



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

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
March 4, 2009**

MEMBERS PRESENT: Paul Dahlen, Carl Pike, John Haas, David Rose; George Boerger

Mr. Haas opened the meeting at 7:30 pm

7:30 Fountain Knoll (40B)

The applicant was not present. Mr. Haas suggested to continue the hearing for one more month. The applicant is within the appeal period on the planned unit development. Mr. Boerger moved to continue to April 14, 2009 at 7:30 pm. Mr. Rose seconded. The vote carried unanimously. Voting were J. Haas; D. Rose and G. Boerger.

7:30 Mass Property Solutions

Mr. Rose read the public hearing notice. Attorney Robert Kraus, Mr. Weiss, the applicant and Greg Morse from McKenzie Engineering were present for the hearing. A plan was reviewed by the Board with a proposed three bedroom house. There is a sewer connection that will be tied into. The house was acquired by the applicant in October of 2008. The footprint of the house is 700 sf. The Proposed second floor plan is 660 sf. The floor plan was discussed and reviewed by the Board. The proposal has an elevation at the top of the roof line at 23 feet and the front yard elevation 17 ft. Mr. Kraus asserted that the proposed changes are not substantially detrimental to the neighborhood and that it is substantially within the existing footprint with the exception of a proposed extension to a deck in the back. An existing brick patio and wood sundeck are being removed and there are currently three parking spaces. A plan of the design of the proposed parking spaces was discussed and reviewed by the Board.. Mr. Kraus indicated that they received approval from Conservation Commission for the parking the prior night.

The grade elevation was discussed and Mr. Haas asked that the grade elevation be shown on the plan with numbers. Mr. Haas also requested confirmation that the sewer betterment has been paid.

The parking was discussed. Part of the parking area will be paved and the rest will be graveled. Mr. Kraus explained it was done that way to conform with Conservation requirements for impervious vs. pervious.

There is a basement in the house and historically it had two bedrooms in the basement. The applicant stated that the basement will not be used for bedrooms as the bedrooms will be moved upstairs.

There were further discussions regarding the parking whether there be pavement or gravel. The consensus of the Board is that there was no preference either way so long as it conformed with Conservation requirements.

Mr. Haas asked if anyone from the public wanted to speak concerning this project.

Ann O'Halloran of 9 Adams Ave, stated she is not in favor with adding the second story and feels it is not in keeping with the neighborhood which is a quiet neighborhood on a dead end street.

Janet Walsh of 5 Adams Ave, was concerned about parking and that it is on a small narrow street. She stated she is also concerned about the water view being blocked.

Celia Mullens – 8 Adams Ave, lives adjacent to the parking area. She stated that currently the entire yard is graveled and the three proposed spots abut her walkway. She is concerned that the house is currently a three bedroom house and adding another story will add more bedrooms and it will technically be a three story house. She added that at one time her mother had to go before the Board of Appeals but was only allowed to have a two bedroom house. Mr. Haas suggested that the reason could be because there was no sewer connection at that time.

Ann Kelly, 15 Drew Ave, stated she is not in favor of the project and does not feel that a standard should be used to compare with other renovations that have occurred in the neighborhood because some of those renovations are not in conformity. She is concerned about the diminished water view. She also added that she does not feel the parking should be grandfathered because

there are significant disadvantages to the parking situation and she is also concerned that a boat may be parked.

Rob Nagle, 6 Adams Ave, stated that he supports the concerns of the other abutters and doesn't see how the parking can be accommodated, that this is an investment property of the applicant and that two stories is inappropriate.

Kate Roberts, 8 Adams Ave, voiced her concerns that parking will be an issue and was concerned about congestion and fire hydrants being blocked and feels the density of a three bedroom house on a tiny lot is too much.

Peter O'Halleran, is not in favor of the project, there is significant erosion in the area and it will have a negative impact on the neighborhood.

Mr. Boerger stated that he is concerned that it could be problematic to put a 2nd story on a house that is so close to the road. He also stated a concern about parking. Mr. Rose was also concerned about parking and the parking being right up against the adjacent property. He feels that this could be substantially more detrimental and agrees with Mr. Boerger with the concerns about the increase in size. Mr. Dahlen stated that he feels that the house is smaller than other houses on Rocky Nook and thinks it is an improvement to the area, but is concerned with congestion. Mr. Pike stated he is concerned with the parking. He stated that he would be in favor of reducing to a two bedroom house and make less of a second story so as to alleviate parking and congestion.

Mr. Haas read letters from abutters who were not in attendance at the meeting. A letter from Russell and Deborah Perkins who are not in favor of the project and a letter from Dick Dennehy who is also opposed to the project.

Mr. Haas also stated his concerns with parking and safety and feels the project is overbearing.

Attorney Kraus stated that he wanted to continue the meeting to address the issues and concerns discussed and to have an opportunity to demonstrate that proximately to the street is consistent throughout Rocky Nook and would also like to address the parking and density. The Board was polled and all members felt it was reasonable to continue. The Board would like to see at the next meeting (1) Architectural elevation and perspective (2) address issue of proximately to the street and the perspective. Mr. Boerger moved to continue the hearing to April 1, 2009 at 7:30 pm. Mr. Rose seconded. The vote carried unanimously.

9:00 Bastianelli – Special Permit

Mr. Rose read the public hearing notice. Mr. Haas read and email he received from Mr. Bastianelli requesting a continuance as the applicant didn't have plans ready. Mr. Boerger moved to continue the hearing to April 15, 2009 at 7:30 pm. Mr. Rose seconded. The vote carried unanimously. Mr. Pike abstained from the vote. (voting were P. Dahlen; J. Haas; D. Rose and G. Boerger)

9:05 General Business

Mr. Rose moved to approve the minutes of February 18, 2009 as written. Mr. Dahlen seconded. The vote carried unanimously.

It was unanimously voted to adjourn at 9:05 pm.