



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

PLANNING BOARD August 22 2005
Planning Board Meeting Minutes

Members Present: Susan Farrell, Michael Ruprecht, Dennis Randall, Thomas Bouchard, Penny Svenson

7:07 Meeting Opened

The Board of Health presented a plaque for Dennis Randall, thanking him for his 6 years of service to the Board of Health. The Planning Board also congratulated Dennis.

7:10

The Board read and approved August 8, 2005 meeting minutes. The Board signed Department Schedule of Bills.

7:14 - Station St. – Stone Meadow Farms ANR

Access to Lot 2-20 on Station St. was a consideration of the endorsement of the Stone Meadow Farms ANR on Station St. Mr. Webby brought the plan back before the board and the board was advised that it would probably end up in court if they refused to endorse the plan. The Board motioned to endorse the plan with a notation on the mylar. Dennis Randall motioned to endorse the ANR plan with conditions. Mike Ruprecht second. Susan Leavitt of 25 Station St. addressed the board about the electrical easement on her property and the potential for people to trespass on her property via the easement. She asked the board to consider her situation when endorsing the ANR plan. The Board struggled to find the correct wording to cover Ms. Leavitt's property and Access for the ANR lot. The Chairman requested that the minutes reflect the intent to protect the Leavitt's property and prevent trespassers on her electrical easement. The Board added to the mylar that "access to Lot 2-70 must be via Station St, through Lot 2-70 or easement to lot 2-1 as shown on plan as Lot 3-1". The board voted unanimously for the verbiage added.

7:35 p.m. – 116 Main St. Foxcroft Site Plan/ Special Permit

Foxcroft requested a continuation til the next meeting. There was a possibility of not receiving a 4/5 vote on their Special Permit. They preferred to wait. The Dennis Randall motioned to continue the Special Permit until September 12, 2005 at 8:15 p.m. Mike Ruprecht second. Mr. Ruprecht asked the applicant to call to make sure there would be a full board on that date.

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7:40 p.m. – The Board discussed future meeting dates.

In lieu of Columbus Day and Town Meeting, the Board needs to change its meeting days for the Month of October. The Board selected October 3 and October 17 as October's meeting dates. The Board asked to make sure Joel would be available before setting the dates in stone.

7:50 p.m. – MacFarland Farms Bond Reduction

Pete Koska was present with an update from Horsley and Witten and would like to reduce the Bond amount. Mike Ruprecht motioned to reduce the bond amount from \$340,200 to \$263,900 Dennis Randall second. Unanimous – 4-0-0

7:55 p.m. – Brian Johnson Special Permit

Mr. Johnson would like to obtain a Special Permit for a two-story accessory housing unit in his garage. He is trying to sell his property, and has a potential buyer that wants Mr. Johnson to get the accessory housing approved and built before he will consider purchasing the property. The board explained that the potential buyer would have to wait a year before applying for another Special Permit, because Mr. Johnson's will expire at the sale of the property. Mr. Johnson wants to move forward regardless of that fact. Mr. Bouchard stated that they would be potentially creating a 2 family house, in the event that a tenant was to move in under Mr. Johnson's permit and could not be evicted even though the Special Permit would expire. Cathy Walker of Jones River Dr. doesn't want a 2-family house in this area. Mike Ruprecht motioned to approve the Special Permit with the stipulation that the Special Permit would expire at the sale of the house, and with the stipulations included in Zoning By-Law 4.4.3.3. for an accessory housing unit within a single family detached dwelling provided that: and extending to and including 4.4.3.3. a.- 4.4.3.3.m. of the by-law. Susan Farrell second the conditions of the Special Permit. The Board voted unanimous 5-0-0.

8:25 p.m. – Site Plan - Persevs's Restaurant

Joe Webby, representing owner Newton Heston, explained the plans for reconstructing Persey's Restaurant which was destroyed by fire some months ago. Jeff Metcalf, architect was also present. The Board asked how many seats were approved before the fire. Mr. Heston thought perhaps as many as 85 seats with the deck. He said the permit said 60 seats in error, and he never had it corrected. The Board would like to see drainage issues addressed and included in the new plans. They would also like to see the gravel removed and the parking lot fully paved. Mr. Metcalf showed the board pictures of what they have put together for a building. The Board felt it looks nice and fit into the character of the area. Curbing was discussed and Joe Webby said they would put back what was there. Mike Ruprecht asked about hours and would there be screening. Mr. Heston said they are only open for breakfast and lunch as before. They close at 3 o'clock. The Board wants the owners to remove the parking in front. The Board also asked about the leased building and what the hours of operation were there. The owner did not think they were open on Sunday, the restaurant's busiest day. They do however, have a 10 year lease. Mr. Metcalf said that they would have a second floor used for storage. Mike Ruprecht felt because of

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the way they were approved before, that the board would like to see some changes now. Susan Farrell said they need to eliminate the 6 spaces in front. Thomas Bouchard said it looked like poor planning to have parking up against the street. Dennis Randall said parking in front was an invitation for disaster. He would like to see designated parking for the tenant of 10 spaces. The issues that need to be addressed by the applicant at the next meeting are: drainage, paving and marking, lighting, eliminate the 6 spaces in front, rebuilding of sidewalk. The Board continued the site plan hearing until September 26, 2005 at 7:15 p.m.

9:10 p.m. – Solstice Restaurant

Laurence Gogarty of Arch Consulting and John Cataldi presented to the board their proposed addition to Solstice Restaurant. They would like to add a function room consisting of a 650 sq. ft. One story addition to the restaurant. The Historic Commission sent a letter to the Board asking for certain guidelines in the deed to be upheld. John Cataldi said he felt he was keeping the building in historic condition as much as possible. Some of the replications would be impossible and he felt it would be best served if he used other materials to represent the period. They are also adding a handicap bathroom. They are only extending 15 ft. from the edge of the existing building and they are in conformance with the current by-laws. There was nobody present from the Historic Commission. The Board would like the owner and his architect to meet with the Historic Commission before coming back to the board. They agreed. Mike Ruprecht said he would like to have input from the Historic Commission in regards to the deed. Dennis Randall motioned to continue the hearing until September 12, 2005 at 8:30 p.m., Mike Ruprecht second Unanimous. Thomas Bouchard asked the secretary to get a letter written Tuesday for a meeting with the Historic Commission and Mr. Gogarty and Mr. Cataldi.

9:30 p.m. – Kings Grove Sidewalk – Paul Kelleher

Paul Kelleher a resident of Kings Grove, would like the Planning Board to amend the Subdivision's Approval and change the plan to remove sidewalks presently planned for the front of his house. Brian Wallace, developer of Kings Grove, was before the Board and stated that Paul Kelleher was aware of the subdivision plans and knew about the sidewalk that he now wants to have removed from the plans before he purchased his home. Brian Wallace does not think it's a good idea to remove the sidewalk for safety reasons. The Board felt it was not safe to remove the sidewalks from the plan and decided to keep the plan as it was approved. Mike Ruprecht said the Board should send a letter to Paul Kelleher stating the Board's decision. Dennis Randall motioned to keep the sidewalks as they are and send a letter to Mr. Kelleher. Mike Ruprecht second.

9:50 p.m. – Dana Duperre Bond

Dana Duperre called Mike Ruprecht and wanted to know if he needed a bond or a tri-party agreement for construction of the road. Susan Farrell said to have his engineer put together a list of what has to be completed with costs and the Board would request a Bond for completion.

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10:00 p.m. – Broadcast Signal Labs

The Board signed the bill for Broadcast Signal Labs for \$556.39 to be paid from the Planning Board Engineering account. The applicant, National Tower has refused to pay the bill. The Board requested that when they come back before the ZBA on a remand to let the Planning Board know, and they would attempt to recoup their costs.