



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

**PLANNING BOARD December 27, 2004**  
**Planning Board Meeting Minutes**

**Members Present:** Mike Ruprecht, Susan Farrell, Penny Svenson, Ed King.

**7:05 p.m. – Meeting opened**

Mike Ruprecht opened the meeting. He would like Mr. Bott to check with the fire and police department on the status of the emergency access at Indian Pond Estates. Mr. Bott said they have stopped using the emergency access, but will check to make sure. Mr. Ruprecht said he would like some input now. Is Mr. Tonsberg still coming in to the Planning Board on the 10<sup>th</sup>. Mr. Bott hasn't heard otherwise.

**7:07 p.m. - Mr. Bouchard arrived.**

Mr. Bouchard asked if Joel Michaud was coming to the meeting. Thomas Bott said he got a call from Joel that he was on the Cape and was stranded because of the snow storm.

**7:10 p.m.** -The Board reviewed the minutes of December 13, 2004. The board approved with changes.

**7:15 p.m. – William White Special Permit**

Nancy Erbe was here for William White. Nancy read a letter from Paul Armstrong that the concern was the construction materials and the parking lot being used for unregistered vehicles. He said that the Erbe Construction vehicles were not an issue as long as they were registered. Also, Nancy said the materials didn't belong to Erbe, but rather to Mr. White, but they were also removed. She wasn't sure she needed a special permit for construction parking. Mr. Bott stated that the question was that the site plan that showed the parking spaces, was not very clear. Nancy said she had redrawn the parking spaces so they were easier to read. Mr. Bott said this was also in the overlay district, which could be a concern. Mr. Bouchard said to come back to the board after the board had a chance to speak with Paul Armstrong. Nancy wanted to know what more was needed on the plan. Mr. Bott said if we find we don't need a special permit, it can be withdrawn. The Board motioned to continue the hearing until January 10, 2005 at 7:10 p.m. until they had a chance to talk to Paul Armstrong.

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### **7:20 p.m. – Cobblestone Lane Special Permit**

Jack O'Leary of Casa Development and Richard Beale of A.W. Perry were present. They explained that Attorney Galvin could not be present tonight. They have spoken to Paul Basler about the drainage easement. They will have an access barrier gate to prevent vehicular access. Mr. Bott said that in reference to the proposed easement, they could run the easement right along the cart path that already exists. He also stated that he has spoken to Town Counsel and licenses are not preferred over an easement.

Mr. Beale stated that long-term development of the site is still speculative, and that he has worked with other towns in this same venue. Mr. King said the decision could be worded that the easement would take place if and when a development is built. Mr. Beale said he's not sure he wants to be locked into something. Mr. O'Leary said it could be part of the decision to have a license at the time of the lot releases. At that point, the license would become an easement, therefore it wouldn't be recorded until the lots were released and deeded. The Board motioned to continue until January 10, 2005 at 7:35 p.m. Mr. Bott will put together a decision for the Boards approval.

### **7:35 p.m. – Susan Tresham Accessory Housing Special Permit**

Ms. Tresham explained that she has a pre-existing apartment in her home that has been used by her stepdaughter before she purchased the house. She would like to rent it out, and would like to obtain a Special Permit to do so. Ms. Tresham explained that she has owned the house for 5 years. Mr. King asked why now is she coming before the board. She said her stepdaughter was living there, and then she had a bad tenant, and would like the apartment to be legitimate. Mr. King said in order for the board to approve it, it would have to be owner occupied. Mr. Ruprecht asked if anyone had ever filed before. Mr. Bott didn't know. Mr. Bouchard asked if anyone in the public wanted to speak. Nancy and Jerry Cicierega of 17 Summer St. were present and had no problem with the permit. Mr. and Mrs. Recke of 21 Summer St. had some questions about the unit. They said that it should be kept to the same intensity schedule as what it was originally used for which was for veterans. Mr. Bouchard said they have applied for what is allowed according to the by-laws. Mr. Recke said they have a large driveway, but there are several cars there – are these all for this one apartment, or for several tenants. How many people are living in the house?

Ms. Tresham said it is one family living there. She has 4 children, and her mother lives with her, a stepdaughter, her baby, and her boyfriend. Mrs. Recke wanted to know how the conditions are enforced for the accessory housing? Mr. King said it was a valid point, it was difficult to enforce and the town hopes the people live up to it. Mr. Recke wanted to know if they would have to have 2 betterments, when the sewer comes in. The Board was not sure. Mr. King asked if the neighbors are comfortable. Mr. Recke said it was the best they could hope for. Mr. King made a motion to close the public hearing. Mr. Ruprecht second. 5-0-0. Mr. King made a motion to approve the accessory housing unit with the following conditions:

- 1 - The house remains the primary residence of the owners.
- 2 - The permit would expire at the time of the sale of the house.
- 3 - No expansion of the rental property

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Mr. Ruprecht second. 5-0-0

### **8:05 p.m. – MacFarland Farms**

Chilton Development is requesting the release of one lot in MacFarlane Phase II to construct a model home. There would be no pavement and they would not convey the house until the pavement was done. Mr. King said it was not a good idea. They would be going down a slippery slope. They should have the pavement before the release of the lot. The board unanimously agreed not to release the lot.

**8:07 p.m.** – Penny Svenson excused herself and left the meeting.

### **8:10 p.m. - Ferrioli Earth Removal Discussion**

Mr. Bott explained the site the applicants wish to earth remove. It is next to the Plymouth Wal-Mart. The Board questioned why they needed to remove dirt from the site. They suggested the applicant submit a site plan prior to the earth removal permit.

### **8:15 p.m. – Applications Petitions and Plans**

Mr. Bott explained he would like to change the form for Applications Petitions and Plans to read:

#### **ANR Plan (Form A)**

3. Certified Abutters List –within “300 ft” of the property line of the petitioners.
4. Stamped addressed envelopes for certified abutters – DELETED

#### **Sub-Div. Plans**

#### **Prelim/Defin.**

3. Certified Abutters List – within “300 ft” of the property line of the petitioners.

The board voted unanimously to change the form to read as above – 4-0-0.

### **8:30 p.m. – Summer Hill Inspection Account Funds**

Mr. Bott explained that Mr. Iantosca has inquired about release of the developers funds. There was some discussion about the size of parking spaces as a condition of release of the funds. Discussion of release of \$1591.14. Mr. King motioned to refund \$1591.14 unless Mr. Iantosca Can prove more monies are owed to him. Mr. Ruprecht second. 4-0-0.

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### **8:40 p.m. – Clearing Farm Rd. & Parting Ways Rd.**

The Board received a letter from Bob Gosselin about the poor site distance at this above-mentioned intersection. The Board agreed that the review engineer for this project was Horsley & Witten, and that Paul Basler would need to go out and look at the road.

The Board discussed schedules for the month of January.

Mr. King motioned to close the meeting at 8:45 p.m. Unanimous