



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

**BUSINESS MEETING MINUTES
ZONING BOARD OF APPEALS
January 2, 2008**

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

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

7:30 Steele-Special Permit

Mr. Rose read the public hearing notice. Mr. John Steele was present to request a transfer of an existing special permit from 1992 for retail food business to a new owner. The establishment is currently known as Marksie's on Wapping Road. The applicant intends to keep the business the same but wants to add a coffee and donut shop. The hours of operation will change. After discussion the Board felt that this needs to go before Planning Board for site plan review especially if there is a proposed drive thru. Mr. Haas read a letter in favor of the petition from Kenneth Moelli. Mr. Boerger moved to continue the hearing to February 6, 2008 at 7:30 pm. Mr. Rose seconded. All in favor.

7:46 Boccuzzo-Variance

Mr. Rose read the public hearing notice. Anthony Boccuzzo and Rick Grady of Grady Consultants were present for the hearing to request a variance for relief from the minimum frontage and area requirements for a new combined lot and for relief from the setback requirements. Mr. Grady explained the property consists of 2 parcels, Lot 133 and 135, there is 50 feet of frontage and a total of 3000 sq ft on the vacant lot 133, which is unbuildable. Mr. Grady presented a plan to reconfigure the lots by transferring 2,160 square feet of Lot 135 to Lot 133. Lot 135 consists of 12000 sq. ft currently. As a result, Lot 135 would be more non-conforming and the new reconfigured Lot 133 would have 5,160 sq ft. The applicant desires to construct a house on the new Lot 133. After discussion, the Board felt that there are no findings to grant a variance. Mr. Grady stated that in light of the Boards opinion, the applicant wishes to withdraw the application. Mr. Rose moved to deny the applicant's request without prejudice on the grounds that the applicant has chosen to withdraw the application. Mr. Hunt seconded. All in favor.

8:00 Barclay-Variance

Mr. Rose read the public hearing notice. Dennis Dries was present and is the contractor for the applicant, Tim Barclay. Mr Dries went over plans and explained that the applicant is requesting a variance to change the set back from 20ft to 10 ft in order to construct a garage at the front of the lot. Mr Dries stated that the presence of the Jones River prevents the structure from being built in the rear of the property. After discussion the Board felt that the garage is considered an accessory structure and there is no hardship created from the inability to build a garage.

Mr. Haas asked if any members of the public were present to speak. Holly Carr, 11 March Road opposed the project stating that there is currently ample parking and storage shed on the lot.

Mr Boerger felt that the proposed structure so close to the road is a potential safety hazard.

Mr. Boerger moved to close the hearing. Mr. Rose seconded. All in favor. Mr. Boerger moved to instruct the clerk to prepare a decision denying the applicants request for a variance. Mr. Hunt seconded. All in favor

General Business

Decisions

Rader – Mr. Boerger moved to grant the request of the applicant consisting with the written decision prepared by the Clerk. Mr. Hunt seconded. All in favor

Garneau- Mr. Boerger moved to grant the request of the applicant consisting with the written decision prepared by the Clerk. Mr. Hunt seconded. All in favor

Hayes- Mr. Boerger moved to grant the request of the applicant consisting with the written decision prepared by the Clerk. Mr. Hunt seconded. All in favor

The minutes of December 19, 2007 were approved as amended.

It was voted to adjourn at 8:25 pm.