



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

BUSINESS MEETING MINUTES  
ZONING BOARD OF APPEALS  
July 21, 2010

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

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

7:30 Phelan SP- 129 Main Street

Mr. Rose read the public hearing notice.

David Phelan was present for the hearing. Mr. Phelan has owned the Kingston Shell since 1992 and operates a service station under a lease. He wishes to expand his business to include the sales of used automobiles and will have no more than ten cars displayed for sale at one time. Most of the advertising for the sales will be via the internet. Shell recently removed the tanks and Super Petroleum put in new equipment. Super Petroleum operates the fuel end of the business and will be subleasing from the applicant. The station is still under construction and should be completed the end of the month. Mr. Phelan stated that no cars will be kept on the edge of the building or on any points which was required by the Planning Board. He stated that he has been before the Planning Board and the site plan has been approved. There was some questions and discussions concerning lighting and the applicant stated that the lighting will remain as it is currently.

Mr. Haas read a letter from A. Tassinari dated July 17, 2010 in favor of the proposal. An abutter came forward from Spring Street and stated that she is in favor of 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 granting the special permit requested by the applicant with the condition that the cars are placed consistent with the plan approved by the Planning Board and there be no increase in lighting. Mr. Pike seconded. The vote carried unanimously.

7:55 Fontes – SP

The applicant was not present and requested a continuance in writing. Mr. Boerger moved to continue the hearing to October 6, 2010 at 7:30 pm. Mr. Rose seconded. The vote carried unanimously.

7:56 – General Business

An abutter, Susan McNeil, was present in the audience concerning the Ahern matter which hearing was closed at the last meeting. Mr. Haas informed Ms. McNeil that the hearing was closed and that no further testimony or evidence could be presented and explained the options of appeal.

The Ahern decision was reviewed. There was discussion concerning allowing a third bedroom which was beyond what the applicant requested in his application and the by-law was referenced and reviewed. The decision was modified to include only two bedrooms and if the applicant wished to have three bedrooms, then he would have to come again before the Board so proper notice could be provided to the public.

Mr. Boerger moved that the draft decision prepared by the clerk as modified be approved consistent with the decision. Mr. Dahlen seconded. The vote carried unanimously.

Mr. Boerger moved that if the applicant wished to apply for a special permit to add a third bedroom within one year of the date of the decision that the filing fee be waived. Mr. Pike seconded. The vote carried unanimously.

Mr. Haas went over some general correspondence and read a letter from the Sewer Commission regarding the Harlow application.

The new Open Meeting Laws were discussed.

The minutes of July 7, 2010 were reviewed and discussed. Mr. Boerger moved to accept the minutes as revised. Mr. Dahlen seconded. The vote carried unanimously.

It was unanimously voted to adjourn the meeting at 8:15 pm.