ..... Term Expires 6-30-93

Bruce K. Bird ..... Term Expires 6-30-96

John L. Sullivan ..... Term Expires 6-30-95

Marie F. Shea, Alternate ..... Term Expires 6-30-93

Neil A. Hulteen, Alternate ..... Term Expires 6-30-94

## OFFICERS APPOINTED BY MODERATOR

### FINANCE COMMITTEE

Daniel J. Murphy, Chairman.....	ATM 95
Richard P. Cretinon.....	ATM 93
Sara Altherr.....	ATM 93
Melanie Meeker Jones.....	ATM 93
Theodore C. Alexiades, Vice-Chairman.....	ATM 94
Christopher J. Daly.....	ATM 94
Gregory F. Hunter.....	ATM 94
Evelyn D. Strawn.....	ATM 95
Paul S. Milliken.....	ATM 95

## OFFICERS APPOINTED BY BOARD OF HEALTH

### BURIAL AGENT

Mary Lou Murzyn.....	Term Expires 6-30-93
Mary E. Boutin.....	Term Expires 6-30-93

### HEALTH AGENT

William A. Iannucci.....	Term Expires 6-30-93
Frederick E. Corrow, Alternate.....	Term Expires 6-30-93

### INSPECTOR OF ANIMALS

Dr. Raymond Russo.....	Term Expires 3-31-93
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## COMMITTEES APPOINTED JOINTLY

### CAMP NEKON STUDY COMMITTEE

(1990 ATM, Art. 24)

M.....	When Committee Disbanded
RC.....	When Committee Disbanded
RC.....	When Committee Disbanded
CC Alan R. Zaniboni.....	When Committee Disbanded
FC Christopher J. Daly.....	When Committee Disbanded
BS Glenn D. Perry.....	When Committee Disbanded
WC Fred D. Svenson, Jr.....	When Committee Disbanded

### CAPITAL PLANNING COMMITTEE

(1988 ATM, Art. 44)

M Joseph P. Balboni.....	Term Expires 6-30-94
FC Gregory F. Hunter.....	Term Expires 6-30-95
FC Theodore C. Alexiades.....	Term Expires 6-30-93
BS John C. Veracka, Jr.....	Term Expires 6-30-95
BS Arthur E. Quilty.....	Term Expires 6-30-93
BS James E. Colman.....	Term Expires 6-30-94
& Town Administrator	

## LIBRARY BUILDING COMMITTEE

(November 9, 1992, STM, Art. 17)

M.....Until Need for Committee Expires

FC Melanie Meeker Jones
BS Harley S. Cadenhead
BS Thomas S. Donnelly
LT Brian G. McWilliams
LT Paul R. Sullivan
LT Philip R. Burnham
& Library Director ex officio

### SILVER LAKE REGIONAL SCHOOL DISTRICT STUDY COMMITTEE

FC Daniel J. Murphy.....	When Committee Disbanded
BS Doris Haight.....	When Committee Disbanded

### WAGE AND PERSONNEL BOARD

M Elizabeth A. White.....	Term Expires 6-30-94
FC Jerome M. Powell.....	Term Expires 6-30-95
BS James E. Colman.....	Term Expires 6-30-93

### ZONING STUDY COMMITTEE

(1987 ATM, Art. 28)

M John L. Sullivan
BS Mark S. Beaton
BS Maryann Cassidy
BS Leo A. Kelley
PB Susan M. Farrell
PB Doris M. Johnson
PB Michael J. Ruprecht

Final report of committee  
submitted and accepted  
at November 9, 1992,  
Special Town Meeting

## APPOINTING BOARDS

BH Board of Health
BS Board of Selectmen
CC Conservation Commission
FC Finance Committee
LT Library Trustees
M Moderator
PB Planning Board
RC Recreation Commission
WC Water Commissioners
ZB Zoning Board of Appeals

All appointments current as of December 31, 1992.

## FEDERAL, STATE AND COUNTY OFFICERS

### UNITED STATES SENATORS IN CONGRESS

Edward M. Kennedy (D) of Squaw Island, Barnstable  
John F. Kennedy Federal Building, Room 409  
Boston, MA 02203  
(617) 565-3170

John F. Kerry (D) of 43 Commonwealth Ave., Boston  
One Bowdoin Square, 10th Floor  
Boston, MA 02114  
(617) 565-8519

### UNITED STATES REPRESENTATIVE IN CONGRESS

(10th Congressional District)

Gerry E. Studds (D) of 16 Black Horse Lane, Cohasset  
State House  
Boston, MA 02133  
or  
225 Water Street, Suite 401  
Plymouth, MA 02360  
(508) 747-5500

### GOVERNOR

William F. Weld (R) of 28 Fayerweather St., Cambridge  
State House  
Boston, MA 02133

### COUNCILLOR

(First Councillor District)

David F. Constantine (D) of 285 Tarkiln Hill Rd., New Bedford  
State House, Room 184  
Boston, MA 02133  
(617) 727-2795

### STATE SENATOR

(Plymouth and Barnstable District)

Therese Murray (D) of 1 Winding Lane, Plymouth  
State House, Room 507  
Boston, MA 02133  
(617) 722-1330  
or  
225 Water Street, Suite 401  
Plymouth, MA 02360  
(508) 746-9332

## STATE REPRESENTATIVE IN GENERAL COURT

(12th Plymouth District)

Robert Kraus (R) of 28 Maple Avenue, Kingston  
Government Regulations Committee  
State House, Room 472  
Boston, MA 02133  
(617) 722-2120

### SECRETARY OF THE COMMONWEALTH

Michael J. Connolly (D) of 42 Cerdan Avenue, Boston  
State House  
Boston, MA 02133  
(617) 727-2800

### ATTORNEY GENERAL

L. Scott Harshbarger (D) of 14 Sacramento Street, Cambridge  
One Ashburton Place  
Boston, MA  
(617) 727-8400

### TREASURER

Joseph D. Malone (R) of 15 Cushman Street, Watertown  
State House  
Boston, MA 02133  
(617) 727-2000

### AUDITOR OF THE COMMONWEALTH

A. Joseph DeNucci (D) of 119 Warwick Road, Newton  
One Ashburton Place  
Boston, MA 02133  
(617) 727-6200

### DISTRICT ATTORNEY

(Plymouth District)

William C. O'Malley (D) of 351 W. Elm Street, Brockton  
32 Belmont Street, PO Box 1665  
Brockton, MA 02403  
(508) 584-8120

### REGISTER OF PROBATE

(Plymouth County)

John Daley (D) of 478 Summer Street, Bridgewater  
Plymouth Probate Court  
Registry Building, Russell Street  
P.O. Box 3640  
Plymouth, MA 02361  
(508) 747-6204

## COUNTY COMMISSIONERS

(Plymouth County)

John R. Buckley, Jr. (D) of 38 Rockland Street, Brockton  
Patricia A. Lawton (D) of 225 Grange Park, Bridgewater  
Robert J. Stone (R) of 77 Whitman Avenue, Whitman

County Commissioners Office  
11 South Russell Street  
Plymouth, MA 02360  
(508) 830-9100

## SPECIAL TOWN MEETING MARCH 2, 1992

The Special Town Meeting was called to order by the Moderator, Laurence I. Winokur, at 7:40 p.m., at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts.

The voter checkers were: Maureen E. Twohig, Robert A. Mulliken, Janet Smith and Jane P. Zakrzewski. The doorkeeper was Marie F. Shea; the mike carrier was Charles V. Ladd; and David R. Buhl recorded the meeting.

The sworn tellers were Donna M. Farrington, Philip R. Burnham, Joseph F. Glass and James C. Judge.

Mr. Winokur welcomed the 125 voters present to the Special Town Meeting. He advised that a quorum was present to consider the zoning revision article as well as the general by-law articles.

Joseph F. Glass then led the voters in the Pledge of Allegiance.

Mr. Winokur went on to explain the guidelines and procedures to be followed for this Special Town Meeting. He stated that it was obvious that proper notice had been given and the reading of the warrant was waived.

Mr. Winokur gave a brief background of the Zoning Study Committee. The Committee has been in existence for close to five years. They have spent hundreds of hours studying this issue. No matter how the Town Meeting body votes tonight, we owe a tremendous debt of gratitude to this Committee. The Town Meeting body showed their appreciation by extending a warm round of applause for the Zoning Study Committee.

On the motion of John C. Veracka, Jr., VOTED that Doris Haight, Town Administrator, and Elizabeth Lane, Town Counsel, be permitted to address the Town Meeting.

ARTICLE 1, Anne A. Hummel moved that the Town amend the Town of Kingston Zoning By-Law and the current zoning map by repealing Section I through VI of the Kingston Zoning By-Law and the current zoning map, and

by adopting the proposed zoning by-law shown on a document entitled Town of Kingston, Massachusetts Revisions to Proposed Zoning Bylaws and the proposed zoning map dated February 1990, including a revision made at the 1991 annual town meeting, and filed with the Town Clerk on Friday, February 14, 1992, and posted on the official Town bulletin board; together with the following changes: (Ms. Hummel explained changes were technical ones and in documents provided at this meeting.)

### ADDENDUM TO PROPOSED ZONING BY-LAWS

- 1) In 2.1.1.7, the reference to Open Space should be: 2.1.1.4.2.
- 2) In 2.1.1.34, after the word "built", insert the phrase "or delivered".
- 3) In 2.1.1.52, the reference should be 6.7.14.
- 4) In 4.3.4.4, after the "uses", delete the phrase "provided that" and further delete the entire subparagraph 4.3.4.4. (a).
- 5) On page 6, delete the phrase: "Intensity Schedule from Page 40 Goes here" from the middle of 5.2.4.
- 6) In 5.2.9.2, it should read: "In all districts, no lot shall be less than forty (40) feet in width at any location within the lot except in a portion of the lot where two (2) lot lines meet at a point".
- 7) In 6.7.2.1, delete the phrase "Department of Environmental Quality Engineering" and substitute therefor the phrase "Department of Environmental Protection".
- 8) In 6.4.2.1, it should read: "Except in Residential M, Mobile Home Parks, no off-street parking area shall be located within twenty (20) feet of a street line or within ten (10) feet of all other property lines."
- 9) Add to 8.1.1: "easements, covenants, or agreements then the provisions of this Bylaw shall control except only in the case of a variance granted by the Board of Appeals."

10) Add: "8.2 Validity. 8.2.1. The invalidity of any section or provision of this ByLaw shall not invalidate any other section or provision hereof."

11) Add: "8.3 Amendment. 8.3.1. This Bylaw may from time to time be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws."

12) Delete 2.2.2.60 and substitute 2.1.1.60.

### REVISIONS REQUESTED BY BOARD OF WATER COMMISSIONERS

1. Add to Section 2.0 Definitions. Subsection 2.1 Terms and Words the following:

"Premises shall mean one or more abutting lots or parcels which are, or are proposed to be, in the same ownership or use, together with all buildings and structures thereon."



2. Revise Section 3.2 Location of Districts, Subsection 3.2.4. to read as follows:

The Water Resource Overlay District is established as covering the area described on the maps entitled, "Water Resource Districts". The maps and all explanatory matter thereon is incorporated herein by reference and is filed with the office of the Town Clerk, Planning Board, Inspector of Buildings, and Conservation Commission. Such Water Resource Districts shall be considered to be superimposed over any other districts established in this Bylaw. Land in a Water Resource District shall be subject to the requirements of this Bylaw as well as to all other requirements of this Zoning Bylaw and State Building Code which apply to the underlying districts. In the event that there is a conflict, the more restrictive requirement shall prevail.

3. Revise Section 4.13 Water Resource Overlay District to insert the word "premises" in place of the words "the site", and "lot area".

4. Revise Section 4.13.7 Certificate of Water Quality compliance, Subsection 4.13.7.1, Paragraph "B" to read as follows: No Building Permit or Certificate of Use and Occupancy shall be issued by the Building Inspector, other than for a single family dwelling, except in compliance with a Certificate of Water Quality Compliance as required herein, which Certificate has been duly recorded in the Plymouth County Registry of Deeds.

5. Revise Section 7.4.2 Powers, Subsection 7.4.2.1., Paragraph "C" to read as follows: Rules, Regulations, Fees and Payments: The Water Quality Review Committee shall be authorized to establish rules and regulations concerning the orderly administration and enforcement of the Water Resource Overlay Section, including application requirements and a schedule of fees, costs, and fines as may reasonably be required to process applications and investigate, document or abate violations.

Before beginning her presentation, Ms. Hummel thanked the members of the Zoning Study Committee for their time and efforts — Susan M. Farrell, Doris M. Johnson, Paul A. Vantangoli and John L. Sullivan. She went on to give the background for the Zoning Study Committee.

Ms. Hummel proceeded to go through the proposed zoning by-law in detail. Upon completion of her presentation, she recommended that a standing committee be appointed by the Board of Selectmen for the purpose of constantly reviewing the by-laws. She urged the support and adoption of the by-laws as written and presented.

PLANNING BOARD UNANIMOUSLY RECOMMENDED  
FAVORABLE ACTION BY A 4-0 VOTE.

BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Questions and comments were then entertained.

John Hamilton moved to amend the Intensity Schedule under Section 5.0 to add the following after the words "Industrial District"; "Industrial District, South Industrial Park (Southwest of Route 3)":

Minimum Lot Dimensions: Lot Area in Square Feet — 40,000;  
Continuous Frontage in Feet — 200.

Minimum Yard Dimensions: Front Yard in Feet — 50; Side Yard in Feet — 40(7); Rear Yard in Feet — 50.

Maximum Height Dimensions: 40.

Maximum Lot Coverage by Buildings in Percent: 25.

Minimum Open Space (In Percent): 25.

(7) Provided that where and if the lot abuts residentially zoned areas of this Town, this minimum side lot be fifty (50) feet.

Edmund J. King, Jr. moved to amend the main motion by changing the Intensity Schedule for the Industrial District to reflect the dimensions in Mr. Hamilton's amendment.

THE AMENDMENT WAS NOT CARRIED.

A vote was taken on the amendment of Mr. Hamilton.

THE AMENDMENT WAS NOT CARRIED.

A. Daniel Sapir moved to amend by expanding the Board of Appeals from three to five members.

The Moderator indicated that the draft provided for a three-member Board and he, therefore, ruled the amendment outside the scope of the article.

A vote was taken on the motion of Ms. Hummel to amend the Town of Kingston Zoning By-Law and the current zoning map by repealing Section I through VI of the Kingston Zoning By-Law and the current zoning map, and by adopting the proposed zoning by-law shown on a document entitled Town of Kingston, Massachusetts Revisions to Proposed Zoning Bylaws and the proposed zoning map dated February 1990, including a revision made at the 1991 annual town meeting, and filed with the Town Clerk on Friday, February 14, 1992, and posted on the official Town bulletin board, together with items read by her which are a part of her motion.

YES — 90; NO — 63

THE MOTION WAS NOT CARRIED  
SINCE IT DID NOT MEET THE 2/3 REQUIREMENT.

Mark A. Batchelor moved to reconsider this article.

YES — 63; NO — 69

THE MOTION WAS NOT CARRIED.

Prior to the commencement of Article 2, Mr. Winokur explained that Article 2 and Article 3 propose to change the earth removal by-law. The Town Meeting body will hear Article 2 and discuss Article 2 and Article 3 together. A vote will then be taken on Article 2 and then on Article 3.

ARTICLE 2. John C. Veracka, Jr. moved that the Town revise Article XX Earth Removal By-Law, of the Town of Kingston By-Laws, by repealing said Article XX and by adopting in its place a new Article XX Earth Removal By-Law as shown on a document entitled EARTH REMOVAL BY-LAW as filed with the Town Clerk and posted on the official Town bulletin board on Friday, February 14, 1992.

The text of said article is as follows:

## ARTICLE XX

### EARTH REMOVAL BY-LAW

#### 1. Definitions.

- a. Board — The Kingston Board of Selectmen.
- b. Earth — Includes stone, sand, clay, gravel, and rock and other earth material.
- c. Earth Removal Permit — Permit issued by Board pursuant to this By-law allowing earth removal subject to conditions.
- d. Incidental — subordinate to, customarily associated with and reasonably required by a lawful use of a premises.
- e. Removal — Excavation of earth, whether such excavated earth is removed from the premises or placed in another location on the premises.
- f. Premises — One lot or all abutting lots or parcels which are, or are proposed to be, in the same ownership or use, together with all buildings and structures thereon.
- g. Town — Town of Kingston.

2. Prohibited Earth Removal. No person, firm, corporation, or other entity shall excavate and/or remove in any twelve-month period more than 1,000 cubic yards of earth from any land in the Town unless pursuant to a permit issued in conformity with Section 3 or exempted pursuant to Section 4 of this bylaw.

3. Permitted Earth Removal. The Board of Selectmen may issue an earth-removal permit when it determines that such earth removal is incidental to the following purposes:

- a. construction of an approved building(s) or structure(s) and uses incidental thereto;
- b. construction or operation of customary agricultural use;
- c. specific requirements of an approved, definitive subdivision plan.

4. Exemptions. A permit shall not be required under this by-law for the following type of excavation:

- a. excavation not in excess of 1,000 cubic yards and incidental to the construction of buildings for which all permits required by law have been issued, or the installation of walks, driveways, septic systems, swimming pools, provided the quantity of material removed shall not exceed that displaced by the portion of the building or accessory use below finished grade;
- b. excavation not in excess of 1,000 cubic yards incidental to customary agricultural use of land for agriculture;
- c. excavation not in excess of 1,000 cubic yards in compliance with the specific requirements of an approved, definitive subdivision plan;
- d. excavation on land owned or operated by the Town of Kingston;
- e. excavation incidental to and reasonably required for the legal operation of a cemetery.

5. Enforcement. Penalties for violation of this by-law shall be: \$50 for the first offense, \$100 for the second offense, \$200 for every further offense. Each day in which a violation occurs shall constitute a separate offense. This by-law may be enforced by the Board of Selectmen, its designee(s) and Kingston police officers.

6. Application. An application for an earth-removal permit shall be in writing. The application shall contain an accurate description of the portion of land on which the excavation will take place, shall state fully the purpose of the excavation, shall include payment of fees established by the Board, and shall include plans drawn by a registered surveyor or engineer. The application shall contain the following information:

- a. the precise location of the proposed excavation as part of the total land area of the subject property;
- b. the legal name and address of each owner of the property for which the permit is requested;
- c. the name and address of the applicant and the address which shall be sufficient for any notice required under the by-law;
- d. property lines, names and addresses of all abutters, including those across any way, from the most recent tax list as certified by the Board of Assessors;
- e. existing contours at two-foot intervals in the area from which material is to be excavated and in surrounding areas, together with the contours at two-foot intervals below which no excavation shall take place;
- f. natural features such as wetlands, the 100-year floodplain, ground cover, surface water and groundwater. Water-table elevation shall be determined by test pits and soil borings satisfactory to the Board of Selectmen. A

log of soil borings shall be included, taken to the depth of the proposed excavation, congruent with the size and geological make up of the site;

g. A topographical map showing drainage facilities, final grades, and proposed vegetation and trees;

h. dust, erosion and sediment-control plan for the site and trucks removing earth;

i. the amount and cost of proposed restoration materials, and the source from which the applicant intends to obtain them;

j. estimated quantity of material to be removed and topsoil to be replaced and the method to be used, verified by a registered surveyor or professional engineer;

k. the proposed form of bond and the name and address of the bond issuer;

l. an estimate of the number of truck trips, location of truck routes and hours of truck traffic; and

m. designation on the required plan of any and all proposed phases and the number of cubic yards to be excavated in each, none to exceed five acres or 200,000 cubic yards, whichever is less.

n. any other information which the Board may require.

7. Hearing and Decision. A permit shall be granted only by a affirmative vote of a majority of the Board. Following receipt of an application for a permit for removal of earth from any land and determination by the Board or its designated agent that the application is complete, the Board shall appoint a time and a place for a public hearing, not later than 45 days after receipt of the completed application, notice of which shall be given to the applicant. The Board's decision shall be issued within 45 days of the close of the hearing.

8. Surety. The Board shall require as a condition to the granting of the permit that the applicant furnish a performance bond, or other security, satisfactory to the Board. The minimum amount of the bond shall be \$1,000 for every 10,000 cubic yards over 20,000 cubic yards. The security shall not be released until the Board-approved surveyor or engineer has filed with the Board an "as-built" plan and has also certified that the restoration has been completed in compliance with the permit and the plans.

9. Board's Review. The Board shall exercise its powers with due regard to:

a. the health, safety and general welfare of the inhabitants of the town;

b. protection from detriment to the neighborhood;

c. protection of natural resources, including but not limited to the recharge of the water table or condition of the surface water.

10. Conditions. The Board may impose on any permit conditions which it deems appropriate, including but not limited to conditions upon methods of

removal, type and location of structures, fencing, hours of operation, area, location and depth of excavation, steepness of slopes, drainage, disposition of boulders and stumps, control of noise, dust and erosion and site restoration and planting requirements.

11. Inspection. Every permit shall contain the condition that inspection of the operation may be made at reasonable hours by an agent of the Board to determine compliance with the conditions of the permit and this By-law.

12. Standards of Operation. The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under Section 8:

a. No area shall be excavated so as to cause accumulation of free-standing water unless the Board shall expressly permit. Permanent drainage shall be provided in accordance with accepted engineering and conservation practices. Drainage shall not lead directly into streams or ponds.

b. No excavation shall be made within 10 feet above annual high-water table, as established from test pits and soil borings satisfactory to the Board of Selectmen. Observation well(s) shall be monitored as ordered by the Board of Selectmen. The locations of the pits, borings, and wells shall show on the topographic plan on a permanent monument erected upon the property. The establishment of the test pits and soil borings and monitoring thereof shall be at the applicant's expense.

c. All top soil and subsoil stripped from operating areas shall be stock piled, seeded with an erosion-control seed mixture and used in restoring the area.

d. Any shelters or buildings erected on the premises for use by personnel or storage or equipment shall be screened from view if so ordered by the Board of Selectmen and shall be removed from the premises within 60 days after they are no longer needed for permitted excavation or restoration work upon that site.

e. The active excavation operation area shall not exceed a total of five acres at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise-reduction purposes.

f. Hours of operation including load and transportation, shall be set by the Board. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.

g. Trucking routes and methods shall be approved by the Board and shall also be subject to approval of the Chief of Police.

h. Access roads shall be constructed as approved by the Board of Selectmen, and if possible, at an angle to the public way or with a curve so as to help screen the operation from public view.

13. Restoration. Restoration shall be carried out according to the plans submitted, all conditions of the permit, and the following minimum conditions:

a. Restoration shall be carried on simultaneously with excavation, so that when any three-acre operation area has been excavated, at least two acres shall be restored before work commences (including construction of haul roads) on the next contiguous three acres. Final restoration work shall be completed within sixty days after expiration or withdrawal of a permit or upon cessation of operations.

b. No slope shall be steeper than 2:1 (50%), slopes less than 4:1 are preferred for erosion control, and shall be required in sensitive areas as determined by the Board.

c. All debris, stumps, boulders, etc., shall be removed from the site and disposed of in an approved location.

d. Retained subsoil and topsoil shall be spread over the disturbed area to minimum depth of four inches and treated with three tons of lime per acre, fertilized as approved by the Board, and seeded with a grass or legume mixture prescribed by the Conservation District or Massachusetts Department of Public Works for slope-erosion control. Trees or shrubs of prescribed number, species, and size will be planted to provide screening and reduce erosion during the establishment period.

e. Unless the permit conditions expressly require alteration of existing drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural points and so that the total discharge at peak flow, and the area of drainage to any one point, is not increased; and so that the hydrograph of any post-development stream is the same as that of the pre-development stream.

f. All equipment, buildings and structures shall be removed from the area.

14. Term. A permit shall be issued for a period of one year. The Board may in its discretion grant a further permit extension for each additional year beyond the initial period, but no such permit shall be issued unless the applicant has conformed to all requirements of the original or extended permit.

15. Waiver and Additional Conditions. The Board may, in its discretion, grant a waiver from any requirement of this by-law provided that the applicant demonstrates and the Board finds that each of the following criteria is met:

a. The by-law requirement would impose severe non-financial hardship on the applicant.

b. The waiver may be granted without substantially derogating from the intent and purpose of this by-law.

c. The waiver may be granted without adversely affecting the interests which this by-law seeks to protect.

The Board may impose any conditions on a waiver which it deems appropriate.

16. Revocation. The Board may revoke any permit which it has issued for good cause, provided that it shall in writing offer to the permit holder an opportunity for a hearing within seven days after the revocation.

17. Rules and Regulations. The Board may establish rules and regulations to implement this by-law, including but not limited to a schedule of fees and schedule of security.

Daniel J. Murphy proceeded to discuss Article 3 in detail. Considerable discussion followed concerning both Articles.

George D. Cravenho moved to amend Article 2 by deleting Section 15 in its entirety.

Joseph B. Mathias moved to amend Article 2, Section 4b., to read 5,000 yards instead of 1,000 yards.

THE AMENDMENT WAS CARRIED.

A vote was taken on the amendment of Mr. Cravenho.

THE AMENDMENT WAS CARRIED.

FINANCE COMMITTEE RECOMMENDED  
FAVORABLE ACTION ON ARTICLE 2.

On the motion of John C. Veracka, Jr., as amended, VOTED that the Town revise Article XX Earth Removal By-Law of the Town of Kingston By-Laws, by repealing said Article XX and by adopting in its place a new Article XX Earth Removal By-Law as shown on a document entitled EARTH REMOVAL BY-LAW as filed with the Town Clerk and posted on the official Town bulletin board on Friday, February 14, 1992, as follows:

## ARTICLE XX

### EARTH REMOVAL BY-LAW

#### 1. Definitions.

a. Board — The Kingston Board of Selectmen.

b. Earth — Includes stone, sand, clay, gravel, and rock and other earth material.

c. Earth Removal Permit — Permit issued by Board pursuant to this By-law allowing earth removal subject to conditions.

d. Incidental — Subordinate to, customarily associated with and reasonably required by a lawful use of a premises.

e. Removal — Excavation of earth, whether such excavated earth is removed from the premises or placed in another location on the premises.

f. **Premises** — One lot or all abutting lots or parcels which are, or are proposed to be, in the same ownership or use, together with all buildings and structures thereon.

g. **Town** — Town of Kingston.

2. **Prohibited Earth Removal.** No person, firm, corporation, or other entity shall excavate and/or remove in any twelve-month period more than 1,000 cubic yards of earth from any land in the Town unless pursuant to a permit issued in conformity with Section 3 or exempted pursuant to Section 4 of this bylaw.

3. **Permitted Earth Removal.** The Board of Selectmen may issue an earth removal permit when it determines that such earth removal is incidental to the following purposes:

a. construction of an approved building(s) or structure(s) and uses incidental thereto;

b. construction or operation of customary agricultural use;

c. specific requirements of an approved, definitive subdivision plan.

4. **Exemptions.** A permit shall not be required under this by-law for the following type of excavation:

a. excavation not in excess of 1,000 cubic yards and incidental to the construction of buildings for which all permits required by law have been issued, or the installation of walks, driveways, septic systems, swimming pools, provided the quantity of material removed shall not exceed that displaced by the portion of the building or accessory use below finished grade;

b. excavation not in excess of 5,000 cubic yards incidental to customary agricultural use of land for agriculture;

c. excavation not in excess of 1,000 cubic yards in compliance with the specific requirements of approved, definitive subdivision plan;

d. excavation on land owned or operated by the Town of Kingston;

e. excavation incidental to and reasonably required for the legal operation of a cemetery.

5. **Enforcement.** Penalties for violation of this by-law shall be: \$50 for the first offense, \$100 for the second offense, \$200 for every further offense. Each day in which a violation occurs shall constitute a separate offense. This by-law may be enforced by the Board of Selectmen, its designee(s) and Kingston police officers.

6. **Application.** An application for an earth-removal permit shall be in writing. The application shall contain an accurate description of the portion of land on which the excavation will take place, shall state fully the purpose of the excavation, shall include payment of fees established by the Board, and shall include plans drawn by a registered surveyor or engineer. The application shall contain the following information:

a. the precise location of the proposed excavation as part of the total land area of the subject property;

b. the legal name and address of each owner of the property for which the permit is requested;

c. the name and address of the applicant and the address which shall be sufficient for any notice required under the by-law;

d. property lines, names and addresses of all abutters, including those across any way, from the most recent tax list as certified by the Board of Assessors;

e. existing contours at two-foot intervals in the area from which material is to be excavated and in surrounding areas, together with the contours at two-foot intervals below which no excavation shall take place;

f. natural features such as wetlands, the 100-year floodplain, ground cover, surface water and groundwater. Water-table elevation shall be determined by test pits and soil borings satisfactory to the Board of Selectmen. A log of soil borings shall be included, taken to the depth of the proposed excavation, congruent with the size and geological make up of the site;

g. A topographical map showing drainage facilities, final grades, and proposed vegetation and trees;

h. dust, erosion and sediment-control plan for the site and trucks removing earth;

i. the amount and cost of proposed restoration materials, and the source from which the applicant intends to obtain them;

j. estimated quantity of material to be removed and topsoil to be replaced and the method to be used, verified by a registered surveyor or professional engineer;

k. the proposed form of bond and the name and address of the bond issuer;

l. an estimate of the number of truck trips, location of truck routes and hours of truck traffic; and

m. designation on the required plan of any and all proposed phases and the number of cubic yards to be excavated in each, none to exceed five acres or 200,000 cubic yards, whichever is less.

n. any other information which the Board may require.

7. **Hearing and Decision.** A permit shall be granted only by an affirmative vote of a majority of the Board. Following receipt of an application for a permit for removal of earth from any land and determination by the Board or its designated agent that the application is complete, the Board shall appoint a time and a place for a public hearing, not later than 45 days after receipt of the

completed application, notice of which shall be given to the applicant. The Board's decision shall be issued within 45 days of the close of the hearing.

8. Surety. The Board shall require as a condition to the granting of the permit that the applicant furnish a performance bond, or other security, satisfactory to the Board. The minimum amount of the bond shall be \$1,000 for every 10,000 cubic yards over 20,000 cubic yards. The security shall not be released until the Board-approved surveyor or engineer has filed with the Board an "as-built" plan and has also certified that the restoration has been completed in compliance with the permit and the plans.

9. Board's Review. The Board shall exercise its powers with due regard to:

- a. the health, safety and general welfare of the inhabitants of the town;
- b. protection from detriment to the neighborhood;
- c. protection of natural resources, including but not limited to the recharge of the water table or condition of the surface water.

10. Conditions. The Board may impose on any permit conditions which it deems appropriate, including but not limited to conditions upon methods of removal, type and location of structures, fencing, hours of operation, area, location and depth of excavation, steepness of slopes, drainage, disposition of boulders and stumps, control of noise, dust and erosion and site restoration and planting requirements.

11. Inspection. Every permit shall contain the condition that inspection of the operation may be made at reasonable hours by an agent of the Board to determine compliance with the conditions of the permit and this By-law.

12. Standards of Operation. The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under Section 8:

a. No area shall be excavated so as to cause accumulation of free-standing water unless the Board shall expressly permit. Permanent drainage shall be provided in accordance with accepted engineering conservation practices. Drainage shall not lead directly into streams or ponds.

b. No excavation shall be made within 10 feet above annual high-water table, as established from test pits and soil borings satisfactory to the Board of Selectmen. Observation well(s) shall be monitored as ordered by the Board of Selectmen. The locations of the pits, borings, and wells shall show on the topographic plan and on a permanent monument erected upon the property. The establishment of the test pits and soil borings and monitoring thereof shall be at the applicant's expense.

c. All top soil and subsoil stripped from operating areas shall be stock piled, seeded with an erosion-control seed mixture and used in restoring the area.

d. Any shelters or buildings erected on the premises for use by personnel or storage or equipment shall be screened from view if so ordered by the Board of Selectmen and shall be removed from the premises within 60 days after they are no longer needed for permitted excavation or restoration work upon that site.

e. The active excavation operation area shall not exceed a total of five acres at any time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise-reduction purposes.

f. Hours of operation including loading and transportation, shall be set by the Board. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.

g. Trucking routes and methods shall be approved by the Board and shall also be subject to approval of the Chief of Police.

h. Access roads shall be constructed as approved by the Board of Selectmen, and if possible, at an angle to the public way or with a curve so as to help screen the operation from public view.

13. Restoration. Restoration shall be carried out according to the plans submitted, all conditions of the permit, and the following minimum conditions:

a. Restoration shall be carried on simultaneously with excavation, so that when any three-acre operation area has been excavated, at least two acres shall be restored before work commences (including construction of haul roads) on the next contiguous three acres. Final restoration work shall be completed within sixty days after expiration or withdrawal of a permit or upon cessation of operations.

b. No slope shall be steeper than 2:1 (50%). slopes less than 4:1 are preferred for erosion control, and shall be required in sensitive areas as determined by the Board.

c. All debris, stumps, boulders, etc., shall be removed from the site and disposed of in an approved location.

d. Retained subsoil and topsoil shall be spread over the disturbed area to minimum depth of four inches and treated with three tons of lime per acre, fertilized as approved by the Board, and seeded with a grass or legume mixture prescribed by the Conservation District or Massachusetts Department of Public Works for slope-erosion control. Trees or shrubs of prescribed number, species, and size will be planted to provide screening and reduce erosion during the establishment period.

e. Unless the permit conditions expressly require alteration of existing drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural points so that the total discharge at peak flow, and the area of drainage to any one point, is not increased; and so

that the hydrograph of any post-development stream is the same as that of the pre-development stream.

f. All equipment, buildings and structures shall be removed from the area.

14. Term. A permit shall be issued for a period of one year. The Board may in its discretion grant a further permit extension for each additional year beyond the initial period, but no such permit shall be issued unless the applicant has conformed to all requirements of the original or extended permit.

15. Revocation. The Board may revoke any permit which it has issued for good cause, provided that it shall in writing offer to the permit holder an opportunity for a hearing within seven days after the revocation.

16. Rules and Regulations. The Board may establish rules and regulations to implement this by-law, including but not limited to a schedule of fees and schedule of security.

ARTICLE 3. To see if the Town will vote to delete the present Article XX "Earth Removal By-Law" and to replace it with a new "Earth Protective By-Law" for protecting Kingston's environment and natural resources while providing for its growth and development. (By petition) A copy of the proposed revision received with the petition is on file with the Town Clerk and posted on the official bulletin board.

#### THERE WAS NO MOTION UNDER THIS ARTICLE.

Mr. Winokur thanked those in attendance for their participation this evening. He also extended special thanks to the tellers and other workers.

On the motion of John C. Veracka, Jr., VOTED to adjourn without day.

There were 102 voters from Precinct I and 72 from Precinct II, for a total of 174 voters.

Adjournment was at 11:02 p.m.

Respectfully submitted,  
Mary Lou Murzyn,  
Town Clerk.

### PRESIDENTIAL PRIMARY MARCH 10, 1992

The Presidential Primary was held at the Kingston Elementary School for Precinct I and the Faunce School for Precinct II on March 10, 1992, in accordance with the warrant issued by the Selectmen and properly posted by a constable of the Town.

Specimen ballots, penalty and instruction cards were posted in accordance with law.

The following officers and workers reported to their respective precincts:

#### PRECINCT I

Warden	Maureen E. Twohig	D
Deputy Warden	Lydia Fernandes (at 2:00 p.m.)	D
Clerk	Irma A. Ruffini	R
Deputy Clerk	Jeanne Matatall	R
Inspector	Marie F. Shea	D
Deputy Inspector	James Matatall	R
Deputy Inspector	Barbara A. Gauthier	U
Deputy Inspector	James C. Joubert	D
Deputy Inspector	Marjorie F. Cadenhead	R
Deputy Inspector	Cynthia F. Fitzgerald (until 2 p.m.)	D
Deputy Inspector	Helen Andrews (at 2 p.m.)	D
Deputy Inspector	Sharon Ruprecht	U
Deputy Inspector	George Wager (6:30 a.m. - 2:30 p.m.)	D

#### PRECINCT II

Warden	Enis Zoccolante	R
Deputy Warden	Janet Smith	R
Clerk	Elizabeth L. Iannucci	D
Deputy Clerk	Joan Sgarzi	D
Inspector	Robert Mulliken	R
Deputy Inspector	Arthur Hand	D
Deputy Inspector	Grace Cardoza	D
Deputy Inspector	Donna Farrington	R
Deputy Inspector	Elizabeth White	D
Deputy Inspector	Eric Heise	R
Deputy Inspector	Charles V. Ladd	R

• All election officers were sworn to the faithful performance of their duties. The ballot box at each precinct was inspected by the election officers, found to be empty and the register at zero.

Officer Wayne Cristani reported to Precinct I at 6:45 a.m. and worked until 2:45 p.m. at which time Officer David Griffiths replaced him until 10:30 p.m.

Officer Kimberly Spargo reported to Precinct II at 6:50 a.m. and worked until 2:45 p.m. at which time Officer Thomas Kelley replaced her until closing. He escorted the ballots back to the Clerk's Office and remained there until the ballots were locked in the vault.

The polls were declared open by the respective Wardens at 7:00 a.m. and closed at 8:00 p.m. in accordance with the warrant. There were 830 ballots

cast in Precinct I, including 9 absentee ballots (527 Democrats, 301 Republicans and 2 Independent Voters Party). There were 824 ballots cast in Precinct II, including 7 absentee ballots (512 Democrats, 311 Republicans and 1 Independent Voters Party). The total vote cast in both Precincts was 1,654.

At the close of the polls, the ballot box in Precinct I read 830 and the ballot box in Precinct II read 824. All voters who had been omitted from the voting list were handled according to law and certificates issued, if appropriate.

The results were announced at 11:30 p.m. by the Town Clerk. They are as follows:

### DEMOCRATS

OFFICE	I	II	Total
<b>PRESIDENTIAL PREFERENCE</b>			
Ralph Nader	12	17	29
Lyndon H. LaRouche	1	0	1
Jerry Brown	100	72	172
Tom Harkin	4	2	6
Larry Agran	0	0	0
Paul Tsongas	350	377	727
Eugene McCarthy	1	2	3
Bill Clinton	43	34	77
Robert Kerrey	6	2	8
No Preference	5	3	8
Blanks — Undervote	2	0	2
Overvote	3	3	6
	527	512	1,039

### STATE COMMITTEE MAN

#### Plymouth & Barnstable District

Robert Emmet Hayes	254	294	548
Candidate for Re-Election			
Blanks — Undervote	273	218	491
Overvote	0	0	0
	527	512	1,039

### STATE COMMITTEE WOMAN

#### Plymouth & Barnstable District

Therese Murray	306	338	644
Blanks — Undervote	221	174	395
Overvote	0	0	0
	527	512	1,039

OFFICE	I	II	Total
<b>TOWN COMMITTEE</b>			
Group	205	233	438
Helen E. Andrews	239	269	508
Arthur H. Batchelor	271	295	566
Grace C. Cardoza	230	279	509
Raymond R. Chaves	234	270	504
Colleen P. Costa	289	291	580
Mary C. Crowley	244	265	509
James J. Farrell, Jr.	243	281	524
Lydia J. Fernandes	265	271	536
Cynthia A. Fitzgerald	241	259	500
David D. Fitzgerald	237	271	508
John Joseph Goslin	247	269	516
Anita J. Hadley	234	269	503
Arthur Hand	239	272	511
Elizabeth L. Iannucci	255	281	536
James Collins Joubert	254	299	553
Robert R. Kostka	261	288	549
William B. Martin	242	279	521
Harry E. Monks, Jr.	222	246	468
Mary Lou Murzyn	296	327	623
Charles A. Noble, III	223	250	473
William J. O'Brien	246	269	515
Joseph M. Palombo	264	286	550
Marie F. Shea	252	254	506
Maureen E. Twohig	276	298	574
Elizabeth A. White	233	254	487
Marion Lanagan	232	257	489
Lynne Spence Kostka	244	269	513
Richard E. Dennehy	254	280	534
Christina L. Willis	252	280	532
Leo A. Kelley	8	0	8
June Ballinger	3	0	3
James J. Vaughn	1	0	1
John Miller	1	0	1
Blanks — Undervote	11,213	9,942	21,155
Overvote	0	0	0
	18,445	17,920	36,365

### REPUBLICANS.

#### PRESIDENTIAL PREFERENCE

Patrick J. Buchanan	85	91	176
David Duke	12	6	18
George Bush	188	201	389
No Preference	11	12	23
Paul Tsongas	0	1	1
Blanks — Undervote	5	0	5
Overvote	0	0	0
	301	311	612



OFFICE	I	II	Total
<b>STATE COMMITTEE MAN</b>			
<u>Plymouth &amp; Barnstable District</u>			
George C. Decas	172	191	363
Candidate for Re-Election			
Blanks — Undervote	129	120	249
Overvote	0	0	0
	<u>301</u>	<u>311</u>	<u>612</u>
<b>STATE COMMITTEE WOMAN</b>			
<u>Plymouth &amp; Barnstable District</u>			
Penny F. Reid	112	145	257
Candidate for Re-Election			
Danell C. Tomasella	111	100	211
Blanks — Undervote	77	65	142
Overvote	1	1	2
	<u>301</u>	<u>311</u>	<u>612</u>
<b>TOWN COMMITTEE</b>			
Group	151	178	329
D. Charles Wusenich	182	195	377
Mary Ann Wusenich	184	200	384
David W. Blanchard	168	193	361
Janet Smith	177	205	382
William T. Bristol	169	192	361
Constance B. Wilson	173	198	371
Juliette A. Ayer	174	205	379
Robert H. Smith	169	188	357
John Christopher	167	181	348
Catherine D. Kononchuk	174	191	365
Lucy S. Cushman	182	209	391
Gertrude H. Powell	165	188	353
Joseph M. Garuti	178	200	378
Melissa Salisbury Bristol	164	191	355
Robert A. Mulliken	185	207	392
Anne A. Hummel	180	205	385
Robert Kraus	224	258	482
Daniel A. Walker	160	193	353
Walter W. Hoeg	163	182	345
Renato Zoccolante	173	190	363
Ellsworth A. Fjeld	161	182	343
James S. Matatall	190	199	389
Jeanne M. Matatall	186	203	389
Richard G. Lougee	159	190	349
Rene J. Bouchard, Jr.	179	195	374
Thomas N. Motte	171	201	372
B. Natalie Motte	170	197	367
Richard A. Krueger	177	189	366
Diane F. Miller	165	187	352
Ralph B. Carver, III	167	182	349
Christian Cheetham	4	1	5
Blanks — Undervote	5,295	4,988	10,283
Overvote	0	0	0
	<u>10,535</u>	<u>10,885</u>	<u>21,420</u>

<b>INDEPENDENT VOTERS PARTY</b>			
OFFICE	I	II	Total
<b>PRESIDENTIAL PREFERENCE</b>			
Robert J. Smith	0	0	0
Darcy G. Richardson	0	0	0
Erik Thompson	0	0	0
Howard Phillips	1	1	2
Earl F. Dodge	0	0	0
J. Quinn Brisben	0	0	0
Michael S. Levinson	0	0	0
Bo Gritz	1	0	1
No Preference	0	0	0
Blanks — Undervote	0	0	0
Overvote	0	0	0
	<u>2</u>	<u>1</u>	<u>3</u>
<b>STATE COMMITTEE MAN</b>			
Olly de Macedo	1	0	1
George Decas	0	1	1
Blanks — Undervote	1	0	1
Overvote	0	0	0
	<u>2</u>	<u>1</u>	<u>3</u>
<b>STATE COMMITTEE WOMAN</b>			
Penny Reid	0	1	1
Blanks — Undervote	2	0	2
Overvote	0	0	0
	<u>2</u>	<u>1</u>	<u>3</u>
<b>TOWN COMMITTEE</b>			
Olly de Macedo	1	0	1
Blanks — Undervote	19	10	29
Overvote	0	0	0
	<u>20</u>	<u>10</u>	<u>30</u>

The wardens and clerks were dismissed after the results were announced. All supplies and used and unused ballots were returned to the Town Clerk's Office. All ballots cast previously locked in their transfer cases at the Reed Community Building were then locked in the Clerk's vault.

The Town Clerk made the requested telephone calls. The office was locked at 12:15 a.m.

A true record, ATTEST:

Mary Lou Murzyn,  
Town Clerk.

## ANNUAL TOWN MEETING APRIL 6, 1992

The Annual Town Meeting was called to order by the Moderator, Lawrence I. Winokur, at 7:44 p.m. at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts. Mr. Winokur welcomed those present to this session of the Annual Town Meeting. June A. Ballinger led those in attendance in the reciting of the Pledge of Allegiance.

Mr. Winokur stated that it was obvious that proper notice had been given and the reading of the warrant was waived. There were at least 160 voters in attendance. He went on to explain the guidelines under which this Town Meeting would be conducted.

The vote checkers were: Maureen E. Twohig, Marie F. Shea, Janet Smith and Robert A. Mulliken. The doorkeeper was George F. Wager; the mike carrier was Charles V. Ladd; and David R. Buhl recorded the meeting.

The sworn tellers were Donna M. Farrington, Philip R. Burnham, Joseph F. Glass and James C. Judge.

On the motion of John C. Veracka, Jr., VOTED that the following individuals be admitted to and allowed to address the town meeting:

Doris Haight	Town Administrator
Elizabeth Lane	Town Counsel
Mark Devine	Consultant Engineer from Whitman & Howard for the Board of Water Commissioners
Jennifer Benassi	Secretary to the Wage and Personnel Board
Judy Yelle	Assistant Assessor
Fran Carpenter	Director, Youth Commission
George Malone	Town Auditor
Allan Morris	Heating Consultant
Esther Hernandez	Plymouth Rape Crisis Center
Linda Rudnick	South Shore Women's Center

John C. Veracka, Jr., Chairman of the Board of Selectmen, then made the presentation of the first Annual Town of Kingston Citizenship Award to Clive W. Beasley. Mr. Veracka stated that the plaque will be hung in the main hall of the new library. Mr. Beasley graciously accepted his award and the Town Meeting body responded with a warm round of applause.

Mr. Veracka read the following statement into the record:

The budget preparation for the fiscal year beginning July 1, 1992, has been an extremely difficult and challenging one. The Legislature is continuing to debate the state budget. We still do not have a clear picture of what our state aid is going to be or what the outcome will be on education reform.

The Board of Selectmen made a commitment that operating budgets would be within Proposition 2 1/2. There are no plans for any ballot question which would provide for a general override. The budget we are presenting to you at this Annual Town Meeting is a bare-bones budget. The general government budget is \$13,432 below last year's appropriation. The budget reflects the reduction of three positions — 1 police officer, 1 firefighter and 1 highway department laborer. Except for the police officer position, these reductions have been made by attrition.

There are no provisions included in the general government budget for across the board wage increases. The general government does include contractual step increases and other increases due to employees by existing contracts.

The Kingston Elementary School Committee has approved a level funded budget. The Finance Committee has deliberated long hours over all requests. The decisions have been difficult. Although we do not agree in every instance, we appreciate all of the hard work which has gone on to make these recommendations to you, the voters.

Articles 2, 3 and 4 deal with major capital projects which require the Town's attention. Delay in implementation will, in our opinion, result in increased costs for the Town of Kingston. Questions asking to exclude the principal and interest payments from the provisions of 2 1/2 for each of these have been included on the Annual Town Election. These articles have been placed at the beginning of the warrant to provide you with as much information as possible before the election.

If anticipated revenues are drastically reduced, it is very possible that we will be back here prior to the beginning of the fiscal year to reduce the budgets further. From our best guess, however, we feel that the Board's recommendations are a reasonable position. In any event it is clear that we will have to call a Special Town Meeting before the tax rate is set to make any final adjustments in appropriations and bring the budget into compliance with 2 1/2.

The Town Administrator has a short presentation on the key elements in the revenue projections and budget estimates we are using.

We thank you for your careful consideration of the matters before you.

Ms. Haight proceeded with her presentation.

Richard P. Cretinon then addressed the Town Meeting body and presented the Finance Committee's recommendations.

At 8:20 p.m., the Moderator advised that he was suspending the Annual Town Meeting in order to convene the Special Town Meeting which had been duly called and posted for April 6, 1992, at 7:35 p.m., to be held at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts. When the Special Town Meeting was adjourned, we would come back to this meeting. The Moderator further advised that at least 216 people were present this evening.

**SPECIAL TOWN MEETING  
APRIL 6, 1992**

The Special Town Meeting scheduled to be held within the Annual Town Meeting was called to order by the Moderator, Lawrence I. Winokur, at 8:20 p.m.

ARTICLE 1. Ronald L. C. Maribett moved to raise and appropriate the sum of \$16,325.00 to be expended by the Board of Selectmen, for the acquisition by lease-purchase agreement, of computer software and hardware, including maintenance, support, and training, for various municipal departments.

Richard P. Cretinon proved to amend the motion made under Article 1 by deleting it in its entirety and inserting in its place the following:

To appropriate the sum of \$72,000.00 to be expended by the Board of Selectmen for purchase of computer software and hardware, including maintenance, support and training, for various municipal departments, and that to meet said appropriation the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and Selectmen deem necessary pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 7.

**FINANCE COMMITTEE RECOMMENDED  
FAVORABLE ACTION ON AMENDMENT**

Considerable discussion followed.

Arthur A. Forcier moved to postpone consideration of this article indefinitely.

**THE MOTION WAS NOT CARRIED.**

A vote was taken on the amendment of Mr. Cretinon.

**THE AMENDMENT WAS NOT CARRIED.**

On the motion of Ronald L. C. Maribett VOTED to raise and appropriate the sum of \$16,325.00 to be expended by the Board of Selectmen, for the acquisition by lease-purchase agreement, of computer software and hardware, including maintenance, support, and training, for various municipal departments.

On the motion of Clive W. Beasley, VOTED to adjourn this Special Town Meet without day.

Adjournment was at 9:25 p.m.

Respectfully submitted,  
Mary Lou Murzyn,  
Town Clerk.

The Town Meeting body then returned to Article 1 of the Annual Town Meeting.

ARTICLE 1. On the motion of John C. Veracka, Jr., VOTED that the reports of the several Town Officers, Boards, and Committees be accepted as printed in the 1991 Annual Report or as filed with the Town Clerk.

Prior to the commencement of Article 2, Richard P. Cretinon moved to take Article 42 out of order.

**THE MOTION WAS CARRIED.**

ARTICLE 42. John C. Veracka, Jr. moved that the Town adopt the budgetary deferment in the amount of \$88,490 as authorized by the provisions of Chapter 339 of the Acts of 1991.

**FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.**

**THE MOTION WAS NOT CARRIED.**

Prior to the commencement of Article 2, Richard P. Cretinon moved to take Article 43 out of order.

**THE MOTION WAS CARRIED.**

ARTICLE 43. On the motion of Richard P. Cretinon, VOTED that the Town raise and appropriate the sum of \$124,096 to be added to the Stabilization Fund.

**FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.**

Prior to the commencement of Article 2, George D. Cravenho moved to take Article 4 out of order.

**THE MOTION WAS CARRIED.**

ARTICLE 4. On the motion of George D. Cravenho, VOTED UNANIMOUSLY that the Town borrow the sum of \$755,000 to be expended by the Water Commissioners for design, equipment and construction of treatment facilities to bring the Town into compliance with the Federal Safe Drinking Water Act and, to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and the Selectmen deem necessary pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 8.

**FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.**

The Moderator declared a quorum was present as required of this vote.

Prior to the commencement of Article 2, John C. Veracka, Jr. moved to take Article 3 out of order.

**THE MOTION WAS CARRIED.**

ARTICLE 3. On the motion of Paul L. Armstrong, VOTED UNANIMOUSLY that the Town borrow the sum of \$840,000 to be expended under the direction

of the Permanent Building Committee with the approval of the School Committee for the extraordinary repair, renovation, and replacement of the Kingston Elementary School heating system and all related work including design services required by Massachusetts General Laws Chapter 7, Section 38K;

AND, to meet this expenditure the Treasurer with the approval of the Board of Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and the Selectmen deem necessary pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7, provided that this vote shall not take effect unless the Town votes to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay the principal of and interest on the borrowing authorized by this vote.

#### FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 2. Clive W. Beasley moved that the Town borrow the sum of \$570,000 to be expended by the Board of Selectmen for the partial closure of the easterly and southerly sideslopes of the Cranberry Road landfill in accordance with the closure plan approved by the Massachusetts Department of Environmental Protection including all necessary engineering, monitoring, materials and labor and, to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and the Selectmen deem necessary pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 8 provided that this vote shall not take effect unless the Town votes to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay the principal and interest on the borrowing authorized by this note.

Richard P. Cretinon moved to amend by deleting all of the language after the words "Chapter 44 Section 8".

James C. Judge questioned the quorum. The tellers reported, after a count of the house, that there were 126 voters present and the Moderator declared that there was an insufficient number of voters present to take up this article.

On the motion of Edmund J. King, Jr., VOTED to adjourn this meeting to Tuesday, April 7, 1992, at 7:30 p.m., at the Kingston Elementary School.

There were 119 voters present from Precinct I and 117 voters from Precinct II, for a total of 236 voters.

Adjournment was at 10:45 p.m.

Respectfully submitted,

Mary Lou Murzyn,  
Town Clerk.

The adjourned Annual Town Meeting was called to order by the Moderator, Lawrence I. Winokur, at 7:42 p.m., at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts.

The vote checkers were: Maureen E. Twhig, Marie F. Shea, Janet Smith and Robert A. Mulliken. The doorkeeper was George F. Wager; the mike carrier was Charles V. Ladd; and David R. Buhl recorded the meeting.

The sworn tellers were Donna Farrington, Philip R. Burnham, Joseph F. Glass and James C. Judge.

There were under 100 voters present so the Town Meeting body could not consider any appropriation articles at this time. Mr. Winokur advised that we would move first to Article 5 and after that if we have over 100 voters present, we will return to those articles that require a quorum of 100.

ARTICLE 5 James E. Colman moved that the Kingston Wage and Personnel By-Law be amended as presented in a document entitled: "FY93 Wage and Personnel Board Recommendations", excluding explanatory comments in boldface type, as follows:

#### SECTION I

##### BY INSERTING:

1. In Section 1, Authorization, a new paragraph, (b), making the existing paragraph (a). Paragraph (b) would read as follows:

(b) The following bargaining units which engage in collective bargaining with the Town shall have their wages, hours and other conditions of employment determined by collective bargaining agreement and not pursuant to the Town of Kingston Personnel By-Laws:

1. Police Unit — All regular full-time patrolmen/women and sergeants represented by the International Brotherhood of Police Officers, Local 436.

2. Firefighter Unit — All permanent full-time firefighters represented by the Kingston Permanent Firefighters Associations, IAFF, Local 2337.

3. Laborers Unit — Various full-time and regular part-time employees represented by the Kingston Town Employees Union pursuant to Massachusetts Labor Relations Commission certification MCR-3967.

4. Clerical Unit — Various full-time and regular part-time employees represented by the Kingston Town Employees Union pursuant to Massachusetts Labor Relations Commission certification MCR-3966.

2. In Section 8, Schedule A, Clerical Group, the new position of "Clerk/Administrator — Police Department" "S-9"

3. An additional section, Section 25, worded as follows:

### Section 25. Pre-Tax Health Care Premium Payment Plan

Employees eligible for participation under the Town's Group Health Insurance Program, including either indemnity-type coverage or health maintenance organization (HMO) coverage, may elect to become members of the Pre-Tax Health Care Premium Payment Plan, hereinafter "the Plan", as of its effective date. Said Plan shall be established as a so-called cafeteria plan, as permitted by Section 125 of the Internal Revenue Code and authorized by Section 132 of Chapter 697 of the Acts of 1987. Members of the Plan will have their share of group health insurance premiums paid directly by the Town and have their pay reduced accordingly, all as set forth in the terms and conditions of the Plan and in accordance with all of the Plan provisions.

#### SECTION II

##### AND BY SUBSTITUTING:

1. In Section 8, Schedule A, Administrative Group, the words "part time" for "full time" for "Animal Control Officer".
2. In Section 8, Schedule C, the words "part time" for "full time" for "Animal Control Officer".
3. In Section 8, Schedule C, "8,597" for "17,194" for the annual salary of "Animal Control Officer".
4. In Section 8, Schedule C, "10,000" for "3,713" for the annual salary of "Conservation Officer (part time)."
5. In Section 8, Schedule C, "5,000" for "3,713" for the annual salary of "Executive Secretary — Conservation Commission (part time)."

#### SECTION III

##### AND BY REMOVING:

1. In Section 8, Schedule A, Administrative Group, the position of "Sealer of Weights and Measures" "Misc."
2. In Section 8, Schedule C, the position of "Sealer of Weights and Measures" "annually" "1,015.00."

#### FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Edmund J. King, Jr. moved to amend Section I 2. to read as follows:

In Section 8, Schedule A, Clerical Group, the new position of "Clerk/Administrator — Police Department" "S-6".

#### THE AMENDMENT WAS NOT CARRIED.

On the motion of James E. Colman, VOTED that the Kingston Wage and Personnel By-Law be amended as presented in a document entitled: "FY93 Wage and Personnel Board Recommendations" as follows:

#### SECTION I

##### BY INSERTING:

1. In Section 1, Authorization, a new paragraph (b) making the existing paragraph (a). Paragraph (b) would read as follows:

(b) The following bargaining units which engage in collective bargaining with the Town shall have their wages, hours and other conditions of employment determined by collective bargaining agreement and not pursuant to the Town of Kingston Personnel By-Laws:

1. Police Unit — All regular full-time patrolmen/women and sergeants represented by the International Brotherhood of Police Officers, Local 436.
2. Firefighter Unit — permanent full-time firefighters represented by the Kingston Permanent Firefighters Associations, IAFF, Local 2337.
3. Laborers Unit — Various full-time and regular part-time employees represented by the Kingston Town Employees Union pursuant to Massachusetts Labor Relations Commission certification MCR-3967.
4. Clerical Unit — Various full-time and regular part-time employees represented by the Kingston Town Employees Union pursuant to Massachusetts Labor Relations Commission certification MCR-3966.

2. In Section 8, Schedule A, Clerical Group, the new position of "Clerk/Administrator — Police Department" "S-9".

3. An additional section, Section 25, worded as follows:

### Section 25. Pre-Tax Health Care Premium Payment Plan

Employees eligible for participation under the Town's Group Health Insurance Program, including either indemnity type coverage or health maintenance organization (HMO) coverage, may elect to become members of the Pre-Tax Health Care Premium Payment Plan, hereinafter "the Plan", as of its effective date. Said Plan shall be established as a so-called cafeteria plan, as permitted by Section 125 of the Internal Revenue Code and authorized by Section 132 of Chapter 697 of the Acts of 1987. Members of the Plan will have their share of group health insurance premiums paid directly by the Town and have their pay reduced accordingly, all as set forth in the terms and conditions of the Plan and in accordance with all of the Plan provisions.

#### SECTION II

##### AND BY SUBSTITUTING:

1. In Section 8, Schedule A, Administrative Group, the words "part time" for "full time" for "Animal Control Officer".
2. In Section 8, Schedule C, the words "part time" for "full time" for "Animal Control Officer".

3. In Section 8, Schedule C, "8,597" for "17,194" for the annual salary of "Animal Control Officer".

4. In Section 8, Schedule C, "10,000" for 3,713" for the annual salary of "Conservation Officer (part time)."

5. In Section 8, Schedule C, "5,000" for "3,713" for the annual salary of "Executive Secretary — Conservation Commission (part time)."

### SECTION III

#### AND BY REMOVING:

1. In Section 8, Schedule A. Administrative Group, the position of "Scaler of Weights and Measures" "Misc."

2. In Section 8, Schedule C, the position of "Scaler of Weights and Measures" "annually" "1,015.00."

ARTICLE 6. On the motion of Richard P. Cretinon, VOTED that the salaries of the several elected officials be set as of July 1, 1992, as follows:

Moderator	\$ 100
Treasurer	6,783
Tax Collector	19,058
Town Clerk	15,000
Chairman, Board of Selectmen	2,000
Other Selectmen, each	1,500
Chairman, Board of Health	1,200
Other Health Board Members, each	1,000
Chairman, Board of Assessors	1,800
Other Assessors, each	1,500
Chairman Water Commission	1,200
Other Water Commissioners, each	1,000
Chairman, Planning Board	1,200
Other Planners, each	1,000
Tree Warden	6,794

#### FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 7. Richard P. Cretinon moved that the Town raise and appropriate the sum of \$10,973,268 for the operating budgets for the fiscal year beginning July 1, 1992 by Departmental Personal Services and Expenses totals as printed in a document entitled "Town of Kingston FY93 Summary Budget" and to meet such appropriation that the sum of \$10,971,278 be raised from the levy and the sum of \$1,990 be transferred from the Conservation Commission Notice of Intent Fees account to be applied against the Commission's operating budget,

AND that each item in the above-captioned document be recited individually, and those items questioned, if any, be tabled and discussed separately from the floor after the entire budget has been read.

The Moderator advised that the following items had been changed since the printing of the booklet:

No. 5192 MUNICIPAL PROPERTY — Expenses \$102,750

Total — \$125,675

No. 5220 FIRE AND FOREST FIRE — Personal Services — \$612,398

Total — \$709,181

No. 5423 SNOW AND ICE — Expenses \$45,200

Total — \$62,200

No. 5910 EMPLOYEE BENEFITS — Personal Services — \$1,085,258

Total — \$1,100,258

GRAND TOTAL — \$10,984,268

The Moderator then read the budget in its entirety. The following items were questioned:

No. 5122 — SELECTMEN — Personal Services

John C. Veracka, Jr. moved to amend by changing the figure from \$102,384 to \$104,447.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE AMENDMENT WAS CARRIED.

No. 5122 — SELECTMEN — Expenses

John C. Veracka, Jr. moved to amend by changing the figure from \$95,000 to \$97,250.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE AMENDMENT WAS NOT CARRIED.

Ronald L. C. Maribett moved to amend by changing the figure to read \$95,850.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE AMENDMENT WAS NOT CARRIED.

No. 5145 — TREASURER

No. 5158 — TAX TITLE

No. 5171 — CONSERVATION COMMISSION — Personal Services

Edmund J. King, Jr. moved to amend by changing the figure from \$15,000 to \$11,510.

THE AMENDMENT WAS NOT CARRIED.

No. 5210 — POLICE — Personal Services

John C. Veracka, Jr. moved to amend by changing the figure from \$952,025 to \$954,700.

**FINANCE COMMITTEE RECOMMENDED NOT FUNDING  
UNTIL CONTRACTS FOR ALL EMPLOYEES ARE IN PLACE.**

**THE AMENDMENT WAS CARRIED.**

Pine duBois raised a point of order and asked to return to the Conservation Commission expense line item.

No 5171 — Conservation Commission — Expenses

Pine duBois moved to amend by changing the figure from \$1,565 to \$2,565.

**FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.**

**YES — 76; NO — 35**

**THE AMENDMENT WAS CARRIED.**

No. 5241 — INSPECTION SERVICES

No. 5300 — SILVER LAKE ASSESSMENT

George A. Cappola moved to amend by reducing the figure under the Silver Lake Assessment from \$1,642,110 to 0.

**THE AMENDMENT WAS NOT CARRIED.**

No. 5422 — GENERAL HIGHWAYS — Expenses

John C. Veracka, Jr. moved to amend by changing the figure from \$219,897 to \$242,790.

**FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.**

**THE AMENDMENT WAS CARRIED.**

No. 5423 — SNOW AND ICE

John C. Veracka, Jr. moved to amend by changing the figure from \$45,200 to \$50,200.

**THE AMENDMENT WAS NOT CARRIED.**

Seven rose to question the Moderator's call of the voice vote.

**YES — 48; NO — 64**

**THE AMENDMENT WAS NOT CARRIED.**

No. 5451 — WATER COMMISSION — Expenses

George D. Cravenho moved to amend by changing the figure from \$189,725 to \$197,825.

**FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.**

**THE AMENDMENT WAS CARRIED.**

No. 5691 — HISTORICAL COMMISSION

No. 5752 — **SHORT-TERM INTEREST — Expenses**

Roscoe A. Cole, Jr. moved to amend by changing the figure from \$5,500 to \$15,500.

**FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.**

**THE AMENDMENT WAS CARRIED.**

On the motion of Richard P. Cretinon, as amended, VOTED that the Town raise and appropriate the sum of \$11,031,199 for the operating budgets for the fiscal year beginning July 1, 1992 by Departmental Personal Services and Expenses totals as printed in a document entitled "Town of Kingston FY93 Summary Budget" and to meet such appropriation that the sum of \$11,029,209 be raised from the levy, and the sum of \$1,990 be transferred from the Conservation Commission Notice of Intent Fees account to be applied against the Commission's operating budget.

The budget items were VOTED as follows:

**FY93 ANNUAL OPERATING BUDGET**

5114	MODERATOR	
	Personal Services	\$ 100.00
	Expenses	50.00
5122	SELECTMEN	
	Personal Services	104,447.00
	Expenses	95,000.00
5131	FINANCE COMMITTEE	
	Personal Services	2,652.00
	Expenses	1,000.00
5132	RESERVE FUND	
	Personal Services	0.00
	Expenses	85,000.00
5135	TOWN ACCOUNTANT	
	Personal Services	53,572.00
	Expenses	2,755.00
5141	ASSESSORS	
	Personal Services	74,954.00
	Expenses	12,125.00
5142	REVALUATION	
	Personal Services	0.00
	Expenses	7,000.00
5145	TREASURER	
	Personal Services	53,488.00
	Expenses	18,250.00

# **FY93 ANNUAL OPERATING BUDGET (CONT.)**

5146	<b>COLLECTOR</b>	
	Personal Services	60,784.00
	Expenses	14,200.00
5149	<b>CAPITAL OUTLAY</b>	
	Personal Services	0.00
	Expenses	0.00
5152	<b>WAGE &amp; PERSONNEL BOARD</b>	
	Personal Services	2,228.00
	Expenses	300.00
5155	<b>DATA PROCESSING</b>	
	Personal Services	0.00
	Expenses	5,000.00
5156	<b>CABLE ADVISORY COMMITTEE</b>	
	Personal Services	0.00
	Expenses	350.00
5158	<b>TAX TITLE</b>	
	Personal Services	0.00
	Expenses	31,500.00
5161	<b>TOWN CLERK</b>	
	Personal Services	38,193.00
	Expenses	6,135.00
5163	<b>ELECTION &amp; REGISTRATION</b>	
	Personal Services	14,242.00
	Expenses	15,977.00
5171	<b>CONSERVATION COMMISSION</b>	
	Personal Services	15,000.00
	Expenses	2,565.00
5175	<b>PLANNING BOARD</b>	
	Personal Services	8,709.00
	Expenses	2,280.00
5176	<b>ZONING BOARD OF APPEALS</b>	
	Personal Services	3,713.00
	Expenses	1,950.00
5182	<b>INDUSTRIAL DEVELOPMENT</b>	
	Personal Services	0.00
	Expenses	0.00
5192	<b>MUNICIPAL PROPERTY</b>	
	Personal Services	22,925.00
	Expenses	102,750.00

# **FY93 ANNUAL OPERATING BUDGET (CONT.)**

5210	<b>POLICE</b>	
	Personal Services	954,700.00
	Expenses	92,711.00
5220	<b>FIRE AND FOREST FIRE</b>	
	Personal Services	612,398.00
	Expenses	96,783.00
5241	<b>INSPECTION SERVICES</b>	
	Personal Services	52,894.00
	Expenses	16,700.00
5244	<b>SEALER OF WEIGHTS &amp; MEASURES</b>	
	Personal Services	0.00
	Expenses	2,350.00
5291	<b>CIVIL DEFENSE</b>	
	Personal Services	0.00
	Expenses	928.00
5292	<b>ANIMAL CONTROL</b>	
	Personal Services	8,597.00
	Expenses	2,080.00
5294	<b>TREE WARDEN</b>	
	Personal Services	54,878.00
	Expenses	11,025.00
5295	<b>HARBORMASTER</b>	
	Personal Services	6,410.00
	Expenses	4,420.00
5300	<b>SILVER LAKE ASSESSMENT</b>	
	Expenses	1,642,110.00
5325	<b>KINGSTON ELEMENTARY SCHOOL</b>	
	Expenses	3,258,739.00
5350	<b>VOCATIONAL EDUCATION</b>	
	Expenses	37,500.00
5422	<b>GENERAL HIGHWAYS</b>	
	Personal Services	243,666.00
	Expenses	242,990.00
5423	<b>SNOW AND ICE</b>	
	Personal Services	17,000.00
	Expenses	45,200.00
5424	<b>STREET LIGHTING</b>	
	Personal Services	0.00
	Expenses	31,500.00



# **FY93 ANNUAL OPERATING BUDGET (CONT.)**

5433	<b>SOLID WASTE DISPOSAL</b>	
	Personal Services	31,021.00
	Expenses	131,840.00
5439	<b>RECYCLING COMMITTEE</b>	
	Personal Services	0.00
	Expenses	2,000.00
5451	<b>WATER COMMISSION</b>	
	Personal Services	177,726.00
	Expenses	197,825.00
5510	<b>BOARD OF HEALTH</b>	
	Personal Services	46,197.00
	Expenses	12,500.00
5541	<b>COUNCIL ON AGING</b>	
	Personal Services	48,858.00
	Expenses	11,250.00
5542	<b>YOUTH COMMISSION</b>	
	Personal Services	14,985.00
	Expenses	14,000.00
5543	<b>VETERAN'S BENEFITS</b>	
	Personal Services	8,603.00
	Expenses	38,265.00
5549	<b>HANDICAPPED COMMISSION</b>	
	Personal Services	0.00
	Expenses	50.00
5610	<b>LIBRARY</b>	
	Personal Services	108,508.00
	Expenses	68,510.00
5630	<b>RECREATION COMMISSION</b>	
	Personal Services	66,606.00
	Expenses	34,415.00
5690	<b>WATERFRONT</b>	
	Personal Services	0.00
	Expenses	2,800.00
5691	<b>HISTORICAL COMMISSION</b>	
	Personal Services	0.00
	Expenses	100.00
5699	<b>COOPERATIVE EXTENSION SERVICE</b>	
	Personal Services	0.00
	Expenses	270.00

# **FY93 ANNUAL OPERATING BUDGET (CONT.)**

5710	<b>RETIREMENT OF DEBT</b>	
	Personal Services	0.00
	Expenses	390,000.00
5751	<b>LONG-TERM INTEREST</b>	
	Personal Services	0.00
	Expenses	89,319.00
5752	<b>SHORT-TERM INTEREST</b>	
	Personal Services	0.00
	Expenses	15,500.00
5910	<b>EMPLOYEE BENEFITS</b>	
	Personal Services	1,085,258.00
	Expenses	15,000.00
5945	<b>LIABILITY &amp; INSURANCE</b>	
	Personal Services	0.00
	Expenses	125,000.00
	<b>GRAND TOTAL</b>	<b>\$11,031,199.00</b>

ARTICLE 8. On the motion of John C. Veracka, Jr., VOTED UNANIMOUSLY that the sum of \$2,057 be raised and appropriated for the payment of the following bills outstanding from prior years:

FY 91 — McGlone Engineering, Inc.	\$1,885.53
Earth-removal Inspection	
FY 91 — True Value Hardware	28.37
FY 90 — Jordan Hospital	<u>143.00</u>
Police Officer I.O.D.	

## **FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.**

ARTICLE 9. John C. Veracka, Jr. moved that \$23,300 be transferred from the income of the Elizabeth B. Sampson Memorial Fund for the following purposes and that all expenditures be under the supervision of the respective departments:

Replacement and all related repairs of	\$10,000
Town House Heating System	
Resurface/reline 6 tennis courts at	12,000
SLRHS-Kingston	
Picnic tables & television set for	<u>1,300</u>
Housing Authority	\$23,300

## **FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.**

Joseph F. Glass moved to divide the items to be voted on separately.

**THE MOTION WAS NOT CARRIED.**

On the motion of John C. Veracka, Jr., VOTED that \$23,300 be transferred from the income of the Elizabeth B. Sampson Memorial Fund for the following purposes and that all expenditures be under the supervision of the respective departments:

Replacement and all related repairs of Town House Heating System	\$10,000
Resurface/reline 6 tennis courts at SLRHS-Kingston	12,000
Picnic tables & television set for Housing Authority	<u>1,300</u> \$23,300

ARTICLE 10. On the motion of Arthur E. Quilty, VOTED UNANIMOUSLY that the Town raise and appropriate the sum of \$20,000 for the replacement of 1987 Water Department truck,

AND further, to authorize the Board of Selectmen to trade or otherwise dispose of the 1987 Water Department truck in the best interest of the Town.

**FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.**

ARTICLE 11. John C. Veracka, Jr. moved that the Town raise and appropriate the sum of \$53,200 for the purchase of new equipment and the repair of existing equipment as follows:

\$33,000	for 2 police cruisers
5,000	for a used pickup truck for the Fire Department
1,200	for a copy machine for the Fire Department
4,500	for 2 mobile radio repeaters for the Fire Department
1,500	for computer hardware for Fire Department
3,000	to replace tanks and pump for 1980 brushbreaker for the Fire Department
5,000	to repair a 1986 pumper for the Fire Department

Richard P. Cretinon moved to amend by deleting all items except for the \$33,000 for the two police cruisers.

**FINANCE COMMITTEE RECOMMENDED CONSIDERING  
OTHER ITEMS AT A LATER DATE.**

**THE AMENDMENT WAS NOT CARRIED.**

Seven rose to question the Moderator's call of the voice vote.

YES — 27; NO — 76

**THE AMENDMENT WAS NOT CARRIED.**

On the motion of John C. Veracka, Jr., VOTED that the Town raise and appropriate the sum of \$53,200 for the purchase of new equipment and the repair of existing equipment as follows:

\$33,000	for 2 police cruisers
5,000	for a used pickup truck for the Fire Department
1,200	for a copy machine for the Fire Department
4,500	for 2 mobile radio repeaters for the Fire Department
1,500	for computer hardware for Fire Department
3,000	to replace tanks and pump for 1980 brushbreaker for the Fire Department
5,000	to repair a 1986 pumper for the Fire Department

ARTICLE 12. On the motion of Arthur E. Quilty, moved that the sum of \$27,350 be raised and appropriated to be expended by the Board of Selectmen for repairs to the Maple Street Fire Station.

Richard P. Cretinon moved to amend the figure to \$15,000 with the \$15,000 being used to repair the roof.

**THE AMENDMENT WAS NOT CARRIED.**

On the motion of Arthur E. Quilty, VOTED that the sum of \$27,350 be raised and appropriated to be expended by the Board of Selectmen for repairs to the Maple Street Fire Station.

Clive W. Beasley moved to adjourn this meeting to Wednesday, April 8, 1992, at 7:30 p.m.

On the motion of Richard P. Cretinon, VOTED to adjourn this meeting to Monday, April 13, 1992, at 7:30 p.m. at the Kingston Elementary School, 150 Main Street.

There were 76 voters from Precinct I and 70 voters from Precinct II, for a total of 146 voters.

Adjournment was at 10:30 p.m.

Respectfully submitted,

Mary Lou Murzyn,  
Town Clerk.

The following requests for reconsideration were recorded with the Town Clerk:

Request of Ted Alexiades to reconsider Articles 7, 10, 11 and 12 received on April 8, 1992 at 10:54 a.m.

Request of Edmund J. King, Jr. to reconsider Articles 5 and 7 received on April 8, 1992 at 11:49 a.m.

Request of Arthur H. Batchelor to reconsider Article 7 received on April 8, 1992 at 11:50 a.m.

**APRIL 13, 1992**

The adjourned Annual Town Meeting was called to order by the Moderator, Lawrence I. Winokur, at 7:42 p.m., at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts.

The vote checkers were: Maureen E. Twohig, Janet Smith, Robert A. Mulliken and Grace C. Cardoza. The doorkeeper was George F. Wager; the mike carrier was Donna M. Farrington; and Jamie Mason recorded the meeting.

The sworn tellers were Donna M. Farrington, Philip R. Burnham, Joseph F. Glass and James C. Judge.

Clive W. Beasley, newly elected Chairman of the Board of Selectmen, introduced and welcomed the new members of that Board — Marjorie F. Cadenhead, Kevin J. Cully and Christina L. Willis. They were warmly welcomed by those in attendance.

Mr. Winokur thanked former Selectman John C. Veracka, Jr. for his many years of service to the Town as a Selectman, member of the Finance Committee and other various committees. The Town Meeting body responded with a warm round of applause.

Clive W. Beasley asked permission of the Moderator to bring a Resolution before the Town Meeting body.

On the motion of Clive W. Beasley, **RESOLVED UNANIMOUSLY** that the Town of Kingston call upon the Legislature to annually appropriate and fully distribute the legally required fifteen (15) percent of the gas tax receipts to cities and towns for the construction and maintenance of local roads.

The Moderator advised that there were in excess of 150 voters present this evening and we would proceed with Article 2. Mr. Winokur reread the article moved by Mr. Beasley on April 6th together with the amendment of Mr. Cretinon as follows:

**ARTICLE 2.** Clive W. Beasley moved that the Town borrow the sum of \$570,000 to be expended by the Board of Selectmen for the partial closure of the easterly and southerly sideslopes of the Cranberry Road landfill in accordance with the closure plan approved by the Massachusetts Department of Environmental Protection including all necessary engineering, monitoring, materials and labor and, to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and the Selectmen deem necessary pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 8 provided that this vote shall not take effect unless the Town votes to exempt from the provisions of Proposition two and one-half, so-called, the amounts required to pay the principal of and interest on the borrowing authorized by this note.

Richard P. Cretinon moved to amend by deleting all of the language after the words "Chapter 44 Section 8".

Considerable discussion and questions followed.

Daniel H. Sangster moved to amend by including that the quality content of the landfill be approved by the Kingston Board of Health. After additional discussion and opinion of Town Counsel, the Moderator ruled the amendment out of order.

A vote was taken on the amendment of Mr. Cretinon.

**THE AMENDMENT WAS CARRIED.**

On the motion of Clive W. Beasley, as amended, **VOTED** that the Town borrow the sum of \$570,000 to be expended by the Board of Selectmen for the partial closure of the easterly and southerly sideslopes of the Cranberry Road landfill in accordance with the closure plan approved by the Massachusetts Department of Environmental Protection including all necessary engineering, monitoring, materials and labor and, to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and the Selectmen deem necessary pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 8.

**YES — 147; NO — 13**

**ARTICLE 13.** Arthur E. Quilty moved that the Board of Selectmen be authorized to enter into a lease-purchase agreement for a period of five years pursuant to the provisions of Chapter 40, Section 4 of the Massachusetts General Laws, for the acquisition of a 1992 street sweeper and that the sum of \$16,840 be raised and appropriated for the first year of said agreement, and further, that the Board of Selectmen be authorized to trade the 1977 street sweeper now in the possession of the Highway Department.

Richard P. Cretinon moved to delete Mr. Quilty's motion in its entirety and to insert in place thereof the following:

Move that the town appropriate the sum of \$71,700 to be expended by the Board of Selectmen for the acquisition of a 1992 street sweeper, and to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and the Selectmen deem necessary pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7 (9).

**THE AMENDMENT WAS CARRIED.**

On the motion of Arthur E. Quilty, as amended, **VOTED** that the town appropriate the sum of \$71,700 to be expended by the Board of Selectmen for the acquisition of a 1992 street sweeper, and to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the

funds in whatever increments the Treasurer and the Selectmen deem necessary, pursuant to the provisions of Massachusetts General Laws Chapter 44 Section 7 (9).

YES — 141; NO — 17

ARTICLE 14. Arthur E. Quilty moved that the Board of Selectmen be authorized to enter into a lease-purchase agreement for a period of five years pursuant to the provisions of Chapter 40, Section 4 of the Massachusetts General Laws, for the acquisition of a new brushbreaker for the Fire Department and that the sum of \$31,810 be raised and appropriated for the first year of said agreement,

AND further, that the Board of Selectmen be authorized to trade or otherwise dispose of, in the best interest of the Town, the 1971 brushbreaker, the 1983 pumper, and the 1977 tank truck now in the possession of the Fire Department.

Richard P. Cretinon moved to delete the following language from Mr. Quilty's motion: "that the Board of Selectmen be authorized to enter into a lease-purchase agreement for a period of five years pursuant to the provisions of Chapter 40, Section 4 of the Massachusetts General Laws, for the acquisition of a new brushbreaker for the Fire Department and that the sum of \$31,810 be raised and appropriated for the first year of said agreement"; and insert in place thereof the following:

"that the Town appropriate the sum of \$136,000 to be expended by the Board of Selectmen for the acquisition of a 1992 brushbreaker, and to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and Selectmen deem necessary, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 7 (9)."

THE AMENDMENT WAS CARRIED.

On the motion of Arthur E. Quilty, as amended, VOTED that the Town appropriate the sum of \$136,000 to be expended by the Board of Selectmen for the acquisition of a 1992 brushbreaker, and to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and Selectmen deem necessary, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 7 (9),

AND further, that the Board of Selectmen be authorized to trade or otherwise dispose of, in the best interest of the Town, the 1971 brushbreaker, the 1983 pumper, and the 1977 tank truck now in the possession of the Fire Department.

YES — 140; NO — 6

Richard P. Cretinon moved to reconsider Article 13.

THE MOTION WAS CARRIED:

ARTICLE 13. Richard P. Cretinon moved to amend his original amendment by adding the following language:

"and further, that the Board of Selectmen be authorized to trade the 1977 street sweeper now in the possession of the Highway Department."

THE AMENDMENT WAS CARRIED.

A vote was taken on the original amendment of Mr. Cretinon as further amended.

THE AMENDMENT WAS CARRIED.

On the motion of Arthur E. Quilty, as amended, VOTED that the town appropriate the sum of \$71,700 to be expended by the Board of Selectmen for the acquisition of a 1992 street sweeper, and to meet this expenditure, that the Treasurer, with the approval of the Selectmen, be authorized to borrow the funds in whatever increments the Treasurer and the Selectmen deem necessary, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7 (9), and further, that the Board of Selectmen be authorized to trade the 1977 street sweeper now in the possession of the Highway Department."

YES — 135; NO — 0

Richard P. Cretinon moved to reconsider Article 11.

THE MOTION WAS CARRIED.

ARTICLE 11. Richard P. Cretinon moved to amend by deleting \$5,000 for a used pickup truck for the Fire Department and deleting \$3,000 to replace tanks and bumps for 1980 brushbreaker for the Fire Department.

THE AMENDMENT WAS CARRIED.

In the motion of John Veracka, Jr., as amended, VOTED that the Town raise and appropriate the sum or \$45,200 for the purchase of new equipment and the repair of existing equipment as follows:

\$33,000	for 2 police cruisers
1,200	for a copy machine for the Fire Department
4,500	for 2 mobile radio repeaters for the Fire Department
1,500	for computer hardware for Fire Department
5,000	to repair a 1986 pumper for the Fire Department

Richard P. Cretinon moved to reconsider Article 12.

THE MOTION WAS CARRIED.

ARTICLE 12. Richard P. Cretinon moved to amend the figure to read \$17,350.

THE AMENDMENT WAS CARRIED.

On the motion of Arthur E. Quilty, as amended, VOTED that the sum of \$17,350 be raised and appropriated to be expended by the Board of Selectmen for repairs to the Maple Street Fire Station.

ARTICLE 15. On the motion of Christopher S. Newton, VOTED that the Town amend the Town of Kingston By-Laws by adding a new ARTICLE XXXIV entitled "MANDATORY RECYCLING" as follows:

Section 1. All residents of the Town using the Cranberry Road Municipal Landfill and Transfer Station shall be required to recycle those materials as may be required by the Regulation of the Board of Selectmen, which materials may include, but not be limited to, paper, glass, metal, rubber, plastics, used tires and compostable waste, as provided in Massachusetts General Laws Chapter 40, Section 8M.

Section 2. After a public hearing the Board of Selectmen shall, upon recommendation of the Recycling Committee and the Superintendent of Streets, adopt rules and regulations in connection with the management and administration of the mandatory recycling program.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Edmund J. King, Jr. moved to reconsider Article 7.

THE MOTION WAS NOT CARRIED.

ARTICLE 16. Mary Lou Murzyn moved that the Town eliminate the requirement, voted at the 1886 Annual Town Meeting for the publishing of "Vital Statistics including births, deaths, and marriages in the Annual Report.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE MOTION WAS CARRIED.

Seven rose to question the Moderator's call of the voice vote.

YES — 73; NO — 81

THE MOTION WAS NOT CARRIED.

ARTICLE 17. To see if the Town will vote to eliminate the requirement, voted at the 1937 Annual Town Meeting and amended by the 1972 Annual Town Meeting, that the Board of Assessors have printed every fifth year a list of property owners and valuations of property, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 18. On the motion of James E. Coyle, VOTED that the Town accept an Equal Education Opportunity Grant for the Kingston Elementary School Department for the fiscal year 1993 pursuant to the provisions of Massachusetts General Laws Chapter 70A, Section 5, as inserted by Chapter 188

of the Acts of 1985, said funds to be expended by the Kingston School Committee for direct service expenditures.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 19. On the motion of George A. Cappola, VOTED that the Town accept an Equal Education Opportunity Grant for the Silver Lake Regional School District for the fiscal year 1993 pursuant to the provisions of Massachusetts General Laws Chapter 70A, Section 5, as inserted by Chapter 188 of the Acts of 1985, said funds to be expended by the Silver Lake Regional School District Committee for direct service expenditures.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 20. On the motion of George A. Cappola, VOTED that the Town amend the Silver Lake Regional School District Agreement by inserting in Section II. REGIONAL DISTRICT SCHOOL COMMITTEE a new paragraph after Paragraph 1 and before Paragraph 2, as follows:

IA. Weighted Voting.

For purposes of voting on matters properly before the Committee, Committee members from the towns of Pembroke, Kingston, Halifax and Plympton shall have their recorded vote weighted to insure compliance with equal apportionment principles. On June 1 of each year, the weighted vote of each committee member shall be established for the ensuing fiscal year from the Town Census figures reflecting population of the member towns as of the preceding January 1.

On the motion of Clive W. Beasley, VOTED to take all articles requiring a quorum of 100 voters out of order. They were determined to be Articles 23, 25, 27, 28, 32, 37, 38, 40 and 44.

ARTICLE 23. On the motion of Arthur Vantangoli, VOTED that the Town transfer from the Municipal Waterways Improvement and Maintenance Fund the sum of \$2,290 to be expended by the Waterfront Committee for repairs and improvements to floating docks, stationary wharves, moorings and facilities.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 25. On the motion of Ronald L. C. Maribett, VOTED that, pursuant to Chapter 33 of the Acts of 1991, the sum of \$131,323 be transferred from available funds in anticipation of reimbursement of the State's share of the cost of work under Chapter 90, Section 34 (2a) of the Massachusetts General Laws.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 27. To see if the Town will vote to amend the Town of Kingston Zoning By-Law, Section V.N. Water Resource Overlay District by inserting under Performance Standards the following:

9. When roof-top drainage is allowed to be subtracted from the impervious cover equation, the roof-top drainage allowance will be restricted to less than 40% of the total impervious area., or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 28. Ronald L. C. Maribett moved that the sum of \$10,000 be raised and appropriated to be placed in the special fund known as the Police Detail Revolving Fund established by vote of the 1973 Annual Town Meeting.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

THE MOTION WAS NOT CARRIED.

ARTICLE 32. On the motion of Ronald L. C. Maribett, VOTED that the Town raise and appropriate \$2,500 for updating and revising the Town's Open Space Plan, including consultant's services and printing.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 37. On the motion of Clive W. Beasley, VOTED that the sum of \$3,000 be raised and appropriated for the support of South Shore Women's Center's contracted services to victims of domestic violence.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 38. On the motion of Clive W. Beasley, VOTED that the sum of \$1,500 be raised and appropriated for payment of services rendered by the Plymouth County Rape Crisis Center in fiscal year 1992-93.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 40. On the motion of A. Daniel Sapir VOTED, that the Town amend the Town of Kingston Zoning By-Laws Section VI, paragraph D, entitled Board of Appeals by deleting the first paragraph and substituting therefor the following:

"There shall be a Board of Appeals of five (5) members and two (2) associate members. The Board of Selectmen shall make the appointments of the full-time members so that the term of one (1) member shall expire each year pursuant to the requirements of MGL Chapter 40A, Section 12. Associate members shall each be appointed annually for terms of one (1) year."

The members of the Board in office at the effective date of this by-law shall continue in office. The two (2) additional members shall serve initial terms of four (4) and three (3) years, respectively, in order to provide for sequential terms of five years for each member with the term of one (1) member of the five (5) member Board expiring each year thereafter. After expiration of the present terms of the associate members, they shall be appointed annually for terms of one (1) year.

Jeffrey A. Batchelor questioned the quorum. The tellers reported, after a count of the house, that there were 122 voters present.

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

YES — 98; NO — 17

ARTICLE 44. To see if the Town will vote to transfer from the "Free Cash" account a sum of money to reduce the tax rate, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 21. On the motion of Clive W. Beasley, VOTED that the Town amend the Town of Kingston By-Laws Article XXIV entitled "BURGLAR ALARM SYSTEMS", Section C. Penalties, by repealing subsection 2 and by striking the second sentence of subsection 1 and substituting the following: The Police Chief shall notify the alarm user pursuant to the provisions contained in MGL Chapter 40, Section 21D, as amended. Said user shall submit payment within twenty-one (21) days of the date of said notice to the Town Clerk for deposit to the General Fund.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 22. To see if the Town will vote to establish a fee of \$25.00 for raffle and bazaar permits in accordance with the provisions of Massachusetts General Laws, Chapter 271, Section 7A, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 24. On the motion of Clive W. Beasley, VOTED that the Town accept Ortolani Circle and Copper Beech Drive as shown on plans on file with the Town Clerk.

PLANNING BOARD RECOMMENDED FAVORABLE ACTION.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 26. Donna M. Farrington moved that the Town rescind, effective July 1, 1993, its acceptance at the 1971 Annual Town Meeting of Massachusetts General Laws, Chapter 40, Section 8E, as amended, establishing a Youth Commission and to authorize the Recreation Commission to assume all Youth Commission programs subject to Town Meeting appropriation.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.

Arthur A. Forcier moved to postpone consideration of this article indefinitely.

THE MOTION WAS NOT CARRIED.

On the motion of Donna M. Farrington, VOTED that the Town rescind, effective July 1, 1993, its acceptance at the 1971 Annual Town Meeting of Massachusetts General Laws, Chapter 40, Section 8E, as amended, establishing a Youth Commission and to authorize the Recreation Commission to assume all Youth Commission programs subject to Town Meeting appropriation.

ARTICLE 29. To see if the Town will vote to authorize the Board of Selectmen to distribute income from various trust funds, subject to the provisions of said trusts, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 30. On the motion of Clive W. Beasley, VOTED that the Town amend the Kingston By-Laws ARTICLE XXXIII entitled REGULATION OF DOGS by adding a new Section 6 as follows:

"Section 6. All dogs six months of age or older shall be licensed with the Town Clerk on April 1 of each year. By June 15 of each year the Town Clerk shall cause a notice to be sent to the owner or keeper of record of any unlicensed dog. In addition to the license fee established by this by-law, said owner or keeper shall be subject to an additional charge of \$5 for each dog licensed after June 15. Whoever keeps an unlicensed dog in violation of this by-law after July 1 shall be subject to a fine of \$25. This by-law may be enforced by the dog officer or any police officer of the Town."

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 31. To see if the Town will vote to allow Richard Thompson of 29 Bayview Avenue in Kingston to demolish two existing houses and construct a carriage house with a three car garage at 29 Bayview Avenue, which carriage house may constitute a variance from the requirements of the Kingston Zoning By-Law and may constitute an exception to the Kingston Sewer Works Construction Moratorium, or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION UNDER THIS ARTICLE.

The Moderator explained that prior to the commencement of Town Meeting, he had ruled any motion under this article out of order. He so notified counsel for the petitioner of this article. Said counsel objected to this ruling and requested that his objection be so noted in the minutes.

ARTICLE 33. On the motion of Pine duBois, VOTED that the Town amend its acceptance at the 1963 Annual Town Meeting of Massachusetts General Laws, Chapter 40, Section 8C, establishing a Conservation Commission by expanding the Commission from five to seven members by adding two new members. When first appointed, one member shall be appointed for two years and one member shall be appointed for one year. Thereafter, their successors shall be appointed for terms of three years each.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Prior to the commencement of Article 34, the Moderator thanked all those involved in the Town Meeting process — the Finance Committee, the staff of the Board of Selectmen's office, the Board of Selectmen — past and present, the tellers, Town Clerk, Town Counsel Betsey Lane, and all of the Boards and Committees for their hard work and dedication.

ARTICLE 34. On the motion of Pine duBois, VOTED that the Town establish a Conservation Fund pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 5, Clause 51.

The Moderator ruled the change in the section of the warrant article in order.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 35. To see if the Town will vote to amend the Town of Kingston Zoning Map entitled "Zoning Map of Kingston, Massachusetts" dated March 20, 1971, revised through May 2, 1989, prepared by Perkins Engineering, Inc., Rockland, Massachusetts, as follows:

By changing a certain parcel of land situated on Summer Street, and shown on the Kingston Assessors' Map 13 as Lot 18 from R-A Residential to B Business, or take any other action relative thereto. (BY PETITION)

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 36. To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury a sum of money to be expended by the Board of Selectmen for consultant services to prepare a request for proposals for the collection, treatment and disposal of sewage and septage, or take any other action relative thereto.

THERE WAS NO MOTION MADE UNDER THIS ARTICLE.

ARTICLE 39. On the motion of Susan M. Farrell, VOTED that the Town reinstate the Zoning Study Committee as established by the 1987 Annual Town Meeting, and previously extended by each subsequent Annual Town Meeting, said Committee to report to a Special or the next Annual Town Meeting.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 41. A. Daniel Sapir moved to increase the number of Board of Health members from three to five, as provided in Massachusetts General Laws, Chapter 41, Section 2, by electing three new members at the next annual election, one for one year, one for two years, and one for three years, to serve with the remaining two members of the old (present) Board so that the new board of five shall be made up of two members with one year to serve, two members with two years to serve, and one member with three years to serve, and thereafter, as the term of each member ends, his successor will be elected for a term of three years.

FINANCE COMMITTEE RECOMMENDED UNFAVORABLE ACTION.



Paul A. Tura moved to amend by adding the following: "and at said next annual election, the candidate with the highest vote will serve for three (3) years the candidate with the second highest vote will serve for two (2) years, and the candidate with the third highest vote will serve for one (1) year."

#### THE AMENDMENT WAS CARRIED.

On the motion of A. Daniel Sapir, as amended, VOTED to increase the number of Board of Health members from three to five, as provided in Massachusetts General Laws, Chapter 41, Section 2, by electing three new members at the next annual election, one for one year, one for two years, and one for three years, to serve with the remaining two members of the old (present) Board so that the new board of five shall be made up of two members with one year to serve, two members with two years to serve, and one member with three years to serve, and thereafter, as the term of each member ends, his successor will be elected for a term of three years: and at said next annual election, the candidate with the highest vote will serve for three (3) years, the candidate with the second highest vote will serve for two (2) years, and the candidate with the third highest vote will serve for one (1) year.

On the motion of Edmund J. King, Jr., VOTED to adjourn without day.

There were 90 voters from precinct I and 97 voters from Precinct II, for a total of 187 voters.

Adjournment was at 11:37 p.m.

Respectfully submitted,  
Mary Lou Murzyn,  
Town Clerk.

#### SUMMARY OF 1992 ANNUAL TOWN MEETING

##### ARTICLES VOTED:

#	Date		
1	4/6	Reports of Town Officers	VOTED
2	4/6	Partial Closure of Landfill	
	4/13	(Borrow)	\$ 570,000
3	4/6	KES Heating System (Borrow)	840,000
4	4/6	Safe Drinking Water Act (Borrow)	755,000
5	4/7	Wage & Personnel By-Law	VOTED
6	4/7	Salaries of Elected Officials	VOTED
7	4/7	BUDGET	11,031,199
8	4/7	Payment of Unpaid Bills	2,057

9	4/7	Elizabeth B Sampson Memorial Fund	23,300
10	4/7	Replacement of Water Dept. Truck	20,000
		Trade 198, Water Dept. Truck	
11	4/7	Purchase/Repair Equipment for	
	4/13	Various Departments	45,200
12	4/7	Repairs to Maple Street Fire	17,350
	4/13	Station	
13	4/13	Purchase of 1992 Street Sweeper	71,700
		Trade 1977 Street Sweeper	
14	4/13	Purchase or 1992 Brushbreaker	136,000
		Trade various Fire Equipment	
15	4/13	Amend By-Laws — Mandatory Recycling	VOTED
		(Article XXXIV)	
16	4/13	Eliminate Vital Statistics	DEFEATED
17	4/13	Eliminate List of Property Owners	NO MOTION
18	4/13	Accept EEO Grant KES	VOTED
19	4/13	Accept EEO Grant Silver Lake	VOTED
20	4/13	Amend Silver Lake Regional School	VOTED
		District Agreement — Weighted Voting	
21	4/13	Amend By-laws Burglar Alarm	VOTED
		Systems (Article XXIV)	
22	4/13	Establish \$25 Fee for Raffle	NO MOTION
		and Bazaar Permits	
23	4/13	Transfer from Municipal Waterways	2,290
		Improvement Maintenance Fund	
		Waterfront Committee	
24	4/13	Accept Ortolani Circle and Copper	VOTED
		Beech Drive	
25	4/13	Chapter 90 Funds	131,323
26	4/13	Rescind c.40 se. 8E (Youth Commission)	
		Take over by Recreation Commission	VOTED
27	4/13	Amend Zoning By-Law — Water	
		Resource Overlay District	NO MOTION
28	4/13	Police Detail Revolving Fund	DEFEATED
29	4/13	Distribution from Trust Funds	NO MOTION
30	4/13	Amend By-Laws — Regulation of	VOTED
		Dogs (Article XXXIII)	



31	4/13	Demolish 29 Bayview Avenue (By Petition)	OUT OF ORDER
32	4/13	Revision of Open Space Plan	2,500
33	4/13	Amend Acceptance of c. 40, Sec. 8C — increase Conservation Commission from 5 to 7	VOTED
34	4/13	Establish Conservation Fund	VOTED
35	4/13	Amend Zoning Map (By Petition)	NO MOTION
36	4/13	Consultant Services re: sewage	NO MOTION
37	4/13	South Shore Women's Center	3,000
38	4/13	Plymouth County Rape Crisis Center	1,500
39	4/13	Extend Zoning Study Committee	VOTED
40	4/13	Amend Zoning By-Laws Sec. VI, Paragraph D — Board of Appeals (5 members)	VOTED
41	4/13	Increase Board of Health from 3 to 5 members	VOTED
42	4/6	Budgetary Deferment	DEFEATED
43	4/6	Add to Stabilization Fund	124,096
44	4/13	Transfer to Free Cash	NO MOTION

## ANNUAL TOWN ELECTION APRIL 11, 1992

The Annual Town Election was held at the Kingston Elementary School for Precinct I and the Faunce School for Precinct II on April 11, 1992, in accordance with the warrant issued by the Selectmen and properly posted by a constable of the Town.

Specimen ballots, penalty and instruction cards were posted in accordance with law.

The following officers and workers reported to their respective precincts:

PRECINCT I		
Warden	Maureen E. Twohig	D
Deputy Warden	Lydia Fernandes	D
Clerk	Irma A. Ruffini	R
Deputy Clerk	Jeanne Matatall	R
Inspector	Marie F. Shea	D
Deputy Inspector	James Matatall	R
Deputy Inspector	Harry Monks	D
Deputy Inspector	Diane Miller	R
Deputy Inspector	Elizabeth White	D
Deputy Inspector	Charles V. Ladd	R
PRECINCT II		
Warden	Enis Zoccolante	R
Deputy Warden	Janet Smith	R
Clerk	Elizabeth L. Iannucci	D
Deputy Clerk	Joan Sgarzi	D
Inspector	Robert Mulliken (6:30 - 11:30 a.m.)	R
	Thomas N. Motte (11:30 a.m. - 3 p.m.)	R
	Jane P. Zakrzewski (3:00 p.m.)	D
Deputy Inspector	Arthur Hand	D
Deputy Inspector	Grace Cardoza	D
Deputy Inspector	Sharon Ruprecht	U
Deputy Inspector	Eric Heise	R
Deputy Inspector	Barbara Gauthier	U

All election officers were sworn to the faithful performance of their duties. The ballot box at each precinct was inspected by the election officers, found to be empty and the register at zero.

Officer Edward Caron reported to Precinct I at 6:45 a.m. and worked until 3:00 p.m. at which time Officer Ronald Vernazzaro replaced him. At 8:40 p.m., Officer Vernazzaro escorted the ballots to the Reed Community Building for tabulation and remained there until 10:30 p.m.

Officer Robert Sarson reported to Precinct II at 6:55 a.m. and worked until 2:35 p.m. at which time Officer Robert Wells replaced him. At 9:00 p.m., Officer Wells escorted the ballots to the Reed Community Building for tabulation. After the results were announced, he escorted all ballots back to the Clerk's Office and remained there until the ballots were locked in the vault.

The polls were declared open by the respective Wardens at 7:00 a.m. and closed at 8:00 p.m. in accordance with the warrant. There were 1,145 ballots cast in Precinct I, including 24 absentee ballots. There were 1,105 ballots cast in Precinct II, including 35 absentee ballots. The total vote cast in both Precincts was 2,250.

At the close of the polls, the ballot box in Precinct I read 1,145 and the ballot box in Precinct II read 1,105. All voters who had been omitted from the voting list were handled according to law and certificates issued, if appropriate.

The results were announced at 10:20 p.m. by the Town Clerk. They are as follows:

OFFICE	I	II	Total
<b>MODERATOR (for one year)</b>			
*Lawrence I. Winokur	828	800	1,628
Blanks — Undervote	314	305	619
Overvote	3	0	3
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>SELECTMAN (for one year)</b>			
*Marjorie F. Cadenhead	483	520	1,003
Geoffrey H. Marsh	253	241	494
Joseph M. Palombo	360	305	665
Blanks — Undervote	41	34	75
Overvote	8	5	13
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>SELECTMAN (for two years)</b>			
David D. Fitzgerald	235	221	456
Leo A. Kelley	451	367	818
*Christina L. Willis	394	431	825
Blanks — Undervote	52	79	131
Overvote	13	7	20
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>SELECTMAN (for three years)</b>			
John C. Veracka, Jr.	246	227	473
Richard P. Cretinon	394	313	707
*Kevin F. Cully	356	417	773
Arthur A. Forcier	114	108	222
Blanks — Undervote	29	32	61
Overvote	6	8	14
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>ASSESSOR (for three years)</b>			
*William R. Fairweather	807	799	1,606
Blanks — Undervote	338	306	644
Overvote	0	0	0
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>TAX COLLECTOR (for three years)</b>			
*Howard Keith Peavey	599	635	1,234
Theodore C. Alexiades	504	426	930
Blanks — Undervote	41	42	83
Overvote	1	2	3
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>

OFFICE	I	II	Total
<b>PLANNING BOARD (for five years)</b>			
*Susan M. Farrell	748	750	1,498
Blanks — Undervote	395	355	750
Overvote	2	0	2
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>TREE WARDEN (for one year)</b>			
*Fred E. Nava	752	790	1,542
Harris E. Robinson	324	239	563
Blanks — Undervote	68	75	143
Overvote	1	1	2
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>SILVER LAKE REG. SCHOOL COMMITTEE</b> (for three years — vote for two)			
*Wayne G. Bouley	576	551	1,127
*George A. Cappola	631	622	1,253
Blanks — Undervote	1,081	1,037	2,118
Overvote	2	0	2
	<u>2,290</u>	<u>2,210</u>	<u>4,500</u>
<b>SCHOOL COMMITTEE</b> (for three years — vote for two)			
*James E. Coyle	591	625	1,216
*Marion Lanagan	601	556	1,157
Blanks — Undervote	1,092	1,029	2,121
Overvote	6	0	6
	<u>2,290</u>	<u>2,210</u>	<u>4,500</u>
<b>WATER COMMISSIONER (for three years)</b>			
*Fred D. Svenson, Jr.	563	483	1,046
Stephen A. McDonald	441	463	904
Blanks — Undervote	138	159	297
Overvote	3	0	3
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>
<b>BOARD OF HEALTH (for three years)</b>			
*Paul A. Tura	801	780	1,581
Mary K. O'Donnell	0	1	1
Blanks — Undervote	344	324	668
Overvote	0	0	0
	<u>1,145</u>	<u>1,105</u>	<u>2,250</u>

OFFICE	I	II	Total
<b>LIBRARY TRUSTEE</b>			
(for three years — vote for two)			
*Joseph F. Glass	743	720	1,463
*Dennis N. Randall	611	597	1,208
Mary C. Cherry	1	0	1
Rene Bouchard	1	0	1
Maureen Poole	1	0	1
Blanks — Undervote	931	893	1,824
Overvote	2	0	2
	<b>2,290</b>	<b>2,210</b>	<b>4,500</b>

<b>RECREATION COMMISSION (for three years)</b>			
Joseph O. Brennan, III	383	343	726
*Dennis M. Carvalho	577	569	1,146
Blanks — Undervote	180	182	362
Overvote	5	11	16
	<b>1,145</b>	<b>1,105</b>	<b>2,250</b>

<b>CONSTABLE</b>			
(for three years — vote for two)			
*Alfred D. Darsch	686	692	1,378
*James R. Goonan	752	715	1,467
Blanks — Undervote	852	803	1,655
Overvote	0	0	0
	<b>2,290</b>	<b>2,210</b>	<b>4,500</b>

<b>HOUSING AUTHORITY (for five years)</b>			
*Paul Allan Vantangoli	771	744	1,515
Blanks — Undervote	373	361	734
Overvote	1	0	1
	<b>1,145</b>	<b>1,105</b>	<b>2,250</b>

<b>QUESTION ONE (Landfill)</b>			
Yes	453	453	906
*No	489	437	926
Blanks — Undervote	202	214	416
Overvote	1	1	2
	<b>1,145</b>	<b>1,105</b>	<b>2,250</b>

<b>QUESTION TWO (KES Heating System)</b>			
*Yes	606	552	1,158
No	442	438	880
Blanks — Undervote	96	114	210
Overvote	1	1	2
	<b>1,145</b>	<b>1,105</b>	<b>2,250</b>

OFFICE	I	II	Total
<b>QUESTION THREE (Safe Water)</b>			
*Yes	588	571	1,159
No	449	405	854
Blanks — Undervote	107	129	236
Overvote	1	0	1
	<b>1,145</b>	<b>1,105</b>	<b>2,250</b>

The wardens and clerks were dismissed after the results were announced. All supplies and used and unused ballots were returned to the Town Clerk's Office. All ballots cast previously locked in their transfer cases at the Reed Community Building were then locked in the Clerk's vault.

Marjorie F. Cadenhead, Christina L. Willis, Kevin F. Cully, Fred D. Svenson, Jr., Paul A. Tura and Dennis M. Carvalho were administered the oath of office by the Town Clerk.

The office was locked at 11:19 p.m.

A true record, ATTEST:

Mary Lou Murzyn,  
Town Clerk.

I, William R. Fairweather, having been elected to assess taxes and estimate the value of property for the purpose of taxation for the Town of Kingston for the ensuing three years do swear that I will truly and impartially according to my best skill and judgment, assess and apportion all such taxes as I may during that time assess; that I will neither overvalue nor undervalue any property, subject to taxation; and that I will faithfully perform all the duties of said office.

William R. Fairweather

## SPECIAL TOWN MEETING JUNE 27, 1992

The Special Town Meeting was called to order by the Moderator, Laurence I. Winokur, at 10:20 a.m., at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts. Mr. Winokur welcomed those present.

Mr. Winokur stated that it was obvious that proper notice had been given and the reading of the warrant was waived. There were approximately 225 voters in attendance with no quorum requirement for this meeting.

The vote checkers were: Grace C. Cardoza, Donna M. Farrington, Phyllis P. Ponte and Maureen E. Twohig. The doorkeeper was George F. Wager; the mike carrier was Charles V. Ladd; and David R. Buhl recorded the meeting.

The sworn tellers were Marie F. Shea, Robert A. Mulliken, William E. Po, William J. Twohig and Deborah D. Murphy (who replaced Mrs. Shea).

The Town Meeting body stood and recited the Pledge of Allegiance. Mr. Winokur went on to explain the guidelines under which this Town Meeting would be conducted. Mr. Winokur then read the following statement:

"Chapter 268A, the conflict of interest statute, is designed to prevent public officials from exercising their duties in a manner inconsistent with the public interest and to prevent undue influence and other abuses which were endemic to our governmental system up until passage of the law in the early 1960's.

It is incumbent upon our public officials to monitor their conduct and ensure compliance with the statute at all times.

Since the subject before you today will inevitably include a discussion of various alternative sites to that selected by the MBTA, and since one of those sites has been the present location of the L. Knife & Son beer distribution plant, and further, since I have represented that company and a related entity within the past two years, these circumstances raise the issue of whether or not my handling of this meeting would constitute a potential violation of that statute.

The statute contains a provision stating essentially that it may be unreasonable to conclude that any violation occurs if a public officer discloses in writing facts which would otherwise lead to a conclusion that a conflict exists and contains also the following statement:

'Section 1. The general court recognizes that in connection with standards for the conduct of public officials it should be recognized that under our democratic form of government, public officials and employees should be drawn from all of our society; that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature; that such standards of conduct should separate those situations of conflicting interest which are inherent in a free society from those which are unacceptable.'

I guess even moderators are allowed to think and have opinions.

However, one of the basic precepts of the statute is a proscription against even the potential 'appearance of a conflict'. It is for this reason alone, therefore, that I will step down as moderator for this meeting and the first order of business will be the election of a temporary moderator."

Mr. Winokur asked for nominations from the floor.

Harley Cadenhead nominated Roscoe A. Cole, Jr., which nomination was seconded and accepted.

Pine duBois nominated Mary Lou Murzyn, which nomination was seconded and declined.

Eugene F. Creedon nominated John F. Recke, which nomination was seconded.

Mr. Winokur declared the nominations closed. June A. Ballinger asked if either Mr. Cole or Mr. Recke had signed any petitions or had made any public statements regarding the topic of this meeting. Mr. Cole responded that he had not signed any petitions nor had he had any public input in the selection of a specific railroad site. He had attended one hearing in Braintree as a spectator.

Mr. Winokur then asked for the tellers for a hand vote.

ROSCOE A. COLE, JR.

172

JOHN F. RECKE

106

Mr. Winokur declared Mr. Cole temporary moderator for this Special Town Meeting and Mr. Cole was sworn in by the Town Clerk.

Jeffrey A. Batchelor raised a point of order. He stated that the tellers of a town meeting are very important and should be free of any sides on the issue. One of the tellers has already taken a public vote with the Industrial Commission. He asked the temporary Moderator to select new tellers for this meeting.

At this point, Mrs. Shea came forward and graciously stepped down as a teller in order to avoid any possibility of conflict. Mr. Cole then asked for volunteers from the town meeting body. Mrs. Murphy came forward and was appropriately sworn by the Moderator.

Attorney Elizabeth Lane of Kopelman & Paige, Town Counsel, then addressed the Town Meeting body. She restated an opinion given to the Board of Selectmen that the petition, if voted, would constitute only a resolution and would be a non-binding expression of opinion. Any vote taken by the Town Meeting body would be advisory only. (A copy of her letter dated May 26, 1992, and addressed to the Hon. Clive W. Beasley and the Members of the Board of Selectmen is on file in the Town Clerk's Office.)

On the motion of Clive W. Beasley, VOTED that the following individuals be admitted to and allowed to address the town meeting:

MBTA Representatives: John Powers, Robert Eagan, Jane Chmielinski, Paul Jordan and John Mahoney;

Elizabeth Lane, Town Counsel; Doris Haight; Nancy Howlett, Nicholas Nikitas, George Cameron, James Grimes, Dr. Steven Kaiser, Senator Ned Kirby and Dan St. Croix.

ARTICLE 1. Helen K. Gavin moved that the Town vote to request the Massachusetts Bay Authority (MBTA) to re-open the decision on where to locate the Plymouth line terminal/station and layover facility, presently pro-

posed for Kingston and in so doing reevaluate/compare all possible sites and so notify all proper State and Federal granting agencies of Town Meeting decision.

Helen K. Gavin moved for the privilege of a secret ballot. The purpose of the motion was to help prevent a division in the Town due to the intensity of the issue before us.

**THE MOTION WAS NOT CARRIED.**

Eugene F. Creedon moved to amend the motion on the floor by the following: To see if the Town will vote to endorse the Massachusetts Bay Authority (MBTA) decision to locate the Plymouth line terminal/station and layover facility proposed for the Kingston South Industrial Park and so notify all proper State and Federal granting agencies of Town Meeting decision.

Courtland L. Harlow, Jr. raised a point of order. He stated that the amendment changes the original proposal and as a result, it was out of order. The Moderator ruled it an appropriate amendment under the motion. Upon request, Town Counsel stated that this was a procedural matter. Any one was free to make any motion within the scope of the article. It was totally within the prerogative of this Town Meeting to vote yes or no.

Considerable discussion and comments followed regarding each motion.

The Moderator re-emphasized that both sides would be heard and he ruled that it was appropriate to speak to the total issue. We would hear from a proponent and then an opponent and alternate back and forth and then take a vote on the motion. Since it was obvious there were many speakers who wished to convey information, Mr. Cole suggested a time limit of 5 minutes per presentation.

Discussion followed on the motions.

Leo P. LaLiberte moved for a vote on the question to see if the Town will vote to endorse the Massachusetts Bay Authority (MBTA) decision to locate the Plymouth line terminal/station and layover facility proposed for the Kingston South Industrial Park and so notify all proper State and Federal granting agencies of Town Meeting decision.

Pine duBois raised a point of order as to the effect of an affirmative vote and questioned whether it would end the meeting. Mr. Cole explained that a favorable vote would not in effect end the meeting since during debate another motion could be entertained.

Mr. Cole called for a voice vote on the question.

**THE MOTION WAS NOT CARRIED.**

Seven rose to question the Moderator's call of the voice vote.

YES — 178; NO — 154

**THE MOTION WAS NOT CARRIED  
SINCE IT DID NOT MEET THE 2/3 REQUIREMENT.**

Additional discussion and presentations continued.

**THE FINANCE COMMITTEE RECOMMENDED  
FAVORABLE ACTION ON THE ORIGINAL ARTICLE.**

**THE FINANCE COMMITTEE RECOMMENDED  
UNFAVORABLE ACTION ON THE AMENDMENT.**

Leo P. LaLiberte again moved for a vote on the question to see if the Town will vote to endorse the Massachusetts Bay Authority (MBTA) decision to locate the Plymouth line terminal/station and layover facility proposed for the Kingston South Industrial Park and so notify all proper State and Federal granting agencies of Town Meeting decision.

The Moderator called for the tellers.

YES — 160; NO — 107

**THE MOTION WAS NOT CARRIED  
SINCE IT DID NOT MEET THE 2/3 REQUIREMENT.**

On the motion of Eugene F. Creedon, it was VOTED to allow the withdrawal of his motion to amend.

There followed additional points of order, comments and discussion.

Several requests from the floor moved for a vote on the original question to see if the Town will vote to request the Massachusetts Bay Authority (MBTA) to re-open the decision on where to locate the Plymouth line terminal/station and layover facility, presently proposed for Kingston and in so doing reevaluate/compare all possible sites and so notify all proper State and Federal granting agencies of Town Meeting decision.

The Moderator called for the tellers.

YES — 176; NO — 80

**THE MOTION CARRIED SINCE IT MET THE 2/3 REQUIREMENT.**

On the motion of Helen K. Gavin, VOTED that the Town request the Massachusetts Bay Authority (MBTA) to re-open the decision on where to locate the Plymouth line terminal/station and layover facility, presently proposed for Kingston and in so doing reevaluate/compare all possible sites and so notify all proper State and Federal granting agencies of Town Meeting decision.

YES — 166; NO — 93

On behalf of the Town of Kingston, Mr. Winokur thanked Mr. Cole for serving as temporary Moderator during this Special Town Meeting.

On the motion of Ronald L. C. Maribett, VOTED to adjourn without day.

There were 228 voters from Precinct I and 165 voters from Precinct II, for a total of 393 voters.

Adjournment was at 1:20 p.m.

Respectfully submitted,  
Mary Lou Murzyn,  
Town Clerk.

**SPECIAL TOWN MEETING  
SEPTEMBER 1, 1992**

At 7:39 p.m., prior to calling the meeting to order, the Moderator, Laurence I. Winokur, announced that a quorum was required for most of the articles on the warrant for this evening. We were approximately 30 voters short and he asked those in attendance for their patience in waiting for a quorum.

The Special Town Meeting was called to order by Mr. Winokur at 7:55 p.m. at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts. Mr. Winokur welcomed those present to this meeting. He explained that the public address system was not working properly this evening because it was being repaired and he asked all present to speak loudly since the meeting was being recorded. Mr. Winokur announced that there were just under 80 voters present and all but one article required a quorum of 100 voters. We would proceed with Article 4 because it required no quorum and we would then return to the other articles if possible. Mr. Winokur led those in attendance in the reciting of the Pledge of Allegiance.

The vote checkers were: Robert A. Mulliken, Phyllis P. Ponte, Marie F. Shea and Maureen E. Twohig. The doorkeeper was Janet Smith; the mike carrier was Charles V. Ladd; and Jamie Mason recorded the meeting.

The sworn tellers were Donna M. Farrington and Paul L. Armstrong.

On the motion of Clive W. Beasley, VOTED to admit the following persons to participate in the Town Meeting:

Elizabeth Lane, Town Counsel  
Doris Haight, Town Administrator  
Nat Gianino, Town Accountant

ARTICLE 4. On the motion of Clive W. Beasley, VOTED that the Board of Selectmen be authorized to accept an easement or right of access from the Rocky Nook Brewster Park Community Association, Inc., for the purpose of providing the Town access to the seawall in the Rocky Nook area of the Town, located along Rocky Nook Avenue, for the purposes of maintaining and repairing the seawall.

**FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.**

At this point, there was a break in the meeting with the hope that a quorum would be reached. The Town Meeting body fell short of the 100-voter requirement for the following articles:

ARTICLE 1. To see if the Town will vote to approve the Silver Lake Regional School District assessment as certified by the Silver Lake Regional School District Treasurer, pursuant to M. G. L., Chapter 71, Section 16B, and to meet such expenditure, to amend the FY93 appropriation for the Silver Lake assessment by raising and appropriating or transferring from available funds such

amount necessary to pay said Silver Lake assessment, or to take any other action relative thereto.

**SINCE THERE WAS NO QUORUM PRESENT,  
NO ACTION WAS TAKEN ON THIS ARTICLE.**

ARTICLE 2. To see if the Town will vote to ratify the agreement between the Town of Kingston and the International Brotherhood of Police Officers, Local 436, and to raise and appropriate or transfer from available funds a sum of money to fund the terms of said agreement, or to take any other action relative thereto.

**SINCE THERE WAS NO QUORUM PRESENT,  
NO ACTION WAS TAKEN ON THIS ARTICLE.**

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of unpaid bills of prior years, or to take any other action relative thereto.

**SINCE THERE WAS NO QUORUM PRESENT,  
NO ACTION WAS TAKEN ON THIS ARTICLE.**

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen as the Town's cash match for a strategic planning grant from the Massachusetts Executive Office of Communities and Development in connection with the Town's application, or to take any other action relative thereto.

**SINCE THERE WAS NO QUORUM PRESENT,  
NO ACTION WAS TAKEN ON THIS ARTICLE.**

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the engineering and design of a replacement bridge spanning the Jones River at Elm Street, or to take any other action relative thereto.

**SINCE THERE WAS NO QUORUM PRESENT,  
NO ACTION WAS TAKEN ON THIS ARTICLE.**

On the motion of Janet Smith, VOTED to adjourn without day.

There were 46 voters from Precinct I and 39 voters from Precinct II, for a total of 85 voters.

Adjournment was at 8:20 p.m.

Respectfully submitted,  
Mary Lou Murzyn,  
Town Clerk.

# **STATE PRIMARY SEPTEMBER 15, 1992**

The State Primary was held at the Kingston Elementary School for Precinct I and the Faunce School for Precinct II on September 15, 1992, in accordance with the warrant issued by the Selectmen and properly posted by a constable of the Town.

Specimen ballots, penalty and instruction cards were posted in accordance with law.

The following officers and workers reported to their respective precincts:

## **PRECINCT I**

Warden	Maureen E. Twohig	D
Deputy Warden	Lydia Fernandes (at 2:30 p.m.)	D
Clerk	Irma A. Ruffini	R
Deputy Clerk	Jeanne Matatall	R
Inspector	Marie F. Shea	D
Deputy Inspector	James Matatall	R
Deputy Inspector	Gerrude Powell	R
Deputy Inspector	Edward F. O'Neil	D
Deputy Inspector	Charles V. Ladd	R
Deputy Inspector	Donna Farrington	R
Deputy Inspector	Cynthia F. Fitzgerald (to 6 p.m.)	D
Deputy Inspector	Helen Andrews (at 6 p.m.)	D
Deputy Inspector	George Wager (to 2:30 p.m.)	D

## **PRECINCT II**

Warden	Enis Zoccolante	R
Deputy Warden	Janet Smith	R
Clerk	Elizabeth L. Iannucci	D
Deputy Clerk	Anita J. Hadley	D
Inspector	Robert Mulliken	R
Deputy Inspector	Joan Sgarzi	D
Deputy Inspector	Grace Cardoza	D
Deputy Inspector	Elizabeth White	D
Deputy Inspector	Eric Heise	R
Deputy Inspector	Diane Miller	R
Deputy Inspector	Linda Armstrong (to 2:30 p.m.)	U
Deputy Inspector	Sharon Ruprecht (at 2:30 p.m.)	U

All election officers were sworn to the faithful performance of their duties. The ballot box at each precinct was inspected by the election officers, found to be empty and the register at zero.

Officer Loren Frost reported to Precinct I at 6:35 a.m. and worked until 2:45 p.m. at which time Officer Kimberly Spargo replaced him until 9:15 p.m.

Officer Thomas Kelley reported to Precinct II at 6:45 a.m. and worked until 2:45 p.m. at which time Sergeant Jeffrey J. Ponte replaced him until closing. He escorted the ballots back to the Clerk's Office and remained there until the ballots were locked in the vault.

The polls were declared open by the respective Wardens at 7:00 a.m. and closed at 8:00 p.m. in accordance with the warrant. There were 620 ballots cast in Precinct I, including 9 absentee ballots (461 Democratic and 159 Republican). There were 631 ballots cast in Precinct II, including 16 absentee ballots (430 Democratic and 201 Republican). The total vote cast in both Precincts was 1,251.

At the close of the Polls, the ballot box in Precinct I read 620 and the ballot box in Precinct II read 631. All voters who had been omitted from the voting list were handled according to law and certificates issued, if appropriate.

The results were announced at 10:40 p.m. by the Town Clerk. They are as follows:

## **DEMOCRATS**

OFFICE	I	II	Total
<b>REPRESENTATIVE IN CONGRESS</b>			
<b>TENTH DISTRICT</b>			
Gerry E. Studds	282	269	551
Paul D. Harold	162	131	293
William G. Zissulis	8	19	27
Jon Bryan	1	0	1
Blanks — Undervote	6	11	17
Overvote	2	0	2
	<u>461</u>	<u>430</u>	<u>891</u>
<b>COUNCILLOR — FIRST DISTRICT</b>			
Herbert A. Bennett, III	21	18	39
Steven A. Camara	50	32	82
David F. Constantine	57	49	106
Lance J. Garth	28	17	45
John C. O'Neil	66	61	127
Richard S. Rosen	136	146	282
Blanks — Undervote	102	105	207
Overvote	1	2	3
	<u>461</u>	<u>430</u>	<u>891</u>

OFFICE	I	II	Total
<b>SENATOR IN GENERAL COURT</b>			
<b>PLYMOUTH &amp; BARNSTABLE DISTRICT</b>			
Therese Murray	356	331	687
Edward Kirby	1	0	1
Blanks — Undervote	104	99	203
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>461</b>	<b>430</b>	<b>891</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>			
<b>TWELFTH PLYMOUTH DISTRICT</b>			
Charles A. Noble, III	356	332	688
Rob Kraus	0	1	1
Blanks — Undervote	105	97	202
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>461</b>	<b>430</b>	<b>891</b>
<b>SHERIFF — PLYMOUTH COUNTY</b>			
Peter Y. Flynn	345	314	659
Blanks — Undervote	116	116	232
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>461</b>	<b>430</b>	<b>891</b>
<b>COUNTY COMMISSIONER</b>			
<b>PLYMOUTH COUNTY (vote for two)</b>			
Patricia A. Lawton	239	270	509
John R. Buckley, Jr.	134	114	248
John K. Franey	188	162	350
Matt Striggles	1	0	1
Blanks — Undervote	358	314	672
Overvote	<u>2</u>	<u>0</u>	<u>2</u>
	<b>922</b>	<b>860</b>	<b>1,782</b>
<b>REPUBLICANS</b>			
<b>REPRESENTATIVE IN CONGRESS</b>			
<b>TENTH DISTRICT</b>			
Michael K. Crossen	49	51	100
Daniel W. Daly	50	68	118
Robert E. King	44	64	108
Jon Bryant	3	2	5
Gerry Studds	1	1	2
Blanks — Undervote	12	14	26
Overvote	<u>0</u>	<u>1</u>	<u>1</u>
	<b>159</b>	<b>201</b>	<b>360</b>

OFFICE	I	II	Total
<b>COUNCILLOR — FIRST DISTRICT</b>			
Wendy Wolfe Cardarelli	112	129	241
Blanks — Undervote	47	72	119
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>159</b>	<b>201</b>	<b>360</b>
<b>SENATOR IN GENERAL COURT</b>			
<b>PLYMOUTH &amp; BARNSTABLE DISTRICT</b>			
Edward P. Kirby	125	165	290
Therese Murray	2	0	2
Blanks — Undervote	32	36	68
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>159</b>	<b>201</b>	<b>360</b>
<b>REPRESENTATIVE IN GENERAL COURT</b>			
<b>TWELFTH PLYMOUTH DISTRICT</b>			
Robert Kraus	115	160	275
Jon Veracka	1	0	1
Marjorie Cadenhead	1	0	1
Blanks — Undervote	42	41	83
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>159</b>	<b>201</b>	<b>360</b>
<b>SHERIFF — PLYMOUTH COUNTY</b>			
William Robinson	8	5	13
Peter Flynn	9	10	19
Blanks — Undervote	142	186	328
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>159</b>	<b>201</b>	<b>360</b>
<b>COUNTY COMMISSIONER</b>			
<b>PLYMOUTH COUNTY (vote for two)</b>			
Matthew C. Striggles	107	125	232
Lawrence P. Novak	68	97	165
Peter Flynn	3	0	3
Blanks — Undervote	140	180	320
Overvote	<u>0</u>	<u>0</u>	<u>0</u>
	<b>318</b>	<b>402</b>	<b>720</b>
<b>INDEPENDENT VOTERS PARTY</b>			
<b>REPRESENTATIVE IN CONGRESS</b>			
Michael P. Umina	0	0	0
Blanks	<u>0</u>	<u>0</u>	<u>0</u>
	<b>0</b>	<b>0</b>	<b>0</b>
<b>COUNCILLOR — There were no votes cast.</b>			



SENATOR IN GENERAL COURT — There were no votes cast.

REPRESENTATIVE IN GENERAL COURT — There were no votes cast.

SHERIFF — There were no votes cast.

COUNTY COMMISSIONER — There were no votes cast.

The wardens and clerks were dismissed after the results were announced. All supplies and used and unused ballots were returned to the Town Clerk's Office. All ballots cast which had been locked in their transfer cases at the Reed Community Building were then locked in the Clerk's vault.

The Town Clerk made the requested telephone calls. The office was locked at 11:10 p.m.

A true record, ATTEST:

Mary Lou Murzyn,  
Town Clerk.

## STATE ELECTION NOVEMBER 3, 1992

The State Election was held at the Kingston Elementary School for Precinct I and the Faunce School for Precinct II on November 3, 1992, in accordance with the warrant issued by the Selectmen and properly posted by a constable of the Town.

Specimen ballots, penalty and instruction cards were posted in accordance with law.

The following officers and workers reported to their respective precincts:

### PRECINCT I

Warden	Maureen E. Twohig	D
Deputy Warden	Lydia Fernandes (at 2:30 p.m.)	D
Clerk	Irma A. Ruffini	R
Deputy Clerk	Jeanne Matatall	R
Inspector	Marie F. Shea	D
Deputy Inspector	James Matatall	R
Deputy Inspector	Gertrude Powell	R
Deputy Inspector	Grace Cardoza	D
Deputy Inspector	Harry E. Monks, Jr.	D
Deputy Inspector	Charles V. Ladd	R
Deputy Inspector	Cynthia F. Fitzgerald (to 6 p.m.)	D
Deputy Inspector	Helen Andrews (at 3 p.m.)	D
Deputy Inspector	George Wager (to 2:30 p.m.)	D

### PRECINCT II

Warden	Enis Zoccolante	R
Deputy Warden	Janet Smith	R
Clerk	Elizabeth L. Iannucci	D
Deputy Clerk	Elizabeth White	D
Inspector	Robert Mulliken	R
Deputy Inspector	Joan Sgarzi	D
Deputy Inspector	Donna Farrington	R
Deputy Inspector	Edward O'Neil	D
Deputy Inspector	Sharon Ruprecht	U
Deputy Inspector	Eric Heise	R
Deputy Inspector	Diane Miller	R
Deputy Inspector	Karen Donnelly (at 8 a.m.)	D

All election officers were sworn to the faithful performance of their duties. The ballot box at each precinct was inspected by the election officers, found to be empty and the register at zero.

Officer Richard J. Arruda reported to Precinct I at 6:50 a.m. and worked until 3:00 p.m. at which time Officer John D. Morgan, Jr. replaced him until 11:45 p.m.

Officer John D. Morgan, Jr. reported to Precinct II at 6:55 a.m. and worked until 2:45 p.m. at which time Officer James J. Shilling replaced him until closing. He escorted the ballots back to the Clerk's Office and remained there until the ballots were locked in the vault.

The polls were declared open by the respective Wardens at 7:00 a.m. and closed at a 8:00 p.m. in accordance with the warrant. There were 2,522 ballots cast in precinct I, including 116 absentee ballots. There were 2,511 ballots cast in Precinct II, including 167 absentee ballots. The total vote cast in both Precincts was 5,033.

At the close of the polls, the ballot box in Precinct I read 2,518 and the ballot box in Precinct II read 2,509. However, at the close of the polls, the front and back tables of each precinct agreed on a different total number of voters as previously stated. The Precinct Clerk's minutes in each respective precinct noted situations in which they felt the ballot box had not registered votes cast.

All voters who had been omitted from the voting list were handled according to law and certificates issued, if appropriate.

The results were announced at 12:37 a.m. (November 4th) by the Town Clerk. They were as follows:

OFFICE	I	II	Total
<b>ELECTORS OF PRESIDENT AND VICE PRESIDENT</b>			
Bush and Quayle	889	875	1,764
Clinton and Gore	883	939	1,822
Fulani and Munoz	0	1	1
Hagelin and Tompkins	1	0	1
LaRouche, Jr. and Bevel	0	3	3
Marrou and Lord	8	2	10
Perot and Stockdale	710	667	1,377
Phillips and Knight, Jr.	1	2	3
Blanks — Undervote	15	15	30
Overvote	15	7	22
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>

**REPRESENTATIVE IN CONGRESS —  
TENTH DISTRICT**

<b>Gerry E. Studds (D)</b>			
16 Black Horse Ln., Cohasset			
Candidate for Re-election	1,426	1,457	2,883
<b>Daniel W. Daly (R)</b>			
27 Mast Hill Rd., Hingham	609	591	1,200
<b>Michael P. Umina (V)</b>			
44 Frog Pond Close., Mashpee	51	73	124
<b>Jon L. Bryan (U)</b>			
215 Prince Ave., Barnstable	346	307	653
<b>Robert W. Knapp (Freedom for LaRouche)</b>			
94 B St., Boston	8	2	10
Blanks — Undervote	73	72	145
Overvote	9	9	18
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>

**COUNCILLOR — FIRST DISTRICT**

<b>Wendy Wolfe Cardarelli (R)</b>			
76 Ash St., Rehoboth	1,039	1,020	2,059
<b>David F. Constantine (D)</b>			
285 Tarkiln Hill Rd.			
New Bedford	814	810	1,624
Blanks — Undervote	668	681	1,349
Overvote	1	0	1
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>

OFFICE	I	II	Total
<b>SENATOR IN GENERAL COURT PLYMOUTH &amp; BARNSTABLE DISTRICT</b>			
<b>Edward P. Kirby (R)</b>			
379 Harvard St., Whitman			
Candidate for Re-election	1,198	1,156	2,354
<b>Therese Murray (D)</b>			
1 Winding Ln., Plymouth	1,067	1,100	2,167
Pine duBois	0	1	1
Blanks — Undervote	256	252	508
Overvote	1	2	3
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>

**REPRESENTATIVE IN GENERAL COURT —  
TWELFTH PLYMOUTH DISTRICT**

<b>Robert Kraus (R)</b>			
28 Maple Ave., Kingston			
Candidate for Re-election	1,363	1,442	2,805
<b>Charles A. Noble, III (D)</b>			
2 Barnabus Mill Rd., Kingston	890	820	1,710
John J. Pfaffinger	1	0	1
Blanks — Undervote	268	246	514
Overvote	0	3	3
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>

**SHERIFF — PLYMOUTH COUNTY**

<b>Peter Y. Flynn (D)</b>			
Obery St., Plymouth			
Candidate for Re-election	1,616	1,653	3,269
Russ Benassi	1	0	1
Blanks — Undervote	905	858	1,763
Overvote	0	0	0
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>

**COUNTY COMMISSIONER — PLYMOUTH COUNTY**

<b>Patricia A. Lawton (D)</b>			
225 Grange Pk., Bridgewater			
Candidate for Re-election	1,082	1,115	2,197
<b>Matthew C. Striggles (R)</b>			
343 Pine St., Bridgewater			
Candidate for Re-election	911	858	1,769
<b>John R. Buckley, Jr. (D)</b>			
308 Rockland St., Brockton	691	694	1,385
<b>Lawrence P. Novak (R)</b>			
13 Linnea Ave., Brockton	520	536	1,056
Blanks — Undervote	1,840	1,814	3,655
Overvote	0	4	4
	<u>5,044</u>	<u>5,022</u>	<u>10,066</u>

QUESTION	I	II	Total
<b>QUESTION 1 (Tobacco Tax)</b>			
Yes	1,306	1,257	2,563
No	1,163	1,175	2,338
Blanks — Undervote	34	54	88
Overvote	19	25	44
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>
<b>QUESTION 2 (Corporate Tax)</b>			
Yes	1,180	1,132	2,312
No	1,142	1,170	2,312
Blanks — Undervote	195	208	403
Overvote	5	1	6
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>
<b>QUESTION 3 (Recycling)</b>			
Yes	865	900	1,765
No	1,574	1,522	3,096
Blanks — Undervote	77	86	163
Overvote	6	3	9
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>
<b>QUESTION 4 (Oil Tax)</b>			
Yes	880	894	1,774
No	1,508	1,477	2,985
Blanks — Undervote	127	136	263
Overvote	7	4	11
	<u>2,522</u>	<u>2,511</u>	<u>5,033</u>

The wardens and clerks were dismissed after the results were announced. All supplies and used and unused ballots were returned to the Town Clerk's Office. All ballots cast, which had been locked in their transfer cases at the Reed Community Building, were then locked in the Clerk's vault.

The Town Clerk made the requested telephone calls. The office was locked at 1:16 a.m. (November 4).

A true record, ATTEST:

Mary Lou Murzyn,  
Town Clerk.

## SPECIAL TOWN MEETING NOVEMBER 9, 1992

The Special Town Meeting was called to order by the Moderator, Lawrence I. Winokur, at 7:52 p.m., at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts. Mr. Winokur welcomed those present.

Mr. Winokur stated that it was obvious that proper notice had been given and the reading of the warrant was waived. Mr. Winokur went on to explain the guidelines under which this Town Meeting would be conducted.

The vote checkers were: Grace C. Cardoza, Robert E. Mulliken, Marie F. Shea and Maureen E. Twohig. The doorkeeper was Janet Smith; the mike carrier was Charles V. Ladd; and Jamie Mason recorded the meeting.

The sworn tellers were Dona T. Apple, Donna M. Farrington, James J. Judge and William J. Twohig.

Mr. Winokur acknowledged the passing of Arthur A. Forcier. Mr. Winokur stated that Mr. Forcier will be missed by his friends and townspeople; but he will especially be missed by those who have attended Town Meetings. Mr. Forcier often contributed significantly to the debate on Town Meeting floor in his own manner. He was a gentleman — a man who will be missed. Mr. Winokur asked all present to rise for a moment of silence in Mr. Forcier's honor.

Pine duBois then led the Town Meeting in reciting the Pledge of Allegiance.

Clive W. Beasley, Chairman of the Board of Selectmen, made a brief statement. A copy of his statement is on file in the Town Clerk's Office. He was followed by Daniel J. Murphy, Chairman of the Finance Committee, who also made a brief statement.

On the motion of Clive W. Beasley, VOTED to admit the following persons to enter and participate in the Town Meeting:

Elizabeth Lane, Town Counsel  
Doris Haight, Town Administrator  
Luisa Stewart, Library Director  
Jennifer Benassi, Executive Secretary for Wage & Personnel Board  
Mark Devine, Whitman & Howard

ARTICLE 1. Susan M. Farrell moved that the Town amend the Town of Kingston Zoning By-Law and the current zoning map by repealing Section I through VI of the Kingston Zoning By-Law and the current zoning map, and by adopting the proposed zoning bylaw shown on a document entitled Proposed Zoning ByLaws October 1992 draft including the table of contents and text beginning on page 7 of the draft and the proposed zoning map dated October 1992, as filed with the Town Clerk on October 20, 1992.

And, by changing the words "the Industrial District" in Sections 6.6.5. and 6.6.5.1. on page 74 of the draft, to "the Industrial District and the Commercial/Industrial Park District".

And, by filling in the dates on page 19 to read "3.2.1. Except for the Flood Plain District and the Water Resource Overlay District, districts are hereby established as shown on a map entitled "Zoning Map of Kingston, Massachusetts" dated February, 1990, revised through October, 1992.

3.2.2. The general boundaries of the Flood Plain District are shown on the Kingston Flood Insurance Rate Map (FIRM), dated August 5, 1985, as Zones A, A1-30. The exact boundaries of the District are defined by the one hundred (100) year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated February 5, 1985. The floodway boundaries are delineated on the Kingston Flood Boundary Floodway Map (FBFM), dated August 5, 1985, and further defined by the Floodway Data Tables contained in the Flood Insurance Study."

And, to change page 58, Section 5.3.1.3.a. to read: "Buildings shall be of an architectural style which is compatible with the prevailing style in the area in which the Planned Residential Development is located and shall be compatible with other buildings in the Planned Residential Development."

And, to change page 93 of the draft, Section 7.5.3.2. by changing "of" to "or" and adding the words "for a variance"; and to change page 93, Section 7.5.3.3. by adding the words "for a variance" so as to read:

"7.5.3.2. Within sixty-five (65) days of receipt of appeal or petition for a variance or a request for a special permit, the Board of Appeals shall hold a hearing giving notice thereof in accordance with Chapter 40A, M.G.L.

7.5.3.3. The Board of Appeals shall make a decision on the appeal or petition for a variance within one hundred (100) days of filing, unless extended by written agreement between the Board of Appeals and the applicant, and on the request for a Special Permit within ninety (90) days of the public hearing, unless extended by written agreement between the Board of Appeals and the applicant."

The Moderator stated that there were a series of scrivener's errors that have been noted and with the consent of the Town Meeting body, if this motion passes, those corrections would be made. The Town Meeting body so consented.

The proposed zoning bylaw read as follows:

## KINGSTON ZONING BYLAWS 11-9-92

### 1.0. PURPOSE, AUTHORITY AND APPLICATION

#### 1.1. Purpose

1.1.1. The purpose of this Bylaw is to achieve the objectives of the Zoning Act, Chapter 40A, as amended, as presented in Section 2A of Chapter 808 of the Acts of 1975, which include but are not limited to the following:

- To lessen congestion in the streets.
- To conserve health.
- To secure safety from fire, flood, panic and other dangers.
- To provide adequate light and air.
- To prevent overcrowding of land, to avoid undue concentration of population.
- To encourage housing for persons of all income levels.
- To facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space and building, including the conservation of natural resources and the prevention of blight and pollution of the environments.
- To encourage the most appropriate use of land throughout the Town, including consideration of recommendations of plans adopted by the Planning Board and the comprehensive plan of the regional planning agency.
- To preserve and increase amenities.

1.1.2. Additional purposes include but are not limited to the following:

- To protect aquifers and wetlands.

#### 1.2. Authority

1.2.1. This Bylaw is adopted under the authority provided by, and in accordance with, the provisions of Chapter 40A of the General Laws, as amended, Article 89 of the amendments to the Massachusetts Constitution and every other power thereto enabling.

### 2.0. DEFINITIONS

#### 2.1. Terms and Words

2.1.1. For the purposes of this Bylaw certain terms and words are defined as follows unless a contrary definition is required by the context or is specifically prescribed:

2.1.1.1. Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not discretionary; the word "land" includes the words "marsh" and "water"; and the use of the masculine gender shall be deemed to include the feminine.

2.1.1.2. Accessory Use: A use customarily incidental to that of the main building or the use of the land; the exterior storage of junk, dismantled or

abandoned cars, or any other storage detrimental to the health, safety or general welfare of neighbors or abutters are not accessory uses.

2.1.1.3. Amenities: Features which add to the attractiveness of pleasantness of a building or site.

2.1.1.4. Arts and Crafts Studio: A room or group of rooms used by artists and craftspeople in the creation of their work, including, but not limited to, painting, photography, sculpture, ceramics and other related arts and crafts.

2.1.1.5. Bed and Breakfast: The provision of a room overnight and of breakfast for a fee in a dwelling by the resident thereof to not more than six (6) transient guests.

2.1.1.6. Boarding House: A building or premises, other than a hotel, inn, motel, tourist house or lodging house, where rooms are let and where meals may be regularly served by pre-arrangement for compensation, but not open to transient guests, in contrast to hotels, restaurants, and tourist homes open to transients.

2.1.1.7. Buffer Zone: An open or landscaped strip of land established to separate and protect one type of land use from another. Buffer zones do not include parking or storage areas. See also 2.1.1.30. Landscaped Area and 2.1.1.42. Open Space.

2.1.1.8. Building: A structure having a roof or cover for the shelter, housing or enclosure of persons, animals, or property.

2.1.1.9. Building, Community: A building for the use of residents of a mobile home park containing, but not limited to, a television room, card room, sewing room, library, pool tables, kitchen, laundry solely for the use of residents, emergency toilet, lavatory, and bathing facilities for men and women.

2.1.1.10. Congregate Housing: A dwelling unit shared by six (6) or fewer residents, whether or not related to one another, each of whom is fifty-five (55) years of age or older.

2.1.1.11. Day Care Center: A licensed facility with no overnight care for the care of children, handicapped individuals, ambulatory or elderly adults. See also Family Day Care Home.

2.1.1.12. Dwelling: Any building, or part thereof, used for human habitation, but not including commercial accommodations for transient occupancy or a trailer or mobile home, however mounted or affixed.

a. Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

b. Dwelling, Single Family: A detached structure containing one (1) dwelling unit intended and designed to be occupied by a single-family.

c. Dwelling, Multi-Family; Multiple Family House; Apartment; or Apartment House: A structure containing two (2) or more separate dwelling units.

2.1.1.13. Family: One (1) or more persons living together in one (1) dwelling unit, but not including sororities, fraternities and other communal living arrangements.

2.1.1.14. Family Day Care Home: Any private residence, which on a regular basis receives for temporary custody and care during part or all day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, that the total number of children shall not exceed six (6), including participating children living in the residence.

2.1.1.15. Farm: An undivided parcel of land, five (5) acres or more in area, including necessary farm structures and the storage of equipment, used in the raising of agricultural products, live stock, poultry and dairy products, horticulture, floriculture or viticulture.

2.1.1.16. Fast Order Food: Food which is primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, which is available upon a short waiting time, and which is packaged or presented in such a manner that it can be eaten outside the premises where it is sold.

2.1.1.17. Floor Area: The gross horizontal area of the several floors of a building excluding areas used for accessory garage purposes, attic and basement areas. All horizontal dimensions shall be taken from the exterior faces of walls.

2.1.1.18. Frontage: The linear extent of a lot measured in a continuous line along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

2.1.1.19. Garage: Covered space for housing of motor vehicles.

a. Garage, Private: A garage which is part of or separate from a dwelling, trailer or mobile home, but not for the rental of more than one (1) stall.

b. Garage, Public: Any garage other than a private garage, available to the public, operated by a public authority or for profit, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, or supplying of gasoline or oil to motor vehicles or fuel to any kind of self-propelled vehicles.

2.1.1.20. Gas Station/Service Station or Filling Station: An establishment which provides for the servicing of motor vehicles and operations incidental thereto.

2.1.1.21. Greenhouse: A building or accessory building where the products of plant culture are grown or processed.

a. Greenhouse, Commercial: A greenhouse where the products of plant culture are sold.

b. Greenhouse, Non-Commercial: a building or accessory building used to grow, cultivate or culture plants, from which no sales are processed or conducted.

2.1.1.22. **Handicapped Space:** A parking space reserved for use by a vehicle bearing an authorized handicapped license plate or permit.

2.1.1.23. **Hazardous Material or Hazardous Waste, Toxic Materials:** A substance or material, whether in gaseous, liquid or solid form, or a combination thereof, in a quantity or form that significantly contributes to serious illness or death, or that poses a substantial threat to human health or poses an unreasonable risk to health, safety, property or the environment when improperly managed, including all materials listed as hazardous by the Environmental Federal Resource Conservation and Recovery Act or similar authority, the Department of Energy or by the Commonwealth or Massachusetts pursuant to applicable General Laws.

Toxic or hazardous materials and wastes includes, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners.

Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous: airplane, boat and motor vehicle service and repair; chemical and bacteriological laboratory operation; cabinet making; dry cleaning; electronic circuit assembly; metal plating, finishing and polishing; motor and machinery service and assembly; painting, wood preserving, and furniture stripping; pesticide and herbicide application, photographic processing, printing; and chlorination of wastewater.

2.1.1.24. **Hazardous Waste Facility:** Any facility as defined in Chapter 21D of the General Laws of the Commonwealth of Massachusetts.

2.1.1.25. **Height:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck of a mansard roof; and to the average height between plate and ridge of a gable, hip or gambrel roof.

2.1.1.26. **Home Occupation:** An occupation conducted in the place of residence of the operator or in a building accessory thereto, but not including occupations requiring the use of hazardous or toxic materials.

2.1.1.27. **Hotel, Inn, Motel or Lodging House:** A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of three (3) or more persons who are lodged, with or without meals, and in which major provisions for cooking may be made in a central kitchen but may not be in individual rooms or suites.

2.1.1.28. **Impervious Surface:** An impervious surface shall be considered a surface with a runoff coefficient of greater than ninety (90) percent. All structures, driveways, parking areas and paved surfaces exceeding a ninety (90) percent runoff coefficient shall be considered as impervious surfaces.

2.1.1.29. **Industrial Park:** An industrial subdivision or an area with common areas and/or parking areas planned for occupancy for more than one (1) industrial building.

2.1.1.30. **Landscaped Area:** Land left substantially in a natural state or developed for recreational use, but not including public or private street rights-of-way, parking lots, service or loading areas, driveways, sidewalks, easements for above ground utilities, ground area covered by any structure other than those structures directly related to an open space or recreational use, or any other land deemed unsuitable by the Planning Board, including, but not limited to swamps and wetlands.

2.1.1.31. **Loading Space, Off-Street:** An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, which has access to a street or other appropriate means of ingress and egress.

2.1.1.32. **Lot:**

a. **Lot:** A parcel of land described by metes and bounds on a plan or deed duly recorded in the Plymouth County Registry of Deeds.

b. **Lot, Building:** That area of land described on a site plan submitted with an application for a building permit or an application for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted, but not including any part of a street.

c. **Lot Corner:** A lot at the intersection of, and abutting one (1), two (2) or more streets where the angle of intersection is not more than one hundred and thirty-five (135) degrees, or where the intersection is bounded by a curve having a radius of less than one hundred (100) feet.

d. **Lot Coverage:** The area of a site occupied by impervious surface.

e. **Lot Depth:** The distance measured perpendicular to and at every point along the frontage required.

f. **Lot Line:** The established division line between lots or between a lot and a street.

1. **Lot Line, Front:** The dividing line or lines, between a street and the lot line.

2. **Lot Line, Rear:** The line, or lines, bounding a lot at the rear and approximately parallel to and at the maximum distance from the front line.

3. **Lot Line, Side:** The line, or lines, bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to all street. In the case of a corner lot, or through lots, all lines extending from streets shall be considered side lot lines.

g. **Lot, Width:** The minimum distance between the side lot lines at the building line nearest the street line measured at right angles to the street line.

- 2.1.1.33. **Membership Club:** A private organization, including its building or grounds, which specifically includes country clubs and fraternities and other organizations to which membership is limited or controlled.
- 2.1.1.34. **Mobile Home:** A dwelling unit built or delivered on a chassis, containing electrical, plumbing and sanitary facilities, designed to be propelled either by an attached vehicle or otherwise, and designed to be mounted or affixed on a temporary or permanent foundation; but not including a vehicle known as a travel trailer or travel coach nor any prefabricated dwelling unit which contains detachable or expandable parts equal to or greater than fifty (50) percent of the gross floor area of the dwelling unit.
- 2.1.1.35. **Mobile Home Lot:** See Mobile Home Site.
- 2.1.1.36. **Mobile Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use designed to accommodate two (2) or more mobile homes.
- 2.1.1.37. **Mobile Home Site:** A parcel of land for the placement of a mobile home and the exclusive use of its occupants.
- 2.1.1.38. **Mobile Home Stand:** That part of a mobile home site which is reserved for the mobile home.
- 2.1.1.39. **Non-Conforming Uses and Structures:** An existing use of land or building which does not conform to a provision or requirement of the regulations of this Bylaw for the district in which such use of land or building exists.
- a. **Non-conforming Use or Structure, Pre-Existing:** A use of land or of a structure which does not conform to a provision or requirement of this Bylaw but which was lawfully established prior to the time of the applicability of the provision or requirement.
- 2.1.1.40. **Office, Executive or Administrative:** A place in which functions such as directing, consulting, record keeping, clerical work, and sales, without the presence of merchandise, of a firm are carried on.
- 2.1.1.41. **Office Park:** A subdivision for office buildings or an area with common areas and/or parking areas planned for occupancy for more than one (1) office building.
- 2.1.1.42. **Open Space:** The area of land not covered by impervious surfaces, which is left in its natural state or landscaped with trees, shrubs, ground cover, plants or grass.
- 2.1.1.43. **Parking Space:** An area for the temporary or permanent storage of a vehicle.
- 2.1.1.44. **Permittee:** Any person, firm or corporation receiving a permit to conduct, operate, or maintain a mobile home park.
- 2.1.1.45. **Person:** Any individual, corporation, owner, lessee, licensee, and their agents.

- 2.1.1.46. **Planned Residential Development:** A unified development, including one or more of residential building types, undertaken in accordance with an overall plan, incorporating a consistent architectural concept and incorporating the preservation of natural areas within the development.
- 2.1.1.47. **Recharge Area:** The area encompassing land and water surfaces through which precipitation enters the groundwater body, and from which ground water flows naturally, or is drawn by pumping, into a water supply well.
- 2.1.1.48. **Recorded:** Recorded shall mean recorded in the Plymouth County District Registry of Deeds except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81-L of Chapter 41 G.L.).
- 2.1.1.49. **Restaurant:** A place where meals or portions thereof are provided to the public.
- a. **Fast Food Restaurant:** An establishment whose primary business is the sale of fast order food for consumption on or off the premises.
- 2.1.1.50. **Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 2.1.1.51. **Rooming House:** A building or premises, other than a hotel, inn, motel, or tourist home, where rooms are let, not open to transient guests, in contrast to hotels, inns, motels or transient homes open to transients.
- 2.1.1.52. **Screen:** Conceal from view in the manner described in Section 6.7.14 Fencing, Screening and Landscaping.
- 2.1.1.53. **Setback:** The minimum horizontal distance between the lot line and the part of the building nearest the lot line, such distance measured at a right angle to the lot line or to the lot line extended.
- 2.1.1.54. **Shared Housing:** See Congregate Housing.
- 2.1.1.55. **Shopping Center:** An area planned for occupancy by more than one (1) retail establishment with shared common facilities.
- 2.1.1.56. **Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.
- 2.1.1.57. **Site Plan:** A plan prepared in accordance with Section 7.3.. Site Plan.
- 2.1.1.58. **Street:** A public way or private way either shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.
- a. **Paper Street:** A street shown on a plan or map which has not been constructed.

b. **Primary Street:** Existing and proposed streets which are primarily used, or will be used to carry high volumes of through traffic.

c. **Private Way:** A street which has not been accepted by the Town or certified by the Town Clerk as a public street under the Subdivision Control Law.

d. **Secondary Street:** Existing and proposed streets which are primarily used, or will be used to carry traffic between residential streets to the system of primary streets, as existing and proposed.

e. **Street Line:** The dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts; the sum total of lengths of front lot lines abutting a street.

2.1.1.59. **Structure:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, viewing stand, bin, platform, swimming pool, fence, sign, flagpole, mast for radio antenna, satellite antenna or the like.

2.2.2.60. **Tourist Home:** A building, other than a boarding or rooming house, hotel, inn, motel or lodging house, where rooms for lodging for transients are available for compensation.

2.1.1.61. **Toxic or Hazardous Materials:** See Hazardous Material, Hazardous Waste, Toxic Materials.

2.1.1.62. **Tract:** See Lot.

2.1.1.63. **Trailer:** For the purpose of this Bylaw, the following shall be considered trailers:

a. **Camping Trailer:** A canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

b. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle.

c. **Pick-Up Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation or vacation.

d. **Travel Trailer:** A portable structure built on a chassis designed as a temporary dwelling for travel, recreation, or vacation having a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.

2.1.1.64. **Transient:** When referring to residency or guests, a short period of time, which is not expected to be extended or to continue, measured in periods of less than thirty (30) days.

2.1.1.65. **Truck Garage and Terminal:** Any premises where the principal use is the outdoor or indoor storage, service, maintenance or repair of truck, bus, van, automobile or other motor vehicle fleets.

2.1.1.66. **Use:** The purpose for which land or a building is designed, occupied or otherwise utilized.

2.1.1.67. **Visual Corridor:** An area encompassed by the eye, particularly pertaining to views to natural features cross country and along rivers, streams, highways and landscaped areas.

2.1.1.68. **Wholesale:** The sale of good in large quantity for the purpose of resale.

2.1.1.69. **Yard:** An open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and a lot line, and is not occupied or obstructed from the ground upward by a building or a structure except for fences, flagpoles, mailboxes and retaining walls, and for pools as provided in Section 6.8.1.2.

a. **Yard, Front:** An open space extending across the full width of the lot and lying between the front lot line of the lot and the nearest line of the principal building. The depth of a front yard shall be the minimum distance between the principal building and front lot line.

b. **Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the principal building. The depth of a rear yard shall be the minimum distance between the principal building and the rear lot line.

c. **Yard, Side:** A yard between the side lot line of the lot and nearest line of the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines. The width of a side yard shall be the minimum distance between the principal building and the side lot line.

2.1.1.70. **Premises** shall mean one or more abutting lots or parcels which are, or are proposed to be, in the same ownership or use, together with all the buildings and structures thereon.

### 3.0. ESTABLISHMENTS OF DISTRICTS

3.1. **Districts:** The Town of Kingston is hereby divided into several types of districts designated as

General Residential 40 (R40)

Residential 20 District (R20)

Residential M - Mobile Home Park District (RM)

Town Center District (TC)

3A Design District (3ADD)

Commercial District (C)

Industrial District (I)

Commercial/Industrial Park District

Conservancy District (CON)

Flood Plain Overlay District

Water Resource Overlay District



### 3.2. Location of Districts

3.2.1. Except for the Flood Plain District and the Water Resource Overlay District, districts are hereby established as shown on a map entitled "Zoning Map of Kingston, Massachusetts" dated \_\_\_\_\_, 19 \_\_\_, revised through \_\_\_\_\_, 19 \_\_\_. The map, with all explanatory matter thereon, and amendments thereto, is hereby incorporated and made a part of this Bylaw and is filed with the office of the Town Clerk.

3.2.2. The general boundaries of the Flood Plain District are shown on the Kingston Flood Insurance Rate Map (FIRM), dated \_\_\_\_\_, 19 \_\_\_, as Zones A, A1-30. The exact boundaries of the District are defined by the one hundred (100) year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance study, dated \_\_\_\_\_, 19 \_\_\_. The floodway boundaries are delineated on the Kingston Flood Boundary Floodway Map (FBFM), dated \_\_\_\_\_, 19 \_\_\_, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two 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.

3.2.3. The Water Resource Overlay District is established as covering the area described on the map entitled "Water Resource Districts". The maps and all explanatory matter thereon is incorporated herein by reference and is filed with the office of the Town Clerk, Planning Board, Inspector of Buildings, and the Conservation Commission. Such water resource Districts shall be considered to be super-imposed over any other districts established in this Bylaw. Land in a Water Resource District shall be subject to the requirements of this Bylaw as well as to all other requirements of this Zoning Bylaw and State Building Code which apply to the underlying districts. In the event there is a conflict, the more restrictive requirement shall prevail.

### 3.3. Boundaries of Districts

3.3.1. Where the boundary lines are shown upon the maps described in Section 3.2., Location of Districts, within the street lines of public and private ways, or utility transmission lines, the center lines of such ways or lines shall be the boundary lines, unless otherwise indicated.

3.3.2. Boundary lines located outside of street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to said street or transmission lines, and dimensions shown in figures placed upon said map between boundary lines and transmission lines are the distances in feet of the boundary lines from said boundary lines, the distances being measured at right angles to lines unless otherwise indicated.

3.3.3. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary

lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

3.3.4. When the boundary lines are shown upon said map along the boundary of brooks and streams or in brooks and streams, the center line of said brooks and streams shall be the boundary line. Where the boundary line is along or in a body of water, the high water line shall be the boundary line.

3.3.5. Contour lines used as boundary lines are the elevation above the datum sea level as indicated by the U.S. Coast and Geodetic maps of the Town of Kingston on file in the offices of the Planning Board and Town Clerk of the Town of Kingston.

3.3.6. See also Section 4.12. for the Flood Plain Overlay District and Section 4.13. for the Water Resource Overlay District boundaries.

3.3.7. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said zoning map, by the use of identifications as shown on the map, or by the scale of said zoning map.

### 3.4. Boundary Line Dividing a Lot

3.4.1. Where a District boundary line divides any lot existing at the time such line was adopted, the regulations for the less restricted portions of such lot shall extend not more than fifty (50) feet into the more restricted portion of such lot, provided that:

- a. The lot has frontage on a street in the less restricted District.
- b. The extension into the more restricted District is allowed by special permit by the Board of Appeals subject to appropriate conditions or safeguards where such are deemed necessary for safety or to provide a buffer between the use in the less restricted District and the more restricted District.
- c. The lot meets the conditions in Section 7.7.2.1.a. through c. of this Bylaw.

## 4.0. USE REGULATIONS

### 4.1. Application of Use Regulations

4.1.1. Any use of a building, structure or land not specifically permitted by this Section 4.0., Use Regulations, is prohibited in the Town.

### 4.2. Uses Permitted in All Districts

4.2.1. The following uses are permitted by right in all Districts

4.2.1.1. The use of land or structure in any district for religious purposes or for education purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non-profit educational corporation. See Massachusetts General Laws, Chapter 40A, Section 3.

4.2.1.2. Agriculture, horticulture, floriculture or viticulture, provided that such uses are located on parcels containing at least five (5) acres.

4.2.1.3. Easement for drainage, utilities, walkways, roads and driveways.

4.2.1.4. Small waste water treatment facilities designed and operated in accordance with the Kingston Planning Board regulations for the design, operation, and maintenance of small waste water treatment facilities and sewage pumping stations contained in the Planning Board Subdivision Regulations adopted pursuant to Massachusetts General Laws, Chapter 41, Section 81Q, provided that:

a. The location of such plants shall be shown on a Site Plan approved by the Planning Board in accordance with Section 7.3., Site Plan.

b. The facility shall be located on a lot the conformance with the dimensional regulations in Section 5.2., Dimensional Requirements, for the District in which it is located.

c. No construction is undertaken prior to granting of a disposal works construction permit by the Board of Health.

4.2.2. The following uses are permitted in all Districts subject to Site Plan approval

4.2.2.1. Private schools.

4.2.3. The following uses are permitted in all Districts by special permit granted by the Board of Appeals

4.2.3.1. Uses accessory to activities otherwise permitted within the district as a matter of right, which activities are necessary in connection with scientific research or scientific activities permitted as a matter of right.

4.2.4. Uses Prohibited in All districts

4.2.4.1. Except as allowed in Section 4.8.4.3.b., no more than one unregistered vehicle within a lot unless within a structure or screened in accordance with Section 6.7.14. Fencing, Screening and Landscaping.

4.2.4.2. An unregistered vehicle in front yard.

4.2.4.3. The withdrawal of water for transport and sale outside the Town of Kingston.

**4.3. Residential-40 District (R40)**

4.3.1. Purpose

4.3.1.1. The purpose of the Residential-40 District is to provide suitable areas for low density residential uses that will accommodate agriculture.

4.3.2. Uses Permitted

4.3.2.1. Farming, including crops, orchard, plant nursery, greenhouse or cranberry, raising livestock and poultry, the keeping of tame domestic animals normally considered pets, such as dogs and cats, by the resident of the premises, not for commercial sale, provided that:

a. Any stable enclosure or fence shall be in the rear yard and shall not be less than thirty (30) feet from any lot line.

b. There shall be no raising of swine or fur bearing animals, except as permitted in Section 3, Chapter 40A, Massachusetts General Laws.

4.3.2.2. Single family detached dwelling.

4.3.2.3. Renting of not more than two (2) rooms by a resident occupying the dwelling to not more than three (3) non-transient persons.

4.3.2.4. Congregate housing.

4.3.2.5. Nursery school or day care center.

4.3.2.6. Home occupation provided that:

a. Not more than two (2) other persons are regularly employed therein in connection with such use.

b. Not more than twenty-five (25) percent of the total gross floor area is regularly devoted to such use.

c. There is no equipment used in connection with such home occupation visible from the street or abutting property.

d. No display of products is visible from the street.

e. There shall be adequate off-street parking in accordance with Section 6.4., Off-Street Parking Requirements, for any employee or visitors in connection with such use. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

Vehicles used in connection with the occupation shall be parked in the rear or side yard or in a structure.

4.3.2.7. Library, museum or civic center, public buildings and premises for government use.

4.3.2.8. Public recreational use.

4.3.2.9. Non-profit camp provided that:

a. Overnight accommodations are in tents.

b. There are no transient overnight accommodations.

4.3.3. Uses Permitted by Special Permit Granted by the Planning Board

4.3.3.1. Planned Residential Development, subject to the approval of a plan and in accordance with the provisions of Section 5.3., Planned Residential Development, which Development may include:

a. Detached one-family dwellings or two-family dwellings.

b. Quadruplexes.

c. Accessory uses and recreation facilities for the use of the residents of the Planned Residential Development only, to include golf course, tennis courts, jogging trails, swimming pools, and similar outdoor facilities; a community building not to exceed five (5) percent of the total gross floor area of the residential units; parking areas and garages; storage sheds; cabanas; detached fireplaces and similar facilities for use by residents of the Planned Residential Development, but not including home occupations, taking of boarders or lodgers, renting of rooms or professional offices.

4.3.3.2. Farm stand for the sale of produce raised on the premises by the resident proprietor, provided that:

a. All parking is provided in off-street facilities.

b. All storage of equipment shall be in the rear of the farm stand.

4.3.3.3. Nurseries, and greenhouses for wholesale purposes with no retail uses.

4.3.3.4. One (1) accessory housing unit within a single family detached dwelling, provided that:

a. The principal residential structure is on a lot which meets or exceeds the minimum lot size in Section 5.0., Intensity of Use Regulations.

b. The principal residential structure has at least twelve hundred (1200) square feet.

c. The entire structure used for dwellings shall not occupy more than twenty five (25) percent of the lot area.

d. There is at least one (1) off street parking space for each bedroom or accessory unit in the converted portion of the structure, which space shall not be provided in the front or side yard.

e. There is provision for screening by fencing or landscaping of outside storage areas.

f. Neither the principal residential structure nor accessory unit shall have a gross floor area of less than five hundred (500) square feet plus one hundred (100) square feet for each bedroom over one (1).

g. The gross floor area of the newly created unit shall not be more than thirty (30) percent of the normally habitable gross floor area excluding garage, unfinished attic crawl space, and other normally uninhabitable gross floor area of the principal residential structure, after conversion.

h. Each unit shall be a complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.

i. The exterior appearance of the structure shall not be altered except for:

1) Stairways and exits required by law, which shall be in the rear of the building.

2) Restoration consistent with the original architecture of the structure.

j. One of the units shall be occupied by the owner of the property, or, in the case of a realty trust, corporation or partnership, a beneficiary, shareholder or partner, respectively.

k. If the accessory housing unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings and the Zoning Enforcement Officer in writing.

l. No permit for an accessory housing unit granted hereunder shall take effect sooner than one (1) year after occupancy of the principal residential structure.

m. All permits for accessory housing must be secured before any construction is undertaken.

4.3.5. Bed and breakfast.

4.4. Uses Permitted by Special Permit Granted by the Board of Appeals

4.4.1. Cemetery.

4.4.2. Riding stable.

4.4.3. Commercial breeding, sale or boarding of dogs, cats, swine or fur-bearing animals. Any kennel enclosure shall be no less than 30 feet from the lot lines.

4.4.4. Country or tennis club, or non-profit social, civic or recreational lodge or club, but not including any use the principal activity of which is customarily conducted as a business, provided that:

a. Any function room shall have access from a secondary or primary street.

4.4.5. Hospital sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional institutional use.

4.4.6. Undertaking establishment, funeral home or crematorium, chapel.

4.4. Residential-20 District (R20)

4.4.1. Purpose

4.4.1.1. The Residential-20 District is intended to provide suitable areas for varied housing types at densities suitable for a small Town.

4.4.2. Uses Permitted

4.4.2.1. Farming, including crops, orchard, plant nursery, greenhouse or cranberry, and the keeping of tame domestic animals normally considered pets, such as dogs and cats, by residents of the premises, not for commercial sale, provided that:

a. Any stable enclosure or fence shall be in the rear yard and shall not be less than thirty (30) feet from any lot line.

b. In addition to the minimum lot size regulations of Section 5.0., Intensity of Use Regulations, there shall be an additional acre for each horse, cow or other large animal.

c. There shall be no raising of swine or fur bearing animals, except as permitted in Section 3, Chapter 40A, Massachusetts General Laws.

4.4.2.2. Public recreational use.

4.4.2.3. Single family detached dwelling.

4.4.2.4. Renting of not more than two (2) rooms by a resident occupying the dwelling to not more than three (3) non-transient persons.

4.4.2.5. Library, museum or civic center, public buildings and premises for government use.

4.4.2.6. Home occupation provided that:

a. Not more than two (2) other persons are regularly employed therein in connection with such use.

- b. Not more than twenty-five (25) percent of the total gross floor area is regularly devoted to such use.
- c. There is no equipment used in connection with such home occupation visible from the street or abutting property.
- d. No display of products is visible from the street.
- e. There shall be adequate off-street parking in accordance with Section 6.4., Off-Street Parking Requirements, for any employee or visitors in connection with such use. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

Vehicles used in connection with the occupation shall be parked in the rear or side yard or in a structure.

#### 4.4.2.7. Nursery school or day care center.

#### 4.4.3. Uses Permitted on A Special Permit Granted by the Planning Board

##### 4.4.3.1. Two family dwelling.

##### 4.4.3.2. Multiple dwellings subject to the conditions of Section 5.4.

##### 4.4.3.3. One (1) accessory housing unit within a single family detached dwelling, provided that:

- a. The principal residential structure is on a lot which meets or exceeds the minimum lot size in Section 5.0., Intensity of Use Regulations.
- b. The principal residential structure has at least twelve hundred (1200) square feet.
- c. The entire structure used for dwellings shall not occupy more than twenty-five (25) percent of the lot area.
- d. There is at least one (1) off street parking space for each bedroom or accessory unit in the converted portion of the structure, which space shall not be provided in the front or side yard.
- e. There is provision for screening by fencing or landscaping of outside storage areas.
- f. Neither the principal residential structure nor accessory unit shall have a gross floor area of less than five hundred (500) square feet plus one hundred (100) square feet for each bedroom over one (1).
- g. The gross floor area of the newly created unit shall not be more than thirty (30) percent of the normally habitable gross floor area excluding garage, unfinished attic crawl space, and other normally uninhabitable gross floor area of the principal residential structure, after conversion.
- h. Each unit shall be complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.
- i. The exterior appearance of the structure shall not be altered except for:

1) Stairways and exits required by law, which shall be in the rear of the building.

2) Restoration consistent with the original architecture of the structure.

j. One of the units shall be occupied by the owner of the property, or, in the case of a realty trust, corporation or partnership, a beneficiary, shareholder or partner, respectively.

k. If the accessory housing unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings and the Zoning Enforcement Officer in writing.

l. No permit for an accessory housing unit granted hereunder shall take effect sooner than one (1) year after occupancy of the principal residential structure.

m. All permits for accessory housing must be secured before any construction is undertaken.

4.4.3.4. Salesroom or stand for the display or sale of horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.

4.4.3.5. Tourist home, but not including an over-night cabin, motel or hotel.

#### 4.4.4. Uses Permitted on a Special Permit Granted by Board of Appeals

4.4.4.1. Cemetery.

4.4.4.2. Raising livestock and poultry, but not including the raising of swine or fur bearing animals.

4.4.4.3. Trailer camp, park or court.

4.4.4.4. Trailer, trailer coach or mobile home used as a dwelling provided that:

- a. It is not used as an office incidental to construction on the premises.
- b. It is not used for more than six (6) months in any calendar year.

4.4.4.5. Undertaking establishment or funeral home.

4.4.4.6. Commercial breeding, sale or boarding of dogs or cats.

a. Any kennel enclosure shall be no less than 30 feet from lot lines.

4.4.4.9. Country or tennis club, or non-profit social, civic or recreational lodge or club, but not including any use, the principal activity of which is customarily conducted as a business, provided that:

a. Any function room shall have access from a secondary or primary street.

4.4.4.10. Hospital sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional institutional use.

#### 4.5. Residential M — Mobile Home Park District (RM)

##### 4.5.1. Purpose

4.5.1.1. The purpose of the Residential M District is to provide suitable areas for the siting of mobile home parks.

#### 4.5.2. Uses Permitted on a Special Permit Granted by the Board of Appeals

4.5.2.1. Mobile home park, subject to the provisions of Section 5.5..

4.5.2.2. A one (1) family dwelling in a mobile home park for use as the manager's residence, provided that:

- a. Such dwelling complies with the building requirements of the Town of Kingston.
- b. A portion of such dwelling may be utilized for the management office.
- c. Such dwelling shall occupy its own lot of twenty thousand (20,000) square feet minimum area within the mobile home park.

#### **4.6. Town Center District**

##### 4.6.1. Purpose

4.6.1.1. The purpose of the Town Center District is to provide a mixed use center and to provide for daily services for the convenience of the residents of the Town.

##### 4.6.2. Uses Permitted

4.6.2.1. One (1) and two (2) family dwellings.

4.6.2.2. Retail store with a maximum gross floor area of five thousand (5000) square feet per floor.

4.6.2.3. Governmental services.

4.6.2.4. Service shop, such as a barber shop, beauty shop, dry cleaning pick-up shop, provided that:

- a. There will be a maximum gross floor area of two thousand (2000) square feet.
- b. There will be no on site dry cleaning.

4.6.2.5. Repair shop, such as shoe repair, appliance or electronic repair, jewelry repair, with a maximum gross floor area of two thousand (2000) square feet.

4.6.2.6. Business or professional offices.

4.6.2.7. Enclosed uses customarily accessory to the above.

##### 4.6.3. Uses Allowed by Special Permit Granted by The Planning Board

4.6.3.1. Structures for not more than six (6) dwelling units, provided that:

- a. The maximum coverage of the lot by buildings and structures shall be twenty (20) percent of the total lot area and the minimum landscaped area shall not be less than twenty-five (25) percent of the lot area.
- b. No portion of any enclosing wall of any building and no portion of any permissible structure shall be nearer to the street line of an existing public or private way than fifty (50) feet nor nearer the side lot line than thirty (30) feet nor nearer the rear lot line than thirty (30) feet and shall not be nearer than twenty (20) feet to any interior drive.
- c. No building in a group shall be closer to any other building on the lot or adjacent lot than a distance of fifty (50) feet.

d. There shall be provided a permanent off-street parking area, indoors and/or outdoors sufficient in size to allow two (2) parking spaces for each dwelling unit to be accommodated.

e. Elevations and floor plans shall be submitted in addition to all other requirements for a site plan as provided in Section 7.3. Site Plan.

4.6.3.2. Restaurant where food and beverages are consumed indoors with a maximum gross floor area of two thousand (2000) square feet and where there is no drive-in service.

4.6.3.3. Banks, provided that:

- a. All drive-through window service is to the rear of the structure.
- b. No vehicles queue on the street.

4.6.3.4. Remodeling an existing dwelling or structure accessory to an existing dwelling to accommodate one (1) additional dwelling unit, provided that:

- a. The building was in existence on January 1, 1940.
- b. The lot is in compliance with Section 5.0., Intensity of Use Regulations, of this By-law.
- c. No more than twenty-five (25) percent of the lot area is covered by structures.
- d. There is at least one (1) off-street parking space for each dwelling unit contained in the structure, which space shall be provided behind the set back line.
- e. Outside storage areas shall be screened by fencing or landscaping.
- f. The principal structure to be converted shall contain at least eleven hundred (1,100) square feet.
- g. No unit shall have a gross floor area of less than three hundred fifty (350) square feet plus one hundred (100) square feet for each bedroom in excess of one (1).
- h. The gross floor area of the newly created unit(s) shall be less than fifty (50) percent of the total gross floor area of the principal dwelling unit, after conversion.
- i. The exterior appearance of the structure shall not be altered except for stairways and exits required by law.
- j. One unit shall be occupied by the owner of the property, or, in the case of a realty trust, corporation or partnership, a beneficiary, shareholder or partner, respectively.
- k. If the secondary unit is in an accessory building, approval of the Planning Board shall be obtained in accordance with Section 81-O of Chapter 41 of the General Laws and with the Planning Board Subdivision Regulations.
- l. If the second unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings in writing.

#### 4.6.4. Uses Allowed on a Special Permit from the Board of Appeals

4.6.4.1. Undertaking establishment, funeral home and chapels.

#### **4.7. 3A Design District (3ADD)**

##### 4.7.1. Purpose

4.7.1.1. The purposes of the 3A Design District are to preserve the structures which define the character of the community, to provide opportunity for use of these structures which is consistent with modern land use, and to encourage new construction which is compatible with the community.

##### 4.7.2. Uses Permitted

4.7.2.1. One (1) and two (2) family dwellings.

4.7.2.2. Renting of not more than two (2) rooms by a resident occupying the dwelling to not more than three (3) non-transient persons.

4.7.2.3. Accessory building and uses as permitted in Section 6.3., Accessory Buildings and Uses.

##### 4.7.3. Uses Allowed by Special Permit Granted by the Planning Board Subject to the Conditions of Section 4.7.4.

4.7.3.1. Uses allowed in Section 4.3.2.8., 4.6.2.4. and 4.6.2.5.

4.7.3.2. Business or professional offices.

4.7.3.3. Retail sales and services.

4.7.3.4. Nursery school or day care center.

4.7.3.5. Tourist home, bed and breakfast.

4.7.3.6. Arts and crafts studio, with products manufactured on the premises, provided that:

- a. The products are sold at retail directly to the customer on premises or by mail order only to consumers.
- b. The only machinery on the premises is powered by hand or by motors of not more than one and one half (1.5) horsepower.
- c. The products are indigenous to the arts or to the hand craft industries, such as hand loomed fabrics, hand blown glass, pottery, and painting, or specialty food products, such as baked goods and candy.
- d. There are no more than the equivalent of six (6) full-time employees on the premises at any one time.

##### 4.7.4. Conditions for Uses Permitted in Section 4.7.3. on a Special Permit

4.7.4.1. The architectural style of the original structure shall not be altered and new construction shall be of a compatible Cape Cod or Colonial residential style approved by the Planning Board.

4.7.4.2. There shall be no drive-in or window service unless:

- a. All drive-through window service is to the rear of the structure.
- b. No vehicles queue on street.

4.7.4.3. All parking shall be off-street, shall be located behind the set back line of the principal building, shall be landscaped and shall conform to provisions of Section 6.4., Off-Street Parking Requirements.

4.7.4.4. There shall be no exterior storage.

4.7.4.5. Except for parking as required in Sections 6.4., Off-Street Parking Requirements, and an announcement sign in accordance with the provisions of Section 6.6., Signs, there shall be no exterior evidence of the non-residential use of the structure.

#### **4.8. Commercial District (C)**

##### 4.8.1. Purpose

4.8.1.1. The purpose of the Commercial District is to provide areas for retail businesses and services serving non-pedestrians and for automotive sales and services and distribution uses.

##### 4.8.2. Uses Permitted

4.8.2.1. Retail business or services conducted within a structure not more than four thousand (4,000) square feet of gross floor area.

4.8.2.2. Offices for executive and/or administrative services.

4.8.2.3. Marina, boat livery, sales, or storage and repair of boats and other marine accessories.

##### 4.8.3. Uses Permitted on a Special Permit Granted by the Planning Board

4.8.3.1. Retail business or services conducted within a structure over four thousand (4,000) square feet of gross floor area, and shopping centers and office parks, provided that:

a. In an office park or shopping center with condominium or cooperative ownership, an agreement of maintenance of common areas is filed with and approved by the Planning Board as a condition of the special permit.

4.8.3.2. Sale or leasing of farm implements, provided that:

a. All bulk sales, outside display and storage occurs to the rear of the principal building.

4.8.3.3. Restaurants, fast food restaurants, banks or other retail establishments with drive-in or window services, provided that:

a. No vehicles waiting for service shall park or stand on a public way.

b. The establishment shall be responsible for collecting and properly disposing of litter within five hundred (500) feet of the premises resulting from its sales at least daily, and more frequently if necessary, to prevent unsightly conditions caused by litter.

4.8.3.4. Wholesale office or showroom, warehouses and food distribution centers, provided that:

a. All bulk sales, outside display and storage occurs to the rear of the principal building.

**4.8.3.5. Commercial indoor tennis club or recreation facilities, provided that:**

- a. The building is insulated and maintained so as to confine the noise to the premises.
- b. The building is located not less than one hundred (100) feet from a Residential District.

**4.8.3.6. Public utility building, or yards, contractor's offices and storage yards, provided that:**

- a. The use is screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height.

**4.8.4. Uses Allowed on a Special Permit from the Board of Appeals**

**4.8.4.1. Hotels and motels.**

**4.8.4.2. Public parking garages.**

**4.8.4.3. Gasoline service stations, including routine maintenance operations, provided that:**

- a. All pump islands shall be set back at least fifteen (15) feet from the front lot line.
- b. No unregistered vehicles or vehicles in an inoperative condition are to remain on the site for more than a two (2) week period unless enclosed in a building or unless a screening is provided and maintained along adjoining properties and abutting public ways.
- c. Areas not covered by buildings or pavement shall be maintained as a landscaped area.

**4.8.4.4. Motor vehicle sales and repair facilities, including repairing, painting, or storing motor vehicles, provided that:**

- a. The vehicles to be repaired are screened from abutting lots and exterior streets by a solid landscaped screen and/or fence at least five (5) feet in height.
- b. No more than ten (10) vehicles for sale shall be displayed at one time in a manner visible from a public way.

**4.8.4.5. Laundries or dry cleaning establishments.**

**4.8.4.6. Distribution and storage of lumber, building material and fuel, provided that:**

- a. No petroleum products are stored above ground in tanks exceeding ten thousand (10,000) gallons in capacity.
- b. All bulk sales, outside display and storage occurs to the rear of the principal building.

**4.8.4.7. Undertaking establishment, funeral home and chapels.**

**4.8.4.8. Commercial greenhouse, kennels, animal hospital or clinic, provided that:**

- a. Adjacent properties are adequately screened from noise, odors and unsightly appearance.

- b. Cadavers and contaminated animals are disposed of in accordance with applicable Town and State Regulations.

- c. Animals are housed within a building and all facilities for boarding and treating animals are within a building.

- d. The area is completely enclosed in accordance with Section 6.7.14., Fencing, Screening and Landscaping.

**4.9. Industrial District (I)**

**4.9.1. Purpose**

- 4.9.1.1. The purpose of the Industrial District is to provide areas for manufacturing and distribution uses that operate in accordance with Section 6.7., Performance Standards.

**4.9.2. Uses Permitted**

- 4.9.2.1. The construction or alteration of ten thousand (10,000) square feet or less of gross floor area, or the development of one hundred and thirty thousand six hundred and eighty (130,680) square feet (three (3) acres) or less of land, limited to the following uses.

- a. Manufacturing, processing, or research.

- b. Professional or business office.

- c. Office Park.

- d. Industrial Park.

- e. Warehouse and food distribution centers, provided that:

- 1. All bulk sales, outside display and storage occurs to the rear of the principle building.

- f. Trucking garages and terminals.

- g. Public utility building or yards, contractor's offices and storage yards, provided that:

- 1. The use is screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but not more than seven (7) feet in height.

- h. Public garages not including body repairs.

- i. Bottling or packaging of previously prepared products.

- j. Marina, boat livery, sales, or storage and repair of boats and other marine accessories.

**4.9.3. Uses Allowed by a Special Permit Granted by the Planning Board**

- 4.9.3.1. Offices, retail sales, and services related to a use permitted in 4.9.2.1.a. through 4.9.2.1.c.

- 4.9.3.4. Any use covered in Section 4.9.2. that involves the construction or alteration of more than ten thousand (10,000) square feet of gross floor area, or the development of more than one hundred and thirty thousand six hundred and eighty (130,680) square feet (three (3) acres) of land.

4.9.3.3. Motor vehicle and boat sales and service.

**4.9.4. Uses Allowed on a Special Permit from the Board of Appeals**

4.9.4.1. Laundries or dry cleaning establishments.

**4.10. Commercial/Industrial Park District**

**4.10.1. Purpose**

4.10.1.1. The purpose of the Commercial/Industrial Park District is to provide areas that have sufficient size to allow for larger scale commercial, manufacturing, and distribution uses that operate in accordance with section 6.7., performance standards.

**4.10.2. Uses Permitted**

4.10.2.1. Retail business or services conducted within a structure up to twenty thousand (20,000) square feet of gross floor area provided that the lot size is large enough so that the gross floor area does not exceed 25% of the lot.

4.10.2.2. The construction or alteration of twenty thousand (20,000) square feet or less of gross floor area, or the development of one hundred and thirty thousand six hundred and eighty (130,680) square feet (three (3) acres) or less of land, limited to the following uses and provided that the lot size is large enough so that the gross floor area does not exceed 25% of the lot.

a. Manufacturing, processing, or research.

b. Professional or business office.

c. Office Park.

d. Industrial Park.

e. Warehouse and food distribution center, provided that:

1. All bulk sales, outside display and storage occurs to the rear of the principle building.

f. Trucking garages and terminals.

g. Public utility building or yards, contractor's offices and storage yards, provided that:

1. The use is screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but not more than seven (7) feet in height.

h. Public garages not including body repairs.

i. Bottling or packaging of previously prepared products.

**4.10.3. Uses Allowed on a Special Permit Granted by the Planning Board**

4.10.3.1. Retail business or services conducted within a structure over twenty thousand (20,000) square feet of gross floor area, and shopping centers and office parks, provided that:

a. In an office park or shopping center with condominium or cooperative ownership, an agreement of maintenance of common areas is filed with and approved by the Planning Board as a condition of the special permit.

4.10.3.2. Sale or leasing of farm implements, provided that:

a. All bulk sales, outside display and storage occurs to the rear of the principal building.

4.10.3.3. Restaurants, fast food restaurants, banks or other retail establishments with drive-in or window services, provided that:

a. No vehicles waiting for service shall park or stand on a public way.

b. The establishment shall be responsible for collecting and properly disposing of litter within five hundred (500) feet of the premises resulting from its sales at least daily, and more frequently if necessary, to prevent unsightly conditions caused by litter.

4.10.3.4. Commercial indoor tennis club or recreation facilities, provided that:

a. The building is insulated and maintained so as to confine the noise to the premises.

b. The building is located not less than one hundred (100) feet from a Residential District.

4.10.3.5. Motor vehicle sales and repair facilities, including repairing, painting, or storing motor vehicles, provided that:

a. The vehicles to be repaired are screened from abutting lots and exterior streets by a solid landscaped screen and/or fence at least five (5) feet in height.

b. No more than ten (10) vehicles for sale shall be displayed at one time in a manner visible from a public way.

4.10.3.6. Public parking garages.

4.10.3.7. Any use covered in section 4.10.2.4. that involves the construction or alteration of more than twenty thousand (20,000) square feet of gross floor area, or the development of more than one hundred and thirty thousand six hundred and eighty (130,680) square feet, three (3) acres of land.

4.10.3.8. Motor vehicle and boat sales and service.

**4.10.4. Uses Allowed on a Special Permit from the Board of Appeals**

4.10.4.1. Hotels and motels.

4.10.4.2. Gasoline service stations, including routine maintenance operations, provided that:

a. All pump islands shall be set back at least fifteen (15) feet from the front lot line.

b. No unregistered vehicles or vehicles in an inoperative condition are to remain on the site for more than a two (2) week period unless enclosed in a building or unless a screening is provided and maintained along adjoining properties and abutting public ways.

c. Areas not covered by buildings or pavement shall be maintained as a landscaped area.



- 4.10.4.3. Laundries or dry cleaning establishments.
- 4.10.4.4. Distribution and storage of lumber, building material and fuel, provided that:
  - a. No petroleum products are stored above ground in tanks exceeding ten thousand (10,000) gallons in capacity.
  - b. All bulk sales, outside display and storage occurs to the rear of the principal building.
- 4.10.4.5. Undertaking establishment, funeral home and chapels.
- 4.10.4.6. Commercial greenhouse, kennels, animal hospital or clinic, provided that:
  - a. Adjacent properties are adequately screened from noise, odors and unsightly appearance.
  - b. Cadavers and contaminated animals are disposed of in accordance with applicable Town and State Regulations.
  - c. Animals are housed within a building and all facilities for boarding and treating animals are within a building.
  - d. The area is completely enclosed in accordance with Section 6.7.14., Fencing, Screening and Landscaping.

#### **4.11. Conservancy District**

4.11.1. The purpose of the Conservancy District is to provide for conservation of water resources and water bodies, and preservation of open space.

##### **4.11.2. Uses Permitted**

- 4.11.2.1. Farming, including crops, orchard, plant nursery, greenhouse or cranberry, and the keeping of tame domestic animals normally considered pets, such as dogs and cats, by residents of the premises, not for commercial sale, provided that:
  - a. Any stable enclosure or fence shall be in the rear yard and shall not be less than thirty (30) feet from any lot line.
  - b. There shall be no raising of swine or fur bearing animals, except as permitted in Section 3, Chapter 40A, Massachusetts General Laws.
- 4.11.2.2. Public recreational use.
- 4.11.2.3. Library, museum or civic center, public buildings and premises for government use.

##### **4.11.3. Uses Permitted on a Special Permit Granted by the Board of Appeals**

- 4.11.3.1. Cemetery
- 4.11.3.2. Raising livestock and poultry, but not including the raising of swine or fur bearing animals.
- 4.11.3.3. Farm stand for the sale of produce raised on the premises by a resident proprietor, provided that:
  - a. All parking is provided in off-street facilities
  - b. All storage of equipment shall be in the rear of the farm stand.

- 4.11.3.4. Riding stable.
- 4.11.3.5. Commercial greenhouse.
- 4.11.3.6. Non-profit or private camp, provided that:
  - a. Overnight accommodations are in tents.
  - b. There are no transient overnight accommodations.
- 4.11.3.7. Single family detached dwelling.
- 4.11.3.8. Trailer, trailer coach or mobile home used as a dwelling except as an office incidental to construction on the premises, and in no case for more than six (6) months in any calendar year.
- 4.11.3.9. Nursery school or day care center.
- 4.11.3.10. Country or tennis club, or non-profit social, civic or recreational lodge or club, but not including any use, the principal activity of which is customarily conducted as a business, provided that:
  - a. Any function room shall have access from a secondary or primary street.
- 4.11.3.11. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correction institutional use.
- 4.11.3.12. Undertaking establishment and funeral home.
- 4.11.3.13. Marina, boat livery, sales, or storage and repair of boats and other marine accessories.
- 4.11.3.14. Outdoor movie theater.
- 4.11.3.15. Commercial indoor or outdoor amusement or recreation place or place of assembly, not including outdoor movie theater, provided that:
  - a. The building is so insulated and maintained as to confine the noise to the premises.
  - b. The building is located not less than one hundred (100) feet from a residential district.

#### **4.12. Flood Plain Overlay District**

##### **4.12.1. Purpose**

- 4.12.1.1. The purpose of the Flood Plain Overlay District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.
- 4.12.1.2. The Flood Plain Overlay District is established as an overlay district to all other districts. 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 (currently Section 744).

#### 4.12.2. Uses Permitted

4.12.2.1. The following uses of low flood damage potential and causing no obstruction to flood flows shall be allowed provided that they are permitted in the underlying district, and they do not require structures, fill, or storage of materials or equipment.

- a. Agricultural uses such as, but not limited to, farming, grazing, truck farming, and horticulture.
- b. Forestry and nursery uses.
- c. Outdoor recreational uses, including, but not limited to, fishing, boating, and play areas.
- d. Conservation of water, plants, wildlife.
- e. Wildlife management areas, foot, bicycle, and/or horse paths.
- f. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage or sales of crops raised on the premises.

#### 4.12.3. Development Regulations

4.12.3.1. Within Zone A, where the 100 year flood elevation is not provided on the Flood Insurance Rate Map, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Conservation Commission. If the data is sufficiently detailed and accurate, it shall be relied upon to determine compliance with this Bylaw and the State Building Code.

4.12.3.2. Located within the Flood Plain Overlay District are areas designated as coastal high hazard areas (Zone V). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provision shall apply:

- a. All new construction shall be located landward of the reach of the mean high tide.

### **4.13. Water Resource Overlay District**

#### 4.13.1 Purpose

4.13.2. The purpose of the Water Resource Overlay District is, in the interest of public health, safety and general welfare, to preserve the quality and quantity of the Town's groundwater and surface water resources in order to insure a safe and healthy public water supply.

#### 4.13.3. Uses Permitted

4.13.3.1. All uses permitted by right in the underlying District, subject to the provisions of the underlying District.

#### 4.13.4. Uses Permitted on a Special Permit Granted by the Board of Appeals or the Planning Board.

4.13.4.1. All uses permitted subject to a special permit granted by the Board of Appeals or the Planning Board in the underlying District, subject to the provisions of the underlying District.

#### 4.13.5. Uses Prohibited

4.13.5.1. Notwithstanding the foregoing permitted uses, the following uses are specifically prohibited in the Water Resource Overlay district.

- a. Underground storage of fuel or gasoline or any toxic or hazardous materials.
- b. Sanitary landfill.
- c. Junk yard.
- d. Municipal sewage treatment facilities.
- e. Car wash.
- f. Road salt stockpiles.
- g. Dry cleaning establishments.
- h. Metal plating.
- i. Chemical and bacteriological laboratories.
- j. Fuel or gasoline storage as a principal use.
- k. Any use which includes retention of less than forty (40) percent of premises in its natural state with no more than minor removal of existing trees and ground vegetation, or creation of impervious surfaces covering more than twenty (20) percent of premises area.
- l. Any use involving generating of toxic or hazardous waste materials incidental to the principal use.
- m. Boat and motor vehicle service and repair.
- n. Any other use which involves as a principal activity the manufacture, storage, use, transportation or disposal of toxic or hazardous materials.

#### 4.13.6. Standards for Use

4.13.6.1. To preserve the natural land surface providing high quality recharge to the groundwater, to limit sewage flow and fertilizer application to amounts which will be diluted adequately by natural recharge, to prevent the formation of plumes of contamination in the groundwater system, and to prevent the discharge or leakage of toxic or hazardous substances into the groundwater, all uses other than single family dwellings shall meet the following performance standards:

- a. The concentration of nitrate nitrogen resulting from wastewater disposal and from fertilizer application, when diluted by rainwater recharge on the premises, shall not exceed seven (7) parts per million.
- b. For all uses, sewage flow as determined by Title 5 of the State Environmental Code shall not exceed three hundred and thirty (330) gallons per day per acre of premises, or exceed twenty thousand (20,000) gallons per day regardless of premises, and less than ten (10) percent of the premises shall be maintained as cultivated lawn.
- c. All toxic or hazardous materials shall be stored in product tight containers protected from corrosion, accidental damage or vandalism and shall be used and handled in such a way as to prevent spillage into the ground or

surface waters. A product inventory shall be maintained and reconciled with purchase, use, sales, and disposal records at sufficient intervals to detect product loss.

d. No toxic or hazardous materials shall be present in wastes disposed on the premises. Wastes composed in part or entirely of toxic or hazardous materials shall be retained in product tight containers for removal and disposal by a hazardous waste transporter licensed by the Commonwealth or as directed by the Board of Health.

e. With the exception of the seven (7) parts per million nitrate nitrogen limit as stated in paragraph 4.13.6.1.a.1., contaminant levels in groundwater resulting from disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees or from wastewater treatment and disposal systems greater than ten thousand (10,000) gallons per day capacity shall not exceed those levels specified in tables C and E of the "Drinking Water Regulations of Massachusetts" (Department of Environmental Quality Engineering, June 15, 1977) and as same may be amended, after allowing for dilution by natural recharge on the premises.

f. All runoff from impervious surfaces shall be recharged on the premises, diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminated solids. In the vicinity of chemical or fuel delivery points, provision shall be made for spill control.

g. Sand or gravel removal operations shall be limited in depth so that the water table will not be exposed at any time. Land area exposed at any time shall be minimized and land shall be returned to a natural vegetative state within one (1) year of completion of operations.

h. Where the premises are partially outside the Water Resource District such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the District.

4.13.6.2. The Water Quality Review Committee may, as provided in Section 7.4 and in accordance with Section 4.13.7., Certificate of Water Quality Compliance, exempt roof surfaces from the calculation of impervious surfaces provided that:

a. All runoff from the roof is recharged on the premises and diverted toward areas covered with vegetation.

b. When roof-top drainage is allowed to be subtracted from the impervious cover equation, the roof-top drainage allowance will be restricted to less than 40% of the total impervious area.

c. Provisions for recharge are shown in plans approved by the Water Quality Review Committee. Plans shall include all facilities for recharge, a maintenance plan, and provisions for compliance with the conditions of Section 4.13.6.1..

#### 4.13.7. Certificate of Water Quality Compliance.

4.13.7.1. Irrespective of the requirements of Section 7.0., Administration, a Certificate of Water Quality Compliance shall be obtained by the owners of the premises from the Water Quality Review Committee for:

a. Erection of any new principal structure other than a single family dwelling; or,

b. No Building Permit or Certificate of Use and Occupancy shall be issued by the Building Inspector, other than for a single family dwelling, except in compliance with a certificate as required herein, which certificate has been duly recorded in the Plymouth County Registry of Deeds.

4.13.7.2. A certificate of Water Quality Compliance shall be granted only as follows:

a. For new construction or additions or new activities not involving structures, or for changes in occupancy or operation on previously developed premises, only if in full compliance with all conditions of use hereinabove enumerated.

4.13.7.3. In applying for a Certificate of Water Quality Compliance, five (5) sets of application materials shall be submitted to the Zoning Enforcement Officer who shall forward one set to each member of the Water Quality Review Committee. All information necessary to demonstrate compliance must be submitted including but not limited to the following:

a. a complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures to protect from vandalism, corrosion and leakage, and to provide for control of spills.

b. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.

c. Evidence of compliance with all requirements of conditions of use as hereinabove enumerated.

d. All multi-family developments which will have two (2) or more dwelling units, hotels and motels, clustered developments, planned developments, nursing homes and hospitals, and any project resulting in wastewater discharge of greater than one thousand (1,000) gallons per day per single acre shall be required to submit the following:

1. A water table contour map and a geologic description of the area in the vicinity of the proposed project to determine groundwater flow directions;

2. Projections of nitrogen levels in downgradient groundwater, simulation of contaminant movement in groundwater and delineation of plumes; and

3. A projection of the impacts on downgradient drinking water (public and private wells: existing, future and potential), on lakes and ponds, and on coastal waters.

4. The information submitted to the Water Quality Review Committee must demonstrate that no significant impact to downgradient water resources will occur as a result of the project.

4.13.7.4. The Water Quality Review Committee shall act within forty-five (45) days of acceptance of a complete application, approving it by issuing a Certificate of Compliance if a majority determine that the applicant has adequately demonstrated compliance with the requirements of the Water Resource District, and rejecting the application otherwise. Failure by the Water Quality Review Committee to take final action by either accepting or rejecting such an application shall not in any circumstance be deemed a constructive approval and shall not be interpreted to create any rights in the applicant.

4.13.7.5. Each three (3) years the Water Quality Review Committee shall review compliance with this Bylaw and the Certificate of Water Quality Compliance. Upon request, Certificate holders shall submit the following:

- Description of any changes from the originally submitted materials.
- Certificate that the waste disposal system has been inspected by a licensed septic system installer or treatment plant operator within the preceding ninety (90) days and found to be properly maintained and in proper operating condition.
- Results from analysis of leachate or waste waters as may be required by the Board of Health. Evidence of non-compliance shall be reported to the Inspector of Buildings and the Board of Health for enforcement action.

#### 4.13.8. Enforcement

4.13.8.1. The provisions of this section 4.13., Water Resource Overlay District, shall be enforced by the Zoning Enforcement Officer or Agent of the Board of Health. The Zoning Enforcement Officer or Agent of the Board of Health may enter upon the premises at any reasonable time to inspect for compliance with the provisions of this Bylaw. Evidence of compliance with approved waste disposal plans may be required by the enforcing officers. All records pertaining to waste disposal and removal shall be retained by the property owner at the property. Nothing herein contained shall be construed to infringe upon the Inspector of Buildings responsibilities under the State Building Code and/or Zoning Act.

4.13.8.2. Written notice of any violations from the Zoning Enforcement Officer or agent of the Board of Health shall be provided to the holder of the Certificate of Water Quality Compliance, specifying a time for compliance including cleanup of any spilled materials which is reasonable in relation to the public health hazard involved and the difficulty of compliance, but in no event shall more than forty-five (45) days be allowed for either compliance or finalization of a plan for longer term compliance, approved by the Water Quality Review Committee.

### INTENSITY SCHEDULE

District	MINIMUM LOT DIMENSIONS		MINIMUM YARD DIMENSIONS (1)			MAXIMUM HEIGHT DIMENSIONS	MAXIMUM LOT COVERAGE by BUILDINGS IN PERCENT (2)	MINIMUM OPEN SPACE IN PERCENT
	Lot Area in Square Feet	Continuous Frontage in Feet	Front Yard in Feet	Side Yard in Feet	Rear Yard in Feet			
Residential A)	40,000	200	50	30	40	35	25	50
Residential B)	20,000(3) 30,000 (4)	100	40	15	20	35	25	40
Residential U- Mobile Home Park	8,000 (5)	70	20	15	15	15	25	25
Town Center	10,000	80	15	15	20	40	50	30
SA Design District	30,000	150	40	20	30	35	40	40
Commercial	40,000	200	50	40	40	35	50	30
Industrial District	40,000 (6)	250	50	40	40	40	25	25
Conservancy	80,000	100	50	50	20	15	10	75
Commercial Industrial	40,000 (6)	250	50	40	40	40	50	25

(1) Fences and flagpoles are allowed in the required front, side and rear yards.

(2) Including accessory buildings.

(3) Single family dwellings.

(4) Two family dwellings.

(5) Per mobile home unit. The minimum area of the mobile home park shall be fifty (50) acres. See Section 5.5.1.3.

(6) Per principal building or use. Where and if the lot abuts residential zone areas, the minimum side lot must be 50 feet.

### MULTIPLE DWELLING INTENSITY SCHEDULE

Minimum Lot Dimensions		Minimum Yard Dimensions			Maximum Building Dimensions		Maximum Lot Coverage by Buildings in Percent (1)	Minimum Open Space in Percent
Lot Area in Square Feet	Continuous Frontage in Feet	Front Yard in Feet	Side Yard in Feet	Rear Yard in Feet	Height in Feet	Building Length in Feet		
40,000 plus 10,000 sq. ft. for each dwelling unit over three dwelling units.	200	50	50	50	35	150	25%	50%

(1) Including accessory buildings.

## **5.0. INTENSITY OF USE REGULATIONS**

### **5.1. Application**

- 5.1.1. A dwelling, building, or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements, except as hereinafter provided.
- 5.1.2. There shall be only one (1) principal building on a lot, except as hereinafter provided.
- 5.1.3. A lot or parcel of land containing two (2) or more buildings existing at the time of adoption of this Bylaw which cannot be divided in conformity with these requirements may, under a special permit by the Planning Board, be divided in a manner complying as closely as possible with these requirements.
- 5.1.4. Notwithstanding the provisions of Section 5.2.1.1., increased requirements respecting minimum lot area and frontage shall not apply to a lot for single-family residential use, whether or not held in common ownership with adjoining land, provided said lot was created under subdivision control legislation and conformed to all dimensional requirements of the Zoning Bylaw in effect at the time the lot was created, and provided further that the lot contains at least 20,000 square feet.
- 5.1.5. Increases in front, rear or side yard dimensional requirements shall not apply to existing dwellings, provided that a minimum front yard of 25 feet, minimum side yards of 15 feet, and a minimum rear yard of 20 feet are maintained.

## **5.2. Dimensional Requirements**

### **5.2.1 Intensity Schedule**

- 5.2.1.1. No building shall be erected unless in conformance with the requirements of the Intensity Schedule.

### **5.2.2. Lot Area**

- 5.2.2.1. In all districts, no more than fifteen (15) percent of the required lot area, as defined in this Section 5.0., Intensity of Use Regulations, shall consist of slope over twenty-five (25) percent, wetlands, or swamp. The area within the lot lines on which the building will be situated shall be contiguous and the wetlands or swamp included within the lot lines shall not cross, dissect or otherwise interfere with this area. No part of the required lot area, as defined in this Section 5.0., Intensity of Use Regulations, shall consist of land under water.

### **5.2.3. Lot Frontage**

- 5.2.3.1. The frontage of all lots shall be measured in a continuous line along the street right-of-way defined in Section 81L of Chapter 41 of the Massachusetts General Laws from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

### **5.2.4. Exception for Back Lots**

- 5.2.4.1. In an R40 and R20 zone, on a parcel of land that cannot be subdivided under the provisions of General Laws Chapter 41, Section 81P, the Planning Board may approved a single back lot under said section provided that:
- a. Said lot can be laid out with at least twenty (20) feet of frontage on an existing way as defined in Section 81L of Chapter 41 of the Massachusetts General Laws.
  - b. The lot contains at least three (3) times the minimum lot area for the zoning district in which it is located.
  - c. The lot is not distorted in configuration as to prevent or hinder access by emergency vehicles and personnel.
  - d. The primary access to the lot is through a driveway over the lot itself.
- 5.2.4.2. The lot shall be shown on a plan showing the boundaries of the proposed lot, and of abutting lots as they appear on the most recent Assessors Map(s).
- 5.2.4.3. In case of subsequent redivision of said lot, the twenty (20) foot access strip shall not be deemed a way, public or private, furnishing access to any lots in the subdivision unless the proposed subdivision is in compliance with the provisions of these Bylaws and the Planning Board Subdivision Regulations applicable to lots and ways.

### **5.2.5. Yards**

- 5.2.5.1. The minimum front yard dimensions required in the following schedule are to be measured from the street line where a plan of the street is on file with the Registry of Deeds, or, in the absence of such a plan, from a line twenty-five feet from the parallel with the apparent centerline of the traveled way or street.

### **5.2.6. Lot Size Exceptions**

- 5.2.6.1. Increased requirements respecting lot area, frontage, width, yard and similar dimensions provided in this Bylaw or amendments thereto shall be subject to the exceptions provided in Section 6 of Chapter 40A of the General Laws, and shall not apply to a lot for single and two-family residential use, which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to the then existing requirements and had less than the proposed requirements but had at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

### **5.2.7. Reduction of Occupied Lots**

- 5.2.7.1. No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with lot area, width, setback or yard provisions of this Bylaw, or, if such building or lot already fails to comply with said provisions, such reduction or change

would bring about a greater degree of non-compliance with said provisions. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

#### 5.2.8. Corner Clearance

5.2.8.1. In all districts, no building shall be constructed within the triangular area formed by the exterior lines of intersecting streets and a line joining points on such lines fifty (50) feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, and no structure other than a building, no foliage, shrubbery or other planting, and no open display, storage or other open use shall be located within said triangular area in such a manner as to interfere with traffic visibility across the corner.

#### 5.2.9. Lot Configuration

5.2.9.1. The mean direction of the side lot lines shall be as close as possible to perpendicular to the street line or to this tangent at the point of intersection of the side lot line. In no case shall the direction of the side lot line form an angle of less than seventy-five (75) degrees with the street or the aforesaid tangent.

5.2.9.2. Lots which are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with the dimensional requirements established herein, shall not be permitted.

#### 5.2.10. Stream Setback

5.2.10.1. In any district, no part of a sewage disposal system for any new construction shall be within one hundred (100) feet of the normal spring high water level of any Great Pond, pond, stream, brook, river, swamp or wetland.

#### 5.2.11. Projections

5.2.11.1. Nothing herein shall prevent the projection into any required setback area or yard of cornices, eaves, sills or ornamental features not over three (3) feet in width, or of steps of uncovered porches not over three (3) feet high above average finished grade, and nothing herein shall prevent the projection above a roof of chimneys or antenna, or of steeples, domes, towers or similar projections not used for human occupancy.

#### 5.2.12. Commercial and Industrial Uses on Lots Abutting Private Dwellings

5.2.12.1. When commercial and industrial structures are erected or placed on lots abutting existing dwellings within a Town Center, Commercial or Industrial District, or within an adjacent Residential District, there shall be established and maintained on said lot(s) a dense screen of evergreen trees or tall shrubs or an opaque stockade fence not less than four (4) feet nor more than six (6) feet in height, nor less than the height required to screen objectionable features. All areas, where refuse is gathered, shall be adequately screened from view from the street or adjacent dwellings.

5.2.12.2. On side lines, said screen shall be as near the line of the street as the foundation of either dwelling or commercial or industrial structure, whichever is nearest, and shall extend along the side lot line a distance of not less than thirty-five (35) feet, nor less than the full length of the business structure. On the rear lot line, said screen shall extend the distance necessary to screen from the view of abutting residences.

#### 5.3. Planned Residential Development

5.3.1. In Residence 40 District, the following regulations shall apply to any grant of a special permit for a Planned Residential Development as may be authorized by the Planning Board pursuant to Section 7.0., Administration. Pursuant to approval of a Definitive Plan in accordance with the Planning Board Subdivision Regulations, adopted by the Kingston Planning Board, said application shall be reviewed in accordance with the standard set forth in Section 9, General Laws, Chapter 40A, these Bylaws, and Rules and Regulations promulgated by the Kingston Planning Board for granting of a Definitive Plan.

##### 5.3.1.1. Intensity

a. The minimum area of any Planned Residential Development shall be not less than five (5) acres, and that not more than ten (10) percent of the minimum area shall consist of wetlands or land under water or land with a slope in excess of fifteen (15) percent.

b. In addition, to the minimum five (5) acres required in paragraph "a" above, there shall be provided for each dwelling unit within the Planned Residential Development an area equivalent to the lot area required within the district for a detached one-family dwelling.

##### 5.3.1.2. Dimensional Regulations

a. A Planned Residential Development shall have a minimum frontage on a public way and/or a way approved by the Planning Board under the Subdivision Control Law, equivalent to fifty (50) feet for each dwelling unit contained within the planned development. The requirements of this Section may be modified if review designates adequate access is provided and will not derogate from the intent of Section 5.3., Planned Residential Development.

b. No building within a Planned Residential Development shall contain more than four (4) units.

c. No building in a Planned Residential Development shall exceed twenty-eight (28) feet in height, said height to be determined by the vertical distance between the average finished grade of the ground adjoining the building to the highest point of the roof beams.

d. No building or structure shall be located closer than one hundred (100) feet from the center line of any public way or other way utilized to meet the frontage requirements of this Section, or within seventy-five (75) feet from the center line of any interior street, way, or driveway.

e. No building or structure shall be located within areas which are required to be maintained in a natural state.

f. No building or structure shall be located within fifty (50) feet of a property or lot line.

g. If there is more than one building containing dwelling units on a single lot, there shall be a minimum of fifty (50) feet between such buildings.

h. Each dwelling unit shall have at least two (2) sides with full exposures, and shall have two (2) separate exits.

i. No floor, except unfinished basement, of a dwelling unit shall be located beneath the average finished grade of the ground adjoining the building.

#### 5.3.1.3. Design

a. Buildings shall be of an architectural style which is compatible with the prevailing style in the area in which the compatible with other buildings in the Planned Residential Development.

b. Buildings, open spaces, driveways, parking areas and other development features shall be located and designed in a manner which conforms to the existing natural terrain of the site.

c. Building placement which makes maximum use of solar energy shall be encouraged.

d. All existing or proposed utilities shall be installed underground at the time of initial construction. Each quadruplex unit shall be equipped with approved fire protection residential sprinkler system in accordance with the Kingston Fire Department approval. Each dwelling shall have on the exterior a horn and light that is connected and will activate with the fire alarm protective devices.

e. Lighting facilities, whether placed along service drives, in parking areas or on the exterior of building, shall be so arranged and shielded that they do not unreasonably distract the occupants of the buildings or shine directly upon abutting properties and/or public ways. In no case shall illumination upon the window surface of any buildings used for dwelling purposes exceed five-tenths (0.5) foot candles.

f. Provisions shall be made for the storage, collection and removal of garbage. All necessary facilities shall be appropriately screened.

g. There shall be one entrance road and one exit road to each Planned Residential Development, unless a divided entrance-exit road is approved by the Planning Board.

h. All interior roads and drives shall be constructed to the standards of the Planning Board as contained in the Planning Board Subdivision Regulations.

#### 5.3.1.4. Off-Street Parking

a. Off-Street parking shall be provided in accordance with the provisions of Section 6.4., Off-Street Parking Requirements, except as follows:

1. All parking spaces, including any which may be in excess of those requirements, shall be located a minimum of seventy-five (75) feet from the center line of any public ways or ways utilized to meet the frontage requirements of this Section.

2. Unless in an accessory garage within the structure, no parking space shall be located closer than twenty-five (25) feet from a building used for dwelling purposes.

3. All required parking spaces shall be provided within three hundred (300) feet of the dwelling units which they are required to serve.

#### 5.3.1.5. Open Space and Landscaping

a. All areas not covered by pavement, curbing, buildings and/or structures including such facilities as playing areas for court games, swimming pools, and plazas, shall be landscaped with grass, shrubbery, trees, flowers, or ground covers indigenous to the area. Also along the length of each exterior wall of each principal building, except those areas devoted to stairs and doors, there shall be a landscaped area with bushes, shrubs or flowers indigenous to the area.

b. An area equivalent to one-half (1/2) of the minimum area required by Section 5.3.1.1.b. shall be left substantially in its natural state.

#### 5.3.1.6. Ownership and Maintenance

a. The area left substantially in its natural state shall be placed in an ownership which shall provide for its permanent retention and maintenance. The manner of ownership, use and maintenance of such permanent natural area shall be determined by the agreement of the applicant, the owner, and the Planning Board. The agreement, duly executed in a form suitable for recording by the owner or owners of such natural area, shall provide that, in the event the Planning Board shall grant a Special Permit under this Section, such permanent area shall be owned by a non-profit organization the principal purpose of which is the preservation of natural areas, or a corporation or trust owned or to be owned in common by the owners of the dwelling units within the development in which the ownership of the natural area runs with the title to the dwelling units and is not separably alienable.

b. Such natural area shall be kept in an open and natural state, and shall not be built upon for residential use, for walkways, driveways and/or parking.

c. Such natural areas shall be subject to permanent restrictions as agreed under Section 5.3.1.6.a.

d. An organization, corporation or trust owned or to be owned in common by the owners of the dwelling units within the development in a form approved by the Planning Board shall be responsible for the maintenance of all common areas, not otherwise provided in accordance with Section 5.3.1.6.a., including, but not limited to lighting, plowing, roadway, sidewalks, recreation facilities and accessory structures.



### 5.3.1.7. Housing Incentive

The Planning Board may authorize an increase in the number of dwelling units in excess of that which would otherwise be permitted in a Planned Residential Development pursuant to the provisions of Section 5.3.1., provided that:

- a. Ten (10) percent of the total dwelling units are set aside for affordable housing, defined as units affordable to households with incomes at or below eighty (80) percent of the median household income in Kingston as determined by the latest U.S. Census or as adjusted based on the formulas in use by the Massachusetts Executive Office of Communities and Development, which is on file with the Planning Board.
- b. The increase shall not exceed twenty percent of the number of units otherwise allowed pursuant to the provisions of Section 5.3.1.1. and 5.3.1.2.
- c. The exterior appearance of the affordable units is consistent with the style of the market rate units in the development.
- d. There is provision satisfactory to the Planning Board and enforceable by the Town that the units will be sold or leased at costs and be subject to occupant income limitations to assure that the units remain affordable. The Planning Board may impose reasonable conditions on the length of occupancy, resale, phasing and site development on the affordable units.

### 5.4. Multiple Dwellings

#### 5.4.1. Intent and Purpose

5.4.1.1. It is the intent and purpose of this Bylaw to provide for the construction of multiple residences and/or multiple dwelling complexes in those zones to which this section applies after the approval of a preliminary site plan, the issuance of a special permit, and the subsequent approval of a definitive plan by the Planning Board. A special permit hereunder is only an authorization for specific use and does not exempt that particular parcel of land from conformance with the Zoning Bylaws, unless specified hereunder or in said permit, or from conformance with the Planning Board Subdivision Regulations. It is intended that any complex proposed hereunder will have buildings or groups of buildings placed on individual lots, which in turn have continuous frontage on a public or private way. Subsequent approval by the Planning Board and other appropriate Town Boards or Departments will be required as set forth in the Planning Board Subdivision Regulations including approval of street, utility and sanitary disposal systems, whether or not the subject proposal is a subdivision as defined by the Subdivision Control Law.

#### 5.4.2. Procedure

5.4.2.1. Before approval of the special permit, a preliminary site plan shall be submitted and approved in accordance with the provisions of Section 7.3., Site Plan, of this Bylaw.

5.4.2.2. If the application and site plan are approved, the applicant shall submit a "Definitive Site Plan" to the Planning Board in accordance with the Planning Board Subdivision Regulations.

5.4.2.3. In addition to the criteria listed in Section 7.3.4., Guidelines, the Planning Board shall consider the extent to which the proposed development conforms with sound land use principles and design. Violation of these principles may be grounds for disapproval of the plan, even though all other requirements are met.

#### 5.4.3. General Requirements

5.4.3.1. The minimum area for any multiple dwelling development shall be five (5) acres.

5.4.3.2. The minimum lot and yard dimensions, maximum building dimensions, and maximum lot coverage shall be in accordance with the following Multiple Dwelling Intensity Schedule.

5.4.3.3. If there is more than one building on a single lot as defined in Section 2.1.1.32, there shall be a minimum of fifty (50) feet between such buildings. No building shall be located closer than one hundred (100) feet of an existing paved Town way.

5.4.3.4. Off-street parking shall be provided in accordance with Section 6.4.1., Required Parking. Parking areas shall not be located closer than twenty-five (25) feet of the side and rear lot lines and one hundred (100) feet of an existing paved Town way. No on-street parking will be permitted.

### 5.5. Mobile Home Parks

5.5.1. Residential M - Mobile Home Park District (RM), in accordance with Section 4.5., of this Bylaw, mobile home parks in the Town of Kingston shall comply with the following provisions:

5.5.1.1. For every five thousand (5,000) persons resident in the Town of Kingston or any fraction thereof, one (1) mobile home park may be permitted by the Board of Appeals. For this purpose, the latest accurate census of the Town of Kingston shall be used if certified by the Town Clerk. In the absence of such certification, the latest United States Census shall govern.

5.5.1.2. In no case shall the total aggregate number of mobile homes in all complexes exceed fifteen (15) percent of the total number of dwelling units in existence in the Town of Kingston at the time of application. For this purpose the most recent figures of the Kingston Board of Assessors shall govern. The maximum number of mobile homes permitted in any one mobile home park shall be three hundred and fifty (350).

5.5.1.3. The minimum area of the mobile home park shall be fifty (50) acres.

5.5.1.4. The minimum lot area, continuous lot frontage, yard dimensions, and maximum lot coverage including accessory buildings shall be in conformance with the Schedule of Intensity Regulations in Section 5.0., Intensity of Use Regulations. Screened and roofed porches and open decks may be constructed in side and rear yards, but not closer than ten (10) feet of said lot lines.



5.5.1.5. There shall not be more than one (1) mobile home per lot.

5.5.1.6. All mobile home lots shall abut on a roadway. All roads within the park shall conform to the Subdivision Regulations; Section V and shall be maintained in good and proper condition. All roads, utilities, and drainage shall be installed and approved by the Planning Board before occupancy will be allowed in said park. The Planning Board may approve said park in sections for occupancy. Completion of the park must be within seven (7) years of the Planning Board's final approval.

5.5.1.7. No mobile home shall be located closer than three hundred (300) feet from any public highway and shall be properly screened therefrom. The remaining perimeter of the mobile home park shall be screened for a minimum width of twenty (20) feet with natural growth, hedges and the like. All screening shall be established and maintained in a manner satisfactory to the Board of Appeals. No mobile home lot shall be included within the screening area.

5.5.1.8. Each mobile home site shall be provided with an approved underground electrical connection specifically metered unless such underground electrical connection is waived by the Board of Appeals.

5.5.1.9. Street lights of not less than three thousand (3,000) lumens each shall be installed by the permittee at intervals of not more than one hundred and fifty (150) feet apart.

5.5.1.10. No occupied travel trailer, pick-up coach, motor home, or camping trailer shall be permitted in a mobile home park as a dwelling.

5.5.1.11. Each building and mobile home stand shall be an element of an overall plan of site development.

5.5.1.12. Where possible, mobile home stands shall be oriented with respect to scenic vistas, natural landscape features, topographic and natural drainage areas. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service, and parking areas. Screening devices shall not impair pedestrian or vehicular safety.

5.5.1.13. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and designed so as not to be unsightly or hazardous to the public.

5.5.1.14. Residential open space within the allowable density limits shall be allocated to the recreational amenity and environmental enhancement of the mobile home park and shall be designed as such on the site plan for the proposed development.

5.5.1.15. After approval of a proposed mobile home park there shall be no further subdivision of land within the proposed development which would increase the allowable net density.

5.5.1.16. Mobile home stands shall be provided with a minimum of twelve (12) piers resting on a six (6) inch concrete pad slab. There shall be no storage of any material whatsoever underneath the perimeter of the mobile home. Approved anchoring must be provided to be attached to the concrete slab.

5.5.1.17. All individual mobile homes shall be equipped with aluminum slat skirts or other suitable type of enclosure and must be maintained in a suitable condition at all times. A mobile home owner after having established his mobile home in a mobile home park shall have thirty (30) days to conform with the requirement.

5.5.1.18. Enclosed tenant storage must be provided for material which is used only seasonally or infrequently, and which cannot be conveniently stored in a mobile home. The permittee may provide community storage or may provide storage by constructing individual storage buildings for mobile home sites. Such individual storage buildings must be uniformly constructed, must be approved by the Town Building Official as to construction, must be erected on a six (6) inch concrete slab with approved anchoring and the outside dimensions must be a minimum of six (6) feet by eight (8) feet or a maximum of eight (8) feet by twelve (12) feet along the sides and eight (8) feet in height. Such storage buildings shall be located in the rear corner of the unit space and shall be located not less than ten (10) feet from any side yard and shall be not less than five (5) feet from any rear lot line.

5.5.1.19. No permanent additions, such as lean-tos, enclosures, or rooms shall be added to any mobile home; provided, however that open porches with awnings and removable skirting may be installed; provided, however, that such additions do not infringe in front, side or back yard minimum dimensions in accordance with Section 5.0., Intensity of Use Regulations.

5.5.1.20. All residents of the park must be fifty-five (55) years of age or over. Community buildings must be constructed for the exclusive use by the residents and their guests before fifty-one (51) percent of the dwelling units are occupied. Parking spaces shall be provided in accordance with Section 6.4. with an adjacent area available should the need arise.

5.5.1.21. Before occupancy is allowed for any mobile home with on site sewage and/or a water well, a certified "as built" plot plan showing the exact placement of the mobile home porches and sheds on the lot (and all its related appurtenances) must be given to the Inspector of Buildings.

5.5.1.22. Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. All fuel oil supply systems shall be constructed and installed underground in each mobile home lot in accordance with all applicable codes and regulations.

5.5.1.23. A person to whom a special permit is issued shall operate the park in compliance with all regulations, and provide adequate supervision to maintain the park, its facilities, and equipment in good order and in clean and sanitary condition.

5.5.1.24. The sale of mobile homes shall be limited to mobile homes being placed within the park. No more mobile homes shall be allowed unless they are placed on a mobile home lot as if to be used as a residence.

5.5.1.25. No business of any kind is to be conducted in the park with the exception of coin-operated vending machines located within the confines of the community building.

5.5.1.26. All roads in the mobile home park shall be maintained by the permittee. They shall be kept passable and in good condition at all time. Snow and ice removal shall be done by the permittee at his expense.

## **6.0 GENERAL PROVISIONS AFFECTING ALL DISTRICTS**

### **6.1. Application**

**6.1.1. Non-conforming:** Any principle or accessory structure or use which does not conform to the requirements of this Bylaw but which was lawfully in existence or lawfully begun or for which a building permit or special permit has been issued before the first notice of the public hearing on this Bylaw or any amendment thereto shall be deemed to be a non-conforming use.

**6.1.2.** This Bylaw and any amendment thereto shall not apply to any non-conforming use but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

### **6.2. Non-Conforming Use of Building or Land**

#### **6.2.1. Restoration or Reconstruction**

**6.2.1.1.** Necessary repairs to and/or rebuilding of a structure for a non-conforming use after damage by fire, storm or similar disaster, are permitted provided they are accomplished without undue delay and do not substantially change the character or size of the building, nor the use to which it was put prior to such damage.

#### **6.2.2. Change, Extension or Alteration**

**6.2.2.1.** Non-conforming structures or uses may be extended or altered, provided that

a. No such extension or alteration shall be permitted unless authorized by special permit of the Board of Appeals which shall find that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

b. This section shall not apply to billboards, signs and other advertising devices subject to the provisions of Sections 29 through 33, inclusive, of Chapter 93, and to Chapter 93D of the Massachusetts General Laws.

**6.2.2.2.** Notwithstanding 6.2.2.1., non-conforming structures may be altered without a special permit providing that such alteration is within the existing building footprint and does not increase the floor area.

### **6.2.3. Abandonment**

**6.2.3.1.** If a non-conforming use or structure is discontinued for a period of two (2) years, it may not be resumed except by special permit of the Board of Appeals. Nonconforming uses discontinued for a period of two (2) or more years shall be deemed to be abandoned.

## **6.3. Accessory Buildings and Uses**

### **6.3.1. Use Regulation**

**6.3.1.1.** Accessory uses are permitted in the same manner as principal uses, subject to the same requirements; that is, a use which would be allowed as a principal use is also allowed as an accessory use, but not otherwise.

### **6.3.2. Dimensional Regulation**

**6.3.2.1.** No accessory building or structure shall be located within the required front yard area. No accessory building shall be located in any side yard area nearer to the side lot line than ten (10) feet, or in a rear yard nearer to the lot line than five (5) feet. In no case shall accessory buildings cover more than twenty-five (25) percent of the total rear yard area.

## **6.4. Off-Street Parking Requirements**

### **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 services. 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).

b. Retail business, commercial or personal service establishment: One (1) parking space for each two hundred (200) square feet of gross floor area.

c. Office, professional, business or public: One (1) parking space for each two hundred (200) 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 or 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.

#### 6.4.2. Location of Parking Areas

6.4.2.1. Except in Residential M, Mobile Home Parks, no off-street parking area shall be located within twenty (20) feet of a street line or within ten (10) feet of all other property lines.

6.4.2.2. No parking area shall be located or designed so as to allow backing onto or off a public way.

#### 6.4.3. Development and Maintenance of Parking Areas

6.4.3.1. For parking areas of six (6) cars or more the following shall apply:

a. Off-street parking areas shall be designed and constructed in accordance with The Regulations of the Planning Board Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas.

b. There shall not be more than one (1) entrance and one (1) exit from such lots per three hundred (300) feet of street frontage or fraction thereof. If necessary to meet this requirement, uses shall be arranged for shared egress and ingress.

6.4.3.2. Parking areas must be so located and parking so designed that egresses likely to be used for more than two hundred (200) trips per day, serving more than forty (40) dwelling units or eighty (80) employees or forty (40) restaurant seats or one (1) gas pump shall provide four hundred (400) feet visibility in both directions of a street.

### **6.5. Off-Street Loading Requirements**

#### 6.5.1. Required Off-Street Loading

6.5.1.1. Adequate off-street loading facilities and space must be provided to service all needs created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures.

#### 6.5.2. Development and Maintenance of Off-Street Loading Facilities

6.5.2.1. Facilities shall be so sized and arranged that no trucks need back onto or off of a public way, or be parked on a public way while loading, unloading, or waiting to do so.

6.5.2.2. Off-street loading areas shall be designed and constructed in accordance with The Regulations of the Planning Board Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas.

### **6.6. Signs**

#### 6.6.1. Purpose

6.6.1.1. It is the intention of these sign regulations to promote the public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community.

#### 6.6.2. General Requirements

6.6.2.1. All signs together with their supports, braces, guys, and anchors shall be kept in good repair and in safe condition. The owner of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises around it in a safe, sanitary, neat and clean condition.

6.6.2.2. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and shall be designed, located, erected and maintained only for the purposes of illuminating the subject sign and/or premises. The illumination of signs shall be permitted only between seven (7) o'clock in the morning and eleven (11) o'clock in the evening, except during such hours as such establishments are open to the public.

6.6.2.3. A sign pertaining to a use, an occupancy or an ownership, which sign does not conform to this Bylaw, shall be removed within sixty (60) days after it is changed.

6.6.2.4. Any change to the size, shape, type or other characteristics of a non-conforming sign shall be in conformance with this Bylaw.

#### 6.6.3. Signs Permitted In All Districts

6.6.3.1. The following signs are permitted in all districts provided they meet the General Requirements of Section 6.6.1., Purpose:

a. One (1) non-illuminated identification sign not to exceed three (3) square feet in area nor eight (8) feet in height, stating the name and address of the occupant.

b. One (1) temporary non-illuminated real estate sign pertaining to the lease, sale or use of a lot or building on which such sign is placed not exceeding a total area of six (6) square feet.

c. One (1) sign for identification of professional and home occupations, or of the occupant, not exceeding a total area of three (3) square feet.

d. A marker not to exceed two (2) square feet identifying a historic building.

e. Street numbers and any sign erected by a Town, State or Federal Government.

f. A sign erected by a public carrier for direct information concerning its service at the location.

g. Signs and displays associated with an approved stand for the retail sale of agricultural or farm produce not exceeding twelve (12) square feet in total area.

h. A sign erected by any fraternal, civic, religious or service organization or club, merely announcing its presence in the Town of Kingston and the time and place of its regular meeting, provided such sign shall not exceed three (3) feet in diameter nor nine (9) square feet in area.

i. Any flag, badge, insignia or device of any governmental agency or civic, charitable, religious, patriotic, political, fraternal or similar non-profit organization when displayed along a line of march of any parade, or in sockets along any street during a fund raising drive.

j. Temporary political signs displayed not more than twenty-one (21) days prior to an election and three (3) days after the election provided no sign shall exceed four (4) square feet in a Residence District, 3A Design District and Conservancy District, and twenty-four (24) square feet in other Districts.

k. A temporary construction sign is permitted in any district provided the sign is non-illuminated, does not exceed thirty-two (32) square feet in area, identifies an engineer, architect and/or contractor engaged in the development of land or construction or alteration of buildings and further provided such sign is set back at least ten (10) feet from any street line and is removed upon completion of construction.

#### 6.6.3.2. Signs Permitted In Residential, 3A Design District, and Conservancy Districts

a. The following signs are permitted in all Residential Districts, the 3A Design District and the Conservancy District.

1. One (1) non-illuminated or indirectly illuminated identification sign for each separate street line of an approved special permit use. Said sign shall be subject to the applicable side and rear yard requirements for principal buildings and shall be set back a minimum of fifty (50) percent of the applicable front yard requirements for principal buildings. The height of such sign shall not be greater than the distance it is located from any lot line, and the square foot area of such sign shall not be greater than one-half (0.5) the linear foot distance it is located from any lot line; however, in no case shall the sign exceed sixteen (16) square feet in area nor eight (8) feet in height.

2. Other signs shall be limited to directional signs necessary for public safety or convenience and shall be designated and approved as an integral part of the Site Plan for an allowable Special Permit use.

#### 6.6.4. Signs Permitted in Town Center District and Commercial District

6.6.4.1. The following signs are permitted in the Town Center District and Commercial District provided they meet general requirements of Section 6.6.1., Purpose:

a. One (1) sign advertising goods and services available on the premises, not exceeding one (1) square foot for every linear foot of store frontage and in no case exceeding a total area of thirty-six (36) square feet per lot.

b. One (1) sign for identification of the business, company or agency on a wall or parapet of a main building not exceeding thirty (30) square feet for each separate business in the Commercial District.

c. For the purpose of identifying the business or commercial development or shopping center, one (1) free-standing sign with a total of thirty-six (36) square feet of area for each street on which the business or manufacturing development or shopping center fronts.

d. For the purpose of advertising the sale or lease of the premises, said sign not to exceed thirty-two (32) square feet in signboard area.

e. A sign attached to a building shall not:

1. project more than one (1) foot from the building wall when the building bounds on a lot line.
2. project into or over the paved portion of a street or a right-of-way.
3. exceed the height of the building.

#### 6.6.5. Signs in the Industrial District

6.6.5.1. The following signs are permitted in the Industrial District provided they meet general requirements of Section 6.6.1., Purpose:

a. Two (2) signs pertaining to each establishment or occupancy in a building or office the total area of which shall not exceed two hundred (200) square feet, provided that:

1. One (1) of these signs may be free standing which does not exceed fifteen (15) percent of the area of the building face or sixty (60) square feet, whichever is smaller.
2. In the case of an open-air use containing no building, one (1) free standing sign not exceeding sixty (60) square feet shall be permitted for each one hundred (100) feet of lot frontage on the street on which the use has direct frontage.

#### 6.6.6. Prohibited Signs

6.6.6.1. The prohibitions contained in this Section shall apply to all signs, all artificial lighting and all districts, regardless of designation.

6.6.6.2. No permitted sign, including projecting signs, shall be located in any street right-of-way.

6.6.6.3. No sign or advertising device shall be erected, used or maintained which in any way simulates official directional or warning signs erected or maintained by Federal, State or Town Governments for the protection of the public health and safety.

6.6.6.4. No sign or advertising device shall be erected or maintained in such a manner as to obstruct or interfere with the free and clear vision on any street or driveway.

6.6.6.5. No sign or advertising device shall be erected or maintained with any lighting or control mechanism which may cause radio or television interference.

6.6.6.6. No illumination sign or lighting device shall be placed or directed on any property in a manner that would permit the light beams and illumination therefrom to be directed or beamed onto a right-of-way or walkway, or onto adjoining properties so as to cause glare or reflection that might constitute a traffic hazard or public nuisance.

6.6.6.7. No animated sign or advertising device shall be erected.

6.6.6.8. No flashing signs or advertising device which creates intermittent or varying light intensity shall be erected.

- 6.6.6.9. No sign shall extend more than twelve (12) inches beyond the building walls or parts thereof, except as otherwise provided in these sign regulations.
- 6.6.6.10. No roof signs shall be erected.
- 6.6.6.11. No building or part thereof, such as a gable, roof, or wall, shall be outlined by direct illumination for the purpose of commercial advertising.
- 6.6.6.12. No sign shall be attached to or be erected or maintained in such a manner as to obstruct any fire escape, window, door, or other building opening used for egress and ingress, ventilation or other fire fighting purpose.
- 6.6.6.13. No sign whose content does not relate exclusively to the premises on which they are located, or to products, accommodations, services or activities on those premises shall be allowed, except as otherwise provided in Section 6.6.4., Signs Permitted In Town Center District and Commercial District hereof.
- 6.6.6.14. No free-standing sign shall be erected to exceed a height of thirty (30) feet.
- 6.6.6.15. There shall be no temporary signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors on a building exterior or premises except those granted by right upon written application to the Inspector of Buildings which in no case shall exceed a period of sixty (60) days.

## **6.7. Performance Standards**

### **6.7.1. Administration and Interpretation**

- 6.7.1.1. All proposed uses of buildings, lots or premises within any District after the passage of this Bylaw shall conform to the standards contained in this Section:
- a. The applicant, at his own expense, shall furnish evidence sufficient to satisfy the Zoning Enforcement Officer that the proposed use of the building or premises will not produce any nuisances beyond the lot lines as measured by the performance standards listed below or as existing in comparable operations allowed in the District.
- b. Any nuisance produced in excess of the standards permitted below or any other nuisance found after review by the Zoning Enforcement Officer in the course of his or her normal enforcement procedure to be excessive shall be reduced to acceptable standards or discontinued.

### **6.7.2. Air Pollutants**

- 6.7.2.1. Except as is herein provided, all use and conditions of land, buildings and structures shall be in conformance with the Regulations 310 CMR 6.00 8.00 of the Department of Environmental Protection, Commonwealth of Massachusetts, Dec. 31, 1981 and amendments thereto.

### **6.7.3. Noise**

- 6.7.3.1. No noise shall be in excess of sixty (60) decibels at any lot line opposite or abutting a Residence 40, Residence 20, or Residence M nor in excess of ninety (90) decibels at any other line.

- 6.7.3.2. In a Residence 40, Residence 20, or Residence M District, noise shall not exceed sixty (60) decibels between the hours of 8:00 P.M. and 7:00 A.M. At all other times, noise shall not exceed sixty (60) decibels for more than twenty (20) minutes in each hour.

- 6.7.3.3. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or high frequency.

### **6.7.4. Odor**

- 6.7.4.1. Emissions as measured at the user's property line shall not exceed the established threshold limit values for odors as outlined in T.M. Hellman and F.H. Small, Journal Air Pollution Control Association, 24(10), 979-982, (1974); and amendments thereto added by the Manufacturing Chemists Association, Inc., Washington, D.C.

### **6.7.5. Heat, Glare and Vibration**

- 6.7.5.1. No heat, glare or vibration shall be discernible without instruments from the outside of any structure.

- 6.7.5.2. Wind energy conversion systems, machinery and equipment shall comply with the following provisions:

a. The system shall not cause interference with radio and/or television broadcasting or reception and shall comply with the provisions of 47 CFR Part 15 (Federal Communications Commission) as it exists, or as it may be amended.

b. The base of a windmill shall be set back from all property lines and principal buildings at least the setback distance shown on the "Wind turbine Setback Graph" North East Solar Energy Center Report, March 1979.

### **6.7.6. Waste Disposal, Water Supply and Water Quality**

- 6.7.6.1. Regulations of the Department of Public Health, Commonwealth of Massachusetts, shall be met and when required by The Zoning Enforcement Officer, approval shall be indicated on the application for a Building Permit.

a. In no case shall discharge cause the waters of the receiving body to exceed the limits assigned by the Commonwealth of Massachusetts, Water Resources Commission, Division of Water Pollution Control, as published and entitled "Water Quality Standards", filed with the Secretary of State on September 21, 1978, and amendments thereto, for streams and water bodies within the Town.

b. Materials used on the exterior or cleanup of structures or vehicles or of any equipment shall be disposed of in accordance with the regulations of the Board of Health.

### **6.7.7. Storage**

- 6.7.7.1. All materials, supplies and equipment shall be stored in accordance with the Fire Prevention Standards of the National Fire Protection Association and shall be screened from view from public ways or abutting properties.

#### 6.7.8. Exterior Lighting

6.7.8.1. No exterior lighting, other than street lighting approved by the Department of Public Works, shall shine on adjacent properties or toward any street.

6.7.8.2. Exterior illumination of buildings or grounds in a Residence 40A, Residence 20B, and Residence M District, except as may be permitted for required parking areas, shall:

- a. Be permitted only for non-commercial uses open to the public, such as a church or playground; and
- b. Be shown on a site plan approved by the Zoning Enforcement Officer.

6.7.8.3. Any lighting shall be continuous and non-flashing.

#### 6.7.9. Building Construction

6.7.9.1. All buildings shall be of construction prescribed in the State Building Code.

6.7.9.2. No building permit shall be granted unless the application for such permit is filed in accordance with the State Building Code.

#### 6.7.10. Hazardous and Toxic Materials

6.7.10.1 No use shall be allowed which would create clear or unlawful hazard through emission of dangerous elements into the air, any water body, or the ground; through vehicular egress at points of constricted visibility; through use of storage of toxic, hazardous, inflammable, radioactive, or explosive materials without evidence of compliance with all applicable regulations; or through lack of security measures to prevent exposure to potentially hazardous structural or site conditions.

6.7.10.2. All hazardous materials used, created, stored, processed, disposed of by processing, diluting, burying or containment, leaching or any other manner, or transported (including piping) in the Town shall be used, stored or transported in accordance with all applicable Federal, State and Local regulations.

6.7.10.3. A notice for use, creation, storage, processing, disposal and transport shall be filed with the Board of Selectmen, the Fire Department, the Board of Health, and the Water Board on such forms as they shall require.

a. Notification shall include, at a minimum, identification of material, the amount involved, the process, if any, the routes of transport, carrier and conveyance, if any.

b. The Board of Selectmen may require a bond be posted to cover any and all possible damage to person, property and environment.

#### 6.7.11. Erosion Control

6.7.11.1. Whenever the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of water to or from abutting properties, and shall be suitably landscaped.

6.7.11.2. No use shall be allowed if it will leave the earth exposed for greater than fourteen (14) days, unless erosion control measures as defined in Guidelines for Soil & Water Conservation in Urbanizing Area of Mass., 1977, United States Department of Agriculture, Soil Conservation Service, are employed.

6.7.11.3. No use shall be allowed which will damage or harm adjoining properties, waterways, or public utilities through uncontrolled erosion and sedimentation.

#### 6.7.12. Dish Antennae and Radio Antenna Towers

6.7.12.1. Accessory dish antennae shall be located in the rear yard, shall be set back at least ten (10) feet from all property lines, principal buildings and accessory buildings, and shall not have a diameter greater than one-third (1/3) of the required rear yard.

#### 6.7.13. Electrical Interference

6.7.13.1. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

#### 6.7.14. Fencing, Screening and Landscaping

6.7.14.1. Boundary fences, walls, or hedges shall be permitted provided that they do not exceed six (6) feet in height, and provided that no fence which obstructs vision shall exceed thirty-six (36) inches in height within twenty (20) feet of the street line or within twelve (12) horizontal feet of a habitable room in an abutting dwelling.

6.7.14.2. Open storage, loading, or service areas, mobile home parks and parking lots for six (6) or more cars shall be screened from any adjacent residence or public way by a wall, fence, or densely planted trees or shrubs at least three (3) feet in height, or be equivalently obscured by natural vegetation.

6.7.14.3. Except as required for municipal waste pick-up and removal, junk, trash, or debris shall be stored so as not to be visible from adjacent properties or any street.

6.7.14.4. No more than fifty (50) percent of required front yard shall be covered by impervious surfaces and except for walkways, driveway and walls impervious surfaces shall not be within ten (10) feet of the right-of-way line.

#### 6.8. Swimming Pools

##### 6.8.1. General Requirements

6.8.1.1. Pools used for swimming or bathing shall be in conformance with all applicable and pertinent State and local codes, rules and regulations.

6.8.1.2. Private swimming pools shall not be allowed on any front yard area and shall not be located less than twelve (12) feet from the side and rear property lines.

6.8.1.3. Swimming pools must be constructed to conform to the State Building Code and any local or State regulations.

6.8.1.4. Plans shall be filed with the Inspector of Buildings and shall be accurately prepared by a registered professional engineer or registered land surveyor and shall indicate dimensions of the pool with respect to the lot, septic system and structures located on the lot.

6.8.1.5. Every person owning land on which there is situated a swimming pool shall erect and maintain an adequate fence or wall either surrounding the property or pool area, said fence to be at least four (4) feet from the pool edge. The swimming pool shall be completely enclosed at all times, whether or not it is filled with water.

a. The fence or wall shall not be less than five (5) feet in height including gates or doors and shall not have openings greater than four (4) inches in any direction.

b. All gates or doors opening to such enclosure shall be equipped with a self-closing and latching device located not less than four (4) feet above the ground or otherwise inaccessible from the outside by small children. The gate or door is also to be provided with a suitable lock.

c. Above ground pools with a depth of four (4) feet only at any point having a two (2) foot suitable enclosure on top with a locking retractable ladder may be approved by the Inspector of Buildings for the purpose of conforming to this Section 6.8.

6.8.1.6. If an in-ground pool is to be constructed, the contractor or owner shall state where the excess fill is to be used or the location of its disposal shall be indicated. If the excess fill is to be removed from the property, permission must be first granted by the Board of Selectmen, in accordance with all applicable local bylaws and regulations.

6.8.1.7. No pool is to be filled without first notifying the Water Department twenty-four (24) hours in advance and only then with the approval of the Water Commissioners or Superintendent shall such swimming pool be filled. The swimming pool may be subject to filling under the supervision of the Water Commissioners or Superintendents.

6.8.1.8. The treatment and cleaning of swimming pools are subject to the Massachusetts State Sanitary Code and the rules and regulations of the Kingston Board of Health.

6.8.1.9. The swimming pool and equipment shall be equipped to be completely emptied of water and the discharged water shall be disposed of in a manner approved by the Board of Health that will not create a nuisance to abutting property.

## 6.9. Conservation Restrictions

6.9.1. Streams or watercourses shall be located within easements conforming substantially with the lines of their courses whose width shall not be less than twenty (20) feet and whose boundaries shall not be closer than five (5)

feet horizontally from the mean high water line, parallel streets or pedestrian ways. Appropriate access may be required in connection therewith. Streams or watercourses shall remain open, except at street crossings. The Board of Appeals may require that other areas be included within a conservation restriction.

6.9.2. Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots, and similar community assets, which, if preserved will add attractiveness and value to lots.

## 7.0. ADMINISTRATION

### 7.1. Permits

#### 7.1.1. Zoning Permit

7.1.1.1. Any person seeking a building permit shall first receive from the Zoning Enforcement Officer a Zoning Permit indicating compliance with the provisions of this Bylaw. The Inspector of Buildings shall not issue a building permit until a Zoning Permit has been issued by the Zoning Enforcement Officer.

#### 7.1.2. Procedure

7.1.2.1. Application for a Zoning Permit shall be made to the Zoning Enforcement Officer on forms available from the Zoning Enforcement Officer. The application shall be accompanied by information sufficient to determine compliance with the provisions of this Bylaw. At a minimum, said information shall include:

a. A site plan for those uses listed in Section 7.3.1.1. Said site plan shall be drawn in conformance with the provisions of Section 7.3., Site Plan.

b. Where the proposed use requires site plan or special permit approval, evidence of such approval, including conditions of approval.

7.1.2.2. The Zoning Enforcement Officer shall review the application and support material for compliance with the provisions of this Bylaw and shall, within fourteen (14) days of submittal of the application, issue a Zoning Permit if the proposed use is in compliance with the provisions of this Bylaw. If said use is inconsistent with the provisions of this Bylaw, the Zoning Enforcement Officer shall notify the applicant in writing of the provisions with which the use is not in compliance.

#### 7.1.3. Building Permit

7.1.3.1. It shall be unlawful for any person to erect, construct, reconstruct, alter a structure or establish a different use for an existing structure or lot without applying for and receiving from the Inspector of Buildings a permit.

7.1.3.2. Such permit shall be applied for in writing to the Inspector of Buildings. The application will be on a form available from the Inspector of Buildings and shall be accompanied by a plot plan.

7.1.3.3. No permit shall be issued unless the plans therefor and the intended use thereof fulfill in all respects the provisions of this Bylaw, except as may



have been specifically permitted otherwise by action of the Board of Appeals and provided that a written copy of the terms governing such permission are submitted and attached to an application for and the resulting permit issued.

#### 7.1.4. Occupancy Permit

7.1.4.1. No premises, building, structure or land shall be occupied, used or changed in use without an occupancy permit signed by the Inspector of Buildings, which permit shall not be issued until the buildings, structure, or premises and its uses comply in all respects with this Bylaw.

7.1.4.2. A temporary occupancy permit may be issued in appropriate cases.

#### 7.2. Enforcement

##### 7.2.1. Zoning Enforcement Officer

7.2.1.1. This Bylaw shall be administered by the Zoning Enforcement Officer, who shall be the Inspector of Buildings.

##### 7.2.2. Violations

7.2.2.1. If a violation shall be determined by the Zoning Enforcement Officer after an investigation of the facts and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this Bylaw shall cease immediately. A copy of such notice shall also be delivered to the Board of Selectmen by the Zoning Enforcement Officer.

7.2.2.2. If after such notice the premises continues to be used or remains in a condition contrary to the conditions of this Bylaw, the Board of Selectmen shall institute appropriate legal proceedings to enforce the provisions of this Bylaw.

7.2.2.3. Each day, or portion of a day, that any violation is continued after an order to cease and desist, shall constitute a separate offense.

7.2.2.4. If the Zoning Enforcement Officer is requested in writing to enforce the provisions of this Bylaw against any person allegedly in violation of this Bylaw and the Zoning Enforcement Officer declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen (14) days of receipt of such request.

##### 7.2.3. Penalties

7.2.3.1. In addition to the procedures for enforcement, as described above, the provisions of this Zoning Bylaw may also be enforced by the Selectmen or appointed representative of the Selectmen by noncriminal complaint pursuant to the provisions of Massachusetts General Law Chapter 40, Section 21D.

7.2.3.2. Penalties for violations of any provision of this Bylaw may, upon conviction, be affixed in the maximum amount allowed by law for each offense.

#### 7.3. Site Plan

##### 7.3.1. Site Plan Required

7.3.1.1. A site plan approved in accordance with this Section is required before the issuance of a building permit for:

- a. All uses for which a special permit or variance is required.
- b. All uses or change in use requiring off-street parking or loading, except one (1) and two (2) family dwellings and farming, and/or for a change of use which does not require new or additional off-street parking spaces.
- c. All sites containing more than one (1) principal use.

##### 7.3.2. Submission Procedure

7.3.2.1. Fifteen (15) copies of the site plan shall be submitted to the Town Clerk together with a Project Notification Form supplied by the Zoning Enforcement Officer and an application on a form supplied by the Zoning Enforcement Officer. Said submission shall be filed during normal business hours and immediately shall be forwarded to the Zoning Enforcement Officer.

- a. All uses of four thousand (4,000) square feet or less of gross floor area or ten (10) parking spaces or less shall be reviewed and acted on by the Zoning Enforcement Officer unless a special permit or variance is requested.
- b. All other uses shall be reviewed by the Zoning Enforcement Officer and, if the submission is completed, forwarded to the Planning Board.

7.3.2.2. For all uses for which site plan submittal to the Zoning Enforcement Officer is required, the application for site plan review and the site plan may be submitted at the same time as the application for a building permit. For all uses for which site plan submittal to the Planning Board is required, the application for site plan review and the site plan shall be submitted at least twenty-one (21) days prior to the application for a building permit.

7.3.2.3. Within five (5) days of receiving a site plan which complies with all submission requirements, the Zoning Enforcement Officer shall submit five (5) copies of the site plan to the Planning Board and one (1) copy of the site plan to each of the following:

- Board of Selectmen, Conservation Commission, Board of Health, Board of Appeals, Fire Department, Police Department, Water Department, the Highway Superintendent, and the Tree Warden, each of whom shall return comments within thirty (30) days to the Zoning Enforcement Officer or Planning Board, whichever is appropriate.

Failure to return comments within the specified time period shall mean that the reviewing Board or Official does not take issue with the site plan.

7.3.2.4. The Special Permit Granting Authority, or the Board of Appeals in the case of variances, shall not conduct a public hearing for a special permit or variance until the appropriate reviewing office or board has reviewed the site plan and submitted a report to the Special Permit Granting Authority or Board of Appeals or until forty-five (45) days from the filing of the site plan have elapsed.



**7.3.2.5. Approval of a site plan shall be by:**

- a. The Zoning Enforcement Officer for uses covered by paragraph 7.3.2.1.a. above
- b. The Planning Board for all other uses.

**7.3.2.6.** If the site plan complies with this Bylaw, it may be approved or approved with conditions, if needed, to assure compliance. If it does not comply with the purposes and specifications of this Bylaw, it may be disapproved. If disapproved, the plan can be revised and resubmitted without prejudice. Within forty-five (45) days from the date of submission of the plan, the Planning Board shall, in the case of a special permit or a variance, transmit to the Special Permit Granting Authority or Board of Appeals a report accompanying such materials, maps or plans as will aid the Special Permit Granting Authority or Board of Appeals in judging the application for special permit or variance, and, in all other cases, notify the applicant of the action taken. Failure to act within forty-five (45) days shall constitute approval of the site plan as submitted.

**7.3.2.7.** If a use shown on an approved site plan is to be changed or expanded, a revised site plan shall be submitted for approval in the same manner as the original submittal.

**7.3.2.8.** No building permit shall be issued for any building or structure for which site plan approval is required unless approval thereof shall have been obtained in compliance with this Section.

**7.3.3. Contents and Format**

**7.3.3.1.** Said site plan shall be prepared and certified by a professional architect, registered professional land surveyor, landscape architect or registered professional engineer as required by the General Laws, Chapter 112, and shall show each of the following for the entire site, whether or not development is to be phased, unless an item or items are waived in writing by the Zoning Enforcement Officer or Planning Board, as appropriate.

**7.3.3.2.** For all site plans:

- a. Location map at six hundred (600) feet per inch or such other scale as is appropriate.
- b. The name(s) and address(es) of the owner(s) of property shown and the name(s) and address(es) of the applicant, designer, engineer and surveyor.
- c. Names of all abutters as determined from the most recent local tax list.
- d. Date, north point, and scale (preferably forty (40) feet to the inch).
- e. Perimeter survey of lot, indicating locations of all easements, rights-of-way, property boundaries, dimensions, lot area and zoning district boundaries, existing and proposed.
- f. Topographic plan indicating existing and proposed contours at intervals not greater than two (2) feet. Sufficient information to clearly indicate areas in the site and within fifty (50) feet of the site where gravel or loam

removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark (NGVD).

g. The location and boundaries of all wetlands as defined by the General Laws, Chapter 131 and the one hundred (100) year flood line as defined by Federal Emergency Management Act (FEMA) maps on file with the Town Clerk.

h. All other data required to make a determination of compliance with off-street parking and loading requirements.

i. Photographs and/or slides in sufficient quality and detail to indicate the environmental features of the site, including, but not limited to topography, views of the water, if any, adjacent or nearby open space and adjacent structures and/or uses of land.

j. Schematic design plans which accurately locate all existing and proposed buildings and structures, parking areas, driveways, driveway openings, service areas, common areas, usable open space, landscaped areas and the proposed treatment thereof (including fences, walls, planting areas and walks), lighting, signs, all facilities for storm drainage, sewage disposal, refuse, other waste disposal, and other utility systems (including fire alarms and hydrants), and which define all materials, finishes, structural and mechanical systems and gross floor areas (including the proposed uses thereof).

k. Elevations and perspective drawings which thoroughly illustrate and define the features of the entire project.

l. Business signs, traffic signs and street, security or parking lot lights located on site and within one hundred and fifty (150) feet of the site, and the size, dimension, height, color, and illumination (type and candlepower) of all signs or lights.

m. Traffic flow patterns within the site, egress and entrances, loading and unloading areas, curb cuts on site and within one hundred and fifty (150) feet of the site, surface construction, estimated daily hour and peak traffic levels on site and all abutting public and private ways.

n. A plan for control or erosion, dust and silt, both during and after construction. Such plan shall include all existing and proposed slopes, construction sequencing, temporary and permanent erosion control, special construction and swale and stream scour protection.

o. One (1) or more tables indicating, by zoning classifications, the required and proposed setback, side yard and rear yard distances, the intended use of the site and all buildings, the number of people anticipated on site, existing and proposed gross floor area and number of units and parking areas, with their locations.

**7.3.4. Guidelines**

**7.3.4.1.** In considering any site plan submittal the following concerns shall be reviewed:

- a. The protection of visual corridors.
- b. The use of landscaping to establish buffers between incompatible land uses.
- c. The provision of open spaces and pedestrian amenities available to the public.
- d. The arrangement of access points, service roads, driveways, parking areas, loading areas, lighting, and pedestrian walkways in a manner which facilitates interior circulation, minimizes conflict between vehicles and pedestrians and provides for coordination with adjacent streets, properties and improvements.
- e. Ease of access, travel and on site movement for fire and police equipment and other emergency services for public safety.
- f. Provision for underground placement of utilities.
- g. Adequacy of the methods of disposal for sewage, refuse and other wastes.
- h. Provision for surface run-off and the protection of the site and adjacent properties from erosion as a result thereof.
- i. The siting of buildings, structures, and open spaces to permit maximum use of passive solar energy and to permit maximum protection of pedestrian areas from adverse impacts of winds, vapors or other emissions, shadows and/or noise.
- j. Historical considerations and compatibility with abutting properties and the area in which it is located.
- k. Provision for maintenance of common areas.
- l. Measures proposed to mitigate impacts of development.

#### **7.4. Water Quality Review Committee**

##### **7.4.1. Establishment**

- 7.4.1.1. There shall be a Water Quality Review Committee, which is comprised of the members of the Board of Water Commissioners or their designees.

##### **7.4.2. Powers**

- 7.4.2.1. The Water Quality Review Committee shall have the following powers:
  - a. Certificate of Water Quality Compliance. The Committee may grant a Certificate of Water Quality Compliance in accordance with the provisions of Section 4.13., Water Resource Overlay District.
  - b. Review of Compliance. The Committee shall have the power to review compliance with Section 4.13., Water Resource Overlay District, of this Bylaw and with the Certificate of Water Quality Compliance.
  - c. Rules, Regulations, Fees and payment. The Water Quality Review Committee shall be authorized to establish rules and regulations concerning the orderly administration and enforcement of the Water resources overlay

section, including application requirements and a schedule of fees, costs, and fines as may be reasonably required to process applications and investigate, document or abate violations.

#### **7.5. Board of Appeals**

##### **7.5.1. Establishment**

- 7.5.1.1. There shall be a Board of Appeals of five (5) members and two (2) associate members.
- 7.5.1.2. Members of the Board in office at the effective date of this Bylaw shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the requirements of Chapter 40A, M.G.L., Section 12.

##### **7.5.2. Powers**

- 7.5.2.1. The Board of Appeals shall have the following powers:

- a. To hear and decide upon appeal by any officer or Board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings, Zoning Enforcement Officer, Planning Board or Selectmen, in violation of any provision of Chapter 40A of M.G.L., as amended, or any provisions of this Bylaw.
  - 1. An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative official under the provisions of Chapter 40A of M.G.L., as amended, or by this Bylaw, or by any person including an officer or Board of the Town aggrieved by an order or decision and shall be taken within thirty (30) days from the date of the receipt of written notice of such order or decision and not otherwise.
- b. The Board may grant a special permit when authorized by this Bylaw in accordance with the provisions of Section 7.5., Board of Appeals.
- c. The Board shall have the power to hear and decide petitions of variances in accordance with Section 10 of Chapter 40A of the General Laws, as amended from the terms of this Bylaw, after public hearing for which notice has been given in accordance with Chapter 40A, provided that:
  - 1. No variance may authorize a use or activity not otherwise permitted in the District in which the land or structure is located.
  - 2. The Board shall require evidence be heard and specifically find that owing to circumstances relating to soil conditions, shape, or topography of such land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located, that a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially deviating from the intent of this Bylaw.

3. The Board may impose conditions, safeguards, and limitation of time and for use, including the continued existence of any particular structures but excluding any particular condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant petitioner or any owner. If rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be reinstated only after notice and a new public hearing.

#### 7.5.3. Board of Appeals Procedure

7.5.3.1. The Board shall adopt rules to govern its proceedings pursuant to chapter 40A and 40B. Such rules shall be made available to the public and a copy shall be filed with the Town Clerk.

7.5.3.2. Within sixty-five (65) days of receipt of appeal of petition, or a request for a special permit, the Board of Appeals shall hold a hearing giving notice thereof in accordance with Chapter 40A, M.G.L.

7.5.3.3. The Board of Appeals shall make a decision on the appeal or petition within one hundred (100) days of filing, unless extended by written agreement between the Board of Appeals and the applicant, and on the request for a Special Permit within ninety (90) days of the public hearing, unless extended by written agreement between the Board of Appeals and the applicant.

a. The decision of the Board of Appeals shall be filed with the Town Clerk along with a copy of all plans finally approved. The decision shall recite the evidence heard, specific findings made on the evidence heard, the Board's vote on each of the findings required by M.G.L., Chapter 40A, and shall recite the overall decision of the Board and the vote.

b. The Board shall not grant greater relief, use or rights than that requested in the application for appeal, petition or request for special permit.

c. A copy of the decision of the Board shall also be sent to the Selectmen, Inspector of Buildings, the Planning Board, Zoning Enforcement Officer and to the applicant.

7.5.3.4. No appeal or petition from the terms of this Bylaw with respect to a building or lot of land and no application for a special exception to the terms of this Bylaw which has been acted upon unfavorably to the applicant by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the date of such unfavorable action except with the consent of all but one member of the Planning Board.

#### 7.6. Special Permit Granting Authority

7.6.1. The Special Permit Granting Authority will issue permits in accordance with the procedure and provisions of the Rules and Regulations of the Special Permit Granting Authority adopted in accordance with Section 9 of Chapter 40A and of Section 7.7., Special Permit, of this Bylaw.

7.6.2. Unless otherwise specified in this Bylaw, the Special Permit Granting Authority is the Board of Appeals.

#### 7.7. Special Permit

##### 7.7.1. Procedure

7.7.1.1. A special permit shall be required for all uses which are designated in this Bylaw as requiring a Special Permit before the Inspector of Buildings may issue a building or occupancy permit or before the Zoning Enforcement Officer may issue a Zoning Permit.

7.7.1.2. Each application for a special permit shall be on forms supplied by the Zoning Enforcement Officer and shall be filed with the Town Clerk and in quadruplicate with the appropriate Special Permit Granting Authority who shall transmit copies thereof to the Zoning Enforcement Officer and to the Planning Board, if it is not the Special Permit Granting Authority.

The copies filed with the Special Permit Granting Authority shall include the date and time of filing certified by the Town Clerk.

The Planning Board or the Zoning Enforcement Officer, as appropriate, shall hold a public hearing within sixty-five (65) days from the date of filing of such application and at any time up to fourteen (14) days after the date of the public hearing, transmit to the appropriate Special Permit Granting Authority, a report accompanied by such materials, maps or plans as will aid the Special Permit Granting Authority in judging the application and in determining special conditions and safeguards.

7.7.1.3. Each application for a Special Permit shall be subject to the provisions of Section 7.3., Site Plan.

7.7.1.4. The Special Permit Granting Authority shall, at the expense of the applicant, give public notice of the hearing in the manner provided in Chapter 40A, Sections 9 and 11 of the General Laws.

a. The decision of the Special Permit Granting Authority must be made within ninety (90) days following the date of public hearing, and failure of the said Board to take final action within said ninety (90) days shall be deemed to be a grant of the special permit.

7.7.1.5. Any approval which has been granted by the Special Permit Granting Authority under the provisions of paragraph 7.6., Special Permit Granting Authority, shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

7.7.1.6. The Special Permit Granting Authority shall not render any decision on an application for a special permit before any one of the following has taken place:

a. The public hearing has been held without notification from the Planning Board to the Board of Appeals that the Planning Board will submit a report.

- b. Said report has been received within fourteen (14) days of the date of the public hearing.
- c. Fourteen (14) days have expired since the public hearing without receipt of said report.

#### 7.7.2. Considerations for Approval of Special Permit

7.7.2.1. The Special Permit Granting Authority shall not approve any such application for a special permit unless it finds that, in its judgement, use of the site is in harmony with the general purposes and intent of this Bylaw and subject to and consistent with the conditions, safeguards and limitations herein set forth and subject to all the following conditions:

- a. The specific site is an appropriate location for such a use, structure or condition.
- b. The use as developed and operated will not adversely affect the neighborhood.
- c. There will be no nuisance or hazard to vehicles or pedestrians or volume greater than the capacity of the streets affected.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. Access to the site over streets is appropriate for the type of vehicle involved.

#### 7.7.3. Conditions of Special Permit

7.7.3.1. In approving a special permit, the Special Permit Granting Authority may attach such conditions, limitations and safeguards as are deemed necessary to protect the district and the Town. No special permit shall take effect until such notice is recorded in the Registry of Deeds. Said conditions and safeguards shall also be made a part of the building permit. They may include but are not limited to the following:

- a. Requirement of street, side or rear yards greater than the minimum required.
- b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the special permit granting authority.
- c. Modification of the exterior features or appearances of the structure.
- d. Limitation of size, number of occupants, method or time of operation, or extent of facilities.
- e. Regulation of number, design and location of access drives or other traffic features.
- f. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable Bylaws.
- g. The filing of an annual certification of compliance with the conditions of approval by the applicant.

h. The applicant shall be responsible for the cost of compliance and for monitoring of compliance.

i. Mitigation off-site of development impacts.

#### 7.7.4. Construction Under Special Permit

7.7.4.1. Construction or operations under a building or special permit shall conform to any subsequent amendment of the Bylaw unless the use of construction is commenced within period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

#### 7.8. Fees

7.8.1. Establishment of fee schedule: The Board of Selectmen shall establish a schedule of fees and expenses for building permits, appeals, applications and other matters pertaining to this Bylaw. The schedule of fees shall be posted in the office of the Inspector of Buildings and may be altered or amended only by the Board of Selectmen.

7.8.2. A development fee shall be paid for all uses requiring a Special Permit in accordance with a schedule adopted by the Board of Selectmen.

7.8.3. Failure to pay all applicable fees, charges and expenses in full will be considered grounds for denial of any application or appeal.

#### 8.0. APPLICABILITY

##### 8.1. Other Laws

8.1.1. When this bylaw imposes greater restriction of the use of buildings, structures, or premises, or on height of buildings or requires larger yards or open spaces than are imposed or required by any regulations or permits, or by any restrictions, easements, covenants, or agreements, then the provisions of this bylaw shall control except only in the case of a variance granted by the Board of Appeals.

##### 8.2. Validity

8.2.1. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

##### 8.3. Amendment

8.3.1. This Bylaw may from time to time be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws.

Each member of the Zoning Study Committee then made a brief presentation.

Mrs. Farrell then proposed additional corrections to the proposed zoning bylaw as follows:

In Section 4.9.3.4. on page 39 of the draft, "4.9.2." was changed to "4.9.2.1."

In Section 4.10.3.7. on page 41 of the draft, "4.10.2.4." was changed to "4.10.2.2."

In Section e. on page 48 of the draft, "4.13.6.1.a.1." was changed to "4.13.6.1.a."

There were no objections to these changes by the Town Meeting Body.

Helen K. Gavin moved to amend Section 4.2.2.1. to include the following:

"commuter rail station, not including marshalling yards or repair facilities."

**PLANNING BOARD RECOMMENDED  
FAVORABLE ACTION ON THE PROPOSED BYLAW.**

**FINANCE COMMITTEE RECOMMENDED  
FAVORABLE ACTION ON THE PROPOSED BYLAW.**

**BOARD OF SELECTMEN RECOMMENDED  
FAVORABLE ACTION ON THE PROPOSED BYLAW.**

James S. Matatall moved to amend to include in the 3A Design District Crescent Street and Smith's Lane.

The Moderator ruled out of order any attempt to re-zone differently any parcel of land other than on the proposed map.

A vote was taken on the amendment of Mrs. Gavin.

**THE AMENDMENT WAS CARRIED.**

Seven rose to question the Moderator's call of the voice vote.

**YES — 110; NO — 87**

**THE AMENDMENT WAS CARRIED.**

Jeffrey A. Batchelor moved to amend the section entitled "Intensity of Use Regulations" (page 52) by deleting Section 5.1.4. in its entirety.

**THE AMENDMENT WAS NOT CARRIED.**

Daniel H. Sangster moved to amend the main motion as follows:

In Section 4.9.2.1.(a) by deleting the words "Manufacturing, processing, or"; and in Section 4.9.3.4. inserting the words "Manufacturing and processing" before the phrase "Any use"; and change the phrase "Any use" to "and any other use".

And, in Section 4.10.2.2.(a) by deleting the words "Manufacturing, processing, or"; and in Section 4.10.3.7. inserting the words "Manufacturing and

processing" before the phrase "Any Use"; and change the phrase "Any use covered in Section 4.10.2.4." to "and any other use covered in Section 4.10.2.2."

**THE AMENDMENT WAS NOT CARRIED.**

Arlene Hatch moved to amend by deleting Section 4.3.3.2. (page 25) and by adding to the end of 4.3.2.1. (page 23), the language under Section 4.3.3.2.

**THE AMENDMENT WAS CARRIED.**

Jose E. Carvalho, Jr., moved to amend by deleting Section 6.2.2.2. (page 68) in its entirety.

**THE AMENDMENT WAS NOT CARRIED.**

The Moderator then called for a vote on the motion of Mrs. Farrell, as amended, and including correction of scrivener's errors. He advised that at the beginning of the meeting there were in excess of 212 voters present. Mr. Winokur also advised that this article would require a two-thirds vote.

On the motion of Susan M. Farrell, as amended, VOTED that the Town amend the Town Kingston Zoning By-Law and the current zoning map by repealing Section I through VI of the Kingston Zoning By-Law and the current zoning map, and by adopting the proposed zoning bylaw shown on a document entitled Proposed Zoning Bylaws October 1992 draft including the table of contents and text beginning on page 7 of the draft and the proposed zoning map dated October 1992, as filed with the Town Clerk on October 20, 1992.

Said zoning bylaw to read as follows:

## 1.0. PURPOSE, AUTHORITY AND APPLICATION

### 1.1. Purpose

1.1.1. The purpose of this Bylaw is to achieve the objectives of the Zoning Act, Chapter 40A, as amended, as presented in Section 2A of Chapter 808 of the Acts of 1975, which include but are not limited to the following:

- To lessen congestion in the streets.
- To conserve health.
- To secure safety from fire, flood, panic and other dangers.
- To provide adequate light and air.
- To prevent overcrowding of land; to avoid undue concentration of population.
- To encourage housing for persons of all income levels.
- To facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space and building, including the conservation of natural resources and the prevention of blight and pollution of the environments.
- To encourage the most appropriate use of land throughout the Town, including consideration of recommendations of plans adopted by the Planning Board and the comprehensive plan of the regional planning agency.
- To preserve and increase amenities.

1.1.2. Additional purposes include but are not limited to the following:

- To protect aquifers and wetlands.

### 1.2. Authority.

1.2.1. This Bylaw is adopted under the authority provided by, and in accordance with, the provisions of Chapter 40A of the General Laws, as amended. Article 89 of the amendments to the Massachusetts Constitution and every other power thereto enabling.

## 2.0. DEFINITIONS

### 2.1. Terms and Words

2.1.1. For the purposes of this Bylaw certain terms and words are defined as follows unless a contrary definition is required by the context or is specifically prescribed:

2.1.1.1. Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not discretionary; the word "land" includes the words "marsh" and "water"; and the use of the masculine gender shall be deemed to include the feminine.

2.1.1.2. Accessory Use: A use customarily incidental to that of the main building or the use of the land; the exterior storage of junk, dismantled or

abandoned cars, or any other storage detrimental to the health, safety or general welfare of neighbors or abutters are not accessory uses.

2.1.1.3. Amenities: Features which add to the attractiveness or pleasantness of a building or site.

2.1.1.4. Arts and Crafts Studio: A room or group of rooms used by artists and craftspeople in the creation of their work, including, but not limited to, painting, photography, sculpture, ceramics and other related arts and crafts.

2.1.1.5. Bed and Breakfast: The provision of a room overnight and of breakfast for a fee in a dwelling by the resident thereof to not more than six (6) transient guests.

2.1.1.6. Board House: A building or premises, other than a hotel, inn, motel, tourist house or lodging house, where rooms are let and where meals may be regularly served by pre-arrangement for compensation, but not open to transient guests, in contrast to hotels, restaurants, and tourist homes open to transient.

2.1.1.7. Buffer Zone: An open or landscaped strip of land established to separate and protect one type of land use from another. Buffer zones do not include parking or storage areas. See also 2.1.1.30. Landscaped Area and 2.1.1.42. Open Space.

2.1.1.8. Building: A structure having a roof or cover for the shelter, housing or enclosure of persons, animals, or property.

2.1.1.9. Building, Community: A building for the use of residents of a mobile home park containing, but not limited to, a television room, card room, sewing room, library, pool tables, kitchen, laundry solely for the use of residents, emergency toilet, lavatory, and bathing facilities for men and women.

2.1.1.10. Congregate Housing: A dwelling unit shared by six (6) or fewer residents, whether or not related to one another, each of whom is fifty-five (55) years of age or older.

2.1.1.11. Day Care Center: A licensed facility with no overnight care for the care of children, handicapped individuals, ambulatory or elderly adults. See also Family Day Care Home.

2.1.1.12. Dwelling: Any building, or part thereof, used for human habitation, but not including commercial accommodations for transient occupancy or a trailer or mobile home, however mounted or affixed.

a. Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

b. Dwelling, Single Family: A detached structure containing one (1) dwelling unit intended and designed to be occupied by a single-family.

c. Dwelling, Multi-Family; Multiple Family House; Apartment; or Apartment House: A structure containing two (2) or more separate dwelling units.

- 2.1.1.13. **Family:** One (1) or more persons living together in one (1) dwelling unit, but not including sororities, fraternities and other communal living arrangements.
- 2.1.1.14. **Family Day Care Home:** Any private residence, which on a regular basis receives for temporary custody and care during part or all day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, that the total number of children shall not exceed six (6), including participating children living in the residence.
- 2.1.1.15. **Farm:** An undivided parcel of land, five (5) acres or more in area, including necessary farm structures and the storage of equipment, used in the raising of agricultural products, live stock, poultry and dairy products, horticulture, floriculture or viticulture.
- 2.1.1.16. **Fast Order Food:** Food which is primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, which is available upon a short waiting time, and which is packaged or presented in such a manner that it can be eaten outside the premises where it is sold.
- 2.1.1.17. **Floor Area:** The gross horizontal area of the several floors of a building excluding areas used for accessory garage purposes, attic and basement areas. All horizontal dimensions shall be taken from the exterior faces of walls.
- 2.1.1.18. **Frontage:** The linear extent of a lot measured in a continuous line along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.
- 2.1.1.19. **Garage:** Covered space for housing of motor vehicles.
- a. **Garage, Private:** A garage which is part of or separate from a dwelling, trailer or mobile home, but not for the rental of more than one (1) stall.
- b. **Garage, Public:** Any garage other than a private garage, available to the public, operated by a public authority or for profit, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, or supplying of gasoline or oil to motor vehicles or fuel to any kind of self-propelled vehicles.
- 2.1.1.20. **Gas Station/Service Station or Filling Station:** An establishment which provides for the servicing of motor vehicles and operations incidental thereto.
- 2.1.1.21. **Greenhouse:** A building or accessory building where the products of plant culture are grown or processed.
- a. **Greenhouse, Commercial:** A greenhouse where the products of plant culture are sold.
- b. **Greenhouse, Non-Commercial:** A building or accessory building used to grow, cultivate or culture plants, from which no sales are processed or conducted.

- 2.1.1.22. **Handicapped Space:** A parking space reserved for use by a vehicle bearing an authorized handicapped license plate or permit.
- 2.1.1.23. **Hazardous Material or Hazardous Waste, Toxic Materials:** A substance or material, whether in gaseous, liquid or solid form, or a combination thereof, in a quantity or form that significantly contributes to serious illness or death, or that poses a substantial threat to human health or poses an unreasonable risk to health, safety, property or the environment when improperly managed, including all materials listed as hazardous by the Environmental Federal Resource Conservation and Recovery Act or similar authority, the Department of Energy or by the Commonwealth or Massachusetts pursuant to applicable General Laws.
- Toxic or hazardous materials and wastes includes, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners.
- Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous: airplane, boat and motor vehicle service and repair; chemical and bacteriological laboratory operation; cabinet making; dry cleaning; electronic circuit assembly; metal plating, finishing and polishing; motor and machinery service and assembly; painting, wood preserving, and furniture stripping; pesticide and herbicide application, photographic processing, printing; and chlorination of wastewater.
- 2.1.1.24. **Hazardous Waste Facility:** Any facility as defined in Chapter 21D of the General Laws of the Commonwealth of Massachusetts.
- 2.1.1.25. **Height:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck of a mansard roof; and to the average height between plate and ridge of a gable, hip or gambrel roof.
- 2.1.1.26. **Home Occupation:** An occupation conducted in the place of residence of the operator or in a building accessory thereto, but not including occupations requiring the use of hazardous or toxic materials.
- 2.1.1.27. **Hotel, Inn, Motel or Lodging House:** A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of three (3) or more persons who are lodged, with or without meals, and in which major provisions for cooking may be made in a central kitchen but may not be in individual rooms or suites.
- 2.1.1.28. **Impervious Surface:** An impervious surface shall be considered a surface with a runoff coefficient of greater than ninety (90) percent. All structures, driveways, parking areas and paved surfaces exceeding a ninety (90) percent runoff coefficient shall be considered as impervious surfaces.



2.1.1.29. **Industrial Park:** An industrial subdivision or an area with common areas and/or parking areas planned for occupancy for more than one (1) industrial building.

2.1.1.30. **Landscaped Area:** Land left substantially in a natural state or developed for recreational use, but not including public or private street rights-of-way, parking lots, service or loading areas, driveways, sidewalks, easements for above ground utilities, ground area covered by any structure other than those structures directly related to an open space or recreational use, or any other land deemed unsuitable by the Planning Board, including but not limited to swamps and wetlands.

2.1.1.31. **Loading Space, Off-Street:** An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, which has access to a street or other appropriate means of ingress and egress.

2.1.1.32. **Lot:**

a. **Lot:** A parcel of land described by metes and bounds on a plan or deed duly recorded in the Plymouth County Registry of Deeds.

b. **Lot, Building:** That area of land described on a site plan submitted with an application for a building permit or an application for a permit or a variance, or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted, but not including any part of a street.

c. **Lot Corner:** A lot at the intersection of, and abutting one (1), two (2) or more streets where the angle of intersection is not more than one hundred and thirty-five (135) degrees, or where the intersection is bounded by a curve having a radius of less than one hundred (100) feet.

d. **Lot Coverage:** The area of a site occupied by impervious surface.

e. **Lot Depth:** The distance measured perpendicular to and at every point along the frontage required.

f. **Lot Line:** The established division line between lots or between a lot and a street.

1. **Lot Line, Front:** The dividing line or lines, between a street and the lot line.

2. **Lot Line, Rear:** The line, or lines, bounding a lot at the rear and approximately parallel to and at the maximum distance from the front line.

3. **Lot Line, Side:** The line, or lines, bounding a lot which extends from the street toward the rear in a direction approximately perpendicular to all street. In the case of a corner lot, or through lots, all lines extending from streets shall be considered side lot lines.

g. **Lot, Width:** The minimum distance between the side lot lines at the building line nearest the street line measured at right angles to the street line.

2.1.1.33. **Membership Club:** A private organization, including its building or grounds, which specifically includes country clubs and fraternities and other organizations to which membership is limited or controlled.

2.1.1.34. **Mobile Home:** A dwelling unit built or delivered on a chassis, containing electrical, plumbing and sanitary facilities, designed to be propelled either by an attached vehicle or otherwise, and designed to be mounted or affixed on a temporary or permanent foundation; but not including a vehicle known as a travel trailer or travel coach nor any prefabricated dwelling unit which contains detachable or expandable parts equal to or greater than fifty (50) percent of the gross floor area of the dwelling unit.

2.1.1.35. **Mobile Home Lot:** See Mobile Home Site.

2.1.1.36. **Mobile Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use designed to accommodate two (2) or more mobile homes.

2.1.1.37. **Mobile Home Site:** A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

2.1.1.38. **Mobile Home Stand:** That part of a mobile home site which is reserved for the mobile home.

2.1.1.39. **Non-Conforming Uses and Structures:** An existing use of land or building which does not conform to a provision or requirement of the regulations of this Bylaw for the district in which such use of land or building exists.

a. **Non-conforming Use or Structure, Pre-Existing:** A use of land or of a structure which does not conform to a provision or requirement of this Bylaw but which was lawfully established prior to the time of the applicability of the provision or requirement.

2.1.1.40. **Office, Executive or Administrative:** A place in which functions such as directing, consulting, record keeping, clerical work, and sales, without the presence of merchandise, of a firm are carried on.

2.1.1.41. **Office Park:** A subdivision for office buildings or an area with common areas and/or parking areas planned for occupancy for more than one (1) office building.

2.1.1.42. **Open Space:** The area of land not covered by impervious surfaces, which is left in its natural state or landscaped with trees, shrubs, ground cover, plants or grass.

2.1.1.43. **Parking Space:** An area for the temporary or permanent storage of a vehicle.

2.1.1.44. **Permittee:** Any person, firm or corporation receiving a permit to conduct, operate, or maintain a mobile home park.

2.1.1.45. **Person:** Any individual, corporation, owner, lessee, licensee, and their agents.



- 2.1.1.46. **Planned Residential Development:** A unified development, including one or more of residential building types, undertaken in accordance with an overall plan, incorporating a consistent architectural concept and incorporating the preservation of natural areas within the development.
- 2.1.1.47. **Recharge Area:** The area encompassing land and water surfaces through which precipitation enters the groundwater body, and from which ground water flows naturally, or is drawn by pumping, into a water supply well.
- 2.1.1.48. **Recorded:** Recorded shall mean recorded in the Plymouth County District Registry of Deeds except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court. (Section 81-L of Chapter 41 G.L.).
- 2.1.1.49. **Restaurant:** A place where meals or portions thereof are provided to the public.
- a. **Fast Food Restaurant:** An establishment whose primary business is the sale of fast order food for consumption on or off the premises.
- 2.1.1.50. **Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 2.1.1.51. **Rooming House:** A building or premises, other than a hotel, inn, motel, or tourist home, where rooms are let, not open to transient guests, in contrast to hotels, inns, motels or transient homes open to transients.
- 2.1.1.52. **Screen:** Conceal from view in the manner described in Section 6.7.14 Fencing, Screening and Landscaping.
- 2.1.1.53. **Setback:** The minimum horizontal distance between the lot line and the part of the building nearest the lot line, such distance measured at a right angle to the lot line or to the lot line extended.
- 2.1.1.54. **Shared Housing:** See Congregate Housing.
- 2.1.1.55. **Shopping Center:** An area planned for occupancy by more than one (1) retail establishment with shared common facilities.
- 2.1.1.56. **Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.
- 2.1.1.57. **Site Plan:** A plan prepared in accordance with Section 7.3., Site Plan.
- 2.1.1.58. **Street:** A public way or private way either shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.
- a. **Paper Street:** A street shown on a plan or map which has not been constructed.

- b. **Primary Street:** Existing and proposed streets which are primarily used, or will be used to carry high volumes of through traffic.
- c. **Private Way:** A street which has not been accepted by the Town or certified by the Town Clerk as a public street under the Subdivision Control Law.
- d. **Secondary Street:** Existing and proposed streets which are primarily used, or will be used to carry traffic between residential streets to the system of primary streets, as existing and proposed.
- e. **Street Line:** The dividing line between a street and a lot and, in the case of a public way, the street line established by the public authority laying out the way upon which the lot abuts; the sum total of lengths of front lot lines abutting a street.
- 2.1.1.59. **Structure:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, viewing stand, bin, platform, swimming pool, fence, sign, flagpole, mast for radio antenna, satellite antenna or the like.
- 2.1.1.60. **Tourist Home:** A building, other than a boarding or rooming house, hotel, inn, motel or lodging house, where rooms for lodging for transients are available for compensation.
- 2.1.1.61. **Toxic or Hazardous Materials:** See Hazardous Material, Hazardous Waste, Toxic Materials.
- 2.1.1.62. **Tract:** See Lot.
- 2.1.1.63. **Trailer:** For the purpose of this Bylaw, the following shall be considered trailers:
- a. **Camping Trailer:** A canvas, folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
- b. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle.
- c. **Pick-Up Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation or vacation.
- d. **Travel Trailer:** A portable structure built on a chassis designed as a temporary dwelling for travel, recreation, or vacation having a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.
- 2.1.1.64. **Transient:** When referring to residency or guests, a short period of time, which is not expected to be extended or to continue, measured in periods of less than thirty (30) days.
- 2.1.1.65. **Truck Garage and Terminal:** Any premises where the principal use is the outdoor or indoor storage, service, maintenance or repair of truck, bus, van, automobile or other motor vehicle fleets.
- 2.1.1.66. **Use:** The purpose for which land or a building is designed, occupied or otherwise utilized.

- 2.1.1.67. Visual Corridor: An area encompassed by the eye, particularly pertaining to views to natural features cross country and along rivers, streams, highways and landscaped areas.
- 2.1.1.68. Wholesale: The sale of good in large quantity for the purpose of resale.
- 2.1.1.69. Yard: An open space, other than an enclosed court, on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and a lot line, and is not occupied or obstructed from the ground upward by a building or a structure except for fences, flagpoles, mailboxes and retaining walls, and for pools as provided in Section 6.8.1.2.
- a. Yard, Front: An open space extending across the full width of the lot and lying between the front lot line of the lot and the nearest line of the principal building. The depth of a front yard shall be the minimum distance between the principal building and front lot line.
- b. Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the principal building. The depth of a rear yard shall be the minimum distance between the principal building and the rear lot line.
- c. Yard, Side: A yard between the side lot line of the lot and nearest line of the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines. The width of a side yard shall be the minimum distance between the principal building and the side lot line.
- 2.1.1.70. Premises shall mean one or more abutting lots or parcels which are, or are proposed to be, in the same ownership or use, together with all the buildings and structures thereon.

### 3.0. ESTABLISHMENTS OF DISTRICTS.

- 3.1. Districts: The Town of Kingston is hereby divided into several types of districts designated as

General Residential 40 (R40)  
 Residential 20 District (R20)  
 Residential M - Mobile Home Park District (RM)  
 Town Center District (TC)  
 3A Design District (3ADD)  
 Commercial District (C)  
 Industrial District (I)  
 Commercial/Industrial Park District  
 Conservancy District (CON)  
 Flood Plain Overlay District  
 Water Resource Overlay District

### 3.2. Location of Districts

- 3.2.1. Except for the Flood Plain District and the Water Resource Overlay District, districts are hereby established as shown on a map entitled "Zoning Map of Kingston, Massachusetts" dated \_\_\_\_\_, 19 \_\_\_, revised through \_\_\_\_\_, 19 \_\_\_. The map, with all explanatory matter thereon, and amendments thereto, is hereby incorporated and made a part of this Bylaw and is filed with the office of the Town Clerk.

- 3.2.2. The general boundaries of the Flood Plain District are shown in the Kingston Flood Insurance Rate Map (FIRM), dated \_\_\_\_\_, 19 \_\_\_, as Zones A, A1-30. The exact boundaries of the District are defined by the one hundred (100) year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance study, dated \_\_\_\_\_, 19 \_\_\_. The floodway boundaries are delineated on the Kingston Flood Boundary Floodway Map (FBFM), dated \_\_\_\_\_, 19 \_\_\_, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two 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.

- 3.2.3. The Water Resource Overlay District is established as covering the area described on the map entitled "Water Resource Districts". The maps and all explanatory matter thereon is incorporated herein by reference and is filed with the office of the Town Clerk, Planning Board, Inspector of Buildings, and the Conservation Commission. Such water resource Districts shall be considered to be superimposed over any other districts established in this Bylaw. Land in a Water Resource District shall be subject to the requirements of this Bylaw as well as to all other requirements of this Zoning Bylaw and State Building Code which apply to the underlying districts. In the event there is a conflict, the more restrictive requirement shall prevail.

### 3.3. Boundaries of Districts

- 3.3.1. Where the boundary lines are shown upon the maps described in Section 3.2., Location of Districts, within the street lines of public and private ways, or utility transmission lines, the center lines of such ways or lines shall be the boundary lines, unless otherwise indicated.

- 3.3.2. Boundary lines located outside of street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to said street or transmission lines, and dimensions shown in figures placed upon said map between boundary lines and transmission lines are the distances in feet of the boundary lines from said boundary lines, the distances being measured at right angles to lines unless otherwise indicated.

- 3.3.3. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary

lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

3.3.4. When the boundary lines are shown upon said map along the boundary of brooks and streams or in brooks and streams, the center line of said brooks and streams shall be the boundary line. Where the boundary line is along or in a body of water, the high water line shall be the boundary line.

3.3.5. Contour lines used as boundary lines are the elevation above the datum sea level as indicated by the U.S. Coast and Geodetic maps of the Town of Kingston on file in the offices of the Planning Board and Town Clerk of the Town of Kingston.

3.3.6. See also Section 4.12. for the Flood Plain Overlay District and Section 4.13. for the Water Resource Overlay District boundaries.

3.3.7. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said zoning map, by the use of identifications as shown on the map, or by the scale of said zoning map.

#### 3.4. Boundary Line Dividing a Lot

3.4.1. Where a District boundary line divides any lot existing at the time such line was adopted, the regulations for the less restricted portions of such lot shall extend not more than fifty (50) feet into the more restricted portion of such lot, provided that:

- a. The lot has frontage on a street in the less restricted District.
- b. The extension into the more restricted District is allowed by special permit by the Board of Appeals subject to appropriate conditions or safeguards where such are deemed necessary for safety or to provide a buffer between the use in the less restricted District and the more restricted District.
- c. The lot meets the conditions in Section 7.7.2.1.a. through e. of this Bylaw.

### 4.0. USE REGULATIONS

#### 4.1. Application of Use Regulations

4.1.1. Any use of a building, structure or land not specifically permitted by this Section 4.0., Use Regulations, is prohibited in the Town.

#### 4.2. Uses Permitted in All Districts.

4.2.1. The following uses are permitted by right in all Districts.

4.2.1.1. The use of land or structure in any district for religious purposes or for education purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non-profit educational corporation. See Massachusetts General Laws, Chapter 40A, Section 3.

4.2.1.2. Agriculture, horticulture, floriculture or viticulture, provided that such uses are located on parcels containing at least five (5) acres.

4.2.1.3. Easement for drainage, utilities, walkways, roads and driveways.

4.2.1.4. Small waste water treatment facilities designed and operated in accordance with the Kingston Planning Board regulations for the design, operation, and maintenance of small waste water treatment facilities and sewage pumping stations contained in the Planning Board Subdivision Regulations adopted pursuant to Massachusetts General Laws, Chapter 41, Section 81Q, provided that:

- a. The location of such plants shall be shown on a Site Plan approved by the Planning Board in accordance with Section 7.3., Site Plan.
- b. The facility shall be located on a lot in conformance with the dimensional regulations in Section 5.2., Dimensional Requirements, for the District in which it is located.
- c. No construction is undertaken prior to granting of a disposal works construction permit by the Board of Health.

4.2.2. The following uses are permitted in all Districts subject to Site Plan approval.

4.2.2.1. Private schools, commuter rail station, not including marshalling yards or repair facilities.

4.2.3. The following uses are permitted in all Districts by special permit granted by the Board of Appeals.

4.2.3.1. Uses accessory to activities otherwise permitted within the district as a matter of right, which activities are necessary in connection with scientific research or scientific activities permitted as a matter of right.

4.2.4. Uses Prohibited in all Districts.

4.2.4.1. Except as allowed in Section 4.8.4.3.b., no more than one unregistered vehicle within a lot unless within a structure or screened in accordance with Section 6.7.14. Fencing, Screening and Landscaping.

4.2.4.2. An unregistered vehicle in front yard.

4.2.4.3. The withdrawal of water for transport and sale outside the Town of Kingston.

#### 4.3. Residential-40 District (R40)

4.3.1. Purpose

4.3.1.1. The purpose of the Residential-40 District is to provide suitable areas for low density residential uses that will accommodate agriculture.

4.3.2. Uses Permitted

4.3.2.1. A. Farming, including crops, orchard, plant nursery, greenhouse or cranberry, raising livestock and poultry, the keeping of tame domestic animals normally considered pets, such as dogs and cats, by the resident of the premises, not for commercial sale, provided that:

1. Any stable enclosure or fence shall be in the rear yard and shall not be less than thirty (30) feet from any lot line.
2. There shall be no raising of swine or fur bearing animals, except as permitted in Section 3, Chapter 40A, Massachusetts General Laws.

B. Farm stand for the sale of produce raised on the premises by the resident proprietor, provided that:

1. All parking is provided in off-street facilities.
2. All storage of equipment shall be in the rear of the farm stand.

4.3.2.2. Single family detached dwelling.

4.3.2.3. Renting of not more than two (2) rooms by a resident occupying the dwelling to not more than three (3) non-transient persons.

4.3.2.4. Congregate housing.

4.3.2.5. Nursery school or day care center.

4.3.2.6. Home occupation provided that:

- a. Not more than two (2) other persons are regularly employed therein in connection with such use.
- b. Not more than twenty-five (25) percent of the total gross floor area is regularly devoted to such use.
- c. There is no equipment used in connection with such home occupation visible from the street or abutting property.
- d. No display of products is visible from the street.
- e. There shall be adequate off-street parking in accordance with Section 6.4., Off-Street Parking Requirements, for any employee or visitors in connection with such use. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

Vehicles used in connection with the occupation shall be parked in the rear or side yard or in a structure.

4.3.2.7. Library, museum or civic center, public buildings and premises for government use.

4.3.2.8. Public recreational use.

4.3.2.9. Non-profit camp provided that:

- a. Overnight accommodations are in tents.
- b. There are no transient overnight accommodations.

4.3.3. Uses Permitted by Special Permit Granted by the Planning Board.

4.3.3.1. Planned Residential Development, subject to the approval of a plan and in accordance with the provisions of Section 5.3., Planned Residential Development, which Development may include:

- a. Detached one-family dwellings or two-family dwellings.
- b. Quadruplexes.
- c. Accessory uses and recreation facilities for the use of the residents of the Planned Residential Development only, to include golf course, tennis courts, jogging trails, swimming pools, and similar outdoor facilities; a community building not to exceed five (5) percent of the total gross floor area of residential units; parking areas and garages; storage sheds; cabanas;

detached fireplaces and similar facilities for use by residents of the Planned Residential Development, but not including home occupations, taking of boarders or lodgers, renting of rooms or professional offices.

4.3.3.2. [deleted by town meeting vote.]

4.3.3.3. Nurseries, and greenhouses for wholesale purposes with no retail uses.

4.3.3.4. One (1) accessory housing unit within a single family detached dwelling, provided that:

- a. The principal residential structure is on a lot which meets or exceeds the minimum lot size in Section 5.0., Intensity of Use Regulations.
- b. The principal residential structure has at least twelve hundred (1200) square feet.
- c. The entire structure used for dwellings shall not occupy more than twenty five (25) percent of the lot area.
- d. There is at least one (1) off street parking space for each bedroom or accessory unit in the converted portion of the structure, which space shall not be provided in the front or side yard.
- e. There is provision for screening by fencing or landscaping of outside storage areas.
- f. Neither the principal residential structure nor accessory unit shall have a gross floor area of less than five hundred (500) square feet plus one hundred (100) square feet for each bedroom over one (1).
- g. The gross floor area of the newly created unit shall not be more than thirty (30) percent of the normally habitable gross floor area excluding garage, unfinished attic crawl space, and other normally uninhabitable gross floor area of the principal residential structure, after conversion.
- h. Each unit shall be a complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.
- i. The exterior appearance of the structure shall not be altered except for:
  - 1) Stairways and exits required by law, which shall be in the rear of the building.
  - 2) Restoration consistent with the original architecture of the structure.
- j. One of the units shall be occupied by the owner of the property, or, in the case of a realty trust, corporation or partnership, a beneficiary, shareholder or partner, respectively.
- k. If the accessory housing unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings and the Zoning Enforcement Officer in writing.
- l. No permit for an accessory housing unit granted hereunder shall take effect sooner than one (1) year after occupancy of the principal residential structure.

m. All permits for accessory housing must be secured before any construction is undertaken.

4.3.3.5. Bed and breakfast.

4.3.4. Uses Permitted by Special Permit Granted by the Board of Appeals

4.3.4.1. Cemetery.

4.3.4.2. Riding stable.

4.3.4.3. Commercial breeding, sale or boarding of dogs, cats, swine or fur-bearing animals. Any kennel enclosure shall be no less than 30 feet from the lot lines.

4.3.4.4. Country or tennis club, or non-profit social, civic or recreational lodge or club, but not including any use the principal activity of which is customarily conducted as a business, provided that:

a. Any function room shall have access from a secondary or primary street.

4.3.4.5. Hospital sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional institutional use.

4.3.4.6. Undertaking establishment, funeral home or crematorium, chapel.

**4.4. Residential-20 District (R20)**

4.4.1. Purpose

4.4.1.1. The Residential-20 District is intended to provide suitable areas for varied housing types at densities suitable for a small Town.

4.4.2. Uses Permitted

4.4.2.1. Farming, including crops, orchard, plant nursery, greenhouse or cranberry, and the keeping of tame domestic animals normally considered pets, such as dogs and cats, by the resident of the premises, not for commercial sale, provided that:

a. Any stable enclosure or fence shall be in the rear yard and shall not be less than thirty (30) feet from any lot line.

b. In addition to the minimum lot size regulations of Section 5.0., Intensity of Use Regulations, there shall be an additional acre for each horse, cow or other large animal.

c. There shall be no raising of swine or fur bearing animals, except as permitted in Section 3, Chapter 40A, Massachusetts General Laws.

4.4.2.2. Public recreational use.

4.4.2.3. Single family detached dwelling.

4.4.2.4. Renting of not more than two (2) rooms by a resident occupying the dwelling to not more than three (3) non-transient persons.

4.4.2.5. Library, museum or civic center, public buildings and premises for government use.

4.4.2.6. Home occupation provided that:

a. Not more than two (2) other persons are regularly employed therein in connection with such use.

b. Not more than twenty-five (25) percent of the total gross floor area is regularly devoted to such use.

c. There is no equipment used in connection with such home occupation visible from the street or abutting property.

d. No display of products is visible from the street.

e. There shall be adequate off-street parking in accordance with Section 6.4., Off-Street Parking Requirements, for any employee or visitors in connection with such use. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

Vehicles used in connection with the occupation shall be parked in the rear or side yard or in a structure.

4.4.2.7. Nursery school or day care center.

4.4.3. Uses Permitted on A Special Permit Granted by the Planning Board

4.4.3.1. Two family dwelling.

4.4.3.2. Multiple dwellings subject to the conditions of Section 5.4.

4.4.3.3. One (1) accessory housing unit within a single family detached dwelling, provided that:

a. The principal residential structure is on a lot which meets or exceeds the minimum lot size in Section 5.0., Intensity of Use Regulations.

b. The principal residential structure has at least twelve hundred (1200) square feet.

c. The entire structure used for dwellings shall not occupy more than twenty-five (25) percent of the lot area.

d. There is at least one (1) off street parking space for each bedroom or accessory unit in the converted portion of the structure, which space shall not be provided in the front or side yard.

e. There is provision for screening by fencing or landscaping of outside storage areas.

f. Neither the principal residential structure nor accessory unit shall have a gross floor area of less than five hundred (500) square feet plus one hundred (100) square feet for each bedroom over one (1).

g. The gross floor area of the newly created unit shall not be more than thirty (30) percent of the normally habitable gross floor area excluding garage, unfinished attic crawl space, and other normally uninhabitable gross floor area of the principal residential structure, after conversion.

h. Each unit shall be complete and independent housekeeping unit, containing a bedroom or bedroom/living room combination, bathroom and kitchen or kitchenette and shall have a separate entrance.

i. The exterior appearance of the structure shall not be altered except for:

1) Stairways and exits required by law, which shall be in the rear of the building.

2) Restoration consistent with the original architecture of the structure.

j. One of the units shall be occupied by the owner of the property, or, in the case of a realty trust, corporation or partnership, a beneficiary, shareholder or partner, respectively.

k. If the accessory housing unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings and the Zoning Enforcement Officer in writing.

l. No permit for an accessory housing unit granted hereunder shall take effect sooner than one (1) year after occupancy of the principal residential structure.

m. All permits for accessory housing must be secured before any construction is undertaken.

4.4.3.4. Salesroom or stand for the display or sale of horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.

4.4.3.5. Tourist home, but not including an over-night cabin, motel or hotel.

4.4.4. Uses Permitted on a Special Permit Granted by Board of Appeals

4.4.4.1. Cemetery.

4.4.4.2. Raising livestock and poultry, but not including the raising of swine or fur bearing animals.

4.4.4.3. Trailer camp, park or court.

4.4.4.4. Trailer, trailer coach or mobile home used as a dwelling provided that:

a. It is not used as an office incidental to construction on the premises.

b. It is not used for more than six (6) months in any calendar year.

4.4.4.5. Undertaking establishment or funeral home.

4.4.4.6. Commercial breeding, sale or boarding of dogs, cats.

a. Any kennel enclosure shall be no less than 30 feet from lot lines.

4.4.4.7. Country or tennis club, or non-profit social, civic or recreational lodge or club, but not including any use, the principal activity of which is customarily conducted as a business, provided that:

a. Any function room shall have access from a secondary or primary street.

4.4.4.8. Hospital sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional institutional use.

**4.5. Residential M-Mobile Home Park District (RM)**

4.5.1. Purpose

4.5.1.1. The purpose of the Residential M District is to provide suitable areas for the siting of mobile home parks.

4.5.2. Uses Permitted on a Special Permit Granted by the Board of Appeals

4.5.2.1. Mobile home park, subject to the provisions of Section 5.5.

4.5.2.2. A one (1) family dwelling in a mobile home park for use as the manager's residence, provided that:

a. Such dwelling complies with the building requirements of the Town of Kingston.

b. A portion of such dwelling may be utilized for the management office.

c. Such dwelling shall occupy its own lot of twenty thousand (20,000) square feet minimum area within the mobile home park.

**4.6. Town Center District**

4.6.1. Purpose

4.6.1.1. The purpose of the Town Center District is to provide a mixed use center and to provide for daily services for the convenience of the residents of the Town.

4.6.2. Uses Permitted

4.6.2.1. One (1) and two (2) family dwellings.

4.6.2.2. Retail store with a maximum gross floor area of five thousand (5000) square feet per floor.

4.6.2.3. Governmental services.

4.6.2.4. Service shop, such as a barber shop, beauty shop, dry cleaning pick-up shop, provided that:

a. There will be a maximum gross floor area of two thousand (2000) square feet.

b. There will be no on-site dry cleaning.

4.6.2.5. Repair shop, such as shoe repair, appliance or electronic repair, jewelry repair, with a maximum gross floor area of two thousand (2000) square feet.

4.6.2.6. Business or professional offices.

4.6.2.7. Enclosed uses customarily accessory to the above.

4.6.3. Uses Allowed by Special Permit Granted by The Planning Board

4.6.3.1. Structures for not more than six (6) dwelling units, provided that:

a. The maximum coverage of the lot by buildings and structures shall be twenty (20) percent of the total lot area and the minimum landscaped area shall not be less than twenty-five (25) percent of the lot area.

b. No portion of any enclosing wall of any building and no portion of any permissible structure shall be nearer to the street line of an existing public or private way than fifty (50) feet nor nearer the side lot line than thirty (30) feet nor nearer the rear lot line than thirty (30) feet and shall not be nearer than twenty (20) feet to any interior drive.

c. No building in a group shall be closer to any other building on the lot or adjacent lot than a distance of fifty (50) feet.

- d. There shall be provided a permanent off-street parking area, indoors and/or outdoors sufficient in size to allow two (2) parking spaces for each dwelling unit to be accommodated.
- e. Elevations and floor plans shall be submitted in addition to all other requirements for a site plan as provided in Section 7.3 Site Plan.
- 4.6.3.2. Restaurant where food and beverages are consumed indoors with a maximum gross floor area of two thousand (2000) square feet and where there is no drive-in service.
- 4.6.3.3. Banks, provided that:
  - a. All drive-through window service is to the rear of the structure.
  - b. No vehicles queue on the street.
- 4.6.3.4. Remodeling an existing dwelling or structure accessory to an existing dwelling to accommodate one (1) additional dwelling unit, provided that:
  - a. The building was in existence on January 1, 1940.
  - b. The lot is in compliance with Section 5.0., Intensity of Use Regulations, of this Bylaw.
  - c. No more than twenty-five (25) percent of the lot area is covered by structures.
  - d. There is at least one (1) off-street parking space for each dwelling unit contained in the structure, which space shall be provided behind the set back line.
  - e. Outside storage areas shall be screened by fencing or landscaping.
  - f. The principal structure to be converted shall contain at least eleven hundred (1,100) square feet.
  - g. No unit shall have a gross floor area of less than three hundred fifty (350) square feet plus one hundred (100) square feet for each bedroom in excess of one (1).
  - h. The gross floor area of the newly created unit(s) shall be less than fifty (50) percent of the total gross floor area of the principal dwelling unit, after conversion.
  - i. The exterior appearance of the structure shall not be altered except for stairways and exits required by law.
  - j. One unit shall be occupied by the owner of the property, or, in the case of a realty trust, corporation or partnership, a beneficiary, shareholder or partner, respectively.
  - k. If the secondary unit is in an accessory building, approval of the Planning Board shall be obtained in accordance with Section 81-O of Chapter 41 of the General Laws and with the Planning Board Subdivision Regulations.
  - l. If the second unit is discontinued and integrated into the original structure design, the owner shall notify the Inspector of Buildings in writing.

#### 4.6.4. Uses Allowed on a Special Permit from the Board of Appeals

4.6.4.1. Undertaking establishment, funeral home and chapels.

#### 4.7. 3A Design District (3ADD)

##### 4.7.1. Purpose

4.7.1.1. The purposes of the 3A Design District are to preserve the structures which define the character of the community, to provide opportunity for use of these structures which is consistent with modern land use, and to encourage new construction which is compatible with the community.

##### 4.7.2. Uses Permitted

4.7.2.1. One (1) and two (2) family dwellings.

4.7.2.2. Renting of not more than two (2) rooms by a resident occupying the dwelling to not more than three (3) non-transient persons.

4.7.2.3. Accessory building and uses as permitted in Section 6.3., Accessory Buildings and Uses.

##### 4.7.3. Uses Allowed by Special Permit Granted by the Planning Board Subject to the Conditions of Section 4.7.4.

4.7.3.1. Uses allowed in Section 4.3.2.8., 4.6.2.4. and 4.6.2.5.

4.7.3.2. Business or professional offices.

4.7.3.3. Retail sales and services.

4.7.3.4. Nursery school or day care center.

4.7.3.5. Tourist home, bed and breakfast.

4.7.3.6. Arts and crafts studio, with products manufactured on the premises, provided that:

- a. The products are sold at retail directly to the customer on premises or by mail order only to consumers.
- b. The only machinery on the premises is powered by hand or by motors of not more than one and one half (1.5) horsepower.
- c. The products are indigenous to the arts or to the hand craft industries, such as hand loomed fabrics, hand blown glass, pottery, and painting, or specialty food products, such as baked goods and candy.
- d. There are no more than the equivalent of six (6) full-time employees on the premises at any one time.

##### 4.7.4. Conditions for Uses Permitted in Section 4.7.3. on a Special Permit

4.7.4.1. The architectural style of the original structure shall not be altered and new construction shall be of a compatible Cape Cod or Colonial residential style approved by the Planning Board.

4.7.4.2. There shall be no drive-in or window service unless:

- a. All drive-through window service is to the rear of the structure.
- b. No vehicles queue on street.



4.7.4.3. All parking shall be off-street, shall be located behind the set back line of the principal building, shall be landscaped and shall conform to provisions of Section 6.4., Off-Street Parking Requirements.

4.7.4.4. There shall be no exterior storage.

4.7.4.5. Except for parking as required in Sections 6.4., Off-Street Parking Requirements, and an announcement sign in accordance with the provisions of Section 6.6., Signs, there shall be no exterior evidence of the non-residential use of the structure.

#### 4.8. Commercial District (C)

##### 4.8.1. Purpose

4.8.1.1. The purpose of the Commercial District is to provide areas for retail businesses and services serving non-pedestrians and for automotive sales and services and distribution uses.

##### 4.8.2. Uses Permitted

4.8.2.1. Retail business or services conducted within a structure not more than four thousand (4,000) square feet of gross floor area.

4.8.2.2. Offices for executive and/or administrative services.

4.8.2.3. Marina, boat livery, sales, or storage and repair of boats and other marine accessories.

##### 4.8.3. Uses Permitted on a Special Permit Granted by the Planning Board

4.8.3.1. Retail business or services conducted within a structure over four thousand (4,000) square feet of gross floor area, and shopping centers and office parks, provided that:

a. In an office park or shopping center with condominium or cooperative ownership, an agreement of maintenance of common areas is filed with and approved by the Planning Board as a condition of the special permit.

4.8.3.2. Sale or leasing of farm implements, provided that:

a. All bulk sales, outside display and storage occurs to the rear of the principal building.

4.8.3.3. Restaurants, fast food restaurants, banks or other retail establishments with drive-in or window services, provided that:

a. No vehicles waiting for service shall park or stand on a public way.

b. The establishment shall be responsible for collecting and properly disposing of litter within five hundred (500) feet of the premises resulting from its sales at least daily, and more frequently if necessary, to prevent unsightly conditions caused by litter.

4.8.3.4. Wholesale office or showroom, warehouses and food distribution centers, provided that:

a. All bulk sales, outside display and storage occurs to the rear of the principal building.

4.8.3.5. Commercial indoor tennis club or recreation facilities, provided that:

a. The building is insulated and maintained so as to confine the noise to the premises.

b. The building is located not less than one hundred (100) feet from a Residential District.

4.8.3.6. Public utility building, or yards, contractor's offices and storage yards, provided that:

a. The use is screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but no more than seven (7) feet in height.

4.8.4. Uses Allowed on a Special Permit from the Board of Appeals

4.8.4.1. Hotels and motels.

4.8.4.2. Public parking garages.

4.8.4.3. Gasoline service stations, including routine maintenance operations, provided that:

a. All pump islands shall be set back at least fifteen (15) feet from the front lot line.

b. No unregistered vehicles or vehicles in an inoperative condition are to remain on the site for more than a two (2) week period unless enclosed in a building or unless a screening is provided and maintained along adjoining properties and abutting public ways.

c. Areas not covered by buildings or pavement shall be maintained as a landscaped area.

4.8.4.4. Motor vehicle sales and repair facilities, including repairing, painting, or storing motor vehicles, provided that:

a. The vehicles to be repaired are screened from abutting lots and exterior streets by a solid landscaped screen and/or fence at least five (5) feet in height.

b. No more than ten (10) vehicles for sale shall be displayed at one time in a manner visible from a public way.

4.8.4.5. Laundries or dry cleaning establishments.

4.8.4.6. Distribution and storage of lumber, building material and fuel, provided that:

a. No petroleum products are stored above ground in tanks exceeding ten thousand (10,000) gallons in capacity.

b. All bulk sales, outside display and storage occurs to the rear of the principal building.

4.8.4.7. Undertaking establishment, funeral home and chapels.

4.8.4.8. Commercial greenhouse, kennels, animal hospital or clinic, provided that:



- a. Adjacent properties are adequately screened from noise, odors and unsightly appearance.
- b. Cadavers and contaminated animals are disposed of in accordance with applicable Town and State Regulations.
- c. Animals are housed within a building and all facilities for boarding and treating animals are within a building.
- d. The area is completely enclosed in accordance with Section 6.7.14., Fencing, Screening and Landscaping.

#### 4.9. Industrial District (I)

##### 4.9.1. Purpose

- 4.9.1.1. The purpose of the Industrial District is to provide areas for manufacturing and distribution uses that operate in accordance with Section 6.7., Performance Standards.

##### 4.9.2. Uses Permitted

- 4.9.2.1. The construction or alteration of ten thousand (10,000) square feet or less of gross floor area, or the development of one hundred and thirty thousand six hundred and eighty (130,680) square feet (three (3) acres) or less of land, limited to the following uses:

- a. Manufacturing, processing, or research.
- b. Professional or business office.
- c. Office Park.
- d. Industrial Park.
- e. Warehouse and food distribution centers, provided that:
  - 1. All bulk sales, outside display and storage occurs to the rear of the principle building.
- f. Trucking garages and terminals.
- g. Public utility building or yards, contractor's offices and storage yards, provided that:
  - 1. The use is screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but not more than seven (7) feet in height.
- h. Public garages not including body repairs.
- i. Bottling or packaging of previously prepared products.
- j. Marina, boat livery, sales, or storage and repair of boats and other marine accessories.

##### 4.9.3. Uses Allowed by a Special Permit Granted by the Planning Board

- 4.9.3.1. Offices, retail sales, and services related to a use permitted in 4.9.2.1.a. through 4.9.2.1.c.
- 4.9.3.4. Any use covered in Section 4.9.2.1. that involves the construction or alteration of more than ten thousand (10,000) square feet of gross floor area, or the development of more than one hundred and thirty thousand six hundred and eighty (130,680) square feet (three (3) acres) of land.

- 4.9.3.3. Motor vehicle and boat sales and service.

##### 4.9.4. Uses Allowed on a Special Permit from the Board of Appeals

- 4.9.4.1. Laundries or dry cleaning establishments.

#### 4.10. Commercial/Industrial Park District

##### 4.10.1 Purpose

- 4.10.1.1. The purpose of the Commercial/Industrial Park District is to provide areas that have sufficient size to allow for larger scale commercial, manufacturing, and distribution uses that operate in accordance with section 6.7., performance standards.

##### 4.10.2. Uses Permitted

- 4.10.2.1. Retail business or services conducted within a structure up to twenty thousand (20,000) square feet of gross floor area provided that the lot size is large enough so that the gross floor area does not exceed 25% of the lot.

- 4.10.2.2. The construction or alteration of twenty thousand (20,000) square feet or less of gross floor area, or the development of one hundred and thirty thousand six hundred and eighty (130,680) square feet (three (3) acres) or less of land, limited to the following uses and provided that the lot size is large enough so that the gross floor area does not exceed 25% of the lot:

- a. Manufacturing, processing, or research.
- b. Professional or business office.
- c. Office Park.
- d. Industrial Park.
- e. Warehouse and food distribution centers, provided that:
  - 1. All bulk sales, outside display and storage occurs to the rear of the principle building.
- f. Trucking garages and terminals.
- g. Public utility building or yards, contractor's offices and storage yards, provided that:
  - 1. The use is screened from abutting lots or exterior streets by a solid landscaped screen and/or fence at least five (5) feet but not more than seven (7) feet in height.
- h. Public garages not including body repairs.
- i. Bottling or packaging of previously prepared products.

##### 4.10.3. Uses Allowed on a Special Permit Granted by the Planning Board

- 4.10.3.1. Retail business or services conducted within a structure over twenty thousand (20,000) square feet of gross floor area, and shopping centers and office parks, provided that:
  - a. In an office park or shopping center with condominium or cooperative ownership, an agreement of maintenance of common areas is filed with and approved by the Planning Board as a condition of the special permit.

4.10.3.2. Sale or leasing of farm implements, provided that:

- a. All bulk sales, outside display and storage occurs to the rear of the principal building.

4.10.3.3. Restaurants, fast food restaurants, banks or other retail establishments with drive-in or window services, provided that:

- a. No vehicles waiting for service shall park or stand on a public way.
- b. The establishment shall be responsible for collecting and properly disposing of litter within five hundred (500) feet of the premises resulting from its sales at least daily, and more frequently if necessary, to prevent unsightly conditions caused by litter.

4.10.3.4. Commercial indoor tennis club or recreation facilities, provided that:

- a. The building is insulated and maintained so as to confine the noise to the premises.
- b. The building is located not less than one hundred (100) feet from a Residential District.

4.10.3.5. Motor vehicle sales and repair facilities, including repairing, painting, or storing motor vehicles, provided that:

- a. The vehicles to be repaired are screened from abutting lots and exterior streets by a solid landscaped screen and/or fence at least five (5) feet in height.
- b. No more than ten (10) vehicles for sale shall be displayed at one time in a manner visible from a public way.

4.10.3.6. Public parking garages.

4.10.3.7. Any use covered in section 4.10.2.2. that involves the construction or alteration of more than twenty thousand (20,000) square feet of gross floor area, or the development of more than one hundred and thirty thousand six hundred and eighty (130,680) square feet, three (3) acres of land.

4.10.3.8. Motor vehicle and boat sales and service.

4.10.4. Uses Allowed on a Special Permit from the Board of Appeals

4.10.4.1. Hotels and motels.

4.10.4.2. Gasoline service stations, including routine maintenance operations, provided that:

- a. All pump islands shall be set back at least fifteen (15) feet from the front lot line.
- b. No unregistered vehicles or vehicles in an inoperative condition are to remain on the site for more than a two (2) week period unless enclosed in a building or unless a screening is provided and maintained along adjoining properties and abutting public ways.
- c. Areas not covered by buildings or pavement shall be maintained as a landscaped area.

4.10.4.3. Laundries or dry cleaning establishments.

4.10.4.4. Distribution and storage of lumber, building material and fuel, provided that:

- a. No petroleum products are stored above ground in tanks exceeding ten thousand (10,000) gallons in capacity.
- b. All bulk sales, outside display and storage occurs to the rear of the principal building.

4.10.4.5. Undertaking establishment, funeral home and chapels.

4.10.4.6. Commercial greenhouse, kennels, animal hospital or clinic, provided that:

- a. Adjacent properties are adequately screened from noise, odors and unsightly appearance.
- b. Cadavers and contaminated animals are disposed of in accordance with applicable Town and State Regulations.
- c. Animals are housed within a building and all facilities for boarding and treating animals are within a building.
- d. The area is completely enclosed in accordance with Section 6.7.14., Fencing, Screening and Landscaping.

**4.11. Conservancy District**

4.11.1. The purpose of the Conservancy District is to provide for conservation of water resources and water bodies, and preservation of open space.

4.11.2. Uses Permitted

4.11.2.1 Farming, including crops, orchard, plant nursery, greenhouse or cranberry, and the keeping of tame domestic animals normally considered pets, such as dogs and cats, by the resident of the premises, not for commercial sale, provided that:

- a. Any stable enclosure or fence shall be in the rear yard and shall not be less than thirty (30) feet from any lot line.
- b. There shall be no raising of swine or fur bearing animals, except as permitted in Section 3, Chapter 40A, Massachusetts General Laws.

4.11.2.2. Public recreational use.

4.11.2.3. Library, museum or civic center, public buildings and premises for government use.

4.11.3. Uses Permitted on a Special Permit Granted by the Board of Appeals

4.11.3.1. Cemetery

4.11.3.2. Raising livestock and poultry, but not including the raising of swine or fur bearing animals.

4.11.3.3. Farm stand for the sale of produce raised on the premises by a resident proprietor, provided that:

- a. All parking is provided in off-street facilities.
- b. All storage of equipment shall be in the rear of the farm stand.

- 4.11.3.4. Riding stable.
- 4.11.3.5. Commercial greenhouse.
- 4.11.3.6. Non-profit or private camp, provided that:
  - a. Overnight accommodations are in tents.
  - b. There are no transient overnight accommodations.
- 4.11.3.7. Single family detached dwelling.
- 4.11.3.8. Trailer, trailer coach or mobile home used as a dwelling except as an office incidental to construction on the premises, and in no case for more than six (6) months in any calendar year.
- 4.11.3.9. Nursery school or day care center.
- 4.11.3.10. Country or tennis club, or non-profit social, civic or recreational lodge or club, but not including any use, the principal activity of which is customarily conducted as a business, provided that:
  - a. Any function room shall have access from a secondary or primary street.
- 4.11.3.11. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correction institutional use.
- 4.11.3.12. Undertaking establishment and funeral home.
- 4.11.3.13. Marina, boat livery, sales, or storage and repair of boats and other marine accessories.
- 4.11.3.14. Outdoor movie theater.
- 4.11.3.15. Commercial indoor or outdoor amusement or recreation place or place of assembly, not including outdoor movie theater, provided that:
  - a. The building is so insulated and maintained as to confine the noise to the premises.
  - b. The building is located not less than one hundred (100) feet from a residential district.

## 4.12. Flood Plain Overlay District

### 4.12.1. Purpose

- 4.12.1.1. The purpose of the Flood Plain Overlay District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.
- 4.12.1.2. The Flood Plain Overlay District is established as an overlay district to all other districts. 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 (currently Section 744).

### 4.12.2. Uses Permitted

- 4.12.2.1. The following uses of low food damage potential and causing no obstruction to flood flows shall be allowed provided that they are permitted in the underlying district, and they do not require structures, fill, or storage of materials or equipment.
  - a. Agricultural uses such as, but not limited to, farming, grazing, truck farming, and horticulture.
  - b. Forestry and nursery uses.
  - c. Outdoor recreational uses, including, but not limited to, fishing, boating, and play areas.
  - d. Conservation of water, plants, wildlife.
  - e. Wildlife management areas, foot, bicycle, and/or horse paths.
  - f. Temporary no-residential structures used in connection with fishing, growing, harvesting, storage or sales of crops raised on the premises.

### 4.12.3. Development Regulations

- 4.12.3.1. Within Zone A, where the 100 year flood elevation is not provided on the Flood Insurance Rate Map, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Conservation Commission. If the data is sufficiently detailed and accurate, it shall be relied upon to determine compliance with this Bylaw and the State Building Code.
- 4.12.3.2. Located within the Flood Plain Overlay District are areas designated as coastal high hazard areas (Zone V). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provision shall apply:
  - a. All new construction shall be located landward of the reach of the mean high tide.

## 4.13. Water Resource Overlay District

### 4.13.1. Purpose

- 4.13.2. The purpose of the Water Resource Overlay District is, in the interest of public health, safety and general welfare, to preserve the quality and quantity of the Town's groundwater and surface water resources in order to insure a safe and healthy public water supply.

### 4.13.3. Uses Permitted

- 4.13.3.1. All uses permitted by right in the underlying District, subject to the provisions of the underlying District.
- 4.13.4. Uses Permitted on a Special Permit Granted by the Board of Appeals or the Planning Board.
  - 4.13.4.1. All uses permitted subject to a special permit granted by the Board of Appeals or the Planning Board in the underlying District, subject to the provisions of the underlying District.

#### 4.13.5. Uses Prohibited

- 4.13.5.1. Notwithstanding the foregoing permitted uses, the following uses are specifically prohibited in the Water Resource Overlay district.
- a. Underground storage of fuel or gasoline or any toxic or hazardous materials.
  - b. Sanitary landfill.
  - c. Junk yard.
  - d. Municipal sewage treatment facilities.
  - e. Car wash.
  - f. Road salt stockpiles.
  - g. Dry cleaning establishments.
  - h. Metal plating.
  - i. Chemical and bacteriological laboratories.
  - j. Fuel or gasoline storage as a principal use.
  - k. Any use which includes retention of less than forty (40) percent of premises in its natural state with no more than minor removal of existing trees and ground vegetation, or creation of impervious surfaces covering more than twenty (20) percent of premises area.
  - l. Any use involving generating of toxic or hazardous waste materials incidental to the principal use.
  - m. Boat and motor vehicle service and repair.
  - n. Any other use which involves as a principal activity the manufacture, storage, use, transportation or disposal of toxic or hazardous materials.

#### 4.13.6. Standards for Use

- 4.13.6.1. To preserve the natural land surface providing high quality recharge to the groundwater, to limit sewage flow and fertilizer application to amounts which will be diluted adequately by natural recharge, to prevent the formation of plumes of contamination in the groundwater system, and to prevent the discharge or leakage of toxic or hazardous substances into the groundwater, all uses other than single family dwellings shall meet the following performance standards:
- a. The concentration of nitrate nitrogen resulting from wastewater disposal and from fertilizer application, when diluted by rainwater recharge on the premises, shall not exceed seven (7) parts per million.
  - b. For all uses, sewage flow as determined by Title 5 of the State Environmental Code shall not exceed three hundred and thirty (330) gallons per day per acre of premises, or exceed twenty thousand (20,000) gallons per day regardless of premises, and less than ten (10) percent of the premises shall be maintained as cultivated lawn.
  - c. All toxic or hazardous materials shall be stored in product tight containers protected from corrosion, accidental damage or vandalism and shall be used and handled in such a way as to prevent spillage into the ground or

surface waters. A product inventory shall be maintained and reconciled with purchase, use, sales, and disposal records at sufficient intervals to detect product loss.

d. No toxic or hazardous materials shall be present in wastes disposed on the premises. Wastes composed in part or entirely of toxic or hazardous materials shall be retained in product tight containers for removal and disposal by a hazardous waste transported licensed by the Commonwealth or as directed by the Board of Health.

e. With the exception of the seven (7) parts per million nitrate nitrogen limit as stated in paragraph 4.13.6.1.a., contaminant levels in groundwater resulting from disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees or from wastewater treatment and disposal systems greater than ten thousand (10,000) gallons per day capacity shall not exceed those levels specified in tables C and E of the "Drinking Water Regulations of Massachusetts" (Department of Environmental Quality Engineering, June 15, 1977) and as same may be amended, after allowing for dilution by natural recharge on the premises.

f. All runoff from impervious surfaces shall be recharged on the premises, diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminated solids. In the vicinity of chemical or fuel delivery points, provision shall be made for spill control.

g. Sand or gravel removal operations shall be limited in depth so that the water table will not be exposed at any time. Land area exposed at any time shall be minimized and land shall be returned to a natural vegetative state within one (1) year of completion of operations.

h. Where the premises are partially outside the Water Resource District such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the District.

4.13.6.2. The Water Quality Review Committee may, as provided in Section 7.4 and in accordance with Section 4.13.7., Certificate of Water Quality Compliance, exempt roof surfaces from the calculation of impervious surfaces provided that:

a. All runoff from the roof is recharged on the premises and diverted toward areas covered with vegetation.

b. When roof-top drainage is allowed to be subtracted from the impervious cover equation, the roof-top drainage allowance will be restricted to less than 40% of the total impervious area.

c. Provisions for recharge are shown in plans approved by the Water Quality Review Committee. Plans shall include all facilities for recharge, a maintenance plan, and provisions for compliance with the conditions of Section 4.13.6.1.

#### 4.13.7. Certificate of Water Quality Compliance.

4.13.7.1. Irrespective of the requirements of Section 7.0., Administration, a Certificate of Waste Quality Compliance shall be obtained by the owners of the premises from the Water Quality Review Committee for:

- a. Erection of any new principal structure other than a single family dwelling; or,
- b. No Building Permit or Certificate of Use and Occupancy shall be issued by the Building Inspector, other than for a single family dwelling, except in compliance with a certificate as required herein, which certificate has been duly recorded in the Plymouth County Registry of Deeds.

4.13.7.2. A certificate of Water Quality Compliance shall be granted only as follows:

- a. For new construction or additions or new activities not involving structures, or for changes in occupancy or operation on previously developed premises, only if in full compliance with all conditions of use hereinabove enumerated.

4.13.7.3. In applying for a Certificate of Water Quality Compliance, five (5) sets of application materials shall be submitted to the Zoning Enforcement Officer who shall forward one set to each member of the Water Quality Review Committee. All information necessary to demonstrate compliance must be submitted including but not limited to the following:

- a. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures to protect from vandalism, corrosion and leakage, and to provide for control of spills.
- b. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.
- c. Evidence of compliance with all requirements of conditions of use as hereinabove enumerated.
- d. All multi-family developments which will have two (2) or more dwelling units, hotels and motels, clustered developments, planned developments, nursing homes and hospitals, and any project resulting in wastewater discharge of greater than one thousand (1,000) gallons per day per single acre shall be required to submit the following:

1. A water table contour map and a geologic description of the area in the vicinity of the proposed project to determine groundwater flow directions;
2. Projections of nitrogen levels in downgradient groundwater, simulation of contaminant movement in groundwater and delineation of plumes; and

3. A projection of the impacts on downgradient drinking water (public and private wells: existing, future and potential), on lakes and ponds, and on coastal waters.

4. The information submitted to the Water Quality Review Committee must demonstrate that no significant impact to downgradient water resources will occur as a result of the project.

4.13.7.4. The Water Quality Review Committee shall act within forty-five (45) days of acceptance of a complete application, approving it by issuing a Certificate of Compliance if a majority determine that the applicant has adequately demonstrated compliance with the requirements of the Water Resource District, and rejecting the application otherwise. Failure by the Water Quality Review Committee to take final action by either accepting or rejecting such an application shall not in any circumstance be deemed a constructive approval and shall not be interpreted to create any rights in the applicant.

4.13.7.5. Each three (3) years the Water Quality Review Committee shall review compliance with this Bylaw and the Certificate of Water Quality Compliance. Upon request, Certificate holders shall submit the following:

- a. Description of any changes from the originally submitted materials.
- b. Certificate that the waste disposal system has been inspected by a licensed septic system installer or treatment plant operator within the preceding ninety (90) days and found to be properly maintained and in proper operating condition.
- c. Results from analysis of leachate or waste waters as may be required by the Board of Health. Evidence of non-compliance shall be reported to the Inspector of Buildings and the Board of Health for enforcement action.

#### 4.13.8 Enforcement

4.13.8.1. The provisions of this section 4.13., Water Resource Overlay District, shall be enforced by the Zoning Enforcement Officer or Agent of the Board of Health. The Zoning Enforcement Officer or Agent of the Board of Health may enter upon the premises at any reasonable time to inspect for compliance with the provisions of this Bylaw. Evidence of compliance with approved waste disposal plans may be required by the enforcing officers. All records pertaining to waste disposal and removal shall be retained by the property owner at the property. Nothing herein contained shall be construed to infringe upon the Inspector of Buildings responsibilities under the State Building Code and/or Zoning Act.

4.13.8.2. Written notice of any violations from the Zoning Enforcement Officer or agent of the Board of Health shall be provided to the holder of the Certificate of Water Quality Compliance, specifying a time for compliance including cleanup of any spilled materials which is reasonable in relation to the public health hazard involved and the difficulty of compliance, but in no event shall more than forty-five (45) days be allowed for either compliance or finalization of a plan for longer term compliance, approved by the Water Quality Review Committee.

### INTENSITY SCHEDULE

District	MINIMUM LOT DIMENSIONS		MINIMUM YARD DIMENSIONS (1)			MAXIMUM HEIGHT DIMENSIONS	MAXIMUM LOT COVERAGE by BUILDINGS IN PERCENT (2)	MINIMUM OPEN SPACE IN PERCENT
	Lot Area in Continuous Square Feet	Frontage in Feet	Front Yard in Feet	Side Yard in Feet	Rear Yard in Feet			
Residential 40	40,000	200	50	30	40	35	25	50
Residential 20	20,000(3) 30,000 (4)	100	40	15	20	35	25	40
Residential M - Mobile Home Park	8,000 (5)	70	20	15	15	15	25	25
Town Center	10,000	80	15	15	20	40	50	30
3A Design District	30,000	150	40	20	30	35	40	40
Commercial	40,000	200	50	40	40	35	50	30
Industrial District	40,000 (6)	250	50	40	40	40	25	25
Conservancy	50,000	100	50	50	20	15	10	75
Commercial/Industrial	40,000 (6)	250	50	40	40	40	50	25

(1) Fences and flagpoles are allowed in the required front, side and rear yards.

(2) Including accessory buildings.

(3) Single family dwellings.

(4) Two family dwellings.

(5) Per mobile home unit. The minimum area of the mobile home park shall be fifty (50) acres. See Section 5.5.1.3

(6) Per principal building or use. Where and if the lot abuts residential zone areas, the minimum side lot must be 50 feet.

### MULTIPLE DWELLING INTENSITY SCHEDULE

Minimum Lot Dimensions		Minimum Yard Dimensions			Maximum Building Dimensions		Maximum Lot Coverage by Buildings in Percent (1)	Minimum Open Space in Percent
Lot Area in Square Feet	Continuous Frontage in Feet	Front Yard in Feet	Side Yard in Feet	Rear Yard in Feet	Height in Feet	Building Length in Feet		
40,000 plus 10,000 sq. ft. for each dwelling unit over three dwelling units.	200	50	50	50	35	150	25%	50%

(1) Including accessory buildings.

## 5.0. INTENSITY OF USE REGULATIONS

### 5.1. Application

5.1.1. A dwelling, building, or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements, except as hereinafter provided.

5.1.2. There shall be only one (1) principal building on a lot, except as hereinafter provided.

5.1.3. A lot or parcel of land containing two (2) or more buildings existing at the time of adoption of this Bylaw which cannot be divided in conformity with these requirements may, under a special permit by the Planning Board, be divided in a manner complying as closely as possible with these requirements.

5.1.4. Notwithstanding the provisions of Section 5.2.1.1., increased requirements respecting minimum lot area and frontage shall not apply to a lot for single-family residential use, whether or not held in common ownership with adjoining land, provided said lot was created under subdivision control legislation and conformed to all dimensional requirements of the Zoning Bylaw in effect at the time the lot was created, and provided further that the lot contains at least 20,000 square feet.

5.1.5. Increases in front, rear or side yard dimensional requirements shall not apply to existing dwellings, provided that a minimum front yard of 25 feet, minimum side yards of 15 feet, and a minimum rear yard of 20 feet are maintained.

### 5.2. Dimensional Requirements

#### 5.2.1. Intensity Schedule

5.2.1.1. No building shall be erected unless in conformance with the requirements of the Intensity Schedule.

#### 5.2.2. Lot Area

5.2.2.1. In all districts, no more than fifteen (15) percent of the required lot area, as defined in this Section 5.0., Intensity of Use Regulations, shall consist of slope over twenty-five (25) percent, wetlands, or swamp. The area within the lot lines on which the building will be situated shall be contiguous and the wetlands or swamp included within the lot lines shall not cross, dissect or otherwise interfere with this area. No part of the required lot area, as defined in this Section 5.0., Intensity of Use Regulations, shall consist of land under water.

#### 5.2.3. Lot Frontage

5.2.3.1. The frontage of all lots shall be measured in a continuous line along the street right-of-way defined in Section 81L of Chapter 41 of the Massachusetts General Laws from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

#### 5.2.4. Exception for Back Lots

5.2.4.1. In an R40 and R20 zone, on a parcel of land that cannot be subdivided under the provisions of General Laws Chapter 41, Section 81P, the Planning Board may approved a single back lot under said section provided that:

- a. Said lot can be laid out with at least twenty (20) feet of frontage on an existing way as defined in Section 81L of Chapter 41 of the Massachusetts General Laws.
- b. The lot contains at least three (3) times the minimum lot area for the zoning district in which it is located.
- c. The lot is not distorted in configuration as to prevent or hinder access by emergency vehicles and personnel.
- d. The primary access to the lot is through a driveway over the lot itself.

5.2.4.2. The lot shall be shown on a plan showing the boundaries of the proposed lot, and of abutting lots as they appear on the most recent Assessors Map(s).

5.2.4.3. In case of subsequent redivision of said lot, the twenty (20) foot access strip shall not be deemed a way, public or private, furnishing access to any lots in the subdivision unless the proposed subdivision is in compliance with the provisions of these Bylaws and the Planning Board Subdivision Regulations applicable to lots and ways.

#### 5.2.5. Yards

5.2.5.1. The minimum front yard dimensions required in the following schedule are to be measured from the street line where a plan of the street is on file with the Registry of Deeds, or, in the absence of such a plan, from a line twenty-five feet from the parallel with the apparent centerline of the traveled way or street.

#### 5.2.6. Lot Size Exceptions

5.2.6.1. Increased requirements respecting lot area, frontage, width, yard and similar dimensions provided in this Bylaw or amendments thereto shall be subject to the exceptions provided in Section 6 of Chapter 40A of the General Laws, and shall not apply to a lot for single and two-family residential use, which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to the then existing requirements and had less than the proposed requirements but had at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

#### 5.2.7. Reduction of Occupied Lots

5.2.7.1. No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with lot area, width, setback or yard provisions of this Bylaw, or, if such building or lot already fails to comply with said provisions, such reduction or change

would bring about a greater degree of non-compliance with said provisions. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

#### 5.2.8. Corner Clearance

5.2.8.1. In all districts, no building shall be constructed within the triangular area formed by the exterior lines of intersecting streets and a line joining points on such lines fifty (50) feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, and no structure other than a building, no foliage, shrubbery or other planting, and no open display, storage or other open use shall be located within said triangular area in such a manner as to interfere with traffic visibility across the corner.

#### 5.2.9. Lot Configuration

5.2.9.1. The mean direction of the side lot lines shall be as close as possible to perpendicular to the street line or to this tangent at the point of intersection of the side lot line. In no case shall the direction of the side lot line form an angle of less than seventy-five (75) degrees with the street or the aforesaid tangent.

5.2.9.2. Lots which are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with the dimensional requirements established herein, shall not be permitted.

#### 5.2.10. Stream Setback

5.2.10.1. In any district, no part of a sewage disposal system for any new construction shall be within one hundred (100) feet of the normal spring high water level of any Great Pond, pond, stream, brook, river, swamp or wetland.

#### 5.2.11. Projections

5.2.11.1. Nothing herein shall prevent the projection into any required setback area or yard of cornices, eaves, sills or ornamental features not over three (3) feet in width, or of steps of uncovered porches not over three (3) feet high above average finished grade, and nothing herein shall prevent the projection above a roof of chimneys or antenna, or of steeples, domes, towers or similar projections not used for human occupancy.

#### 5.2.12. Commercial and Industrial Uses on Lots Abutting Private Dwellings

5.2.12.1. When commercial and industrial structures are erected or placed on lots abutting existing dwellings within a Town Center, Commercial or Industrial District, or within an adjacent Residential District, there shall be established and maintained on said lot(s) a dense screen of evergreen trees or tall shrubs or an opaque stockade fence not less than four (4) feet nor more than six (6) feet in height, nor less than the height required to screen objectionable features. All areas, where refuse is gathered, shall be adequately screened from view from the street or adjacent dwellings.



5.2.12.2. On side lines, said screen shall be as near the line of the street as the foundation of either dwelling or commercial or industrial structure, whichever is nearest, and shall extend along the side lot line a distance of not less than thirty-five (35) feet, nor less than the full length of the business structure. On the rear lot line, said screen shall extend the distance necessary to screen from the view of abutting residences.

### 5.3. Planned Residential Development

5.3.1. In Residence 40 District, the following regulations shall apply to any grant of a special permit for a Planned Residential Development as may be authorized by the Planning Board pursuant to Section 7.0., Administration. Pursuant to approval of a Definitive Plan in accordance with the Planning Board Subdivision Regulations, adopted by the Kingston Planning Board, said application shall be reviewed in accordance with the standard set forth in Section 9, General Laws, Chapter 40A, these Bylaws, and Rules and Regulations promulgated by the Kingston Planning Board for granting of a Definitive Plan.

#### 5.3.1.1. Intensity

- a. The minimum area of any Planned Residential Development shall be not less than five (5) acres, and that not more than ten (10) percent of the minimum area shall consist of wetlands or land under water or land with a slope in excess of fifteen (15) percent.
- b. In addition, to the minimum five (5) acres required in paragraph "a" above, there shall be provided for each dwelling unit within the Planned Residential Development an area equivalent to the lot area required within the district for a detached one-family dwelling.

#### 5.3.1.2. Dimensional Regulations

- a. A Planned Residential Development shall have a minimum frontage on a public way and/or a way approved by the Planning Board under the Subdivision Control Law, equivalent to fifty (50) feet for each dwelling unit contained within the planned development. The requirements of this Section may be modified if review designates adequate access is provided and will not derogate from the intent of Section 5.3., Planned Residential Development.
- b. No building within a Planned Residential Development shall contain more than four (4) units.
- c. No building in a Planned Residential Development shall exceed twenty-eight (28) feet in height, said height to be determined by the vertical distance between the average finished grade of the sound adjoining the building to the highest point of the roof beams.
- d. No building or structure shall be located closer than one hundred (100) feet from the center line of any public way or other way utilized to meet the frontage requirements of this Section, or within seventy-five (75) feet from the center line of any interior street, way, or driveway.

- e. No building or structure shall be located within areas which are required to be maintained in a natural state.
- f. No building or structure shall be located within fifty (50) feet of a property or lot line.
- g. If there is more than one building containing dwelling units on a single lot, there shall be a minimum of fifty (50) feet between such buildings.
- h. Each dwelling unit shall have at least two (2) sides with full exposures, and shall have two (2) separate exits.
- i. No floor, except unfinished basement, of a dwelling unit shall be located beneath the average finished grade of the ground adjoining the building.

#### 5.3.1.3. Design

- a. Buildings shall be of an architectural style which is compatible with the prevailing style in the area in which the Planned Residential Development is located and shall be compatible with other buildings in the Planned Residential Development.
  - b. Buildings, open spaces, driveways, parking areas and other development features shall be located and designed in a manner which conforms to the existing natural terrain of the site.
  - c. Building placement which makes maximum use of solar energy shall be encouraged.
  - d. All existing or proposed utilities shall be installed underground at the time of initial construction. Each quadruplex unit shall be equipped with approved fire protection residential sprinkler system in accordance with the Kingston Fire Department approval. Each dwelling shall have on the exterior a horn and light that is connected and will activate with the fire alarm protective devices.
  - e. Lighting facilities, whether placed along service drives, in parking areas or on the exterior of building, shall be so arranged and shielded that they do not unreasonably distract the occupants of the buildings or shine directly upon abutting properties and/or public ways. In no case shall illumination upon the window surface of any buildings used for dwelling purposes exceed five-tenths (0.5) foot candles.
  - f. Provisions shall be made for the storage, collection and removal of garbage. All necessary facilities shall be appropriately screened.
  - g. There shall be one entrance road and one exit road to each Planned Residential Development, unless a divided entrance-exit road is approved by the Planning Board.
  - h. All interior roads and drives shall be constructed to the standards of the Planning Board as contained in the Planning Board Subdivision Regulations.
- 5.3.1.4. Off-Street Parking
- a. Off-Street parking shall be provided in accordance with the provisions of Section 6.4., Off-Street Parking Requirements, except as follows:



1. All parking spaces, including any which may be in excess of those requirements, shall be located a minimum of seventy-five (75) feet from the center line of any public ways or ways utilized to meet the frontage requirements of this Section.

2. Unless in an accessory garage within the structure, no parking space shall be located closer than twenty-five (25) feet from a building used for dwelling purposes.

3. All required parking spaces shall be provided within three hundred (300) feet of the dwelling units which they are required to serve.

#### 5.3.1.5. Open Space and Landscaping

a. All areas not covered by pavement, curbing, buildings and/or structures including such facilities as playing areas for court games, swimming pools, and plazas, shall be landscaped with grass, shrubbery, trees, flowers, or ground covers indigenous to the area. Also along the length of each exterior wall of each principal building, except those areas devoted to stairs and doors, there shall be a landscaped area with bushes, shrubs or flowers indigenous to the area.

b. An area equivalent to one-half (1/2) of the minimum area required by Section 5.3.1.1.b. shall be left substantially in its natural state.

#### 5.3.1.6. Ownership and Maintenance

a. The area left substantially in its natural state shall be placed in an ownership which shall provide for its permanent retention and maintenance. The manner of ownership, use and maintenance of such permanent natural area shall be determined by the agreement of the applicant, the owner, and the Planning Board. The agreement, duly executed in a form suitable for recording by the owner or owners of such natural area, shall provide that, in the event the Planning Board shall grant a Special Permit under this Section, such permanent area shall be owned by a non-profit organization the principal purpose of which is the preservation of natural areas, or a corporation or trust owned or to be owned in common by the owners of the dwelling units within the development in which the ownership of the natural area runs with the title to the dwelling units and is not separably alienable.

b. Such natural area shall be kept in an open and natural state, and shall not be built upon for residential use, for walkways, driveways and/or parking.

c. Such natural areas shall be subject to permanent restrictions as agreed under Section 5.3.1.6.a.

d. An organization, corporation or trust owned or to be owned in common by the owners of the dwelling units within the development in a form approved by the Planning Board shall be responsible for the maintenance of all common areas, not otherwise provided in accordance with Section 5.3.1.6.a., including, but not limited to lighting, plowing, roadway, sidewalks, recreation facilities and accessory structures.

#### 5.3.1.7. Housing Incentive

The Planning Board may authorize an increase in the number of dwelling units in excess of that which would otherwise be permitted in a Planned Residential Development pursuant to the provisions of Section 5.3.1., provided that:

a. Ten (10) percent of the total dwelling units are set aside for affordable housing, defined as units affordable to households with incomes at or below eighty (80) percent of the median household income in Kingston as determined by the latest U.S. Census or as adjusted based on the formulas in use by the Massachusetts Executive Office of Communities and Development, which is on file with the Planning Board.

b. The increase shall not exceed twenty percent of the number of units otherwise allowed pursuant to the provisions of Section 5.3.1.1. and 5.3.1.2.

c. The exterior appearance of the affordable units is consistent with the style of the market rate units in the development.

d. There is provision satisfactory to the Planning Board and enforceable by the Town that the units will be sold or leased at costs and be subject to occupant income limitations to assure that the units remain affordable. The Planning Board may impose reasonable conditions on the length of occupancy, resale, phasing and site development on the affordable units.

#### 5.4. Multiple Dwellings

##### 5.4.1. Intent and Purpose

5.4.1.1. It is the intent and purpose of this Bylaw to provide for the construction of multiple residences and/or multiple dwelling complexes in those zones to which this section applies after the approval of a preliminary site plan, the issuance of a special permit, and the subsequent approval of a definitive plan by the Planning Board. A special permit hereunder is only an authorization for specific use and does not exempt that particular parcel of land from conformance with the Zoning Bylaws, unless specified hereunder or in said permit, or from conformance with the Planning Board Subdivision Regulations. It is intended that any complex proposed hereunder will have buildings or groups of buildings placed on individual lots, which in turn have continuous frontage on a public or private way. Subsequent approval by the Planning Board and other appropriate Town Boards or Departments will be required as set forth in the Planning Board Subdivision Regulations including approval of street, utility and sanitary disposal systems, whether or not the subject proposal is a subdivision as defined by the Subdivision Control Law.

##### 5.4.2. Procedure

5.4.2.1. Before approval of the special permit, a preliminary site plan shall be submitted and approved in accordance with the provisions of Section 7.3.. Site Plan, of this Bylaw.

5.4.2.2. If the application and site plan are approved, the applicant shall submit a "Definitive Site Plan" to the Planning Board in accordance with the Planning Board Subdivision Regulations.

5.4.2.3. In addition to the criteria listed in Section 7.3.4., Guidelines, the Planning Board shall consider the extent to which the proposed development conforms with sound land use principles and design. Violation of these principles may be grounds for disapproval of the plan, even though all other requirements are met.

#### 5.4.3. General Requirements

5.4.3.1. The minimum area for any multiple dwelling development shall be five (5) acres.

5.4.3.2. The minimum lot and yard dimensions, maximum building dimensions, and maximum lot coverage shall be in accordance with the following Multiple Dwelling Intensity Schedule.

5.4.3.3. If there is more than one building on a single lot as defined in Section 2.1.1.32, there shall be a minimum of fifty (50) feet between such buildings. No building shall be located closer than one hundred (100) feet of an existing paved Town way.

5.4.3.4. Off-street parking shall be provided in accordance with Section 6.4.1., Required Parking. Parking areas shall not be located closer than twenty-five (25) feet of the side and rear lot lines and one hundred (100) feet of an existing paved Town way. No on-street parking will be permitted.

#### 5.5. Mobile Home Parks

5.5.1. Residential M - Mobile Home Park District (RM), in accordance with Section 4.5., of this Bylaw, mobile home parks in the Town of Kingston shall comply with the following provisions:

5.5.1.1. For every five thousand (5,000) persons resident in the Town of Kingston or any fraction thereof, one (1) mobile home park may be permitted by the Board of Appeals. For this purpose, the latest accurate census of the Town of Kingston shall be used if certified by the Town Clerk. In the absence of such certification, the latest United States Census shall govern.

5.5.1.2. In no case shall the total aggregate number of mobile homes in all complexes exceed fifteen (15) percent of the total number of dwelling units in existence in the Town of Kingston at the time of application. For this purpose the most recent figures of the Kingston Board of Assessors shall govern. The maximum number of mobile homes permitted in any one mobile home park shall be three hundred and fifty (350).

5.5.1.3. The minimum area of the mobile home park shall be fifty (50) acres.

5.5.1.4. The minimum lot area, continuous lot frontage, yard dimensions, and maximum lot coverage including accessory buildings shall be in conformance with the Schedule of Intensity Regulations in Section 5.0., Intensity of Use Regulations. Screened and roofed porches and open decks may be constructed in side and rear yards, but not closer than ten (10) feet of said lot lines.

5.5.1.5. There shall not be more than one (1) mobile home per lot.

5.5.1.6. All mobile home lots shall abut on a roadway. All roads within the park shall conform to the Subdivision Regulations, Section V and shall be maintained in good and proper condition. All roads, utilities, and drainage shall be installed and approved by the Planning Board before occupancy will be allowed in said park. The Planning Board may approve said park in sections for occupancy. Completion of the park must be within seven (7) years of the Planning Board's final approval.

5.5.1.7. No mobile home shall be located closer than three hundred (300) feet from any public highway and shall be properly screened therefrom. The remaining perimeter of the mobile home park shall be screened for a minimum width of twenty (20) feet with natural growth, hedges and the like. All screening shall be established and maintained in a manner satisfactory to the Board of Appeals. No mobile home lot shall be included within the screening area.

5.5.1.8. Each mobile home site shall be provided with an approved underground electrical connection specifically metered unless such underground electrical connection is waived by the Board of Appeals.

5.5.1.9. Street lights of not less than three thousand (3,000) lumens each shall be installed by the permittee at intervals of not more than one hundred and fifty (150) feet apart.

5.5.1.10. No occupied travel trailer, pick-up coach, motor home, or camping trailer shall be permitted in a mobile home park as a dwelling.

5.5.1.11. Each building and mobile home stand shall be an element of an overall plan of site development.

5.5.1.12. Where possible, mobile home stands shall be oriented with respect to scenic vistas, natural landscape features, topographic and natural drainage areas. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service, and parking areas. Screening devices shall not impair pedestrian or vehicular safety.

5.5.1.13. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and designed so as not to be unsightly or hazardous to the public.

5.5.1.14. Residential open space within the allowable density limits shall be allocated to the recreational amenity and environmental enhancement of the mobile home park and shall be designed as such on the site plan for the proposed development.

5.5.1.15. After approval of a proposed mobile home park there shall be no further subdivision of land within the proposed development which would increase the allowable net density.

5.5.1.16. Mobile home stands shall be provided with a minimum of twelve (12) piers resting on a six (6) inch concrete pad slab. There shall be no storage of any material whatsoever underneath the perimeter of the mobile home. Approved anchoring must be provided to be attached to the concrete slab.

5.5.1.17. All individual mobile homes shall be equipped with aluminum slat skirts or other suitable type of enclosure and must be maintained in a suitable condition at all times. A mobile home owner after having established his mobile home in a mobile home park shall have thirty (30) days to conform with the requirement.

5.5.1.18. Enclosed tenant storage must be provided for material which is used only seasonally or infrequently, and which cannot be conveniently stored in a mobile home. The permittee may provide community storage or may provide storage by constructing individual storage buildings for mobile home sites. Such individual storage buildings must be uniformly constructed, must be approved by the Town Building Official as to construction, must be erected on a six (6) inch concrete slab with approved anchoring and the outside dimensions must be a minimum of six (6) feet by eight (8) feet or a maximum of eight (8) feet by twelve (12) feet along the sides and eight (8) feet in height. Such storage buildings shall be located in the rear corner of the unit space and shall be located not less than ten (10) feet from any side yard and shall be not less than five (5) feet from any rear lot line.

5.5.1.19. No permanent additions, such as lean-tos, enclosures, or rooms shall be added to any mobile home; provided, however that open porches with awnings and removable skirting may be installed; provided, however, that such additions do not infringe in front, side or back yard minimum dimensions in accordance with Section 5.0., Intensity of Use Regulations.

5.5.1.20. All residents of the park must be fifty-five (55) years of age or over. Community building must be constructed for the exclusive use by the residents and their guests before fifty-one (51) percent of the dwelling units are occupied. Parking spaces shall be provided in accordance with Section 6.1. with an adjacent area available should the need arise.

5.5.1.21. Before occupancy is allowed for any mobile home with on site sewage and/or a water well, a certified "as build" plot plan showing the exact placement of the mobile home porches and sheds on the lot (and all its related appurtenances) must be given to the Inspector of Buildings.

5.5.1.22. Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. All fuel oil supply systems shall be constructed and installed underground in each mobile home lot in accordance with all applicable codes and regulations.

5.5.1.23. A person to whom a special permit is issued shall operate the park in compliance with all regulations, and provide adequate supervision to maintain the park, its facilities, and equipment in good order and in clean and sanitary condition.

5.5.1.24. The sale of mobile homes shall be limited to mobile homes being placed within the park. No more mobile homes shall be allowed unless they are placed on a mobile home lot as if to be used as a residence.

5.5.1.25. No business of any kind is to be conducted in the park with the exception of coin-operated vending machines located within the confines of the community building.

5.5.1.26. All roads in the mobile home park shall be maintained by the permittee. They shall be kept passable and in good condition at all time. Snow and ice removal shall be done by the permittee at his expense.

## 6.0 GENERAL PROVISIONS AFFECTING ALL DISTRICTS

### 6.1. Application

6.1.1. Non-conforming: Any principle or accessory structure or use which does not conform to the requirements of this Bylaw but which was lawfully in existence or lawfully begun or for which a building permit or special permit has been issued before the first notice of the public hearing on this Bylaw or any amendment thereto shall be deemed to be a non-conforming use.

6.1.2. This Bylaw and any amendment thereto shall not apply to any non-conforming use but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

### 6.2. Non-Conforming Use of Building or Land

#### 6.2.1. Restoration or Reconstruction

6.2.1.1. Necessary repairs to and/or rebuilding of a structure for a non-conforming use after damage by fire, storm or similar disaster, are permitted provided they are accomplished without undue delay and do not substantially change the character or size of the building, nor the use to which it was put prior to such damage.

#### 6.2.2. Change, Extension or Alteration

6.2.2.1. Non-conforming structures or uses may be extended or altered, provided that:

a. No such extension or alteration shall be permitted unless authorized by special permit of the Board of Appeals which shall find that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

b. This section shall not apply to billboards, signs and other advertising devices subject to the provisions of Sections 29 through 33, inclusive, of Chapter 93, and to Chapter 93D of the Massachusetts General Laws.

6.2.2.2. Notwithstanding 6.2.2.1., non-conforming structures may be altered without a special permit providing that such alteration is within the existing building footprint and does not increase the floor area.

### 6.2.3. Abandonment

6.2.3.1. If a non-conforming use or structure is discontinued for a period of two (2) years, it may not be resumed except by special permit of the Board of Appeals. Nonconforming uses discontinued for a period of two (2) or more years shall be deemed to be abandoned.

## **6.3. Accessory Buildings and Uses**

### 6.3.1. Use Regulation

6.3.1.1. Accessory uses are permitted in the same manner as principal uses, subject to the same requirements; that is, a use which would be allowed as a principal use is also allowed as an accessory use, but not otherwise.

### 6.3.2. Dimensional Regulation

6.3.2.1. No accessory building or structure shall be located within the required front yard area. No accessory building shall be located in any side yard area nearer to the side lot line than ten (10) feet, or in a rear yard nearer to the lot line than five (5) feet. In no case shall accessory buildings cover more than twenty-five (25) percent of the total rear yard area.

## **6.4. Off-Street Parking Requirements**

### 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 services. 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).
- b. Retail business, commercial or personal service establishment: One (1) parking space for each two hundred (200) square feet of gross floor area.
- c. Office, professional, business or public: One (1) parking space for each two hundred (200) 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.

### 6.4.2. Location of Parking Areas

6.4.2.1. Except in Residential M, Mobile Home Parks, no off-street parking area shall be located within twenty (20) feet of a street line or within ten (10) feet of all other property lines.

6.4.2.2. No parking area shall be located or designed so as to allow backing onto or off a public way.

### 6.4.3. Development and Maintenance of Parking Areas

6.4.3.1. For parking areas of six (6) cars or more the following shall apply:

a. Off-street parking areas shall be designed and constructed in accordance with The Regulations of the Planning Board Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas.

b. There shall not be more than one (1) entrance and one (1) exit from such lots per three hundred (300) feet of street frontage or fraction thereof. If necessary to meet this requirement, uses shall be arranged for shared egress and ingress.

6.4.3.2. Parking areas must be so located and parking so designed that egresses likely to be used for more than two hundred (200) trips per day, serving more than forty (40) dwelling units or eighty (80) employees or forty (40) restaurant seats or one (1) gas pump shall provide four hundred (400) feet visibility in both directions of a street.

## **6.5. Off-Street Loading Requirements**

### 6.5.1. Required Off-Street Loading

6.5.1.1. Adequate off-street loading facilities and space must be provided to service all needs created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures.

### 6.5.2. Development and Maintenance of Off-Street Loading Facilities

6.5.2.1. Facilities shall be so sized and arranged that no trucks need back onto or off of a public way, or be parked on a public way while loading, unloading, or waiting to do so.

6.5.2.2. Off-street loading areas shall be designed and constructed in accordance with The Regulations of the Planning Board Governing the Design, Construction and Maintenance of Off-Street Parking and Loading Areas.

## **6.6. Signs**

### 6.6.1. Purpose

6.6.1.1. It is the intention of these sign regulations to promote the public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community.

### 6.6.2. General Requirements

- 6.6.2.1. All signs together with their supports, braces, guys, and anchors shall be kept in good repair and in safe condition. The owner of the premises on which a sign is erected shall be directly responsible for keeping such sign and premises around it in a safe, sanitary, neat and clean condition.
- 6.6.2.2. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and shall be designed, located, erected and maintained only for the purposes of illuminating the subject sign and/or premises. The illumination of signs shall be permitted only between seven (7) o'clock in the morning and eleven (11) o'clock in the evening, except during such hours as such establishments are open to the public.
- 6.6.2.3. A sign pertaining to a use, an occupancy or an ownership, which sign does not conform to this Bylaw, shall be removed within sixty (60) days after it is changed.
- 6.6.2.4. Any change to the size, shape, type or other characteristics of a non-conforming sign shall be in conformance with this Bylaw.

### 6.6.3. Signs Permitted In All Districts

- 6.6.3.1. The following signs are permitted in all districts provided they meet the General Requirements of Section 6.6.1., Purpose:
- a. One (1) non-illuminated identification sign not to exceed three (3) square feet in area nor eight (8) feet in height, stating the name and address of the occupant.
  - b. One (1) temporary non-illuminated real estate sign pertaining to the lease, sale or use of a lot or building on which such sign is placed not exceeding a total area of six (6) square feet.
  - c. One (1) sign for identification of professional and home occupations, or of the occupant, not exceeding a total area of three (3) square feet.
  - d. A marker not to exceed two (2) square feet identifying a historic building.
  - e. Street numbers and any sign erected by a Town, State or Federal Government.
  - f. A sign erected by a public carrier for direct information concerning its service at the location.
  - g. Signs and displays associated with an approved stand for the retail sale of agricultural or farm produce not exceeding twelve (12) square feet in total area.
  - h. A sign erected by any fraternal, civic, religious or service organization or club, merely announcing its presence in the Town of Kingston and the time and place of its regular meeting, provided such sign shall not exceed three (3) feet in diameter nor nine (9) square feet in area.
  - i. Any flag, badge, insignia or device of any governmental agency or civic, charitable, religious, patriotic, political, fraternal or similar non-profit organization when displayed along a line of march of any parade, or in sockets along any street during a fund raising drive.

j. Temporary political signs displayed not more than twenty-one (21) days prior to an election and three (3) days after the election provided no sign shall exceed four (4) square feet in a Residence District, 3A Design District and Conservancy District, and twenty-four (24) square feet in other Districts.

k. A temporary construction sign is permitted in any district provided the sign is non-illuminated, does not exceed thirty-two (32) square feet in area, identifies an engineer, architect and/or contractor engaged in the development of land or construction or alteration of buildings and further provided such sign is set back at least ten (10) feet from any street line and is removed upon completion of construction.

### 6.6.3.2. Signs Permitted In Residential, 3A Design District, and Conservancy Districts

a. The following signs are permitted in all Residential Districts, the 3A Design District and the Conservancy District:

1. One (1) non-illuminated or indirectly illuminated identification sign for each separate street line of an approved special permit use. Said sign shall be subject to the applicable side and rear yard requirements for principal buildings and shall be set back a minimum of fifty (50) percent of the applicable front yard requirements for principal buildings. The height of such sign shall not be greater than the distance it is located from any lot line, and the square foot area of such sign shall not be greater than one-half (0.5) the linear foot distance it is located from any lot line; however, in no case shall the sign exceed sixteen (16) square feet in area nor eight (8) feet in height.

2. Other signs shall be limited to directional signs necessary for public safety or convenience and shall be designated and approved as an integral part of the Site Plan for an allowable Special Permit use.

### 6.6.4. Signs Permitted in Town Center District and Commercial District

6.6.4.1. The following signs are permitted in the Town Center District and Commercial District provided they meet general requirements of Section 6.6.1., Purpose:

- a. One (1) sign advertising goods and services available on the premises, not exceeding one (1) square foot for every linear foot of store frontage and in no case exceeding a total area of thirty-six (36) square feet per lot.

- b. One (1) sign for identification of the business, company or agency on a wall or parapet of a main building not exceeding thirty (30) square feet for each separate business in the Commercial District.

- c. For the purpose of identifying the business or commercial development or shopping center, one (1) free-standing sign with a total of thirty-six (36) square feet of area for each street on which the business or manufacturing development or shopping center fronts.

- d. For the purpose of advertising the sale or lease of the premises, said sign not to exceed thirty-two (32) square feet in signboard area.

e. A sign attached to a building shall not:

1. project more than one (1) foot from the building wall when the building bounds on a lot line.
2. project into or over the paved portion of a street or a right-of-way.
3. exceed the height of the building.

#### 6.6.5. Signs in the Industrial District and the Commercial/Industrial Park District

6.6.5.1. The following signs are permitted in the Industrial District and the Commercial/Industrial Park District, provided they meet general requirements of Section 6.6.1., Purpose:

a. Two (2) signs pertaining to each establishment or occupancy in a building or office the total area of which shall not exceed two hundred (200) square feet, provided that:

1. One (1) of these signs may be free standing which does not exceed fifteen (15) percent of the area of the building face or sixty (60) square feet, whichever is smaller.
2. In the case of an open-air use containing no building, one (1) free standing sign not exceeding sixty (60) square feet shall be permitted for each one hundred (100) feet of lot frontage on the street on which the use has direct frontage.

#### 6.6.6. Prohibited Signs

6.6.6.1. The prohibitions contained in this Section shall apply to all signs, all artificial lighting and all districts, regardless of designation.

6.6.6.2. No permitted sign, including projecting signs, shall be located in any street right-of-way.

6.6.6.3. No sign or advertising device shall be erected, used or maintained which in any way simulated official directional or warning signs erected or maintained by Federal, State or Town Governments for the protection of the public health and safety.

6.6.6.4. No sign or advertising device shall be erected or maintained in such a manner as to obstruct or interfere with the free and clear vision on any street or driveway.

6.6.6.5. No sign or advertising device shall be erected or maintained with any lighting or control mechanism which may cause radio or television interference.

6.6.6.6. No illumination sign or lighting device shall be placed or directed on any property in a manner that would permit the light beams and illumination therefrom to be directed or beamed onto a right-of-way or walkway, or onto adjoining properties so as to cause glare or reflection that might constitute a traffic hazard or public nuisance.

6.6.6.7. No animated sign or advertising device shall be erected.

6.6.6.8. No flashing signs or advertising device which creates intermittent or varying light intensity shall be erected.

6.6.6.9. No sign shall extend more than twelve (12) inches beyond the building walls or parts thereof, except as otherwise provided in these sign regulations.

6.6.6.10. No roof signs shall be erected.

6.6.6.11. No building or part thereof, such as a gable, roof, or wall, shall be outlined by direct illumination for the purpose of commercial advertising.

6.6.6.12. No sign shall be attached to or be erected or maintained in such a manner as to obstruct any fire escape, window, door, or other building opening used for egress and ingress, ventilation or other fire fighting purpose.

6.6.6.13. No sign whose content does not relate exclusively to the premises on which it is located, or to products, accommodations, services or activities on those premises shall be allowed, except as otherwise provided in Section 6.6.4., Signs Permitted In Town Center District and Commercial District hereof.

6.6.6.14. No free-standing sign shall be erected to exceed a height of thirty (30) feet.

6.6.6.15. There shall be no temporary signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors on a building exterior or premises except those granted by right upon written application to the Inspector of Buildings which in no case shall exceed a period of sixty (60) days.

#### 6.7. Performance Standards

##### 6.7.1. Administration and Interpretation

6.7.1.1. All proposed uses of buildings, lots or premises within any District after the passage of this Bylaw shall conform to the standards contained in this Section:

a. The applicant, at his own expense, shall furnish evidence sufficient to satisfy the Zoning Enforcement Officer that the proposed use of the building or premises will not produce any nuisances beyond the lot lines as measured by the performance standards listed below or as existing in comparable operations allowed in the District.

b. Any nuisance produced in excess of the standards permitted below or any other nuisance found after review by the Zoning Enforcement Officer in the course of his or her normal enforcement procedure to be excessive shall be reduced to acceptable standards or discontinued.

##### 6.7.2. Air Pollutants

6.7.2.1. Except as is herein provided, all use and conditions of land, buildings and structures shall be in conformance with the Regulations 310 CMR 6.00 8.00 of the Department of Environmental Protection, Commonwealth of Massachusetts, Dec. 31, 1981 and amendments thereto.

##### 6.7.3. Noise

6.7.3.1. No noise shall be in excess of sixty (60) decibels at any lot line opposite or abutting a Residence 40, Residence 20, or Residence M nor in excess of ninety (90) decibels at any other line.



6.7.3.2. In a Residence 40, Residence 20, or Residence M District, noise shall not exceed sixty (60) decibels between the hours of 8:00 P.M. and 7:00 A.M. At all other times, noise shall not exceed sixty (60) decibels for more than twenty (20) minutes at each hour.

6.7.3.3. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or high frequency.

#### 6.7.4. Odor

6.7.4.1. Emissions as measured at the user's property line shall not exceed the established threshold limit values for odors as outlined in T.M. Hellman and F.H. Small, Journal Air Pollution Control Association, 24(10), 979-982, (1974); and amendments thereto added by the Manufacturing Chemists Association, Inc., Washington, D.C.

#### 6.7.5. Heat, Glare and Vibration

6.7.5.1. No heat, glare or vibration shall be discernible without instruments from the outside of any structure.

6.7.5.2. Wind energy conversion systems, machinery and equipment shall comply with the following provisions:

a. The system shall not cause interference with radio and/or television broadcasting or reception and shall comply with the provisions of 47 CFR Part 15 (Federal Communications Commission) as it exists, or as it may be amended.

b. The base of a windmill shall be set back from all property lines and principal buildings at least the setback distance shown on the "Wind turbine Setback Graph" North East Solar Energy Center Report, March 1979.

#### 6.7.6. Waste Disposal, Water Supply and Water Quality

6.7.6.1. Regulations of the Department of Public Health, Commonwealth of Massachusetts, shall be met and when required by The Zoning Enforcement Officer, approval shall be indicated on the application for a Building Permit.

a. In no case shall discharge cause the waters of the receiving body to exceed the limits assigned by the Commonwealth of Massachusetts, Water Resources Commission, Division of Water Pollution Control, as published and entitled "Water Quality Standards", filed with the Secretary of State on September 21, 1978, and amendments thereto, for streams and water bodies within the Town.

b. Materials used on the exterior or cleanup of structures or vehicles or of any equipment shall be disposed of in accordance with the regulations of the Board of Health.

#### 6.7.7. Storage

6.7.7.1. All materials, supplies and equipment shall be stored in accordance with the Fire Prevention Standards of the National Fire Protection Association and shall be screened from view from public ways or abutting properties.

#### 6.7.8. Exterior Lighting

6.7.8.1. No exterior lighting, other than street lighting approved by the Department of Public Works, shall shine on adjacent properties or toward any street.

6.7.8.2. Exterior illumination of buildings or grounds in a Residence 40A, Residence 20B, and Residence M District, except as may be permitted for required parking areas, shall:

a. Be permitted only for non-commercial uses open to the public, such as a church or playground; and

b. Be shown on a site plan approved by the Zoning Enforcement Officer.

6.7.8.3. Any lighting shall be continuous and non-flashing.

#### 6.7.9. Building Construction

6.7.9.1. All buildings shall be of construction prescribed in the State Building Code.

6.7.9.2. No building permit shall be granted unless the application for such permit is filed in accordance with the State Building Code.

#### 6.7.10. Hazardous and Toxic Materials

6.7.10.1 No use shall be allowed which would create clear or unlawful hazard through emission of dangerous elements into the air, any water body, or the ground; through vehicular egress at points of constricted visibility; through use of storage of toxic, hazardous, inflammable, radioactive, or explosive materials without evidence of compliance with all applicable regulations; or through lack of security measures to prevent exposure to potentially hazardous structural or site conditions.

6.7.10.2. All hazardous materials used, created, stored, processed, disposed of by processing, diluting, burying or containment, leaching or any other manner, or transported (including piping) in the Town shall be used, stored or transported in accordance with all applicable Federal, State and Local regulations.

6.7.10.3. A notice for use, creation, storage, processing, disposal and transport shall be filed with the Board of Selectmen, the Fire Department, the Board of Health, and the Water Board on such forms as they shall require.

a. Notification shall include, at a minimum, identification of material, the amount involved, the process, if any, the routes of transport, carrier and conveyance, if any.

b. The Board of Selectmen may require a bond be posted to cover any and all possible damage to person, property and environment.

#### 6.7.11. Erosion Control

6.7.11.1. Whenever the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of water to or from abutting properties, and shall be suitably landscaped.

- 6.7.11.2. No use shall be allowed if it will leave the earth exposed for greater than fourteen (14) days, unless erosion control measures as defined in Guidelines for Soil & Water Conservation in Urbanizing Area of Mass., 1977, United States Department of Agriculture, Soil Conservation Service, are employed.
- 6.7.11.3. No use shall be allowed which will damage or harm adjoining properties, waterways, or public utilities through uncontrolled erosion and sedimentation.
- 6.7.12. Dish Antennae and Radio Antenna Towers
- 6.7.12.1. Accessory dish antennae shall be located in the rear yard, shall be set back at least ten (10) feet from all property lines, principal buildings and accessory buildings, and shall not have a diameter greater than one-third (1/3) of the required rear yard.
- 6.7.13. Electrical Interference
- 6.7.13.1. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 6.7.14. Fencing, Screening and Landscaping
- 6.7.14.1. Boundary fences, walls, or hedges shall be permitted provided that they do not exceed six (6) feet in height, and provided that no fence which obstructs vision shall exceed thirty-six (36) inches in height within twenty (20) feet of the street line or within twelve (12) horizontal feet of a habitable room in an abutting dwelling.
- 6.7.14.2. Open storage, loading, or service areas, mobile home parks and parking lots for six (6) or more cars shall be screened from any adjacent residence or public way by a wall, fence, or densely planted trees or shrubs at least three (3) feet in height, or be equivalently obscured by natural vegetation.
- 6.7.14.3. Except as required for municipal waste pick-up and removal, junk, trash, or debris shall be stored so as not to be visible from adjacent properties or any street.
- 6.7.14.4. No more than fifty (50) percent of required front yard shall be covered by impervious surfaces and except for walkways, driveway and walls impervious surfaces shall not be within ten (10) feet of the right-of-way line.
- 6.8. Swimming Pools**
- 6.8.1. General Requirements**
- 6.8.1.1. Pools used for swimming or bathing shall be in conformance with all applicable and pertinent State and local codes, rules and regulations.
- 6.8.1.2. Private swimming pools shall not be allowed on any front yard area and shall not be located less than twelve (12) feet from the side and rear property lines.

- 6.8.1.3. Swimming pools must be constructed to conform to the State Building Code and any local or State regulations.
- 6.8.1.4. Plans shall be filed with the Inspector of Buildings and shall be accurately prepared by a registered professional engineer or registered land surveyor and shall indicate dimensions of the pool with respect to the lot, septic system and structures located on the lot.
- 6.8.1.5. Every person owning land on which there is situated a swimming pool shall erect and maintain an adequate fence or wall either surrounding the property or pool area, said fence to be at least four (4) feet from the pool edge. The swimming pool shall be completely enclosed at all times, whether or not it is filled with water.
- a. The fence or wall shall not be less than five (5) feet in height including gates or doors and shall not have openings greater than four (4) inches in any direction.
- b. All gates or doors opening to such enclosure shall be equipped with a self-closing and latching device located not less than four (4) feet above the ground or otherwise inaccessible from the outside by small children. The gate or door is also to be provided with a suitable lock.
- c. Above ground pools with a depth of four (4) feet only at any point having a two (2) foot suitable enclosure on top with a locking retractable ladder may be approved by the Inspector of Buildings for the purpose of conforming to this Section 6.8.
- 6.8.1.6. If an in-ground pool is to be constructed, the contractor or owner shall state where the excess fill is to be used or the location of its disposal shall be indicated. If the excess fill is to be removed from the property, permission must be first granted by the Board of Selectmen, in accordance with all applicable local bylaws and regulations.
- 6.8.1.7. No pool is to be filled without first notifying the Water Department twenty-four (24) hours in advance and only then with the approval of the Water Commissioners or Superintendent shall such swimming pool be filled. The swimming pool may be subject to filling under the supervision of the Water Commissioners or Superintendents.
- 6.8.1.8. The treatment and cleaning of swimming pools are subject to the Massachusetts State Sanitary Code and the rules and regulations of the Kingston Board of Health.
- 6.8.1.9. The swimming pool and equipment shall be equipped to be completely emptied of water and the discharged water shall be disposed of in a manner approved by the Board of Health that will not create a nuisance to abutting property.

**6.9. Conservation Restrictions**

- 6.9.1. Streams or watercourses** shall be located within easements conforming substantially with the lines of their courses whose width shall not be less than twenty (20) feet and whose boundaries shall not be closer than five (5)



feet horizontally from the mean high water-line, parallel streets or pedestrian ways. Appropriate access may be required in connection therewith. Streams or watercourses shall remain open, except at street crossings. The Board of Appeals may require that other areas be included within a conservation restriction.

**6.9.2.** Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to lots.

## **7.0. ADMINISTRATION**

### **7.1. Permits**

#### **7.1.1. Zoning Permit**

**7.1.1.1.** Any person seeking a building permit shall first receive from the Zoning Enforcement Officer a Zoning Permit indicating compliance with the provisions of this Bylaw. The Inspector of Buildings shall not issue a building permit until a Zoning Permit has been issued by the Zoning Enforcement Officer.

#### **7.1.2. Procedure**

**7.1.2.1.** Application for Zoning Permit shall be made to the Zoning Enforcement Officer on forms available from the Zoning Enforcement Officer. The application shall be accompanied by information sufficient to determine compliance with the provisions of this Bylaw. At a minimum, said information shall include:

- a. A site plan for those uses listed in Section 7.3.1.1. Said site plan shall be drawn in conformance with the provisions of Section 7.3., Site Plan.
- b. Where the proposed use requires site plan or special permit approval, evidence of such approval, including conditions of approval.

**7.1.2.2.** The Zoning Enforcement Officer shall review the application and support material for compliance with the provisions of this Bylaw and shall, within fourteen (14) days of submittal of the application, issue a Zoning Permit if the proposed use is in compliance with the provisions of this Bylaw. If said use is inconsistent with the provisions of this Bylaw, the Zoning Enforcement Officer shall notify the applicant in writing of the provisions with which the use is not in compliance.

#### **7.1.3. Building Permit**

**7.1.3.1.** It shall be unlawful for any person to erect, construct, reconstruct, alter a structure or establish a different use for an existing structure or lot without applying for and receiving from the Inspector of Buildings a permit.

**7.1.3.2.** Such permit shall be applied for in writing to the Inspector of Buildings. The application will be on a form available from the Inspector of Buildings and shall be accompanied by a plot plan.

**7.1.3.3.** No permit shall be issued unless the plans therefor and the intended use thereof fulfill in all respects the provisions of this Bylaw, except as may

have been specifically permitted otherwise by action of the Board of Appeals and provided that a written copy of the terms governing such permission are submitted and attached to an application for and the resulting permit issued.

#### **7.1.4. Occupancy Permit**

**7.1.4.1.** No premises, building, structure or land shall be occupied, used or changed in use without an occupancy permit signed by the Inspector of Buildings, which permit shall not be issued until the buildings, structure, or premises and its uses comply in all respects with this Bylaw.

**7.1.4.2.** A temporary occupancy permit may be issued in appropriate cases.

### **7.2. Enforcement**

#### **7.2.1. Zoning Enforcement Officer**

**7.2.1.1.** This Bylaw shall be administered by the Zoning Enforcement Officer, who shall be the Inspector of Buildings.

#### **7.2.2. Violations**

**7.2.2.1.** If a violation shall be determined by the Zoning Enforcement Officer after an investigation of the facts and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this Bylaw shall cease immediately. A copy of such notice shall also be delivered to the Board of Selectmen by the Zoning Enforcement Officer.

**7.2.2.2.** If after such notice the premises continues to be used or remains in a condition contrary to the conditions of this Bylaw, the Board of Selectmen shall institute appropriate legal proceedings to enforce the provisions of this Bylaw.

**7.2.2.3.** Each day, or portion of a day, that any violation is continued after an order to cease and desist, shall constitute a separate offense.

**7.2.2.4.** If the Zoning Enforcement Officer is requested in writing to enforce the provisions of this Bylaw against any person allegedly in violation of this Bylaw and the Zoning Enforcement Officer declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen (14) days of receipt of such request.

#### **7.2.3. Penalties**

**7.2.3.1.** In addition to the procedures for enforcement, as described above, the provisions of this Zoning Bylaw may also be enforced by the Selectmen or appointed representative of the Selectmen by noncriminal complaint pursuant to the provisions of Massachusetts General Law Chapter 40. Section 21D.

**7.2.3.2.** Penalties for violations of any provision of this Bylaw may, upon conviction, be affixed in the maximum amount allowed by law for each offense.

### 7.3. Site Plan

#### 7.3.1. Site Plan Required

7.3.1.1. A site plan approved in accordance with this Section is required before the issuance of a building permit for:

- a. All uses for which a special permit or variance is required.
- b. All uses or change in use requiring off-street parking or loading, except one (1) and two (2) family dwellings and farming and/or for a change of use which does not require new or additional off-street parking spaces.
- c. All sites containing more than one (1) principal use.

#### 7.3.2. Submission Procedure

7.3.2.1. Fifteen (15) copies of the site plan shall be submitted to the Town Clerk together with a Project Notification Form supplied by the Zoning Enforcement Officer and an application on a form supplied by the Zoning Enforcement Officer. Said submission shall be filed during normal business hours and immediately shall be forwarded to the Zoning Enforcement Officer.

- a. All uses of four thousand (4,000) square feet or less of gross floor area or ten (10) parking spaces or less shall be reviewed and acted on by the Zoning Enforcement Officer unless a special permit or variance is requested.
- b. All other uses shall be reviewed by the Zoning Enforcement Officer and, if the submission is completed, forwarded to the Planning Board.

7.3.2.2. For all uses for which site plan submittal to the Zoning Enforcement Officer is required, the application for site plan review and the site plan may be submitted at the same time as the application for a building permit. For all uses for which site plan submittal to the Planning Board is required, the application for site plan review and the site plan shall be submitted at least twenty-one (21) days prior to the application for a building permit.

7.3.2.3. Within five (5) days of receiving a site plan which complies with all submission requirements, the Zoning Enforcement Officer shall submit five (5) copies of the site plan to the Planning Board and one (1) copy of the site plan to each of the following:

- Board of Selectmen, Conservation Commission, Board of Health, Board of Appeals, Fire Department, Police Department, Water Department, the Highway Superintendent, and the Tree Warden, each of whom shall return comments within thirty (30) days to the Zoning Enforcement Officer or Planning Board, whichever is appropriate.

Failure to return comments within the specified time period shall mean that the reviewing Board or Official does not take issue with the site plan.

7.3.2.4. The Special Permit Granting Authority, or the Board of Appeals in the case of variances, shall not conduct a public hearing for a special permit or variance until the appropriate reviewing office or board has reviewed the site plan and submitted a report to the Special Permit Granting Authority or Board of Appeals or until forty-five (45) days from the filing of the site plan have elapsed.

7.3.2.5. Approval of a site plan shall be by:

- a. The Zoning Enforcement Officer for uses covered by paragraph 7.3.2.1.a. above.
- b. The Planning Board for all other uses.

7.3.2.6. If the site plan complies with this Bylaw, it may be approved or approved with conditions, if needed, to assure compliance. If it does not comply with the purposes and specifications of this Bylaw, it may be disapproved. If disapproved, the plan can be revised and resubmitted without prejudice. Within forty-five (45) days from the date of submission of the plan, the Planning Board shall, in the case of a special permit or a variance, transmit to the Special Permit Granting Authority or Board of Appeals a report accompanying such materials, maps or plans as will aid the Special Permit Granting Authority or Board of Appeals in judging the application for special permit or variance, and, in all other cases, notify the applicant of the action taken. Failure to act within forty-five (45) days shall constitute approval of the site plan as submitted.

7.3.2.7. If a use shown on an approved site plan is to be changed or expanded, a revised site plan shall be submitted for approval in the same manner as the original submittal.

7.3.2.8. No building permit shall be issued for any building or structure for which site plan approval is required unless approval thereof shall have been obtained in compliance with this Section.

#### 7.3.3. Contents and Format

7.3.3.1. Said site plan shall be prepared and certified by a professional architect, registered professional land surveyor, landscape architect or registered professional engineer as required by the General Laws, Chapter 112, and shall show each of the following for the entire site, whether or not development is to be phased, unless an item or items are waived in writing by the Zoning Enforcement Officer or Planning Board, as appropriate.

7.3.3.2. For all site plans:

- a. Location map at six hundred (600) feet per inch or such other scale as is appropriate.
- b. The name(s) and address(es) of the owner(s) of property shown and the name(s) and address(es) of the applicant, designer, engineer and surveyor.
- c. Names of all abutters as determined from the most recent local tax list.
- d. Date, north point, and scale (preferably forty (40) feet to the inch).
- e. Perimeter survey of lot, indicating locations of all easements, rights-of-way, property boundaries, dimensions, lot area and zoning district boundaries, existing and proposed.
- f. Topographic plan indicating existing and proposed contours at intervals not greater than two (2) feet. Sufficient information to clearly indicate areas in the site and within fifty (50) feet of the site where gravel or loam

removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark (NGVD).

g. The location and boundaries of all wetlands as defined by the General Laws, Chapter 131 and the one hundred (100) year flood line as defined by Federal Emergency Management Act (FEMA) maps on file with the Town Clerk.

h. All other data required to make a determination of compliance with off-street parking and loading requirements.

i. Photographs and/or slides in sufficient quality and detail to indicate the environmental features of the site, including, but not limited to topography, views of the water, if any, adjacent or nearby open space and adjacent structures and/or uses of land.

j. Schematic design plans which accurately locate all existing and proposed buildings and structures, parking areas, driveways, driveway openings, service areas, common areas, usable open space, landscaped areas and the proposed treatment thereof (including fences, walls, planting areas and walks), lighting, signs, all facilities for storm drainage, sewage disposal, refuse, other waste disposal, and other utility systems (including fire alarms and hydrants), and which define all materials, finishes, structural and mechanical systems and gross floor areas (including the proposed uses thereof).

k. Elevations and perspective drawings which thoroughly illustrate and define the features of the entire project.

l. Business signs, traffic signs and street, security or parking lot lights located on site and within one hundred fifty (150) feet of the site, and the size, dimension, height, color, and illumination (type and candlepower) of all signs or lights.

m. Traffic flow patterns within the site, egress and entrances, loading and unloading areas, curb cuts on site and within one hundred and fifty (150) feet of the site, surface construction, estimated daily hour and peak traffic levels on site and all abutting public and private ways.

n. A plan for control or erosion, dust and silt, both during and after construction. Such plan shall include all existing and proposed slopes, construction sequencing, temporary and permanent erosion control, special construction and swale and stream scour protection.

o. One (1) or more tables indicating, by zoning classifications, the required and proposed setback, side yard and rear yard distances, the intended use of the site and all buildings, the number of people anticipated on site, existing and proposed gross floor area and number of units and parking areas, with their locations.

#### 7.3.4. Guidelines

7.3.4.1. In considering any site plan submittal, the following concerns shall be reviewed:

a. The protection of visual corridors.

b. The use of landscaping to establish buffers between incompatible land uses.

c. The provision of open spaces and pedestrian amenities available to the public.

d. The arrangement of access points, service roads, driveways, parking areas, loading areas, lighting, and pedestrian walkways in a manner which facilitates interior circulation, minimizes conflict between vehicles and pedestrians and provides for coordination with adjacent streets, properties and improvements.

e. Ease of access, travel and on site movement for fire and police equipment and other emergency services for public safety.

f. Provision for underground placement of utilities.

g. Adequacy of the methods of disposal for sewage, refuse and other wastes.

h. Provision for surface run-off and the protection of the site and adjacent properties from erosion as a result thereof.

i. The siting of buildings, structures, and open spaces to permit maximum use of passive solar energy and to permit maximum protection of pedestrian areas from adverse impacts of winds, vapors or other emissions, shadows and/or noise.

j. Historical considerations and compatibility with abutting properties and the area in which it is located.

k. Provision for maintenance of common areas.

l. Measures proposed to mitigate impacts of development.

#### 7.4. Water Quality Review Committee

##### 7.4.1. Establishment

7.4.1.1. There shall be a Water Quality Review Committee, which is comprised of the members of the Board of Water Commissioners or their designees.

##### 7.4.2. Powers

7.4.2.1. The Water Quality Review Committee shall have the following powers:

a. Certificate of Water Quality Compliance. The Committee may grant a Certificate of Water Quality Compliance in accordance with the provisions of Section 4.13., Water Resource Overlay District.

b. Review of Compliance. The Committee shall have the power to review compliance with Section 4.13., Water Resource Overlay District, of this Bylaw and with the Certificate of Water Quality Compliance.

c. Rules, Regulations, Fees and Payment. The Water Quality Review Committee shall be authorized to establish rules and regulations concerning the orderly administration and enforcement of the Water resources overlay

section, including application requirements and a schedule of fees, costs, and fines as may be reasonably required to process applications and investigate, document or abate violations.

## **7.5. Board of Appeals**

### **7.5.1. Establishment**

7.5.1.1. There shall be a Board of Appeals of five (5) members and two (2) associate members.

7.5.1.2. Members of the Board in office at the effective date of this Bylaw shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the requirements of Chapter 40A, M.G.L., Section 12.

### **7.5.2. Powers**

7.5.2.1. The Board of Appeals shall have the following powers:

a. To hear and decide upon appeal by any officer or Board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings, Zoning Enforcement Officer, Planning Board or Selectmen, in violation of any provision of Chapter 40A of M.G.L., as amended, or any provisions of this Bylaw.

1. An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative official under the provisions of Chapter 40A of M.G.L., as amended, or by this Bylaw, or by any person including an officer or Board of the Town aggrieved by an order or decision and shall be taken within thirty (30) days from the date of the receipt of written notice of such order or decision and not otherwise.

b. The Board may grant a special permit when authorized by this Bylaw in accordance with the provisions of Section 7.5., Board of Appeals.

c. The Board shall have the power to hear and decide petitions of variances in accordance with Section 10 of Chapter 40A of the General Laws, as amended from the terms of this Bylaw, after public hearing for which notice has been given in accordance with Chapter 40A, provided that:

1. No variance may authorize a use or activity not otherwise permitted in the District in which the land or structure is located.

2. The Board shall require evidence be heard and specifically find that owing to circumstances relating to soil conditions, shape, or topography of such land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located, that a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desire relief may be granted without substantial detriment to the public good and without nullifying or substantially deviating from the intent of this Bylaw.

3. The Board may impose conditions, safeguards, and limitation of time and for use, including the continued existence of any particular structures but excluding any particular condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant petitioner or any owner. If rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be reinstated only after notice and a new public hearing.

### **7.5.3. Board of Appeals Procedure**

7.5.3.1. The Board shall adopt rules to govern its proceedings pursuant to chapter 40A and 40B. Such rules shall be made available to the public and a copy shall be filed with the Town Clerk.

7.5.3.2. Within sixty-five (65) days of receipt of appeal or petition for a variance, or a request for a special permit, the Board of Appeals shall hold a hearing giving notice thereof in accordance with Chapter 40A, M.G.L.

7.5.3.3. The Board of Appeals shall make a decision on the appeal or petition for a variance within one hundred (100) days of filing, unless extended by written agreement between the Board of Appeals and the applicant, and on the request for a Special Permit within ninety (90) days of the public hearing, unless extended by written agreement between the Board of Appeals and the applicant.

a. The decision of the Board of Appeals shall be filed with the Town Clerk along with a copy of all plans finally approved. The decision shall recite the evidence heard, specific findings made on the evidence heard, the Board's vote on each of the findings required by M.G.L., Chapter 40A, and shall recite the overall decision of the Board and the vote.

b. The Board shall not grant greater relief, use or rights than that requested in the application for appeal, petition or request for special permit.

c. A copy of the decision of the Board shall also be sent to the Selectmen, Inspector of Buildings, the Planning Board, Zoning Enforcement Officer and to the applicant.

7.5.3.4. No appeal or petition from the terms of this Bylaw with respect to a building or lot of land and no application for a special exception to the terms of this Bylaw which has been acted upon unfavorably to the applicant by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the date of such unfavorable action except with the consent of all but one member of the Planning Board.

## **7.6. Special Permit Granting Authority**

7.6.1. The Special Permit Granting Authority will issue permits in accordance with the procedure and provisions of the Rules and Regulations of the Special Permit Granting Authority adopted in accordance with Section 9 of Chapter 40A and of Section 7.7., Special Permit, of this Bylaw.

7.6.2. Unless otherwise specified in this Bylaw, the Special Permit Granting Authority is the Board of Appeals.

## **7.7. Special Permit**

### **7.7.1. Procedure**

7.7.1.1. A special permit shall be required for all uses which are designated in this Bylaw as requiring a Special Permit before the Inspector of Buildings may issue a building or occupancy permit or before the Zoning Enforcement Officer may issue a Zoning Permit.

7.7.1.2. Each application for a special permit shall be on forms supplied by the Zoning Enforcement Office and shall be filed with the Town Clerk and in quadruplicate with the appropriate Special Permit Granting Authority who shall transmit copies thereof to the Zoning Enforcement Officer and to the Planning Board, if it is not the Special Permit Granting Authority.

The copies filed with the Special Permit Granting Authority shall include the date and time of filing certified by the Town Clerk.

The Planning Board or the Zoning Enforcement Officer, as appropriate, shall hold a public hearing within sixty-five (65) days from the date of filing of such application and at any time up to fourteen (14) days after the date of the public hearing, transmit to the appropriate Special Permit Granting Authority, a report accompanied by such materials, maps or plans as will aid the Special Permit Granting Authority in judging the application and in determining special conditions and safeguards.

7.7.1.3. Each application for a Special Permit shall be subject to the provisions of Section 7.3., Site Plan.

7.7.1.4. The Special Permit Granting Authority shall, at the expense of the applicant, give public notice of the hearing in the manner provided in Chapter 40A, Sections 9 and 11 of the General Laws.

a. The decision of the Special Permit Granting Authority must be made within ninety (90) days following the date of public hearing, and failure of the said Board to take final action within said ninety (90) days shall be deemed to be a grant of the special permit.

7.7.1.5. Any approval which has been granted by the Special Permit Granting Authority under the provisions of paragraph 7.6., Special Permit Granting Authority, shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

7.7.1.6. The Special Permit Granting Authority shall not render any decision on an application for a special permit before any one of the following has taken place:

a. The public hearing has been held without notification from the Planning Board to the Board of Appeals that the Planning Board will submit a report.

b. Said report has been received within fourteen (14) days of the date of the public hearing.

c. Fourteen (14) days have expired since the public hearing without receipt of said report.

### **7.7.2. Considerations for Approval of Special Permit**

7.7.2.1. The Special Permit Granting Authority shall not approve any such application for a special permit unless it finds that, in its judgement, use of the site is in harmony with the general purposes and intent of this Bylaw and subject to and consistent with the conditions, safeguards and limitations herein set forth and subject to all the following conditions:

a. The specific site is an appropriate location for such a use, structure or condition.

b. The use as developed and operated will not adversely affect the neighborhood.

c. There will be no nuisance or hazard to vehicles or pedestrians or volume greater than the capacity of the streets affected.

d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

e. Access to the site over streets is appropriate for the type of vehicle involved.

### **7.7.3. Conditions of Special Permit**

7.7.3.1. In approving a special permit, the Special Permit Granting Authority may attach such conditions, limitations and safeguards as are deemed necessary to protect the district and the Town. No special permit shall take effect until such notice is recorded in the Registry of Deeds. Said conditions and safeguards shall also be made a part of the building permit. They may include but are not limited to the following:

a. Requirement of street, side or rear yards greater than the minimum required.

b. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the special permit granting authority.

c. Modification of the exterior features or appearances of the structure.

d. Limitation of size, number of occupants, method or time of operation, or extent of facilities.

e. Regulation of number, design and location of access drives or other traffic features.

f. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable Bylaws.

g. The filing of an annual certification of compliance with the conditions of approval by the applicant.

h. The applicant shall be responsible for the cost of compliance and for monitoring of compliance.

i. Mitigation off-site of development impacts.

#### 7.7.4. Construction Under Special Permit

7.7.4.1. Construction or operations under a building or special permit shall conform to any subsequent amendment of the Bylaw unless the use of construction is commenced within period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

#### **7.8. Fees**

7.8.1. Establishment of fee schedule: The Board of Selectmen shall establish a schedule of fees and expenses for building permits, appeals, applications and other matters pertaining to this Bylaw. The schedule of fees shall be posted in the office of the Inspector of Buildings and may be altered or amended only by the Board of Selectmen.

7.8.2. A development fee shall be paid for all uses requiring a Special Permit in accordance with a schedule adopted by the Board of Selectmen.

7.8.3. Failure to pay all applicable fees, charges and expenses in full will be considered grounds for denial of any application or appeal.

#### **8.0. APPLICABILITY**

##### **8.1. Other Laws**

8.1.1. When this bylaw imposes greater restriction of the use of buildings, structures, or premises, or on height of buildings or requires larger yards or open spaces than are imposed or required by any regulations or permits, or by any restrictions, easements, covenants, or agreements, then the provisions of this bylaw shall control except only in the case of variance granted by the Board of Appeals.

##### **8.2. Validity**

8.2.1. The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

##### **8.3. Amendment**

8.3.1. This Bylaw may from time to time be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws.

YES — 172; NO — 7

THE MOTION WAS CARRIED  
SINCE IT MET THE 2/3 REQUIREMENT

At this point, the Moderator commended the Zoning Study Committee on behalf of the Town Meeting body for its tireless efforts throughout the years.

Leo A. Kelley moved to reconsider Article 1.

THE MOTION WAS NOT CARRIED.

ARTICLE 2. On the motion of Clive W. Beasley, VOTED that the Town amend the vote taken under Article 41 of the 1992 Annual Town Meeting to read as follows:

"To increase the number of Board of Health members from three to five as provided in Massachusetts General Laws, Chapter 41, Section 2, by electing four new members at the next election, one for one year, one for two years and two for three years, to serve with the remaining member of the existing board so that the new board of five shall be made up of one member with one year to serve, two members with two years to serve, and two members with three years to serve, and thereafter, as the term of each Health Board member ends, his or her successor will be elected for a term of three years."

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 3. On the motion of Christina L. Willis, VOTED that the Town amend the Town of Kingston By-Law by adding Article XXXV entitled "Regulation of School Buses" which shall regulate the number of children riding in a school bus and which shall read as follows:

"Section 1. Notwithstanding the provisions of clause (2) of section seven B of Chapter 90 of the Massachusetts General Laws, the operator of a school bus shall not allow the number of school children riding in the bus at any one time to exceed by more than two children the number of seats for which the bus is rated pursuant to the Registry of Motor Vehicles Rules and Regulations, nor shall he or she drive said bus until each child is seated.

Section 2. Whoever violates the provisions of this by-law shall be subject to a fine of \$200.00 for each violation pursuant to the provisions of MGL Chapter 40, Section 21D, as amended. This by-law may be enforced by any police officer of the Town."

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

ARTICLE 4. On the motion of Ronald L. C. Maribett, VOTED that the Town ratify the Agreement between the Town of Kingston and International Brotherhood of Police Officers Local 436 dated 20 October 1992, and that the sum of \$32,680 be transferred from the FY1993 appropriation entitled

Retirement of Long-term Debt to fund said Agreement of which \$29,603 shall be added to the FY93 appropriation entitled Police Personal Services and \$3,077 added to the FY93 appropriation entitled Police-Expenses.

# FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 5. On the motion of James E. Colman, VOTED that the Town of Kingston amend its Wage and Personnel By-Law as printed on a document entitled "PROPOSED WAGE AND PERSONNEL BYLAW AMENDMENT" and to fund said changes that the sum of \$27,008 be transferred from the FY 1993 appropriation entitled Retirement of Long-term Debt and added to the FY93 Personal Services appropriation as shown on said document.

Document referred to is as follows:

That the Town of Kingston amend its Wage and Personnel By-Law by striking Schedule B as shown in the Town of Kingston Wage and Personnel By-Laws July 1, 1991 - June 20, 1992, and

by inserting in its place Table A representing a change in the compensation rate for FY92 and Table B representing a change in the compensation rate for FY 93 and Table C representing a change in the compensation rate for FY 94, and

by striking Schedule C as shown in the Town of Kingston Wage and Personnel By-Laws July 1, 1991 - June 20, 1992, by inserting in its place Table D representing a change in the compensation rate for FY92 and Table E representing a change in the compensation rate for FY93 and Table F representing a change in the compensation rate for FY94,

and notwithstanding the provisions of Section 8 of said bylaw, by substituting for the ratios listed in the FIRE SCHEDULE and the LABOR SUPER-INTENDENT SCHEDULE for FY92 increases consistent with the increases granted for FY92, FY93, and FY94 to other employees classified under the wage and personnel bylaw.

And that said increases shall be in effect for all positions classified under the Wage and Personnel ByLaw and retroactive to 1 July 1992 and 1 July 1993 respectively for all those individuals listed on the Town's payroll on the date of enactment of this change.

And, to fund said changes that the sum of \$27,008 be transferred from the FY 1993 appropriation entitled Retirement of Long-term Debt and added to the FY93 Personal Services appropriation of various Town departments as follows:

Selectmen	\$ 1,994.
Finance Committee	121.
Accountant	898.
Board of Assessors	1,430.
Treasurer	1,240.
Collector	136.
Wage & Personnel Board	102.
Town Clerk	172.
Election & Registration	563.
Conservation Commission	682.
Planning Board	160.
Appeals Board	169.
Police Department	1,249.
Fire Department	5,842.
Inspection Services	1,576.
Animal Control	391.
Harbormaster	292.
General Highways	2,220.
Solid Waste Disposal	14.
Water Commission	1,794.
Health Board	1,258.
Council on Aging	940.
Youth Commission	682.
Veterans' Department	391.
Library	1,754.
Recreation	938.

## SCHEDULE B July 1, 1991 - June 30, 1992

Com. Grade	I	II	III	IV
S-1	4.85	5.23	5.49	5.98
S-2	5.98	6.24	6.57	6.78
S-3	6.57	6.78	7.00	7.17
S-4	6.78	7.00	7.17	7.43
S-5	7.00	7.22	7.54	7.75
S-6	7.22	7.43	7.75	8.13
S-7	7.92	8.29	8.72	9.27
S-8	8.99	9.47	9.91	11.62
S-9	23,302	24,767	26,220	27,674
S-10	29,134	30,900	32,671	34,442



**SCHEDULE B**  
**July 1, 1992 - June 30, 1993**

<u>Com. Grade</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>
S-1	5.00	5.39	5.65	6.16
S-2	6.16	6.43	6.77	6.98
S-3	6.77	6.98	7.21	7.39
S-4	6.98	7.21	7.39	7.65
S-5	7.21	7.44	7.77	7.98
S-6	7.44	7.65	7.98	8.37
S-7	8.16	8.54	8.98	9.55
S-8	9.26	9.75	10.21	11.97
S-9	24,001	25,510	27,007	28,504
S-10	30,008	31,827	33,651	35,475

**SCHEDULE B**  
**July 1, 1993 - June 30, 1994**

<u>Com. Grade</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>
S-1	5.15	5.55	5.82	6.34
S-2	6.34	6.62	6.97	7.19
S-3	6.97	7.19	7.43	7.61
S-4	7.19	7.43	7.61	7.88
S-5	7.43	7.66	8.00	8.22
S-6	7.66	7.88	8.22	8.62
S-7	8.40	8.80	9.25	9.84
S-8	9.54	10.04	10.52	12.33
S-9	24,721	26,275	27,817	29,359
S-10	30,908	32,782	34,661	36,539

**SCHEDULE C**  
**Miscellaneous Compensation Schedule**  
**July 1, 1991 - June 30, 1992**

Aide to Lifeguard	per season	73.00
Alternate Health Agent (part time)	annually	712.00
Alternate Inspector of Buildings (part time)	annually	740.00
Animal Control Officer (part time)	annually	8,726.00
Animal Inspector	annually	438.00
Assistant Director Summer Program Recreation (seasonal)	weekly	142.47
Assistant Harbor Master/Assistant Shellfish Constable (part time)	annually	593.00
Call Fire Captain (part time)	hourly	8.08*
Call Fire Lieutenant (part-time)	hourly	8.08

Call Firefighter (part time)	hourly	8.08*
Caretaker — Landfill (part time)	hourly	7.92
Casual Part-Time Worker	hourly	7.11
Civil Defense Deputy Director (part time)	annually	112.00
Civil Defense Director (part time)	annually	221.00
Clerk — Election (part time)	hourly	7.11
Clerk — General (part time)	hourly	5.82
Clerk — Planning Board (part time)	annually	136.00
Clerk — Special Town Committees Not Otherwise Specified (part time)	hourly	5.28
Clerk — Treasurer's Office (part time)	hourly	8.57
Clerk — Water Board (part time)	annually	2,495.00
Conservation Officer (part time)	annually	10,000.00
Cook — Council on Aging (part time)	hourly	7.54
Custodian — Recreation (part time)	hourly	7.11
Director for Council on Aging	hourly	9.84
Director of Youth Programs (part time)	hourly	11.31
Director Summer Program — Recreation (seasonal)	weekly	213.69
Election Officer	hourly	5.93
Executive Secretary (part time)	annually	1,945.00
Executive Secretary — Conservation Commission (part time)	annually	5,000.00
Executive Secretary — Finance Committee (part time)	annually	2,692.00
Executive Secretary — Planning Board (part time)	annually	3,562.00
Executive Secretary — Zoning Board of Appeals (part time)	annually	3,769.00
Executive Secretary — Wage and Personnel Board (part time)	annually	2,261.00
Flag Attendant	per location	136.00
Forest Fire Warden	annually	777.00
Groundskeeper (part time)	hourly	4.63
Groundskeeper — Senior (seasonal)	hourly	6.47
Harbor Master/Shellfish Constable (part time)	annually	5,321.00
Health Agent (full time)	annually	26,921.00
Hydrant Worker	hourly	4.63
Library Page (part time)	hourly	6.47
Lifeguard (seasonal)	hourly	6.78
Lifeguard — Swimming Instructor (seasonal)	hourly	6.78
Map and Deed Coordinator	hourly	5.98
Moth Superintendent	hourly	6.47
Parking Attendant (seasonal)	hourly	5.00



Patrolman (part time)	hourly	10.17
Personnel Clerk (part time)	hourly	8.94
Registrar — Election	annually	475.00
Senior Clerk — General (part time)	hourly	6.78
Senior Lifeguard — Swimming Instructor (seasonal)	hourly	7.92
Streetlister/Census Clerk	hourly	6.78
Summer Program Instructor — Recreation (seasonal)	hourly	5.38
Supervisor — After School Programs	hourly	7.81
Supervisor Assistant — After School Programs	hourly	5.17
Veterans' Agent	annually	4,361.00
Warden — Election	hourly	7.11

\* Plus \$500.00 per year (first hour of duty paid at \$13.10)

+ Plus \$300.00 per year (first hour of duty paid at \$13.10)

\*\* Plus \$150.00 per year (first hour of duty paid at \$13.10)

### SCHEDULE C Miscellaneous Compensation Schedule July 1, 1992 — June 30, 1993

Aide to Lifeguard	per season	75.00
Alternate Health Agent (part time)	annually	733.00
Alternate Inspector of Buildings (part time)	annually	762.00
Animal Control Officer (part time)	annually	8,988.00
Animal Inspector	annually	451.00
Assistant Director Summer Program — Recreation (seasonal)	weekly	146.74
Assistant Harbor Master/Assistant Shellfish Constable (part time)	annually	611.00
Call Fire Captain (part time)	hourly	8.32*
Call Fire Lieutenant (part time)	hourly	8.32
Call Firefighter (part time)	hourly	8.32**
Caretaker — Landfill (part time)	hourly	8.16
Casual Part-Time Worker	hourly	7.32
Civil Defense Deputy Director (part time)	annually	115.00
Civil Defense Director (part time)	annually	228.00
Clerk — Election (part time)	hourly	7.32
Clerk — General (part time)	hourly	5.99
Clerk — Planning Board (part time)	annually	140.00
Clerk — Special Town Committees Not Otherwise Specified (part time)	hourly	5.44
Clerk — Treasurer's Office (part time)	hourly	8.83

Clerk — Water Board (part time)	annually	2,570.00
Conservation Officer (part time)	annually	10,300.00
Cook — Council on Aging (part time)	hourly	7.77
Custodian — Recreation (part time)	hourly	7.32
Director for Council on Aging	hourly	10.14
Director of Youth Programs (part time)	hourly	11.65
Director of Summer Programs — Recreation (seasonal)	weekly	220.00
Election Officer	hourly	6.11
Executive Secretary (part time)	annually	2,003.00
Executive Secretary — Conservation Commission (part time)	annually	5,150.00
Executive Secretary — Finance Committee (part time)	annually	2,773.00
Executive Secretary — Planning Board (part time)	annually	3,669.00
Executive Secretary — Zoning Board of Appeals (part time)	annually	3,882.00
Executive Secretary — Wage and Personnel Board (part time)	annually	2,329.00
Flag Attendant	per location	140.00
Forest Fire Warden	annually	800.00
Groundskeeper (part time)	hourly	4.77
Groundskeeper — Senior (seasonal)	hourly	6.66
Harbor Master/Shellfish Constable (part time)	annually	5,481.00
Health Agent (full time)	annually	27,729.00
Hydrant Worker	hourly	4.77
Library Page (part time)	hourly	6.66
Lifeguard (seasonal)	hourly	6.98
Lifeguard — Swimming Instructor (seasonal)	hourly	6.98
Map and Deed Coordinator	hourly	6.16
Moth Superintendent	hourly	6.66
Parking Attendant (seasonal)	hourly	5.15
Patrolman (part time)	hourly	10.48
Personnel Clerk (part time)	hourly	9.21
Registrar — Election	annually	489.00
Senior Clerk — General (part time)	hourly	6.98
Senior Lifeguard — Swimming Instructor (seasonal)	hourly	8.16
Streetlister/Census Clerk	hourly	6.98
Summer Program Instructor — Recreation (seasonal)	hourly	5.54
Supervisor — After School Programs	hourly	8.04

Supervisor Assistant — After School Programs	hourly	5.33
Veterans' Agent	annually	4,492.00
Warden — Election	hourly	7.32

\* Plus \$500.00 per year (first hour of duty paid at \$13.10)

+ Plus \$300.00 per year (first hour of duty paid at \$13.10)

\*\* Plus \$150.00 per year (first hour of duty paid at \$13.10)

**SCHEDULE C**  
**Miscellaneous Compensation Schedule**  
**July 1, 1993 - June 30, 1994**

Aide to Lifeguard	per season	77.00
Alternate Health Agent (part time)	annually	755.00
Alternate Inspector of Buildings (part time)	annually	785.00
Animal Control Officer (part time)	annually	9,258.00
Animal Inspector	annually	465.00
Assistant Director Summer Program — Recreation (seasonal)	weekly	151.14
Assistant Harbor Master/Assistant Shellfish Constable (part time)	annually	629.00
Call Fire Captain (part time)	hourly	8.57*
Call Fire Lieutenant (part time)	hourly	8.57
Call Firefighter (part time)	hourly	8.57**
Caretaker — Landfill (part time)	hourly	8.40
Casual Part-Time Worker	hourly	7.54
Civil Defense Deputy Director (part time)	annually	118.00
Civil Defense Director (part time)	annually	235.00
Clerk — Election (part time)	hourly	7.54
Clerk — General (part time)	hourly	6.17
Clerk — Planning Board (part time)	annually	144.00
Clerk — Special Town Committees Not Otherwise Specified (part time)	hourly	5.60
Clerk — Treasurer's Office (part time)	hourly	9.09
Clerk — Water Board (part time)	annually	2,647.00
Conservation Officer (part time)	annually	10,609.00
Cook — Council on Aging (part time)	hourly	8.00
Custodian — Recreation (part time)	hourly	7.54
Director for Council on Aging	hourly	10.44
Director of Youth Programs (part time)	hourly	12.00
Director Summer Program — Recreation (seasonal)	weekly	226.70
Election Officer	hourly	6.29
Executive Secretary (part time)	annually	2,063.00

Executive Secretary — Conservation Commission (part time)	annually	5,305.00
Executive Secretary — Finance Committee (part time)	annually	2,856.00
Executive Secretary — Planning Board (part time)	annually	3,779.00
Executive Secretary — Zoning Board of Appeals (part time)	annually	3,998.00
Executive Secretary — Wage and Personnel Board (part time)	annually	2,399.00
Flag Attendant	per location	144.00
Forest Fire Warden	annually	824.00
Groundskeeper (part time)	hourly	4.91
Groundskeeper — Senior (seasonal)	hourly	6.86
Harbor Master/Shellfish Constable (part time)	annually	5,645.00
Health Agent (full time)	annually	28,561.00
Hydrant Worker	hourly	4.91
Library Page (part time)	hourly	6.86
Lifeguard (seasonal)	hourly	7.19
Lifeguard — Swimming Instructor (seasonal)	hourly	7.19
Map and Deed Coordinator	hourly	6.34
Moth Superintendent	hourly	6.86
Parking Attendant (seasonal)	hourly	5.30
Patrolman (part time)	hourly	10.79
Personnel Clerk (part time)	hourly	9.49
Registrar — Election	annually	504.00
Senior Clerk — General (part time)	hourly	7.19
Senior Lifeguard — Swimming Instructor (seasonal)	hourly	8.40
Streetlister/Census Clerk	hourly	7.19
Summer Program Instructor — Recreation (seasonal)	hourly	5.71
Supervisor — After School Program	hourly	8.28
Supervisor Assistant — After School Programs	hourly	5.49
Veterans' Agent	annually	4,627.00
Warden — Election	hourly	7.54

\* Plus \$500.00 per year (first hour of duty paid at \$13.10)

+ Plus \$300.00 per year (first hour of duty paid at \$13.10)

\*\* Plus \$150.00 per year (first hour of duty paid at \$13.10)

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

ARTICLE 6. Clive W. Beasley moved that the following FY 1993 appropriations be increased as follows:

Snow & Ice	\$ 5,000
Kingston Elementary	11,200
Silver Lake Regional	66,557
Repayment of Debt — Short-term	10,000
Long-term Interest	31,946
Short-term Interest	4,850

And to meet said expenditures that the sum of \$129,553 be transferred from the Overlay Surplus Account.

And, that the following FY 1993 appropriations be decreased as follows:

Tax Title Foreclosure	\$ 15,000
Library Expenses	15,000
Repayment of Debt — Long-term	100,312
Employee Benefits	103,550
Property & Liability	17,500

for a total decrease of \$251,362.

And, further, that the Town vote to increase funding for the FY 1993 Repayment of Debt — Short-term by \$65,000 and, to meet this expenditure, that the sum of \$65,000 be transferred from the Stabilization Fund.

Clive W. Beasley further moved to divide as follows:

1. The increases and decreases in the FY 1993 appropriations.
2. The increase in the FY 1993 appropriations to be funded by a transfer from the Stabilization Fund.

to allow for the 2/3 vote required by Massachusetts General Laws, Chapter 40, Section 5B for the transfer of funds from the Stabilization Account.

#### FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Gregory F. Hunter questioned the quorum. The tellers reported, after a count of the house, that there were 92 voters present. The Moderator declared that there was an insufficient number of voters present to take action on this article.

On the motion of Edmund I King, Jr., VOTED to adjourn this meeting to Thursday, November 19, 1992, at 7:30 p.m., at the Kingston Elementary School.

There were 127 voters present from Precinct I and 105 voters from Precinct II, for a total of 232 voters.

Adjournment was at 10:40 p.m.

Respectfully submitted,

Mary Lou Murzyn,  
Town Clerk.

The following request for reconsideration was recorded with the Town Clerk:

Request of John L. Sullivan to reconsider Article 5 received on November 9, 1992 at 10:44 p.m.

### SPECIAL TOWN MEETING NOVEMBER 19, 1992

The adjourned Special Town Meeting was called to order by the Moderator, Lawrence I. Winokur, at 7:36 p.m., at the Kingston Elementary School, 150 Main Street, Kingston, Massachusetts.

The vote checkers were: Robert A. Mulliken, Marie F. Shea and Maureen E. Twohig. The doorkeeper was Janet Smith; the mike carrier was Charles V. Ladd; and Jamie Mason recorded the meeting.

The sworn tellers were Dona T. Apple, Donna M. Farrington, James J. Judge and William J. Twohig.

The Moderator announced that many of the articles on the warrant required a quorum of 100 voters. Since we were presently short of the 100 voters requirement, we would take up those articles with no quorum requirement. Mr. Winokur advised that we would move first to Article 13.

ARTICLE 13. On the motion of Jon H. Alberghini, VOTED UNANIMOUSLY that the Town accept from the American Legion Post a gift of a strip of land 10 feet by 60 feet, more or less, on the westerly side of a parcel of land shown on the Kingston Assessors' Map 46 as Lot 13 and 10 feet by 40 feet, more or less, on the northerly side of said Lot 13, comprising 1,000 square feet more or less, said strip of land being a part of Lot 14 shown on Kingston Assessors' Map 46 and numbered 233 Main Street and situated adjacent to the building known as Surprise Hose House located on Main Street.

#### FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

#### BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

ARTICLE 14. On the motion of Clive W. Beasley, VOTED UNANIMOUSLY that the Board of Selectmen be authorized to acquire land parcels and/or rights in land parcels for the purpose of obtaining a secure and public right of way to allow for construction and roadway safety improvements for the Route 106-Wapping Road project from the Plympton Town Line to Route 27, and to acquire these parcels or modification of said parcels or other required parcels through all legal means including donations, purchase or takings by eminent domain.

#### FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

#### BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

ARTICLE 15. Passed over awaiting a quorum.

ARTICLE 16. Passed over awaiting a quorum.

ARTICLE 17. On the motion of Joseph F. Glass, VOTED that the vote taken under Article 23 of the 1991 Annual Town Meeting be amended by deleting the following:

"to be expended under the direction of the Permanent Building Committee with the approval of the Board of Library Trustees for the necessary repairs, improvements and renovations to the new library site at the corner of Green and Summer Streets. And, that the Trustees may expend funds for the furnishing and equipping of said building and for all costs related to moving from the existing facility to the new library. And, further, that the Town vote to establish a Design Advisory Committee to the Board of Trustees comprised of the four current members of the Library Building Study Committee and a fifth member to be appointed by the Trustees from the Permanent Building Committee. Any vacancies in said committee to be filled in the same manner as provided in Article 31 of the 1987 Annual Town Meeting. The function of the design Advisory Committee shall be advisory only and it shall not constitute a formal Town Committee."

and substituting therefor the following:

"to be expended under the direction of the Library Building Committee to be established by this article. Such committee of seven members, at least two of whom shall have considerable expertise in the building trades, comprised of three members appointed by the Library Trustees, two members appointed by the Selectmen, one member appointed by the Town Moderator, and one member appointed by the Finance Committee, with the Library Director as an ex-officio, non-voting member. Such committee shall be authorized to expend funds, make all necessary decisions and take all other action necessary to carry out said project, from Designer Selection through the completion of the project, under the general direction of the Board of Library Trustees and pursuant to the regular Designer Selection Procedures to be adopted by the Board of Selectmen. The Committee shall make written reports to the Board of Library Trustees, the Permanent Building Committee and the Board of Selectmen at intervals of no more than two weeks, and shall make a report to the Annual Town Meeting in 1993."

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

Mr. Winokur advised that there were now at least 101 voters present. Consequently, we would go back to Article 6.

ARTICLE 6. Mr. Winokur re-read Article 6 as originally moved. He explained that the article had three parts and each part would be voted separately. The first part contained up to and including "for a total decrease of \$251,362". The

second part included the paragraph beginning "And, further" and ending "from the Stabilization Fund." The third part was the motion of Mr. Beasley to divide the article.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

A vote was taken on the motion to divide.

THE MOTION WAS CARRIED.

A vote was taken on the first part of the original motion up to and including "for a total decrease of \$251,362."

THE MOTION WAS CARRIED.

A vote was taken on the second part of the original motion which was the paragraph beginning "And further" and ending "from the Stabilization Fund".

THE MOTION WAS CARRIED UNANIMOUSLY.

On the motion of Clive W. Beasley, VOTED that the following FY 1993 appropriations be increased as follows:

Snow & Ice	\$ 5,000
Kingston Elementary	11,200
Silver Lake Regional	66,557
Repayment of Debt — Short-term	10,000
Long-term Interest	31,946
Short-term Interest	4,850

And, to meet said expenditures that the sum of \$129,553 be transferred from the Overlay Surplus Account.

And, that the following FY 1993 appropriations be decreased as follows:

Tax Title Foreclosure	\$ 15,000
Library Expenses	15,000
Repayment of Debt — Long-term	100,312
Employee Benefits	103,550
Property & Liability	17,500

for a total decrease of \$251,362.

And, further, VOTED that the Town increase funding for the FY 1993 Repayment of Debt — Short-term by \$65,000 and, to meet this expenditure, that the sum of \$65,000 be transferred from the Stabilization Fund.

On the motion of Clive W. Beasley, it was further VOTED to divide as follows:

1. The increases and decreases in the FY 1993 appropriations.
2. The increase in the FY 1993 appropriations to be funded by a transfer from the Stabilization Fund.

to allow for the 2/3 vote required by Massachusetts General Laws, Chapter 40, Section 5B for the transfer of funds from the Stabilization Account.

ARTICLE 7. Kevin F. Cully moved that the sum of \$7,584 be raised and appropriated for the payment of the following unpaid bills of prior years:

Michael Mehrmann, Esquire — legal expenses of FY92 for David Fitzgerald, Chairman, Board of Health	\$2,358.00
Thomas Philip Degnon, Esquire — legal expenses in FY90 and 91 for Larry Slot, former Board of Health member	\$2,084.85
Jennifer Benassi — secretarial services for Wage and Personnel Board in FY92	\$ 128.00
South Shore Medical Center, Inc. — medical expenses for injured-on-duty police officer	\$ 260.00
New England Safety Insurance Collaborative — premium	\$2,753.00

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

Dona T. Apple moved to divide and vote separately each of the above items.

THE MOTION WAS CARRIED.

Leo A. Kelley moved to amend by reducing the figure of \$2,004.05 to \$500.00 subject to its acceptance by Mr. Degnon in full settlement of his bill.

Pine duBois moved to reconsider the motion to divide. The Moderator ruled the motion out of order.

The Moderator called for the tellers since passage of this motion required a 9/10 vote. Mrs. Apple stepped down as a teller and the remaining three tellers were used.

A vote was taken on the motion to pay Michael Mehrmann, Esquire. \$2,358.00 for legal expenses of FY92 for David Fitzgerald, Chairman, Board of Health.

YES — 39; NO — 45

THE MOTION WAS NOT CARRIED.

A vote was taken on the amendment of Mr. Kelley to reduce the figure of \$2,084.85 to \$500.00 subject to its acceptance by Mr. Degnon in full settlement of his bill.

THE AMENDMENT WAS NOT CARRIED.

A vote was taken on the motion to pay Thomas Philip Degnon, Esquire. \$2,084.85 for legal expenses in FY90 and 91 for Larry Slot, former Board of Health member.

YES — 33; NO — 57

THE MOTION WAS NOT CARRIED.

A vote was taken on the motion to pay Jennifer Benassi \$128.00 for secretarial services for Wage and Personnel Board in FY92.

THE MOTION WAS CARRIED UNANIMOUSLY.

A vote was taken on the motion to pay South Shore Medical Center, Inc. \$260.00 for medical expenses for injured-on-duty police officer.

THE MOTION WAS CARRIED UNANIMOUSLY.

A vote was taken on the motion to pay New England Safety Insurance Collaborative \$2,753.00 for premium.

THE MOTION WAS CARRIED UNANIMOUSLY.

On the motion of Kevin F. Cully, as amended, VOTED that the sum of \$3,141.00 be raised and appropriated for the payment of the following unpaid bills of prior years:

Jennifer Benassi — secretarial services for Wage and Personnel Board in FY92	\$ 128.00
South Shore Medical Center, Inc. — medical expenses for injured-on-duty police officer	\$ 260.00
New England Safety Insurance Collaborative — premium	\$2,753.00

Pine duBois moved to reconsider Article 7.

THE MOTION WAS NOT CARRIED.

ARTICLE 8. Jon H. Alberghini moved that the sum of \$9,700.00 be raised and appropriated for the purchase of a utility vehicle for the Fire Department and to authorize the Board of Selectmen to trade the Council on Aging van against said purchase and to dispose of, in the best interest of the Town, a 1985 pickup truck.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.  
BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

Arthur E. Quilty, Chairman of the Capital Planning Committee, reported a split vote in favor of the article.

Kevin F. Cully moved to amend by inserting after the word "purchase" "or otherwise dispose of said van".

Jeffrey A. Batchelor moved to amend by deleting all reference to the Council on Aging van.

June Ballinger moved to postpone action on this article indefinitely. Mrs. Ballinger subsequently withdrew her motion with the consent of the second.

A vote was taken on the amendment of Mr. Cully.

THE AMENDMENT WAS CARRIED.

A vote was taken on the amendment of Mr. Bachelor.

THE AMENDMENT WAS CARRIED.

Seven rose to question the Moderator's call of the voice vote.

YES — 58; NO — 39

THE AMENDMENT WAS CARRIED.

Clive W. Beasley moved to amend the figure from \$9,700 to \$15,200.

THE AMENDMENT WAS CARRIED.

On the motion of Jon M. Alberghini, as amended, VOTED that the sum of \$15,200 be raised and appropriated for the purchase of a utility vehicle for the Fire Department and to authorize the Board of Selectmen to dispose of, in the best interest of the Town, a 1985 pick-up truck.

ARTICLE 9. On the motion of Jon H. Alberghini, VOTED that the sum of \$5,000 be expended for the repair of the 1980 Brushbreaker and, to meet this expenditure, that the sum of \$3,500 be transferred from Article 18 of the Annual Town Meeting of 1990 and \$1,500 be transferred from Article 31 of the Annual Town Meeting of 1991.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

ARTICLE 10. On the joint motion of Jon H. Alberghini and Alan L. Ballinger, VOTED that the sum of \$15,000 be raised and appropriated to implement a combined Police/Fire dispatching system in anticipation of implementing Enhanced 9-1-1 service.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

CAPITAL PLANNING COMMITTEE  
RECOMMENDED FAVORABLE ACTION.

ARTICLE 11. On the motion of Alan L. Ballinger, VOTED UNANIMOUSLY that the sum of \$10,000 be expended for the conversion of the heating system at the Police Station from electricity to gas, and to meet this expenditure that the sum of \$10,000 be transferred from the Overlay Surplus account.

FINANCE COMMITTEE RECOMMENDED FAVORABLE ACTION.

BOARD OF SELECTMEN RECOMMENDED FAVORABLE ACTION.

CAPITAL PLANNING COMMITTEE

## RECOMMENDED FAVORABLE ACTION.

ARTICLE 12. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase a new computer system for the Police Department, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 15. To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow, in anticipation of reimbursement, the State's share of the cost of work under Chapter 90, Section 34 (2a) of the Massachusetts General Laws as provided by Chapter 33 of the Acts of 1991 previously appropriated, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 16. George D. Cravenho moved that the sum of \$29,000 be raised and appropriated to be expended by the Water Commissioners for a computer model of the Town's water system.

FINANCE COMMITTEE RECOMMENDED NO ACTION BY A 5-1 VOTE.

CAPITAL PLANNING COMMITTEE  
RECOMMENDED FAVORABLE ACTION.

Jeffrey A. Batchelor questioned the quorum. The tellers reported, after a count of the house, that there were 97 voters present. The Moderator declared that there was an insufficient number of voters present to take action on this article.

ARTICLE 18. Jeffrey A. Batchelor moved that the Town of Kingston By-Laws be amended by adding Article XXXVI entitled "Illegal Dumping" as follows:

Section 1. No Person shall place, throw, deposit, discharge, or cause to be placed, thrown, deposited, or discharged, any trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind on any public way or property or upon any property of another.

Section 2. The storage of agricultural materials or composting according to accepted agricultural practices or in household quantities shall not constitute a violation of this By-Law.

Section 3. Whoever violates the provision of this by-law shall be subject to a fine of \$300 for each violation pursuant to the provisions of M.G.L. Chapter 40, Section 21D, as amended. This by-law may be enforced by the Health Agent, Building Inspector, or any police officer of the Town of Kingston.

After discussion, Mr. Batchelor withdrew his motion with the consent of the second.

John C. Veracka, Jr. moved to adjourn without day.

Mr. Winokur explained that if all of the business of the town meeting has not been resolved or addressed, it is not appropriate to adjourn without day. There were three or four articles that the town meeting had not addressed. However, if there is no hope of getting a quorum, it is appropriate for a moderator to allow such a motion. Quite frankly, Mr. Winokur did not think we would get a quorum on Monday night or some other day next week. He would allow the motion to adjourn without day and the town meeting body would have an opportunity to discuss it.

After discussion, on the motion of John C. Veracka, Jr., VOTED to adjourn without day.

Mr. Winokur thanked the tellers and all present.

There were 56 voters from Precinct I and 58 voters from Precinct II, for a total of 114 voters.

Adjournment was at 9:56 p.m.

Respectfully submitted,  
Mary Lou Murzyn,  
Town Clerk.

### SUMMARY OF SPECIAL TOWN MEETING

#### ARTICLES VOTED:

#	Date		
1	11/9	Zoning ByLaw and Zoning Map	VOTED
2	11/9	Terms for Board of Health	VOTED
3	11/9	Amend By-Laws — Regulation of School Buses (Article XXXV)	VOTED
4	11/9	Agreement with International Brotherhood of Police Officers Local 436	\$32,680.00 (Transfer)
5	11/9	Wage and Personnel By-Law Amendment	\$27,008.00 (Transfer)
6	11/9 11/19	Amend ATM Appropriations	\$129,553.00 (Transfer) \$251,362.00 (Decrease) \$65,000.00 (Transfer)
7	11/1	Unpaid Bills	\$3,141.00

#	Date		
8	11/19	Utility Vehicle — Fire Department	\$15,200.00
9	11/19	Repair of Brushbreaker — Fire Dept.	\$5,000.00 (Transfer)
10	11/19	Dispatching System — E911	\$15,000.00
11	11/19	Heating System — Police Station	\$10,000.00 (Transfer)
12	11/19	Computer System — Police Station	NO MOTION
13	11/19	Accept Gift of Land from American Legion Post	VOTED
14	11/19	Rights of Way — Route 106/Wapping Rd.	VOTED
15	11/19	Borrow — Chapter 90 Funds	NO MOTION
16	11/19	Computer Model — Town's Water System	NO QUORUM
17	11/19	Amend Article 23 of 1991 ATM — Library Create Library Building Committee	VOTED
18	11/19	Amend By-Laws — Illegal Dumping (Article XXXVI)	NO MOTION

# BIRTHS RECORDED IN KINGSTON FOR THE YEAR 1992

Date	Name	Parents' Names
<b>JANUARY</b>		
1	Sheehan, Jeffrey William, Jr.	Jeffrey W. & Lauralee S.
8	Sauer, Robert James	James P. & Ann L.
21	Ranton, Emily Frances	Richard A. & Ellen
24	Duncan, Robert John	Robert L. & Kathleen L.
24	DeKarski, Andrew Louis	Edward P. & Cynthia L.
26	Stas, Eric Mark	Brian E. & Carol E.
27	Brown, Michael Allan	Gary L. & Carol L.
<b>FEBRUARY</b>		
1	Huegel, Thomas Albert	Fred D. Jr. & Cheryl A.
2	Barbas, Justin Andrew	Andrew D. & Kimberly H.
7	Gifford, Alexander Steven	Earl C. & Maryjo P.
7	Davis, Ashley Elizabeth	Glenn W. & Sharon L.
11	Hebert, Lea Marie	Mark P. & Jennifer J.
15	Clair, Madelyn Katie	Jeffrey M. & Lisa L.
20	King, Tyler Louis	Timothy C. & Beverly A.
24	Wells, Cristin Elyse	Robert C. & Maurine
24	Wells, Robert Tyler	Robert C. & Maurine
27	Watts, Alexandra Kathryn	Brian L. & Kathleen M.
27	Lynch, Meaghan Ann	Timothy R. & Maureen T.
27	Albert, Nikeisha Lynne	Robert W. & Andrea M.
28	Tran, Michael Cao-Nguyen	John L. & Mary H.
<b>MARCH</b>		
2	Burchill, Joseph Patrick	John P. & Lynne A.
5	Beasley, Madeleine Sara	Clive W. & Kimberly K.
7	White, Thomas Robert	Peter W. & Susan
7	Binari, Melissa Patrice	David J. & Patrice A.
10	Kononchuk, Taylor Shea	James N. & Catherine D.
10	McHale, Meghan Ann	Daniel J. & Ann M.
13	Foster, Samantha Patricia	Niles M. & Patricia A.
13	Whittier, Adam James	James N. & Anamaria
13	Nisbet, Michael Patrick	Eric W. & Jeanne M.
14	Lund, Melanie Elizabeth	Peter A. & Virginia M.
14	Lund, Monica Anna	Peter A. & Virginia M.
21	Kerley, John Everett, Jr.	John E. & Gina M.
23	Coffey, Andrew Harrison	Allan R. & Michele M.
23	Grimbilas, Peter George, Jr.	Peter G. & Brenda J.
29	Buchanan, Michael Eric	Michael & Debra L.
30	Tanous, Kirstyn Marie	Paul P. & Brenda M.
30	Johnson, Eric Patrick	Stephen D. & Gail M.

Date	Name	Parents' Names
<b>APRIL</b>		
3	Ferro, Matthew James	James W. & Karen U.
4	Costa, Joseph John	John J. & Carol J.
7	Murphy, Brendan Michael	Mark E. & Jeanne M.
13	Sanderson, Caitlyn Marie	James R. & Sandra L.
17	Smith, Nicholas Carl	Peter A. & Kristen B.
17	Laramée, Eion Harvey Edward	Steven M. & Kelly A.
22	Negus, Matthew George	George W. & Marie T.
22	McShane, Michela Ann	Edward J. & Sheila E.
24	Poole, Kerrin Jean	John F. & Maureen F.
25	Humfries, Dylan Thomas	Brant E. & Jennifer L.
26	Hunter, Elizabeth Wells	Gregory F. & Elizabeth H.
27	Mercier, Jason Robert	Robert J. & Kathleen S.
29	Day, Nicholas Clifton	Scott P. & Dawn C.
29	Gould, Beau Edward	Edward B. & Pamela A.
29	Gould, Aubrey Ann	Edward B. & Pamela A.
<b>MAY</b>		
1	Monsini, Colby Alissa	James J. & Renee L.
2	Marshall, Garry Ellis	Jeffrey R. & Mary M.
5	McKenna, Rachel Lynn	James M. & Kelley J.
7	Berry, Kevin Paul, Jr.	Kevin P. & Heather I.
9	Fuller, Mark Alexander	Robert J. & Linda J.
11	Brady, Janet Marie	Kenneth M. & Susan E.
18	Mateus, Michael Anthony	Pedro A. & Cheryl A.
19	Rohr, Suzanne Amanda	Michael L. & Linda M.
19	Rohr, Jacqueline Marie	Michael L. & Linda M.
19	Walsh, Sean Michael	Joseph E. & Janet M.
20	Ferrera, Laurel Ann	James M. & Lydia A.
23	Sweeney, Kirstyn Young	Paul C. & Susan E.
<b>JUNE</b>		
4	Clark, Wesley Richard	Richard M. & Nicole A.
10	Papotto, Jenna Kristine	Mario & Karen L.
11	Kasignowicz, Lauren Dawn	Paul F. & Dawn M.
12	Durand, James Robert	Robert S. & Denise M.
14	Benza, Daniel Peter	Donald J. Jr. & Michele L.
26	Cogliano, Alannah Marie	Ronald N. & Karen P.
28	Alioto, Samantha Kaye	James J. & Sherri R.
<b>JULY</b>		
1	Silva, Kristen Marie	Stephen G. & Debra A.
2	Smith, Zachary Thomas	Scott A. & Jodi L.
8	Larson, Erika Anne	Kenneth P. & Pamela
9	McPhee, Cathybelle	Paul & Catherine M.
13	Hidalgo, John Joseph, Jr.	John J. & Kathleen A.



Date	Name	Parents' Names
14	Young, Kyle Alexander	Charles A. & Stacey A.
14	Fox, Ian Paul Russel	Anthony E. & Mary E.
15	Fletcher, Stephanie Taylor	Brent P. & Virginia T.
16	Proctor, Jacob Alden	James A. & Jodi D.
16	Sullivan, Shannon Lee	William C. Jr. & Kristine L.
17	Vivona, Nicholas Colby	Ronald B. & Robin L.
22	Sheridan, John William	John P. & Alison F.
23	Lowenthal-Helmke, Robert Jacob	Charles A. & Tina M.
28	Brady, Kevin Michael	Robert F. & Christine M.
29	Bradley, Lucas Kenneth	John K. & Lisa M.

#### AUGUST

4	LaRocque, Cassandra Doris	Richard W. & Jacqueline A.
5	Hanley, Monica Alice	Mark & Heather J.
5	Regan, Daniel Sean	James P. & Donna T.
7	Borrelli, Marisa Anne	Anthony R. & Karen A.
11	Scott, Cynthia Jane	Lee W. & Leeds H.
18	Ferrara, William Robert	William E. & Phyllis A.
26	Kirchner, Brent Kenneth	Grant D. & Karen L.
27	Aldrich, Natalie Roveto	John C. & Lori R.
31	Notarangelo, Michael Joseph	Steven M. & Barbara M.

#### SEPTEMBER

4	Gosselin, Brittany Rae	Scott R. & Linda J.
16	Wright, Brian Matthew	Allan F. & Barbara A.
18	McGeoghegan, Matthew Charles	Glenn C. & Mary A.
19	Graziano, Mitchel Joseph	George J. & Karen E.
20	Gazzola, Crisa Ann	Daniel J. & Anna C.
23	Noonan, Kelly Elizabeth	David M. & Lisa M.
27	Lyons, Peter Harry	Peter D. & Cynthia E.
30	Menice, Michelle Rita	Paul G. & Merlinda R.

#### OCTOBER

6	Freeman, Victoria Mary	George F. & Linda A.
8	Alves, Kaitlyn Grace	Brian P. & Marlene M.
8	Reilly, Hannah Blair	Brian A. & Gail D.
8	Murphy, Elizabeth Drinan	Neil J. & Elaine D.
14	Smith, Erik James	James H. & Tracey L.
16	Reilly, Joshua David	Robert F. & Lisa B.
16	Romano, Olivia Margaret	Michael T. & Cynthia A.
17	LaPlante Johnson, Neale Patrick	Kenneth A. Johnson & Jennifer M. LaPlante
23	Slattery, Molly Rose	Mark A. & Marilyn C.

#### NOVEMBER

1	Harris, Samuel Hutchinson	Michael S. & Julia M.
3	Fowler, Nathan Andrew	Dwight M. & Joyce C.
7	Mahoney, Kyle James	Kevin K. & Denise M.

Date	Name	Parents' Names
13	Duncan, Jackson Scott	John J. & Caryn L.
18	Peters, Sydney Elizabeth	Jonathan F. & Gayle
20	Blanchard, Kristen Lee	David W. & Cheryl A.
20	Blanchard, Kelly Ann	David W. & Cheryl A.
22	Dore, Kaitlyn Rose	Michael J. & Patricia A.
23	Arra, Jennifer Catherine	George A. & Laurel M.
24	Lindquist, Nicholas Alan	Michael A. & Valerie A.

#### DECEMBER

1	Rossi, Victoria	David W. & Elaine T.
8	Ventura, Zachary David	David S. & Debra L.
10	DeGrenier, James Michael, Jr.	James M. & Gail M.
24	Dell'Erario, Nicole Jean	Nicholas J. & Linda P.
24	Grote, Matthew Robert	Robin E. & Tamra A.
26	Pandolfo, Christina Rene	Anthony J. & Corinne M.
28	Bradley, Angela Marie Elaine	Craig S. & Susan E.
29	Hurley, Andrew Joseph	David J. & Stephanie J.

### MARRIAGES RECORDED IN KINGSTON FOR THE YEAR 1992

Date	Name	Residence	Married At
<b>JANUARY</b>			
11	Steven M. Laferte	Canton	Kingston
	Alexandra J. Wozniak	Kingston	
18	David William Murphy	Old Orchard Beh, ME	Kingston
	Justine Elizabeth Meiggs	Old Orchard Beh, ME	
25	Ronald Burnet Vivona	Kingston	Plymouth
	Robin Lee Ricardo	Kingston	
25	William Thomas Francis	Holyoke	Chicopee
	Stephanie M. Jacobson	Holyoke	
31	Lee W. Scott	Kingston	Nantucket
	Leeds D. Hurlburt	Kingston	
<b>FEBRUARY</b>			
1	Peter Topping Needham	Kingston	Belmont
	Claudia Ann Johnson	Kingston	
1	Stephen Paul Carmichael	Whitesboro, NY	Kingston
	Dominique Marie Piot	Kingston	
2	Jimmy Monfils	Kingston	Kingston
	Joan Virginia Davis	Kingston	
14	Niles M. Foster	Duxbury	Carver
	Patricia A. Coveney	Kingston	
15	Leo F. Leydon	Pembroke	Kingston
	Melinda A. Horvath	Pembroke	
22	Jeffrey Charles Pratt	Kingston	Cohasset
	Lisa Ann Fichtner	Kingston	
29	James Austin Biggs	Kingston	Kingston
	Deborah Ann Black	Kingston	

Date	Name	Residence	Married At
MARCH			
7	David William Gavigan, Jr. Lucia Marcela Acobo	Kingston Brookton	E. Bridgewater
7	Alan Matthew Morisi Kristi Ann McClellan	Kingston Columbus, NE	Boston
8	Philip G. Bodio Karen M. Mari	Kingston Kingston	Plymouth
11	Peter Stanislaw Kudzacik Lynne Andrea Dechambeau	Plymouth Kingston	Wareham
27	William Edward Ferrara Phyllis Anne Lydon	Kingston Kingston	Boston
28	Mark E. Sullivan Geraldynn M. O'Brien	Randolph Kingston	Kingston
28	Matthew Donald Dawe Marilou Carol Dunn	Kingston Kingston	Duxbury

APRIL			
4	David Francis Hurley, Jr. Sharon Mary Hofacker	Kingston Kingston	Pembroke
4	Robert Francis Gumming, Jr. Brenda Gay Cavicchi	Anchorage, AK Anchorage, AK	Kingston
18	Stanley A. Burgess Gail Elizabeth Levine	Kingston Kingston	Duxbury
25	Leroy Clyde Folmsbee Kathleen Elizabeth Ritchie	Kingston Kingston	Kingston

MAY			
1	Aleksander Kozicz Anna Hruzd	Dorchester Kingston	Kingston
9	Scott Alan Simmons Christina Marie Senior	Plymouth Carver	Kingston
9	Roy Lopes Mary E. Supple	Plymouth Plymouth	Pembroke
16	Richard W. Scanlon Kathy Lyn Beatty	Kingston Kingston	Norwell
16	William George Comerford Christine Ann Lane	Kingston Kingston	Hanson
16	Steve R. Heyler Julie A. Lawless	Frisco, CO Frisco, CO	Bourne
16	Brett William Miller Jennifer Jeanne Ferreira	Kingston Kingston	Kingston

Date	Name	Residence	Married At
JUNE			
6	David Karl Seghorn Melissa Marie DiGiovanni	Spokane, WA Spokane, WA	Plymouth
6	John J. Kelleher Margaret Hayes Ansty	Kingston Kingston	Newton
13	Karl Hans Gutsche Alana Cheryl Bailey	Terrebonne, Quebec Kingston	Plymouth
21	Richard Bent Coan, Jr. Andrea Joy Nabedian	Kingston Kingston	Plymouth
26	William Todd Murphy Karen Elizabeth Tufts	Kingston Kingston	Whitman
26	Edward Bent, Jr. Doreen A. Gomes	Plymouth Plymouth	Scituate
28	Gregory G. Tavares Patricia A. Cameron	Kingston Kingston	Kingston

JULY			
10	David G. Odell Debra L. Caldera	Kingston Kingston	Plymouth
11	George F. McAdams Mary Beth Richardson	Kingston Kingston	Kingston
12	John Joseph Harlow Paulette Marie Marshall	Abington Kingston	Plymouth
18	William Scott Brown Tami Corinne Santel	Kingston Kingston	Plymouth
18	Richard J. Carr Jennifer S. Browne	Kingston Kingston	Hingham
25	Joseph C. Green Shannon Rose McAlinden	Bryantville Kingston	Kingston
25	Michael J. Sullivan Elizabeth Jane McAdow	Irving, TX Irving, TX	Kingston

AUGUST			
1	Mark J. Andrews Melodie D. Tassinari	Kingston Kingston	Kingston
1	Ronald William Maurice, Jr. Katherine Ellen Bennett	Plymouth Plymouth	Kingston
8	Joseph Edward Coombs Renee Elizabeth Shepherd	Kingston Duxbury	Halifax
15	Jan Jeffrey Bindas Jane Ann Jackson	Kingston Kingston	Kingston
16	Robert Francis McLellan Louise Ann Woodley	Milton Milton	Newton
22	John J. Cullity, III Lisa J. Payne	Kingston Kingston	Hanover

Date	Name	Residence	Married At
<b>SEPTEMBER</b>			
5	Steven G. Brunk	Port St. Lucie, FL	Kingston
	Carlene Mary Basler	Port St. Lucie, FL	
5	Robert R. Histen, Sr.	Duxbury	Kingston
	Helen Louise Arcana	Kingston	
5	Frank A. Caprio	Kingston	Halifax
	Diana Marie Skeritt	Kingston	
5	Michael J. Mariano	Kingston	Plymouth
	Christine Sawtelle	Kingston	
5	Wayne M. Krause	Kingston	Kingston
	Jane Elizabeth Rogers	Kingston	
6	Forrest B. Saunders	Kingston	Kingston
	Zulmira C. Pimentel	Kingston	
12	David R. Woodworth	Kingston	Kingston
	Susan Dale Caldwell	Kingston	
12	Joseph G. Cherry	Kingston	Kingston
	Debi L. Minear	Plymouth	
12	Peter Norman Burke	Kingston	Duxbury
	Sherry Anne Reese	Plymouth	
12	Joseph Thomas Kelley	Kingston	Plymouth
	Kerin Ann Mastromatteo	Kingston	
12	Shawn C. Neary	Kingston	Plymouth
	Kim Marie Deitsch	Kingston	
18	Daniel J. Cram	Kingston	Kingston
	Kelly A. Whiting	Kingston	
19	Stephen F. McKay	Pembroke	Kingston
	Amanda J. MacFarlane	Pembroke	
25	Matthew Francis Bartlett	Kingston	Plymouth
	Carey Ann Kaloupek	Kingston	
26	Robert Francis Toner	Kingston	Scituate
	Cheryl Lee Bertarelli	Kingston	
26	Marvin S. Nickerson	Kingston	Kingston
	Carol A. Harkins	Kingston	
26	Brendan Stephen Farrington	Somerville	Kingston
	Karen Lee Lamont	Somerville	
<b>OCTOBER</b>			
2	Frederick Joseph Nava	Plymouth	Marshfield
	Christine M. Collins	Marshfield	
3	Michael Francis Driscoll	Kingston	Quincy
	Julie Elizabeth Sanders	Weymouth	
4	Christopher Ionta	Marshfield	Weymouth
	Kimberly Jo Baker	Marshfield	
10	George Thomas Cushman	Kingston	Kingston
	Jennifer Julia Bryant	Kingston	

Date	Name	Residence	Married At
10	Joseph R. Spinale	Kingston	Kingston
	Anita L. Hill	Kingston	
10	Raymond Parker Chandler, Jr.	Kingston	Kingston
	Barbara Joan Malley	Kingston	
11	Jonathan William Bowden	Bridgewater	Kingston
	Karen Ruth Splaine	Kingston	
17	John G. Vensel	New York, NY	Kingston
	Lydia A. Berry	So. Boston	

#### NOVEMBER

8	Robert Weston Meiggs	Kingston	Kingston
	Cindi Ann Kenny	Plymouth	
25	Scott E. Rizzotto	Kingston	Kingston
	Maureen Theresa McMahon	W. Bridgewater	

#### DECEMBER

5	Francis J. Dirico	Kingston	Plymouth
	Jennifer Cronin	Kingston	

### DEATHS RECORDED IN KINGSTON FOR THE YEAR 1992

Date	Name	Age	Parents
<b>JANUARY</b>			
6	Corbett, Helen J.	71	Ronald MacGillivray Mary Quinn
12	Adams, James A.	39	James Adams Elizabeth Maliff
15	Costa, Joseph	71	Arcenio Costa Mary Lima Furtado
20	Merada, Blanche V.	91	John E. Drew Nellie Sherman
29	Wallace, Mary Eulalia	98	Michael Wallace Ellen Murphy
30	Flanigan, Hilda V.	93	Henry Perry May Paul
<b>FEBRUARY</b>			
1	Bouchard, Jean Louise	62	Joseph A. Cabral Mary Machado
3	Chandler, Robert V.	64	Ralph Chandler Esther Nygren

Date	Name	Age	Parents
9	Chandler, Gertrude Loretta	62	John Kennedy Alice Blythe
15	Lewis, Edward P.	48	Warren Lewis Catherine Bastian
19	Duffy, Alexandra	2	Brian G. Duffy Kathleen A. Andrews
20	Davidson, Evalen Doris	80	Carl J. Abramson Blanche Frohock
24	Gavoni, Clara	81	Angelo Guidoboni Emma Reggiani

### MARCH

1	Crowley, Julia P.	66	Burton Armstrong Cecelia Hourihan
1	Tassinari, Mario D.	77	Amedeo Tassinari Leonora Vezzani
5	Santoro, William D.	66	Ralph Santoro Ada Belle Doane
18	Courtney, Gary David	41	Howard Courtney Wilhelmina Parry
23	Bell, Nellie	86	Peter A. Moxnes Lillie B. Briggs
27	Rice, Francis Roy	64	Carlton Rice Ada Strickland
27	Snow, Marjorie	80	____ Parker Julia ____
28	Sexton, Ellen J.	81	William Norwood Margaret Ruiz
29	Avery, Anna I.	63	Gottlieb Ryll Mary Bonney

### APRIL

12	Kenyon, Elizabeth	79	John F. Mullin Elizabeth A. Ferguson
16	Sutcliffe, Norma R.	73	Norman Petrie Ethel Turner
20	Winter, Helen A.	71	Pasquale Zupperoli Delcisa Ricchi
24	Campbell, Barbara Ann	55	Michael Hession Mary ____
25	Soule, Ralph Martin	85	Edwin Everett Soule Addie Foster Washburn
30	Westerman, William I.	77	William Westerman Annie S. Awalt

Date	Name	Age	Parents
MAY			
2	McGrath, Hugh T.	88	Michael H. McGrath Flora Gillis
15	Townsend, Nancy L.	63	George A. Hastings Rose Somer
22	Brown, Edward L.	82	_____ _____
JUNE			
6	Connolly, Margaret M.	82	Michael McMahon Margaret Higgins
18	Morris, Mary E.	81	Isaac Sampson Mary Ellen Keefe
JULY			
6	O'Donnell, John R.	32	John R. O'Donnell Joyce M. Cotente
6	Wood, Hugh Baker	91	Frank Wood Edith Way
8	Casey, Daniel I.	73	Michael J. Casey Margaret Burk
8	Davis, Arthur R.	83	Walter R. Davis Mabel Clerk
15	Knecht, Eleanor E.	91	Louis Engle Theresa Bereck
17	Banks, George A.	75	Alfred Banks Bessie Shaw
22	Acorn, Laura E.	82	Enos W. Mosher Edith Ward
25	McDermott, Mary A.	71	William Burchell Alice B. Mahoney
26	Anderson, Charles G.	79	Johanes Anderson Hulda Karlson
28	Rich, Kathryn M.	76	Milton T. Carleton Edna M. Hales
28	Sullivan, Anna F.	81	John F. Sullivan Mary T. Sullivan

### AUGUST

4	Frazier, Beatrice	69	Ronald MacGillvray Mary Quinn
7	Church, Sarah F.	93	Eugene Calder Elizabeth Keevey
8	Esau, Herbert Murray	84	John L. Esau Florence Elliott

Date	Name	Age	Parents
14	Shtogreen, Edna	74	Gabriel Landini Annette Salvo
18	Bowser, Lillian M.	79	Charles Davis Ethel Nickerson
20	Harlow, Courtland	82	Irving Harlow Mary Flynn
29	Soule, Leland C.	72	Clifford Soule Emily Washburn
31	Barker, Shauna J.	18	Robert Barker Barbara Brown
31	Mooney, Marjorie Malvina	85	James John Heffering Marie Piche

#### SEPTEMBER

16	Chiano, Agnes F.	75	John Richards Grace Dillon
17	Keene, Barbara A.	53	Ernest Ritchie Kathleen Quartermann
20	Ford, Ronald G.	39	George C. Ford Beverly Mansfield
22	Connors, Agnes Mary	86	Patrick Lacey Mary Ellen Howlett

#### OCTOBER

11	Antoniotti, Gladys L.	88	Guido Antoniotti Deomira Saracca
14	Densman, Natalie	90	John Lokusaitis Barbara _____
14	Xidias, Ourania N.	80	Zissis Sotopoulou Stamatia _____
15	Joyce, Christopher John, Sr.	79	John P. Joyce Catherine Macken
17	Forcier, Arthur A.	70	Wilfred S. Forcier Mary Dube
18	Gassner, Mildred L.	65	Stephen Gammons Alice Bassett
19	Bradley, Ernest	76	Robert Bradley Elizabeth Swift
23	Spalluzzi, Mario J.	65	Frank Spalluzzi Antonetta Zitoli
27	White, John E.	74	_____ White Gertrude Burke

#### NOVEMBER

7	Candler, John H.	41	Grover Candler Mary R. Supitkowsky
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Date	Name	Age	Parents
10	Plentus, Lorna	86	Alex Stacewicz Carolyn _____
11	Henrich, Ann B.	72	George Hanelt Bertha Gould
17	DiMarzio, Raymond	78	Daniel DiMarzio Grace Spinozzi
20	Perucich, John F.	79	Anthony Perucich Marguerita Fabris
26	Whitaker, Albert P., Sr.	80	Milan D. Whitaker Edna D. Peck
29	Brock Raymond J.	79	Robert Brock Lina Swenderman

#### DECEMBER

2	Furtado, Josephine	73	Louis Regini Mary Nai
13	Carr, Madeline L.	75	Michael Rose Sarah Daley
14	Trevisone, Anthony F.	86	Joseph Trevisone Consligia Belmonte
20	Souza, Bella M.	92	_____ Martin Esta Phania
23	Hoxie, Dorothy May	88	Horace Sloane Minnie Moore
23	Falvey, Julia V.	83	Leonard Dzengelski Anastasia Stankiewicz
27	McSherry, George R.F.	88	Joseph J. McSherry Anna M. Daley
30	Allen, Charles B.	89	Jeremiah B. Allen Dora Lord

## REPORT OF THE TOWN CLERK POPULATION STATISTICS FOR KINGSTON

1992 Town Census	9,028
1991 Town Census	8,784
1990 Town Census	8,321
1990 Federal Census	9,045
1989 Town Census	7,988
1988 Town Census	7,971
1987 Town Census	7,491
1986 Town Census	7,852
1985 State Census	7,338
1980 Federal Census	7,356
1975 State Census	6,776
1970 Federal Census	5,999

### JURY LIST

The jury list is available for inspection during business hours in the Town Clerk's Office.

### BY-LAWS APPROVED IN 1992

On May 6, 1992, Scott Harshbarger, Attorney General of Massachusetts, issued the following approval:

"The foregoing amendment to the general by-laws adopted under article 2 of the warrant for the Kingston Special Town Meeting held March 2, 1992, is hereby approved."

In accordance with law, James R. Goonan, Constable for the Town of Kingston, certified that the above by-law amendment was posted in five public places in the Town, including one posted in each precinct, on May 12, 1992.

On June 2, 1992, Scott Harshbarger, Attorney General of Massachusetts, issued the following approvals:

"The foregoing amendments to the general by-laws adopted under articles 15, 21 and 30 of the warrant for the Kingston Annual Town Meeting that convened April 6, 1992, are hereby approved."

"The foregoing amendment to the zoning by-laws adopted under article 40 of the warrant for the Kingston Annual Town Meeting that convened April 6, 1992, is hereby approved."

In accordance with law, James R. Goonan, Constable for the Town of Kingston, certified that the above by-law and zoning amendments were posted in five public places in the Town, including one posted in each precinct, on June 9, 1992.

**AUDIT REPORT**  
**BALANCE SHEET\***  
**GENERAL FUND**  
**as of June 30, 1992**

**ASSETS**

CASH	2,284,382.59
LOAN AUTHORIZED (BAN)	<u>800,000.00</u>
<b>TOTAL</b>	<b>3,084,382.59</b>
ACCOUNTS RECEIVABLE:	
REAL ESTATE	942,142.43
PERSONEL PROPERTY	17,694.63
MOTOR VEHICLE EXCISE TAX	105,315.38
BOAT EXCISE TAX	4,052.00
WATER RECEIVABLES	78,433.87
TAX TITLES	381,062.12
TAX POSSESSIONS AND FORECLOSURES	18,842.89
TRUST FUND RECEIVABLES	57,958.69
POLICE DETAILS ROTATING	79,131.84
VETERANS BENEFITS	48,018.37
PRO FORMA TAX	694.57
TAXES IN LITIGATION	<u>382.80</u>
<b>TOTAL</b>	<b>1,733,729.59</b>
LESS: RESERVE FOR ABATEMENTS	350,682.52
DUE FROM COMMONWEALTH	
SEWER GRANT	72,224.00
CHAPTER 90, HIGHWAY	<u>148,093.28</u>
<b>TOTAL</b>	<b>220,317.28</b>
OTHER MISCELLANEOUS ACCOUNTS	69,022.95
<b>TOTAL ASSETS</b>	<b><u>4,756,769.89</u></b>

**LIABILITIES AND FUND BALANCES**

<b>LIABILITIES:</b>	
BOND ANTICIPATION NOTE	800,000.00
WARRANTS PAYABLE	337,480.23
ACCOUNTS PAYABLE	1,086.44
ACCRUED PAYROLL	38,312.15
PAYROLL TAXES WITHHELD	139,038.55
DEFERRED REVENUE (SCHEDULE 1)	715,933.84
NOTE IN ANTICIPATION OF REVENUE	72,224.00
OTHER MISCELLANEOUS LIABILITIES	<u>148,256.78</u>
<b>TOTAL LIABILITIES</b>	<b>2,252,331.99</b>
RESERVED FOR:	
CONTINUING APPROPRIATION	322,945.40
ENCUMBRANCES	<u>43,057.96</u>
<b>TOTAL RESERVED BALANCES</b>	<b>366,003.36</b>
UNRESERVED:	
DESIGNATED DEBT SERVICE	192,352.75
UNDESIGNATED	<u>1,946,081.79</u>
<b>TOTAL UNRESERVED</b>	<b>2,138,434.54</b>
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b><u>4,756,769.89</u></b>

\* not audited

**\*APPROPRIATIONS AND EXPENDITURES**  
as of June 30, 1992

	BALANCE 7/01/91	TOWN MEETING TRANSFER	F/Y 1992 APPROPRIATION	RESERVE FUND TRANSFER	RECEIPTS	EXPENDITURES	BALANCE TO REVENUE	BALANCE TO F/Y 1993
<b>OPERATING BUDGETS</b>								
ADMINISTRATION	30,532		737,936	36,319		769,934	22,853	12,000
RESERVE FUND			100,000	(82,448)			17,552	
PUBLIC SAFETY	10,766	(7,809)	1,944,483	16,743		1,928,375	16,379	19,429
EDUCATION	26,905		5,020,125			4,914,872	115,867	16,292
PUBLIC WORKS	11,222		1,115,464	20,286		1,092,041	33,427	21,504
HUMAN SERVICES	19,142	(10,931)	207,568	300		188,994	26,390	695
CULTURE & RECREATION	401		279,104	4,000		259,561	22,252	1,693
DEBT SERVICE			432,319			426,116	6,203	
STATE/COUNTY CHARGES			45,889			38,593		7,296
EMPLOYEE BENEFITS	5,536		956,461			887,561	71,435	3,000
INSURANCE	5,238		165,393			115,375	54,255	1,000
SPECIAL ARTICLES	288,867	(37,956)	406,989	4,800		296,118	20,246	346,336
GRANTS & GIFTS	116,061				663,430	676,794	35,598	67,099
INSURANCE PROCEEDS	1,736		7,809		14,220	14,756		9,010
<b>TOTAL</b>	<b>516,406</b>	<b>(56,696)</b>	<b>11,419,540</b>	<b>0</b>	<b>677,651</b>	<b>11,609,090</b>	<b>442,457</b>	<b>505,354</b>

\*Not audited

JUNE 30, 1991  
NET ACTIV  
JUNE 30, 1991  
\*not audited

INSIDE DEB  
LAND ACQ  
TOTAL INS  
OUTSIDE D  
STANDPIPE  
SEWER  
TOTAL OU  
TOTAL OU  
\*not audited



**\*STABILIZATION FUND**  
as of June 30, 1992

	<b><u>BALANCE</u></b>
JUNE 30, 1991	156,565
NET ACTIVITY	<u>(104,934)</u>
JUNE 30, 1992	<u><u>51,631</u></u>

\*not audited

**\*LONG-TERM DEBT**  
as of June 30, 1992

	<u>JUNE 30, 1991</u>	<u>PRINCIPLE PAYDOWN</u>	<u>JUNE 30, 1992</u>
INSIDE DEBT LIMIT			
LAND ACQUISITION	285,000	135,000	150,000
TOTAL INSIDE DEBT	285,000	135,000	150,000
OUTSIDE DEBT			
STANDPIPE CONSTRUCTION	840,000	120,000	720,000
SEWER	205,000	35,000	170,000
TOTAL OUTSIDE DEBT	1,045,000	155,000	890,000
TOTAL OUTSTANDING DEBT	<u>1,330,000</u>	<u>290,000</u>	<u>1,040,000</u>

\*not audited

## REPORT OF THE EMERGENCY PREPAREDNESS AGENCY

Kingston Civil Defense has undergone a name change and is now known as Kingston Emergency Management Agency (KEMA). This name change coincides with the name change on the state level from Massachusetts Civil Defense to Massachusetts Emergency Management Agency (MEMA). The name change also reflects that KEMA is an agency with a staff that can be called upon to help manage various disasters, from chemical road spills to hurricanes.

KEMA was once again busy throughout 1992. On April 4, staff members helped coordinate traffic at Sacred Heart High School for the Melissa Benoit Road Race. Also, on April 26, KEMA communication staff aided Plymouth Civil Defense in covering the bicycle race route winding through Myles Standish State Forest. On May 24, KEMA volunteers directed traffic for the Memorial Day Parade and on May 30 volunteers helped with traffic control during the Hilltop Road Race. KEMA staff also provided assistance during the running of the Bog Hollow Festival and the Carver Old Home Day. During January and February, our communications officer provided training one night a week for all volunteers. Race operators attended 10 weeks of training classes during March, April and May at the Emergency Operations Center. On December 12, the Emergency Center was activated and a shelter set up at the elementary school in response to a strong northeast winter storm.

Throughout 1992 many hours were spent training new staff members and retraining existing staff. We would like to thank all of the volunteers who have given their time to KEMA during the past year.

## REPORT OF THE WATERFRONT COMMITTEE

This past Spring and Summer have been very busy ones. Along with our capable Harbormaster and the assistance of a group of volunteers, we were able to make new floats, racks, a new flag pole was donated from various people, a new guardrail was placed on the dock, and the building was painted inside and out.

The response from the public was great. More people have been able to use the dock, thus increasing the fees to the Town.

Once again we would like to thank all the volunteers for their help. Without them, we could not have done it.

The plan for the coming year is replacement of old posts on the pier and another 60 feet of dock for tying-up space.

## REPORT OF THE PLANNING BOARD

During this past year the Planning Board has seen the completion of Independence Mall's fifth anchor store. This completes their on-site building allowed under the present permits. Most of the road improvements required as part of the permit for the fifth store have been completed. The remainder of the road work will be completed in 1993.

Plans for the Old Colony Railroad Station in Kingston are still being reviewed. Planning Board member Ed King has represented the board at Advisory Board meetings.

A new shopping plaza is under construction at the north end of town. The approval for this was granted several years ago although work has been delayed until this year.

Construction in several of the town's residential subdivisions has seen increased activity during this year. A new residential subdivision was approved in the Silver Lake area of town.

The Planning Board itself will be busy making changes to its own rules and regulations bringing them up to date with the new zoning bylaw approved at the November special town meeting. With the approval of the zoning bylaw the Planning Board has taken on new responsibilities for issuing some special permits that will make the approval and permitting process of some projects far less time consuming and confusing. It is the Board's goal to make the process as expedient as possible.

## REPORT OF THE CAPITAL PLANNING COMMITTEE

The business of the Capital Planning Committee for fiscal year 1993 is reported as follows:

Items and amounts requested were:

Fire Department:	
Brushbreaker	\$136,000
E 911 Communications	\$15,000
Utility pick-up truck	\$9,700
Maple Street station renovations	\$23,750
Highway/Public Works Department:	
Streetsweeper	\$71,700
Landfill partial closure	\$450,000
Police Department:	
Heating system conversion	\$10,000
School Department:	
Heating system-KES	\$750,000

Tree Department:	
Wood chipper	\$20,000
Water Department:	
Pick-up truck with plow	\$20,000
Federal Safe Drinking Water Act compliance	\$755,000
Computer study	\$29,000

The committee recommended all equipment items except for the request of the Tree department. The Water department requests were contingent upon water usage charges being increased.

All proposed projects were favorably recommended. The committee had endorsed the replacement of two (2) police cruisers although their acquisition is not within the purview of the committee because useful life of the equipment is less than five (5) years duration.

Also of note is the fact that cost figures stated above were those which the committee recommended for approval and were not in all cases the final acquisition cost for each item as authorized at town meeting.

The committee wishes to thank the town's department heads, selectmen, administrative staff, and other town committee representatives for their collective effort and cooperation given especially in light of the fiscal constraints and uncertainty faced in funding town operations.

## REPORT OF THE KINGSTON ARTS LOTTERY COUNCIL

At the end of 1992 the Kingston Arts Lottery Council was made up of the following members: Kimberly Beasley — chair; Pat Berry — vice chair; John Perry — treasurer; Vilma Balboni — secretary; Ann Walsh — PASS Coordinator; Gobin Stair, Ann Fried, Mary Anne Driscoll and Ray Russo.

Our funds from the state were once again dramatically cut and only one funding cycle was ordered by the Massachusetts Cultural Council. We attempted to fund as many programs within the Kingston community, including school and library projects, as well as individual artists who would best benefit our community.

We have examined some new ways to raise money ourselves to increase our giving ability next year. We also applied for a grant from Lechmere for the library, which we unfortunately did not receive. We will strive to keep the arts alive in Kingston in 1993 and continue to look forward to serving our community to the best of our ability.

## REPORT OF THE PLYMOUTH COUNTY COOPERATIVE EXTENSION PROGRAM

Cooperative Extension System was officially established by an Act of Congress in 1914. Its earliest beginnings were the Morrill Act of 1862 which established Land-Grant Colleges. Cooperative Extension is a nationwide network of over 3,100 offices. Its practical research-based programs and funding connections with the United States Department of Agriculture, the State Land Grant University and county government make it a unique program. Extension offers a wide range of educational opportunities in agriculture, youth (4H) and volunteer development and critical issues that affect our lives.

In Plymouth County the outreach office is located on High St. Hanson. In Southeastern Massachusetts the other main Cooperative Extension Centers are located in Barnstable County and at the Southeastern MA Agricultural Center (also called the UMASS Cranberry Experiment Station) located in Wareham MA. Satellite offices are located in Bristol; Dukes/Nantucket and Norfolk Counties. The State Extension Administrative offices are located at UMASS, Amherst. The Plymouth County Cooperative Extension office is open 8:30-4:30 Mon-Fri. Currently the local extension field staff consists of a County Director, two 4-H Youth Development Specialists, a Nutrition/Family Life Educator, and a Landscape/Nursery Specialist. A federally funded Expanded Food and Nutrition Education Program which has been active in Plymouth County since 1969, is run under the auspices of Cooperative Extension. Currently, one supervisor and three outreach educators work in this program conducting a very popular UMASS nutrition education certificate courses in cooperation with county homeless shelters and key area agencies. For more detailed information on the County Cooperative Extension program contact the county office at Box 658, Hanson, MA 02341. (617)293-3541 or 447-5946.

**PROGRAM OUTREACH** — During the last 12 months Plymouth County Cooperative Extension agents conducted 667 outreach programs. **CABLE TV** — Sixty-one cable TV shows "Cooperative Extension News & Notes" have been produced by Plymouth County Cooperative Extension. All but 5 Plymouth County towns use this half hour Cooperative Extension cable TV program in their weekly community access channel, reaching over 100,000 households. **RADIO** — Every Sunday morning on WBET (Brockton), Cooperative Extension staff present a 15 minute broadcast on upcoming programs and timely educational topics. **NEWSLETTERS** — Cooperative Extension publishes 15 newsletters in the area on Natural Resources and Agriculture for residents and commercial growers. A master list of these is available from the county extension office.

### Advisory Board(s) and Trustees

Some key groups that oversee the work of Cooperative Extension are as follows:

### Board of Trustees:

Plymouth County Cooperative Extension programs and budget are reviewed by a 9-member Board. They are appointed by Plymouth County Commissioners. Members serving in 1992 were:

County Commissioner Matthew Striggles — Bridgewater  
Dorothy Dwyer — Norwell  
Lenore Swanson — Plympton  
William Remes — Carver  
Joseph "Mal" Denly — Brockton  
John Weckbacher — Abington  
John Burnett, Jr. — Whitman  
Edward Nicolas — Plymouth

### County 4-H Advisory Council:

The active county 4-H program looks to a 9-member advisory group to assist with fundraising, program reviews and promotion. They are appointed by the Plymouth County Board of Trustees.

Charles Smith — East Bridgewater  
Sherri Jacobs — Halifax  
Linda Ransom — Hanson  
Carol Holloway — Halifax  
Patricia Schembari — Hanover  
James Shaw — Middleboro  
Deborah Simonis — Brockton  
Janice Strojny — Kingston  
Lindsay Blake — Duxbury

### Town Directors:

M.G.L. Ch. 128 outlines the Cooperative Extension System functions. It allows for Town Directors to serve in the capacity as local liaison. These towns contribute additional funds to assist in Cooperative Extension programs. Annual Cooperative Extension reports are published in their town documents.

James Franey — Abington	Carol Knight — Mattapoisett
Dorothy Angle — Carver	James Archer — Marion
Eileen Rawson — Duxbury	David Blanchard — Middleboro
Ed Smith — East Bridgewater	E. Dana Cashin — Norwell
Russell Sturtevant — Halifax	Brian Baragwanath — Pembroke
Leander B. Nichols — Hanover	Edward Kierstead — Plympton
Robert Haviland — Hingham	Georgia Chamberlain — Rochester
Jean Catto — Lakeville	Jerrilyn Quinlan — Scituate
George Fraser — Kingston	Clifford Carlson — W. Bridgewater
John North — Marshfield	Leon Millett, Jr. — Whitman

## REPORT OF TRUSTEES FOR COUNTY COOPERATIVE EXTENSION

In accordance with the General Laws of the Commonwealth, Chapter 128, the Trustees for Plymouth County Cooperative Extension are empowered to receive, on behalf of the County, money appropriated by any town, or by the Federal Government for carrying out the provision of the Law, under which they are appointed.

Agents have made contacts during the past year in every community, either by public meetings, individual visits, group discussions and demonstrations, in attempting to assist the needs of the citizens toward helping to solve management problems, better living, and better community service. Cooperative Extension staff have been ably assisted by many local volunteer leaders.

A total expense of \$270.00 was incurred during the year for the purchase of material needed in carrying on the various Extension programs. The appropriation made by your town was used for residents of the town and expended as follows:

### EXPENSE 1991-92

Books and Manuals purchased for Town	\$20.00
Town Director's Expense	60.00
Bulletins, Paper, etc.	125.00
4-H School Programs	65.00
4-H & Home Ec Leader Expense	
Total	\$270.00

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### FINANCIAL SUMMARY

Current Appropriation (1992-93)	\$270.00
Suggested Appropriation for 1993-94	270.00

## REPORT OF THE RECYCLING COMMITTEE

The recycling Committee continues to work with the Highway Department to achieve recycling and composting goals mandated by the Massachusetts Solid Waste Act.

The Recycling programs we enjoy in Kingston have been brought to the town at no additional costs to the citizens. The three large 40' roll-offs were awarded to the Recycling Committee by the DEP. Kingston was one of only four towns on the South Shore to be awarded, out of thirty-two which applied. The roll-offs have an estimated value of \$15,000.00. The small recycling containers at the recycle center/transfer station were assembled by the Highway Department using existing solid waste budget funds.

The committee has culminated months of research and interviewing, and sending out requests for proposals to companies in the recycling and solid waste business. Currently, we are in the final stages of negotiation with SEMASS Energy Answers Corporation to take our recyclables to their new materials recovery facility in Bridgewater.

With all the necessary permits in place, SEMASS will be able, pending final contract O.K., to accept the glass, plastics and newspaper and inserts we send them.

The other recycling programs at the recycle center will continue to run as they currently do. Citizens will still be able to recycle tires, clothes and toys, motor oil, auto batteries, metal cans, aluminum, "white goods" and to compost yard wastes.

Last year the town diverted 11% (eleven percent) of its solid waste by tonnage by recycling, based on diversion rates calculated by the Highway Department. This falls short of the 25% goal for the end of 1994. Hopefully, once newspaper is recycled and removed from the waste stream, we will be closer to the required minimums. (The complete breakout of the recycling figures are available at the Highway Department.)

With our ongoing commitment to recycling in Kingston, and throughout the Commonwealth, we hope to see strong markets develop for the materials we collect. This is why we supported the 1992 Recycling Ballot Question. It is also our belief that recycling creates jobs and is good for the state's economy.

If the demand for recycled materials does not keep up with the supply our community and others have created, recycling efforts will become another trash crisis. The Committee supports legislation that returns recycled materials to the marketplace as usable commodities. We recognize the many environmental benefits of recycling, and continue to work on making the economics of recycling competitive with the use of virgin materials.

The Committee is grateful to those community volunteers who worked on various recycling programs this year. The returnable can and bottle program administered by the Recycling Committee returned \$1800.00 (eighteen hundred) to various youth groups in Kingston. Citizens interested in participating in new or on-going programs are encouraged to contact us, attend our meetings and start programs which will augment our efforts. (Such as the office paper recycling program begun in Town Hall by Kids for Saving Earth.)

The cooperation of the citizens is essential if recycling is to run smoothly. We again ask people to clean out containers prior to recycling, remove lids and rings on glass, and sort plastics and crush them so we don't pay to transport air. Our recycling center is clean and efficient, "user friendly", and containers are well marked. We hope people will make recycling a habit.

## REPORT OF THE TOWN COLLECTOR

The Tax Department through the 1992 Fiscal Year has been a very hectic one for all concerned with the implementation of the new computer and quarterly tax bills, with very little training for the tax personnel. We have tried to work closely with Doris Haight, Town Administrator and the Board of Assessors office to correct any deviations we found in the system and tax bills. However, this has put additional burden on the tax office in keeping up with four bills a year instead of two. The Town realized interest on late payments of \$72,597.00 for the period January 1, 1992 through December 30, 1992. Interest on Real Estate is calculated at 14% per annum and 12% per annum after thirty days on Motor Vehicle excise. The continued use of the lockbox for paying tax bills is appreciated, thus saving the Town many hours of hand recording into the office cash books. Additional figures for the past fiscal year can be located in the Auditor's Financial Statement which appears elsewhere in this report.

## REPORT OF THE BUILDING INSPECTOR

The Building Department has jurisdiction over many regulations, including building codes, zoning by-laws, access regulations, earth removal by-laws and others.

The Building Department was extremely busy as Kingston's growth continued. For comparison:

Single Family Dwellings — July 1990 to June 1991 — 58  
Single Family Dwellings — July 1991 to June 1992 — 106  
Single Family Dwellings — July 1992 to Dec. 1992 — 59

A special thank you to all the Town Departments and Commissions whose cooperation and support has helped us to better serve the public.

## REPORT OF THE PLUMBING INSPECTOR

The total number of plumbing inspections made in fiscal year 1992 was 320, with a total of \$10,456.00 collected in fees.

## REPORT OF THE GAS INSPECTOR

The total number of gas inspections made in fiscal year 1992 was 349, with a total of \$5,279.00 collected in fees.

## REPORT OF THE WIRING INSPECTOR

The total number of electrical inspections for fiscal year 1992 was 540, with \$10,074.00 collected in fees.

## REPORT OF THE ASSESSORS DEPARTMENT

The Board of Assessors has completed another busy and productive year.

Our computer system is fully operational giving us the ability to handle record updating maintenance and valuation tasks in-house greatly reducing our dependence on outside vendors and increasing our accuracy. We have added a counter terminal for use by the public, Lotus 1-2-3 and WordPerfect software packages to allow us to better utilize the computer. The office staff is currently pursuing training for these new applications.

By significantly altering our time table to accommodate new deadlines we were able to accomplish a smooth transition for our office to quarterly tax billing. We also actively assisted in the process of printing the tax bills in-house.

Residential growth continued to increase this year with 89 new houses added to the tax rolls.

Other notable events included the revision of statutory forms for abatement, exemptions, forms of list and certificates by the Department of Revenue.

The Board of Assessors meets regularly on Tuesdays at the Faunce School at 4:00 P.M. The office is open daily as follows: Monday 8:30 - 4:30, Tuesday 1:00 - 4:30, and Wednesday through Friday 8:30 - 4:30.

## REPORT OF THE COUNCIL ON AGING

As the elder population of Kingston increases, the Council on Aging continues to provide assistance and services to help meet their needs.

The transportation program remains our most vital link to elderly and handicapped individuals by providing trips to medical appointments; shopping and banking, social and recreational activities. The GATRA lift-equipped van logged 22,900 miles during the year, while providing 6199 services.

Also during FY92 the Council on Aging distributed Surplus Food to 136 families on a quarterly basis and delivered 4214 hot lunches to homebound individuals through the Meals-On-Wheels Program. Showing the most increase over previous years was the S.H.I.N.E Program which provided 738 health insurance consultations to 406 people.

Income Tax Assistance was provided to 38 people, while Cura Visiting Nurse Association provided 313 Flu Shots as well as bi-monthly Health Screening Clinics. Education and Recreation Programs were well attended.

Volunteers continue to be our most valuable asset by providing 3714 hours of service at a cost savings to the town of \$31,500.00.

## REPORT OF THE YOUTH COMMISSION

This year the Youth Commission has continued to meet the needs of the youth in the community. We offered a variety of programs three times, during the year, that provided activities and enrichment for our Kingston youth. These programs also encouraged family participation.

Our After School programs were successful in providing constructive activities again this year. Our classes included: Arts & Crafts, Tennis, Martial Arts, Boys Physical Education, Babysitting, and an extensive Music program under the direction of John Smith. The Music classes included Keyboard and Early Childhood Music.

We sponsored several trips which were well attended and enjoyed by all. The Youth Commission is committed to providing interesting and affordable activities to the community.

Our annual Halloween Party received community support that helped make it a success again this year. Kingston disc jockey Lee Cappola entertained the many children this year. Contributions for the party were received from several local businesses as well as from parents.

The Annual Town Meeting last year voted to merge the Youth Commission with the Recreation Commission. Both departments cooperated in offering joint activities over the past year. We would like to thank the Board of Directors of the Recreation Commission for their commitment to maintaining Youth Commission programs in the coming years. We will be working with them to insure a smooth transition for all.

On behalf of the Youth Commission, I would like to thank the Board of Selectmen, the School Committee and most importantly, the parents of Kingston children for their support of the Youth Commission and its programs.

## REPORT OF THE INSPECTOR OF ANIMALS

Recent years have witnessed a profound change in the makeup of our animal population. There has been a marked decrease in the number of farm animals with a corresponding rise in the number of pets in town. This reflects a change in the basic makeup of our community from what was formerly semi-rural to exurbanite.

As an accompaniment of this trend, there has been a striking increase in incidence of heartworms in our dog population which is transmitted by the bite of an infected mosquito. This makes it increasingly advisable for every dog in the area to participate in an annual diagnostic blood test each spring followed by preventive medication to be administered for several months.

There were 25 reported dog bite cases last year as a result of which these dogs were quarantined on suspicion of rabies. Fortunately, all of these dogs

were released after the ten-day observation period inasmuch as no signs of rabies appeared. Reports of the foregoing cases were forwarded to the state authorities.

The threatened raccoon rabies epizootic became a reality this year in the Commonwealth; and brought with it the great concern of its increasing prevalence in our wild animal reservoir, and its possible extension to our domestic animals, especially the cat. This serious threat to animal and human life emphasizes the imperative need to have all pets (dogs and cats) immunized against rabies.

The annual census of farm animals was completed, and the report forwarded to the Division of Animal Health.

I wish to thank the members of the Board of Health for their cooperation in organizing these inspections.

### REPORT OF ANIMAL CONTROL OFFICER

Adherence to the leash law is getting better all the time year after year but there are a few that won't obey the law. Those few that won't obey the law shall be taken to Court to make them obey the law.

During 1992 there were 18 dogs adopted and 21 dog owners fined which made the year 1992 a good part-time job.

### REPORT OF THE FIRE DEPARTMENT

During 1992, the primary objective of the Department became keeping the level of service up with the demand for service. One vacant full-time position was not filled due to financial limitations.

Town Meeting voted to combine Police and Fire Dispatching and this is now in progress.

Four vehicles were taken out of service due to their age, or not being required. Two new vehicles were purchased.

All vehicles and equipment were maintained, serviced, and tested through a controlled maintenance program. All vehicles and equipment were tested as required.

Training of personnel received considerable upgrading. Technical and legal complexities of the profession demand more in-depth training. Training manhours doubled over previous years.

Total incidents increased over previous years with areas concerned with building and code enforcement showing the largest increase.

### REPORT OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals respectfully submits the following report for the year ending December 31, 1992:

	<u>Variances</u>	<u>Special Permits</u>	<u>Earth Removal/ Special Permits</u>	<u>Review of Action/ Appeals</u>
Granted	7	3	0	0
Denied	8	2	0	0
Withdrawn	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	15	5	0	0

During this past year, the Board was involved with handling the various patterns of growth and changes within our Town. Jose Carvalho, Stanley Kuzborski, and Janet Wallace continued as permanent members, until July, when the Board was increased to five members, with two alternates. At that time, John Sullivan and Bruce Bird were appointed as permanent members, and Marie Shea and Neil Hulteen were appointed as alternates. In December, Janet Wallace retired, and the Board is waiting for another appointment.

The Board wishes to thank Town Clerk Mary Lou Murzyn and her assistant, Mary Boutin, for their assistance and cooperation throughout the past year.

### REPORT OF THE WATER COMMISSIONERS

At the Annual Meeting in April of 1992, Town Meeting voters unanimously approved the appropriation of \$755,000 to fund the construction of two lime treatment facilities. One facility is located at the South Street Pumping Station and the other at Grassy Hole Pumping Station. These treatment facilities will enable us to add hydrated lime to the water, thereby ensuring compliance with the 1986 Amendments to the Safe Drinking Water Act of 1974.

The Board of Water Commissioners would like to extend a special thanks to those residents who participated in our extensive town-wide sampling program and to everyone who supported us in our efforts to provide the highest quality drinking water to the Town of Kingston.

Statistical information on water department projects is available at the office on Elm Street.

### REPORT OF THE OFFICE OF VETERANS' SERVICES

I hereby submit the annual report of the Office of Veterans' Services for the year ending December 31st, 1992.



Active Cases:	29
New Cases:	22
Re-Opened Cases:	12
Widows' Pensions Processed:	12
Non-Service Connected Disability Pensions:	8
Service Connected Disability Claims:	9
Veterans' Hospitalized:	11
Veterans Administration Forms Processed:	62
State Veterans Service Cases Processed:	147
Miles Traveled — Housebound Veterans, Widows, Veterans confined to Veterans Administration Medical Centers and Nursing Homes and Children of Veterans:	1, 223
Burial Arrangements of Veterans (National and Local):	11

The Veterans Office, located at 6 Maple Avenue, Kingston, MA, is open two (2) days a week each week of the year. The office hours are 8:30 A.M. to 3:30 P.M., on Thursdays and Fridays. With the increase of business and activity at the office, the agent has increased the hours of both days, giving the veteran more time to visit for consultation and information. It is the policy of this agent to "aid and assist" his fellow veterans and I shall continue to perform as long as I am responsible for this position. Our telephone number is (617) 585-0515.

### REPORT OF THE TREE WARDEN AND MOTH SUPERINTENDENT

This past year, in addition to replacing many trees, much time has been spent clearing and trimming roadsides. This requires more hours each year due to the increase in new roads.

For this reason I feel it necessary to ask for the purchase of a tractor/side-arm mower. Use of this machine will add to the amount of work performed and will also prolong the life of our aging chipper.

We will check closely on gypsy moth and fall web worm this coming year and spraying of poison ivy will also be done in late June.

### REPORT OF THE PLYMOUTH COUNTY MOSQUITO CONTROL PROJECT

The Commissioners of the Plymouth County Mosquito Control Project are pleased to submit the following report of our activities during 1992:

The Project is a special district created by the State Legislature in 1957, and is now composed of 24 Plymouth County towns, the City of Brockton, and the Town of Cohasset in Norfolk County. On April 1st, the Town of Hanover rejoined the Project. The Project is a regional response to a regional problem

and provides a way of organizing specialized equipment, specially trained employees, and mosquito control professionals into a single agency with a broad geographical area of responsibility.

In 1992, the Project was again challenged by the threat of the mosquito transmitted disease, Eastern Equine Encephalitis (EEE). Spring and early summer were drier than normal. Residential complaints were received later, with isolated mosquito problems in our coastal communities. Efforts were again aimed at larval mosquitoes starting with the spring brood, and aerial larviciding continued using B.T.I., an environmentally selective bacterial agent. Upon emergence of the spring brood of adult mosquitoes, ultra-low-volume adulticiding began. The Project responded to requests concerning mosquitoes, and all sprayers and trucks performed well with little time lost to breakdowns.

EEE Virus was first isolated from *Culiseta melanura*, a bird biting species, by the Massachusetts Department of Public Health from collections in Carver the week of August 23rd. Of the season's total of ten EEE isolates, six were from Plymouth County: Carver (8/23 and 9/28), Kingston (9/21 and 9/28), Brockton and Halifax (9/28). In September, a human case of EEE was confirmed in a 59-year-old man from Braintree who had been fishing in the Carver/Plymouth area during the last week of August. The recurring problem of EEE in Southeastern Massachusetts continues to ensure cooperation between this Project and the Massachusetts Department of Public Health.

The figures specific to the Town of Kingston are given below. While mosquitoes do not respect town lines the information given below does provide a tally of the activities which have had the greatest impact on the health and comfort of Kingston residents.

**Insecticide Application:** 2,976 acres were treated using truck mounted sprayers for control of adult mosquitoes. More than one application was made to the same site if mosquitoes reinvaded the area. The first treatments were made in May and the last in October.

Our greatest effort has been targeted at mosquitoes in the larval stage, which can be found in woodland pools, swamps, marshes and other standing water areas. Inspectors continually gather data on these sites and treat with highly specific larvicides when immature mosquitoes are present. Last year a total of 46 inspections were made to 31 catalogued breeding sites.

Finally, we have been tracking complaint response time, that is the time between notice of a mosquito problem and response by one of our inspectors. The complaint response time in the Town of Kingston was less than two days with more than 201 complaints answered.

**Water Management:** During 1992 crews removed blockages, brush and other obstructions from 3,015 linear feet of ditches and streams to prevent overflows or stagnation that can result in mosquito breeding. This work, together with machine reclamation, is most often carried out in the fall and winter.

Machine Reclamation: 2,215 linear feet of ditch was reconstructed in Kingston using one of the Project's two track driven backhoes.

Mosquito Survey: A systematic sampling of the mosquitoes in Kingston indicates that *Culiseta melanura* was the most abundant species. Other important species collected included *Aedes vexans* and *Culex pipiens*.

We encourage citizens or municipal officials to call our office for information about mosquitoes, mosquito-borne diseases, control practices, or any other matters of concern.

## REPORT OF THE PARKING CLERK

Parking fines totaling \$11,229.48 were deposited with the Town Treasurer in FY92.

## REPORT OF THE OLD COLONY PLANNING COUNCIL

To the Honorable Board of Selectmen and Citizens of the Town of Kingston:

As your representative to the Old Colony Planning Council, I am pleased to present this report on behalf of the Council for 1992.

This year, the Council launched a major initiative to conduct a series of forums on the topic of Regionalism for local elected officials and the members of the general public. The Council is supported in this effort by the Martin Institute of Stonehill College and other state, regional and county organizations. The thrust of the three forums is to increase awareness of what the options are in providing governmental services on an areawide basis; what cost savings can be expected through inter-municipal cooperation; and, what alternative governmental structures are appropriate for consideration in Southeastern Massachusetts. These and other questions are expected to be considered as the Regionalism forums are held.

In 1992, the Old Colony Planning Council continued to serve as the designated organization for: elder services planning and programming in its responsibilities as the Area Agency on Aging (AAA); as the Metropolitan Planning Organization (MPO) for Transportation and Transit Planning; and, as the Economic Development District (EDD) in coordinating strategies to improve the area's economic conditions. We are proud to report that the Old Colony Planning Council has the distinction of being the only regional council in New England to hold all of these official designations at the same time. In addition to these designated responsibilities, the Council is authorized by state statute as the regional planning agency to be concerned with a wide variety of areawide and inter-municipal concerns as they pertain to the physical, social and economic development of the District. The Council also assists its members

municipalities with technical planning assistance, grant application preparation assistance and with information on local and regional trends by maintaining current socioeconomic data.

The Old Colony Planning Council District includes fifteen communities for general planning purposes consisting of the City of Brockton and the fourteen towns of: Abington, Avon, Bridgewater, East Bridgewater, Easton, Halifax, Hanson, Kingston, Pembroke, Plymouth, Plympton, Stoughton, West Bridgewater and Whitman. As the Area Agency on Aging, the Council serves a twenty-three community area, which, in addition to the regular planning district, includes the eight communities of Carver, Duxbury, Hanover, Lakeville, Marshfield, Middleborough, Rockland and Wareham.

Each municipality is represented on the Council by one delegate and one alternate delegate. The Council members establish policy, develop the work program, employ the professional staff and determine the activities of the Council to be carried out by the staff. The Council meets on the last Wednesday of each month at 8:00 PM in the Council offices located at 70 School Street, Brockton MA.

In 1992, the Council re-elected John F. Lenox of Plymouth as President of OCPC; James A. Kassos of Brockton as Council Secretary; and John G. Mather of Halifax as Council Treasurer.

The Council gratefully acknowledges the generous support and cooperation of its member communities, the participation and involvement of members of the Joint Transportation Committee chaired by Mr. Stephen Baker; the Overall Economic Development Committee chaired by Mr. Joseph Joseph; and the Area Agency on Aging Advisory Committee chaired by Ms. Delores Kent. The Council also recognizes the work of local boards and commissions and the government agencies, public and private institutions and individuals who assisted the Council.

## REPORT OF INDUSTRIAL DEVELOPMENT COMMISSION

The number of inquires which we have received regarding industrially zoned areas has been very small in the past year.

We were pleased to actively support the location of the Old Colony Railroad Station in the industrial park. We believe this will bring more business to the area.

## REPORT OF THE HOUSING AUTHORITY

Kingston Housing Authority had a productive year during 1992. The house for our clients from the Department of Mental Retardation has been completed. We wish to thank all Town departments for their cooperation.

At Meadowcrest, we accepted one new resident.

Anita J. Hadley resigned her position as Executive Director of the Housing Authority. The Board wishes to thank Mrs. Hadley for her outstanding performance of duties as Executive Director over these past two years.

Patricia A. Abde assumed the responsibilities as Executive Director in October, 1992.

Applications and information may be obtained from the Executive Director at the Housing Authority's office on Hillcrest Road. Office hours are 9:00 a.m. - 1:00 p.m., Monday through Friday. All applicants are placed on a waiting list until vacancies occur.

### REPORT OF THE HARBORMASTER/ SHELLFISH CONSTABLE

**HARBORMASTER:** The floats, piers, and racks were in place April 27, 1992. The patrol boat and navigational aids were in place May 1, 1992. The season was late starting because of the rainy weekends. There was one instance of theft. Three boats were stolen one night and they were all discovered the next morning in Duxbury. One boat had extensive damage to the engine. The harbor was secured October 23. The December storm did no damage to Town property. One boat was washed up onto the marsh.

**SHELLFISH:** All beds were closed as per state regulation.

### REPORT OF THE HANDICAPPED COMMISSION

Many changes have influenced the Commission this year.

Once again, we find ourselves without a full commission. We need to appoint persons who have disabilities in order to balance the commission.

Americans with Disabilities Act, ADA, defines an "individual with a disability" as a person who:

- Has a physical or mental impairment that substantially limits a 'major life activity,' or
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

Examples of physical or mental impairments include, but are not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. "This is a very large segment of the population that the ADA and the Town of Kingston is attempting to serve.

Once again, if you know of someone who would like to join the commission, please contact the office of the Board of Selectmen.

### REPORT OF THE BOARD OF REGISTRARS

There were four elections held during the past year, as follows: the Presidential Primary; the Annual Town Election (which included a Recount of the votes cast for the two-year Selectman position between Christina L. Willis and Leo A. Kelley); a State Primary; and a State Election. The Board was extremely busy holding the required voter registration sessions for these elections as well as for the annual and all special town meetings.

State law requires that the Board take a census each year beginning January 1st. Census forms are mailed to each household and replies should be made promptly. An individual's failure to respond may result in his removal from the voting list.

The Registrars are pleased to announce that the census and voter registration records are now computerized and processed in-house. The voting list for the September Primary and all subsequent elections and town meetings were generated by the Clerk's Office.

The Town Clerk's office is open daily for voter registration during regular business hours. Special evening and Saturday registration sessions are posted and advertised ahead of all town meetings and elections.

On May 15, 1992, the Local Election Districts Review Commission approved the new precinct voting map for the Town of Kingston. As a result of that approval, the Town will be voting in three precincts effective with the 1993 Annual Town Election.

Registered voters as of December 14, 1992, are as follows:

Precinct	Democrat	Republican	Unenrolled	Other	Totals
1	524	279	962	1	1,766
2	540	406	1,088	5	2,039
3	<u>545</u>	<u>414</u>	<u>962</u>	<u>8</u>	<u>1,929</u>
	1,609	1,099	3,012	14	5,734

The Town's population as of this date is 9,450.

### REPORT OF THE DIRECTOR OF THE FREDERIC C. ADAMS PUBLIC LIBRARY

1992 has been a year of planning and preparation at the Library. The realities of construction costs dictated a new approach to our plans for moving across the street, and we have taken advantage of the enforced delay by undertaking a detailed reevaluation of library services to make sure that Kingston's library meets Kingston's needs. We have also been planning the steps necessary to join the Old Colony Library Network that links Plymouth, Duxbury, Quincy and most of the other towns between here and Boston.

We have embarked on a major fundraising campaign, called the Second Century Fund, to enable us to move into the new building without asking the Town for any further funding. We have been approaching foundations, corporations and private donors for help with our project. Thank you to all of you who have been so generous with your gifts. If you haven't yet made your donation, we are happy to accept them at any time.

This year we worked hard to improve our collection, including writing a \$13,800 grant to set up a Career Information Center, and surveying patrons about what materials they would like to find at the library. Our programs for children included our most successful summer reading program yet, featuring a trip to Fenway Park for Boston Red Sox Library Day. We held a variety of other programs for children throughout the year, topped off by the annual Christmas party. Santa came on a fire engine in time to light our tree, sing songs and enjoy the delicious refreshments provided by the Trustees (prepared by the Silver Lake Lighthouse Bakery) and served by the Friends of the Library. Thanks again to the Fire Department for bringing Santa to the Library in style!

We also held a series of art programs for young adults in grades 7 through 9, thanks to a grant written by the Friends of the Library and given by the Kingston Arts Lottery Council. The adult department held a series of financial seminars and a book discussion series. We also had a presentation on travel in the Caribbean.

We are grateful to the Town for your strong support and generosity. Thanks also to the Friends of the Library for their enthusiastic help in so many areas. please give them your support if you haven't done so already. They are a hard-working group who know how to have a good time for a good cause!

## REPORT OF THE POLICE DEPARTMENT

During 1992 the Kingston Police Department continued to meet the needs of the community and strived to provide services with a high degree of professionalism. The membership of the department uniformly commanded an aggressive approach with respect to the law enforcement of the community.

Due to the concentrated efforts of officers, proactive patrolling, increase of visibility and aggressive traffic enforcement, the overall statistics reflect that the criminal activity which was on the upswing during 1991 is steadily on the decline. Custodies totaled 482 for the year, logging 37 OUI arrests (a decrease of 20% from 1991), logging 60 Protective Custodies (a decrease of 22% from 1991), logging 91 Shoplifting arrests (an increase of 22% from 1991) and logging 122 Warrant Arrests (a decrease of 48% from 1991).

Unfortunately, the statistics reflect an increase for police services involving domestic violence and violations of restraining orders. Custodies involving violations of 209A and Assault/Battery has increased by 200%. This increase also reflects the national trend of higher numbers involving domestic violence and the seriousness of the matter at hand.

The Kingston Police Department in cooperation with the Silver Lake Regional School District and the Kingston Elementary School introduced the nationally acclaimed D.A.R.E. Program (Drug Abuse Resistance Education). D.A.R.E. emphasizes helping students to recognize and resist the many pressures that influence them to experiment with tobacco, alcohol and other drugs. This program has been a huge success and was well received not only by the children, the school and parents, but by the community at large.

During the year 1993 the Kingston Police Department will continue to meet the demands and needs for services by the individuals of this community, in order to provide a safe and harmonious living environment.

## REPORT OF THE SCHOOL COMMITTEE

### SCHOOL COMMITTEE

Mrs. Colleen Costa, Chairman	Term Expires 1994
Mrs. Marion Lanagan, Vice Chairman	Term Expires 1995
Mr. James Coyle, Secretary	Term Expires 1995
Mrs. Janet Dinsmore	Term Expires 1993
Mr. Charles Noble	Term Expires 1993

The School Committee meets at 7:30 p.m. on the second Monday of each month.

### ADMINISTRATION OFFICE

Dr. Paul A. Squarcia	Superintendent of Schools
Mr. William L. Pepper	Assistant Superintendent for Secondary Education
	Assistant Superintendent, K-8
Mr. John W. Burke	Administrator of Special Education
Mr. Chester Adams	Business Manager

### SCHOOL CALENDAR

Fall Term	September 9 thru November 13, 1992
Winter Term	November 16 thru January 29, 1993
Second Winter Term	February 1 thru April 8, 1993
Spring Term	April 12 thru June 29, 1993

In addition to all legal holidays, schools will be closed on Friday following Thanksgiving.

"NO SCHOOL" announcements will be given by radio stations WATD, WBET, WHDH, WPLM and WRKO between 6:35 a.m. and 8:00 a.m. In addition, the fire alarm signals will indicate no school as follows:

6:30 a.m., no school all schools, including Junior & Senior High Schools  
7:00 a.m., no school Elementary ONLY.

The signal will be 4 short double blasts, repeated 3 times.

## REPORT OF THE SCHOOL COMMITTEE

To the Citizens of the Silver Lake Regional School District:

The second year of the grade realignment continued in smooth transition. The implementation of this plan has enabled the Silver Lake District to continue to offer quality educational programs for all the students from the towns of Kingston, Halifax, Pembroke and Plympton.

We are deeply indebted to the faculty, staff and administration for their dedication and hard work in these times of fiscal restraint.

The committee was very proud to announce in June that two of our administrators, John Aherne, Assistant Superintendent for Secondary Education, and John McEwan, Principal of Silver Lake Regional High School, were both awarded a Doctorate in Education from the University of Massachusetts. Congratulations!

In August, the former junior high school building was rented to the town of Halifax until an addition to their elementary school is completed. As our school population continues to grow, the former junior high site will be needed to house students at the Regional School District level.

Budget restraints remain an obstacle to addressing long term facility and maintenance needs at the junior and senior high schools. This year we were fortunate to receive a grant, as did other towns, of \$100/pupil. This enabled the district to begin work on some long overdue major projects such as roof repairs at all three buildings, masonry repairs at the junior high, renovation to the guidance area, nurse's office and gymnasium at the high school and the purchase of some computer equipment. Our buildings still require major work especially in roof repairs.

Few things are more critical to the life of a school system than the curriculum it offers to its students and to the community it serves. If a school system is to remain vibrant and alive, then so too must its curriculum. In order to guarantee this, an orderly process to evaluate the effectiveness of what we teach and how we teach it was established a few years ago and continues. This year, English, Computers and Foreign language are going through the five-year curriculum review that was first adopted by the committee in 1990. Since then, this plan has been an integral part of our educational growth as a school district.

This past spring, the Massachusetts Assessment Tests were administered to all students in grades eight and twelve. Based on the criteria provided by the State Department of Education, Silver Lake has shown improvement in the four designated test areas of Mathematics, Reading Science and Social

Studies. Scores are said to be significantly improved when they show an increase of fifty points or more. Silver Lake scores reflect a pattern of sustained increases at both testing grades with significant improvement at grade twelve. After analyzing all of the data suggested by the test results, Silver Lake will continue to explore alternative modes of assessment, develop strategies for the integration of writing across all curriculum areas and expand opportunities for students to engage in analysis, problem solving and inductive reasoning.

Beginning June 1, 1992, the school committee revised the manner in which it votes. In an attempt to address concerns about a shift in population distribution and the representative balance on the committee, on advice of counsel, a policy was adopted permitting each member of the committee from the towns of Halifax, Kingston and Pembroke to cast two votes, while the two representatives from Plympton would each cast one vote. In this manner, proportional representation was reestablished.

Two members, James Hawley from Halifax and Pamela Blades from Pembroke, left the committee in June. Mrs. Blades was chairwoman for the past four years and a sixteen-year member of the committee. Taking their place were Alison Long from Halifax and Geri Connors from Pembroke. In September, Mark Grant from Kingston resigned and Frances Hoeg was appointed to replace Mr. Grant.

We would particularly like to thank Mrs. Blades for her dedication, hard work, diligence and guidance over the last sixteen years. As chairwoman, she guided us through some difficult times, dealing with many controversial issues and handled all of them with wisdom and patience that was the hallmark of her tenure as chairperson. Thank you, Mrs. Blades, and enjoy your rest from public office.

There were also a number of administrative changes in the region. In July, Dr. John Aherne, Assistant Superintendent for Secondary Education, left to assume the position of Superintendent in Abington. The school committee, staff and faculty will miss his loyalty, fairness, vision and dedication to continually ensure quality educational programs. Thank you, Dr. Aherne, and best wishes in your superintendency.

In August, Mr. William Pepper, Principal of the junior high, was appointed to fill the position of Assistant Superintendent. He worked in a dual role as principal and as assistant superintendent until December. The school committee wishes to thank him for his dedication to the district.

In December, Mr. Sydney Russell was appointed by the committee to succeed Mr. Pepper. Mr. Russell is a twenty-six year veteran teacher and administrator at Silver Lake. We wish him well in his new endeavor.

The committee again wishes to express its appreciation and thanks to the administrative staff, teaching and support staffs for their dedication and commitment to the students of the region. We also extend our thanks and appreciation to the students and their parents. Their cooperation and understanding have served to make the Silver Lake Regional School System stronger and more unified.

We also thank our member towns for their continued support and concern for the education of our children. We cordially invite you to attend our meetings. They are held on the second Thursday and fourth Monday of every month.

## REPORT OF THE SUPERINTENDENT OF SCHOOLS

To the School and Citizens of Kingston:

As I submit to the citizens of our district my seventeenth annual report, it continues to reflect the financial constraints facing the school department. The state aid of \$100/pupil enabled the school department to restore lost services to children of our four towns and region.

Considerable changes occurred during this past year both in school organization and personnel. The Halifax Elementary School students are occupying the former Silver Lake Regional Junior High School site and they are experiencing some very positive educational experiences in this temporary surrounding. The students and citizens of Halifax have expressed their thanks to the Regional School Committee for their help in a time of need.

Personnel changes impacted the central office more than any other segment of the school department. Dr. John Aherne, former Assistant Superintendent for Secondary Education, was appointed Superintendent of Schools in Abington, Massachusetts. Dr. Elaine Brigman, former Assistant Superintendent, K-8, was appointed Superintendent of Schools in Pittsfield, New Hampshire. Mr. William Pepper remained as the Junior High Principal in addition to his new role as Assistant Superintendent for Secondary Education until a successor was appointed. Mr. Sidney Russell was appointed as the Junior High School Principal effective December 7, 1992. At the elementary level, Mr. Paul Kellogg was appointed Principal of the Bryantville Elementary School.

Educational reform on a state-wide basis was the major topic of discussion throughout the year. Unfortunately, the reform legislation was not successful and as a result the public school systems in the Commonwealth continue to struggle with inadequate funding and the inability to plan because of the lack of state and local financial and programmatic resources.

Our school district, despite this adversity, continued to provide exciting and meaningful services to our students. As you review the highlights of the respective principal reports, the services provided by our staff demonstrates their commitment to the educational profession and to the children of our district. Parents and citizens of our four towns should be pleased and proud of the staff that serve your children and their efforts truly make a difference.

## KINGSTON ELEMENTARY SCHOOL Mr. Bruno Zoltowski, Principal, Highlights

Enrollments at Kingston Elementary were 873 students in grades K-6 in June, 1992 with 56 preschool students in attendance. School opened in September with 948 students in grades K-6. We established eight sections of Kindergarten this year instead of our usual six to accommodate a larger kindergarten class. We continue to house the district's special needs preschool program for three- and four-year-olds, and in this program as well we added a new section of students.

Academic emphasis continues to be on reading and math. Students throughout the elementary school participated in the schoolwide reading incentive program reaching our goal of having read one million pages by February, 1992. Students wrote letters to Mrs. Barbara Bush as the foremost proponent of literacy in the United States. Mrs. Bush responded by sending the library one of Millie's signed books.

Reading classes are comprised of a variety of literature as well as basal textbooks, and students are strengthening their expository writing skills as well as their writing for short stories and poetry. We are presently piloting some new reading materials based on literature so that we will have current and exciting materials available to all students.

To sharpen our math classes, more teachers are being trained in the use of math manipulatives and the teaching of math concepts so that children have a better understanding cognitively rather than just being able to complete pencil and paper activities rote and mechanically. At the present time, teachers from Kindergarten through grade 4 have participated in math courses.

One of the most exciting events of 1992 was the Olympics celebration at Kingston Elementary School. All students participated in athletic events as they represented different countries in the world. Classes studied the culture, music, dance and art of that country, and festivities to exhibit the arts coincided with the athletic contests.

Many of our students have begun instrumental music lessons this year, and the Beginning Band numbers nearly one hundred. We look forward to a large and successful Advanced Band in the near future.

We continue to include the various activities that have become a tradition at KES. These include our Red Ribbon Drug Awareness program, the Thanksgiving Feast, and the Variety Show.

We extend our thanks to School Committee members and our superintendent, Dr. Paul A. Squarcia, for their encouragement and support. We also deeply appreciate the assistance rendered constantly by our parents and the townspeople.

## SILVER LAKE REGIONAL JUNIOR HIGH

### Mr. William Pepper, Principal, Highlights

Silver Lake Junior High School has been through many changes over the past few years. Last year was certainly one of the most significant in recent memory.

The grade configuration changed from a 7th and 8th grade school to a three-year school housing students in grades 7, 8 and 9. We also moved from our site on Rte. 27 to our present site at the former Pembroke Campus of the high school. That we were able to make this transition so smoothly is certainly a credit to the staff, the students, the parents and the community. It was, in every sense of the word, a year of changes and challenges and one from which we have emerged stronger and with a much deeper sense of the impact that recent financial constraints has had on all of our opportunities.

One of the key issues last year was how best to incorporate the 9th grade into the junior high school. To resolve those issues a task force made up of a representative cross section of the school community was put into place to develop recommendations which were ultimately presented and approved by the school committee. Because of the hard work of many people, last year was a tremendous success. The teaming arrangement was continued in grades 7 and 8. Grade 9 became Blue House. Strategies had to be developed also to incorporate the staff of both the junior high school and grade 9 at the high school into one. This was accomplished with relative ease due to their outstanding professionalism.

As a school community, Silver Lake Junior High School continued to grow educationally and to seek ways to enhance the quality of instruction in all of our curriculum areas. The process of curriculum review has continued and has led to an examination of what we teach, why we teach it and how we teach it. It is this type of progressive examination that keeps our curriculum offerings current and relevant.

Much was accomplished last year in the area of student incentives and school climate. A student recognition program was developed along with our honors awards program to motivate and encourage students to achieve at the highest level possible.

Much attention was given over the past year to adopting an integrated approach to teaching the curriculum. This included the interdisciplinary type activities that all of our teams have become involved in as well as designing means to demonstrate to our students that disciplines do not exist in isolation. Much of our inservice work this year was also devoted to exploring different instructional strategies. Workshops were offered in cooperative learning and other topics including heterogeneous grouping and alternative means of student assessment. We are currently in the second year in which students in all science classes have been "unleveled." The emphasis has been placed on "hands on"

activity. And the encouragement of learning science through experimentation has proven very successful.

A great deal of work has been done over the past year in the area of technology. The technology curriculum in grade 7 and grade 8 has been rewritten and revised. Once again there will be a much greater emphasis placed on problem solving and critical thinking. In addition a K-12 Technology Committee has been working to provide plans for the greater use of technological resources as we prepare our schools and our students to enter the 21st century. With the addition of Channel One and MCET, we have greatly expanded our capabilities. The number and types of programs that are now available to our young people is tremendous. We continue to develop plans to update our current equipment as well as looking at our curriculum needs relative to the rapidly changing area of technology.

As always I am very pleased by the level of staff involvement in and the quality of the student activity programs offered at the junior high. I have maintained for many years that we have a level of commitment that is second to none. The students at the junior high school have a myriad of programs available both in and outside of the classroom.

The support of the parents and the community this year has been outstanding. There can be no question that with the addition of 450 students, the demands on some staff members drastically increased. A core group of dedicated volunteers was formed this fall to provide assistance. Their spirit, commitment and dedication have been tremendous.

## SILVER LAKE REGIONAL HIGH SCHOOL

### Dr. John F. McEwan, Principal, Highlights

Silver Lake Regional High School is in its second year of restructuring. The theme of "Coming Together" brought a new sense of unity and productivity to the school. Students and teachers worked very hard to get the most from their new, unified setting and school spirit has never been better.

Academics were on the minds of everyone throughout the 1992 school year. It was the first time that members of the sophomore class were inducted into the Honor Society. By the time of the induction in April, over one-tenth of our students were made members of the Silver Lake Regional High School Honor Society.

On May 5, 1992, regular classes were cancelled at the high school in order to present a special Wellness Program to the student body. All students attended special large and small group presentations on AIDS. They also attended four workshops of their choice from thirty-two offerings dealing with topics like exercise, alcohol and steroids. The workshops were presented by both members



of the staff and from the community. Teachers later attended a workshop on AIDS from an educator's point of view.

Graduation was held on Saturday, June 6, 1992. 404 graduates left the school to enter the world of work, the military, or college. Our college enrollment went up again this year and students attended a wide variety of colleges across the country. The Class of 1992 will always be remembered as a very special class by all of us at Silver Lake.

During the summer, the school was busy preparing the schedules for incoming students and teachers. Open Houses were once again held for parents, students, and teachers in order to alleviate any questions they would have about the forthcoming year. The theme for the new year was "To Be Continued" and the Class of 1993 took its place as leaders of the school, holding the same high standards as their predecessors.

In August, 125 students were invited to the school's annual Student Leadership Workshop. From 8:00 a.m. to 9:00 p.m., they worked on ways to make their school better and more successful. Many ideas were shared and a great deal of enthusiasm was engendered.

Technology has been one of the most important developments in education this year. A Tech-Prep Committee has helped to evaluate both the needs and resources available for technology in our school. Last year we introduced Channel One and this year we have increased our offerings by bringing in MCET, a special interactive television resource through the use of satellite communication. On December 2, 1992, our teachers attended workshops that showed them how to incorporate the latest in technology into their classrooms.

Anyone who has been in our library knows that it is small and overcrowded all of the time. In order to make the library more available to more students about twenty parent volunteers were trained to staff our school library for our students two nights a week from 7:00 p.m. to 9:00 p.m. This is a great resource for our students to do research and use our computers. We are all very grateful to the parents who donate their time for this activity and for so many other projects at our school.

Our Renaissance Program continues to help motivate students to achieve in the school. Silver Lake is constantly focusing on improving our academic status. This year we saw an increase in our college acceptances, significant change in our results from the Massachusetts assessment tests, and were delighted to have one-third of our students achieve honor roll status or higher first term. We are proud of the commitment of our students and staff at Silver Lake and we look to even greater academic achievements in 1993.

## ACKNOWLEDGEMENT:

For the first time in almost a decade, the school department restored some services to children through the state funding formula of \$100/pupil. May I publicly commend our staff for their thoroughness in utilizing these resources and as a result the students are the benefactors.

This past year was another challenge that appears to be more complex than ever before and the progress that was made could not have occurred without the cooperation and efforts of many people.

To members of the school committees, staff, students, parents and citizens, may I thank you for your efforts and it is my desire to continue to assist in serving the children in our district in an exemplary manner.



**KINGSTON SCHOOL DEPARTMENT MEMBERSHIP**  
October 1, 1992

GRADE	K	SP	1	2	3	4	5	6	7	8	9	10	11	12	PG	TOTAL
Kingston Elementary	154		129	146	113	130	127	127								926
Secondary									116	104	95	115	75	81		586
<b>GRAND TOTAL</b>																<b>1512</b>

**KINGSTON SCHOOL DEPARTMENT**  
**1991-1992 BUDGET**  
**FINAL CLOSEOUT TRIAL BALANCE**

	1991-92 BALANCE	YEAR EXPENDED	BALANCE
REGULAR DAY			
11 SCHOOL COMMITTEE	\$ 12,337.00	\$ 15,024.06	(\$ 2,687.06)
12 SUPERINTENDENT'S OFFICE	64,272.88	60,810.38	3,462.50
22 PRINCIPAL'S OFFICE	147,686.99	146,964.10	722.89
23 TEACHING	1,677,389.21	1,683,402.62	(6,013.41)
24 TEXTBOOKS	15,345.50	15,023.28	322.22
25 LIBRARY	43,500.00	43,178.48	321.52
26 AUDIO VISUAL	3,400.00	4,116.04	(716.04)
31 ATTENDANCE	100.00	100.00	0.00
32 HEALTH	22,364.00	22,737.73	(373.73)
33 TRANSPORTATION	205,918.00	210,435.62	(4,517.62)
34 FOOD SERVICE	2.00	0.00	2.00
411 CUSTODIAL	153,112.00	149,717.00	3,395.00
412 HEATING	35,514.00	29,759.37	5,754.63
413 UTILITIES	199,217.60	172,135.52	27,082.08
421 MAINTENANCE/GROUNDS	200.00	165.01	34.99
422 MAINTENANCE/BUILDINGS	81,637.00	81,191.43	445.57
423 MAINTENANCE/EQUIPMENT	9,434.00	9,147.54	286.46
73 ACQUISITION/EQUIPMENT	1,876.00	1,484.47	391.53
SPECIAL EDUCATION			
220 SUPV/TCH/GUID	\$ 224,735.44	\$ 226,420.33	(\$ 1,684.89)
230 TRANSPORTATION	75,312.60	78,232.65	(2,920.05)
290 PROGRAMS WITH OTHERS	304,825.72	300,813.22	4,012.13
TOTALS	\$3,278,179.94	\$3,250,859.22	\$27,320.72
323 VOCATIONAL EDUCATION	\$35,180.00	\$24,158.32	\$11,021.68

**SILVER LAKE REGIONAL HIGH SCHOOL  
CLASS OF 1992**

Matthew Frederick Allsopp  
 Jeffrey Corneilous Antoniotti  
 Nicole Michelle Arruda  
 Jeffrey Michael Baird  
 Mary Lou Bettencourt  
 Amie Catherine Braman  
 Christopher Matthew Brooks  
 Michael Joseph Browinski  
 James Edward Brown  
 Dorothy Alice Buhl  
 Lynne Marie Carreiro  
 Coleen Marie Carrigan  
 Amber Celeste Collins  
 Daniel Joseph Connell  
 Michael Joseph Connor  
 James William Cook  
 Wayne David Cotti  
 Gregory Lodge Crossland  
 John Fitzgerald Curtin  
 Michael Vincent Dawson  
 Stephen Nushan Dennison  
 Kristina Marie DeSalvatore Jagminas  
 Andrea Todd Dickson  
 Lisa Beth Dube  
 David Michael Duffy  
 Melanie Marie Duffy  
 Michael Richard Dunham  
 Daniel Keir Easter  
 Judith Anne Edson  
 Stacey Ann Estabrook  
 Jennifer Fellows  
 Michael Anthony Ferreira  
 Stephanie Elizabeth Forrand  
 Jason Michael Fowler  
 Krisitn Marie-Aurelia Galletti  
 Caroline Frances Gavigan  
 Violette Gharavi  
 Dianna Frances Glover  
 Joshua Raymond Goonan  
 Kevin Francis Gray  
 Jason Howard Griffiths  
 Stephen Edward Hadley, Jr.  
 Andrew William Harris  
 James Francis Hill  
 Keri Anne Hobbs  
 Kevin Andrew Holmes  
 John Shane Jenness  
 Andrea Lee Kaiser  
 Laurie Elizabeth Kearns

Timothy Michael Kennedy  
 Edmund James King, III  
 Justin Albert Longo  
 Aimee Elise MacPherson  
 Colleen Lynn Mahoney  
 Robert Lester Maini, II  
 Caryn Lisette Marshall  
 David Patrick Martin  
 Marybeth Martin  
 Tammy Carolyn Martin  
 Melissa Ann Marzioni  
 Christopher Gabriel Mascio  
 Brian Thomas McAlice  
 Brian Michael McCormack  
 John Albert McGrale  
 Leigh Calen McGrale  
 Robert John Miskinis  
 Michael Isaac Morris  
 Patrick James Murphy  
 Lucinda Margaret Nava  
 Maria Catherine Neri  
 Wendy Marie Peavey  
 Carri Antoinette Peters  
 Colleen Patricia Praskiewicz  
 Eric Wilson Ramsdell  
 Dawn Marie Raymond  
 Brett Michael Robare  
 Greg Rosenberger  
 James Albert Ruprecht, Jr.  
 Donald Edwin Sampson  
 Stacy Ann Santilli  
 Jason Christopher Slot  
 Ryan Matthew Smith  
 Samantha Sprague  
 Rhonda Alice Stevens  
 Ryan Christopher Sullivan  
 Alaina Mike Sylvia  
 Brian Michael Sylvia  
 Jason John Thomas  
 Michael Roger Troupe  
 Christy Lynn Tubman  
 Edward Joseph Waitt  
 Michael Richard Walkup  
 Dinean Ellen Wolfe  
 Kristen Meredith Works  
 Sandra Elizabeth Wrightington  
 Julie Rebecca DeVere Wusenich  
 Suzanne Elizabeth Wyse

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
COMBINED BALANCE SHEET — ALL FUND TYPES AND ACCOUNT GROUP  
JUNE 30, 1992**

	<u>General Fund Types</u>			<u>Account Group</u>
	<u>General</u>	<u>Special</u>	<u>Capital</u>	<u>Total</u>
		<u>Revenue</u>	<u>Projects</u>	<u>(Memorandum</u>
				<u>only)</u>
Cash	\$ 981,663	--	--	981,663
Intergovernmental receivable	--	17,428	--	17,428
Accounts receivable	99,104	--	--	99,104
Due from other funds	--	330,623	16,598	347,221
Amount to be provided for the retirement of general long-term obligations	--	--	--	1,150,000
<b>Total Assets</b>	<b><u>\$1,080,767</u></b>	<b><u>348,051</u></b>	<b><u>16,598</u></b>	<b><u>1,150,000</u></b>
<b><u>Liabilities and Fund Equity</u></b>				
Warrants and accounts payable	\$ 189,289	--	--	189,289
Accrued liabilities:				
Employee payroll withholdings	69,731	--	--	69,731
Payroll	46,176	5,622	--	51,798
Vacation	139,027	--	--	139,027
Due to other funds	347,221	--	--	347,221
General obligation bonds payable	--	--	--	1,150,000
<b>Total liabilities</b>	<b><u>791,444</u></b>	<b><u>5,622</u></b>	<b><u>--</u></b>	<b><u>1,150,000</u></b>
<b>Fund equity:</b>				
Designated for deferral of teachers' pay	341,299	--	--	341,299
Unreserved:				
Undesignated	(51,976)	342,429	16,598	307,051
<b>Total fund equity</b>	<b><u>289,323</u></b>	<b><u>342,429</u></b>	<b><u>16,598</u></b>	<b><u>648,350</u></b>
<b>Total liabilities and fund equity</b>	<b><u>\$1,080,767</u></b>	<b><u>348,051</u></b>	<b><u>16,598</u></b>	<b><u>1,150,000</u></b>

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
COMBINED STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND EQUITY —  
ALL GOVERNMENTAL FUND TYPES  
YEAR ENDED JUNE 30, 1992**

	<u>General Fund Types</u>			<u>Total (Memorandum only)</u>
	<u>General</u>	<u>Special Revenue</u>	<u>Capital Projects</u>	
<b>Revenues:</b>				
Member town assessments	\$ 6,672,135	--	--	6,672,135
Intergovernmental	5,161,788	1,110,089	--	6,271,877
School Building Assistance Bureau	679,732	--	--	679,732
Charges for services	303,012	715,960	--	1,018,972
Interest	70,854	--	--	70,854
Miscellaneous	128,947	--	--	128,947
<b>Total revenues</b>	<b><u>13,016,468</u></b>	<b><u>1,826,049</u></b>	<b><u>--</u></b>	<b><u>14,842,517</u></b>
<b>Expenditures</b>				
School Committee	66,808	--	--	66,808
Superintendent	529,547	--	--	529,547
Supervision	454,180	--	--	454,180
Principal	494,911	--	--	494,911
Custodial	542,078	--	--	542,078
Teaching	6,775,697	1,226,544	--	8,002,241
Textbooks	21,863	--	--	21,863
Library	96,793	--	--	96,793
Audio visual	2,729	--	--	2,729
Guidance	409,478	--	--	409,478
Psychological	6,111	--	--	6,111
Utilities and heat	571,558	--	--	571,558
Health	52,973	--	--	52,973
Pupil transportation	749,695	--	--	749,695
School lunch	--	382,039	--	382,039
Acquisition of fixed assets	6,697	--	--	6,697
Athletics	18,559	74,167	--	92,726
Maintenance of building and equipment	281,096	--	--	281,096
Maintenance of grounds	700	--	--	700
Insurance	1,119,667	--	--	1,119,667
Employee retirement	209,512	--	--	209,512
Debt service:				
Long-term principal and interest payments	680,199	--	--	680,199
Anticipation note - interest	61,902	--	--	61,902
Other school services	--	65,426	--	65,426
<b>Total expenditures</b>	<b><u>13,152,753</u></b>	<b><u>1,748,176</u></b>	<b><u>--</u></b>	<b><u>14,900,929</u></b>
Excess (deficiency) of revenues over expenditures	(136,285)	77,873	--	(58,412)
<b>Fund equity, beginning of year</b>	<b><u>425,608</u></b>	<b><u>264,556</u></b>	<b><u>16,598</u></b>	<b><u>706,762</u></b>
<b>Fund equity, end of year</b>	<b><u>\$ 289,323</u></b>	<b><u>342,429</u></b>	<b><u>16,598</u></b>	<b><u>648,350</u></b>

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE  
YEAR ENDED JUNE 30, 1992**

<u>Federal Grantor/Pass-Through Grantor/Program Title</u>	<u>CFDA Number</u>	<u>Pass-Through Grantor's Number</u>	<u>Expenditures</u>
<b>U.S. Department of Agriculture</b>			
Passed Through State Department of Education:			
Food Distribution	10.550	12-145-1	\$ 3,178
National School Lunch Program	10.555	12-145-1	<u>54,152</u>
Total U.S. Department of Agriculture			<u>57,330</u>
<b>U.S. Department of Education</b>			
Passed Through State Department of Education:			
Education of Handicapped Children	84.009	200-059-9-0760-4	<u>39,842</u>
Assistance for Education of Handicapped Children	84.027	240-208-0-0760-4 262-021-0-0760-4 262-025-9-0760-4 240-208-0-0760-4	<u>284,576</u>
Vocational Education	84.048	400-081-9-0760-4	<u>29,207</u>
Improving School Programs — Chapter 2	84.151	7030-9726	<u>14,376</u>
Mathematics and Science Education	84.164	303-087-0-0760-4	<u>12,036</u>
Governor's Drug Alliance	84.186	331-150-2-0760-4	<u>9,960</u>
Total U.S. Department of Education			<u>389,997</u>
Total Federal Financial Assistance			<u>\$447,327</u>

The District had no major programs for the year ended June 30, 1992.  
See accompanying notes to Schedule of Federal Financial Assistance.

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
STATEMENT OF REVENUES AND EXPENDITURES —  
BUDGETARY BASIS  
YEAR ENDED JUNE 30, 1992**

	<u>Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>
<b>Revenues:</b>			
Member town assessments	\$ 6,672,135	6,672,135	--
Intergovernmental	5,222,744	5,161,788	(60,956)
School Building Assistance Bureau	676,515	679,732	3,217
Charges for services	302,210	303,012	802
Interest	--	70,854	70,854
Miscellaneous	--	128,947	128,947
<b>Total revenues</b>	<u>12,873,604</u>	<u>13,016,468</u>	<u>142,864</u>
<b>Expenditures:</b>			
School committee	51,500	66,808	(15,308)
Superintendent	537,339	529,547	7,792
Supervision	451,289	454,180	(2,891)
Principal	480,832	494,911	(14,079)
Custodial	532,051	542,078	(19,027)
Teaching	6,781,663	6,775,697	5,966
Textbooks	20,430	21,863	(1,433)
Library	109,411	96,793	12,618
Audio visual	4,250	2,729	1,521
Guidance	428,058	409,478	18,580
Psychological	9,900	6,111	3,789
Utilities and heat	658,627	571,558	87,069
Health	54,765	52,973	1,792
Pupil transportation	744,966	749,695	(4,729)
Acquisition of fixed assets	7,764	6,697	1,067
Athletics	24,573	18,559	6,014
Maintenance of building and equipment	306,038	281,096	24,942
Maintenance of grounds	1,500	700	800
Insurance	1,087,805	1,119,667	(31,862)
Employee retirement	146,665	209,512	(62,847)
<b>Debt service:</b>			
Long term — principal and interest payments	678,500	680,199	(1,699)
Anticipation note — interest	105,977	61,902	44,075
<b>Total expenditures</b>	<u>13,214,903</u>	<u>13,152,751</u>	<u>62,152</u>
<b>Excess (deficiency) of revenues over expenditures</b>	<u>(341,299)</u>	<u>(136,283)</u>	<u>205,016</u>
<b>Other budget items:</b>			
Deferred teachers' salaries	341,299		
<b>Total other budget items</b>	<u>341,299</u>		
<b>Net budget</b>	<u>\$ --</u>		

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
CONSTRUCTION COSTS  
1993-1994 BUDGET**

Summary of Member Town Assessments

<u>Member Towns</u>	<u>Total 1974 Construction</u>	<u>Total Construction</u>
Halifax	(\$ 4,824.60)	(\$ 4,824.60)
Kingston	(4,855.45)	(4,855.45)
Pembroke	(165,415.37)	(165,415.37)
Plympton	(1,409.58)	(1,409.58)
<b>TOTAL</b>	<b>(\$176,505.00)</b>	<b>(\$176,505.00)</b>

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
CONSTRUCTION COSTS  
1993-1994 BUDGET**

1974 Construction — High School in Pembroke — \$8,000,000.00

Principal Due	418,197.50		
Interest Due	<u>15,055.11</u>		
Total Principal and Interest		433,252.61	
Less Estimated State Aid		<u>590,423.00</u>	
Net Assessment to Pembroke			<u>(157,170.39)</u>

1974 Construction — Vocational Addition — \$3,000,000.00

Principal Due	156,802.50		
Interest Due	<u>5,644.89</u>		
Total Principal and Interest		162,447.39	
Less Estimated State Aid		<u>181,782.00</u>	
Net Construction Assessment			<u>(19,334.61)</u>

Cost Assessment to Member Towns

Member Towns	Enrollments 10-1-92 Vocational	Tritown 10-12	Voc. Addition Assessment	Physically Handicapped Requirements*	Total Assessment
Halifax	45	182	(\$ 4,697.04)	(\$127.56)	(\$ 4,824.60)
Kingston	45	226	(4,697.04)	(158.41)	(4,855.45)
Pembroke	79	--	(8,244.98)	--	(8,244.98)
Plympton	<u>13</u>	<u>79</u>	<u>(1,354.22)</u>	<u>(55.36)</u>	<u>(1,409.58)</u>
	<u>182</u>	<u>487</u>	<u>(\$18,993.28)</u>	<u>(\$341.33)</u>	<u>(\$19,334.61)</u>

\*Physically Handicapped Requirements are those costs included in the Vocational Addition Construction for an elevator and renovations required by the Architectural Barriers Board in accordance with Chapter 22, Section 13A as amended by Chapter 724, Acts of 1967. Total Cost for this work is \$52,961.00 which means that each year 1.76537% of the Principal and Interest Payments are assessed to Tritown.

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
CONSTRUCTION COSTS  
1993-1994 BUDGET**

1974 Construction: High School in Pembroke \$11,000,000.00  
Vocational Addition

SUMMARY

Principal — September 1, 1993	<u>575,000.00</u>	
Interest		
September 1, 1993	<u>20,700.00</u>	
Total Interest	<u>20,700.00</u>	
Total Principal & Interest		595,700.00
Less Estimated State Aid		<u>772,205.00</u>
Net 1974 Construction Assessment		<u>(176,505.00)</u>

COST ASSESSMENT TO MEMBER TOWNS

Member Towns	Enrollments 10-1-92 Grades 10-12	Vocational	Tritown	Construction 1974 High School	Voc Addition	Physically Handicapped	Member Town Assessment
Halifax	227	45	182	\$ 0	(\$ 4,697.04)	(\$127.56)	(\$ 4,824.60)
Kingston	271	45	226	0	(4,697.04)	(158.41)	(4,855.45)
Pembroke	532	79	--	(157,170.39)	(8,244.98)	--	(165,415.37)
Plympton	<u>92</u>	<u>13</u>	<u>79</u>	<u>0</u>	<u>(1,354.22)</u>	<u>(55.36)</u>	<u>(1,409.58)</u>
	<u>1122</u>	<u>182</u>	<u>487</u>	<u>(\$157,170.39)</u>	<u>(\$18,993.28)</u>	<u>(\$341.33)</u>	<u>(\$176,505.00)</u>

**SILVER LAKE REGIONAL SCHOOL DISTRICT  
STATEMENT OF DEBT  
JUNE 30, 1993**

<u>Purpose</u>	<u>Yr. of Issue</u>	<u>Yr. of Maturity</u>	<u>Amt. Orig. Issued</u>	<u>Amount Outstanding</u>	<u>1993-94 Principal Due</u>	<u>1993-94 Interest Due</u>	<u>Totals</u>	<u>Rate of Interest</u>	<u>Due Date for Principal</u>
1974 Bond Issue:									
Sr. High Const.	1974	1993	\$ 8,000,000.00	\$433,252.61	\$418,197.50	\$15,055.11	\$433,252.61	7.20	9/1/93
Voc. Const.	1974	1993	<u>3,000,000.00</u>	<u>162,447.39</u>	<u>156,802.50</u>	<u>5,644.89</u>	<u>162,447.39</u>	<u>7.20</u>	<u>9/1/93</u>
			<b>\$11,000,000.00</b>	<b>\$595,700.00</b>	<b>\$575,000.00</b>	<b>\$20,700.00</b>	<b>\$595,700.00</b>		

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## REPORT OF THE CONSERVATION COMMISSION

Early in the year we turned our attention to the former Cobb and Drew tack factory on Prospect Street which had apparently been abandoned. Because oil was evidently leaking from one of the buildings into Smelt Brook, the State and Federal environmental law enforcement agencies were called in and ultimately spent weeks on the clean-up of cyanides, acids and oils from the premises.

The 1992 Annual Town Meeting saw fit to substantially increase the budget of the Conservation Commission, consequently, the seven-member board and two staff will be able to apply more time and effort to the protection of Kingston's wetland and natural resources.

The Commission is establishing an office at the Maple Avenue School and we are working to update and organize all files and records. We have raised or established fees for the services performed by the department and expect this to help offset the expenses. We are approximately doubling last year's revenues from filings and inspections.

A task force to restore Smelt Brook has been undertaken by the CC Enforcement Officer in cooperation with the businesses and property owners of the South Industrial Park in order to address several of the problems in that area. For the town's part, the partial capping of the landfill was undertaken and will reduce the amount of siltation to the brook.

Considerable time and effort was given to the restoration of seawall/revetments along Rocky Nook following the Halloween gale of 1991, and this year's storms. A resolution of the problems at Gray's Beach must still be addressed as constant replacement of sand is causing sediment build-up in Kingston Bay which may hinder the productivity of the clam flats.

The Commission continues to have a busy schedule with regard to Notices filed for work in and near wetland resources. In addition we will be addressing the many issues relative to the restoration of the Old Colony Railroad and the extension of Route 44 into Kingston. Both these projects will have dramatic impacts on the town's openspace and wetlands.

The Open Space subcommittee is continuing its work to update the 1987 five-year action plan. This committee will soon be hiring a consultant to assist in these efforts using funds approved at the 1992 Annual Meeting.

The Commission wishes to express its appreciation to those townspeople and developers who uphold the protections outlined in the Wetlands Protection Act and this town's By-Law. It is increasingly important that we make every effort to protect the dwindling natural resources upon which we all so completely depend.



## REPORT OF THE CABLE ADVISORY COMMITTEE

The Kingston Cable Advisory Committee, enlarged from five to seven members, has continued to monitor Adelphia Cable's performance in light of current license requirements. The committee is also tracking ongoing license renewal negotiations between Adelphia Cable and Duxbury, since Kingston will be embarking on similar negotiations in another year.

Two of our members, both teachers, have formed an educational sub-committee to work on improving cooperation between our schools and Adelphia. Communications between our committee and the Kingston Board of Selectmen have greatly improved thanks to the board's appointment of selectman Kevin Cully as liaison between the committee and the board.

The KCAC hopes that more townspeople will take advantage of Adelphia's technical training so that our community will generate more local programming for cablecast on channel 3. The committee would also greatly appreciate the services of a volunteer secretary.

## REPORT OF THE HIGHWAY DEPARTMENT

Many varied projects were accomplished by your Highway Department in 1992.

Projects undertaken were as follows:

Resurfacing Program — Streets resurfaced were: Anderson Avenue, Baker Avenue, Grays Beach Road, Braintree Avenue, Jones River Drive, Loring Avenue, Arrow Street, Marsh Road, Second Brook Street (widened and paved — bus route to school).

Chip Seals

Ring Road over last year's leveling course, Parting Ways Road

Berm Work

Willow Street, Wharf Lane, Wapping Road

Poly Crack Filling

Grove Street, Clifton Drive, Clinton Terrace, and Brookings Drive

State Aid Construction

State Aid projects were submitted to Mass Highway and approved. Construction will begin in Spring of 1993.

Drainage Work

Wapping Road (portion)

Other Projects

The recycling of items commenced in April. Together with the existing recycling programs of composting and metal recycling, the Town's solid waste was reduced by 20%.

Materials excavated from Highway and Water Department projects as well as material recycled at Transfer Station was crushed and recycled for road material.

George Chandler retired as a Foreman in August of 1992. He has worked here at the Highway Department for over forty years and was a dedicated employee and an asset to this department. He will be greatly missed.

And finally I would like to thank the Highway Department and other town employees for their cooperation and assistance in helping this department achieve and exceed our goals for 1992.

## REPORT OF THE BOARD OF HEALTH

The most significant changes to Board of Health Programs occurred after July 1, 1992 when the Board appointed William A. Iannucci, R.S. as Health Agent.

One of the most significant changes was the separation of the building inspector's office and the health offices.

An educational trip was taken by representatives of this Department, to the Aquatic Sewage Treatment Plant in Harwich, MA. This could be a potential solution to the Rocky Nook sewage problem.

The CURA Contract was signed for 1992.

Primary and secondary Board of Health emergency response personnel attended the required training program.

A flu clinic was held for the citizens of Kingston.

The Drwilla illegal dumping case has been turned over to the attorneys for legal action.

Many of the abandoned and poorly maintained houses in the Rocky Nook area have come under compliance. This compliance was initiated when letters of warning were sent by this office. Further action is being initiated on non-compliance houses.

In an effort to streamline operations, new forms are now in use by the department. These forms include the embargo form, variance and food illness forms.

A meeting was held with Dr. Russo and the Animal Control Officer relative to the potential rabies problem.

Two rabies implicated problems involving cats were investigated during this period.

The first food service training program was introduced to 30 food handlers at Starbucks Restaurant. Additional sessions have been conducted at Pizzeria Uno and for the entire food court at Independence Mall.

A mandatory food service managers certification program was introduced and discussed.

Three fuel spills occurred during the last six months.

One food service facility fire occurred during the past six months.

A new permit fee structure went into effect.

#### COMPLAINTS:

Housing	4
Environmental	18
Sewage	10
Food	12
Insect/Rodent	4

#### INSPECTIONS:

Food Businesses	105
Septic Cover Ups	100
Food Service Plan Review	5
Perc Test	138

**TOTAL REVENUE FROM ALL SOURCES** \$45,533.00

#### GOALS AND RECOMMENDATIONS

One of the primary goals of the department for 1993 would be to find a feasible solution to the sewage problem in the Rocky Nook area.

The Board has entered into a Memo of Understanding Agreement with the Marshfield Wastewater Treatment Facility providing Kingston Septage Haulers with an alternative septage disposal site. This facility will accept septage from Kingston on a first come, first serve basis.

Continuation of the food service inspection program to meet the state requirements of semi-annual inspections per facility.

Another goal of the Board is to adopt a Certified Food Service Managers Sanitation Program. The program would require managers to attend a food sanitation program with a concentration on proper food handling and sanitation practices. The object of the program is to reduce the consumer risk of contracting foodborne illness through poor food handling and hygienic practices.

The Board is currently looking into expanding its food sampling program. This program would consist of collecting food samples at the retail facilities. Samples such as potato salad and other potentially hazardous foods would be analyzed for microbial standards. Another program geared to reduce the risk of foodborne illness to consumers. The existing bathing water sampling program will continue.

With the upcoming rabies season, the Board to accomplish its administrative and educational responsibilities as specified in the state plan, has developed a Baseline Information and Local Wound Management Form. Plans are being formulated to conduct rabies educational sessions at Kingston Schools.

During the coming year, the Board intends to continue to work for improvement in existing public health programs as well as adoption of new programs.

#### REPORT OF THE ENHANCED 9-1-1 BOARD

The E 9-1-1 Board's first meeting demonstrated that the town had followed the suggestions of the State E 9-1-1 Board in developing the Town's E 9-1-1 Board with members from various backgrounds.

The Board has divided this project into two tasks. The first task of coordinating and developing Kingston's plan has a deadline of July 3, 1993. This plan has been simplified due to the combination of Fire and Police dispatching. We have been able to address most of the state requirements and soon will have gathered all the information to submit to the State E 9-1-1 Board, meeting the July 3, 1993 deadline.

The second task is the Master Street Address Guide (MSAG) for the E 9-1-1 Telephone Company data base. The Board has elected Mr. Creedon to the position of Data Base Coordinator, a position the state suggests to be separate from the E 9-1-1 Coordinator. The MSAG is going to be a long, involved task requiring the help of several town departments. Some departments have been contacted and are eager to help. Unlike the planning task, the MSAG has not been assigned a deadline. A deadline is not expected until the state reviews our plan, develops the state's plan and establishes cutover dates for local communities.

To date, the Board has met twice and has accomplished preliminary tasks. At our next meeting, January 15, 1993, we will begin working on our first draft.

#### REPORT OF THE SEALER OF WEIGHTS AND MEASURES

During the calendar year 1992, a total of three hundred eighteen (318) measuring devices were sealed, ninety-eight (98) devices were adjusted, four (4) devices were marked Not Sealed (as such they cannot be used legally in trade), and two (2) devices were condemned for failure to meet prescribed standards.

The following is a summary of measuring devices inspected and tested:

### Scales and Balances

Over 10,000 pounds	1	Sealed
5,000 to 10,000 pounds		None
100 to 5,000 pounds	4	Sealed
	1	Not Sealed
Under 100 pounds	58	Sealed
	5	Adjusted
	1	Not Sealed
	2	Condemned

### Weights

Avoirdupois	34	Sealed
	2	Not Sealed
Metric	49	Sealed
Apothecary	37	Sealed

### Liquid Measuring Meters

Gasoline	128	Sealed
	93	Adjusted

### Linear Measures

Yard Sticks	5	Sealed
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### Container Redemption Machines

2	Sealed
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The following fees were assessed for the above inspections:

Sealing Fees	\$1,491.50
Adjusting Fees	<u>355.00</u>
Total Fees	\$1,846.50

Of the total 1992 fees, \$1,219.70 was generated by the new Sealer from September to December. The balance of \$626.80 was collected by the previous Sealer. All but \$5.00 in fees was collected and turned in to the Town Treasurer prior to the end of the calendar year.

I wish to express my appreciation to the personnel in the various Town Offices for their cooperation in assisting me in carrying out my duties, with a special thanks to the staff of the Selectmen's Office.

## **REPORT OF THE BOARD OF TRUSTEES Frederic C. Adams Public Library**

The Board of Trustees is pleased to once again report to the citizens of Kingston.

The Trustees are working on the plans for the new library, as well as overseeing the operation of the present library. The initial plans of being in the new library by this time just could not be completed. We found there were

many changes which had to be made many of which had not been anticipated — mandatory changes due to State and Public Building Laws, as well as requirements that had to be followed for new libraries.

The town's Permanent Building Committee thought it best to complete the building before any move was made. We had a large planning committee, but we felt that it should be replaced by a smaller one which would handle the completion of the plans.

Regarding the renovating of the new building, we were pleased to have this change finalized at a Special Town Meeting. We now have a committee of seven members that is working hard to complete the work that was started.

The Trustees decided that a campaign to raise money for the needed renovations should be run. We have had much support. We do hope this will continue and that we will continue to receive donations. Mrs. Doris Johnson is in charge of the fund-raising plans. The idea of donations is not new to our library, as it was all started by donation of land by the Frederic C. Adams family many years ago. We are allowed to accept donations and to invest these funds. The interest earned on the investments is spent on purchasing books, making repairs and for needed programs in accordance with the wishes incorporated in the various wills and donated funds.

It is our sincerest wish that the new library will become the cultural center of the Town of Kingston. The modern library of today is no longer just a building to store books in or one that you can just borrow from to take home. The library of today is an integral part of the educational system of our town — a cultural center and place for citizens of all ages to go to study, to enjoy reading, to use modern computers, to take advantage of educational programs, and to have the children participate in the fun programs.

We give our thanks to all who have helped us in our efforts in any way. The "Friends of the Library" have done a great deal for us. We deeply appreciate the support of the "Younger" generation who realizes that the library should play a very important part in fulfilling the literary needs of their children and for every single one of us.

We are grateful to our Director, Sia Stewart, for the many, many extra hours that she has given to her work at the library. To all the Staff, our sincerest "Thanks". "Thank you", also to our "Blue Ribbon Committee" headed by Mr. Horace C. Weston. This committee is looking in long-range planning to insure the best future use of our present Frederic C. Adams Library.

In closing, to all Kingston citizens, "Thank You" for your faithful support. Although we seem to be moving slowly, we know that at the time of completion, you will have a wonderful new Kingston Public Library.

## WAGE AND PERSONNEL BOARD

### PERSONNEL BY-LAWS

#### Section 1. Authorization

(a) Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws, there shall be established plans, which may be amended from time to time by vote of the Town at a Town Meeting: (1) classifying positions in the service of the Town, other than those filed by popular election, those under collective bargaining, those under the direction and control of the School Committee, the position of Town Counsel, certain positions for which the compensation is on a fee basis or the incumbents of which render intermittent or casual service and which do not appear in Schedule A of Section 8 following, into groups and classes doing substantially similar work or having substantially equal responsibilities; (2) authorizing a compensation plan for positions in the classification plan; (3) providing for the administration of said classification and compensation plans; and (4) establishing certain working conditions and fringe benefits for employees occupying positions in the classification plan.

(b) The following bargaining units which engage in collective bargaining with the Town shall have their wages, hours and other conditions of employment determined by collective bargaining agreement and not pursuant to the Town of Kingston Personnel By-Laws:

1. Police Unit — All regular full-time patrolmen/women and sergeants represented by the International Brotherhood of Police Officers, Local 436.
2. Firefighter Unit — All permanent full-time firefighters represented by the Kingston Permanent Firefighters Associations, IAFF, Local 2337.
3. Laborers Unit — Various full-time and regular part-time employees represented by the Kingston Town Employees Union pursuant to Massachusetts Labor Relations Commission certification MCR-3967.
4. Clerical Unit — Various full-time and regular part-time employees represented by the Kingston Town Employees Union pursuant to Massachusetts Labor Relations Commission certification MCR-3966.

#### Section 2. Definitions

As used in this by-law, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth;

"Town," the Town of Kingston;

"Civil Service Law," Chapter 31 of the General Laws of the Commonwealth, as amended, and all rules and regulations made thereunder;

and any special law enacted by the General Court regulating the classification, compensation and conditions of employment of officers and employees of the Town under Chapter 31;

"Classification Plan," class titles of Schedule A of Section 8 of this by-law plus class specifications which are on file with the Personnel Board and which are hereby incorporated by reference;

"Class," a group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same scale of compensation can be made to apply with equity;

"Position Class," same as class (a class may include only one position, in which event it is defined as a "single position class");

"Group," an occupational group of classes appearing in Schedule A of Section 8;

"Department Head," the officer, board or other body having immediate supervision and control of a department;

"Employee," an employee of the Town occupying a position in the classification plan;

"Department," a department, board, committee, commission or other agency of the Town subject to this by-law;

"Fiscal Year," 7-1 to 6-30 within the year of this by-law;

"Administrative Authority," the elected official or board, or the appointed official having jurisdiction over a function or activity;

"Full-time employment," employment for not less than seven hours per diem for five days a week for fifty-two weeks per annum, minus legal holidays and authorized vacation leave, sick leave, bereavement leave and other leave of absence;

"Part-time employment," employment for less than full-time employment, as defined above;

"Continuous employment," employment, uninterrupted except for required military service and for authorized leave, sick leave, bereavement leave, or other leave of absence;

"Full-time employee," an employee retained in full-time employment;

"Part-time employee," an employee retained in part-time employment;

"Position," an office or post of employment in the Town service with duties and responsibilities calling for the full-time or part-time employment of one person in the performance and exercise thereof;

"Permanent position," any position in the Town service which has required or which is likely to require the services of an incumbent without interruption of a period of more than six calendar months, either on a full-time or part-time employment basis;

"Permanent employee," (1) an employee retained on a continuing basis in a permanent position, as defined above; (2) any employee holding a permanent appointment under Civil Service Law to a position deemed permanent within the meaning of said law;

"Temporary position," or "seasonal position," any position in the Town service which requires or which is likely to require the services of one incumbent for a period not exceeding six calendar months; a seasonal position requiring less than the work of its occupation group shall be considered as part-time;

"Temporary employee," (1) any employee retained in a temporary or seasonal position as defined above; (2) any employee holding a temporary appointment under Civil Service Law who does not also have permanent status thereunder;

"Intermittent service," personal service rendered by an employee in a position calling for part-time employment, which service although constituting continuous employment is not rendered during prescribed working hours, daily, weekly or annually, but is rendered as required, according to the demands for such service;

"Casual service," personal service rendered by an employee in a position calling for part-time employment, which service does not constitute continuous employment; this service is rendered occasionally and without regularity according to the demands therefor;

"Compensation Plan," Schedules B through C in Section 8;

"Compensation Grade," a range of salary or wage rates appearing on Schedule B of Section 8;

"Rate," a sum of money designated as compensation for hourly, weekly, semi-monthly, monthly or annual personal services;

"Minimum Rate," the rate in a range which is normally the hiring rate of a new employee;

"Maximum Rate," the highest rate in a range which an employee normally is entitled to attain;

"Range," the dollar differences between minimum and maximum rates;

"Personal Rate," a rate above the maximum rate applicable only to a designated employee;

"Step Rate," a rate in the range of compensation grade;

"Increment," the dollar difference between step rates;

"Promotion," a change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade;

"Board," the Personnel Board as defined in Section 3.

### Section 3. Personnel Board

(a) There shall be a Personnel Board to be known as the Wage and Personnel Board, composed of three (3) unpaid members, who shall not be employees or elected officials of the Town, responsible for the administration and maintenance of classification and compensation plans. One member of the Board shall be appointed by the Moderator, one member by the Finance Committee and one member by the Board of Selectmen. The three members of the Board shall be appointed for terms of one year, two and three years, respectively, and upon the normal expiration of these terms their successors shall be appointed by the same appointing authorities for terms of three years.

Original appointments to the Wage and Personnel Board under this by-law shall be made not later than thirty days following the effective date of the by-law; and subsequent appointments shall be made within thirty days following the expiration of the term of the Board member who is to be replaced.

The Board shall draw up and recommend to the Town a proposal for classification and compensation plans for consideration as a Town by-law; and shall from time to time recommend to the Town any action deemed necessary to maintain a fair and equitable pay level.

The Board shall make an annual report in writing to the Finance Committee and the Board of Selectmen 60 days prior to the annual Town meeting.

(b) The Board shall be invested with all the powers and duties specified in Section 108C of Chapter 41 of the General Laws.

(c) The Board shall administer the plans and shall establish such procedures as it deems necessary for the proper administration thereof.

(d) Forthwith after its appointment and annually, the Board shall meet and organize by electing a chairman and appointing a secretary and clerk. A majority of the board shall constitute a quorum for the transaction of business. A majority vote of the Board shall determine the action the Board must take in all matters upon which it is authorized or required to pass under this by-law.

(e) The Board may employ assistance and incur expenses as it deems necessary subject to the appropriation of funds thereof.

(f) The Board shall maintain adequate personnel records of all employees occupying positions subject to the classification and compensation plans, said records to be kept in its custody. Department heads shall provide such information as the Board may request.

(g) The Board shall approve and maintain written job descriptions of specifications of the classes in the classification plan, each consisting of a statement describing the essential nature of the work and the characteristics that distinguish the class from other classes. The description for any class shall be construed solely as a means of identification and not as prescribing what the duties or responsibilities of any position shall be or as modifying, or in any way affecting, the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

(h) Upon recommendation of a department head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Board, the Board may authorize an entrance rate higher than the minimum rate for a position, and/or such other variance in the compensation plan as it may deem necessary for the proper functioning of the services of the Town. No variance shall become effective unless, or until, the necessary funds have been appropriated therefor.

#### *Section 4. Classification Plan*

(a) All positions in the service of the Town except those excluded in Section 1 are hereof classified by the title appearing in Schedule A of Section 8 which is made a part thereof. These classes of positions shall constitute the Classification Plan for the paid Town service, within the meaning of Section 108A of Chapter 41 of the General Laws, as amended. Any compensation, benefit, or authorization not specifically granted to employees and to positions classified under this by-law, or under state and/or federal statute or regulation, is prohibited.

(b) Whenever a new position is requested, upon presentation of substantiating data satisfactory to the Personnel Board, the Board may vote to recommend the position with its appropriate class and salary or wage. Said recommendation must be approved at an annual or special town meeting. Whenever the duties of an existing position are so changed as to appear to merit a different classification, upon presentation of substantiating data satisfactory to the Personnel Board, or on the Board's initiative, the Board may allocate such change position to its appropriate class.

(c) The title in each class, as established by the Classification Plan, shall be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

(d) No position may be reclassified or no class may be assigned to a different compensation grade, until the Personnel Board shall have determined such reclassification and compensation plans.

(e) In filling any vacant position which comes under the By-Law, such positions must be advertised for at least two weeks in the newspapers which the Town customarily uses for legal notices. If the open position can be filled by promotion from within the department, then the vacancy need not be advertised. The last vacancy, however, which results from such promotion or promotions must be advertised as indicated above.

(f) As soon as a department head receives or gives notice that a position under his/her jurisdiction will be vacant, he/she will, prior to advertising or filling the position, notify the Wage and Personnel Board of the expected vacancy. No action shall be taken to fill the position which will become vacant until the Wage and Personnel Board reviews the job description and proposed salary or wage and makes a determination of its classification and equitable remuneration within the existing by-law structure. So that filling the position will not be unnecessarily delayed, the Wage and Personnel Board shall act on each notice within ten days of its receipt of the notice.

#### *Section 5. Compensation Plan*

(a) The Compensation Plan shall consist of Schedules B through C in Section 8 which provide minimum and maximum salaries or wages for certain of the classes in the Classification Plan. The salary range of a position class shall be the salary range of all positions allocated to the class.

(b) All employees shall continue to be paid on an hourly, weekly, semi-monthly, annual or other basis, as at present, except as provided in the Compensation Plan, unless otherwise authorized by the Personnel Board.

(c) No department head shall fix the salary of any employee in a position so classified except in accordance with the Compensation Plan.

(d) No person shall be appointed, employed or paid as an employee in any position to the provision of the Classification Plan under any title other than those appearing in Schedule A of Section 8.

(e) The first three months of employment shall be considered a probationary period. In the event that an employee continues employment beyond the probationary period, he or she shall be entitled to all of the rights and benefits under this By-Law retroactive to the first day of employment.

(f) An employee in continuous full-time or part-time employment shall receive the increment between his present rate and the next higher step rate as follows:

1. On January first or July first provided he/she has completed twenty-six weeks service at the minimum or other rate if a rate other than the minimum is authorized as the entrance rate.

2. Thereafter one year from the date of his previous increase until he attains the maximum rate of the range of compensation grade to which his position class is assigned.

3. Employees in continuous part-time employment eligible for increments under the provision of this sub-section shall be those occupying positions in classes for which compensation is provided in Schedule B of Section 8.

(g) An employee occupying a seasonal position in a class for which compensation is provided in Schedule B of Section 8 shall receive increments as provided in the preceding sub-section on the basis of twenty-six weeks employment constituting one year.

(h) An employee receiving a promotion to a vacant position or to a new position as defined in Section 4 (b) shall, upon assignment resulting from such promotion, receive the rate in the compensation grade of the vacant or new position next above his existing rate. If the resulting adjustment does not equal \$100.00 for a position class assigned to Schedule B, the adjustment shall be to the second rate above the existing rate, but within the compensation grade of the vacant or new position.

(i) The employee receiving a promotion and adjustment in rate pursuant to the provisions of the preceding sub-section shall receive the next increment of his compensation grade effective the next January or July first following completion of twenty-six weeks at the rate resulting from the promotion.

(j) If an employee's rate at the time of adoption of this by-law is in excess of the maximum rate set forth in his appropriate compensation grade in Schedule B of Section 8 this rate shall not be reduced, but shall become a personal rate applicable only to said employee as defined in Section 2.

(k) Each department head of a department to which is assigned an employee occupying a position in the Classification Plan shall include in his estimates required by the provisions of Section 59 of Chapter 41 of the General Laws a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing fiscal year and shall furnish a copy thereof to the Board.

(l) The adjustments provided for in this section shall be subject to the availability of appropriated funds.

#### Section 6. Amendment of the Plans

(a) The Classification Plan and/or the Compensation Plan and/or other provision of this by-law may be amended by vote of a Town Meeting. Requests for such amendments shall be made to the Board in writing. All written requests of amendments of the Classification Plan and/or the Compensation Plan and/or other provisions of this by-law must be submitted to the Board no later than three months and fifteen days prior to a Town Meeting. Whenever such a petition is received the Board shall promptly hold a hearing to consider such proposed amendment, and the petitioners and the heads of the departments affected shall be given at least three days written notice. Prior to a Town Meeting the Board shall file with the Selectmen for insertion in the warrant for the next Town Meeting an article sufficiently stated to permit the Town to act upon

the subject matter or any such petition, provided that the subject matter or petition be recommended by an affirmative vote of 2 of the 3 members of the Board. Any subject matter or petition which was submitted to the Board within the prescribed time limits as stated above which the board did not act favorably upon may be presented at a Town Meeting. At the same time, the Board shall file with the Finance Committee a final report, with recommendations, pertaining to any such petition, provided that no recommendation in favor of a proposed amendment shall be made except by an affirmative vote of 2 of its 3 members.

(b) The Board may, from time to time of its own motion, hold a hearing to consider any proposed amendment. In the event said proposed amendment is supported by an affirmative vote of 2 of its members; the Board shall proceed according to the preceding subsection to insert an article in the warrant and to report its recommendations to the Finance Committee.

#### Section 7. Continuing Review

The Board from time to time of its own motion, shall investigate the work and standard rates of salaries or wages of any or all positions to the provision of this by-law. Such reviews shall be made by such intervals as the Board deems necessary and, to the extent which the Board considers practicable, shall include all occupational groups in the classification plan.

#### Section 8. Position — Classes, Wage and Miscellaneous Compensation Schedules

##### SCHEDULE A

##### Clerical Group

Clerk — Board of Selectmen	S-9
Clerk — Election (part time)	Misc.
Clerk — General (part time)	Misc.
Clerk — Planning Board (part time)	Misc.
Clerk — Special Town Committees Not Otherwise Specified (part time)	Misc.
Clerk — Treasurer's Office (part time)	Misc.
Clerk — Water Board (part time)	Misc.
Clerk/Administrator — Police Department	S-9
Election Officer	Misc.
Junior Clerk — General (part time)	Misc.
Map and Deed Coordinator	Misc.
Personnel Clerk (part time)	S-8
Secretary — Board of Selectmen	S-7
Secretary — Permanent Part-Time Departmental	Misc.
Senior Clerk — General (part time)	Misc.
Streetlister/Census Clerk	



SCHEDULE A (continued)

*Custodial Group*

Caretaker	S-2
Caretaker — Landfill	S-1
Caretaker — Landfill (part time)	Misc.
Custodian — Library (part time)	S-1
Custodian — Recreation (part time)	Misc.
Matron	S-7

*Labor Group*

Casual Part-Time Worker	Misc.
Groundskeeper (part time)	Misc.
Groundskeeper — Senior (seasonal)	Misc.
Hydrant Worker	Misc.
Pesticide Applicator	S-5

*Library Group*

Library Page (part time)	Misc.
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*Recreational Group*

Aide to Lifeguard	Misc.
Assistant Director Summer Program — Recreation (seasonal)	Misc.
Cook — Council on Aging (part time)	Misc.
Director Summer Program — Recreation (seasonal)	Misc.
Flag Attendant	Misc.
Lifeguard (seasonal)	Misc.
Lifeguard — Swimming Instructor (seasonal)	Misc.
Senior Lifeguard — Swimming Instructor (seasonal)	Misc.
Summer Program Instructor — Recreation (seasonal)	Misc.
Supervisor — After School Programs	Misc.
Supervisor Assistant — After School Programs	Misc.

*Public Safety Group*

Assistant Animal Control Officer (part time)	S-3
Call Fire Captain (part time)	Misc.
Call Fire Lieutenant (part time)	Misc.
Call Firefighter (part time)	Misc.
Clerk-Dispatcher	S-8
Harbor Master Assistant/Shellfish Constable Assistant (part time)	Misc.
Patrolman (part time)	Misc.

SCHEDULE A (continued)

*Administrative Group*

Administrative Assistant	S-5
Alternate Health Agent (part time)	Misc.
Alternate Inspector of Buildings (part time)	Misc.
Animal Control Officer (part time)	Misc.
Animal Inspector	Misc.
Assistant Assessor	S-10
Assistant Treasurer (full time)	S-9
Civil Defense Deputy Director (part time)	Misc.
Conservation Officer (part time)	Misc.
Deputy Fire Chief	F-2
Director for Council on Aging	Misc.
Director of Youth Programs (part time)	Misc.
Executive Secretary (part time)	Misc.
Executive Secretary — Conservation Commission (part time)	Misc.
Executive Secretary — Finance Committee (part time)	Misc.
Executive Secretary — Planning Board (part time)	Misc.
Executive Secretary — Wage and Personnel Board (part time)	Misc.
Executive Secretary — Zoning Board of Appeals (part time)	Misc.
Harbor Master/Shellfish Constable (part time)	Misc.
Health Agent (full time)	S-10
Inspector of Buildings (full time)	Misc.
Registrar — Election	Contract
Town Administrator	Misc.
Warden — Election	

*Supervisory Group*

Chief of Police	Contract
Civil Defense Director (part time)	Misc.
Fire Chief	F-3
Forest Fire Warden	Misc.
Highway Superintendent	Superintendent
Library Director	S-10
Moth Superintendent	Misc.
Town Accountant (full time)	S-10
Veterans' Agent	Misc.
Water Superintendent	Superintendent



## SCHEDULE B

July 1, 1992 - June 30, 1993

Com. Grade	I	II	III	IV
S-1	5.00	5.39	5.65	6.16
S-2	6.16	6.43	6.77	6.98
S-3	6.77	6.98	7.21	7.39
S-4	6.98	7.21	7.39	7.65
S-5	7.21	7.44	7.77	7.98
S-6	7.44	7.65	7.98	8.37
S-7	8.16	8.54	8.98	9.55
S-8	9.26	9.75	10.21	11.97
S-9	24,001	25,510	27,007	28,504
S-10	30,008	31,827	33,651	35,475

## FIRE SCHEDULE

The F-2 and F-3 are to be determined by applying the following ratios to the base salary of the highest paid firefighters as specified by contract:

Com. Grade	I	II	III	IV
F-2	1.15	1.2	1.25	1.3
F-3	1.35	1.4	1.45	1.5

## LABOR SUPERINTENDENT SCHEDULE

The salaries of the Highway and Water Superintendents are to be determined by applying the following ratio to the base salary of the highest paid employee within the respective department as specified by contract:

Com. Grade	I	II	III	IV
Superintendent	1.35	1.4	1.45	1.5

Water Superintendent (part time) to be negotiated; not to exceed 50 percent of full-time salary.

## SCHEDULE C

### Miscellaneous Compensation Schedule

July 1, 1992 - June 30, 1993

Aide to Lifeguard	per season	75.00
Alternate Health Agent (part time)	annually	733.00
Alternate Inspector of Buildings (part time)	annually	762.00
Animal Control Officer (part time)	annually	8,988.00
Animal Inspector	annually	451.00

## SCHEDULE C (continued)

### Miscellaneous Compensation Schedule

Assistant Director Summer Program — Recreation (seasonal)	weekly	146.74
Assistant Harbor Master/Assistant Shellfish Constable (part time)	annually	611.00
Call Fire Captain (part time)	hourly	8.32*
Call Fire Lieutenant (part time)	hourly	8.32†
Call Firefighter (part time)	hourly	8.32**
Caretaker — Landfill (part time)	hourly	8.16
Casual Part-Time Worker	hourly	7.32
Civil Defense Deputy Director (part time)	annually	115.00
Civil Defense Director (part time)	annually	228.00
Clerk — Election (part time)	hourly	7.32
Clerk — General (part time)	hourly	5.99
Clerk — Planning Board (part time)	annually	140.00
Clerk — Special Town Committees Not Otherwise Specified (part time)	hourly	5.44
Clerk — Treasurer's Office (part time)	hourly	8.83
Clerk — Water Board (part time)	annually	2,570.00
Conservation Officer (part time)	annually	10,300.00
Cook — Council on Aging (part time)	hourly	7.77
Custodian — Recreation (part time)	hourly	7.32
Director for Council on Aging	hourly	10.14
Director of Youth Programs (part time)	hourly	11.65
Director Summer Program — Recreation (seasonal)	weekly	220.10
Election Officer	hourly	6.11
Executive Secretary (part time)	annually	2,003.00
Executive Secretary — Conservation Commission (part time)	annually	5,150.00
Executive Secretary — Finance Committee (part time)	annually	2,773.00
Executive Secretary — Planning Board (part time)	annually	3,669.00
Executive Secretary — Zoning Board of Appeals (part time)	annually	3,882.00
Executive Secretary — Wage and Personnel Board (part time)	annually	2,329.00
Flag Attendant	per location	140.00
Forest Fire Warden	annually	800.00
Groundskeeper (part time)	hourly	4.77
Groundskeeper — Senior (seasonal)	hourly	6.66

# SCHEDULE C (continued)

## Miscellaneous Compensation Schedule

Harbor Master/Shellfish Constable (part time)	annually	5,481.00
Health Agent (full time)	annually	27,729.00
Hydrant Worker	hourly	4.77
Library Page (part time)	hourly	6.66
Lifeguard (seasonal)	hourly	6.98
Lifeguard — Swimming Instructor (seasonal)	hourly	6.98
Map and Deed Coordinator	hourly	6.16
Moth Superintendent	hourly	6.66
Parking Attendant (seasonal)	hourly	5.15
Patrolman (part time)	hourly	10.48
Personnel Clerk (part time)	hourly	9.21
Registrar — Election	annually	489.00
Senior Clerk — General (part time)	hourly	6.98
Senior Lifeguard — Swimming Instructor (seasonal)	hourly	8.16
Streetlister/Census Clerk	hourly	6.98
Summer Program Instructor — Recreation (seasonal)	hourly	5.54
Supervisor — After School Programs	hourly	8.04
Supervisor Assistant — After School Programs	hourly	5.33
Veterans' Agent	annually	4,492.00
Warden — Election	hourly	7.32

\* Plus \$500.00 per year (first hour of duty paid at \$13.10)

† Plus \$300.00 per year (first hour of duty paid at \$13.10)

\*\* Plus \$150.00 per year (first hour of duty paid at \$13.10)

### Section 9. Work Week

The work week for full time or seasonal employment in each occupational group shall be as follows:

Group	Work Week
Clerical	35 hours
Library	22 hours to 35 hours (as required)
Custodial	40 hours
Labor	40 hours
Police	40 hours
Fire	42 hours
Administrative	As required (a)

Supervisory  
Others

As required (a)  
As required (a)

(a) "As Required" shall mean the total number of hours in the week needed to perform the duties of the position, as determined by the appropriate administrative authority.

### Section 10. Overtime Compensation

#### (a) Clerical Group:

An employee shall be compensated at one and one-half times his regular hourly rate for hours in excess of thirty-five (35) hours per week.

#### (b) Library Group:

An employee shall be compensated at one and one-half times his regular hourly rate for hours worked in excess of thirty-five (35) hours weekly.

#### (c) Custodial and Labor:

An employee shall be compensated at one and one-half times his regular hourly rate for hours worked in excess of forty (40) hours weekly. A minimum of two hours of overtime pay shall be guaranteed on call back.

#### (d) Police Department:

As specified by contract between the Town and the Police Association.

#### (e) Fire Department:

As specified by contract between the Town and the Fire Association.

1. A uniformed employee in Compensation Grade F-1 in full-time employment who is required to work beyond his normal tour of duty, responds to a box alarm when off duty, or is called back for standby duty, forest fire fighting, snow shoveling or forest fire patrols shall be compensated at one and one-half (1½) times his regular rate of pay. A minimum of two hours of overtime pay shall be guaranteed on call back.

2. The hourly rate of overtime pay for personnel covered in Section 10(e)(1) shall be one forty-second (1/42) of the employee's regular week's pay times one and one-half (1½).

#### (f) Administrative Group:

1. An employee normally is not entitled to overtime, but shall be granted compensatory time at the convenience of his department head for hours worked in excess of forty weekly, or whatever constitutes his normal work week.

2. The Deputy Fire Chief will receive overtime compensation for working hard-to-fill shifts after all union employees have refused to work these shifts.

*(g) Supervisory Group:*

A supervisor is not entitled to overtime, as he has the authority to approve overtime compensation for his subordinates. He is entitled to take compensatory time which he shall report to the proper administrative authority if requested. He shall also make adequate provisions for the supervision of his department in his absence.

*(h) Water Department:*

Any employee of the Water Department who becomes certified under the Department of Public Health to operate the water system shall be eligible for an additional compensation of \$250 per year.

*Section 11. Clothing Allowances*

*(a) Police Department:*

As agreed by contract.

*(b) Fire Department:*

As agreed by contract.

*(c) Highway, Tree and Water Department:*

A full-time member shall receive a clothing allowance to be paid by the town for rental of work clothes for members of the department as designated by department head and approved by Wage and Personnel Board.

*(d) Rental:*

Work clothes allowances to be made for other full-time employees on individual recommendations of department heads to the Wage and Personnel Board.

*Section 12. Paid Holidays*

Legal holidays within this By-Law will be holidays specified by State Legislature, on which days employees shall be excused from all duty not required to maintain essential town services. The following days shall be considered as paid holidays for all employees:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veterans Day
Patriots Day	Thanksgiving Day
Memorial Day	One-Half Day Before Christmas
Independence Day	Christmas Day

*(a) Changes to State Law for long weekends (Mondays) as required.*

*(b) Every employee in full-time or continuous part-time employment shall be entitled to these designated holidays on the following terms:*

1. If paid on an hourly basis, he shall receive one and one-half times his regular rate based on the number of hours actually worked on the day on which the designated holiday occurs.

2. If paid on a weekly, semi-monthly or annual basis, he shall be granted each designated holiday without loss in pay.

*(c) Payment under the provisions of this section shall be made provided the eligible employee shall have worked on his last regularly scheduled working day prior to and his next regularly scheduled working day following such holidays, or was in full pay status on such preceding and following days in accordance with other provisions of this by-law.*

*(d) An employee in continuous employment occupying a position in other than the Public Safety or Supervisory Groups who performs work on one of the days designated in subsection (a) shall be paid at his regular rate for such a day or fraction thereof in addition to the amount to which he is entitled under subsection (b).*

*(e) At the request of the employee, he may be granted compensatory time off at the convenience of the department in lieu of payment provided under subsection (d).*

*(f) An employee in continuous employment, in other than the Police or Fire Departments, who, because of a rotation of shifts, works different days in successive weeks shall be granted, in each year in which the number of holidays falling on his regular days off in excess of the number of holidays in that year falling on Saturday, additional days off equal to the excess.*

*(g) Whenever one of the holidays set forth in subsection (a) falls on a Sunday, the following day shall be the legal holiday, and if on a Saturday the preceding day shall be the legal holiday.*

*(h) The Fire Chief shall receive an additional day's pay for any holiday during which he is called to duty in accordance with Chapter 41, Section 57E of the Massachusetts General Laws.*

*(i) The Deputy Fire Chief shall receive an additional day's pay or another day off for any holiday cited in Chapter 41, Section 57E of the Massachusetts General Laws during which he is called to duty.*

*Section 13. Vacation Leave*

*Police Department:*

As agreed by contract.

#### *Fire Department:*

As agreed by contract. The fire chief and deputy fire chief shall receive the same vacation benefits as agreed upon by the International Association of Firefighters and the Town of Kingston.

(a) A full-time employee in continuous service shall be granted two weeks vacation with pay at the completion of one year of service.

(b) A full-time employee who terminates employment after less than one (1) year of service shall be compensated for one (1) day of vacation for each full month of continuous service completed, but not to exceed one (1) week of vacation. Termination to be defined as "for whatsoever reason."

(c) A full-time employee who has completed five (5) continuous years of service shall, in the year during which this length of service has been completed, be granted three (3) weeks — fifteen (15) days of vacation with pay.

(d) A full-time employee who has completed ten (10) continuous years of service shall, in the year during which this length of service has been completed, be granted four (4) weeks — twenty (20) days of vacation with pay.

(e) A full-time employee who has completed twenty (20) continuous years of service shall, in the year during which this length of service has been completed, be granted five (5) weeks — twenty-five (25) days of vacation with pay.

(f) Upon the death of an employee who is eligible for vacation under these rules, payment shall be made to the estate of the deceased in an amount equal to the vacation allowance as accrued in the vacation year prior to the employee's death but which had not been granted. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which the employee dies up to the time of his separation from the payroll.

(g) Employees who are eligible for vacation under these rules and whose services are terminated by dismissal through no fault or delinquency of their own, or by retirement, or by entrance into the armed forces, shall be paid an amount equal to the vacation allowance as earned, and not granted, in the vacation year prior to such dismissal, retirement or entrance into the armed forces. In addition, payments shall be made for that portion of the vacation allowance earned in the vacation year during which such dismissal, retirement, or entrance into the armed forces occurred up to the time of the employee's separation from the payroll.

(h) Absences on account of sickness in excess of that authorized under the rules therefor or for personal reasons as provided for under the other leave may, at the discretion of the department head, be charged to vacation leave.

(i) An employee, unless receiving pay for such a day or date under the provisions of Section 17A of Chapter 147 or Section 57A of Chapter 48 of the General Laws, shall be granted an additional day of vacation if, while on

vacation leave, a designated holiday occurs which falls on or is legally observed on Monday, Tuesday, Wednesday, Thursday or Friday.

(j) Vacation allowances provided under the terms of this section will be calculated on a 12-month period commencing on the employment date and these allowances must be taken in the 12-month period that immediately follows. In unusual circumstances, exceptions may be granted by the Personnel Board upon recommendations of department heads. Such vacation shall be granted by the head of the respective department of the Town at such time as, in his opinion, will cause the least interference with the performance of the regular work of the Town.

(k) An employee shall not be allowed to work during his vacation leave and be compensated with extra pay without approval of department head and the Personnel Board.

#### *Section 14. Sick Leave*

##### *Police Department:*

As agreed by contract.

##### *Fire Department:*

As agreed by contract.

(a) An employee in continuous employment shall be allowed one day for each month worked, provided such leave is caused by sickness or injury or by exposure to contagious disease.

(b) An employee in continuous employment shall be credited with the unused portion of leave granted under subsection (a) without limit and may be accumulated as additional sick leave benefit.

(c) An employee occupying a temporary or seasonal position shall not be credited with unused sick leave beyond this current period of employment.

(d) If the amount of leave credit provided under subsection (b) has been or is about to be exhausted, an employee may make application for advance sick leave to be deducted from future leave credits to the extent provided under subsection (a). Such application shall be made to the Board which is authorized to grant such advance sick leave as it may determine to be equitable after reviewing all circumstances including the employee's attendance and performance record prior to conditions supporting his request for the advance sick leave.

(e) Sick leave must be authorized by the department head and must be reported on forms as provided. These records will be maintained by the Town Accountant for the Wage and Personnel Board's and Town Accountant's use.

(f) A physician's certificate of illness shall be submitted by the employee after five days' continuous absence to his department head before leave is granted

under the provisions of this section. This certificate shall be forwarded by the department head to the Town Accountant for the Wage and Personnel Board's and the Town Accountant's use.

(g) The Board or Department Head may, of its own motion, require a medical examination of any employee who reports his inability to report for duty because of illness. This examination shall be at the expense of the Town by physician appointed by the Town.

(h) Maternity Leave — A leave of absence without pay will be granted for a period up to four (4) months after delivery and the employee may work as long as her physician permits.

(i) Payments made under the provisions of this section shall be limited to an employee who is receiving Workmen's Compensation payments to the difference between the amount paid in Workmen's Compensation and the employee's regular rate.

(j) In the event of payments made to an employee under the preceding subsection the Board or Department Head may debit the employee's sick leave accrual by such amounts as it determines to be equitable in relation to such payments.

(k) Unused sick leave shall be credited and shall accumulate from year to year without a limit. An employee who leaves the employment of the Town for other than disciplinary action, shall be compensated at fifty per cent (50%) of his/her rate of pay for all unused accumulated sick leave at termination, providing an employee has a minimum of five (5) years of service, such compensation to be based on base salary only. In the event of an employee's death, such compensation shall be awarded to his/her estate.

(l) Nothing in this section shall be construed to conflict with Section 100 of Chapter 41 of the General Laws.

#### Section 15. Bereavement Leave

Emergency leave up to five days may be allowed for death in an employee's immediate family (wife, husband, mother, father, child, brother or sister), mother-in-law and father-in-law.

#### Section 16. Other Leave

##### Police Department:

As agreed by contract.

##### Fire Department:

As agreed by contract.

(a) Absences for personal reasons may be charged to vacation leave upon application by the employee and approval by his department head. Such

absences, however, may not be charged to vacation leave beyond that which the employee has earned by the time of such application.

(b) Members of the military reserves on brief tours of military duty such as the annual two-week tour of duty shall be compensated by the Town for the difference between the employee's regular pay and that received on military duty. Such tours of duty shall not be counted against vacation allowance.

(c) Three (3) personal days are allowed each year to full-time employees on request to, and approval of, supervisor and department head. Personal days are defined as days needed to attend weddings, funerals of relatives, family needs, etc., not otherwise provided for by the by-laws.

(d) The employer shall make up the difference in any employee's wages between a normal week's wages and compensation received for jury duty.

#### Section 17. Longevity Compensation

The Town agrees to reward faithful service by full-time employees by providing additional compensation each year on the basis of length of service as follows:

A	At completion of ten (10) years of service	\$ 200.00
B	At completion of fifteen (15) years of service	300.00
C	At completion of twenty (20) years of service	500.00
D	At completion of twenty-five (25) years of service	1,000.00
E	At completion of thirty (30) years of service	1,500.00
F	At completion of thirty-five (35) years of service	2,000.00

#### Section 18. Physical Examination

Before appointment to a position in the classification plan requiring continuous service, or to a seasonal position designated by the Board, a candidate shall have passed a physical examination satisfactory to the Department Head. The examining physician shall be appointed by the Town and the examination shall be at the expense of the Town. The examining physician shall advise the Department Head as to whether, in his opinion, the applicant is physically qualified to perform the duties of the position for which application has been made, and the applicant shall complete a questionnaire which the Board will design. The examining physician's report shall be confidential and shall be forwarded as soon as possible by the Department Head to the Town Accountant for the Wage and Personnel Board's and the Town Accountant's use.

#### Section 19. Operation of By-Law — Grievance Procedure

##### Police Department:

As agreed by contract.

#### *Fire Department:*

As agreed by contract.

(a) This by-law shall be operative only as to employees whose positions are classified hereunder and for which positions minimum and maximum salaries, or single-rated miscellaneous salaries as established under Section 8.

**PERSONNEL BOARD TO ADMINISTER** — The Personnel Board of the Town shall constitute the Personnel Relations Review Board of the Town, and in that connection shall have the powers and duties, and perform the functions, assigned to such Personnel Relations Review Boards by Section 21B of Chapter 40 of the General Laws; and said Board shall, in the performance of its duties as Personnel Relations Review Board, be subject to the limitations imposed by said Section 21B and by the by-laws of the Town.

**GRIEVANCE PROCEDURE** — There shall be a grievance procedure available to those employees of the town whose rights under the Wage and Personnel classification plan have, in their opinion, been prejudiced and covering all other grievances except those that would properly be under the jurisdiction of the Civil Service Commission or other duly established appeal board. As used in this section, the word "grievance" shall be construed to mean dispute between an employee and his supervisors arising out of an exercise of administrative discretion by such supervisor or supervisors.

**STEP I.** The employee shall take up his grievance orally with his immediate supervisor who shall reach a decision and communicate it orally to the employee within two (2) working days. The employee may request a written statement of contemplated actions and related reasons.

**STEP II.** If the grievance is not settled at Step I, the employee shall within five (5) working days present his grievance in writing to his supervisor who shall forward it to the department head who shall hold a hearing within five (5) working days, or if the department head is a board, at its next regularly scheduled meeting the grievance will be presented and a hearing will be held within ten days of that meeting.

**STEP III.** If the grievance is not settled at STEP II, all records and facts in the case shall be referred to the Grievance Board for adjudication. Those present at Step II shall appear at this hearing. Within twenty (20) working days of the hearing, which shall be the next regular meeting of the Board except in cases of emergency, the employee shall be notified in writing through the department head as to the decision of the Board which shall be final.

#### *Section 20. Civil Service Law*

Nothing in this By-Law shall be construed to conflict with Chapter 31 of the General Laws.

#### *Section 21. Effect of Partial Invalidity*

The invalidity of any section of this By-Law shall not invalidate any other section or provision thereof.

#### *Section 22. Publication of Personnel By-Law*

The Personnel Board hereby is authorized and directed to compile and publish Personnel By-Law to be known as the Town of Kingston Wage and Personnel By-Law. Corrections to be made as necessary with amendments subject to authorization as stated in Section 1 herein. Authorized changes will be published and added to this Wage and Personnel By-Law as endorsements to the section, page or paragraph. Last dated endorsement becomes the effective correction or amendment of these By-Laws.

#### *Section 23. Contract Agreements*

#### *Section 24. Other Benefits*

For the purpose of establishing a more equitable compensatory package, employees of the town working no less than twenty hours a week, fifty-two weeks per annum would be eligible for all benefits equivalent to full-time employment calculated on a pro-rated basis (i.e., if a full-time employee receives two weeks (eighty hours) of vacation, then a part-time employee (twenty hours a week) would receive two weeks of vacation totalling forty hours).

#### *Section 25. Pre-Tax Health Care Premium Payment Plan*

Employees eligible for participation under the Town's Group Health Insurance Program, including either indemnity-type coverage or health maintenance organization (HMO) coverage, may elect to become members of the Pre-Tax Health Care Premium Payment Plan, hereinafter "the Plan," as of its effective date. Said Plan shall be established as a so-called cafeteria plan, as permitted by Section 125 of the Internal Revenue Code and authorized by Section 132 of Chapter 697 of the Acts of 1987. Members of the Plan will have their share of group health insurance premiums paid directly by the Town and have their pay reduced accordingly, all as set forth in the terms and conditions of the Plan and in accordance with all of the Plan provisions.

WAGE AND PERSONNEL BOARD

## RECOMMENDED FAVORABLE ACTION.

ARTICLE 12. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase a new computer system for the Police Department, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 15. To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow, in anticipation of reimbursement, the State's share of the cost of work under Chapter 90, Section 34 (2a) of the Massachusetts General Laws as provided by Chapter 33 of the Acts of 1991 previously appropriated, or take any other action relative thereto.

THERE WAS NO MOTION UNDER THIS ARTICLE.

ARTICLE 16. George D. Cravenho moved that the sum of \$29,000 be raised and appropriated to be expended by the Water Commissioners for a computer model of the Town's water system.

FINANCE COMMITTEE RECOMMENDED NO ACTION BY A 5-1 VOTE.

## CAPITAL PLANNING COMMITTEE RECOMMENDED FAVORABLE ACTION.

Jeffrey A. Batchelor questioned the quorum. The tellers reported, after a count of the house, that there were 97 voters present. The Moderator declared that there was an insufficient number of voters present to take action on this article.

ARTICLE 18. Jeffrey A. Batchelor moved that the Town of Kingston By-Laws be amended by adding Article XXXVI entitled "Illegal Dumping" as follows:

Section 1. No Person shall place, throw, deposit, discharge, or cause to be placed, thrown, deposited, or discharged, any trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind on any public way or property or upon any property of another.

Section 2. The storage of agricultural materials or composting according to accepted agricultural practices or in household quantities shall not constitute a violation of this By-Law.

Section 3. Whoever violates the provision of this by-law shall be subject to a fine of \$300 for each violation pursuant to the provisions of M.G.L. Chapter 40, Section 21D, as amended. This by-law may be enforced by the Health Agent, Building Inspector, or any police officer of the Town of Kingston.

After discussion, Mr. Batchelor withdrew his motion with the consent of the second.

John C. Veracka, Jr. moved to adjourn without day.

Mr. Winokur explained that if all of the business of the town meeting has not been resolved or addressed, it is not appropriate to adjourn without day. There were three or four articles that the town meeting had not addressed. However, if there is no hope of getting a quorum, it is appropriate for a moderator to allow such a motion. Quite frankly, Mr. Winokur did not think we would get a quorum on Monday night or some other day next week. He would allow the motion to adjourn without day and the town meeting body would have an opportunity to discuss it.

After discussion, on the motion of John C. Veracka, Jr., VOTED to adjourn without day.

Mr. Winokur thanked the tellers and all present.

There were 56 voters from Precinct I and 58 voters from Precinct II, for a total of 114 voters.

Adjournment was at 9:56 p.m.

Respectfully submitted,

Mary Lou Murzyn,  
Town Clerk.

## SUMMARY OF SPECIAL TOWN MEETING

### ARTICLES VOTED:

#	Date		
1	11/9	Zoning ByLaw and Zoning Map	VOTED
2	11/9	Terms for Board of Health	VOTED
3	11/9	Amend By-Laws — Regulation of School Buses (Article XXXV)	VOTED
4	11/9	Agreement with International Brotherhood of Police Officers Local 436	\$32,680.00 (Transfer)
5	11/9	Wage and Personnel By-Law Amendment	\$27,008.00 (Transfer)
6	11/9 11/19	Amend ATM Appropriations	\$129,553.00 (Transfer) \$251,362.00 (Decrease) \$65,000.00 (Transfer)
7	11/1	Unpaid Bills	\$3,141.00

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