



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

PLANNING BOARD January 28, 2008
Planning Board Meeting Minutes

Members Present: Thomas Bouchard, Mike Ruprecht, Susan Farrell, Dennis Randall, Susan Boyer and Thomas Bott.

7:15 p.m. – Meeting Opened

The Board reviewed the December 10, 2007 minutes

Motion to approve: Dennis Randall

2nd: Susan Farrell

Vote 4-0-0

The Board reviewed the October 15, 2007 minutes

Motion to approve: Susan Farrell

2nd: Mike Ruprecht

4-0-1

Thomas Bouchard present not voting

The Board reviewed the November 5, 2007 minutes

Motion to approve: Susan Farrell

2nd: Dennis Randall

4-0-1

Mike Ruprecht present not voting

Thomas Bott gave a 40R update. Secretary Bowles has determined that the project requires the preparation of an Environmental Impact Report as part of the Expanded ENF Certificate for 1021 Kingston Place and a draft decision granting the Phase I waiver. Mr. Bott has begun the process of drafting the application and materials for the site plan submittal for the 40R District.

A letter from Jennifer DiRico was read to the Board.

7:30 p.m. – Independence Mall – Special Permit

The board dispensed with the reading of the hearing notice. Present for the hearing was Mark Wagner and John Wyman, his attorney and Rich Tabezynski from Atlantic Design. Mark spoke about the Maintenance and Operation Agreement, and was looking for feedback from the board. He proposed 3 inspections and repairs annually, he would plow and sand Raboth, Smelt Pond and Little Smelt Pond roads. He would mow more frequently to prevent fires. Discussion regarding a “right of way” for residents. John Wyman stated there was no reason for a right of way, or an easement, as the Mall has given residents access over their property since the Mall

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built in 1978. Helen Gavin read a letter from Matt Lanza regarding the closing off of Indian Pond Rd. Ms. Cronin and Pazzari spoke about safety and the public way/private road. The board discussed a bond to assure residents the roads would be maintained. Regular inspections were discussed as well as input from highway, police and fire departments. Mr. Bott asked Mark Wagner if the agreement would be upheld if the Mall was sold. Mark stated they will add vegetation to buffer the noise from residents who have issues with the pollution and noise from the Mall. Rich from Atlantic Designs had drawings of the “new” Raboth Rd. and will discuss in more detail the next meeting. The board continued the hearing until February 11, 2008 at 7:35 p.m.

9:15 p.m. – Stoney Brook Falls

Peter Conant requested a change of plans for his subdivision. He would like to remove the “over 55” housing clause on his original plan. The board felt that because the zoning change was approved by the Town at Town Meeting for his over 55 project, it would not be prudent to now change the plan and remove the over 55 component. Mr. Conant explained that he was having problems getting funding for a project that specifies only over 55, as a result of the present housing market. He reiterated the fact that he would not take on the project if it wasn’t fiscally profitable. He will come back at a later date to discuss other possibilities.

9:40 p.m. – Indian Pond Estates

Thomas Bott suggested having a conference call on Feb. 11, 2008 with Town Counsel, Fred Tonsberg’s attorney, to discuss the litigation between Mr. Tonsberg and the Town of Kingston. Thomas Bouchard would like to have Betsy Lane present to represent the Board, as she has consistently been involved in the situation with the completion of the roads, etc. for Indian Pond. Thomas Bott will request Betsy Lane for Feb. 11’s conference call.

Motion to have a conference call on Feb. 11th with Mr. Fleming – Dennis Randall
2nd: Mike Ruprecht
5-0-0

9:45 p.m. – Village at Russell Pond Bond Reduction

Jim Bristol of Bristol Construction and Carl Erickson were present for the Bond reduction. Discussion regarding the basin. The board would like the basin to have the capacity for a 100 yr. Storm. Bristol construction will try to get permission from Fred Tonsberg to see if they can check that basin also and make a determination if it is in need of repair or replacement. The board reduced the bond to \$37,800 which included the 40% contingency amount.

Motion: Dennis Randall
2nd: Susan Farrell
5-0-0

The board signed bills and the meeting adjourned at 10:15 p.m.