



**Office of  
Kingston Board of Appeals**

Town House  
26 Evergreen Street  
Kingston, MA 02364

**BUSINESS MEETING MINUTES  
ZONING BOARD OF APPEALS  
April 21, 2010**

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

Meeting opened at 7:30 pm by Mr. Haas.

7:30 – South Shore Medical Associates #1256

Mr. Rose read the public hearing notice. Attorney Walter Sullivan was present on behalf of the applicant. Mr. Sullivan stated that he received site plan approval and the only thing missing was a water quality certification. The Water Quality commission consultant believes a waiver for an 8% variation was not sufficient. The applicant is seeking a determination for proposed use for a parking area for professional staff only in place of a leaching field. Mr. Sullivan stated that such a proposed use will not be more detrimental to the leaching field or aquifer.

Atty Sullivan references section 2 of the application. The medical center owns two lots, The one they are trying to use as parking was always designed as a leaching field. The original 1984 approval by the Planning Board did designate this parking area. The variance is because it can not be more that 15% coverage.

Mr. Haas asked if any members of the public were present to speak. The owners of the bowling alley were present and were concerned about how this proposal would affect their parking. There is an easement in place to access the parking lot for the medical center.

Mr. Sullivan stated that the drainage system is elaborate so there is no run off on neighboring properties. This was as requirement.

Mr. Haas read the memo from Paul Armstrong submitted at the time of the application. Mr. Haas stated that he believes this should be a waiver from the Planning Board. The By-law section 4.13.14 was reviewed having to due with coverage and impervious surface. There was further discussion regarding whether there can be a finding for a variance. Mr. Sullivan referenced Schedule B of the application where that is addressed.

Mr. Haas stated that he would like to hear from the Water Department as to why they believe there would be a variance.

Mr. Sullivan pointed out that they can't use anything in the 300 foot buffer and that there is an elaborate basin. Mr. Sullivan referenced #2, Section B of the application. He stated that the conditions are a result of the site itself.

There were discussions regarding what was approved by the Planning Board and discussions that a variance may be needed because it exceeds the surface coverage by law. Mr. Sullivan referenced bylaw 4.13.4.1.r. He stated that the lot is not all flat and there is a depression where the basin is.

Mr. Sullivan stated that there is one residence nearby but it is on a higher level.

Mr. Boerger stated that the problem that the Water Department may have is that this is a sensitive area and that the by law states 15%, and that the issue may be that there is more impervious surface.

Mr. Sullivan stated that he can ask for a continuance to go to the water department to review the water quality controls to see if they are satisfied. Mr. Haas asked if the analysis that was done by the consultant at the time this was before the Planning Board can be obtained and possibly invite them to the next meeting.

Mr. Dahlen moved to continue the hearing to May 5, 2010 at 7:30 pm. Mr. Pike seconded. The vote carried unanimously.

#### General Business

The Mendizza decision was reviewed. Mr. Pike moved to approve the decision as written. Mr. Boerger seconded. The vote carried unanimously. (voting were D. Rose, G. Boerger, C. Pike, P. Dahlen and G. McAdams)

The minutes of 4/7/10 were reviewed. Mr. Boerger moved to approve the minutes as amended. Mr. Pike seconded. The vote carried unanimously (Voting were D. Rose, G. Boerger, C. Pike, P. Dahlen and G. McAdams)

The Board reviewed correspondence regarding the King (46 Shore Drive) application from the Sewer Department dated 3/24/10. Mr. Rose will write a letter in response.

The Board has a meeting before the Board of Selectmen on December 7, 2010.

It was unanimously voted to adjourn at 8:45 pm.