



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

PLANNING BOARD January 8, 2007
Planning Board Meeting Minutes

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

7:05 p.m. – Meeting Opened

The board reviewed and approved the minutes of December 18, 2006, 4-0-0. The Board received a copy of a memo from Kevin Donovan with the Articles for the Annual Town Meeting attached as well as copies of the proposed by-law, zoning map and Design Standards and Procedures. These articles were voted on by the Selectmen at their January 2, 2007 meeting. Dennis Randall asked if the Planning Board members could get copies of the DHCD Regulations for the hearings. Thomas Bott mentioned that the board needed to sign the Sisters of Divine Providence site plan, which had paving changes on it. They would not be using impervious paving, which was initially on the site plan.

7:20 p.m. – Bond Reduction for Tall Timbers Estates III

Henry Nover engineer, at the request of the board, was asked to review the bond amount currently being held by the board to complete Tall Timbers Phase III. Mr. Opachinski would like the bond amount reduced. He stated that he has done \$200,000 worth of work this fall, and there is no reason for the bond amount to be \$68,600.00. He stated that the bond amount should be based on Standard Construction Policies, and that Mr. Nover's numbers are arbitrary. The basin he notes in his report was built as the board requested, and because of the close proximity to the bogs, it will retain small amounts of water and is slower to drain. Mr. Nover stated that there was some settlement in the road already and would like the board to hold the full amount until the winter is over and see how everything stands up during harsher weather conditions and talk to the Highway Superintendent. Susan Farrell feels the bond could be reduced and Thomas Bouchard stated that Peter Opachinski has a good reputation with completing his previous projects and feels he will do the same with this project.

Motion: Susan Farrell to reduce the bond amount from \$68,600 to \$49,000 (difference being the 40% contingency)

Second – Mike Ruprecht

Vote: 4-0-0

Discussion regarding waiver of filing fees for Tall Timbers Phase IV. Peter Opachinski is requesting a waiver of the filing fees, as he believes that the Planning Board is holding monies

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from a previous application of his, that never came before the board, in the amount of \$19,321.00. The \$19,321 was for Tall Timbers Phases 1-5, and there was 19,000 l.f. of roadway, which is what the application fee was based on. The board had waived the fees for previous phases of Tall Timbers. The applicant stated that he never asked for the money to be returned from the original application. Thomas Bott explained that the application money can't be returned, as it is not an inspection fee, which would be in an inspection account, but rather an application fee that is deposited into the general fund. The board suggested scheduling the discussion for the next meeting and have the applicant bring his plan in to the next meeting, and it could be filed with the town clerk the following morning, whether the fees were waived or not. Mr. Opachinski will return on January 22, 2007 with his application.

7:55 p.m. – Indian Pond Estates Hearing

Attorney Fleming sent the board a written report on the status and progress of the roads at Indian Pond Estates, Phase 3 and 4. Also sent were two checks for \$2500 for each phase, for an engineer to inspect the assure the board that the roads and catch basins are in good condition. The board motioned to waive reading of the hearing notice, 4-0-0. Discussion regarding an engineer. The board would like Horsley and Whitten to review the work being done, as they are familiar with the site. The board felt that Mr. Tonsberg had complied with the boards wishes and Thomas Bouchard said that they now needed to deal with the rescission vote. He stated that the board would keep the hearing open, and compile a second list for the developer that would need to be completed and a deadline date for completion.

Motion: Dennis Randall motioned to withdraw the rescission of December 18, 2006, as Items 1- 6 have been completed, and that the developer has substantially complied with the board's requests.

Second: Susan Farrell

Vote: 4-0-0

Motion: Dennis Randall motioned to continue the hearing until January 22, 2007 at 7 p.m.

Second: Susan Farrell

Vote: 4-0-0

The board requested that Thomas Bott contact Horsley and Whitten and find out what it will take to complete the suggested items, what can be done now, and what will need to be completed in the spring.

8:20 p.m. – Ole Colonial Village Special Permit

The board motioned to waive the reading of the hearing notice and to continue the hearing until January 22, 2007 at 7:35 p.m. The applicant requested a continuance for his Special Permit, as there was not a full board for a vote.

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8:25 p.m. – Conceptual Plan for 68 Evergreen St. - Gosselin

Rick Grady of Grady Engineering and Bob Gosselin were present for a conceptual plan for 68 Evergreen St. They have a 2-acre site in a Town Center zoned parcel, that is the site of the old Napa Auto Parts building. Bob Gosselin has a purchase and sale agreement on the parcel, and would like to tear down the existing building and build a 60 x 100 sq. ft. building for mixed use. They would need 55 parking spaces, and they have 57 on their plan. They would move the building forward and stack parking in the rear of the building. They will come back at a later date with a definitive plan.

8:30 p.m. – Independence Mall Expansion

Mark Wagner was present for his conceptual plan for expanding the Independence Mall, asking for suggestions from the board and making sure the board was comfortable with what he had so far, and to discuss concerns the board may have. He would have a traffic report next week, he was bringing in a consultant for the parking, he has met with MEPA, and the National Heritage Org.

The board's concerns were mostly parking. Mike Ruprecht stated that parking for the movie theatre is a problem now. Also a walkway should be considered for safe travel, with some directional signage. They would need to go to the ZBA for a height variance. 37 feet is what is allowed, and with the proposed 2nd level, 60 ft. will be needed. Fred and Penny Svenson, abutters had concerns about the condition of the road now. School buses can no longer access the area and the kids have to be driven to school every day. Mark stated that he would be meeting with Jeff Mathias, as he is home now for a few weeks, being a merchant marine. Penny stated that it's an ongoing problem and that regardless if Mr. Mathias is home or not, it needs to be fixed as it's been in poor condition for some time. Thomas Bott read a letter from Dick Dennehy, attorney for Anna Demar, an abutter, who had concerns about drainage, parking and traffic. Mark said there would be 18 cinemas with 4400 seats. Target date for returning to the board is February 12, 2007

9:05 p.m. – Parting Ways Conceptual Plan

Bill Cushman, owner of the 76 acre parcel on Parting Ways Rd. was present, Doug from Merrill Associates, as well as Walter Maury attorney. He is proposing 36 single family lots in a RODEOS subdivision. The property is in the water resource district and Fred Svenson of the Water Commission was concerned about water tables. He advised Mr. Cushman to make an appointment with the water dept. The applicant would need variances because of the length of the cul-de-sac, which is proposed to be 1950 ft. in length. Thomas Bouchard said the plan does not follow the by-laws and he is not interested in developing every bit of land in the town. There was also talk of donating land to Open Space, but there were questions of how valuable that land would be to the town. They advised the applicant to come back with a few other conceptual plans to present to the board.

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9:45 p.m. – ANR Pottle St.

The board endorsed an ANR plan for 105 Pottle St. for the Davis family to clarify lot lines and to resolve litigation with the Town.

Motion: Susan Farrell

Second: Dennis Randall

Vote: 3-1-0

Thomas Bouchard opposed endorsing the ANR plan.

9:50 p.m. – Planning Board Business

Discussion on LEEDS certification by-law. Thomas Bouchard wanted to have more information to be assured that this type of by-law wouldn't put too many restrictions and burdens on developers.

The Board signed engineering and inspection departmental bills for The Village at Russell Ponds, Sisters of Divine Providence, Greeman-Pederson's traffic review, Concord Square and Kings Grove.

Meeting adjourned at 10 p.m.