



**Office of
Kingston Board of Appeals**

Town House
26 Evergreen Street
Kingston, MA 02364

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
January 6, 2010**

MEMBERS PRESENT: John Haas, Carl Pike, David Rose, Paul Dahlen, George Boerger
NOT PRESENT: George McAdams

Meeting opened at 7:30 pm by Chairman Haas.

7:30 General Business

Pete Delprete was present to informally go over his request for modifications to the Comprehensive Permit issued for the Barrows Brook 40B development. Mr. Rose recused himself from the discussions. Mr. Delprete went over his letter (undated) and the decision. The modifications he is requesting are for the following conditions:

No. 2- requested to vary the style of the houses and do some capes and some colonials;

No 11- would like to change the language "prior" so that he can start building the houses.

There are five stages to the construction but he could not start because of an appeal by the Jones River Watershed that has not been resolved.

No 38- the decision states that \$6000 will be paid to the town for monitoring the Jones River but because of the appeal he now needs to pay more money and is requesting an extension for the date to make the payment.

No. 39- requesting an amendment in the payment schedule.

The Board suggested to Mr. Delprete that he draft the language for the requested changes and the Board will review at the next meeting.

After discussions, Mr. Rose returned to the Board at 7:45.

7:45 O'Neill – Variance.

Mr. Rose read the public hearing notice. Mr. Sean O'Neill was present for the hearing to request that a barn and a deck existing on the property be allowed to remain. The barn is within the 10 foot setback requirement and the deck is within the 15 foot setback requirement. He explained to the Board that he purchased the house in 2005 and the structures were already existing at that time and were built without permits. The house is now on the market and there is a buyer. Mr. Armstrong stated that the prior owner did the work without pulling permits and that the barn abuts the railroad, so there are no neighbors on that side, and that the majority of it does meet the setbacks.

Mr. Haas asked if any members of the public were present concerning this request. The attorney and real estate broker for the prospective buyer were present and referenced the plot plan provided with the application and pointed out that the land surveyor who did the plot plan at the time Mr. O'Neill purchased the property did not raise an issue regarding the setbacks.

Mr. Rose moved to close the hearing. Mr. Pike seconded. The vote carried unanimously. Mr. Rose moved to instruct the clerk to prepare a decision granting the request of the applicant for a variance. Mr. Pike seconded. The vote carried unanimously.

8:05 General Business

Ewing Decision – East Avenue. Mr. Gosselin was present. He explained that he was the builder at the time the Ewings came before the board. He stated that when he submitted the application there was an error made wherein the application should have stated it was for a four bedroom house rather than a three bedroom house. The Board discussed that it would not have mattered because there were issues with parking for a four bedroom house and it was likely that it would have never been approved as a four bedroom house. The Board further discussed and agreed that it will remain as a three bedroom house. The Board stated that the Ewings have the option of reapplying.

Indian Pond 40B - Mr. Haas referenced a letter from Delphic Associates regarding High Pines LLC which was sent as a result of a Mass Housing letter. The Board reviewed the letter and discussed the same. It was decided that the Board will review the original decision and the modification to the decision and discuss at the next meeting.

Mr. Boerger left the meeting at 8:30.

The minutes of November 18, 2009 were reviewed. Mr. Pike moved to accept the minutes as written. Mr. Rose seconded. The vote carried unanimously (Mr. Boerger did not vote).

The minutes of December 16, 2009 were reviewed. Mr. Pike moved to accept the minutes as written. Mr. Rose seconded. The vote carried unanimously. (Mr. Dahlen abstained and Mr. Boerger did not vote)

It was unanimously voted to adjourn the meeting at 8:35 pm.