



**Office of
Kingston Planning Board**
Town House
Kingston, Massachusetts 02364

PLANNING BOARD MEETING MINUTES SEPTEMBER 27, 2004
Approved by Planning Board

7:00 pm Meeting called to order. Members present: Mr. King, Mr. Ruprecht, Ms. Svenson, Ms. Farrell and Town Planner Mr. Thomas Bott

Board discussed that review of secretary would be done with Mr. Bott and forwarded to Town Administrator

7:07 Mr. Bouchard and Mr. Michaud arrived

Board discussed attendance at next meeting. Mr. Bouchard and Mr. Ruprecht will not be available October 4th, 2004. Board's next regularly scheduled meeting to be held on October 25th, 2004. Ms. Farrell asked about a bi-annual meeting with Plymouth, Mr. Bott will check and schedule.

Board received a letter from Attorney Robert Kraus withdrawing the Special Permit matter of Sullivan Brothers, without prejudice.

Board reviewed meeting minutes of August 23, 2004.

Mr. Ruprecht motioned to accept minutes as presented

Mr. King 2nd

Voted three in favor: Mr. Ruprecht, Mr. King, Mr. Bouchard

Abstained: Ms. Farrell and Mr. Michaud

Board reviewed minutes of September 13, 2004

Mr. Ruprecht motioned to accept minutes as presented

Mr. Michaud 2nd

Voted four in favor: Mr. Ruprecht, Mr. Michaud, Mr. Bouchard and Ms. Farrell

Abstained: Mr. King

7:25 Mr. Bott read notice for a Special Permit, Joan Davis, Wapping Road.

Ms. Davis explained that she wanted to open a Hair Salon in her home.

Mr. Ruprecht asked Ms. Davis about disposing of dyes. Ms. Farrell stated that the applicant should meet all State requirements.

Board reviewed driveway and parking situations.

Ms. Farrell asked how many employees will be hired, Ms. Davis answered none.

Mr. King stated that the permit will expire upon sale of the property, the applicant agreed. Ms. Carol Caruso, Wapping Road, spoke regarding this issue, stating "she had no problem with it". Mr. Kevin McGowan asked if this would be limited to no employees. Board explained that the Bylaws allow for 2 employees. Ms. Davis stated she would have no problem with approval contingent upon "no employees".

Ms. Farrell motioned to close the hearing

Mr. Ruprecht 2nd

Voted unanimous

Mr. King motioned to grant Special Permit, subject to no employees, such permit to expire upon sale of the property and the applicant must meet all State requirements regarding disposal of products.

Mr. Ruprecht 2nd

Voted unanimous

7:35 Mr. Bott read notice for Special Permit hearing to divide two dwelling on a single lot, Summer Street, into two separate lots.

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Board reviewed plan

Dwellings are currently 3 feet from one another. Mr. Bruce Juniors explained that homes are 200 years old and he simply wants to divided the lot, no work on either house is planned.

Mr. King will not vote on Special Permit as he is taking notes and other 5 members are present. Alternate, Ms. Svenson, will vote. Board discussed if both dwellings were houses or outbuildings at the time that Zoning was enacted.

Mr. Bott explained that State Law says 2 “buildings” not “dwellings”, and feels both buildings are substantial.

Mr. Bouchard feels that numerous homes have outbuildings that pre-date Zoning, and has a problem with people dividing lots with older outbuildings.

Petitioner feels both buildings are substantial dwellings. Mr. Bouchard stated he would like to see proof that both buildings were indeed dwellings prior to Zoning.

Mr. Ruprecht stated he feels both building are substantial, and this should be granted.

Mr. Michaud asked about baths and kitchen in 2nd structure.

Petitioner said house was remodeled in 1976 and remnants of older plumbing remain. He plans no renovating to either structure; he simply put in a 2nd driveway.

Mr. Ruprecht motioned to close the hearing

Mr. Michaud 2nd

Voted unanimous

Mr. Ruprecht motioned to grant the Special Permit

Mr. Michaud 2nd

Voted four in favor: Mr. Ruprecht, Mr. Michaud, Ms. Farrell and Ms. Svenson

Opposed: Mr. Bouchard

Abstained: Mr. King

7:55 Cobblestone Lane continued to October 25th, 2004 @7:15 pm

7:50 Mr. Bott received a letter to withdraw Special Permit Application, Sullivan Bothers Mitsubishi

Mr. Bott read notice to Board

Mr. Ruprecht asked if withdrawing the application Mitsubishi would be leaving the site.

Mr. Robert Kraus said that is indeed an option.

Mr. Ruprecht wants some assurance that they will indeed be leaving the site

Continued November 22nd, 2004 7:15 pm

8:02 Mr. Robert Kraus discussed Special Permit application for Copperwood and weather to re-advertise. Explained that they continued without knowing who would be sitting on the Board, and feel abutters have been included in the process. Applicant has proceeded with Engineering and Traffic Studies, and is now before the Conservation Commission. Applicant want to continue with process with present acting Board, feels advertising again could create problems.

Mr. Bott gave his overview that the abutters were told at a prior meeting that this project would not be heard that evening.

Mr. Bouchard explained that Copperwood was crossed off the agenda at a previous meeting.

Ms. Farrell feels that this is an appeal able issue, if we proceed with hearing this evening.

Mr. Kraus read correspondence that gave an explanation of the mix up.

Mr. Ruprecht questioned citizens present

Ms. Jennifer Hicks, 99 Summer Street, was told by Christine not to attend meeting

Mr. Kevin Sullivan, Bradford Road, stopped by Planning Board office and was told that the meeting was off

Ms. Joan Enriques, Foster Lane, was told by Christine, not to attend

Mr. Kraus wants to proceed with hearing this evening, is willing to take chances with appeal at a later date.

Ms. Farrell feels the Board’s participated in error, wants to start over, and is not comfortable with this.

Mr. Michaud feels that due to the fact there were only two abutter there, want to re-advertise.

Mr. Ruprecht wants Town Council to give opinion

Mr. Bouchard stated he wants to get this done

Mr. King motioned to re-advertise and hear it on October 25th, 2004 7:45 pm

Mr. Krause gave legal reasons for not continuing.

Mr. Ruprecht 2nd motion

Not voted

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Applicant agrees to re-advertise and continue on October 25th, 2004 7:45 pm
The Board agreed unanimously.
Mr. Kraus left a legal memo on Bradford Road

8:25 pm Crayon College asked for a continuance, October 25th, 2004 for their Special Permit
Mr. Ruprecht motioned to continue to October 25th, 2004 7:30 pm
Mr. Michaud 2nd
Voted unanimous
Mr. King abstained

Ms. Farrell moved to authorized Mr. Bott to N.E. Planning Conference in Springfield, approximate cost \$400.00
Voted unanimous
Board signed voucher

Mr. Ruprecht questioned if Mr. Bott has been successful resolving issues with Mr. Tonsberg. Mr. Bott will write a letter addressing all concerns, will send via Certified Mail.

Board reviewed bills and signed

Mr. Bott reviewed the draft decision for Ryans Way. Mr. Bott will draw up, will include a buffer on 3 sides, 40' buffer with a 20' no disturb zone, needs wooden guard rail and parking for six cars across the street.
Mr. Michaud motioned to approve conditions 1-6 for Ryans Way
Ms. Farrell 2nd
Voted four in favor: Mr. Michaud, Ms. Farrell, Mr. Ruprecht and Mr. Bouchard
Mr. King abstained

Board discussed requested waivers. Board wants a sidewalk on one side with two sidewalks on the entrance road.
Mr. Ruprecht motioned to approve waivers requested
Ms. Farrell 2nd
Voted three in favor: Mr. Ruprecht, Ms. Farrell, Mr. Bouchard
Opposed: Mr. Michaud
Mr. King abstained

8:41 Mr. King motioned to adjourn
Voted unanimously

MEETING MINUTES RECORDED BY MR. EDMUND J KING JR
TRANSCRIBED & SUBMITTED BY MRS. WENDY DONCASTER