

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
September 7, 2022

Members:

Mr. Paul Dahlen – Chairman
Mr. Doug Dondero – Vice Chairman
Mr. Lane Goldberg
Mr. Robert Mullen
Mr. Kevin Wrightington

Mr. Dahlen motioned to open the Zoning Board of Appeals at 7:02 PM in Room 200 and seconded by Mr. Goldberg with a vote of 4-0-0. Mr. Dondero was absent from the hearing. Mr. Dahlen, Mr. Goldberg, Mr. Wrightington and Mr. Mullen were in attendance.

Appointment:

7:00 PM Applicant, 1 Tremont St. and 163 Summer St., seeks a special permit per §4.2A Nonconforming structure, use or lot number 4(a), waivers from 8.2A intensity schedule and variance per 6.8.D.1r as applicable in order to construct two new 6-unit apartment buildings and modify the existing site plan to facilitate construction. Site plan prepared by Grady Consulting, LLC. 3/15/2022.

MOTION: To **CONTINUE** the hearing for 1 Tremont St./163 Summer St. by Mr. Goldberg and seconded by Mr. Wrightington to September 21, 2022, at 7:00 PM with a vote of 4-0-0.

VOTE: 4-0-0

7:05 PM Applicants Mary and Shawn O'Donnell, Trustees of the O'Donnell Family Trust, both (1) appeal a certain cease and desist order issued by the Building Commissioner regarding the commercial importation of fill to 48 Marion Drive (Parcel No. 75-38), said appeal being conducted pursuant to G.L. c. 40A, §15 and §10.4.B.2 of the Zoning Bylaws; and (2) apply for a Special Permit under §4.2.A.1 of the Kingston Zoning Bylaws to alter or extend an existing use by adding reclamation and restoration of the property via the importation of fill.

MOTION: To open the public hearing of 48 Marion Drive by Mr. Goldberg and seconded by Mr. Wrightington with a vote of 4-0-0.

VOTE: 4-0-0

Mr. Dahlen read a letter from Attorney Galvin requesting a continuance with a full board of five members for the hearing of 48 Marion Drive appeal hearing.

Mr. Jason Silva advised the Board that he was not aware that the legal ad went out with reference to a special permit. There have been no documents or special permit application submitted to the building department. The appeal application was received. Special permit should be applied for separately.

MOTION: To **CONTINUE** the Appeal of the cease-and-desist order of 48 Marion Drive by Mr. Goldberg and seconded by Mr. Wrightington to September 14, 2022, at 7:00 PM with a vote of 4-0-0.

VOTE: 4-0-0

MOTION: To **CONTINUE** the second request to apply for a special permit under section 4.2.a.1 of 48 Marion Drive by Mr. Goldberg and seconded by Mr. Wrightington to September 14, 2022, at 7:05 PM with a vote of 4-0-0.

VOTE: 4-0-0

7:10 PM **WITHDRAWN** - Applicant, 35 Cole St. must seek a special permit per §4.2.A, #4(a) of Zoning bylaw in order to raze and rebuild a preexisting non-conforming structure on a preexisting non-conforming lot. Site Plans: Grady Consulting, LLC., June 27, 2022. Architectural Design: Rockwood Design, Inc. Marshfield, MA.

7:15 PM Applicant, 35 Shore Dr., Applicant requesting from ZBA whether a minor or major modification be authorized relative to the special permit granted in ZBA cases #1085 and #1166 and ask to allow Applicant to construct a 120 square foot wooden and composite material front of house deck and steps, to replace current 90 square foot combination granite and flag stone front steps.

Mr. Pike explained when his house was built, it was built with the authorization of special permits. He proceeded to explain the work that he would like to do and whether it would be a minor or major modification.

MOTION: Mr. Dahlen took a vote as to whether this would be a minor or major modification. The Board voted and approved Mr. Pike's request as minor modification to previously granted special permit to allow construction of a 120 square foot wooden and composite deck and steps on the front of house with a vote of 4-0-0.

VOTE: 4-0-0

Minutes:

Motion by Mr. Mullen to APPROVE the May 4, 2022, minutes and seconded by Mr. Goldberg with a vote of 4-0-0.

VOTE: 4-0-0

Motion by Mr. Mullen to APPROVE the June 15, 2022, minutes and seconded by Mr. Dahlen with a vote of 4-0-0.

VOTE: 4-0-0

Motion by Mr. Wrightington to APPROVE the July 20, 2022, minutes and seconded by Mr. Mullen with a vote of 2-0-0.

VOTE: 2-0-0

Motion by Mr. Wrightington to APPROVE the August 17, 2022, minutes and seconded by Mr. Mullen with a vote of 2-0-0.

Vote: 2-0-0

MOTION: to **ADJOURN** by Mr. Goldberg and seconded by Mr. Mullen with a vote of 4-0-0.

ADJOURNED: 7:31 PM

Respectfully submitted,
Debora Barry
Executive Secretary - Zoning Board of Appeals