



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

**PLANNING BOARD March 14, 2005**  
**Planning Board Meeting Minutes**

**Members Present:** Susan Farrell, Thomas Bouchard, Ed King, Joel Michaud, Michael Ruprecht.

**7:07 p.m. – Meeting opened**

The Board postponed approving the minutes of February 14, 2005. The Board postponed signing the Departmental Schedule of Bills until later in the meeting.

**7:10 p.m. – Zoning By-law Hearing**

Thomas Bouchard read the hearing notice for the Town Meeting Zoning By-law hearing. Mark Beaton had requested time on the Planning Board Agenda to explain his position on the possible zoning change for Maple St. Mr. Beaton clarified that the Selectman haven't weighed in yet, he's just giving an overview of the zoning change and what it would mean. He gave an overview of the history of the zoning on Maple St. There is 2.1 million on the table for the town from the Conant Group and a Senior Center was proposed with some affordable housing.

Mr. Beaton would like to see the plan come to fruition, but in the meantime, seeing how it is under appeal, he would like to change the zoning back to industrial. He explained that Town Center zoning could allow by right, not Special Permit, a mini-mall, two- family homes, 8 homes per acre, and could eventually get 80 homes, condo's or apartments on Maple St. There could also be subsidized housing that some developer would maximize the use for, as the property is worth 3.5 million dollars. Maple Street could potentially have 100 kids living on it, impacting our schools, where we already have budget problems, and affecting traffic on an already congested Summer Street. Mr. Bott explained that the present situation is that the site is already approved for what was originally applied for. It has a special permit and is approved for 85 Senior Housing units. Mr. Conant spoke to the board, and stated that he was misquoted in the newspaper as being in favor of the re-zoning of Maple St. He said it makes no difference to him one way or the other, because he believes his project is moving forward. These types of appeals happen all the time and the property is grand fathered. He said it was a great project for the town, and a neighbor of the project is asking for an exorbitant amount of money to remove the appeal. Ralph Calderaro of 57 Evergreen St. feels that industrial zoning is inappropriate for the area. It's a residential area, and that properties have improved in the area because of the Town Center zoning change. If anything, it should be rezoned to commercial, not industrial. He also stated that density is not something to be feared. Density is an alternative if properly designed and there is open space designated. The Planning Board has the capability to control aspects of developments that have density issues. Keith McDonald of Maple St. just moved to the area with his fiancée a year and a half ago. He doesn't see the benefit of rezoning the street. Mr. Beaton said he was

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looking out for the interest of the property owners. R-40 would have been an ideal zoning for the street.

Jerry Powell said that he thought industrial zoning was supposed to be reserved for the north and south side of town. Ed King stated that he was against zoning. He doesn't think the town should rezone to protect a project. He used L. Knife as an example. He said it's illegal to spot zone - although Kingston has done it before. Ed King said the property owner doesn't want it zoned industrial. Ed King stated that he would vote against the article for the zoning change. Mike Ruprecht said he doesn't think it's in the best interest of the town. Susan Farrell said she is in favor of keeping the zoning the way it is now. Joel Michaud would like to see it zoned residential. Ed King motioned to close the public hearing. Mike Ruprecht second. Unanimous. Ed King motioned to vote no to put the article on the town meeting warrant. Mike Ruprecht second. Unanimous. The Board recommended no action on the article – 5-0-0.

### **7:45 p.m. – Discussion about Indian Pond Subdivision – Unresolved lighting issues**

Pat Long who lives on Brook St., read a letter from a collective group of neighbors at Indian Pond. She reiterated the lighting issue and history of the subdivision issues and their frustration with no action being taken by Mr. Tonsberg to resolve them. She suggested that Indian Pond conform to Brook St. lights, where there are 3 lights. She questioned the lighting plans in reference to what different types of lighting meant. Mr. Bouchard stated that there was nobody available to answer the questions she had, as the town did not have an engineer available at this meeting. She wanted to know when the Board would review the plans. Mr. Bouchard said the board is equally frustrated with the situation, and whenever we have a meeting about these issues, Mr. Tonsberg doesn't show up. Pine Du Bois of Elm St. stated that she can see the lights from her house. She suggested the board set a date, have a hearing, or go to Town Meeting to vote on the lighting problems. Mr. Bouchard stated that the board needed to enforce the existing by-laws. Mr. King said that the board was led to believe that the problems were solved. The Board was under the impression that the wattage had been cut in half. The Board also was led to believe that some of the lights were hooded. Joel Michaud said the lights either had to be changed or shut them off. There is too much light. Susan Farrell said now that he is looking for additional approval, now would be the time to address 21D. and that this is a question for the Zoning Enforcement Officer.

The Planning Board can make comments, but it is a zoning issue. Mr. King wants Thomas Bott to set up a public hearing date for the issue of lighting, emergency access, sprinklers and signage. Mr. Michaud second. 5-0-0 Unanimous.

### **8:10 p.m. – Swimming Pool at Indian Pond**

Mr. Bouchard asked Thomas Bott to explain the site plan for swimming pool at I.P.E. Mr. Bott explained that the building inspector has asked for comments on the proposed pool. There are drainage issues and parking issues with the plan. Mr. William O'Brien asked if the pool was part of the clubhouse. He informed the board that the pool was already in. It's an 8000 sq. ft. pool. Mr. Bouchard said we need a site plan showing over 10 spaces, which should be necessary for the pool. Susan Farrell suggested we let Mr. Tonsberg state how many parking spaces he has. Mr. Bouchard said drainage from the pool must remain on the site.

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### **8:20 p.m. Preliminary Plan – Harvest Drive – Mr. Mathias**

Mr. Webby presented a plan for Mr. Mathias, who would like to create frontage for 2 lots on the back land that Doris Cravalho created with the ANR plans last year. He has purchased 7 acres and would like to extend the cul-de-sac from Harvest Drive into the property making two different cul-de-sacs on the street a few yards apart. Mr. Ruprecht is in favor of the plan. Mr. King asked whether Harvest Drive was an accepted way. Mr. Webby said yes and it has 40 ft. of frontage. Mr. King asked about the 2 abutters and how they would be affected. He said they would have to go through police and fire. They also have Cape Cod Berm. Pine wanted to know if it backed up to the Conservation easement at Arbor Hills. He said no, that was on the other side.

### **8:30 p.m. – ANR – Anthrop - 10 Tremont St.**

Rick Sevant from Stenbeck and Taylor spoke for the Anthrop property. They have used 3 lots to make one conforming lot. Mr. King motioned to endorse the plan as presented. Mr. Ruprecht second. Unanimous.

### **8:35 p.m. Subdivision Discussion - Cadenhead Property**

Bob Gosselin brought 3 plans in for the board to consider for a potential subdivision at 141 Wapping Rd. The Board selected Plan 2 as the best scenario.

### **8:40 p.m. – Stone Meadow Farm**

Town Engineer has not had a chance to review changes made by developer. Board voted to continue hearing until April 11, 2005 at 7:15 p.m.

### **8:41 p.m. – KOC South St. Cell Tower**

Ed Angley presented the site plan to the Board. Dan Cote, Director of Operations at Industrial Communications in Marshfield, explained the site plan to the Board and the lack of coverage on Rt. 106 right now, and the difference in service with the proposed cell tower. He then spoke about the differences with a monopole versus a flagpole. Only 3 servers can be installed in the flagpole, while multiple servers can be installed in the monopole. He explained he had spoken to Police and Fire Chief and the Police Dept. would like generator and other equipment made available to them. They cannot do that unless they use a monopole. They are going to the ZBA for set back requirements. They feel that the KOC is an appropriate place to install a flagpole, instead of the monopole. Mr. King opened the discussion to the public, and read letters from residents of Kingston and abutters. Mr. King read letters from Christina Sarney and Jo-Anne Mei, and Gregory and Janine Zec, all of South St. Pine Du Bois suggested moving the cell tower to Opachinski Sand and Gravel property location. Mr. Michaud said then the cell tower would be in his backyard. Mr. King asked how many generators would be at the site. Mr. Cote said none. Mr. King asked if they would post bond. Mr. Angley said they would buy a bond every year and it would be held in an escrow account. That amount would be determined by the Building Inspector and depend on the size of the tower. It would probably be \$10-20K. Mike Ruprecht

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asked about maintenance and site visits. It would be maintained by the applicant. How much traffic? Mr. Cote said during construction 1-2 trucks per week. Everything at the site is automated and there would be no traffic at the site once completed. Joel Michaud asked about the fall zone. Mr. Cote explained that the base of the pole was 25 feet wide and 5 ft. deep. Mr. Bott asked the board if they had any suggestions for the ZBA. They could add whatever they wanted to a list of suggestions for the ZBA to consider. Mr. King said that they had no problem from a site plan perspective. There was egress and access. He suggested writing a letter to the ZBA before the hearing date. Mr. King also said that when the balloon went up at the top of the pole, he would notify Thomas Bott and any residents that wanted to look at it.

### **9:30 p.m. – Puddle Jumpers Learning Center – 4 Main St.**

Nobody was present for the site plan. Mr. King motioned to close the hearing. Mr. Ruprecht second. Unanimous. Mr. King motioned to deny the site plan as presented. Mr. Ruprecht second. Unanimous.

### **9:51 p.m. – Linda Cook Accessory Housing Special Permit**

Linda Cook had 3 plans for her accessory housing on her 20 acres at tree Farm Estates. She presented all 3 to the Board, and said she meets all the requirements. She is going to the ZBA for a waiver for setbacks, depending on which plan the Planning Board approves. The Board approved Plan C, but said they would not give a Special Permit for the accessory housing if she chose to go with Plan A or B. She said she would probably go with Plan C, so that even if she didn't get ZBA approval, she still has her special permit. Mr. Ruprecht said that they cannot tell her what she should do. She could go to the ZBA and try to get her other plan approved, but there is no guarantee the ZBA would approve it.

Mr. King said that if the Planning Board approved the Special Permit, that the permit only applies to present owner, and that the principal owner must occupy the house. Pine Du Bois brought up the conservation trail behind the Cook residence, and that perhaps the ZBA would consider one of her other plans with a contribution/benefit to the town of an easement for a trail. Ms. Cook decided to take her chance and continue the hearing and go to the ZBA. The Board continued the hearing until April 11, 2005 at 7:30 p.m. Mr. Bott will put a letter together for the ZBA telling them that the Planning Board will approve the existing setbacks on Plan C.

### **10:05 p.m. – Erin's Path Subdivision Plan**

Mr. Duperre had a subdivision to present to the board that had previously been reviewed. Joel Michaud recused himself. Mr. King said the board has no problem with the plan and motioned to approve the plan. Mike Ruprecht 2<sup>nd</sup>. Vote unanimous to approve Erin's Path.

### **10:10 p.m. – Sidewalk plan for Ring Rd.**

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Plan shows a 4 ft. wide sidewalk connecting Milliken Drive and Gilfeather along Ring Rd. The Planner feels there is not sufficient room in between the pavement and Row on the preferred Side of the street. The plan shows no curb or berm or sidewalk ramps in the proposed plan. The sidewalk should be 8 ft. wide with slope granite. The Police dept. asked about signage for pedestrian crossing and marking a cross walk. Thomas will speak to the Highway Dept. also regarding their concerns.

### **10:15 p.m. – Conceptual ANR for 238 Main St. – Atherton**

Nobody was present to speak for this agenda item.

### **10:20 p.m. – Smith's Lane – Mrs. Krzyzewski**

Mary Ellen and her attorney, Ms. Muncy, presented their ANR plan before the board. They had been before the board and have made changes to their plan. They have taken 20 ft. off their existing lot to add to a back lot they have a deed for. The back lot is not a buildable lot. The board motioned to endorse the ANR plan for a non-buildable lot 30 ft. x 200 ft. as presented. Ms. Farrell motioned to endorse plan. Mr. Ruprecht second. 4-0-1.

### **10:25 p.m. – Cobblestone Lane**

Richard Beal was present for Cobblestone Lane. Mr. King motioned to close the public hearing. Mr. Ruprecht 2<sup>nd</sup>. Mr. King motioned to approve the subdivisions with the conditions and waivers referenced in the March 14, 2005 "Certificate of Conditional Approval of a Definitive Plan for Cobblestone Lane". Mr. Ruprecht second. Unanimous.

### **10:30 p.m.- ANR Spring St.**

Paul Bragna brought in an ANR for Spring St. off Main St. for Mr. Sheehan. The board said there was no frontage, and they would like to have Mr. Sheehan come in before the board.

### **10:35 p.m. – Board signed plans and Departmental Bills.**

The Board signed departmental bills and discussed the release of Ryan's Way. the Board needs have a letter written for the release. They also need to pay Broadcast Signal Labs, and will need a letter for the accountant also. They also need to release funds for Schedule C.

### **10:40 p.m. – ANR Plan for Marion Drive**

Keon Duggan presented an ANR plan for O'Donnell Family Realty Trust. There was no application, fees or abutters list, and applicant stated that she needed a letter from the Planning Board for her appointment with the Board of Selectmen's meeting, stating that the Planning

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Board had no issues with the plan. The Board suggested she bring to the board the required applications and fees as quickly as possible. Once they reviewed the plans, and she scheduled A meeting with a complete application, the board could consider an endorsement of the ANR plan.

**11:00 p.m. – Meeting Adjourned**