



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

PLANNING BOARD September 6, 2006
Planning Board Meeting Minutes

Members Present: Dennis Randall, Joel Michaud, Thomas Bouchard, Susan Farrell, Mike Ruprecht and Thomas Bott

Present from L. Knife and Sons: John Sullivan, Brian Maguire and another unnamed attorney.

Present from Bay View Associates: Kristen Nolan, Kieran Nolan, Dina Furlong, Lee Brock, Dan Sears and other unnamed members from the neighborhood.

The Board held the meeting at the Faunce School and was recorded and taped. The Special Permit Conditions hearing opened at 7:30 p.m., with all members present. Thomas Bott gave an overview of the project in regards to the Special Permit and the much discussed timing of the buffer submission. Thomas Bouchard also discussed members who were present at the original hearing, Jim Coleman and Ed King, who had since been replaced at the April 2004 election with new members, Joel Michaud and Dennis Randall, and the alternate, Penny Svenson had since resigned. Thomas Bouchard stated this had been discussed with Betsy Lane of Kopelman and Page, and she had advised the board that this was acceptable and to update the new members on the previous hearings. Thomas stated that the board members that were present tonight would be voting on the Special Permit. The board then discussed the revised site plan showing the berm, that the board had requested the applicant to provide. Town Counsel said, in their opinion, if the revised plan was submitted just to satisfy the requirement that the plan be revised to show the berm, it shouldn't be a problem. Thomas Bouchard said that if there's a problem with a minor modification then the board could keep what was approved on the original plan. Dennis Randall said the third option would be to deny the Special Permit as a result of an incomplete application. The site plan with the berm came in July 26, 2006 and was not subject to a peer review. Thomas Bouchard reminded the board that the L. Knife plan showing the buffer was offering a better buffer than what was originally there and more than what was asked for to begin with. It was better for the neighborhood. Dennis Randall didn't agree it was a minor modification, he felt it was a major modification. Susan Farrell said she had been on the board for 15 years and slight improvements has always been a minor modification. A road change would be a major modification. Mike Ruprecht agreed. He said that they were asked to come with a plan showing the buffer, and although lighting and sound tests are yet to completed, it can be put in the order of conditions that they will be done before an occupancy permit is issued. Discussion began about the placement of the berm on Brewster Ave, a paper street. Mr. Bott stated that the neighbors own half the paper street, up to the double lines. He suggested wrapping the berm along the side of the road past Mr. Sears house. Paul Armstrong advised the board that a paper street can be used for a passive use, which this would be. Thomas Bouchard called for a vote on the minor modification.

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Motion: Mike Ruprecht motioned to accept the site plan showing the new berm as a minor modification.

Second: Susan Farrell

Betsy Lane called in on the speaker phone. Board once again discussed minor/major modification and requested Town Counsel's opinion.

Back to the vote –

Vote: 4-1-0 to accept berm on revised site plan as a minor modification

Thomas Bouchard suggested moving on to the conditions of the Special Permit.

1. No trucks may enter or leave the site during the periods identified by the Town as school bus times in the morning or drop off times in the afternoon. L. Knife will send notices annually to all shippers of this restriction and cc'd to the Planning Board.
2. With the exceptions noted in condition #1 that trucks with recycled products cannot leave or enter before 8 a.m. or after 4 p.m. Monday through Friday. No recycle truck traffic on the weekends.
3. No storage of saleable product is allowed in the addition other than recycled products.
4. The berm, fence and landscaping depicted in the site plan is to be constructed by the petitioner prior to the issuance of a building permit for the addition. The effectiveness of the noise and light buffer shall be certified by an engineer to comply with Section 6.7 prior to the issuance of a building permit. The proposed berm will be extended beyond Lot 89 to exclude any Town owned property or right of way. Repair and maintenance of the buffer is the responsibility of the applicant.
5. The applicant shall provide and install safety signage through the neighborhood emphasizing the need to drive slowly and cautiously over the residential streets and consult with the Town of Kingston safety officer for any additional signage. Additional Town of Kingston signs created at L. Knife's expense will be placed annually at the end of Spring St. and the end of L. Knife's property that no entry is permitted during the posted bus pick up and drop off times.
6. No processing of recycling except between 8 a.m. and 5 p.m. Monday through Friday.
7. As stated to this Board by the petitioner in support of its request for this permit, there shall be no increase in traffic at the site as a result of the construction of the addition. Accordingly, as a condition of receipt and use of this Special Permit, the applicant agrees, and the board requires that for a period of 10 years from the issuance of the occupancy permit for the addition, there will be no increase in traffic to or from the site. Verification of traffic increase to be determined by the Planning Board's engineer, cost to be borne by the applicant.

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8. The applicant shall meet and abide by all Kingston Zoning By-laws Performance Standards as stated in Section 6.7 of said Kingston By-Laws.

Discussion regarding base line traffic study, size of trucks traveling the neighborhood, and other related issues. Joel Michaud stated DOT sets standards for the size of trucks.

Motion: Michael Ruprecht to approve conditions as stated above

Second: Susan Farrell

Unanimous

Michael Ruprecht - YES

Susan Farrell – YES

Joel Michaud – YES

Dennis Randall – YES

Thomas Bouchard – YES

5-0-0

The board adjourned at 9:40 p.m.