



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

**BUSINESS MEETING MINUTES  
ZONING BOARD OF APPEALS  
April 15, 2009**

MEMBERS PRESENT: Carl Pike, Paul Dahlen, John Haas, David Rose; George Boerger  
OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer

7:30 Mr. Haas opened the meeting

7:30 Fountain Knoll

Mr. Rose read the public hearing notice. Mr. Haas indicated that the applicant has gone through the appeal period for the Planned Residential Development. Mr. Boerger moved to close. Mr. Rose seconded. Mr. Boerger moved deny without prejudice. Mr. Rose seconded. All in favor. Voting were J. Haas; G. Boerger; D. Rose

7:32 Bastianelli

Mr. Rose read the public hearing. Rock Bastianelli was present for the hearing. Mr. Pike recused himself from the hearing. Mr. Bastianelli handed out plans to show elevations, the pitch was changed from a 12 pitch to a -6 pitch. The elevation of the garage increased 5 feet. The absolute height is 29.2 ft from grade. There was discussion regarding basement windows. There was no change to the porch footprint. The pitch was taken out of the roof to accommodate the increased elevation of the foundation. The reason there was a three foot step up in the foundation was because of ledge. The house has three bedrooms with an unfinished basement and unfinished attic.

There were discussions regarding the basement windows. Mr. Boerger was concerned about there being additional bedrooms in the basement in the future. There were discussions that there be a condition that there be no windows or small basement windows consistent with the original plan with basement sized windows and that there be a limit to four windows with maximum dimensions of 18" x 30". 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 with the condition that there be no more than four windows no larger than 18" x 30" and that the garage is consistent with these plans. Mr. Rose seconded. The vote carried unanimously.

After the Bastianelli hearing, Mr. Pike returned to the Board.

7:50 Indian Pond LLC – Modification to Comprehensive Permit

Mr. Rose read the public hearing notice. Fred Tonsberg, the applicant, and his Attorney John Fleming were present for the hearing. Mr. Haas mentioned that an email was sent to Attorney Fleming concerning the outstanding Tibbits Engineering invoice. It was discussed that the traffic report review was not done. Mr. Haas discussed the pro forma review. Mr. Armstrong and the Board reviewed the pro forma. Mr. Pike went over what he had done concerning his review of the pro forma. Mr. Pike stated that he went over the numbers for the purposes of determining if this would be a viable project with a 7% reduction to 80 units. Mr. Armstrong stated that he did square foot costs and he agreed with the calculations that Mr. Pike provided. Mr. Pike stated that he can not confirm site acquisition costs. Mr. Tonsberg stated that the site prep costs are stated as \$36k for one unit and he currently has a contract for \$46k. Mr. Armstrong added that some of those sites have roadways and water lines.

Mr. Boerger stated that because of the age restriction being lifted, there should be a reduction in the number of units and he would like to start of with a 6 unit reduction and hear from the public.

Mr. Rose stated that he would not be motivated to ask for more than a 6 unit reduction.

Matt Lanza stated that he feels the number is fair at 6 and would like to know how construction would be phased.

Mr. Tonsberg stated that he feels six is unreasonable and would be comfortable with a 2 unit reduction, but will split the difference at 3.

Mr. Haas stated that he feels the traffic report is ok and we can use what the applicant provided to the Board in an effort to resolve this. The Board agreed. .

Mr. Haas asked if any members of the public were present to speak regarding this proposal. Matt Lanza questioned if there was going to be money assigned to oversee the construction costs. He also wanted to know if the proposed reduction would come from the child friendly areas of the project.

Attorney Fleming handed out a spreadsheet with the schedule of the phases.

Mr. Tonsberg stated that he does not agree with a 6 unit reduction but will do it to put this to bed. He proposed to take out 2 units from parcel 15, 2 out of 25, and 2 out of 36. The first phase will have no reduction as those areas are on the golf course.

The public commented on the appearance of the area when first entering into Indian Pond Estates and that they are dissatisfied with the condition of it.

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

There were discussions concerning the phases. Mr. Pike stated he was satisfied with the reduction of the 6 units and the phases proposed. Mr. Dahlen agreed with Mr. Pike and agrees that the 6 unit reduction would be the maximum to make it feasible for financing with the bank. Mr. Haas agreed with Mr. Pike and Mr. Dahlen. Mr. Rose stated that the modification created a major issue with density and he feels the reduction is sufficient to satisfy the proposal. Mr. Boerger stated that he does not want to go against the consensus of the Board and understands the reasoning but would like the applicant to come back if there is an adjustment in the phasing. He added that he would like to make sure the golf cart parcel is in the second phasing.

Mr. Haas handed Mr. Tonsberg the invoice from Tibbets and stated that it will be a condition of the decision that this be resolved. Mr. Rose stated that they will need a new set of plans with the reduction in the units.

#### 9:05 General Business

The minutes of April 1, 2009 were reviewed. Mr. Pike moved to accept the minutes as written. Mr. Boerger seconded. The vote carried unanimously.

Williams Decision – 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. Dahlen abstained, as he was not present for the meeting.

Petrell Decision – Mr. Boerger moved to grant the Special Permit requested by the applicant consistent with the written decision. Mr. Rose seconded. The vote carried unanimously. Mr. Dahlen abstained, as he was not present for the meeting.

It was unanimously voted to adjourn at 9:07 pm.