



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

PLANNING BOARD February 9, 2009
Planning Board Meeting Minutes

Members Present: Dennis Randall, Tom Bouchard, Susan Boyer, Mike Ruprecht and Tom Bott. Also present Jay Talerman, Town Council.

7:05 p.m. – Meeting Opened

40R Update

Thorndike Development is planning on bringing their Site Plan application before the board in March. Tom Bott is concerned about the in-house site plan review with the reduction in hours at the Town House in the near future. The board has 120 days to complete the site plan review. Also Tom discussed with Town Counsel using application fees for the 40R can be used as consulting fees to ensure the board has the resources in house to review site plans for compliance with the design standards. The board also will need to set fees for the application. The applicant will be in attendance at the March 9th meeting with the Master Plan section of the application.

7:20 – Discussion with Town Counsel - Design Standards and Rules and Regs Changes

Jay Talerman was present for Design and By-law changes regarding the 40B being proposed by Thorndike Development. Discussion regarding Raboth Rd. and it's affect on Smelt Pond and the woodlands. Mr. Talerman stated that DHCD would not accept the language the board had proposed to date. He stated the board could add policies on the woodlands. Discussion regarding rescinding incomplete roads in subdivisions. The discussion was suspended until later in the meeting.

7:35 p.m. – Tree Farm Landing

Jack O'Leary and Bill Cushing were present for a discussion regarding the decision that was written and the conditions that there be 10% inclusionary housing in the development. They would like to have the decision amended to remove that condition or find an alternative to comply with this law. They would like to waive this requirement. Or perhaps doing an offsite affordable housing project. Or could the applicant possibly make a donation to the Town towards an affordable housing project. The board explained that the inclusionary housing by-law cannot be waived. Tom Bouchard stated that the town is not in a position to take cash for affordable units. The town would not have the means to build affordable units. The applicant will discuss further with Tom Bott to explore other avenues to comply with the by-law.

February 9, 2009

8 p.m. – Continuation of discussion with Town Counsel

Tom Bouchard requested Town Counsel give the board some guidance in regards to plowing and maintaining incomplete subdivisions and the Town's responsibility. The Town cannot accept roads in a subdivision that are incomplete. Mr. Talerman explained that the town is not responsible for plowing the streets of a subdivision that have not been accepted by the Town. Repairs however are different. If the town takes on the repair of roads, then they are responsible for them. Tom Bouchard asked if the Town could implement a policy of fines, and /or not plow until the streets are accepted by the Town. Mr. Talerman suggested that the board use covenants instead of bonds, for incomplete subdivisions at the time of approval of the subdivision. The board should also be more prudent in releasing bond money to the developers until the development is completed. The board thanked Jay Talerman for his counsel. He will join the board in Executive Session later in the meeting regarding Indian Pond Subdivision's ongoing litigation.

8:55 p.m. – Bike Paths and the 40R Project

Mark Guidoboni was present for discussion regarding bike paths in the proposed 40R subdivision and possible changes to the by-law/design changes regarding such. He would like to have easements and ways of connecting the bike paths with each other and throughout existing subdivisions that have promised bike paths and connections to the Thorndike Development and throughout the town.

9:10 p.m. – Indian Pond Rescission Discussion

Applicant is not present for the hearing. The board waived reading the hearing notice. The board continued the hearing until February 23, 2008 at 7:46 p.m.

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

The board motioned to go into executive session for pending litigation and not return to regular session.

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

ROLL CALL

Tom Bouchard – YES
Mike Ruprecht – YES
Dennis Randall – YES
Susan Boyer – YES