

Kingston Planning Board
26 Evergreen Street
Kingston, Massachusetts 02364

Planning Board Meeting Minutes
February 28, 2011

Members Present – Tom Bouchard, Bob Gosselin, Mike Ruprecht, David Gavigan, Ron Gleason.

Meeting opened at 7:20 p.m.

The board motioned to accept the February 14, 2011 meeting minutes as presented

Motion: Dave Gavigan
Second: Mike Ruprecht
Vote: 4-0-0

Tom Bouchard was not at the meeting and abstained.

7:25 p.m. - Communications

CPTC training classes for the Planning Board members is available March 19, 2011. Mike and Ron are considering going.

7:30 p.m. – Site Plan Baker Avenue – continuance

Motion: Ron Gleason to continue the site plan hearing until March 14, 2011 at 7:05 p.m.
Second: Bob Gosselin
Vote: 5-0-0

7:35 p.m. – Special Permit Dunkin Donuts

Motion: Ron Gleason to continue the hearing until March 28, 2011 at applicant's request
Second: Mike Ruprecht
Vote – 5-0-0

7:40 p.m. – Independence Mall Update – Theater

Attorney John Wyman has contacted the board and wants to know if the mall theater expansion would require another site plan. The board felt the existing and latest site plan along with the Raboth Road maintenance agreement was sufficient.

Motion: Ron Gleason that the existing and latest site plan dated November 17, 2006 revised through June 23, 2008, along with the Raboth Road maintenance agreement was sufficient.

Second: Mike Ruprecht

Vote: 5-0-0

7:45 p.m. – Cumberland Farms Special Permit

Bob Gosselin read the hearing notice for the Special Permit. The Board opened the hearing, however the applicant was not present because they need to get a variance from the ZBA. Tom Bouchard took comments from the public. Mark Guidoboni addressed the board, stating that Cumberland Farms was now open 24/7 and that there were safety concerns at this part of town with abandoned buildings, and the proximity to his neighborhood. He would like applicant to check with the sewer department and the police for comments on the Special Permit. Mike Samos of 23 Crescent St. stated the he lives next to the store and would not have bought his house had he known they were moving and would be open 24/7. He has a lighting and noise complaint. He stated he also was never notified of the extension of hours at the new location. The board motioned to continue the Special Permit and Site Plan for March 28th at 7:20 and 7:21 respectively.

Motion: Ron Gleason

Second: Dave Gavigan

Vote: 5-0-0

8:00 Hearing Zoning Articles for Town Meeting

To see if the Town will vote to amend the Town of Kingston Zoning By-Laws by changing Section 4.17.3.9.1. Setbacks for Large-Scale Ground-Mounted Solar Photovoltaic Overlay District regarding side and rear yard setbacks by striking the word “front” in each subsection and replacing it with the word “side” and “rear” respectively so that the revised section will read.

(b) Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the ~~front~~ side yard shall not be less than 50 feet.

(c) Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the ~~front~~ rear yard shall not be less than 50 feet.

Motion: Mike Ruprecht to recommend changes

Second: Ron Gleason

Vote: 5-0-0

To see if the Town will vote to amend the Zoning By-Law Section 3.2.2. to reflect changes in FEMA Flood Maps so that the revised section will read:

3.2.2. The general boundaries of the Flood Plain District are shown ~~in~~ **on the current** Kingston Flood Insurance Rate Map (FIRM), ~~dated July 2, 1992, as Zones A, A1-30.~~ The exact boundaries of the District are defined by the one hundred (100) year water surface elevations shown on the

FIRMs and further defined by the Flood Profiles contained in the **current** Flood Insurance study, ~~dated February 5, 1985~~. The floodway boundaries are delineated on the **current** Kingston Flood Boundary Floodway Map (FBFM), ~~dated August 5, 1985~~, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These ~~two~~ maps, as well as the accompanying Study, are incorporated herein by reference and are filed with the office of the Town Clerk, Planning Board, Inspector of Buildings and Conservation Commission.

Motion: Dave Gavigan to recommend changes
Second: Bob Gosselin
Vote: 5-0-0

To see if the Town will vote to amend the Zoning By-Law **Section 4.12. Flood Plain Overlay**. to reflect changes in FEMA Flood Maps so that the revised sections will read
4.12.1.2. The Flood Plain Overlay District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plains and with the following:

Motion: Bob Gosselin to recommend changes
Second: Dave Gavigan
Vote: 5-0-0

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.0, ~~Flood Resistant Construction~~ **Appendix 120.G**);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
- Coastal Wetlands Restriction, DEP (currently 302 CMR 4.00);
- Minimum Requirements for the Subsurface Disposal Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)

4.12.3.2. Located within the Floodplain Overlay District are areas designated as coastal high hazard areas (V Zones – as designated on FEMA flood insurance maps). Since these areas are extremely hazardous due to high velocity waters from tidal and storm surges, all new construction shall be landward of the reach of the velocity zone and be in accordance with paragraph 4.12.2. ~~In addition, the following provisions shall apply to all existing residential structures located within the V-zones:~~

a. ~~All existing residences, which propose to increase living space, shall comply with the Massachusetts State Building Code and FEMA regulations and shall connect to the sewer system as soon as it becomes available.~~

Motion: Bob Gosselin to recommend changes
Second: Dave Gavigan
Vote: 5-0-0

4.12.3.3. a.

Floodway Data. ~~In Zone A, A1-30, and AE,~~ **A Zones (A, AE, AH, AO, AR, A99)** along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Motion: Bob Gosselin to recommend changes

Second: Dave Gavigan

Vote: 5-0-0

4.12.3.4.

a. In ~~zones A1-30 and AE,~~ **A Zones (A, AE, AH, AO, AR, A99)** along watercourses that have a regulatory floodway designated on the Kingston FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. Man-made alteration of sand dunes are prohibited within ~~Zones V1-30, VE, and V~~ **V Zones (V, VE)** which would increase potential flood damage.

d. Placement of underground storage tanks for fuel is prohibited in A Zones and V Zones.

4.12.3.5. Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

-- Adjacent Communities

-- NFIP State Coordinator

Massachusetts ~~Office of Water Resources~~ **Department of Conservation and Recreation/Floodplain Management**

~~100 Cambridge Street~~ **251 Causeway Street Suite 800**

~~Boston, MA 02202~~ **02114-2104**

Ph. 617-626-1406

-- NFIP Program Specialist

~~FEMA Region I, Room 462~~

~~J.W. McCormack Post Office & Courthouse~~ **99 High Street 6th Floor**

~~Boston, MA 02109~~ **02110**

Ph. 617-956-7506

Motion: Bob Gosselin to recommend changes

Second: Dave Gavigan

Vote: 5-0-0

The Board motioned to adjourn

Motion: Dave Gavigan

Second: Ron Gleason

Vote: 5-0-0