



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

**PLANNING BOARD June 28, 2004**  
**Planning Board Meeting Minutes**

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

**7:05 p.m. – Meeting opened**

The Board reviewed the Planning Board minutes from June 14<sup>th</sup>. The Board approved minutes with a minor change.

**7:10 p.m. - L. Knife and Sons**

Mr. Bouchard had not arrived yet, so Mr. Sullivan chose to wait and postpone his time slot until Mr. Bouchard arrived.

**7:12 p.m. – ANR Plan 73 Ring Rd. Map 61 Lots 18 and 20 – (Carvalho)**

Mr. Muller represented Mrs. Carvalho for her ANR plan. Joel Michaud recused himself as he is a relative. Mrs. Carvalho has an 18-acre parcel that she would like to divide 4 lots for her children. He said they did a topographic survey and checked the wetlands and they are ok. Lot 18 is not a buildable lot, as there is no access. Mr. King moved to endorse the ANR plan with the understanding that Lot 18 is not a buildable lot. Mr. Ruprecht second. The Board requested an additional check for \$600, as Mrs. Carvalho only had a check for \$250. The Board signed the plan.

**7:20 p.m. – Sullivan Brothers Mitsubishi Special Permit**

Mr. Kraus requested a continuance. Mr. King moved to continue the hearing until July 26, 2004 at 7:35 p.m. Mr. Ruprecht second.

**7:25 p.m. – Stoneybrook Falls**

Mr. Conant preferred to wait for the Chairman to arrive. Will wait and postpone his time slot until Mr. Bouchard arrives.

**7:30 p.m. – Boat Storage Building - Wrightington**

Mr. Wrightington has not been able to meet with a full ZBA Board. In the meantime he proposes adding a 35 ft. overhang to the front of the building. He has agreed to put in a \$35,000 sprinkler

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system. Mr. Sears, an abutter, would like a fence installed. Mr. Ruprecht suggested that they make another appointment with the board when they get the information they needed.

### **7:35 p.m. – L. Knife and Sons**

Attorney Sullivan showed the Option “D” plan and Mr. Bouchard asked for the Planners comments. Mr. Bott explained that Paul Armstrong hasn’t seen the plan yet. It also needs to be distributed to all the Town boards.

Mr. Bott referred to Attorney Sullivan’s memo to the board regarding remanding the Special Permit Decision. Attorney Sullivan said he has spoken to Town Counsel, Elizabeth Lane, who has said it would be less expensive for the town to remand the decision, instead of a costly court battle for the Town. Mr. Bott explained that it would have to go to Court first, and would be up to the Court to ask the town to reconsider their decision, as in a remand. The Board cannot remand a decision after it is made, on it’s own. It would need direction from the court. Mr. Sullivan stated it was up to the Board, but the very least they may want to talk to Town Counsel, as litigation will be expensive. Mr. Bouchard said that the Planning Board would speak to Town Counsel and have a discussion about this issue. Mr. King said he voted in favor of the plan, and you can’t remand a decision after it has been voted on. Ms. Farrell said the board would talk to Town Counsel. Mr. King motioned to continue the meeting until July 12, 2004 at 7:30 p.m. Mr. Brophy asked about the time lines for the site plan approval. He was under the impression the Board had only 45 days to approve the plan, and although that has passed, they still have no determination. Mr. Sullivan quoted from the Zoning By-Law 7.3.2.6. stating the same. Mr. Bouchard stated that if an answer had been given, it would have been negative. So they gave L. Knife time to amend the plans they had. Mr. Brophy said that no trees could be planted now, as it was too late. They would have to wait until fall. Mr. Bouchard asked if they wanted an extension. They declined. Mr. Bouchard continued the meeting until July 12, 2004 at 7:30 p.m. Mr. Ruprecht second.

### **8:00 p.m. – Stoneybrook Falls - Maple St.**

Conversation continued about the outstanding issues; the widening of Maple St. and congestion on Summer St., turning radiuses, the fence, and the location of the building around the fire station, the fish ladder, and various other conservation issues. Dale Harris and Dave Varga were present. Mr. Conant said he wanted to keep part of the fire station. There were also questions about the 50 ft. set backs, and Mr. King stated that the Board does not have the power to allow that. Mr. Conant then said that the existing building is not within the zoning laws of a 50 ft. set back. Mr. Bouchard explained it would be fine, if they weren’t tearing down the building, but because they are, they must now adhere to the new zoning by-laws. Kevin Sullivan, an abutter said he thought that Mr. Conant had dropped his request for the three units closest to Maple St. Dave Varga said he would clarify the information about the turnaround with the Fire Chief. Mr. Bouchard said they also need to check with Paul Armstrong. Tim Shea, an abutter would like to see a fence. Mr. Conant said they intend to continue the 2 ft. stonewall that is surrounding part of the building now. Mr. Michaud said a 2 ft. stonewall won’t provide privacy that Mr. Shea wants. He will have 180 new neighbors, and a 2 ft. stonewall won’t provide that. Kevin Sullivan said people are wandering through there now. Elizabeth Carol of 20 Maple St. said she agrees with

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the plan. Mr. Michaud said you need to contain the people that are in that development. Mr. Conant said should he put a fence up to the railroad tracks? Mr. Conant said if it's a requirement, he'd do it. He has spent too much time already, and he feels he will have to pull the project if it costs any more money. Bill Carlson, of Carlson Assoc. Explained the traffic report that was done. He does not recommend a 3<sup>rd</sup> lane on Maple St. Mr. Ruprecht is not in favor of a 3<sup>rd</sup> lane either. Mr. Bouchard considers widening the 2 lanes – he feels the turning radius is bad. Mr. Bott said that Mr. Basler wants to put the sidewalk on the North side. Kevin Sullivan feels the sidewalks should stay. Jennifer Hicks, an abutter, said that this project is too large for the area. It will be more dangerous without the sidewalk. She objects to adding all this traffic to Summer St. Dave Varga said you need a lane and a half to get a fire engine down Maple St. Brian Cooke likes the project and says we need this type of development in Kingston. Kevin Sullivan wants to know how many vehicles are going to be driving onto Maple St. Mr. King moved to close the public hearing. Mr. Bouchard second. Mr. King moved to approve the Special Permit with conditions. Mr. Ruprecht second. Conditions include:

1. A Fish ladder approved by the Conscom
2. No certificate of occupancy in Mill Building until approved by Conscom
3. A 5 ft. fence is erected in the rear and west side of complex
4. Setback distance for 2 Front buildings closest to Maple St. must be approved by Paul Armstrong
5. Fire Chief must approve "Turn-around" parking area behind the Mill Building.
6. Drainage issues must be approved by the Conscom
7. A sidewalk is built on the north side of Maple St.
8. A painted crosswalk at intersection of Bradford Rd. and Maple St. is installed

Joel Michaud does not think that a split rail fence will work, and wants to have the fence defined in the approval. Mr. King amended the decision to include a 5 ft. chain link fence

The Board voted on the Special Permit with the above conditions:

Mr. King – yes  
Mr. Ruprecht – yes  
Ms. Farrell – yes  
Mr. Michaud – yes  
Mr. Bouchard – no

Mr. King revised the Site Plan approval to include the conditions of the Special Permit.

The Board voted on the revised Site Plan:

Mr. King – yes  
Mr. Ruprecht – yes  
Ms. Farrell – yes  
Mr. Michaud – yes  
Mr. Bouchard - yes

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### **8:50 – Cobblestone Lane**

Applicant has asked for a continuance. Mr. King moved to continue the hearing until July 26, 2004 at 7:15 p.m. Mr. Ruprecht second.

### **8:55 p.m – Erin’s Path**

Joel Michaud recused himself, as he is related. Mr. Bott said he had spoken to Mr. Armstrong and Mr. Basler about the easement. There were some concerns. Dana Dupree agreed to widen the road to 22 ft. pave with crown curbing, drainage on both sides of the road, and no sidewalk. Mr. King move to continue the hearing until July 12, 2004 at 7:45 p.m. Mr. Ruprecht second.

### **9:00 p.m. – ANR 1 Cobb Ave.**

Mr. Brooks went to the ZBA to obtain a variance. They would like the Planning Board to approve dividing the lot. Mr. King motioned to approve the ANR plan. Mr. Ruprecht second.

### **9:05 p.m. – Napa Auto Parts**

Ted Culligan explained that Land Planning has taken care of the drainage issues, and they have met all stormwater requirements. There were still some issues with landscaping. Mr. King moved to continue until July 12, 2004 at 7:55 p.m.

### **9:25 p.m. – Arbor Hills**

Discussion regarding entrance road to Arbor Hills. Present was Rob Lally of Tedeschi Realty. They are working on a 4 way stop sign, a walking trail, an ADA ramp and 3 islands spaced along the driveways.

Paul Barry, an abutter, is concerned about the path that was initially 9 ft. wide and now is getting wider. He suggested a post with chains to prevent entrance to the road. Mr. King said that Mr. Lally should get together with these abutters and straighten out the road situation. Rob Lally said he would come back after he meets with them.

### **9:40 p.m. – CK Smith Remand**

Amy Quesseil was here from Larry Winokur’s office. She said Thomas needed to answer questions A thru F on the remand. Thomas said he would, and forward them to Larry Winokur’s office.

### **9:50 p.m. – MacFarlane Farms II**

Board signed plans for the sub-division.

### **9:55 p.m. – Meeting adjourned**

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