



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

**BUSINESS MEETING MINUTES  
ZONING BOARD OF APPEALS  
June 19, 2010**

MEMBERS PRESENT: John Haas, David Rose, Carl Pike, George Boerger George McAdams, Philip Ricardi NOT PRESENT: Paul Dahlen OTHERS PRESENT: Paul Armstrong

Meeting opened at 7:30 pm by Chairman Haas.

7:30 Fontes-Special Permit -16 May Avenue (continued from June 2, 2010)

Mr. Rose read the public hearing notice. Mark Flaherty of Flaherty and Stefani was present along with the applicants, John Michael and Stefani Fontes. Mr. Flaherty provided handouts to the Board. The property is located on the corner of May Ave and Lee Circle. The proposal is to add a 2 car garage at the rear near Mayflower Street and have the garage accessible off Lee Circle, The special permit is needed to allow the garage setback to be 19 feet rather than 25 feet. The original driveway is off of May Ave. The property is serviced by town sewer and there are no protected areas or grading change. Mr. Flaherty reviewed the site plan with the Board and pointed out on a map that other neighboring properties do not comply with the set back. There were discussions concerning the use of the room and that it should be conditioned that the room not be used as a bedroom as there is only sewer capacity for three bedrooms. There was discussion concerning the retaining wall. Mr. Armstrong stated that there may be concerns that the downstairs basement is living space. Mr. Haas stated concerned that this doesn't potentially become more than a three bedroom house and suggested that there be a condition that there be no plumbing in the new space. The applicant agreed. Mr. Haas also wanted to know what architecturally is in the bedrooms. The response was that downstairs is a bedroom and a small bath with a separate entrance. Mr. Armstrong suggested getting floor plans for the existing and the proposed so there is a plan on record. Mr. Flaherty stated that he can provide a floor plan with more detail and the applicant is ok with the requirement that the space not be used as a bedroom.

Mr. Haas asked if any members of the public were present to speak about this project.

Wes Megs of Lee Circle questioned why the garage could not be free standing and was concerned about it being a walk through.

Tom Condon of 1 Lee Circle was concerned about the length of the driveway not long enough for multiple vehicles.

Dave Billings of May Avenue – stated his concern about drainage and that it be contained in the lot because it is not contained currently. His driveway is opposite and water drains in his driveway.

Mr. Haas stated that there should be adjustments made so there is no storm water in someone else's property and that this could be conditioned.

Ann Brown of 20 May Avenue was concerned about the size of the addition.

Catherine Noyes of May Avenue wanted to know if the special permit was granted, if there was a time frame to complete. The response was two years per the special permit.

Mr. Rose stated his concern about the increase and would like to know what is already there.

There were discussions concerning closing the hearing or continuing the hearing and the consensus is that the Board would like to continue the hearing so that they can see the existing floor plan. Mr. Haas stated he would also like to know the final grade for the driveway.

Mr. Boerger moved to continue the hearing to July 7, 2010 at 7:30 pm. Mr. Rose seconded. The vote carried unanimously.

#### 8:20 King-Modification -46 Shore Drive

Mr. Rose read the public hearing notice. Mr. Pike recused himself from the hearing. Mr. Ricardi and Mr. McAdams were appointed full members for the purposes of this hearing. Mr. King was present for the hearing to request a modification to the previous permit issued as the previous application did not include page A1-A of the plans in the package that was provided at the initial application. Page A1-A shows the remodel of the downstairs. The Board reviewed the plan that showed a kitchenette and 2 bedrooms. The board reviewed the prior decision.

Mr. Haas asked if any members of the public were present to speak.

Mike Emery of 37 Shore Drive, stated he was at the prior meetings and thought the kitchenette was illegal and that it was to be taken out.

John Holmes of 48 Shore Drive, stated he had no problem with the plan.

Mr. Boerger moved to close the hearing. Mr. Ricardi seconded. The vote carried unanimously.

Mr. Boerger moved to instruct the clerk to prepare a decision amending the original decision which would implement page A1-A with the condition that the dwelling remain a single family residence and reference plans dated and signed today and to reaffirm it is a three bedroom single family residence. Mr. Ricardi seconded. The vote carried unanimously.

#### 8:40 pm

Mr. Pike returned to the Board.

Mr. David Rollock was present informally. He wanted to make a revision to the decision in case # 1253 and provided a plan to the Board to review. Mr. Haas read a letter from a neighbor in favor of the revision. After discussion the Board deemed the revision to be minor.

Mr. Boerger moved to modify the Decision for Case No. 1253 to permit a minor modification of the footprint of the proposal consistent with the plan presented this evening. Mr. Pike seconded. The vote carried unanimously.

#### 8:47 Harlow – Special Permit – 24 Sunset Road

Mr. Rose read the public hearing notice. Daniel Harlow was present on behalf of Cortland Harlow, Jr. Mr. Harlow was seeking approval for a prior special permit that was issued however, two years has lapsed since the original decision. Mr. Harlow presented plans which were approved in the prior decision (case #1211), with the exception of one modification required by the Conservation Commission which resulted in a smaller footprint than that approved in Case #1211.

Mr. David Fitzgerald came forward and spoke in opposition to 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 decision granting the special permit requested of the applicant consistent with the plans submitted, revised 9-22-2008 with the condition that it be a three bedroom and built according to the plans submitted this evening. Mr. Pike seconded. The Vote carried unanimously.

#### 9:10 General Business

Decision – South Shore Medical Associates. Mr. Boerger facilitated the vote on the decision due to Mr. Haas' absence at the last hearing. Mr. Haas abstained from the vote.

Mr. McAdams and Mr. Ricardi were appointed full voting members.

Mr. Rose moved to deny the request for a variance of South Shore Medical Associates. Mr. Boerger seconded. The vote was 3-2 in favor of denying the variance. (Voting in favor of denying: G. McAdams; G. Boerger; D. Rose; Voting in opposition of denying the variance: C. Pike and P. Ricardi)

The minutes of May 19, 2010 were reviewed. Mr. Pike moved to approve the minutes as amended. Mr. Boerger seconded. The vote carried unanimously.

Mr. Haas read a letter from the Treasurer, John LaBranche requesting the Guaranty and Inspection Funds account concerning 26608 Village at Ryan's Way 40B in the amount of \$2.83 be voted on to close the account and return the funds to the developer. Mr. Pike moved to close out the account and return the funds to the developer. Mr. Ricardi seconded. The vote carried unanimously.

It was unanimously voted to adjourn the meeting at 9:17 pm