

Kingston Planning Board
26 Evergreen Street
Kingston, Massachusetts 02364

Planning Board Meeting Minutes
June 27, 2011

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

Also Present: Mark Bobrowski, Town Counsel

Meeting opened at 7:10 p.m.

The Board reviewed the minutes of June 13, 2011 and made changes.

Motion: Dave Gavigan to accept the minutes with changes

Second: Ron Gleason

Vote: 5-0-0

7:15 p.m. – Communications

Mike Ruprecht stated that Dolly MacAdams watches all of the Planning Board Meetings on tv and he just wanted to say hi to her.

7:20 p.m. New England Villages Subdivision and Site Plan

Tom Bott stated that the applicant is still going through the Conservation Commission and should be finished by July 5, 2011. The Board motioned to continue the hearing until July 11, 2011 at 7:12 p.m.

Motion: Mike Ruprecht to continue the Subdivision until July 11, 2011 at 7:12 p.m.

Second: Ron Gleason

Vote: 5-0-0

Motion: Dave Gavigan to continue the Site Plan until July 11, 2011 at 7:13 p.m.

Second: Ron Gleason

Vote: 5-0-0

7:25 p.m. – Dunkin Donuts Special Permit and Site Plan

Tom Bott gave an overview of what has transpired to date. The applicant has an outstanding invoice of \$4096.82 and Attorney Bobrowski has drafted a decision. The board would prefer not moving ahead with a decision or closing the hearing until the bill is paid. Dave Baker addressed the Board stating there is no dispute about the outstanding bill. Motion to wave reading the notice.

Motion: Ron Gleason
Second: Dave Gavigan
Vote: 5-0-0

Dave Baker addressed the Board. He stated he was surprised by the vote. He said he met with Mr. Cadette and they were hypothetically thinking that this is the best situation to address the concerns of the Town. Doing nothing is not an answer. The outcome of a denial is not feasible and it can't be made into a perfect site, but they can improve the site internally. The drive-thru is crammed. He stated that he is presenting the best plan and the vote is not serving Dunkin Donuts well. Mike Ruprecht stated he want to continue the hearing until the check is paid. Dave Baker stated that Town Counsel is here tonight because of the previous appeal and he said he had no idea if they would appeal a negative decision. Rob Kraus stated Dunkin Donuts may not stay at that location. Tom Bouchard stated he feels that Dave Baker is an honorable man, but he has had experiences where applicant have stated they would do things for the Town and never followed through, one being the piece of land that MIT owned. But it's not a matter of believing someone, but a matter of protecting the Town. He further stated that Gary Hebert, the Town's peer reviewer, stated that he could not say that the changes to the site would keep up with the growth if another viable coffee shop went into the spot. John Geary of Geary Associates, and neighbor to the site had written a letter in opposition. Dave Baker said he would write a personal check and have the Board vote tonight. Tom Bouchard stated it was up to him if he wanted to do that, the board could vote tonight. Applicant decided to have the board continue the hearing until July 11, 2011.

Motion: Ron Gleason to continue the Special Permit hearing until July 11, 2011 at 7:15 p.m.
Second: Mike Ruprecht
Vote: 5-0-0

Mark Bobrowski stated he would need an extension letter for the Site Plan. Applicant and Mr. Bobrowski decided on a July 15, 2011 extension date for the Site Plan. Mr. Bobrowski would write the Site Plan if one is necessary, by that date, in the event the Special Permit is denied, it would be a mute point and unnecessary. Mark requested that Rob Kraus send the extension letter by June 28, 2011, the following day. Mr. Kraus stated he would do that.

7:55 p.m. – The Mews – Baker Ave.

The Board asked Mr. Kraus what the status was of the project. He stated that the applicant has decided to do Several Form A Plans instead of the subdivision. The board continued the hearing until July 11, 2011 at 7: 20 p.m.

Motion: Dave Gavigan to continue the hearing until July 11, 2011 at 7:20 p.m.
Second: Ron Gleason
Vote: 5-0-0

8:00 p.m. – Kirkland/O’Donnell Commuter Parking Lot

Ms. Kirkland is making progress with the parking lot and has communicated deadline dates for completion to the Board and the Board is satisfied with the progress she has made. The Board motioned to hold off on legal action of an injunction until further notice.

Motion: Mike Ruprecht instruct Town Counsel to hold off issuing an injunction until further notice

Second: Bob Gosselin

Vote: 5-0-0

Tom Bouchard stated he would like the Board to continue the policy of not closing or voting on any hearings until all bills are paid by the applicant.

The Board signed bill and adjourned.

Motion to adjourn: Ron Gleason

Second: Dave Gavigan

Vote: 5-0-0