

**Office of
Kingston Planning Board**
Town House
26 Evergreen Street
Kingston, Massachusetts 02364

**PLANNING BOARD November 9, 2009
Planning Board Meeting Minutes**

Members Present: Dave Gavigan, Dennis Randall, Tom Bouchard, Ron Gleason, Mike Ruprecht, Sue Boyer and Tom Bott.

7:15 p.m. – Meeting Opened

The board reviewed the minutes of October 26, 2009.

Motion: Dennis Randall to accept the minutes as presented

Second: Ron Gleason

Vote: 5-0-0

Communications

Tom Bott brought attention to Anne Bingham's correspondence regarding 1021 Kingston Place.

7:20 p.m. – Barse's Farm Subdivision Extension

Don Correa, Attorney, present along with Irene Dwyer, owner, and Dan Orwig, Architect

Don Correa gave the board an update on the progress of the subdivision, as subdivision approval is set to expire January 2010. They would like an extension until January 27, 2011 to extend everything, the permit and all that goes with it. He would like to get easements, covenants and homeowner's association approved also. Don stated and the board and Tom Bott agreed that it's a tough market out there right now, and they can't just upgrade the lots or roads, with no plan as to when the subdivision would be built.

Discussion regarding exchanging or horse trading affordable units for an extension, suggested by Dennis Randall. Don Correa stated that they have already horse traded with the amount of reduced units that was required as part of the approval by the Planning Board. They have also donated 14.2 acres of Open Space to the Town. Ron Gleason suggested in lieu of constructing the Senior Center on site, the applicant could make an offer of money to the Town for the current Senior Center being built. Don Correa will put his request in print and the documents together that are necessary and will forward them to Tom Bott.

Motion: Dennis Randall to continue the hearing until November 23, 2009 at 7:30 p.m.

Second: Mike Ruprecht

Vote: 5-0-0

8:05 p.m. – IPE Hearings

Tom Bott stated there were no updates on IPE.

Motion: Dennis Randall to continue the hearing until January 11, 2010 at 7:03 p.m.

Second: Ron Gleason

Vote: 5-0-0

Motion: Dennis Randall to continue reconvened IPE hearing to January 11, 2010 at 7:04 p.m.
Second: Ron Gleason
Vote: 5-0-0

8:10 p.m. – 1021 Kingston Place – 40R Hearing

Mark Bobrowski, Town Counsel, Dave Eastridge and Lloyd Geisinger, and Lindsay Wilson, Thorndike Development,

Tom Bott introduced Mark Bobrowski as legal counsel for the board during the site plan review and approval process. He will also assist the board during the Master Site Plan hearing which opens at the next meeting. Lloyd addressed the board and stated that the goal for tonight's meeting was to update the board on the progress since the last meeting and to ask the board to finalize waivers and conditions. Dave Eastridge gave the board a handout, and referenced exemptions. Renny Chapman, BSC peer review engineer for the Town, drafted a letter with all BSC comments and stated all the comments have been addressed by the applicant. He would like to see the sub-district lines to be shown on the plan, but the rest have been addressed to his comfort level. Subjects discussed in the review were the infrastructure plan, underground utilities, traveled ways, access ramp and neighborhood gateways. The applicant requested that street light design be part of Phase 2, as well as the Gateway Building, stating that they were tenant driven. Discussion regarding the entrance to the development. Mark Bobrowski addressed the board and the applicant, giving an overview of the site plan approval process. He stated whatever was not on the plan, becomes a condition, as there is no need to have conditions in the approval if it's already shown on the plan. There will be an affordable housing agreement and he suggested having some flexibility built into that agreement and also for major as well as minor conditions and modifications. Tom Bott asked if they would be ready by November 23rd and applicant felt they would.

Tom Bouchard brought up the decision to hire Town Counsel for the 40R. He stated that although he agreed with using Town Counsel for the Site Plan review and decision, Dennis should not have made a unilateral decision for the entire board being also a Selectman, and it should have been brought up to the Planning Board Chairman first, and voted on by the full Planning Board before going to the Town Administrator and the Board of Selectmen. There is a process in place for hiring Town Counsel for a 40R Site plan, or any plan before the Planning Board. He stated that the Planning Board had no knowledge of this until Town Counsel was hired. There should have been a vote on this by the Planning Board before that. The Board motioned to vote on the hiring of Town Counsel to assist with the Site Plan Review and Site Plan Decision

Motion: Dave Gavigan to accept Town Counsel for the 40R
Second: Mike Ruprecht
Motion: 5-0-0

9:35 p.m. – 40R Exemptions from the Design Standards.

Applicant presented 40R Exemptions from the Design Standards request and the board took a vote on each exemption as follows:

As authorized under the Design Standards, the applicant has requested and the Board has exempted the Project from compliance with the following Standards of Compliance under the Design Standards, and waives strict compliance with the Design Standards as authorized under Section 4.15.14 of the By-Law by reasons of such exemptions and waivers facilitating the density, affordability, mix of uses, and/or the physical character allowable and/or required there under.

1. The Board hereby allows for the Parkway to be constructed as shown in Figures 5 and 6 of the Phase 1 Site Plan entitled, "Parkway Cross Sections A and B," and, "Parkway Cross Sections C and D" and exempts the portion of the Phase 1 depicted on the Phase 1 Site Plan from compliance with Section

6(B)(2)(b) and 6(B)(1)(a)(i) of the Design Standards. The plan for this portion of the Parkway increases the amount of landscaping incorporated into the streetscape by adding a landscaped median with street trees which the Board has determined will enhance the character of the Gateway District which is an important criteria in the Design Standards. This will enhance the physical character of Phase 1 for its residents and occupants.

Motion: Ron Gleason to accept Exemption 1

Second: Mike Ruprecht

Vote: 5-0-0

2. The Board hereby allows the “Central Green” within the Mixed-Use Residential Commercial subdistrict to satisfy the “open space – square” requirement set forth in Section 6(C)(4) of the Design Standards, as shown on Figure 5 of the Phase 1 Site Plan entitled “Parkway Cross-Sections A and B.” The Central Green shown on the plans is larger than the required green space described in the Design Standards, located generally in the same area of the site as envisioned in the Design Standards, and through its configuration, will accommodate a wider range of public purposes including informal gatherings, artists fares and concerts on the green, as well as allowing a larger number of people to enjoy its benefits. This will enhance the physical character of Phase 1 for its residents and occupants.

Motion: Dave Gavigan to accept Exemption 2

Second: Mike Ruprecht

Vote: 5-0-0

3. The Board hereby exempts portions of Phase 1 from the requirements of Section 6(B) Figure 1 and Figure 2 of the Design Standards to allow the access road adjacent to the Kingston MBTA commuter rail station and the roads adjacent to the Central Green to function as depicted on Sheet C401 of the Phase 1 Site Plan entitled “Layout and Zoning.” The Board has determined that the parking requirements of this road which serve as a pick up and drop off area for the adjacent MBTA train station are unique inasmuch as the usage is more transitory than other uses of the Project and that plan provided meets those requirements adequately.

Motion: Dave Gavigan to accept Exemption 3

Second: Mike Ruprecht

Vote: 5-0-0

4. The Board exempts the Construction Facility from the requirements of the Design Standards inasmuch as it is a temporary structure and will not be a permanent component of the Project.

Motion: Dave Gavigan to accept Exemption 4

Second: Ron Gleason

Vote: 5-0-0

Mark Bobrowski explained that the draft decision would be created between staff and technical assistants, then forwarded to Tom Bott. When that part is completed, it will be shared with Thorndike. He suggested bringing one person from the Board to be part of the negotiating terms of the final site plan.

Motion: Dennis Randall to continue the hearing until November 23, 2009 at 8 p.m.

Second: Ron Gleason

Vote: 5-0-0

9:50 p.m. – Volunteer from Planning Board OCPC

Dennis Randall volunteered to represent the Planning Board to the OCPC

Motion: Ron Gleason to appoint Dennis Randall to the OCPC

Second: Dave Gavigan

Vote: 5-0-0

9:55 p.m. –Planning Board Budget 2011

The board reviewed the Planning Board budget and Tom Bott's proposed 3% cuts. Mr. Bott showed a Plan A and Plan B scenario for the proposed cuts. The board had no interest in cuts to their stipends and suggested sending the budget back to the Finance Committee stating that the Planning Board has taken a large cut in their budget already and they see no reason for further cuts to their budget.

The board adjourned at 10:15 p.m.