



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

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
July 15, 2009
DRAFT**

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

Mr. Boerger chaired the meeting in the absence of Mr. Haas. Mr. Boerger opened the meeting at 7:30 pm. Mr. McAdams was appointed a full member of the Board for the hearing in Mr. Haas' absence.

7:30 Nobadeer Villae – Modification to Comprehensive Permit

Mr. Rose recused himself from the hearing. Mr. Dahlen read the public hearing notice. Mr. Boerger notified the members of the public present that the hearing is going to be continued to August 5, 2009 as a result of the mailing of the notice of hearing to the abutters not going out timely. Mr. Pike moved to continue the hearing to August 5, 2009 at 7:35 pm. Mr. McAdams seconded. The vote carried unanimously (voting were P. Dahlen; C. Pike, G. Boerger, G. McAdams)

7:35 Wrightington – Review of ZEO Decision and Special Permit

Mr. Rose read the public hearing notice. Kevin Wrightington was present for the hearing. The hearing was continued from July 1, 2009. Mr. Boerger read a letter of no opposition from Alexis Perry and Julie Mockett dated July 24, 2009. Mr. Wrightington explained that he and his engineer, Richard Forte, met with abutters, Ralph Labriola and Scott Ludwig. Plans were reviewed and there was an agreement to set the operation hours. Mr. Wrightington added that the operation is seasonal. Mr. Wrightington provided plans to show the placement of the areas of business and the area where a six foot wooden fence would be constructed along with a berm and a buffer of trees. Mr. Labriola confirmed that the noise level during off hours has been eliminated within the last couple of weeks and feels the plans and the discussions are a step in the right direction. The hours of operation will be from 8am – 5 pm and no weekends. There were further discussions concerning the fence and how it would be constructed along with an earthen berm so as to best alleviate any nuisance to abutters.

An abutter from 64 Wapping Road, stated that he is in support of the proposal.

The issue of the propane tanks on the property was discussed and Mr. Wrightington explained that there are two 1000 gallon tanks on the property which are used to heat the buildings and the greenhouse. He explained that he has propane tanks off site located in Carver which he uses for the tanker trucks. Mr. Wrightington provided propane permits from the fire dept. Mr. Boerger explained that the permits issued show compliance with fire safety but are not zoning permits which are a separate issue.

Mr. Rose moved to close the hearing. Mr. Dahlen seconded. There was further discussion concerning the hours of operation and the height of the fence and the date in which the fence, berm and tree buffer would be completed. After discussion, Mr. Rose moved to instruct the clerk to prepare a written decision upholding the Zoning Enforcement Officer's ruling and to grant the applicant's request for a special permit with the following conditions:

Hours of operation of the landscaper/contractor yard shall be 8:00 AM to 5:00 PM, Monday through Friday.
An earthen berm shall be constructed, approximately 8-10 feet in height, 20 feet in depth, and up to 150 ft in length as required to mitigate impacts to abutters, as determined by the Zoning Enforcement Officer. White pines shall be planted on top of this berm to provide a visual buffer.
Said berm shall be completed by September 15, 2009, with white pine buffer planted by October 1, 2009.
A 6-foot, wooden stockade fence shall be constructed along the west side lot line, meeting abutter Ralph Labriola's existing vinyl fence.
The location of material storage and activities on site shall comply with plans received on July 14, 2009 by Zoning Board of Appeals

Mr. Pike seconded the motion. The vote carried unanimously. The vote was amended to extend the date to September 30, 2009.

Mr. Boerger noted that the propane trucks are still an open issue.

General Business

The minutes of July 1, 2009 were reviewed. Mr. Rose moved to accept the minutes as amended. Mr. Dahlen seconded. The vote carried unanimously.

Decision – Mass Property Solutions – The decision was reviewed. Mr. Pike moved to grant the Special Permit requested by the applicant consistent with the written decision. Mr. Rose seconded. The vote carried unanimously (voting were D. Rose; G. Boerger; P. Dahlen; C. Pike)

It was unanimously voted to adjourn the meeting at 8:25 pm.