



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

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
February 6, 2008**

MEMBERS PRESENT: Paul Dahlen, Lawrence Hunt, John Haas, David Rose, George Boerger, Carl Pike, Pete Peterson. OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer

Mr. Haas opened the meeting at 7:30 pm and introduced the members.

7:30 Steele

Mr. Rose read the public hearing notice. No one was present on behalf of the applicant. Mr. Boerger moved to table the hearing. Mr. Dahlen seconded. All in favor.

7:35 Poirier

Mr. Rose read the public hearing notice. Present was attorney Robert Kraus and Diane Poirier. Attorney Kraus provided the Board with a memo and went over the same. Mr. Kraus explained that Ms. Poirier is an abutter to 45 Shore Drive and is requesting an appeal of the Building Permit issued by the Building Inspector in October of 2007. The house was destroyed by fire in May 2005 and he feels the house pre-dated zoning by-laws and as such it constituted a pre-existing non-conforming structure. He added that it is the contention of the applicant that that the project requires a special permit as it cannot be reconstructed as a pre-existing non conformity despite it meeting the dimensional requirements. He referenced a recent decision by the Supreme Judicial Court entitled J. Stephen Bjorklund v. Zoning Board of Appeals in Norwell. There was discussion concerning by law provisions. The Board decided to continue the hearing as to give the owner of the property an opportunity to be present for the hearing.

Mr. Pike recused himself as he is a direct abutter. Mr. Boerger moved to continue the hearing to March 5, 2008 at 7:30 pm. Mr. Hunt Seconded. All in favor.

8:25 Steele

As no one was present on behalf of this application, Mr. Boerger moved to continue the hearing to March 5, 2008 at 7:40 pm. Mr. Hunt seconded. All in favor

General Business

Mr. Haas read a letter concerning Habitat for Humanity. A representative from Habitat for Humanity was present to go over requested changes to the plan. The changes were made to provide handicap accessibility and to make the home more energy efficient. Mr. Boerger moved that the Board finds the applicant's requested changes are minor and that there no further action is required by the Board. Mr. Hunt seconded. All in favor.

Lane Decision- Mr. Boerger moved to grant the request for a variance consistent with the written decision prepared by the clerk. Mr. Hunt seconded. All in favor.

The minutes of January 16, 1008 were approved as written.

Mr. Haas reviewed general correspondence with the Board.

It was voted to adjourn at 8:45 pm.