



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

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
January 16, 2008**

MEMBERS PRESENT: Paul Dahlen, Lawrence Hunt, John Haas, David Rose, George Boerger: NOT PRESENT: Carl Pike, Pete Peterson. OTHERS PRESENT: Paul Armstrong, Zoning Enforcement Officer

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

Matt Dacey was present concerning the Ryan's Way project. He presented minor modifications to a plan which the Board signed.

7:35 Lane- Variance

Mr. Rose read the public hearing notice. Heather Lane and Sharon Lane were present to request a variance for a single family home. Ms. Lane explained that when they purchased the home in 2006, there was an existing carport attached to the house. About six months after purchasing the property, the applicant contracted with the former owner of the house to enclose the carport and convert it to a garage. Subsequently, the applicant became aware that no permits had been obtained. The corner of the garage does not meet the setback. The applicant seeks to allow the garage to remain in place. Mr. Haas asked if any members of the audience were present to speak. Mr. Peter Cobb of West Street, indicated he is in favor of the variance. Mr. Robert Murphy of 3 Summer Street, indicated he is in favor of the variance.

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 variance as requested by the applicant. Mr. Hunt seconded. All in favor.

7:55 Poirier

Mr. Rose read the public hearing notice. The applicant's attorney requested a continuance of the hearing due a scheduling conflict. Mr. Boerger moved to continue the hearing to February 6, 2008 at 7:35 pm. Mr. Dahlen seconded. All in favor.

8:55 Barrows Brook (40B)-Project Change

Mr. Rose read the public hearing notice. Attorney Peter Freeman, Pete Delprete and Brian Donahue (engineer) were present for the hearing. A hand out dated January 16, 2008 was presented to the Board and reviewed. Mr. Delprete discussed that the change provides that everything was moved out of the wetland buffer zone; that the new proposal has individual septic systems per home rather than the combined systems that were on the prior plan. He added that there are no nitrogen issues and that everything is in compliance with Title V. The impervious is approximately 10% less than from the prior plan. Mr. Rose mentioned that an updated traffic study may be needed. The applicant agreed to get an updated analysis concerning traffic.

Mr. Haas asked if any members of the public were present to speak. Mr. Craig McGill of Peter Lane, stated that he is concerned about the school system as a result of the requested change from the over 55 requirement.

Mr. Freeman explained that the requirement that the development be age restricted is affecting marketability.

Pine Dubois stated that she is concerned about the Jones River and that the river not be affected in any way. She does not agree that this area is not a nitrogen and phosphorous area. Attorney Freeman stated that the engineer will address her concerns. Mr. Boerger stated that he would like the applicant to provide a cost analysis for a system that would provide more protection.

Mr. Boerger moved to continue the hearing to February 20, 2008 at 7:45 pm. Mr. Rose seconded. All in favor.

General Business

Barclay decision- Mr. Hunt moved to accept the decision as written. Mr. Boerger seconded. All in favor

The minutes of January 2, 2008 were approved as written

It was voted to adjourn at 9:00 pm.