

HOUSING APPEALS COMMITTEE
ANGLEWOOD HOUSING DEVELOPMENT LIMITED PARTNERSHIP

Decision # **1990-06**
Appellant: **ANGLEWOOD HOUSING DEVELOPMENT LIMITED PARTNERSHIP**
Appellee: **KINGSTON ZONING BOARD OF APPEALS**
Date:
AGREEMENT FOR JUDGMENT

The parties hereby stipulate and agree that a comprehensive permit shall issue to Anglemood Housing Development Limited Partnership, of 415 Beacon Street, Boston, Massachusetts ("Anglemood") subject to the following limitations and conditions:[1]

I. LIMITATIONS

A. The Comprehensive Permit is limited to the development and construction of twenty-five (25) single-family dwellings on individual lots described in the following plans and documents, as they may be modified by the limitations and conditions of this Permit:

1. Plans. The plan submitted and approved as part of the comprehensive permit, hereinafter referred to as the "Plans", by Vautrinot and Webby Co, are named and dated as follows:

[1] There remains one issue that the parties submit to the Housing Appeals Committee for a decision. The issue arises from a letter from the Kingston Water Department, dated May 28, 1990, a copy of which is submitted herewith, requiring the Developer to pay a water connection fee of \$500.00 per unit. The Developer's position is a request for a waiver of this fee as it applies to this project. The Town of Kingston's position is that the fee should be paid. The parties will submit supplemental briefs on or before September 11, 1995.

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- Sheet 1, Definitive Subdivision Plan dated January 13, 1992, .
revised January 31, 1992, September 8, 1992, and May 16,
1994
 - Sheet 2, Utility, House Location and Landscape Plan dated May
5, 1994, revised May 16, 1994, May 30, 1995, June 16,
1995
 - Sheet 3, Profile of "William's Road" dated May 16, 1994
 - Sheet 4, Construction Details dated May 16, 1994, revised May
30, 1995
 - Sheet 5, Construction Details for William's Road dated January
13, 1992, revised May 16, 1994.
2. Anglemood Housing Development Limited Partnership

Application for a Comprehensive Permit Under M.G.L. Chapter 40B, dated March 14, 1990, and including accompanying exhibits.

3. Order of Conditions issued on June 10, 1994, pursuant to Massachusetts Wetlands Protection Act, G.L. c.131, Sec. 40, to William Haney under DEP file No. 37-323 ("the Order of Conditions

B. The Comprehensive Permit is a master permit incorporating the below-listed permits and approvals and including the waivers and variances herein described:

1. Zoning By-law Variances

The following variances are granted with respect to the requirements of the Kingston Zoning By-law

a) Minimum lot area requirement of 20,000 square feet per lot is varied with respect to Lot Nos. 1 through 25 to allow the lot areas as they are shown on the plans, sheet 1 of 5.

b) Minimum lot frontage requirement of 100 feet is varied with respect to Lots Nos. 1 through 25 to allow lot frontage at the street line of no less than 50 feet, substantially as shown on the plans, sheet 1 of 5.

c) Minimum front setback requirement of 40 feet is varied with respect to Lot Nos. 1, 2, 6, 7, 8, 9, 11, 12, 17, 18 and 25, in order to allow a minimum front setback of 20 feet from the edge of the street easement line, substantially as shown on Site Plan, Sheet 2 of 5.

d) Minimum sideyard setback requirement of 15 feet is varied to allow a minimum sideyard setbacks substantially as shown on Site Plan, Sheet 2 of 5.

e) Minimum rear yard setback requirement of 20 feet is varied to allow a rear yard setback of 10 feet on all lots.

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2. Definitive Subdivision Approval

The roadway shall be constructed within the right-of-way shown on the Site Plan.

Definitive subdivision approval is granted pursuant to G.L. c.41, sec. 81U and the Kingston Subdivision Rules and Regulations, with the following waivers from Section 4.0 Design Standards:

a) The proposed roadway (William's Road) does not have the minimum 200 foot length tangents between the P.T. of one curve, and the P. C. of any following curve.

b) If William's Road is considered a "Dead-end Street" a circular turnaround has not been provided, and exceeds the 500 feet in length

c) Curb radii at Baker Avenue are less than the minimum 30 feet.

d) The Easement width of William's Road is 32 feet wide, instead of the 40 foot Right of Way as required for a Limited

Residential Way. Pavement width is 74 feet wide including two 18 inch bituminous concrete (cape cod) berms, instead of 24 feet wide excluding the two 18 inch berms. Center Line radius of curves are less than the required 290 feet radius as required.

- e) The vertical curvature of William's Road exceeds a grade of 3 percent for the first 100 feet from Baker Avenue.
- f) The Drainage Easement on Lots 22 and 23 is less than the required 20 feet in width.
- g) No playground or recreation areas are proposed.
- h) Two 18 inch bituminous concrete berms are proposed along William's Road in its entirety, and no granite curbing is proposed at curb inlets of catch basins, street intersections, or inside curves having an interior angle of less than 1 10 degrees.
- i) One 3 foot wide sidewalk is proposed, instead of the required 5 foot wide.
- j) The minimum ground coverage above the pipes at drain manhole #3 are 24 inches, instead of the required 36 inches.

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- k) No fire alarm system is proposed
- l) No guard rails are proposed.
- m) No boundary marks or monuments are proposed.
- n) No "As-Built" plans of the completed roadway are proposed.
- o) Street cross section shall conform to that shown on the plan entitled "Construction Details For 'William's Road'" dated January 13, 1992, Revised January 31, 1992, by Vautrinot & Webby Co.

3. Sign Permit

The Comprehensive Permit includes a permit for construction of

a temporary sign consisting of a two panel V shaped sign, with each panel to measure no more than 32 square feet for a total of 64 square feet of sign area to identify the project during construction and sale of the dwellings, provided that such sign shall be located no less than 10 feet from Main Street.

4. Curb Cut Permit

The Comprehensive Permit includes an exemption from curb cut permit requirements with respect to the curb cut at the location shown on the site plan.

II. CONDITIONS

A. Any changes in the design and development of the project from that approved under this Permit shall be subject to review and approval by the Kingston Zoning Board of Appeals "Changes" shall include, without limitation:

- 1. Alterations to the approved road layout, profiles or

cross-sections;

2. Alterations to the drainage design approved by the Kingston Conservation Commission;
3. Alterations to the lot lines shown on the subdivision plan, Sheet 1 of 5.
4. Alterations to the proposed sewerage disposal facility type, except as approved by Massachusetts Department of Environmental Protection.

B. The following lots shall not be building lots but the interest therein shall be conveyed as follows:

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Lot 1 A shall be conveyed with Lot 1 and both parcels shall be considered a building lot for the purposes of this permit.
Lot 3A shall be conveyed with Lot 3 and both parcels shall be considered a building lot for the purposes of this permit.
Lot 4A shall be conveyed with Lot 4 and both parcels shall be considered a building lot for the purposes of this permit.
Lot 5A shall be conveyed with Lot 5 and both parcels shall be considered a building lot for the purposes of this permit.

C. Prior to the endorsement of the subdivision plan, copies of the following documents to the Kingston Planning Board:

1. Grant of Title V covenant and easements
2. Easements, Restrictions and Covenants to apply to all lots.
3. Form of Restrictive Covenant pursuant to G.L. c.41, sec. 81U to be filed in lieu of bond or other subdivision security.
4. Homeowner Association Articles of Incorporation.
5. Homeowner Association By-Laws.

D. Prior to release of any lots from the restrictive covenant executed pursuant to Condition C above, Anglewood shall file the following documents with the Kingston Zoning Board of

Appeals:

1. Copies of the recorded Restrictive Covenant and Definitive Subdivision Plans;
2. Evidence that the Massachusetts Department of Environmental Protection ("DEP") has approved the design of the private sewage collection and treatment facilities.

E. Eight of the dwellings (30%) are to be made available for sale to low and moderate income households.

F. Kingston residents will be given first priority for the low/moderate income units, subject only to others who may have greater priority under state or federal law or rules and regulations.

G. The storm water drainage system shall be designed for a 100 year storm condition There shall be no increase in the peak hour runoff of storm water from the site.

H. Earth may be redistributed within the site but may not be removed from the site without an earth removal permit as required by the By-Laws of the Town of Kingston.

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I. Any an all local permits and waivers of local regulations not otherwise granted herein are denied.

J. A buffer zone of hedges at least three feet in height shall be installed along the southern border of the site.

K. Ownership and maintenance of the proposed sewerage system shall be the permanent responsibility of the lot owners.

L. Anglewood Housing Development Limited Partnership will comply with the Kingston Earth Removal By-Law to the extent that it shall file all applications with the Zoning Board of Appeals. If such application does not provide the full level of detail that might normally be required under the By-Law, it shall contain sufficient detail so that there can be a meaningful review by the Board. The Board will formally review any application within thirty (30) days of filing. Such review shall be with or without a public hearing, in the Board's discretion Within ten (10) days of its review the Board will issue a decision. If the applicant is not satisfied with the decision, in any way, it may raise the issue before the issue before the Housing Appeals Committee which retains jurisdiction for that purpose.

Town of Kingston
Zoning Board of Appeals
By its attorney,

/s/ Judith C. Cutler
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Anglewood Housing Development
Limited Partnership.
By its attorney,

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August 11, 1995

End Of Decision