



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

**PLANNING BOARD May 23, 2005**  
**Planning Board Meeting Minutes**

**Members Present:** Susan Farrell, Thomas Bouchard, Michael Ruprecht, Dennis Randall, Joel Michaud, Thomas Bott

**7:15 p.m. – Meeting opened**

**ANR Plan – Marion Drive**

Keon Duggan was there for her ANR on Marion Drive. She was under the impression that the plan was already signed. The Board explained that they had some questions about the plan and where waiting for her to come in to talk about it. Mr. Bott explained that the abutter's list from the assessor's office was not presented previously and that when it had been given to the board, it was not inclusive. Mr. Bouchard opened up the discussion to the Board. He explained that there were 2 lots with frontage on Marion Drive. They have almost 600 ft. of frontage, and 250 ft. is all that is required. Mr. Ruprecht asked if weren't these lots all sand right now? Keon said they were. Mr. Ruprecht said that he thought the by-law said that once the land is mined, every 5-acre parcel was supposed to be reclaimed. Why wasn't that previously done. Keon didn't know. She thought it had something to do with the MBTA. Mr. Randall wanted to know how this ANR was going to affect the 40B that was before the ZBA now. Keon said it had nothing to do with the 40B. Mr. Randall asked how this would impact the 40B? If the Board endorses this ANR plan, it cannot be a sub-division. Keon said she was under the impression the ANR was already approved. She was told it was the first time she came in. She had forgotten the forms and the check, but was told the Board would endorse it. Mr. Randall said if the Board endorsed the plan, it must be understood that it is not sufficient for a subdivision. Keon said that her earth removal application before the selectman had nothing to do with this plan. Mr. Randall wanted to know what earth removal application did the applicant have before the Selectman? Keon said they submitted 2 lots. Keon acknowledged that the plan before the Selectman was the same plan before the Board. Mr. Randall motioned that he wanted to add to the endorsement of the ANR that this plan is not adequate to meet the earth removal by-law. Mr. Ruprecht second. Board endorsed unanimously, with added language – 5-0-0.

**7:25 p.m. – ANR – 143 Wapping Rd.**

Kevin Grady was there to represent Bob Gosselin for an ANR on Wapping Rd. He explained that he has 200 ft. of frontage for Lots 3 & 4. They have already been endorsed by the Board for Lot 1, Lot 2 was voted on, and Lot 3 tonight. Mr. Bott received the application and the check, and the Board endorsed the plan unanimously. The Board signed the plan.

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### **7:35 p.m. – Tree Farm Estates ANR**

Linda Cook was before the Board to carve out another lot at the end of the street for her parents. Kenny Anderson explained that they took the frontage from one parcel and although they are creating 2 lots as a result, they are not buildable. Lots 45-1 and 45-2 can't be combined until they get the plans on record. Mr. Ruprecht motioned to endorse the plan. Mr. Michaud second. Unanimous – 5-0-0 to endorse the ANR plan. Mr. Bott received the application for the ANR and the check. The Board signed the mylar.

### **7:40 p.m. – Scarzi ANR – 26 Clifton Dr**

Mr. Scarzi came back before the board with the ANR for 26 Clifton Drive. The Planning Board had requested that they meet with Conscom to assure that they considered the property that they wanted to convey to the Town was actually a benefit to the Town. The applicant has done that and Conscom has said that it was a benefit to the Town. The applicant would like to take 2 lots and make 1 lot for his son. Mike wants to make sure that they are not making another lot, and wants that fact deeded on the plan. He said he wouldn't hold up the vote for it, but would like that to be stated on the deed. Dennis motioned to endorse the plan. Joel Michaud second. The Board endorsed unanimously – 5-0-0

### **8:10 p.m. – Stone Meadow Farm**

Joe Webby brought in the plans for Stone Meadow Farms. There have been revisions back and forth with BSC. He hopes that we are down to the end of the outstanding issues. There was discussion about lot lines spanning Kingston and Pembroke, the Nstar easement, and lot lines on Elizabeth Drive. Mr. Bouchard asked about maintenance of the street. Mr. Webby stated that if the street was in Kingston, Kingston would maintain them. Mr. Bouchard would like Joe to talk to the Police and Fire Chief and make sure they are ok with access to the homes on the Kingston side of the subdivision. Mr. Bouchard opened up the discussion to the public. Paul Brockmeir of 9 Stagecoach Dr. Kingston had water issues. Mr. Ferrini of Surry Lane also had water issues. Mr. Webby stated that all approvals came from Pembroke Planning Board. Mr. Veruti wanted to know who would maintain the bridge. He also felt that this would end up being a 40B. Mr. Bouchard said all we can deal with is what is in front of us. He said we can't speculate about this. Mr. Webby needs to go and speak with the Fire and Police Chief. Mr. Verute said there was only 1 entrance. Ms. Farrell said the water and drainage issues would be dealt with by the BSC Group. In response to concerns about water access Mr. Webby said that Kingston water goes to Kingston residences, and Pembroke water goes to Pembroke residences. Mr. Ruprecht wanted to know if Mr. Hannah would be willing to make the lots, single house lots only. Mr. Bouchard said if in the future they wanted to add more homes, we would like to know. Could we find out from Mr. Hannah? Mr. Webby would check. Mr. Bott questioned drainage issues. Is water going to flow on someone else's property? Mr. Webby stated they would be building detention basins. Mr. Ruprecht wanted to set up a site walk. Mr. Bouchard said yes the board needed to do that. Mr. Bott would set that up. The Board motioned to continue the hearing until June 27<sup>th</sup> at 7:15 p.m.

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### **8:30 p.m. - Indian Pond Estates**

#### **Emergency Access Gate**

Mr. Tonsberg and Mr. Fleming (attorney) and Matt Peterson (engineer) were there to discuss issues of emergency access and lighting at Indian Pond Estates. The Board has said that these issues have not been addressed fully by Mr. Tonsberg, and the Board wanted them addressed before approval of the Indian Pond Country Club Pool approval for parking issues. Mr. Bott invited Mr. McKee, Fire chief, and Mr. Robella, Police chief to speak about their concerns about both issues. Mr. McKee said he wasn't sure of the purpose of him being there, but that if they decided to maintain the present emergency access, that it was not dependable. The road needs improvements. They had decided not to use the present emergency access gate, that they were going around Smith's Lane for emergencies. They would maybe use that access once a year, if that, and that would only be for a major emergency. He suggested using something simpler and cheaper, and something that is not automated. If they lost power, this would not do them any good anyway. Mr. Robella said he mirrored Mr. McKee's comments. He would prefer to see a manual gate that does not have to be automated. Mr. Michaud agreed, something cheap and easy to lock and unlock. Mr. Bott said he checked with Town Counsel and that they could not offer Mr. Tonsberg indemnity he had asked for, if they were to continue to use the automated gate. Mr. Randall reiterated what had been said. The chiefs decided that less technology was more advantageous than earlier recommendations. That the most dependable solution would be the least expensive. Mr. Randall said snow removal was an issue. Mr. Bouchard wanted to know why Mr. Basler wasn't invited to discuss the snow removal and condition of the road. Mr. Tonsberg reminded the board that the Town is responsible for snow removal, because it is town property. Mr. Tonsberg said he would use a manual gate with a chain and a lock. Mr. Michaud suggested a post. The Board said they would take the original approval and amend it for a minor modification for this issue. Mr. Tonsberg said the road was in the condition it was because it hadn't been plowed or salted. The road has deteriorated and it would be up to the town to fix it. The Board agreed this needed to be discussed with Mr. Basler. Mr. Randall said the minor modifications meet the emergency needs of the town and the satisfaction of the Board. The Police and Fire Dept. would provide the Planning Board with any information necessary for the change. Mr. Ruprecht said it would be simple – a gate with a chain. It's done with and there was no need to go back and discuss this issue again.

#### **Indian Pond Lights**

Mr. Bouchard addressed the lights at Indian Pond Estates and asked how could this issue be improved. Mr. Tonsberg and Mr. Fleming said they had complied with all requests from Horlsey and Witten from the first go around last year. They had reduced the lighting by 50% of the 1<sup>st</sup> 12 lights at the entrance. There are now only 6 lights. They had hooded the lights and reduced the wattage on the lights as was suggested by Jo Henderson of Horlsey and Witten. They had also changed the globes. They felt they had done what was asked, and now they are being told it's not

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enough. Mr. Tonsberg feels lights are necessary for safety reasons, in regards to the restaurant, clubhouse and homes. That this is not just a subdivision, it's also a restaurant and customers may be drinking and need lighting to help prevent accidents.

Ms. Farrell said that you only need one streetlight at each intersection. There is a balance between safety and privacy. Mr. Tonsberg said that they had done everything that the town's engineer suggested and that anything less than this would not be safe.

Mr. Fleming said they had changed the luminous, and this is not reflected on the light plan provided, as this change was made after the plan was drawn. The plan actually shows more lighting than is actually there now. Ms. Farrell suggested that they show a plan with what is exactly there. Have the plan redrawn. Then we would have the Town's engineer look at it and make suggestions. Mr. Randall said the issue is not shields on the lights, but the direction the lights are pointing. They should be facing downward toward the road. Anything that is off the road surface is not needed. The light doesn't need to be shining on the side of the road. Mr. Michaud said it is more dangerous to have too much light bouncing off of the road causing glare, and thinks that is very distracting for drivers. Mr. Tonsberg said have the town engineer look at the plans. Mr. Bouchard said let your engineer make the necessary changes to reflect what is actually there, and then our engineer will comment on the lights. Mr. Tonsberg said he was still concerned with safety. Mr. Randall said he could still cut down on ambient wasted light, and just focus the lights on the road so as not to annoy the neighbors. Mr. Tonsberg stated he wasn't sure there was a way not to annoy people. Mr. Bott said he would reiterate what the Board decided just so everyone knew what was decided upon. Mr. Tonsberg's engineer was going to amend the lighting plan to reflect what was actually at the site, and that would in turn be sent to the town's engineer for comment. Mr. Tonsberg said he wanted safety to be a consideration of any changes made to the lights. Mr. Bott asked if that wasn't what he just said. Mr. Armstrong suggested ask the supplier for the information for the exact specs of the light suggested.

Mr. Bouchard opened the hearing to the public. Pat Long and Ms. O'Brien of Brook St. had Pictures of their homes at night. They said it's still too much light on their homes. The Board motioned to tentatively reschedule Mr. Tonsberg to July 25<sup>th</sup> at 7:15 p.m. During this time, Mr. Tonsberg will adjust his lighting plan to reflect the actual lighting, and the town's engineer will then review it. Mr. Tonsberg expressed a desire to have input on the selection process of the choosing of the Town's engineer.

### **Indian Pond Country Club Pool**

Matt Peterson of Peterson Assoc. said he had met with all town departments, and that they were fine with the plan and they had approval from the Town's engineers. The Board of Health has approved the plan also. Mr. Bouchard asked for a motion. Mr. Ruprecht motioned to approve the plan. Mr. Michaud second. Unanimous. 5-0-0.

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### **9:20 p.m. – Fountain Knoll Alternative Plan**

Mr. Opachinski came before the board with a conceptual subdivision for a RDEOS –(Residential Development Encouraging Open Space). This area is also going to be heard by the ZBA for a 40B Comprehensive Permit on a remand from the state at a future date. Mr. Haas, chairman of the ZBA, and in attendance, said the 40B would be before the ZBA on June 22, 2005. Mr. Opachinski is also requesting a variance for 500 ft. of frontage from the ZBA for this conceptual RDEOS plan he has before the Planning Board tonight. This plan would only create 10% affordable housing versus 25% for the 40B plan.

Joel Michaud recused himself, as he is a Fountain Knoll abutter.

Mr. Opachinski stated that he had been approached by the town, asking that he reconsider his 40B, and to try and find a plan that would be less dense. He is proposing 70 lots, instead of the 156 lots he proposed for the 40B. This new plan would require a variance for frontage on Elm St. He only has approximately 214 ft. of frontage. Mr. Opachinski prefers this plan, and would like to get an idea of how the Planning Board feels about it. Mr. McKenzie, the engineer, wants to know what requirements the board has, and they are proposing a connecting road to Pine Hill Rd. There would be 7 or 8 Open Space parcels, and Open Space requirements are 5,000 sq. ft. Mr. Bott stated that the Towns engineer hasn't seen the plan yet. He said there was some concern about nitrogen loading in the resource district. The local by-laws only permit 5mg/1 of nitrogen. Mr. McKenzie said they can meet that requirement. Mr. Bouchard said he prefers this plan to the 40B. The Town would have more control. Mr. Randall stated that it was a preferable plan in regards to water and the land. He said they need to speak with the Board of Health. Mr. Ruprecht would like to see a traffic analysis done. He wanted to know if there would be any affordable units. Mr. Opachinski said he has not look at that yet. Ms. Farrell stated that they may want to consider affordable units, as there would be density bonuses allowed if they decided to have some affordable units. Mr. Michaud, from the audience, said he like the plan better, but there were some concerns about lot lines. He said that would probably be taken care of with a survey. Mr. Randall asked about elevations, as this really is a gravel pit right now. Mr. Sapir wanted to know at what point the developer would have to make a decision. Mr. McKenzie said if no variance is given, then they would have to revert back to the 40B. Mr. Opachinski said that 3 separate entities own the land, and they would make a collective decision.

### **9:50 p.m. – ANR - Atherton – 238 Main St.**

Mike Ruprecht recused himself, as he is an abutter to the Atherton's. Mr. Randall said that Mr. Serkey, attorney, has represented members of his family, and Mr. Atherton has employed his son, but feels he can be fair under those conditions. Mr. Serkey said the board has been out to see the site, and wanted to know how they felt about the project. He had some feedback from Planning Board members, and most said they were open-minded about the ANR. It does meet the requirements for a back lot. The owners are amenable to no further subdivision of the lot. The Board felt the fire department would have to come by and make sure access wouldn't be a problem. They are also willing to impose a 2 ft. access easement over the back lot if necessary for access. Ms. Farrell proposed limiting the Anr to one driveway for the two lots. Ms. Farrell

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was also concerned about the fact that the property backs up to the Jones River. Would there be anything that could be given as a public benefit. Mr. Serkey said that most of the land is conservation land. Mr. Serkey and the Atherton's will come back at a later date.

### **10:15 p.m. – Tucson Tacos**

Mr. Lynch, owner of Tuscan Tacos, is proposing adding seating and a deck to the back of the restaurant. There would be 2 gates for egress. The Fire Chief is concerned about overcrowding inside the establishment in the event the weather would be poor, and other such safety concerns. There were also some BOH concerns regarding waste water treatment plant at capacity, and will be meeting with the BOH also that night. The Sewer Dept. has concerns about the Phase II calculation of flow estimates and Mr. Lynch will need to meet with them also. Mr. Lynch feels confident he can find acceptable solutions for the existing concerns. He will come back before the board on June 13<sup>th</sup> at 7:30 p.m.

### **11:00 p.m. – Harvest Drive**

Mr. Bott said that he has received a check for \$2K from Mr. Hannah in regards to the Stone Meadow Subdivision. He has also received a plan from Mr. Webby for Harvest Drive.

The Board signed the Departmental Bills and the plans that required signatures. The minutes from April 11 and May 3 were postponed till June 13<sup>th</sup>.

The Board discussed Erin's Path. Mr. Randall motioned to sign the plan now as the Appeal period is just about over. Mr. Ruprecht second. Unanimous.  
Mr. Bouchard closed the meeting at 11:05 p.m.