



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

PLANNING BOARD July 28, 2008
Planning Board Meeting Minutes

Members Present: Mike Ruprecht, Thomas Bouchard, Dennis Randall, Dave Gavigan, Susan Boyer and Thomas Bott

Meeting opened at 7:05 p.m.

Open Forum – Nobody was present for open forum

The Board reviewed the July 14, 2008 minutes.

Motion to approve with changes – Mike Ruprecht

Second: Tom Bouchard

Vote: 5-0-0

7:10 p.m. – 40R Update

Present was Lloyd Geisinger, Lindsey Wilson and Kara Brewton

Lloyd stated that he is excited to initiate the process and will be sketching out the process at the state level and the Planning Board level. Lindsey Wilson stated that they are working on the nuts and bolts of the project, the Environmental Impact Statement, the on-ramp with Mass Highway and the Planning Board review process. The Design Standards allows the developer to go straight to the plan, or a pre-application process. They will go through the pre-application process, a Master Plan process and the site plan review. They will file a mission statement of their goals and the town's goals. Shortly after Labor Day they will file and begin to go forward. Mike Ruprecht said he is excited about the process coming to fruition. Tom Bott stated that he has put together a primer for the board, Addendum 40R process and Design Guidelines, which are excerpts from the Zoning by-Law, which include the 40R timeline, the application process and the design review. An overview of the process is basically the clock starts ticking when the application is received by the Town Clerk. The time for review and approval can be extended by mutual written agreement of the applicant and the board, similar to regular sub-divisions. The time line agreement also must be filed with the Town Clerk. Once the application is received a peer reviewer is selected from the list of consultants and a retainer is secured. Lindsey Wilson stated that the process will take as long as the board wants to spend on discussions. Tom Bott said that Concord Square is familiar with the project, and they could assist the board in putting the application process together. He would like to stay with Concord Square, as the town has them on retainer and is one of the best in the state dealing with 40R applications. Lloyd mentioned the Design Standards has a process in place for the procedures and application process.

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7:30 p.m. – L. Knife and Sons Update

Tom Bott explained that they have hired Earth-Tech to verify that the site plan conditions have been completed as specified. They will conduct three visits, one in the day to ensure that the required physical improvements are in place, and two nocturnal visits prior to the issuance of the building permit, and again prior to the issuance of a certificate of occupancy to ensure the lighting of the final product complies with the permit. Earth Tech has met with L. Knife and they are up to date on what is required. L. Knife is having some issues with the foundation (as Paul Armstrong has issued the foundation permit) in regards to serious ledge where the foundation is supposed to go. Dynamiting may be an issue due to the proximity to the MBTA commuter rail line. They also need to meet with Conscom, and get the information to them prior to the meeting.

Motion: Tom Bouchard to have L. Knife meet with Conscom

Second: Mike Ruprecht

Vote: 5-0-0

7:35 p.m – Tall Timbers Phase IV

Brad McKenzie and Peter Opachinski were present for the hearing. Dave Gavigan read the hearing notice. Brad McKenzie stated that they had withdrawn the original plan. They have made progress with Tibbetts Engineering and have received 3 comments. They have 167 acres, of which 64 acres is open space, at various locations within the subdivision and walking trails. There are 80 lots and a deed restriction for the box turtles. There are some vegetated wetlands. They will be filing with Conscom in the next week or so. Also, there could be artifacts at the Samuel Fuller homestead. There was a recovery program in place, but they aren't sure if it's been completed. The project would begin in 2009, depending on the economy. Tom Bouchard opened the discussion to the public. There were no comments. Discussion regarding sidewalk on Elm Street. Brad McKenzie felt that it may be difficult to do, considering the configuring of existing lots. Some property owners may have to give up some of their property to create the sidewalk, and everyone would have to agree to do that in order to put the sidewalks in continuity. There are also issues of grade with existing driveways. They would also have to be parallel to the road, with no grass in between, which may create an unsafe situation for children and bikes. There would need to be relocation of utility poles and easements from all property owners. Peter Opachinski said the people in the subdivision wouldn't be using the sidewalks He said they were being asked to put sidewalks in for Elm St., not their development. They would consider putting in trails into the subdivision. Tom Bouchard stated that the sidewalks on Rt. 53 that the storage bay and Sullivan Brothers were asked to put in had frontage on Rt. 53. This plan does not have frontage on Elm St. and doesn't agree this should be imposed on the applicant. Let the applicant connect residents to the walking trails. Tom Bott stated that the applicant could send letters to the residents to see if they would be willing to give up 25 ft. for a sidewalk. Brad McKenzie stated that there are lots of steep grades and there would be a loss of a lot of trees. Every lot has its own challenge. Dennis Randall suggested putting in a retaining wall. Tom Bouchard suggested a safer scenario would be to run the sidewalks parallel to the walking trails and connect to the other phases of Tall Timbers. Susan Boyer stated that putting a sidewalk in for 1400 ft. and nothing connecting on either other end of Elm Street, would be a sidewalk to

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nowhere. She's not sure it's Tall Timbers responsibility to put a sidewalk on Elm St. She liked Tom Bouchard's idea and felt it was safer.

The applicant will come back with some ideas for the sidewalk and trails.

Motion: Tom Bouchard to continue the hearing until September 8, 2008 at 7:35 p.m.

Second: Mike Ruprecht

Vote: 5-0-0

The board took a 5 minutes recess

8:45 p.m. – Dennis Randall wished to discuss what the 40R application should look like. He would like the Design Standards modified and the plan codified sooner rather than later. Need to determine what point does the Board engage consultant and retain fees. He felt the board should advise Town Counsel and have them present when the board reviews the application. Also, the status of memoranda with other departments. Assure that the ramp would be built and that there was funding available, and the easement on the MBTA property. Tom Bouchard said this item is not on the agenda for tonight's meeting, and that the rest of the board is not prepared to have this discussion tonight. Also, why didn't this discussion happen earlier when the applicant was here? Dennis stated he wanted to lay out the agenda. Susan Boyer asked when Dennis referring to codifying was he talking about what Tom Bott is doing. Dennis explained he would like to look at the by-laws for changes and the Design Standards for changes. Tom Bott explained by-law changes would have to go to Town Meeting, as they were already approved at Town Meeting. Design Standards would have to meet DHCD guidelines, and cannot unduly burden the developer. Tom Bott explained that one person looks at the Design Standards and may interpret them differently then the next person. Tom Bott would like to get Concord Square on board to start the application process Would like to see a 2 page application, but will more than likely be 4 or 5, as the LEEDS Certification will probably be 2 pages itself. Tom Bouchard asked when we need to get Concord Square on board. Discussion regarding getting Concord Square on board versus using Town Counsel for the application process. The board decided to get Concord on board for the application process, as it was an engineering company, and have Town Counsel look at it afterwards from a legal perspective.

Motion: Tom Bouchard to have Concord Square help the board with the application process, as it is an engineering company, and have Town Counsel review the draft and offer an opinion into the MOU (Memo of Understanding).

Second: Mike Ruprecht

Vote: 4-0-0

Tom Bott had 4 bills that needed signatures, and gave the board the response from Mass Highway, regarding the Rt. 44/ Rt. 80 upgrade to the emergency access to the interchange letter written by the board. Mass Highway felt that the traffic volumes didn't warrant an interchange at this location and that the two adjacent interchanges are approximately 1 mile from the present Rt. 80 emergency access.

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Dennis Randall asked what would be justification for a ramp and what steps could the board take to move forward. Tom Bott explained it would be very expensive to alter their decision.

Update on Village at Russell Pond. There has been no correspondence.

9:10 p.m. - The board adjourned.