



On second thought

Smart-growth forces enjoy a reversal of fortune in Kingston

BY ROBERT PREER

► **KINGSTON** Residential growth, smart or otherwise, is rarely an easy sell in the outer Boston suburbs. Townsfolk fear that too many new homes and residents will erode the quality of life that attracts people to these communities in the first place.

But this spring, the South Shore community of Kingston embraced a 109-acre development with more than 700 new homes. Four years earlier, the town had killed a similar proposal for the same property, dealing a setback to the smart-growth movement, then in its formative stages in Massachusetts. (See “Growth Smarts,” *CW*, Winter ’03.) Backers say that smart growth prevailed this time because the benefits were clearly laid out—as were the consequences if it failed.

The new project, known as 1021 Kingston’s Place, would be the largest development in the town’s history by far, and its residents would be within walking distance of the Kingston commuter rail station. “This is an opportunity to locate affordable housing in a place that makes sense,” says Thomas J. O’Brien, a former Kingston state representative who became Plymouth County treasurer last year.

It is also an opportunity to take advantage of Chapter 40R, the three-year-old state law that financially rewards communities—in this case, with more than \$600,000—for rezoning to allow high-density and affordable housing near public transit or town centers. (See “Chapter 40R on the Rise,” *CW*, Spring ’07.) As the law requires, 20 percent of the units at 1021 Kingston’s Place would be affordable for low- and moderate-income households. But almost every possible housing type is included in the plan: 245 condominiums, 260 single-family homes, 225 apartments, and 33 home-office-workplace units.

The idea for Kingston’s Place was hatched by Thorndike Development of Norton, a company known for its “new urbanist” projects such as Chapman’s Reach (Quincy), and Pinehills (Plymouth). For Kingston, the company came up with a village-style development with green space and walking paths not only to the rail station, but also to soccer fields and the town’s elementary and middle schools.

Selectman Mark Beaton opposed rezoning the site for housing when the idea was first proposed in 2003. But when Thorndike offered detailed plans about what would be built and how the town might benefit, he liked what he heard.

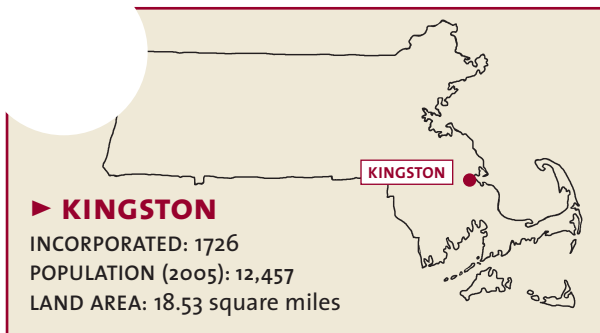
“The first time the zoning was proposed, the town had a lot of questions...and, basically, the people who put it forward said, ‘Don’t worry about it,’” according to Beaton. “This time, the developer came forward and said exactly what he was going to do.”

Still, Kingston’s acceptance of Chapter 40R did not come easily. Opponents have compared the project to plunking the neighboring town of Plympton (pop. 2,800) right into the middle of Kingston. At the same time, Dennis Randall, a member of the town planning board, found it hard to believe that the location—an abandoned sand and gravel pit—was suitable for such an ambitious project. “It looks like an Iraqi war zone,” he says.

Town meeting deliberations spanned three consecutive nights in April. The plan almost died amid parliamentary maneuvering by both supporters and opponents, but a dramatically increased turnout on the last night—orchestrated, critics complain, by Thorndike Development—put the zoning change over the top. The project will need one

more approval from town meeting in the fall, and opponents may try again to scuttle it.

THE DEBATE OVER smart growth in Kingston started more than a decade ago, when local officials and housing advocates eyed the huge expanse of open land next to the train station, which opened in 1997 with the revival of the Old Colony line to Boston. The first rezoning plan would have allowed 800 homes on the site, owned by local



businesswoman Mary O'Donnell. A majority at town meeting supported the proposal, but it fell well short of the two-thirds needed to change local zoning bylaws or ordinances in Massachusetts.

After that, the land stayed vacant, and other uses for the site were pretty much ruled out. A nature preserve was highly unlikely in such forbidding terrain. Retail stores preferred to set up near the Route 3 interchange with the relocated Route 44, a four-lane highway linking Plymouth with Providence. And given the distance from Boston, the site wasn't ideal for office space.

Meanwhile, developers began to target Kingston for Chapter 40B housing. There are now six separate plans in the works that total 590 units of housing, about 150 of which would be affordable. All of the projects, which were filed after 2003, are designed to trigger Chapter 40B, a state law that can negate local zoning if less than 10 percent of a municipality's housing stock is deemed affordable.

"The town is inundated with 40B proposals," Beaton says. "We've been asking the state to stop jamming these things down our throat."

While the pressures of 40B were mounting in Kingston, Chapter 40R passed on Beacon Hill. O'Brien, then a state representative, was a co-sponsor. "I believe if people are given the appropriate incentives, they will embrace affordable housing," he says.

However, the state's financial incentives may matter less than the fact that the Thorndike project would add 146 units to the town's supply of affordable housing and,

according to town officials, push Kingston over the 10 percent affordability threshold. The town thus would be immunized against future 40B proposals. (The 40B applications already filed would not be affected by such a change in the town's status.)

The 40B dilemma is presumably one reason that the town was newly receptive when Thorndike and its president, Lloyd Geisinger, appeared on the scene in January 2006. Thorndike had the property under agreement from O'Donnell and began pitching ideas for 40R zoning and a smart-growth project on the site. In March, the board of selectmen initiated talks with the state Department of Housing and Community Development on establishing a 40R district at the property—the first step in getting state certification of the zone and, ultimately, state payments.

Through the summer and fall, Thorndike representatives met with town boards, civic groups, and individuals who lived near the site, hashing out solutions to such things as increased traffic and the added strain on the public works, police, and fire departments. By the end of the year, the developer had put together a tantalizing package of incentives. Thorndike promised to build a new ramp that would lead from the development and the train station to Route 3 southbound, promising an end to the frustrating evening traffic jams that regularly occur near the station now.

Thorndike also promised to pay for a new town well, an expansion of the sewer system, playing fields for local youth sports programs, and a new fire truck with a 100-

Smart growth may help keep out 40B housing.

foot ladder that could reach the tallest buildings in the complex. When a citizen advisory group asked that Thorndike construct environmentally friendly, energy efficient buildings made of recycled and recyclable materials, the company agreed to have the designs certified by the U.S. Green Building Council.

Under Chapter 40R, Kingston should also get money from the state—\$600,000 upfront and \$3,000 every time a building permit is pulled for the project. But the town, like others across Massachusetts, is watching with interest developments on Beacon Hill, where Gov. Deval Patrick and some lawmakers are trying to find a steady source of 40R funds to ensure that cities and towns get their promised cash (a detail that the Legislature and Patrick's predecessor, Mitt Romney, didn't attend to when the law was passed). Administration officials said they expect to make an announcement on the matter this summer. But Thorndike has promised to pay the incentives itself if the

state doesn't come through.

Another boost for the Thorndike project came in the results of a study commissioned by the town and issued this past March by the Boston consulting firm Community Opportunities Group. The report concluded that the high-density development would not be that attractive to families with children and instead would draw mostly young professionals and older people. The project would bring in only about 200 new schoolchildren, who could be absorbed into existing schools, according to the report. Community Opportunities Group predicted that the project would produce a net benefit for the town's coffers of \$707,000 a year.

For some Kingston residents, all of this was too good to be true.

"The developer played the town like a fiddle," says planning board member Dennis Randall.

Randall maintains that residential growth inevitably strains municipal resources and produces higher taxes, which are already a major concern in Kingston. To close a budget gap this year, Kingston voters approved \$1.5 million in Proposition 2 $\frac{1}{2}$ overrides, which will boost taxes on an average home by about \$300 a year. "I don't buy the analysis," Randall says. "It argues that the way to get out

of a budget deficit is to grow your way out of it. If that were the case, our taxes should be going down now."

Of the 40R cash the town would get, he says, "It's a one-time payment. The long-term impact is for the life of the town."

But town planner Thomas Bott says that a housing development is the best thing that can happen to the property. "This is going to take an ugly landscape and turn it into something attractive and much more profitable for the town," he says. (And as he told *CommonWealth* four years ago, "The whole idea [is] to take the people who were going to move to Kingston and put them by the T instead of other parts of town.")

Kara Brewton, project manager for Thorndike, also argues that the development's affordable housing will benefit the entire community: "When your children are coming out of college, where are they going to live? Wouldn't it be nice if they could live in the town where they grew up?"

ON THE FIRST night of town meeting in April, supporters of the project turned out in force, and they tried to get the measure taken out of order so that it could be voted on

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right away. The debate bogged down, though, and no vote was taken before the meeting adjourned for the evening.

On the following night, after a couple of hours of debate, a vote was finally called, and the tally was 506 to 291 in favor of the plan—a simple majority but not quite the needed two-thirds to amend the zoning bylaws.

Health Board chairman Dan Sapir, an outspoken opponent of the project and publisher of the *Kingston Observer* newspaper, made a key strategic move right after the vote: He called for reconsideration. Sapir reasoned that if the measure could have been immediately defeated a second time, the project would be dead. “Once a motion for reconsideration fails, the prior decision is sealed and can not come up again, either that day or at a reconvened session,” Sapir wrote in the *Observer*.

Before the vote could be taken, though, a supporter of the project called for adjournment. A simple majority is all that is needed to adjourn, and the motion to continue the matter to the next night carried.

Over the next 24 hours, both sides mobilized their forces, and the result was one of the largest turnouts ever for a Kingston town meeting. There was a big showing from the 230-home Indian Pond Estates next to the site, but opponents cried foul over an agreement between Thorndike and the Indian Pond Neighborhood Association. Thorndike had agreed to pay for improvements to a road in the development, and in return, the association agreed to undertake a get-out-the-vote effort. While Sapir and other critics called the deal unsavory, Thorndike and the association defended it as legitimate town meeting politicking. After a lengthy debate, the vote was taken and this time the margin was overwhelmingly in favor: 925 to 341. The zoning change had finally passed.

“It was a very high-stakes poker game,” Randall says.

“Town meeting was dramatic after this long drawn-out process. It certainly was an exciting three nights,” agrees Brewton.

Opponents have not given up. An easement is needed to build the new ramp to Route 3, and that will require town meeting approval at a session scheduled for the fall. Critics of the project say they will carry the fight to the voters again.

The project also has to undergo extensive state regulatory review under the Massachusetts Environmental Policy Act and will need permits from a number of state and local agencies. “We’re really at the beginning of the permitting process,” says Brewton, who projects a 2009 construction start and a decade for full build-out.

Selectman Beaton acknowledges there is a long way to go before Kingston’s new village-inside-a-town becomes a reality. And while he understands there are risks in accepting such a dramatic change for the town, he believes the rewards will be worth it. “I think to Kingston’s credit, we took the leap of faith,” he said. **CW**