



**Office of  
Kingston Board of Appeals**  
Town House  
26 Evergreen Street  
Kingston, MA 02364

**BUSINESS MEETING MINUTES  
ZONING BOARD OF APPEALS  
March 18, 2009**

MEMBERS PRESENT: Paul Dahlen, Carl Pike, John Haas, David Rose; George Boerger  
OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer; Elaine Fiore and Peter Cobb, Sewer Commission

7:30 Mr. Haas opened the meeting

Historical Commission- Craig Dalton, Chairman of the Historical Commission was present to meet informally with the Board. He provided a copy of a recently completed archeological survey of the Town, which shows archeological and historical sites in the town and maps that better identify certain locations and active American sites. The maps will be available at the library and the Town Planners office and made available to the public. Mr. Dalton stated that the intent is not to stop development but to protect the history and heritage of the town. He is asking that the ZBA help with protection and input on projects applicable to these areas.

7:40 Indian Pond, LLC – Modifications to Comprehensive Permit

Mr. Rose read the public hearing notice. Present were the applicant, Fred Tonsberg, Attorney Flemming and the engineer, Mark Flaherty

Mr. Haas reiterated a conversation he had with the interim Town Administrator regarding the outstanding sewer fees. Mr. Haas stated it is his opinion that nothing would be gained by halting the project for money owed for sewer fees. He added that he does not feel this particular issue, which has gone on for ten years, is not the job of the ZBA and he would like to continue with the hearing concerning the applicant's request for a modification to the comprehensive permit.

An informational packet was provided by the applicant which was just received by the Board.

Jim Noyes, the traffic engineer from Greenman & Peterson, was present to go over updates on the traffic study. He stated that the original study was done in 2005 and the comments raised by the peer reviewer, Tibbets Engineering, were addressed at that time. He referenced a letter to the Board dated March 4, 2009, with updated trip generation numbers. He stated that with the removal of the age restriction, there will be a slight increase in traffic but the original count was done shortly before Route 44 was opened. They compared how much traffic was siphoned off because of the Route 44 opening (see page 2 of March 4<sup>th</sup> letter). He added that traffic in the general area has dropped off. There was discussion that there will be increased traffic in the area at the back of the project. Noyes stated that it will still be a level A and the levels of service will still be better than originally presented due to the decrease as a result of the opening of Route 44.

Matt Lanza, an abutter to the project, stated that he felt the increase is enough to make a compromise for a decrease in the number of units.

Mr. Fleming pointed out that the traffic study was done for the original proposed 94 units, and that the approval is for 86 units.

Mr. Haas read into the record the letter from the Police Department dated February 24, 2008 and the memo from the Fire Department dated February 19, 2009.

There were discussions concerning access and egress. Mark Flaherty stated that the driveway and parking lots are remaining the same and that the only change is a separation of units.

Mr. Haas read into the record the following: a letter from South Shore Savings Bank dated February 23, 2009; a letter from Delphic Associates dated March 18, 2009; Amendment to Declaration of Protective Covenants and Restrictions.

The demographic regarding the number of school age children provided by the applicant was discussed. The applicant stated

the list was obtained from the Town Clerk. Mr. Boerger reviewed the list and stated he feels it is not accurate and is off by about 50%. Mr. Haas stated that density is a major issue and this information needs to be updated and accurate.

The pro forma provided in the information packet was reviewed and discussed. The Board stated they would like to have this peer reviewed along with the traffic study. The Board would like more information on the pro forma and the school children count.

The Board was polled and the consensus was that density is a major concern and the Board would like more information on how density will impact the project and then look at a reduction in units to offset, while still being economically viable.

Mr. Haas read a letter from Matt Lanza dated March 4, 2009 into the record.

For the next meeting the Board would like to resolve the following: An accurate count for school age children provided by the applicant; a review of pro forma with the potential of reduction in units; peer review of traffic study by Tibbets; Paul Armstrong to get back up information on the pro forma.

Mr. Boerger moved to continue the hearing to April 15, 2009 at 7:30 pm. Mr. Pike seconded. The vote carried unanimously

9:10 General Business

The minutes of March 4, 2009 were reviewed. Mr. Boerger moved to accept the minutes as modified. Mr. Pike seconded. The vote carried unanimously.

It was voted to adjourn at 9:12 pm.