



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

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
September 2, 2009**

MEMBERS PRESENT: Carl Pike, Paul Dahlen, John Haas, David Rose (in attendance from 7:30 to 7:42 pm) and George McAdams: George Boerger

OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer

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

7:30 Scollins – SP – 21 Drew Avenue

Mr. Rose read the public hearing notice. James and Ellen Scollins were present for the hearing. In March 2008, the applicants acquired the single-story, one-bedroom single family home. Mr. Scollins went over his application which proposed to add two dormers to the roof which will allow for a second floor consisting of two bedrooms and one bath. The applicant stated that the height of the roof will not change. Photos were provided. Parking was discussed and it was determined there were no issues with parking. There will be a total of three bedrooms, two upstairs and one downstairs. The basement is a crawl space. Mr. Haas asked if anyone from the public was present to speak about the project. No one came forward. The Board advised the applicant that he will have to get approval from Conservation Commission as well.

Mr. Boerger moved to close the hearing. Mr. Rose seconded. The vote carried unanimously. Mr. Boerger moved to instruct the clerk to prepare a written decision granting the request of the applicant consistent with the plans submitted this evening and signed, with further approval from Conservation Commission. Mr. Dahlen seconded. The vote carried unanimously.

7:40 – General Business

The decision for DiGesse (O'Meara Family Trust) was reviewed. Mr. Rose moved to approve the request of the applicant consistent with the written decision. Mr. McAdams seconded. All in favor. Mr. Boerger and Mr. Pike abstained.

Mr. Rose recused himself for the next hearing and left at 7:42 pm.

7:42 Nobadeer Village – Modification to Special Permit (Ryans Way)

Mr. Dahlen read the public hearing notice.

Mr. Haas noted that the hearing was continued tonight due to the absence of Mr. Dacey at the last meeting. Mr. Dacey began by stating that 5 of the 6 denitrofication septic systems have been installed and the request to reduce them is now off the table. He did want to go forward with the request to eliminate the sidewalks. He stated that the sidewalks cut into the development and the front lawns, the people on the inside loop are more affected. There are 15 occupied homes in the development. There were 7 members of the public present representing the homeowners. The development is made up of a homeowners association.

Chris Madison, of 53 Nobadeer, stated he is in favor of sidewalks as it is a safety issue and that they were told there would be sidewalks when they moved in.

The abutters at 44 Nobadeer stated that they are opposed to the sidewalks because it cuts into their front yard and they do not feel it is necessary; that it is a private neighborhood and they do not want to be responsible for maintenance.

David and Kate Folsom, 32 Nobadeer, stated they are opposed to the sidewalks and are concerned about liability, they do not feel it is a safety issue as it is not a through street.

John & Kimberly Amonte, of 45 Nobadeer, stated they are in favor of the sidewalks; they were under the impression that there would be sidewalks when they moved in. They feel it is a safety issue.

Jennifer Hicks – 25 Nobadeer, feels it is a safety issue.

There was discussion concerning whether the homeowners could decide this issue. It was determined that this is a major modification to the comprehensive permit and that the Board should decide the matter.

Mr. Haas read a letter into the record from the Samuelsons at 69 Nobadeer, in favor of the sidewalks.

There were discussions among the Board concerning sidewalks. The consensus of the Board was that sidewalks are a safety issue and it was agreed that sidewalks were considered part of the project since day one. Mr. Pike suggested there could be a compromise in the size of the sidewalks. There were discussions of using Cape Cod berm, a grass strip, then the sidewalk or just the berm and then the sidewalks. Mr. Dacey stated that he would consider pulling up to the edge of the Cape Cod berm to try to lessen the impact on resident's yards. It was further discussed that the sidewalks would be four feet.

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

Mr. Dahlen moved to instruct the clerk to prepare a decision denying requests 1 and 2 of the request for modification with the condition that the sidewalks be four feet wide, made of asphalt that will abut a Cape Cod berm and submitted on a plan. Mr. Pike seconded. The vote carried unanimously.

8:35 General Business

The minutes of September 2, 2009 were reviewed. Mr. Dahlen moved to approve the minutes. Mr. Boerger seconded. The vote carried unanimously.

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