



**Office of
Kingston Board of Appeals**

Town House
26 Evergreen Street
Kingston, MA 02364

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
May 19, 2010**

MEMBERS PRESENT David Rose, Carl Pike, George Boerger; Paul Dahlen; Phil Ricardi;
George McAdams NOT PRESENT: John Haas

Mr. Boerger acted as chair in the absence of John Haas and opened the meeting at 7:30 pm. Mr. McAdams was appointed a voting member.

7:30 – South Shore Medical Associates #1256

Mr. Rose read the public hearing notice. Attorney Walter Sullivan and Martin Coleman were present. Mr. Sullivan stated that the reason the variance was filed is because the water department did not want to issue a water control Certificate. He referenced a letter from the Water Quality Department dated May 14, 2010. Attorney Sullivan provided a memo dated May 19, 2010 and reviewed it with the Board. Mr. Boerger read the letter dated May 14, 2010 from the Water Quality Department into the record. Mr. McAdams questioned the section in the letter where it was suggested that the variance not be transferable to new owners. There were further discussions concerning the transferability and to future uses of the property. Mr. Rose noted the letter only addresses one issue for granting a variance. Mr. Armstrong stated that if there were no wetlands, there wouldn't be an issue with impervious/pervious. There were further discussions concerning the future use of the property and potential expansion of the medical center. Mr. Coleman stated that there is a plan for future expansion but it will not require additional parking.

Mr. Boerger asked if there were any members of the public present to speak about this proposal. No one came forward.

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

There were further discussions concerning the percentage of pervious pavement and that it was put at 15% to protect the wetlands. There was also discussion concerning the maintenance of the property and the parking area and catch basins.

Mr. Pike moved to instruct the clerk to prepare a decision granting the variance as requested with the stipulation concerning transferability for change of use. There was no second.

Mr. Rose moved to instruct the clerk to prepare a decision denying the request for a variance. Mr. McAdams seconded. The vote carried 4-1. Mr. Pike opposed the motion. (voting were P. Dahlen; G. Boerger; D. Rose and G. McAdams)

8:25 General Business

Daniel Harlow was present regarding a special permit that was granted in 2007 which was not acted on within the 2 year time frame. He stated that he did not request an extension because they were in the middle of an appeal with Conservation Commission. There were further extended delays due to his father's illness. Mr. Boerger informed the applicant that he will need to reapply since the time period has lapsed and suggested that the application fee be waived.

Mr. Rose moved to waive the application fee should Mr. Harlow reapply for a special permit. Mr. McAdams seconded. The vote carried unanimously.

Mr. Boerger read a letter from Paul Armstrong concerning the King (46 Shore Drive) application.

Mr. Rose moved to approve the minutes of 4/21/10 with a minor revision. Mr. McAdams seconded. The vote carried unanimously.

It was unanimously voted to adjourn at 8:35 pm.