



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

BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
DECEMBER 19, 2007

MEMBERS PRESENT: Carl Pike, Paul Dahlen, Lawrence Hunt, John Haas, David Rose, George Boerger, Pete Peterson. OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer

Mr. Haas opened the meeting at 7:30 pm and introduced the members.

7:30 Barrows Brook

Mr. Pete Delprete was present and reviewed changes to the plans for the Barrows Brook 40B project. The proposed requested changes are as follows: 1) Remove the requirement that the project be age-restricted to persons age 55 or older; 2) Change from 60 condominium units to 56 free-standing single family homes on 56 individual lots; 3) Revise site plan dated May 23, 2007; 4) Change from multi-family condominium unit structures to single family home structures (all to be footprints of 40' X 40'); and 5) Change to individual Title 5 septic systems (@ 3 bedrooms) for each lot. The septic system is being changed so that each house has a septic system and will now have 56 septic sites. There was discussion on how changes to the septic will affect flow rates. After discussion the Board felt that the changes were significant enough to warrant the hearing be re-opened so that the material can be reviewed by experts. Mr. Rose moved to re-open the hearing to be scheduled for January 16, 2007 at 7:35 pm. Mr. Hunt seconded. All in favor.

7:45 Garneau

Mr. Rose read the public hearing notice. Mr. Garneau was present and went over his proposal to request a 474 sq ft. addition to the rear of an existing one story single family home. The addition will extend an existing bedroom and add a dining room. The height would not exceed that of the existing structure.

Mr. Haas asked if any members of the public were present regarding this project. No one came forward in opposition. Sharon Burgess, of 39 Smith's Lane said she was in favor of the project. However she has concerns that if she wanted to add to her property in the future that she may be exempt from doing so because Mr. Garneaus proposal is so close to the lot line and her concern is that the two buildings would be too close together.

Mr. Boerger moved to close the hearing. Mr. Dahlen seconded. All in favor. Mr. Boerger moved to instruct the clerk to prepare a written decision granting the request of the applicant consistent with the plans submitted and reviewed tonight dated September 2007. Mr. Hunt seconded. All in favor.

7:55 Poirier

Mr. Rose read the public hearing notice. Mr. Haas read a letter from the applicant's attorney, Robert Kraus, requesting a continuance to January 16, 2008 at 7:30 pm. Mr. Rose moved to continue the hearing to January 16, 2007 at 7:30 pm. Mr. Dahlen seconded. All in favor.

8:00 Hayes

Mr. Rose read the public hearing notice. Rick Grady and Damen Nemus were present on behalf of the applicant to request a special permit. Mr. Grady went over the plan. The applicant would like to add a 16x20 second story addition on the existing garage and breezeway. The proposal was to add two bedrooms for a total of four. The proposed construction would be within the footprint of the existing structure. The height of the proposed addition

would be lower than the existing structure. There was discussion concerning sewer capacity and parking for four bedrooms and Mr. Nemus indicated that he felt the applicant would consider reducing the bedrooms to three. There is currently parking capacity for a three bedroom home.

Mr. Haas asked if any members of the public were present to speak about the project. No one came forward.

After further discussion, the applicant wished to have the approval for a four bedroom structure but agreed to have the approval conditioned with additional parking and approval from the Sewer Department for a four bedroom home.

Mr. Boerger moved to close the hearing. Mr. Dahlen seconded. All in favor. Mr. Rose moved to instruct the clerk to grant the request of the applicant for an addition on the house up to four bedrooms with the condition that if the final plan shows four bedrooms, the applicant must provide an additional parking space and seek and obtain approval from the sewer department. Mr. Hunt seconded. All in favor.

8:15 Rader Properties

Mr. Rose read the public hearing notice. The applicant was previously before the Board seeking to change the use of the property to a commercial recreational facility. Attorney Brian Sullivan was present on behalf of the applicant seeking a special permit. Mr. Haas read an email from the Fire Department specifying its concerns. Mr. Haas read the memo from the Planning Board. Mr. Sullivan indicated that changes were made to the plan based on comments from the Planning Board. There were discussions about other uses which would be limited to a snack bar, locker rooms and equipment sales. Mr. Boerger moved to close the hearing. Mr. Hunt Seconded. All in favor.

Mr. Boerger moved to instruct the clerk to prepare a favorable decision requested by the applicant for a change in use of the building consistent with the drawings reviewed by the Board dated June 4, 2007 with the condition that the 4000 sq ft. of the second story office building accessory use not exceed 4000 sq. ft. and be incidental to the primary building with use such as a snack bar, locker rooms and equipment sales. Mr. Hunt seconded. All in favor

8:30

Attorney Kelleher was present to discuss informally a variance for a commercial building.

The minutes of December 5, 2007 were approved as written.

It was voted to adjourn at 8:50 pm