



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

BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
September 1, 2010

MEMBERS PRESENT: John Haas, David Rose, Carl Pike, Paul Dahlen; George McAdams, George Boerger, Paul Armstrong, Zoning Enforcement Officer NOT PRESENT: Phil Riccardi

Mr. Haas opened the meeting at 7:40 pm.

7:30 Doherty – SP – 15 Foster Lane

Mr. Rose read the public hearing notice. Karen Doherty was present to request a special permit to allow the use of the subject property as a rooming house. Previously the house was used as a rest home but Ms. Doherty explained that she was having difficulty keeping the beds filled and thereby resulted in the inability to generate revenue. The home was closed in April of 2010. There are fifteen beds currently. As rooms for rent there will be six rooms and two would have private bathrooms. There is shared living, dining, laundry, kitchen and two additional shared baths. Ms. Doherty stated she will be there weekly to collect rent, trash and oversee everything.

Mr. Haas reviewed the application for the benefit of the audience and read a letter from an abutter, Mr. and Mrs. Enriquez opposing the proposal.

Ms. Doherty addressed concerns regarding parking, increased traffic and emergency vehicles by stating there has been no problem in the past. She stated that there are six spots for parking.

Mr. Haas explained that there is no use for a Boarding House in the By-laws, that is does not exist. The property is currently a pre-existing non conforming use as a nursing home which was established prior to the bylaws being written.

The Board was polled and the consensus was that the request does not meet the standard within the bylaw, that the lane is too narrow to accommodate emergency vehicles, it is not an appropriate location for the use and the members of the Board are not in support of granting the Special Permit.

Mr. Haas asked if any members of the audience were present to speak about the proposal.

Ken Harrison 08 Stoney Brook Road, stated that he opposes the request, that he is concerned about additional traffic and emergency vehicle access. He added that there is no business certificate filed with the town.

William Cavalle-Town and Country Estates, feels that there will be chaos for the neighborhood and for the Town.

Winnie Robinson-18 Foster Lane, lives next door to the nursing home and is not in favor of the proposal and believes that the Board of Health has shut down the facility.

Ms. Doherty stated that there is a current license and that it was not shut down.

Rob Smith, 2 Foster Lane, is not in favor and stated in the past there have been issues with traffic, with shuttles, taxis, services vehicles and emergency vehicles.

Roger Dillingham, 121 Summer Street, stated his opposition and is concerned about safety issues. In the past he has had residents coming into his yard, there is a traffic issue and that this proposal is a detriment to the quiet peaceful enjoyment of the neighborhood.

Mr. Haas discussed the options to the applicant that she can withdraw her applicant and revisit the proposal.

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

Mr. Boerger moved to instruct the clerk to prepare a written decision denying the Special Permit requested by the applicant. Mr. Pike seconded. The vote carried unanimously.

General Business

The letter from Rock Bastianelli requesting a modification to the previously issued Special Permit was reviewed. Mr. Armstrong stated that hopefully by the end of the month the roof will be on and that in the particular case, he hasn't seen any information and doesn't know what grade changes there are.

Mr. Haas stated the applicant wants to take the 5 foot wide deck and add 3 feet to make it an 8 foot deck.

Mr. Boerger moved that the changes requested by Mr. Bastianelli be considered minor modifications not requiring a full hearing with the condition that it be consistent with the plan signed tonight and condition that the Building Inspector approve the parking. Mr. Dahlen seconded. The vote carried unanimously (voting were G. Boerger, P. Dahlen, J. Haas, D. Rose. Mr. Pike abstained)

The Neal decision for a Special Permit was reviewed. Mr. Boerger moved to grant the Special Permit requested by the applicant consistent with the written decision. Mr. Pike seconded. The vote carried unanimously.

Mr. Boerger moved to approve the minutes of August 18, 2010 as written. Mr. Pike seconded. The vote carried unanimously.

It was unanimously voted to adjourn the meeting at 8:15 pm.