

TOWN OF KINGSTON
BOARD OF SELECTMEN

MINUTES
June 13, 2006

Chairman Joseph D. Kelleher opened the meeting of the Board of Selectmen held on June 13, 2006 at 7:30 p.m. in Room 200 at the Town House, 26 Evergreen Street, Kingston. Present were Vice Chairman Mark S. Beaton, Paul M. Gallagher, Jean Landis-Naumann, Sandra D. MacFarlane and Town Administrator Kevin R. Donovan.

The Chairman announced the dates to note and the Open Forum. No one came forward to speak at the Open Forum.

Mr. Kelleher opened the Public Hearing for the Smart Growth Zoning District by reading the hearing notice, advertised in the newspaper. Following the reading of the notice, Mr. Kelleher stated the procedure that would be following in conducting the Public Hearing which included presentation by; Town Planner Thomas Bott, Ted Carmen for Concord Square Development, Lloyd Geisinger for Thorndike Development, and the Dennis Randall with the Planning Board's comments.

Town Planner Thomas Bott:

- Discussed the 40R application process
- Advised that MPIC had envisioned this type of development
- Announced that the Planning Board had established a Design Review Committee to be comprised of seven members of which two members were to be from neighborhoods that abutted the proposed site of the 40R development, with appointments being made within two weeks

Ted Carmen for Concord Square Development:

- Gave an overview of 40R and the State's recognition of serious problems with housing costs
- Advised that the State has encouraged development under this legislation by providing cash incentives to communities once the Zoning ByLaw has been passed and when units are built with a potential income to the Town in excess of two million dollars.
- Provided overview of 40S passed last November to provide insurance to communities that if school costs exceed half of the property tax revenue, the state would provide assistance.
- Stated that the Design Review Plan would be created before the vote on the Zoning ByLaw
- Advised that Gus Jennings, Concord Square Development had drafted one of the first Zoning ByLaws in the State and that Kingston's Town Counsel Kathleen O'Donnell had drafted the first Zoning ByLaw in the State.

Lloyd Geisinger for Thorndike Development

- Advised that his firm had entered into an Agreement to purchase 106 acres owned by the O'Donnell Family and that the closing would be within sixty days following a positive vote on the Smart Growth Zoning ByLaw, by Town Meeting.
- Gave an overview of the development to include, a new southbound ramp to Route 3, a parkway entrance, wind generation, reuse of the capped landfill, increase in size of the Wastewater Treatment Plant, man-made park that would be environmentally friendly and include a walkway, jogging and bike path and a pond. He stated that the homes would be single detached homes with garage in the rear, condominiums, and apartments. Plan would include a recharge of 100,000 gallons of water per day into brooks.
- Provided pictures and drawings of the low scale, low key type of development that would be included in the design.
- Discussed the Town's requirements under 40B and that this project would fulfill the Town's quota for the buildout period of ten years.

Dennis Randall representing the Planning Board:

- Stated that the Planning Board had not as yet taken any votes or made any recommendations on the ByLaw or development.

Mr. Kelleher invited comments and questions from the Board of Selectmen:

Mrs. Landis-Naumann stated that a sound barrier should be used as a buffer.

Mark S. Beaton:

- Stated that the Design Standard was crucial to the project in building a community out of a sand pit, suggested a zip parking lot for daily car rental for residents of the development to help alleviate the number of cars in the development and provide incentives to residents with one car or possibly a surcharge to residents with two cars.

Angus Jennings:

- Stated that the Design Standard was equal or of greater importance to the Zoning ByLaw and that when the Design Standards were accepted by the Planning Board they would become a blueprint for the development
- Advised that under 40R, the Board of Selectmen can set any reasonable standards for occupancy of the affordable units regarding local preference.

Paul M. Gallagher:

- Advised that the initial \$600,000 that the Town would receive would have to be returned if the development was not built and that there was a three year window to commence

the construction once the funds were received. He added that the Town should set up a fund to hold the money until the construction commenced.

The question was raised whether the developer Mr. Geisinger would be part of the Design Review Committee. Mr. Bott advised that Mr. Geisinger would submit a design plan that the Committee would look at and consider in their review process.

Sandra MacFarlane:

- Expressed concern that the affordable units remain affordable when sold.

Mr. Jennings advised that the Town would be required to use lottery process for selection and the property would remain affordable for the longest period of time allowed by law.

Town Counsel Kathleen O'Donnell:

- Advised that the application process was the key matter and that the State wanted to ensure that the project could actually be built.

Ms. MacFarlane questioned who would be responsible for maintaining the landscaping around the Parkway once it was accepted by the Town. Mr. Geisinger advised that some of the land would be maintained by fees and some would be the Town's responsibility.

Mr. Kelleher stated that the proposed development was just three miles from the Cordage Park Development and that it would be important to lean on the State to improve transit.

Mr. Kelleher invited Town Officials and Committee members to ask questions or make comments.

Dennis Randall stated that he was speaking as a Planning Board member and encouraged the Board to slow the process down for critical review. He expressed concern that empty nestors had not been built into the equation of determining impact because when they sell their homes it would be to families with children.

John Haas of the Zoning Board emphasized that the Design specs should be written for the Town, not the developer and that the Town should get control of the process. He further expressed that the development should be expanded to an adjacent piece of land.

Maureen Thomas, Conservation Agent requested that the application be copied to the Commission and asked what was included in the 20% of the Open Space.

Concord Square Development reported that included in the Open Space area would be the unbuildable land, retention pond and buffer zone.

Richard Dennehey, 12 Drew Avenue stated that he has seen development in this area proposed before and was concerned about the access issue.

Robert Schwartz, Rabboth Road stated he was concerned with access of cars coming into the development and impacting his neighborhood in view of the expansion of the Mall along with this project. He also expressed concern for the maintenance of the trails and Open Space because the Town has not maintained Camp Nekon.

David McKee stated that this project had the best access plan out of all others proposed with the exception of Gallen Road. He expressed concern that a development of this size would have great impact on the Fire Department services and that it would be necessary to add Fire personnel. He also stated that due to the height of the proposed structures, it would be necessary to upgrade fire equipment to reach the height of the structures.

Mr. Kelleher invited the public to make comments or ask questions.

Ralph Calderaro, 52 Evergreen Street stated that when Chairman for the MPIC, when the Village District was proposed, it brought forward the same arguments. He stated this time the ByLaw change was developer driven. He said at this point the Board must decide whether or not it wants to make the application for 40R and is it appropriate for the Town. Mr. Calderaro stated that he thought it was an appropriate place for 40R and a good method to control growth.

Helen Gavin, Smelt Pond Road, suggested that the Town do its own MEPA review and questioned the amount of traffic it would generate in consideration of the Mall expansion, Lowes, the car dealerships and the MBTA Station. She further stated that the height should be restricted as it was done in Plymouth for the Cortage project.

Lindsey Wilson, Tall Timbers stated that he was a commercial Real Estate Attorney and had experience in this field. He encouraged the Board to pursue 40R, that it was a good location for a transit oriented development.

Brian Spires, 9 Wapping Road stated that he was concerned about growth and development and thought this to be a fantastic opportunity, since growth was inevitable. He also suggested posting information about the project on the Town's website.

Pine DuBois suggested that in consideration of 40R, the Town should incorporate the remaining open space with transfer development rights, that the area is an important resource for wind and suggested another windmill be included. She further expressed that the MBTA should not leave diesel engines burning at night at the Station.

Douglas Dondero, 14 Copper Beach Drive, wanted to continue to keep the buffer between the development and the school and his neighborhood.

Ms. MacFarlane stated that the major point of the hearing was to decide if the Town should just apply for 40R and it was not to approve a plan or site. She further stated that the property owner had a right to sell and this would give the Town more control in the project.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To close the public hearing.

Mr. Beaton's motion, seconded by Mr. Gallagher, following a discussion and a 5 to 0 to 0 vote was—

VOTED: To submit the application to DHCD for a preliminary determination of eligibility for approval as provided for under MGL Chapter 40R, Section 5.

The Board took a break at 9:50 p.m. and resumed the meeting at 10:00 p.m.

The Board reviewed the Town Administrator's report. Items discussed included; damn inspections, wind tower status report, problems with the computer system due to a Verizon problem, and the Cable Television franchising Bill.

Mr. Beaton requested opening dialogue with the Plymouth Board of Selectmen on the Economic Target Zone.

The Board reviewed the resignation letter from Chief McKee to be effective November 11, 2006 after 35 years of service in the Town's Fire Department. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was—

VOTED: To thank the Chief McKee for his service with recognition to be made at a future date and accept the resignation to be effective November 11, 2006.

Mrs. Landis-Naumann asked when the next step would take place to fill the position. Mr. Kelleher suggested waiting until the next meeting to discuss the process.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was—

VOTED: To issue a Proclamation to Daniel G. May upon his election as Captain Commanding of the Ancient and Honorable Artillery Company of Massachusetts.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was—

VOTED: To present May L. Igo of 17 Chipman Way with the Boston Post Cane.

Mr. Beaton announced that any residents that were centurions would be eligible to receive a replica cane and should contact the Selectmen's office.

The Board reviewed the list of annual appointments. Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was—

VOTED: To appoint the list as present except for the appointments to the Conservation Commission, which will be held until the Board's next meeting.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To accept the donation from Environmental Management Consultants of a rubbish container for the Town Landing.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To approve the closure of Rocky Nook Avenue between East Avenue and West Avenue on July 4, 2006 from 8 to 10 p.m.

The Board reviewed the request of the Town Clerk for Boards and Committees to post their meeting minutes to the Town's website and if there is internet access by the Board or Committee but no Town office location, that the minutes be submitted to the Town Clerk as has been done in the past and posted to the website. All others shall submit minutes to the Town Clerk as has been previously done.

Mr. Donovan stated that it was a measure to cut down on paper. Mr. Beaton stated that he wanted the minutes posted to the website and still submitted to the Town Clerk, since all residents did not have accessibility to the website. Mrs. Landis-Naumann stated that she agreed that they should operate in both modes.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To continue to follow the Board's 1990 direct and mandate posting minutes on the Town's website.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 vote, it was –

VOTED: To hire Matt Wheble as Sailing Instructor, Joshua Phoenix as Park Attendant and Rob Grieco as Casual Worker.

Upon motion made and seconded, following a discussion and a 5 to 0 to 0 roll-call vote, it was –

VOTED: To enter into executive session¹ for the purpose of discussing Pending Litigation and the Purchase, Sale, or exchange of real property.

Respectfully submitted:

Nancy M. Howlett, Assistant to the

¹ The Public Session adjourned at 10:18 p.m. and the Executive Session adjourned at 10:40 p.m.

Town Administrator/Board of Selectmen