



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

Meeting Minutes of April 10, 2023

APPROVED at regularly scheduled meeting of the Planning Board on June 12, 2023
CORRECTION made to *Paul Schiele 92 Three Rivers Drive APPROVED on meeting held on
September 11, 2023

Members:

Thomas Bouchard, Chair
David Gavigan, Vice Chair
Joanne Cullen, Clerk
Robert Gosselin, Member
Jonathan Barnett, Member
Richard Kenney, Alternate Member

CALL TO ORDER

Chair Tom Bouchard called the meeting to order at 7:07 PM

ROLL CALL

Tom Bouchard: Present
Dave Gavigan: Present
Bob Gosselin: Present
Jon Barnett: Present

Joanne Cullen and Rich Kenney were not present.

Staff Present:

Valerie Massard, Town Planner
Erin Benoit, Assistant Town Planner

MEETING MINUTES

There were no minutes to review.

COMMUNICATIONS

There were no communications.

DISCUSSIONS

NEW/OLD BUSINESS

Public Hearing for a citizen petitioned article for action at Town Meeting regarding “filling and reclamation of land.

Chair Tom Bouchard opened the Hearing and gave a brief summary about the property owners (who are sponsors of the article) of 48 Marion Drive operating under an Administrative Consent Order by the DEP), as dumping dirty fill from other places onto their land, and the Town of Kingston is against

this. Said owners are violating the Stop Work Order that was issued because zoning does not allow this use.

Matt Ward, of 71 Three Rivers Drive approached the podium to ask the Board whether the fill had been through Phase I or Phase II testing. He was answered that the Town has not seen any definitively accurate test results. Mr. Ward expressed concern as a citizen.

Motion made to close the Public Hearing by David Gavigan
Second: Jonathan Barnett
All in Favor:
Vote 4-0-0.

Bob Gosselin made motion to not support favorable action regarding the article for action at the 2023 Annual Town Meeting which proposes an amendment to the Town of Kingston Zoning Bylaws regarding “filling and reclamation of land” and general bylaws.

Motion Second: David Gavigan
All in Favor
Vote: 4-0-0

*went out of Agenda’s order

Appointment David Fuller of 233 Country Club Way re: citizen petitioned article for Town Meeting to accept Country Club Way.

Mr. Fuller expressed frustration and contempt for the condition of Country Club Way. Mr. Fuller noted concerns such as raised manhole covers, potholes and other perceived safety hazards. Mr. Fuller requests the town take over the roadway.

Chair Tom Bouchard explained that the town does not usually take over roads that are incomplete and in a heavily damaged state. The town of Kingston boards have been working together to find a reasonable solution. A judge has ruled that the owner and builder of the road, Mr. Frederick Tonsberg Sr., is in violation of a 2014 negotiated agreement to finish the roadways. He is appealing that decision currently.

Town Planner, Val Massard, further explained that even if the Town wanted to fix it or pave it, legally we are not within our rights to do so as it is private property. The Town is not obligated to accept private ways.

The Town will continue to explore other options to try to help the Country Club Way residents resolve their issues with the developer, Fred Tonsberg Sr.

The Board did not change its recommendation to the Selectman. The Board does not support the article.

Public Hearing of petition of Stephen Darby for a Special Permit per Section 5 of the zoning bylaw, Table of Uses, to create a tap room in the Town Center Zoning District in a building located at 77-79 Summer Street.

Mr. Darby was advised that there were only 4 voting members present so if he wanted to wait to vote when there was a quorum he could. He opted to proceed.

Mr. Darby, of 3 Rivers Drive introduced himself and his partners Matt Ward and *Paul Schiele, 92 Three Rivers Drive, who were also there in attendance. Mr. Darby gave a brief explanation of his business plan to open a 15-seat Brewery- Taproom. Discussion of parking availability. Ms. Massard confirmed that parking was indeed available based on the previous tenant's spots.

Discussion of a complaint from the Jones River Watershed Association about a possible floor drain not connected to sewer was raised, and the Town will follow up with the owner of the building to look into doing an inspection.

Discussion to approve the specific hours of operation and including the inspection of the floor drain. Motion to approve the Special Permit with hours as discussed. Hours will be M-Th 4 PM- 12 AM, Fri-Sun close at 12 AM.

Motion made to approve to approve Special Permit with conditions and hours listed made by David Gavigan.

Second: Bob Gosselin

All in Favor

Vote: 4-0-0

Motion to close the hearing by David Gavigan

Second: Jonathan Barnett

All in favor

Vote 4-0-0

Review of Land Clearing, Grading and Protection of Specimen Trees Bylaw article for Annual Town Meeting. Changes made to originally drafted Bylaws by Matthew Penella and Valerie Massard were reviewed. Mr. Gosselin and Mr. Bouchard think the changes made were a significant improvement. The article is co-sponsored by the Planning Board and the Conservation Commission.

Motion made by Bob Gosselin for favorable action be taken at Town Meeting in regard to the new Bylaw with the mentioned edits.

Second: Jon Barnett

All in Favor

Vote:4-0-0

No further business to discuss.

Motion made to adjourn the meeting by Jon Barnett

Second: Bob Gosselin

All in Favor

Vote: 4-0-0

Meeting adjourned 8:39 PM

Next meeting to be held Monday, April 24th, 2023

Materials discussed/reviewed at this meeting:

- Agenda for April 10, 2023
- Citizen's petitioned Zoning Bylaws "filling and reclamation of land" and amending General Bylaws by adding a new section 12A, earth removal reclamation.
- Parking Memorandum 42nd Parallel from petitioner Steven Darby
- Edited Land Clearing, Grading and Protection of Specimen Trees By-Law Town of Kingston, Massachusetts.
- Email dated April 10th from Larry Demar regarding urban fill affecting property at 4 Royson Drive as public comment on the citizen-petition article for land reclamation.