



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

PLANNING BOARD May 22, 2006
Planning Board Meeting Minutes

Members Present: Susan Farrell, Dennis Randall, Michael Ruprecht, Thomas Bouchard, Penny Svenson, Thomas Bott

7:10 p.m. – Meeting Opened

40 R Discussions – Concord Square Development and Thorndike Development

Present for Concord Square Development: Ted Carmen and Rachel Goldsmith
Present for Thorndike Development: Lloyd Geisinger, Carol Burton
Present from the State – Thomas O'Brien, Monica Mullin (for Theresa Murray)

Concord Square Development, consultant for the 40R project, was present to explain the 40R proposal at Marion Drive. Present for Concord Square Development was Ted Carmen and Rachel Goldsmith. Ted explained that he had done a presentation for a 40R in Plymouth's Cordage Park and it was very successful. The Town of Plymouth had voted affirmatively for the 40R zoning change with no discussion. He explained his background to the board and also how the 40R and 40S passed through the House and Senate in 2005. The Senate voted affirmatively for the 40R and 40S, the House voted affirmatively for the 40R only. He explained the incentives for the community. He introduced Rachel Goldsmith, a previous consultant to the MBTA, and stated that she had prepared the database for the 40R legislation. Rachel spoke about the financial incentives for the town and that the site at the transit station was a good spot for this project. They are proposing 730 units, which would be revenue of \$600,000 for the town. The town would also receive a density bonus of \$3,000 per building permit issued. 40S - school cost reimbursements, and priority considerations for State Discretionary Grants. Also required is residential densities for state incentives under 40R and 40S. Zoning must allow minimum residential densities of 8 units/acre for single family; 12 units/acre for 2-3 family homes; 20 units/acre for multi-family units. 146 units of the 730 units would be affordable. Rachel explained that 40R is considered "as of right" zoning in comparison to 40B's which are a "special permits". It also allows communities to develop local design standards. Mike asked about 40S as far as impact on the town for schooling costs. Rachel explained that if taxes don't equal school costs then it would be subsidized by the state. Dennis asked about the infrastructure, and she explained the state would give the town assistance with creating or modifying road layout, as well as sewer, water, etc.

Thomas O'Brien and Monica Mullins (present for Theresa Murray) spoke about the positive effects of 40R and 40S and the difference between this and 40B developments, which are stricter with no incentive for the town. For 40 R, Thomas O'Brien said that the money is available and is very confident that the 3.8 million dollars is available. 40S he said is not quite a sure thing. He likes to see the money made available before touting this part of the incentives. He suggested the town focus on the 40R at this time. 40S would be a bonus on top of 40R if and when it becomes

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available. Thomas Bouchard asked if money from 40R could be used for 40S. Thomas O'Brien said no the law prohibits using 40R resources for 40S.

Lloyd Geisinger of Thorndike Development then gave his presentation to the board. He explained the plan for 106 acres of land at the MBTA train station. Access would be from Marion Drive southbound ramp and a connect with Rt. 3 was viable. Mass Highway was supportive of the ramp. Thorndike would build the ramp, and it's part of the solution for access. Carol Burton then gave a presentation to the board. She explained the board needs a process in place and design standards need to be defined. They would like to speak to residents about the design, and they would get back to the board with their findings. Susan Farrell asked approximately how many children would be living in a development of this kind. 191 school children would be expected to live here. Lloyd is meeting with John LaBrache to do a financial analysis and would then have a better idea of the impact on the town. Dennis Randall cautioned the board that a 2/3 vote would be needed at Town Meeting to change the zoning in the area. This was tried twice before and was shot down by the town. He explained that the process needs to be transparent. He advised they make hay slowly and that they would need a 2/3 confidence level in the project and that would take time to build. Lloyd agreed and said that's why they are meeting with all neighborhoods so people have a clear understanding of the project. Lloyd stated he would like to make sure this project has legs. He would not proceed unless he had support from the neighborhoods. Dennis suggested they lay out a process where the neighbors can participate. Ted Carmen said that the process would be, meeting with neighborhoods, design standard meetings, set up a committee for design standard complex process. He suggested the committee consist of some planning board members, and members from other boards or committees. Thomas Sexton said it was an exciting proposal.

8:30 p.m. – Olde Colonial Village

The applicant requested a continuance until his engineer has time to look over BSC Group's comments. The board motioned to continue the hearing until June 26, 2006 at 7:35 p.m.

8:31 p.m. – L. Knife

Present for the hearing from L. Knife was John Sullivan, (attorney); Mike Brophy; Brian Maguire; Tim Sheehan. Susan Farrell read the hearing notice. Thomas Bouchard explained the reason for the hearing, in that the court had said the board must approve the Special Permit and set conditions. John Sullivan said he was willing to have a dialogue about the conditions. He said he would address the expansion of the facility, phasing out of disposable bottles, put the recycling center in the expansion, and that crushing of cans already takes place at the facility. Kristen Nolan wanted to know what plans were remanded back to the board by the court. Thomas Bott stated that they were the plans and documents on file with the town clerk. Kristen wanted to have a discussion about the alterations to the site plan by L. Knife. Thomas Bouchard stated were are only dealing with the conditions for the Special Permit. That's all the court has requested from the board. Discussion continued about what direction the board would go in. Dennis felt the neighbors and abutters should be able to discuss the site plan also. Thomas Bouchard requested that Paul Armstrong explain to the board what was requested of the board by the court. Paul explained that the board needs to act on the direction of the court. That is, set

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conditions for the Special Permit. The site plan is not part of this discussion, all that is to be discussed is conditions for the Special Permit. Dennis stated that you can't create conditions for a plan that doesn't exist. Do we have a set of plans as they exist now? Mike Ruprecht said the permit was remanded by the court and the direction from the court was restricted to conditions for the Special Permit, nothing more, nothing less. Thomas Bott said to refer to page 5 of the site plan which shows the landscaping and buffer. He asked John Sullivan where are the items on the site plan that was approved by the board. Where is L. Knife at, as far as completing the August 24, 2004 site plan that was signed by the board. John Sullivan said they would be completing those items on the site plan as they built the new building. Discussion again reverts back to the Site Plan vs. Special Permit. Susan Farrell said that the advertisement in the newspaper clearly stated the reason for the hearing is to set conditions for the Special Permit. It does not recommend increasing the scope of the discussion to the site plan.

Conditions discussed:

1. New water line – Fire Protection

Bob Koska of the Water Dept. was present. He said the plan stated that a 12" water pipe should be installed for fire protection. Recommends running a water main.

Dave McKee, Fire Chief, present for fire protection also. He also supports an upgrade of water supply for fire protection. John Sullivan presented the board with a letter dated May 2, 2006 from Dave McKee stating a sprinkler system would be sufficient for fire protection. Dave McKee said these were 2 separate issues. The letter says the sprinkler system is approved, but it does not cover overall plant and neighborhood. Ed Murphy, abutter, asked if there was any risk with inadequacies for the neighborhood. Dave McKee said the system is adequate for a residence, not adequate for plant and neighborhood. Dennis Randall questioned what were the plans for the future – more expansions? Dave said they would address any expansions at a later date if and when there were any. What is being discussed is adequate for this facility now as it presently stands. Dave Furlong, abutter, asked about a brush fire – would that lessen the probability of safety. Dave said just areas at the end of Bradford St. Joe asked if an upgrade would help. Dave McKee said yes, which is why he is supporting the upgrade.

2. Trucks – Hours of operation and travel times

No recycling trucks other than their own trucks could enter or leave the site except from 8 a.m. until 4 p.m. John Sullivan said there are already recycled products going through the neighborhood. He would not be comfortable limiting traffic to 8 a.m. til 4 p.m. He would prefer normal business hours of 8 a.m. til 5 p.m. Thomas Bouchard stated he would rather use the school schedule instead of a business schedule. Talk about other than L. Knife trucks going to the facility. John Sullivan stated that that is not entirely under their control. Mike Ruprecht suggested sending out a message to all drivers about the safety issues. Joel said he has worked in places where there were restrictions on delivery and pick-up times. Thomas Bott said 8-5 is under L. Knife's control. 7 a.m. is the high school bus, 8 a.m. is middle school bus, and 11:15 –11:45 is the kindergarten bus. The board asked about the turn around that was agreed to for the school bus. Mr. Tuffy, Superintendent of the buses was present and stated that L. Knife had offered the turn

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around, but it did not work. There was not enough room for turn around. Paul Gallagher was also present to verify that L. Knife did indeed offer the turn around to the bus company, but that it was not physically possible. Dennis Randall asked what is the largest vehicle transversing the road. Joel said it was an 18 ft tractor trailer with a 7-8 ft. turning radius and 53" trucks 92" wide with a 85-100 ft. radius. Dennis said the trucks are too big for the streets. The buses and trucks are encountering each other on the road, ending up blocking traffic, and on sidewalks. There are two choices, increase the sidewalks or reduce truck size. Thomas Bouchard said that this was discussed previously. It is safer for the roads to be narrow so trucks cannot speed through the neighborhood.

Again the subject of the conditions was discussed. Dennis Randall suggested adding conditions. Thomas Bouchard asked Paul Armstrong if conditions could be added. Paul said the board should discuss what's in front of them right now. He also suggested bringing in Town Counsel to the next meeting for clarifications purposes. Dennis Randall said infrastructure issues are a critical component.

3. Storage/Recycling Expansion

John Sullivan said that they have no plans right now for storage. The expansion is for recycling. They already have storage of 4 or 5 thousand sq. ft. Tim Sheehan said they would be reducing traffic by 750 trucks a year with the recycling expansion. In the next 8- 10 years there would be less truck traffic. Stacey Antoniou wanted that put in the conditions and that there would be no more additional products stored at the facility. Tena Young said she wanted no truck traffic at all during school hours. Ed Murphy said put a control process in place to hold L. Knife to it's claim that traffic would be reduced to 750 trucks a year. Dennis Randall asked if they also had a recycling plant on Hedge Rd. in Plymouth. John Sullivan said not now. There was a discussion about traffic and sound at the glass crushing recycling facility. John Sullivan stated this had already been done. Lee Brock of 14 Spring St. chastised L. Knife for their lack of concern for the neighborhood with their trucks. John Sullivan stated that it was a public way, not a private street. Paul Gallagher suggested limiting commercial trucks during school bus hours. He said issues were the turning radiuses for the buses and perhaps vertical curbing would help. Dan Sapir said that if they were saying there would be 750 fewer trucks a year, that they should be held to that. Dennis Randall said that the 1.5 % growth factor stated by L. Knife is overly pessimistic.

Thomas Bouchard suggested moving on to the next agenda item. The board motioned to continue the hearing until June 12, 2006 at 7:30 p.m.

Motion: Mike Ruprecht

Second: Susan Farrell

Unanimous

10:50 – Steve Martell – Bond Amount for Lantern Lane

Thomas Sexton has put together a list of all the work that is left to be completed on Lantern Lane and gave the board a bond amount of \$36,335 for Steve Martell. He felt

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comfortable reducing the amount by \$7,000 with the work that has been completed. The bond will be for \$29,335, plus \$12,000 contingency for the board. The board settled on \$41,000. Discussion about the catch basins, and Steve Martell felt he doesn't need a survey done again. Thomas Sexton said he was estimating what the Conscom would want, and he was trying to save Steve Martell time so he wouldn't have to go before the Conscom now and could proceed with his plan. If he disagreed with the bond amount, he would be more than welcome to go before Conscom now and get an exact cost for the work that needs to be done. However, he has already spoken to the agent, and did a cost analysis of what they would require for approval. Steve Martell agreed to the bond amount. The board also needs the mylars and the easements shown on the plan.

11:15 p.m. - Thomas Bott requested funds to attend an MAPD meeting June 8 and 9th.

Motion: Mike Ruprecht to approve funds for MAPD meeting

Second: Susan Farrell

Vote – 5-0-0

Dennis Randall requested funds to attend OCPC meeting

Motion: Mike Ruprecht to approve funds for OCPC meeting

Second: Susan Farrell

Vote: 5-0-0

11:20 p.m. – Meeting adjourned