



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

PLANNING BOARD December 22, 2008
Planning Board Meeting Minutes

Members Present: Dennis Randall, Tom Bouchard, Dave Gavigan, Mike Ruprecht and Tom Bott

7 p.m. – Meeting Opened

40R update

Tom Bott stated that he had an informal meeting with Thorndike and the Conservation Agent last week to discuss drainage and road improvements for Cranberry Road, and Cranberry Road Extension. Thorndike could be before the Con com informally at their late January meeting.

7:15 p.m. – FY10 Operating Budget

Tom Bott referred the board to a memo from Kevin Donovan stating more cuts will be necessary. Items being discussed include closing the Town House 3 ½ hours early either ½ hour each day or closing early on Fridays to save operating costs and reducing employees pay. Another is reducing stipends of elected officials to \$100 annually.

7:17 p.m. – Earth Removal By-law Committee

The Selectman voted to create an Earth Removal By-Law Review Committee comprised of the Planning Board, Agriculture Commission, BOS, Cons com and a Citizen at large.

Motion: Dave Gavigan to nominate Dennis Randall

2nd: Mike Ruprecht

Vote: 4-0-0

7:20 p.m. – Old Business

The Closing of the Warrant for the Annual and Special Town Meeting Articles is January 9, 2009. Tom Bott would like to get the Dark Skies General By-Law ready for Town Meeting. Drew Atherton has been working on the by-law for some time and it is ready to be put on the warrant.

Motion: Mike Ruprecht to have Tom Bott send the draft of the by-law to the Selectmen

2nd: Tom Bouchard

Vote: 4-0-0

December 22, 2008

7:25 p.m.- New Parking Lot near MBTA Station

The Building Inspector has sent a letter to The O'Donnell's stating that the parking lot they are renting parking spaces on, will have to be paved to the Planning Board's standards. Mr. Armstrong has directed Mr. O'Donnell to submit plans by February 1, 2009 with construction to commence around April 1, 2009. This property is not within the 40R District. Dennis Randall stated that in the spirit of full disclosure, he feels he received a threat from Mr. O'Donnell during a telephone call, and although he filed a complaint with the Kingston Police Dept. he feels he is capable of being objective about the upcoming appointment with Mr. O'Donnell.

7:30 p.m. – ANR Plan – Elder Ave.

Rich Tabazinski from Atlantic Design was present for the ANR plan The applicant would like to create 3 lots on Elder Ave. from a 2.54 lot.

Motion: Tom Bouchard to endorse the plan with a notation on lot 90 that no further subdivision in the future is allowed

2nd: Mike Ruprecht

Vote: 4-0-0

7:40 p.m. – Special Permit – Cadette Dunkin Donuts

Jack O'Leary and John Cadette were present for the Special Permit at Cranberry Crossing. Tom Bott explained the Mullins Rule that a planning board member can miss one meeting, and still vote on the permit, as long as they are properly informed of the missed meeting. He referenced Joel Michaud's absence and the need for a 4/5 vote from the board for a Special Permit. The applicant stated they would move forward although there was not a full board tonight. Tom Bouchard stated that this is the reason it is important for members to let Tom Bott know if they would not be attending a meeting. The applicant comes to their hearing, sometimes at great cost to them, and are not informed before they arrive that there is not a full board. The applicant is proposing a 1500 sq. ft. building, housing a Dunkin Donuts and a drive-thru window. There would be underground utilities, water service upgrade, underground infiltration system and they have retained a water quality certification. Mr. Cadette stated that there would be no baking on the premises and the hours would be 3 a.m. to 11 p.m. Mr. Bott would like to bring in the BSC Group for an internal traffic consultation on the site. John Geary, business owner at 161 Summer St. has some opposition to the plan. He referenced a 1984 Cons com Order of Conditions for the site. He also questioned why the site would have sewer and the existing septic system. He also asked if the drive-thru will continue at the present D.D. location, and would it be used for something other than Dunkin donuts later on. He stated there are many eating establishments within 2/10 of a mile of the site plan being presented.

December 22, 2008

The board motioned to continue the Special Permit until January 12, 2009 at 7:30 p.m. – awaiting consultants review.

Motion: Tom Bouchard
Second: Mike Ruprecht
Vote: 4-0-0

8:30 p.m. – Tall Timbers Phase IV

The applicant requested a continuance to January 12, 2009 at 7:35 p.m.

Motion: Tom Bouchard
Second: Dave Gavigan
Vote: 4-0-0

The board took a 5 minute recess.

8:35 p.m. – Amendments to Kingston Smart Growth Design Standards and Rules & Regulations

The board motioned to cover just the first 3 amendments. Tom Bott read a response from Don Schmidt of the DCHD. On the Design Standards changes, Don Schmidt stated that the proposed changes are not Design Standard changes, prohibiting access and required parking spaces are a zoning issue and any such changes would have to take place through changes to the by-law. This would require them to be approved by a 2/3 vote at Town Meeting. Dennis Randall stated that he finds Don Schmidt's comments suspect and want to talk to Town Counsel. He said what does it matter to the DHCD how the Town of Kingston preserves it's woodlands. He said it's a violation of Home Rule. He asked Tom Bott to make a request for Town Counsel opinion.

Motion: Dennis Randall to ask opinion of Town Counsel
Second: Tom Bouchard
Vote: 4-0-0

Tom Bouchard stated that you cannot control a 40B. Tom Bott said that every zoning change must also be approved by the Attorney General of the State. And he has 60 days to approve the change after Town Meeting. The board continued the hearing until January 12, 2009 at 7:45 p.m.

Motion: Tom Bouchard
Second: ?
Vote: 4-0-0

Nancy Sapir (Kingston Observer) asked Tom Bott if he knew about having to go to Town Meeting to change the zoning before tonight. Mr. Bott stated he did and the information was in the Planning Board Members books also, which were hand delivered to each member, so they also had the information prior to tonight's meeting.

December 22, 2008

Dan Sapir (Kingston Observer) asked why did the board ask for an opinion of the DHCD. Dennis Randall stated that the board engaged Don Schmidt of DHCD for an answer on the Design Standard changes.

The board signed bills and adjourned.

Motion: Tom Bouchard

Second: Mike Ruprecht

Vote 4-0-0

December 22, 2008