



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

BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
September 15, 2010

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

Mr. Haas opened the meeting at 7:30 pm.

7:30 Fall #1266-Variance - 24 Crescent St

Mr. Rose read the public hearing notice. David Fall was present for the hearing. Mr. Rose went over the requirements within the bylaws to approve a variance. The applicant owns a single-family dwelling at 24 Crescent Street. There is a barn located at the rear of the property which has been renovated but has not utilities. The applicant wishes to convert the barn into living space and live there while he rents out the existing house on the property. A letter from the sewer commission dated September 8, 2010 was read into the record. The Board was polled and the consensus of the Board was that the request did not meet any of the requirements to approve a variance.

Mr. Haas asked if any members of the public were present to speak regarding the proposal. Roleen Howard, 22 Crescent Avenue came forward and stated opposition to the proposal.

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

Mr. Boerger moved to instruct the clerk to prepare a written decision rejecting the variance requested by the applicant. Mr. Dahlen seconded. The Vote carried unanimously.

7:50 Ahern #1261 -SP – 33West Ave

Mr. Rose read the public hearing notice. Kenneth Ahern was present for the hearing. The applicant was before the Board on July 7, 2010 and again on July 21, 2010. At that time, the Board voted to grant a Special Permit allowing the applicants to replace the subject dwelling with a new structure with a footprint of 28 by 36 feet, and consisting of two finished stories, an unfinished basement, and an unfinished attic, with a roof height of 34 feet 6 inches. The applicant presented a new plan which shows the roof height at 28 feet which is reduced from the original plan by 6 feet 6 inches. Neighbors had concerns with the previous plan which was approved and Mr. Ahern stated that this was a way to address those concerns. The structure in the revised plan calls for one of the bedrooms in the original plan to be divided resulting in a total of three bedrooms. The Board discussed the existing sewer capacity and parking on site and concluded that it was sufficient for a three bedroom dwelling.

Mr. Haas asked if any members of the public were present to speak regarding the proposal.

Susan McNeil, 31 West Avenue stated that she had questions and concerns and spoke with Mr. Ahern and feels that this proposal is much better than the prior proposal but did have concerns about construction time frames, and noise during construction.

Elizabeth White – 14 Oak Street stated that she feels this proposal is better, but still had concerns with the closeness and emergency vehicle access.

Mr. Boerger moved to close the hearing. Mr. Rose seconded. The vote carried unanimously.

Mr. Boerger moved to instruct the clerk to prepare a decision granting the special permit requested by the applicant consistent with the drawings and the application submitted and reviewed tonight with similar restrictions contained in the prior decision concerning this property. Mr. Pike seconded. The vote carried unanimously.

8:15 General Business

The minutes of September 1, 2010 were reviewed. Mr. Boerger moved to accept the minutes as modified. Mr. Dahlen seconded. The vote carried unanimously.

The decision for Doherty-Special Permit-15 Foster Lane was reviewed. Mr. Boerger moved that the Board reject the request for a special permit requested by the applicant consistent with the draft decision prepared by the clerk. Mr. Dahlen seconded. The vote carried unanimously.

Fontes #1257 – SP – 16 May Ave. Mr. Haas read a letter from Mr. Fontes requesting that the application be withdrawn. Mr. Boerger moved to instruct the clerk to prepare a written decision consistent with the request of the applicant to withdraw the application and deny the request of the applicant for a special permit without prejudice. Mr. Pike seconded. The vote carried unanimously.

Other correspondence re: Cranberry Agriculture was reviewed.

It was unanimously voted to adjourned at 8:25 pm.