



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

**PLANNING BOARD March 23, 2009**  
**Planning Board Meeting Minutes**

**Members Present:** Tom Bouchard, Dennis Randall, Susan Boyer, Dave Gavigan, and Tom Bott.

**7:05 p.m.** Meeting opened

**40R Update**

Tom Bott updated the board on an email he received from Lindsay Wilson of Thorndike Development that they would not be pursuing their 40B development. They plan to file their 40R plan later on in the week. Their initial site plan possibly by the end of the month. The board has 30 days to review the application to ensure it is complete.

7:15 p.m. – The board reviewed the March 9, 2009 meeting minutes. The board approved the meeting minutes with a change.

Motion: Tom Bouchard to approve the March 9, 2009 with changes

Second: Dave Gavigan

Vote: 3-0-0

**7:25 p.m. – Historical Commission's Archeological Update**

Craig Dalton was before the board updating them on the Archeological Survey that was conducted with funds from the CPA funds. A copy of those findings will be held by the Historical Commission, the Town Planner and a copy, without locations, at the History Room at the Kingston Public Library. Discussion regarding CPA funds being reduced which the Historical Commission does not support.

**7:35 p.m. – Indian Pond Estates Municipal and Tax Obligations**

Jay Talerman, Town Council, was present for the hearing regarding IPE municipal obligations. He explained that the Planning Board has the authority to revoke the sub-division if municipal fees and/or taxes are not paid and current. Elaine Fiore, Chairman of the Sewer Commission stated that the user fees have not been paid by High Pines Corporation and that this issue is being litigated in court at this time. Mr. Fleming, attorney for Fred Tonsberg, stated that the issue has to do with a different corporation than High Pines, named Indian Pond Country Club, Inc. and that separate entity employs 50-100 individuals, and that the land associated with the sewer fees is Indian Pond Country Club, Inc. This issue has been ongoing since 2000 at which time IPCC, Inc gave 10 acres with a leaching pond to the Town and was created at the expense of the

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developer. There was an understanding at that time, and is in Sewer Dept minutes, that the fees associated with the sewer and betterment fees would be waived for 10-20 years as a result of the 10 acre donation and the building of the leaching pond. Fred Tonsberg spoke and stated that IPCC, Inc. has lived up to its obligation and the Sewer Commissioner has not. He also has no certified tax obligation that he is aware of. The board opened the discussion to the public. No comments from the public. The board motioned to close the hearing.

Motion to close the hearing – Dave Gavigan  
Second: Tom Bouchard  
Vote: 3-0-0

The board will take the issue under advisement

**8:25 p.m. – Indian Pond Rescission Hearing**

Dave Gavigan read the public hearing notice. The board is waiting for the court to act. There is no decision yet on the pending litigation. Tom Bott discussed the paving and drainage issues at Indian Pond. Tom Bouchard stated that the Town shouldn't have to wait any longer to get the roads finished. He had previously stated that he would finish the roads this April, but has since rescinded that offer of a compromise. He further stated that the hearing was opened in December 2006, and still no progress has been made. Mr. Fleming stated that in 2008 the board voted to rescind the subdivision. That he had written a letter the same year addressing the issues and Town Council rejected the letter. There has still been no clarification about Bristol Brothers and the basins at Village at Russell Pond. Tom Bott stated that Bristol Brothers will come back in April to update the board. Tom Bouchard stated the hearing has gone on longer than it takes to build a subdivision. Mr. Tonsberg stated that they have addressed 11 of the 13 items on the list presented to them for repairs. The board motioned to continue the hearing until April 13, 2009 at 7:30 p.m.

Motion: Tom Bouchard to continue the hearing until April 13, 2009 at 7:30 p.m.  
Second: Dave Gavigan  
Vote – 3-0-0

**9 p.m. Hearing for Bond Release for Tall Timber Estates Phase III**

The board discussed the tri-party agreement and the release of the \$686,600 bond which is contingent upon the granting of an easement for walking trails. The grant of the easement will be granted and recorded and the board will release the bond. The language will be done for Fall's Town Meeting.

Motion: Tom Bouchard to grant the release of the \$686,600 bond contingent up on granting of the easement for walking trails  
Second: Dave Gavigan  
Vote- 3-0-0

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Motion: Tom Bouchard to close the hearing  
Second: Dave Gavigan  
Vote: 3-0-0

**9:10 p.m. – Town Meeting Articles**

Motion: Dave Gavigan motioned to close the public hearing  
Second: Tom Bouchard  
Vote: 3-0-0

The board deferred their vote on both Town Meeting Articles – 4.15.4.48. Preserved Woodlands and 4.15.11.4. Open Space Buffer to Town Meeting

**9:25 p.m. - 40R Application Fees**

The board discussed the 40R Application fees. Discussion regarding waiving the fees for affordable units. The board motioned to close the hearing and wait for a full board April 4<sup>th</sup> at Town Meeting. Nobody from the public wished to address this issue.

Motion: Tom Bouchard to close the public hearing and to wait for April 4<sup>th</sup> for a full board to vote.  
Second: Dave Gavigan  
Vote: 3-0-0

**9:45 p.m. – Cadette’s Dunkin Donuts Special Permit**

The board continued the public hearing to April 13, 2009 at 8 p.m.at the applicant’s request.

Motion: Tom Bouchard  
Second: Dave Gavigan  
Vote: 3-0-0

**9:50 p.m. – Open Space Committee**

Mark Guidoboni addressed the Planning Board concerning the Open Space by-law, 4.15.11.4. Mr. Bott explained that he will work on the verbiage.

**10:15 p.m. – Parting Ways Realty Trust**

The board signed the mylar for Parting Ways, and discussion regarding the covenant. Mr. Bott stated that 2 lots in the subdivision should be exempt from the covenant, as they are existing houses those being Lot 1 and Lot 35.

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Motion: Tom Bouchard to exempt lots 1 and 35 from the covenant.

Second: Dave Gavigan

Vote: 3-0-0

The board adjourned at 10:20 p.m.