



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

**BUSINESS MEETING MINUTES  
ZONING BOARD OF APPEALS  
August 5, 2009  
DRAFT**

MEMBERS PRESENT: Carl Pike, Paul Dahlen, John Haas, David Rose (in attendance from 7:30 to 8:00 pm) and George McAdams: ABSENT: George Boerger  
OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer

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

7:35 O'Meara (DiGessee)- SP

Mr. Rose read the public hearing notice. Mr. Pike recused himself from the proceeding. Mr. McAdams was appointed a voting member for this hearing. (P. Dahlen, J. Haas, D. Rose and G. McAdams are the voting members for this hearing)

Mr. Tom DiGessee was present for the hearing and went over the plans submitted with the application. He explained that he wants to put an addition on the house and bring the addition out to where the garage is. Mr. Haas advised that Conservation Commission should be notified. There will be a total of three bedrooms, the existing house has two bedrooms. Mr. Haas advised that there will need to be additional parking. Mr. DiGessee explained that the roof will be used for attic space only and for mechanical purposes and indicated that he was considering the ceiling in the master bedroom to be a cathedral. Mr. Gesse estimated the ceiling height of the basement to be about 8 feet with full size windows. Mr. Haas stated his concerns were with parking and with the attic space. The applicant stated that he will make the space a cathedral ceiling. It was determined that the applicant needs to go before Conservation Commission. Mr. Haas asked if any members of the public were present to speak about the project. No one came forward. The applicant will address issues with Conservation Commission, parking and the attic space ceiling. Mr. Haas stated that he would like to see proposed elevation of basement from grade to the first floor.

Mr. Rose moved to continue the hearing to August 19, 2009 at 7:30 pm. Mr. Dahlen seconded. The vote carried unanimously.

Mr. Pike returned to the Board for the next hearing.

7:55 Nobadeer Village – Modification to 40B (formerly Ryan's Way)

Mr. Rose recused himself from the hearing. Mr. McAdams was appointed a full member of the Board (C. Pike, P. Dahlen, J. Haas and G. McAdams are the voting members for this hearing). Mr. Dahlen read the public hearing notice. Matt Dacey was present for the hearing. Mr. Haas advised Mr. Dacey that due to the absence of Mr. Boerger and the recusal of Mr. Rose that there are only four members for this hearing and gave Mr. Dacey the option of continuing. Mr. Dacey opted to proceed forward with the members present consisting of a four member board. Mr. Dacey went over his request to have the sidewalks eliminated and the elimination of the remaining three out of six denitrofication septic systems. Mr. Haas read the letter from Mr. Dacey requesting the modification into the record for the public. Mr. Dacey explained that he wants to eliminate the interior loop of the sidewalks and the other item in the letter requested the elimination of four denitrofication systems, but Mr. Dacey changed the request to now eliminate three out of six denitrofication septic systems from lots 17, 18 and 21. Mr. Dacey explained his reasons were that it is costly and stated that the Board of Health doesn't feel they are necessary. He stated that the elimination of the sidewalks will do harm to the front yards of the interior lots and that it is expensive. Mr. Haas read the memo from Conservation Commission dated August 5, 2009 into the record. There was discussion concerning the testing on the maintenance wells. The engineer, Mr. Flaherty was to take care of it and will be doing so forthwith. Mr. Haas advised that data from the testing should be provided before moving on.

Mr. Haas stated that the denitrofication systems were a bartering point in reaching a decision, that it was an added benefit to the community and this area and the surrounding environmental resources. Mr. Haas advised that if the elimination of the sidewalks and systems are a financial burden, then he would request to see financial information to back it up. Mr. Dacey stated that he feels it is also a burden on the homeowners and that although there were environmental concerns, the testing showed that Title V was adequate. Mr. Haas sated he would like technical data before determining whether there is a need for

the denitrofication septic systems. Mr. Dacey clarified that they are still installing the nitrate reducing systems and that is not what he is asking to be eliminated. There were further discussions concerning costs and providing financials to the Board.

There were further discussions concerning the sidewalk. Mr. Dacey stated they are not needed in the inside ring of the development and it is not feasible cost wise. The Board was polled and the consensus was that there should be sidewalks and that during deliberation there was never an issue of sidewalks vs. no sidewalks and there was always a plan to put them in place. Mr. Dacey stated the cost of the sidewalks would be \$40,000. Mr. Dacey stated that he will provide a cost analysis to the Board.

Mr. Haas asked if any members of the public wanted to speak in favor or against the proposal.

Chris Dematos of 53 Nobadeer, stated that he does not want to see the sidewalks eliminated as it is a safety issue and at the time when he purchased the house, he was informed there would be sidewalks.

Jared Nadle, stated that he lives in the indisde cirle of the development and feels that his front yard is already too small and is not in favor of adding sidewalks. He does not feel they are necessary.

Joe Hick, 25 Nobadeer, stated that the sidewalks are needed for safety.

Mr. Armstrong suggested that the grass strip between the road and the sidewalk could be eliminated.

It was discussed to continue the hearing. The Board would like to see more technical data concerning the septic systems and financial information. Mr. Pike moved to continue the hearing to August 19, 2009 at 7:45 pm. Mr. McAdams seconded. The vote carried unanimously.

The minutes of July 15, 2009 were reviewed. Mr. Pike moved to accept the minutes as written. Mr. McAdams seconded. The vote carried unanimously. Mr. Haas abstained. Mr. Rose was not present (voting were C. Pike; P. Dahlen; and G. McAdams)

It was unanimously voted to adjourn at 9:00 pm.