



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

**PLANNING BOARD April 26, 2004**  
**Planning Board Meeting Minutes**

Members Present: Mike Ruprecht, Susan Farrell, Joel Michaud, Tom Bouchard, Penny Svenson, Ed King, Thomas Bott, Town Planner

7:00 p.m. – Meeting opened

**7:05 p.m. – Reorganization of the Board**

Mr. King motioned to nominate Mr. Bouchard as Chairman.  
Ms. Farrell second. Unanimous.

Mr. King motioned to rename Mr. Ruprecht as Vice-Chairman.  
Ms. Farrell second. Unanimous.

Ms. Farrell motioned to rename Mr. King as the Clerk.  
Mr. Bouchard and Mr. Ruprecht second. Unanimous.

Mr. King motioned to send a letter to the Board of Selectman recommending Ms. Svenson stay The alternate. Mr. Bouchard and Mr. Ruprecht second. Unanimous.

**7:12 p.m. – Ryan's Way**

The Board was presented with a plan for Ryan's Way.

**7:15 p.m. – Erin's Path Extension**

Mr. King read the hearing and a letter from Dana Duperre requesting a postponement. Mr. King moved to postpone the hearing until May 24, 2004 at 7:15 p.m. Mr. Ruprecht second. Unanimous.

Mr. King reminded Joel Michaud that he could not vote on any agenda item that had been continued from a previous meeting, and he would not have attended. He also stated that anyone who had a hearing scheduled for tonight, had the ability to rescind their plan if they wanted, and resubmit, thereby having a full board vote on their plan, instead of just part of the Board. Mr. King also stated that if they decided to resubmit, there should be no filing fees.

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### **7:20 p.m. – Conceptual Plan for Clifton Drive**

Mr. Scarzi presented an ANR plan for Dr. Garland who wants to use his 15 acres to build a house for his son. Mr. Scarzi stated that the Town of Kingston could benefit from it with some of the property being donated. Ms. Farrell said they need to meet with Conscom and come back to the Board.

7:25 p.m. – the board reviewed the minutes from the April 12, 2004 meeting. The Board accepted the minutes with some changes.

### **7:30 p.m. – Conceptual Plan - a 2 lot subdivision on Howlands Lane**

Mark Casey and Laura Sullivan informally discussed the plan. They described the 2 lots and they would like to put 2 condos up. 2 –story 3 bedroom 2 bath condos. It would not be a 40B, but it would be affordable. Mr. Ruprecht liked the idea a deeded affordable unit. Ms. Farrell liked it too. Mr. Bouchard is concerned about the wetlands. He would like to go and see the property. He would like Board members to go and look at property. He advised Mr. Casey to see Thomas Butt about setting up a time to return.

### **7:35 p.m. – L. Knife Discussion**

Mr. Sullivan, attorney, handed out pictures to the board of the trees that were removed from the site. He showed the 1989 approved plan. He stated that in October of 2003, L.Knife had written to the residents before their November application was filed, explaining what they were proposing, including adding a fence, with plantings on both sides. He stated that the neighbors knew that the fence was going up, regardless of the outcome of the special permit. They had already purchased many trees, pines, spruce, etc. and they have to get them in the ground. Mr. Sullivan stated that the plantings and fence is on the residential part of their property, and they have a right to put the fence and plantings up. Mr. Bouchard asked Mr. Armstrong for clarification of site plan. The plan to remove existing plantings was on a previously denied plan. Mr. Michaud asked why they removed planting that was pre-existing to replace with more plantings. Why remove a buffer to create a buffer? The board agreed it was a violation. If the fence were in Industrial Zone it would be a 50 ft. setback, if on Residential it would be 25 ft. setbacks. Mr. Bouchard suggested they come back with a site plan to fix the violation. They could come back May 10<sup>th</sup> with a formal submission. Kristen Nolan complained that they are in violation of their plan, and the board is allowing them to come back. She wanted to know what the penalty would be for a violation. Paul Armstrong said generally it would be a fine of \$50, but that would only be if the parties refused to comply with fixing the problem. L.Knife has not done that, and in fact is trying to correct the problem. Mr. Bouchard said that this is not the time for a discussion from the neighbors. Mr. Dennis Randall stated that the aggrieved parties should be able to speak. Mr. Bouchard said that another time would be made available to them. That the Board already knows the complaints from the neighbors. L. Knife will come back with a formal plan.

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### **8:15 p.m. – Bearses Farm**

Don Correa was representing the project. Dan Orwig explained the changes that have been made to the plan. Gary Russell was there from South Shore Survey. Pine explained she has storm water issues. Mr. King suggested they come back on May 10 at 8 p.m. Ms. Farrell second. Mr. Bott suggested they confer with Conscom, Dept. of Health, Highway Dept., and he also suggested that the Homeowners Assoc. plan be sent to Town Counsel.

### **8:45 p.m. – Second Generation Special Permit for Dunkin Donuts**

Bob Galvin is the attorney for the project. Mr. Kelley of Kelly Engineering explained the plan to the Board. The proposed Dunkin Donuts would be on Joseph Street. They are proposing 18 parking spots. Their plan to replace the sewer system, a loading zone would be in the rear of the building, they have already been to Conscom, they are proposing a drive-thru with an outside bypass lane for exiting the drive-thru line, and also making it easier for employees to exit. They are proposing landscaping with shrubbery for increased buffers. It will be Cape cod design and it will be set back a bit from Rt. 27. Mr. King said it looks palatable. Could they consider an “adopt a road” to keep litter from the neighborhood. Mr. Bott said that the rules say he must have 10x20 size parking spaces. Mr. Sapir said that Henny had gotten plans for this proposal, only it was the plans for another town. Mr. Sapir also suggested that Mr. King recuse himself from the vote, as Mr. Galvin, the attorney for the project, is Mr. King’s personal attorney. He said it would be prudent to avoid a conflict of interest. Mr. Sapir then passed out a memo to the Board with Mr. Galvin letterhead on it. Pine said that she wanted to make sure that the wetlands were not all lit up. Ed. Beaumeister and his wife Sandra own 4 Joseph St. and they have no problem with the project, but wanted to know the hours. Mr. Galvin said 5 a.m. til midnight. Dennis Randall said he was concerned about egress. He showed on the plan how congested that area would become at peak times, when school buses and people stopping before work to get coffee, and this may potentially further congest Rt. 27, a main artery in town. Mr. Michaud motioned to continue the hearing until May 10<sup>th</sup> at 8:30 p.m. Mr. Ruprecht second. Unanimous.

### **9:35 p.m. – Cobblestone Lane Definitive Subdivision Plan**

Jack O’Leary, engineer explained the subdivision plan off Pembroke St. There are 5 lots, and one existing house on the lot. They have already been to Conscom. They are requesting 2 waivers. The plan meets R-40 requirements, and will have underground utilities. The subdivision is across from School St. Mr. Bott asked what would happen to the other 25 acres owned by AW Perry. Mr. Gallagher speaking for Cobblestone said they are only interested in developing the lots presented, that they have owned the other 25 acres for a long time, and are doing nothing with them at this time. Pine asked about the storm water, and Mr. O’Leary said that the storm water system would be standard with a natural depression and natural retention basin. Mr. King motioned to continue the hearing until May 24 at 7:35 p.m. Mr. Bouchard second. Unanimous.

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### **9:45 p.m. – Adoption of MGL Chapter 44**

Mr. Ruprecht motioned to continue the meeting til after Mr. King met with the new Treasurer. The Board postponed the hearing until May 24 at 8 p.m.

### **9:50 p.m. – Stoneybrook Falls**

Peter Conant stated that they aren't sure whether they will refile under the new board or not. They wanted to continue the hearing. Mr. King moved to continue the hearing until May 24 at 8:15. Mr. Ruprecht second. Unanimous.

### **10: 00 p.m. – Nail Tech Site Plan**

The Board reviewed the site plan for Nail Tech, at the request of the building Inspector. The Board felt that the shop needed more parking spaces.

### **10:10 p.m. – Sycamore Tree Coffee and Ice Cream Shoppe**

Martin Mitchell is opening a coffee and ice cream shop at 71 Summer St. He needed the signature of the Board on the Application for a License. Mr. Bouchard signed the application, and motioned to have a member called to sign in the future, instead of waiting for the entire board to be present. Only one planning board member is needed to sign the license.

### **10:15 p.m. – ANR Plan for Wharf Lane**

Mr. Angley presented an ANR plan to take 2 existing houses on Wharf Rd. and make 2 lots. The Board was concerned that they may not have actually been 2 "houses" as much as they were "camps", or bunk houses, as was prevelant at the time they were constructed. Mr. Angley stated they are 2 separate houses, and they have 2 separate septic systems, and the houses are self-contained with kitchens, baths, etc. The Board still feels that this requires a Special Permit. Mr. Angley would like to go before the Board of Appeals was requesting that the Planning Board write a letter in favor of the plan, but the Board said that he would need to get a Special Permit first. Mr. King motioned that the Board request a Special Permit to proceed. Mr. Ruprecht second, and stated that the abutters have a right to be notified of the plan also.

### **10:20 p.m. – Lot Releases for Kings Grove**

The Board is concerned about some of the language for a Bond of \$196,000 to release the lots. There is still some work to be done at Kings Grove, and the Board feels the language in the Bond doesn't cover the potential for problems.

### **10:25 – Meeting Adjourned**

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