



**Office of
Kingston Board of Appeals**

Town House
26 Evergreen Street
Kingston, MA 02364

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
February 3, 2010**

MEMBERS PRESENT: John Haas, Carl Pike, David Rose, Paul Dahlen, George Boerger, George McAdams **OTHERS PRESENT:** Paul Armstrong

Meeting opened at 7:30 pm by Chairman Haas.

7:30 – Solstice – Special Permit #1251

Lawrence Gogarty, the architect was present for the hearing. The applicant is requesting a special permit to allow an 11x12 entry vestibule at the front of the building. Currently, there is no air lock in the entry of the restaurant. The applicant has been before Conservation Commission and met with the Planning Board last week.

Mr. Haas asked if anyone from the public was present for this hearing. No one came forward. Mr. Gogarty went over the plan and explained that the vestibule will be at the front of the building centered on the existing entry. There have not clearly designed what the outside would look like. Mr. Gogarty stated that he intends on meeting with the Historical Commission for review. Mr. Armstrong stated that this would be required under the new energy code. He stated that the existing non conforming is the side setback. There is also a deed restriction to maintain the character of the building.

Mr. Haas referenced a letter from the Planning Board.

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

There was further discussion that the Historical Commission be met with an involved.

Mr. Gogarty stated he is concerned that the Historical Commission not take over the design but that he is willing to work with the Commission. Mr. Gogarty added that the structure will be in substantial conformity with the drawing.

Mr. Boerger moved to instruct the clerk to prepare a written decision granting the special permit requested by the applicant so long as the proposed structure is in substantial conformity with the configuration dated November 10, 2009. Mr. Pike seconded. The vote carried unanimously.

7:55 Cullivan

Mr. Rose read the public hearing notice. Daniel and Dianne Cullivan were present for the hearing. Mr. Cullivan explained that he and his wife purchased the property last August. The proposal is for a single story bedroom addition in the back corner of the house. The house is now essentially one bedroom. The Town lists it as two, however, access to the second bedroom is only through the first bedroom. The addition will be 11 feet from the property line.

Mr. Haas asked if anyone from the public was present to speak about this proposal. Elaine Fiore was present and wanted clarification as to how much closer the set back was going to be. Ms. Fiore also stated that she received a phone call from Eleanor Norstrom's daughter stating they would be in favor of the project if the were squaring it off. They are not in favor of it coming out 5 feet. Ms. Fiore stated that she is fine with the proposal.

Ann O'Neil – Standish East- stated she is concerned about properties in Rocky Nook being expanded as the properties are all small to begin with.

Mr. Boerger stated that he would like to see the applicant explore the possibility of squaring off on the existing building and maybe adding a second floor.

Mr. Rose stated he is concerned about the increased non conformity.

Mr. Haas read a letter from Jeff Mullaney dated February 3, 2010 stating that he has no issue with squaring off the property but has issues with the proposal to exceed the footprint of the house by 5.3 feet.

The Board was polled and Mr. Boerger stated that he would like the hearing continued so that the applicant can explore other options to see if the addition can be built within the setbacks.

Mr. Rose stated he is in favor of a continuance which will allow time to visit the property. Mr. Dahlen stated he is in favor of a continuance to allow the applicants to try to improve the design. Mr. Pike agreed that a continuance would allow the applicant to explore other options.

Mr. Boerger moved to continue the hearing to March 3, 2010 at 7:36 pm. Mr. Pike seconded. The vote carried unanimously.

8:20 Barrows Brook – Modification to Comprehensive Permit

Mr. Rose recused himself from the discussions and Mr. McAdams was appointed a full member of the Board. Pete DelPrete was present for the hearing. The board reviewed the letter from Mr. DelPrete with the proposed language to modify the Comprehensive Permit. The Board reviewed the letter with the proposed changes and the following items addressed in the letter were considered minor changes: #2, # 11, #38 and #39.

Mr. Pike moved that the proposed amendments to the comprehensive permit provided are all classified as a minor amendment to the Comprehensive Permit. Mr. McAdams seconded. The vote carried unanimously.

Mr. Rose returned to the Board at 8:35

8:35 High Pines LLC, Modification to Comprehensive Permit

Mr. Cusson and Fred Tonsberg were present. The revisions made by Town Counsel to the proposed decision provided by the applicant were reviewed with the applicant. Mr. Boerger moved that the second modification to the Comprehensive Permit with revisions made by Town Counsel as modified by the Board be approved. Mr. Dahlen seconded. The vote carried unanimously.

General Business

The minutes of January 20, 2010 were reviewed. Mr. Boerger moved to accept the minutes. Mr. Rose seconded. The vote carried unanimously.

It was unanimously voted to adjourn the meeting at 9:10 pm