



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

PLANNING BOARD August 11, 2008
Planning Board Meeting Minutes

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

Meeting opened at 7:03 p.m.

Open Forum – Nobody was present for open forum

7:10 p.m. -The Board reviewed the July 28, 2008 minutes.

Motion to approve as presented – Dave Gavigan

Second: Mike Ruprecht

Vote: 3-0-0

7:15 p.m. - Town Meeting Discussion

September 29, 2008 is the date for the Fall Special Town Meeting. The board has 2 petitioned articles for 2 zoning changes at 155 Summer Street, and expects to have two more petitioned articles for 2 zoning changes at a property on Main St. Also, street acceptances at Tall Timbers Estates Phase III, as well as a trail acceptance at Tall Timbers. Village at Russell Pond street acceptance request has issues that have not been resolved, as of this date. The Planning Board will hold hearings for these articles on September 8, 2008.

7:20 p.m. – 40R Update

At the Selectmen's August 5, 2008 meeting, the board voted to permit Thorndike Development to prepare the EIR (Environmental Impact Report) for town owned land where roads and ramps are required in order for the 40R are to be built. Copies of the EIR will be submitted to the Town Administrator, Town Planner, Planning Board, Conservation Commission, Water Commission and Sewer Commission, prior to being filed with MEPA.

7:25 p.m. – William Gould Way Extension in Plymouth

Jeff Angley was present representing Waterhouse, LLC. To update the board on the proposal to extend the roadway into Plymouth. They have a tree hearing scheduled for September 2, 2008 with the Highway Dept., before the BOS meeting. The board had previously asked them to design the drainage for the upper portion of WGW, that the Town of Kingston would install as one of the requirements to extend the road. The signalization of the lights, that had been

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previously addressed, was discussed as well as the drainage design. Bill Shaw brought a copy of the plan, and stated that the problem with the drainage was that there were berms installed, that were not part of the original Lowe's plan. The berms are creating water to flow more heavily and create run-off. He does not feel it is appropriate for them to design the upper part of the roadway, and that the board should go back to the original approved plan. He feels the problem would be solved if the berms were removed. Tom Bott stated that BSC Group was the Planning Board's engineer and there was a fast track approval, as it was a political consideration, and there was no engineer on site at the time of the construction, as there should have been. He also stated that there was no request to design drainage at the top of the hill, only the upper portion. There was also no obligation to build. Bill Shaw stated that the design shown tonight is considered a preferable design today. Waterhouse also stated that as far as the signalization is concerned, they don't feel it should be done now, but rather when the project is complete, as it will just need to be readjusted again at build out. Tom Bott stated that it may have to be done twice, but the Police Chief and residents would like to have it done now. He suggested their P.E. send the request to Mass Highway. Mike Ruprecht asked who fixes the timing. Bill Shaw stated that Mr. Mueller has to re-time the signals, and it may not be changing it by 15 seconds as suggested, but rather peak traffic patterns would have to be considered, and that it may be not be viable to change the timing at all after that consideration. It may be inconvenient, but it's not necessarily a mistake. Dennis Randall wanted to know why the berms were added and that the board should find out why they were and who was responsible. Tom Bott stated that the engineer should have been on the site, it's a simple answer, and it was not his decision to make. Mike Ruprecht preferred having a full board before discussing further, and they can collectively come up with ideas to fix the situation. Dennis Randall said to continue until September 22. Mr. Angley stated that the tree hearing is September 2, and they go before the BOS then and he wouldn't want to have to delay until September 22. Tom Bott stated that the BOS would want to have a recommendation from the Planning Board before a meeting with them. Tom Bott suggested meeting at the Town House with Paul Basler to try to work through some of the issues. The applicant agreed.

8:00 p.m. – Recess

8:05 p.m. – Tree Farm Landing

The applicant requested a continuance until September 8, 2008 at 7:30 p.m.

8:12 p.m. – 40R Application

Tom Bott gave to the board and Lindsey Wilson a 17 page copy of a Smart Growth Application Form for their review. Also contained in the application was a 2 page LEEDS guideline. Tom Bott explained that Lindsey Wilson would also be reviewing the application and providing comments to the board. Discussion regarding Master Plan and Site Plan. Dennis Randall stated he would like to have a Master Plan first. Dennis stated it was too fuzzy not having the Master Plan first. Lindsey Wilson explained that the Master Plan was an overview, the Site Plan was specific to the project. He stated that both things can be accomplished simultaneously. Dennis Randall asked if there was any activity at the site now. Lindsey stated the O'Donnell's still own the property and anything going on belongs to them. O'Donnell's have an easement with MBTA and an existing grading plan allows them to remove earth. MBTA gave them permission to

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remove earth from the easement. Dennis Randall explained the earth removal permit and what was allowed. He stated that the earth removal was not being done for the benefit of the MBTA but for the benefit of the land owner. He would hate to see the site plan submitted and the earth removal done before an earth removal permit was granted from the town. Mike Ruprecht stated that he didn't see any problem with this. Thorndike Development did not ask for earth removal. If the owner of right has an earth removal permit and the project is in line, it's a smart thing to do. Thorndike has not applied for an earth removal permit. Dennis Randall asked Lindsey if he had anything else to add to the discussion. Lindsey stated Thorndike does not own the problem. Dennis stated there should be no additional dirt taken without a site plan. Lindsey stated again that Thorndike doesn't own the land and didn't ask for earth removal. It is up to the Town to determine if it's the right thing to do. The O'Donnell's have earth removal rights – it's up to the Town, not Thorndike.

Discussion regarding the application. Mike Ruprecht stated that some items may not be applicable to the project on the application and that Thorndike has done these projects before, so it would be prudent to have them review it also, and make recommendations to the board. Tom Bott said he will also pass comments on to Concord Square and Town Council. The board continued until August 25, 2008 at 8:35 p.m. Lindsey will bring back comments at this time.

8:35 p.m. – L. Knife Site Plan

Discussion regarding May 2004 site plan. A pond was created for fire protection reasons in addition to dealing with storm water issues. The board approved the plan with the pond August 2004. The pond is a combined storm water and fire suppression feature. One of the conditions originally discussed by the Planning Board was the requested upgrade to the water service for Fire protection. The Fire Code allows a cistern/pond to draw on for fire protection. The changes to the drainage system were reviewed by Conservation and considered a minor deviation. Tom Bott will ask the town's peer reviewer to review the sizing of the pond. The Building Inspector and the Fire Department's reviewer will also have to sign off that the pond is properly sized to accomplish two tasks.

8:45 p.m. – Executive Session

Roll Call Vote to enter Executive Session and not come back to Regular Session

Dennis Randall – YES
Dave Gavigan – YES
Michael Ruprecht – YES
Susan Boyer – YES

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EXECUTIVE SESSION

Roll Call Vote

Dennis Randall – YES

Dave Gavigan – YES

Mike Ruprecht – YES

Susan Boyer – YES

Tom Bott explained that the Planning Board has filed a motion and the developer does not agree with what the Planning Board has stated. The board would like Tom Bouchard to sit down with the developer and the engineer and the Town Planner to discuss present situation. Discussion regarding Mr. Tonsberg being out of compliance with the rules and there not being enough bond money to repair the roads. There also needs to be 2 ½ inches added on the pavement.

Roll Call to adjourn Executive Session:

Mike Ruprecht – YES

Dave Gavigan: YES

Susan Boyer – Present not voting

Dennis Randall: YES