



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

PLANNING BOARD July 9, 2007
Planning Board Meeting Minutes

7:05 p.m. - Meeting opened

Members present were Sue Farrell, Dennis Randall, Thomas Bouchard and Michael Ruprecht, as well as Thomas Bott, Town Planner. Absent was Joel Michaud.

40R Update

Tom Bott gave a brief update on 40R discussions with the Engineers/DEP prior to addressing the BOS to identify steps to be taken regarding the work that may be required on top of or near the Landfill, Transfer Station reconfiguration for roads or other passive uses. He also spoke to the 1021 Kingston Place project to the fact that Mr. Geisinger had advised in an e-mail today that no Plans will be filed prior to Fall or at a Special Town Meeting due to ongoing engineering and design discussions. There is no date set yet for a Special Town Meeting in the Fall.

Independence Mall

Tom Bott also commented on the expansion project up at the Independence Mall. They are still reviewing the plans and have requested an extension on this matter till July 21. Some open items remaining are any special specs that might be needed for maintaining gravel roads, the effect on road layout plans for both Independence Mall Way and the condition of the relocated Raboth Road.

At this point, Mr. Fred Svenson of the Town Water Department but speaking at this meeting as a resident to the above project, cited many reasons why he wanted to see something done with Raboth Road for various reasons, some of which were: 1. There is no turn-around for a school bus, 2. Filings were misrepresented, and 3. The neighbors should not have to drive their children to school because of the conditions of this road. He passed out pictures of the road that 'they' had supposedly fixed, but they had only spread some dirt thinking it would fill in the holes in the road but it has not. There are also problems with turtles up in that area as well. He went on to say that these things have to be fixed before work begins - subsoil needs to be put back on banking as well. If contaminants get into these wells, we are in big trouble, especially if they travel. He further stated that you absolutely cannot safely drive a car on this road. He asked the Board Members to come up and look at it and they agreed they would. He continued that prior promises were never kept and he does not want that to happen again and the Town should be held to standards as outlined above.

Frank Dirico also commented on the problems of Raboth Road and just wanted to ask the Board to really look into this matter before anything else proceeds on this Mall expansion.

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Transportation Improvements

Tom Bott continued by mentioning that he has had discussions with the Old Colony Planning Council on their Transportation Improvement Program regarding the reconfiguration of different streets in the Town. We may want to send our comments to the BOS and back to the OCPC. Tom went over the projects involvement; namely, funding Howland's Lane Bridge, Elm Street Bridge, and Jones River Bridge. He stated that the same standards might be imposed on the Town by the State as were done when we did Main Street. Also mentioned was the Smith Lane extension to Rt. 3A and the reconstruction of these two roads. Dennis Randall commented that the extension of Smith Lane must have lights, which would further impede the project. Tom went on to state that Mass. Highway would not do this when Wal-Mart went in lower down on 3A and he continued by stating changes that would have to be made to Crescent Street.

The resurfacing of Rt.80 was discussed and Dennis Randall said that the junction of Rt. 44 and Rt. 80 needs an on-and-off ramp with access to Kingston. Tom Bott said that maybe Theresa Murray, in her new capacity at the State House, might be able to help us with this project. At this point, Tom Bott proposed that we send a letter to the BOS and Mass Highway regarding a request for a ramp off of Rt. 44 to Rt. 80 and the members concurred.

Silver Lake Commons

Next on the agenda was Silver Lake Commons, addressed by Lawrence Winokur, Attorney. He reviewed the latest design and reported that the Construction Engineer was here tonight as well and would be presenting the final report. Mr. Winokur also stated that they had also gone out to the site and walked the area, and had reviewed some materials that Tom Bott had supplied to them. Counsel for both parties have discussed and agreed to do a "Memorandum of Understanding". Mr. Winokur further stated that he hopes tonight that the Board would vote favorably as the sidewalks and lighting changes have been done as requested by the Board. Mr. Theo Kindermans of Stantec Consulting, gave a presentation comparing the original plan design to the new design. There has been a major change in the reduction of the Lighting in and around this project. They have repositioned the poles/lighting, resulting in the changing of the measurement of light given off, especially on front walk and doors of entrances, and these changes should help a great deal with the shining of light over to, on, and around abutters. Also, these lights should be off by 11:00 P.M. The height of the poles have been kept the same; i.e., 18 ft. Also he pointed out that the abutters are actually below the Silver Lake Commons' project itself. This buffering should completely shield these abutters. In some areas, the line of site has no poles showing to the abutters in these particular areas. Tom Bouchard thanked Mr. Kindermans and agreed that this design was a much better result for the lighting of the area. Mr. Randall was also very pleased with the modifications and thought this design could also be used by other developers. Mr. Ruprecht stated if the neighbors were happy, he was happy. At this time, an abutter, Melanie Meeker Jones said she too was happy but could be happier. She continued by commenting on the new plan design for the lighting which she feels continues to be annoying to the abutters. Sue Farrell asked the presenters just how bright are they compared to a regular street light~~"very bright". Sue continued that she realizes there has to be a safety factor involved but maybe those there now could be cut back in brightness a bit. Mrs. Jones continued that the abutters have their own house lights, and why can't these 'houses' just have their own house lights and why do they need poles with lights too, for that all makes for a lot of light. Mrs. Frank Dirico also commented on the lighting in other developments and why couldn't that type

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of lighting be used at Silver Lake Commons. Tom Bouchard stated that the other lighting Mrs. Dirico was referring to could very well be somewhat different from that here but it was thought that 60W at each door, driveway, garage door and back door should suffice.

Tom Bouchard went on to say that the lights now at SLC are needed for the pedestrians going from building to building more so than just the lights mentioned above that are at each entrance to a house door. Dennis Randall commented that different from house lighting, pedestrians going from building to building have to be able to make out what is ahead of them as they use the different building facilities, especially in the evening. Tom Bouchard commented that there may be a need for more low light but in the end the amount of light itself is not as bright as one might think. At this point, Mr. Simard went on to say it is not just the light but also the amount but it has to do with amount of woods now being changed which is almost causing a light pollution problem. Mr. Winokur stated if you give us the opportunity to review just what you need and want, they will reconsider it. Like changing two present lights to one will be considered. We will do whatever we can within the bounds of safety. At this point, Mr. Bouchard asked what else do we need to address? Tom Bott commented on the South Shore Survey Company's report (Gary Russell) on drainage calculations in the Continental Wingate Development area. The Board has discussed his drainage plans vs. theirs and he agreed to comply with their requests for spill and build-up of soil and has replied to many requests as outlined in a letter to the Planning Board dated July 5, 2007 from Stantec Consultants on this matter as well. There is a basin that holds drainage now. Mr. Bouchard asked him if he was confident he could attain this and they complied, "yes". Tom Bouchard addressed Tom Bott that this part of the project was one of the biggest constraints on this site for drainage - not a lot of turf to work with and Tom Bouchard wanted to hear from engineers that these problems can be solved. On the Wingate project, Dennis Randall asked Tom Bott if we had the Fire Chief's recommendations and Tom did state that the Board had received a copy of a letter from Mark Douglass, Deputy Fire Chief to the Zoning Board of Appeals dated June 28, 2007 stating that Wingate had verbally agreed to their requested revisions including revised hydrant location, new and existing hydrants must be active during construction, and adjusted width of entry points and road widths to accommodate fire apparatus. Tom Bott continued on the Wingate project by discussing the subject of sidewalks on Lake Street, namely, maybe the length of their property on the lake side of Lake Street and especially near the schools. We are now looking to create a sidewalk largely in the layout pushed back from Lake St. to eliminate the need for a vertical granite curbing, which will eliminate some of the Conservation Commission's concerns--to allow "critters" to get from one site to another -- and this will be looked into. Also we will try to preserve present landscaping of the area. While it might be preferable to extend the sidewalk from the school down the Street to keep it on the same side as the subdivision beyond Wingate's property but it is not really practical, for to do so would require extensive multi-different types of permits and great expense. Mr. Randall commented that he likes the idea of where sidewalks are proposed, for safety as well as keeping in mind who will be using these sidewalks. Maybe some benches overlooking the lake would be nice. Mr. Ruprecht thought that all of the above could be worked out regarding the sidewalk issue. Melanie Meeker Jones brought up the following point at this time and that is that she was quoting from prior Town By-Laws and Annual Meeting Articles that there are laws and/or Articles that have been voted on at Town Meetings to do such sidewalks and the considerations that must be considered when doing same. Tom Bouchard asked if there were any other concerns and Mrs. Jones stated that she appreciated all the time the Board has taken under advisement on the above matters, but is concerned that some of the values of our properties will go down if

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some of the concerns we have are not kept as we are discussing here. Mr. Randall commented by stating but if it is a condition, then it is more enforceable. It was again repeated that all lighting coming from SLC should be gone by 11:00 p.m. unless there was some kind of an emergency.

Tom Bott and Steven Levin, President of Continental Wingate Development, discussed further the subject of walkways, sidewalks and some possible Historical Houses in the area of the Wingate Development. There is a letter dated July 3, 2007 from the Kingston Historical Commission Chairman to Continental Wingate's Project Manager elaborating further on this letter, houses that maybe considered Historical in this area around the development and it is available for further reading. Mr. Winokur again stated if the Board proposes to move forward on this tonight, there will be a Hearing with the Zoning Board shortly thereafter. He feels that all of this discussion makes for one of the best possible developments and sincerely hopes the Board would vote favorably this evening.

Motion: Dennis Randall

Second: Mike Ruprecht

to vote favorably on this project subject to the following conditions:

- a) submission of final design plans
- b) construction of agreed to sidewalk layouts
- c) an agreement on possible Historical Houses in area (July 3 letter mentioned above)
- d) compliance with the matters stated in the June 28th letter from Deputy Fire Chief also mentioned above
- e) the completion of the drainage studies. Tom Bouchard, Chairman, asked if there was any further discussion and hearing none, asked for the vote of the members.

Vote: 3 —0

(Sue Farrell recused herself, as she is an abutter)

Indian Pond Estates

Next on the Agenda was the "Indian Pond Estates — Modification, Amendment or Rescission Hearing". Paul Armstrong has written a letter dated July 2, 2007 to Fred Tonsberg regarding this matter of Lot Releases for lots in the Indian Pond Estate Subdivision. Mr. Tonsberg being not in attendance at this meeting.

Motion: Dennis Randall leaving this matter open and continued to a date certain; namely, Monday, August 27, 2007

Second Mike Ruprecht. Mr. Bouchard, Chairman, asked for the vote of the members, and it was

Voted 4 —0.

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Departmental Bills

Tom Bott brought up the subject of some bills submitted by Horsley & Witten on behalf of the Indian Pond Estates projects. Tom offered to make copies of them but Committee Members said they didn't need them; however, the question arose as to whether they were costs for legal matters or consulting work.? Dennis Randall stated that he thought we should cover the cost but would also like to see us try to recover some of the costs. Tom Bott asked if we could spend some of the money we are holding on this project to fight some open/pending matters in Court. He continued that we should not be paying engineering costs for their work with Mr. Tonsberg they are representing the applicant, not us. Dennis Randall stated that it may be a legitimate bill but what legitimate source is going to pay it? After much discussion on this matter, the bill was signed by the Members for payment.

Bearses Way

The next matter to come before the Board was Bearse's Way to review minor modifications to a subdivision plan and conditions of the special permit. After discussing these matters, a Motion to approve the Plan and the Conditions of the subdivision waiver.

Motion: Sue Farrell

Second: Mike Ruprecht.

There being no other comments put forth, the vote was taken by the Chairman and it was so

Vote: 3 -0- 0

Tom Bott did mention a new project — could be a 40-B on some land owned by the Balboni family. Mr., Ruprecht mentioned that there might have to be improvement made on Independent Mall Way according to increased traffic.

9:05 p. m. Motion to adjourn:

Motion: Dennis Randall

Second: Mike Ruprecht

Vote: 3-0-0

Respectfully submitted.

Ruthann Cassidy (Vacation Secretary)