

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
November 1, 2023

Members:

Mr. Paul Dahlen – Chairman
Mr. Doug Dondero – Vice Chairman
Mr. Lane Goldberg
Mr. Robert Mullen
Mr. Kevin Wrightington
Mr. Brian Woods – Associate Member
Ms. Marsha Smith Meekins – Associate Member

In attendance in Room 200: Mr. Dahlen, Mr. Wrightington, Mr. Mullen, and Mr. Woods
Ms. Meekins and Mr. Silva were present via Zoom.

Absent: Mr. Dondero and Mr. Lane were absent from this meeting.

We were having Zoom laptop to projector connection issues at the start and throughout this meeting.

Mr. Dahlen opened the meeting of the Zoning Board of Appeals at 7:02 PM by roll call. **VOTE** of 4-0-0.

Appointment:

7:00 PM – CONTINUED TO NOVEMBER 15, 2023, AT 7:10 PM Applicant, Fred Tonsberg, 60 Country Club Way, Map 74, Lot 4 must seek a modification to an existing special permit from the Zoning Board of Appeals case #888 of 1997 in order to construct a golf course maintenance building in a different location as originally detailed in 1997 approvals. Site Plan for proposed maintenance building at Indian Pond Country Club, Inc. prepared by Joseph Webby, Jr. and Richard DeBenedictis of Webby Engineering Associates, Inc. dated 7/11/2023.

MOTION: BY Mr. Wrightington to continue 60 country Club Way to November 15, 2023, AT 7:10 PM, seconded by Mr. Mullen. **VOTE** 4-0-0

Appointment:

7:05 PM – Applicant, Cushman Farms, LLC., 33 Cushman Drive, Kingston, MA 02364. To request a Comprehensive Permit under Massachusetts General Laws Chapter 40B, to allow construction of three apartment buildings proposed to build 100 sixty-two (162 units of rental housing (the “project”) on approximately 11 acres of land located off Marion Drive and Cushman Drive (the “site”) in Kingston (the “municipality”) with an associated community building, access road, parking, stream crossing, utilities, and stormwater features on assorted parcels along Thomas St., including Off Pleasant St. and Pleasant St. Map 66 Lots 29, 32, 33, 35, 37, 38, 40, 41, 42, 47 and Map 75 Lots 5 and 7. Mass Housing ID #1159. Plot Plan by Coneco Engineers & Scientists, Bridgewater, MA. Drawn by Surveyor Timothy S. Bodah, PLS dated September 28, 2023. Comprehensive Permit Plans by Coneco Engineers & Scientists. Plans drawn by Engineer Damien J. Dmitruk, P.E., dated October 2, 2023.

Mr. Mullen read the Public Hearing Notice for 33 Cushman Drive.

MOTION: To open the Public Hearing by Mr. Mullen and seconded by Mr. Wrightington with a **VOTE of 4-0-0**.

Mr. Dahlen spoke to the applicant regarding the fact that he only has 4 board members present and will need a super majority of 5. He gave the option to continue, or the absent members can do the Mullin Rule. They will need aa 4 out of 5-member vote.

Mr. Dahlen asked Rick Lincoln if they have full site control and easements too.

Rick Lincoln replied that yes, it is all under their ownership.

Mr. Dahlen asked if the Abutter's Notification included up to the distance of those easements. If the easements were not included when the notification was sent out, then the Abutter's Notification would be sent out again because that would change the scope of their circle. You're required to go 300' around each easement. If not, that could create an appeal.

Rick Lincoln replied that it is the engineering company that requested the list, so he did not know.

Mr. Dahlen stated that if the 300' circle from each easement was not requested correctly then they would have to readvertise and send out Abutter Notification.

Megan replied via Zoom that they did the 300' abutter list up to the street.

Mr. Dahlen gave Mr. Lincoln the option to start or continue to a further date when there is a full board.

Rick Lincoln stated that he would like to go forward and explain the details of the project which he did. He displayed the copy of plans for the board and abutters.

Mr. Dahlen asked if there would be any affordable housing.

Rick Lincoln replied yes there will be 25% affordable housing.

Mr. Dahlen asked if there would be greenspace.

Rick Lincoln replied that they would work on greenspace.

Mr. Wrightington and Mr. Mullen agreed that there needs to be more clarification.

Mr. Dahlen told Rick Lincoln that firms need to be chosen for Peer Review. Water Department comments were read and questioned why they would move forward due to availability of sewer or septic.

Rick Lincoln stated that it would be subject utility availability.

Mr. Dahlen asked if this is something that we continue a year away because what if you're forced to put a treatment plant on the property without having some kind of engineering for it what is the point of moving forward. Letter from the Sewer Commissioner saying yes, you're going to have the flow by this date. You can circle around Title 5. So, it's either meet Title 5 or have your own treatment plant there. The Water Department needs to chime in to make sure with whatever looping you would want to do. They may ask you to continue the main further up the street to make the water flow correct. A letter from the Fire Department would be needed for Fire hydrants and apparatus on site. A letter from the Police Department stating their case. A traffic study will need to be done, come up with self-contained area/greenspace, Is there a pro forma? There's no backup plan.

Rick Lincoln replied that the pro forma is in the Mass Housing Packet.

Mr. Wrightington wants clarification on water and sewerage.

Mr. Mullen agreed with Mr. Dahlen. Expressed concern of traffic with the MBTA at 4:30, 5:30 and 6:30. A few questions that need to be looked at and addressed.

Matt Penella from Conservation Agent, spoke of the original filing and local bylaw. Applicant pulled filing and cannot ignore local bylaw and regulations. The committee was asking for Box Turtle protection. There is a potential vernal pool on site. We have local wetlands regulations for a reason. Not sure where it stands now and whether they plan on coming back to do the NOI for the borings or if that just led them to stay away from the wetlands with the borings entirely.

Mr. Dahlen asked if this is an overlay water district.

Matt replied that the wetlands are in the eastern part of the site up by Cushman Drive. There are two perennial streams that go through that area in a series of wetlands. There's a beam of flood zone in the middle of the site that until FEMA takes it off of their map in terms of procedure, we have to treat that as wetlands. On site it looks like a big bowl. Until they get their map provision from FEMA in any filing, they put in front of the commission it basically shows a big wetland right in the middle of the site.

Keith Hanson, 1 Copper Beech Drive spoke about how adversely affected negatively the neighborhood would be with this development. Looking at a major problem if this is allowed to continue. Speaking of another 300 cars a day at a minimum.

Britt Opachinski, 15 Copper Beech Drive spoke of Cushman Drive being a narrow road with no sidewalks, multiple, 100's of cars going in. What is the plan.

Bob Savoy, 26 Links Way expressed his concern of just having in their area the Alexan Apartments go up by the mall. A lot of units were not rented and are now section 8 units.

Mr. Dahlen stated that yes, we had apartments put up at the mall and it did not get filled.

Bob Savoy stated that now we are adding 154 more units in very close proximity. Can section 8 be blocked if they cannot rent out the properties?

Mr. Dahlen replied that he did not know that answer but was very doubtful. Mr. Dahlen did write that question down. If we don't need the development, why would we want it especially at that size.

John Nickerson, 12 Copper Beech Drive recently moved to the neighborhood. Speaking of the beautiful, wooded area and nature. Space is not appropriate for the property.

Rick Lincoln stated that the traffic study is from one year ago.

Mr. Dahlen asked for the traffic study to be updated.

Paul Tanous, 6 Copper Beech Drive spoke of the gate at the end of their road and was taken down. MBTA did a traffic study done back in 1994 and there were 1,340 cars a day going down Copper Beech Drive onto Cushman Drive. Gates are not going to keep people from crossing through is not going to happen.

Mr. Dahlen mentioned it is a huge safety concern. Asked Rick Lincoln if he will be bringing Counsel because some of these pieces being questioned need answers or will have to be continued further ahead to get stuff done.

MOTION: Made by Mr. Wrightington to **CONTINUE** 33 Cushman Drive to January 17, 2024, at 7:00 PM, seconded by Mr. Mullen.

VOTE: 4-0-0

MINUTES: Mr. Mullen MOTIONED to APPROVE the minutes from October 18, 2023, and seconded by Mr. Wrightington.

VOTE: 4-0-0

MOTION: To **ADJOURN** by Mr. Wrightington and seconded by Mr. Mullen with a VOTE of 4-0-0.

ADJOURN: 8:05 PM

Respectfully submitted,

Debora Barry
Executive Secretary - Zoning Board of Appeals