



**Office of
Kingston Board of Appeals**

Town House
26 Evergreen Street
Kingston, MA 02364

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
December 15, 2010**

MEMBERS PRESENT: Paul Dahlen, John Haas, David Rose, George Boerger, George McAdams

NOT PRESENT: Phil Ricardi, Carl Pike,

Mr. Haas opened the meeting at 7:30 pm

Mr. McAdams was appointed a full member of the Board.

7:30 Murray-Variance- 2 Clinton Terrace

Mr. Rose read the public hearing notice. Michael Murray was present for the hearing to request a variance for a covered porch. Mr. Murray stated that there previously was an existing deck at the rear of the house which he enclosed and covered. Mr. Murray did not apply for a building permit. The applicant wishes to construct an addition on the other side of the house and during that process it was discovered that the covered porch is encroaching on the rear setback and resulted in this application for a variance before the Board to allow the existing porch to remain. The subject porch is 12 feet, six inches from the rear lot line of the property at its closest point. Mr. Murray provided photos and plans of the proposed construction. Mr. Rose explained the criteria for granting a variance to the applicant. Mr. Murray stated that there is a hill with a large wooded area that has never been used and that the neighbors use it for leaf litter. Mr. Haas stated that even though the current neighbor is not using the land and is not bothered by the encroachment, a future neighbor could decide use the land and have concerns with the encroachment in the setback. Mr. Murray stated that the porch is not heated and not used as living space and is used for storage for bikes and boxes, etc.

Mr. Haas asked if anyone in the public was present to speak about this application. No one came forward.

Jennifer Murray came in at 8:00 and Mr. Haas updated Ms. Murray about the discussions.

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

Mr. Boerger moved to deny the variance request of the applicant. Mr. McAdams seconded. The vote carried unanimously.

General Business

The minutes of December 1, 2010 were reviewed. Mr. Dahlen moved to approve the minutes as amended. Mr. McAdams seconded. The vote carried unanimously.

Mr. William Hamilton, the General Manager of Independence Mall was present at the hearing and introduced himself to the members of the Board.

It was unanimously voted to adjourn the meeting at 8:15 pm.