



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

Meeting Minutes of December 9, 2024
Approved February 24, 2025

Members:

Thomas Bouchard, Chair
David Gavigan, Vice Chair
Alexander Graham, Clerk
Robert Gosselin, Member
Jonathan Barnett, Member
David Gleason, Associate Member

CALL TO ORDER

Chairman Thomas Bouchard called the meeting to order at 7:00 PM

ROLL CALL

Thomas Bouchard-Chairman: Present
David Gavigan-Vice Chairman: Present
Alexander Graham-Clerk: Not Present
Robert Gosselin: Not Present
Jonathan Barnett: Present
David Gleason-Associate: Present via Zoom

Staff Present:

Valerie Massard, Town Planner
Erin Benoit, Assistant Town Planner Present, via Zoom

AGENDA:

7:01 Site Plan Review 48 Evergreen Street for group home.

Mr. Chairman invited representative David Sullivan, Vice President of real estate and facilities for Elwyn (the group home company), to speak. Mr. Sullivan attended the meeting remotely.

Mr. Sullivan stated that he was new to Elwyn and just getting up to speed. Mr. Sullivan thought that this project was settled and moving forward.

There were some brief technical difficulties.

Town Planner Valerie Massard gave a brief overview of the project at 48 Evergreen Street, Map 35 Lots 21 & 22. The Applicant is Elwyn Adult Behavioral Health Services out of New Bedford. They are subject to Site Plan Review to the extent that we are looking at parking, if they have adequate bulk and massing. Though it's an exempt use through Chapter 40A State law, they are still subject to site plan review. They are renovating an existing house. The site plan

that is given is an existing conditions plan with some information that's been superimposed on the existing site plan. The Planning Department does not have a parking plan that would meet the requirement of ADA and is therefore not an acceptable site plan. The applicant was relayed this information ahead of this meeting.

The first issue at hand is that the property owner still owes taxes to the Town of Kingston, which under our General Bylaws, prohibits the issuance of a permit. They have designed a septic system for the property, however the Sewer Commission, by law, has said that they must tie into the Town's sewer system. The plans submitted do not show these required updates.

There is no information on water supply. There is currently a water moratorium, and it has been asked already by the Water Department for an update as to whether the 7 bedrooms they are proposing would be serviced with adequate flow with the existing service line that exists to the house.

Mr. Sullivan expressed his frustration as he assumed that parking was the only outstanding information to move forward with this project.

Ms. Massard explained to Mr. Sullivan that once the Site Plan is received, it is circulated to the Water and Sewer Departments as well as other departments for comment, and the issues being spoken of would need to be addressed regardless.

Mr. Chairman reminded Mr. Sullivan that the Planning Board is not obligated to even discuss this plan, as it is incomplete and the fact that there are taxes owed to the Town disqualifies the project from moving forward. The Planning Board was gracious in allowing discussion and comment. This is not a Public Hearing.

The Town Planner addressed the parking specifically. The parking plan, as shown, does not meet ADA requirements. The existing property for parking shows runoff to the adjacent property to the east, and existing flooding in that area is shown in photographs submitted to the Building Commissioner. The plans also lack a landscaping plan, which is required with the number of parking spaces shown.

Ms. Massard recommends that this issue be continued.

Though this is not a Public Hearing, as a courtesy, the Planning Board decided that the community members present may speak.

Chris Veracka, 52 Evergreen Street.

Mr. Veracka stated that he and his family own the servient lot of the easement that goes to 48 Evergreen Street. His stated concerns over the overburdening of the easement. He and his wife Tammy spent 8 years in court over the use of the easement for commercial purposes. Eventually the court sided in his favor and the business located there was shut down. At this time, Mr. Veracka read the letter he had written to the Planning Board. (attached to Staff Memo/Materials included with agenda)

The easement traverses over 52 and 50 Evergreen Street.

Craig Belmore, 54 Evergreen Street.

Mr. Belmore echoed Mr. Veracka's concerns. Mr. Belmore is especially worried about flooding as it proves to be an issue already. Another major concern is excessive lighting on the group home that would diminish the dark, private and peaceful area. Again, traffic was brought up and the residents of the adjoining properties do not want to see cars, trucks and vans

and buses or emergency services or employees coming and going all day and night. Concerns about signage and where the mail will be delivered were expressed as well.

Ms. Massard was asked to explain the exemptions under the law. She stated that under Chapter 40A there are certain uses that are exempt for the most part from zoning and this includes residential educational programs for adults.

Ms. Massard read into record the Building Inspector, Mr. Armstrong's letter:
(see attachment)

Mr. Barnett stated that there are a lot of concerns surrounding this proposal. Once the revised Site Plan is received and taxes are paid, discussion should resume at that time.

Kimberly Mello, Regional Director for Elwyn in Massachusetts

Ms. Mello shared that in the State of MA, they have 10 group homes, typically there should not be more than 2-5 cars parked there. She does not feel there are significant deliveries expected to be made.

The lighting should be normal lighting for a residential home.

There will be no signage present by design. The mailbox will be a standard sized receptacle. Snow removal is typical for a residence- someone is hired to plow the driveway. Regarding the concerns of sanding and salting-Ms. Mello said that it can be addressed.

Ms. Mello said she was not aware that there were outstanding taxes owed, and she had reached out to the property owner to rectify that.

Mr. Veracka took to the podium to clarify that one of the abutter's concerns is not only vehicular traffic, but also foot traffic. There is no desire for residents to walk up and down the shared driveway or loiter near other people's property.

The Planning Board Chairman advised the Elwyn group that they need to address these issues before they will be rescheduled, including taxes.

DISCUSSIONS:

ADU Bylaw – Town Planner Valerie Massard gave an update on the Attorney General's approval of Kingston's ADU changes to the bylaw putting them in effect. The State has made recommendations for changes to be voted on at the Spring Town Meeting to be consistent with new State law updates that take effect in February.

Ring Road Solar- there was a full site walkover with the solar company, the electrical inspectors (Lenny Warner and Steve Ellis), Paul Armstrong and Val Massard on Friday, December 6, 2024 and the group came to some agreements: the solar company should add more fencing to prevent people from getting too close to the wires; adding sleeving around the wires that are within reach

of someone standing along the bog roads-because the wires are lower to the ground than anticipated.

MINUTES:

Motion to accept the minutes of October 28, 2024, as presented.

Motion: Jonathan Barnett

Second: David Gavigan

All in Favor

Vote: 3-0-0

Next meeting will be held Monday, January 13, 2025

Motion to adjourn

Motion: David Gavigan

Second: Jonathan Barnett

All in Favor

3-0-0

Meeting adjourned

Materials Discussed/Reviewed at this meeting:

- Agenda December 9, 2024
- Staff report 48 Evergreen Street
- Town Meeting Timeline May 2025
- Meeting minutes of 10/28/24