



**Office of
Kingston Board of Appeals**
Town House
26 Evergreen Street
Kingston, MA 02364

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
October 20, 2010**

MEMBERS PRESENT: Phil Ricardi, Carl Pike, Paul Dahlen, John Haas, David Rose, George Boerger
NOT PRESENT: George McAdams
Others Present: Paul Armstrong

Mr. Haas opened the meeting at 7:30 pm

7:32 Arrowsmith-SP-6 Seaver Avenue

Mr. Rose read the public hearing notice. Robert and Fred Arrowsmith were present for the hearing. The applicants are requesting a special permit to allow the demolition of an existing non conforming house and the construction of a new house. The proposed structure would have four bedrooms with a footprint of approximate 36 by 36 feet. It would consist of two stories and an unfinished attic. The height of structure from the ground to the midpoint of the roofline would be 24 feet. The proposed setbacks would extend no further than what is currently there. Parking was discussed. There is a one car garage and one parking space in the front of the house. The applicant stated that they could designate two parking spaces in the rear which could be accessed from Drew Avenue.

It was also discussed that there be approval in writing from the sewer department that there is adequate sewer capacity for a four bedroom house and this will be a condition of the approval.

No one came forward in opposition to the applicants' proposal.

Mr. Boerger moved to close the hearing. Mr. Pike seconded. The vote carried unanimously.

Mr. Boerger moved to instruct the clerk to prepare a written decision granting the special permit requested by the applicant consistent with the drawings submitted and subject to the conditions that two parking spaces be designated and constructed off Drew Avenue and that there be filed with the Zoning Board of Appeals approval from the Sewer Commission that the property is approved for a four bedroom house. Mr. Pike seconded. The vote carried unanimously.

At 7:52 pm. Mr. Ricardi left the meeting

7:52 DeMar

Mr. Rose read the public hearing notice. Attorney Richard Dennehy was present on behalf of the applicant, Lawrence DeMar. Mr. DeMar is an abutter to a proposed wind turbine installation to be constructed at 3 Royson Drive, Kingston. The applicant seeks to appeal the decision of the Planning Board to approve the site plan for the construction of the wind turbines. Mr. Haas stated that this matter has been reviewed by Town Counsel and it has been concluded that the process for which there was an approval by the Planning Board was by right and no special permit was granted. Accordingly there is no allowance for an appeal. The Appeal is either premature or out of sync. Mr. Haas added that the Zoning Board has no jurisdiction over the appeal. The case of Donald Dufault vs. Millennium Power Partners, L.P. was referenced. To that

end, no testimony will be heard by the Board and it was determined that the Board will vote whether to deny the request or have the application withdrawn.

Mr. Boerger moved to close the hearing. Mr. Dahlen seconded. The vote carried unanimously.

Mr. Boerger moved that the Board deny the request of the applicant without prejudice to overturn the site plan approval of the Planning Board. Mr. Dahlen seconded. The vote carried unanimously.

General Business

The Rizzo decision was reviewed. Mr. Boerger moved to grant the Special Permit requested by the applicant consistent with the draft decision written by the clerk. Mr. Pike seconded. The vote carried unanimously.

The minutes of October 6, 2010 were reviewed. Mr. Pike moved to accept the minutes as amended. Mr. Dahlen seconded. The vote carried unanimously.

Mr. Armstrong came before the Board to informally discuss signage for MacDonalds. The discussion concerned an electronic sign which changes about once a week.

It was unanimously voted to adjourn the meeting at 8:13 pm.