

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
March 1, 2023

Members:

Mr. Paul Dahlen – Chairman
Mr. Doug Dondero – Vice Chairman
Mr. Lane Goldberg
Mr. Robert Mullen
Mr. Kevin Wrightington
Mr. Brian Woods – Associate Member

In attendance in Room 200: Mr. Dahlen, Mr. Dondero, Mr. Wrightington and Mr. Mullen
Absent: Mr. Goldberg and Mr. Woods

Mr. Dahlen opened the meeting of the Zoning Board of Appeals at 7:03 PM with a vote of 4-0-0.

Appointment:

7:00 PM – CONTINUED – 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.

Mr. Dondero read the Public Hearing Notice for 1 Tremont and 163 Summer St. and motioned to continue the hearing to April 5, 2023, at 7:00 PM, seconded by Mr. Mullen with a **VOTE of 4-0-0**.

7:05 PM – CONTINUED - Public Hearing - Applicant, seeks a special permit from the Zoning Board of Appeals per §4.2.A subsection 4.a in order to expand a preexisting, nonconforming structure on a preexisting lot by adding a 26x20 addition to a single family dwelling. Plans: Grady Consulting LLC, Job #22-190, October 26, 2022, for Daniel Pepe, 8 Smelt Pond Road.

Mr. Dondero read the Public Hearing Notice for 8 Smelt Pond Rd. and motioned to continue the hearing to April 5, 2023, at 7:05 PM, seconded by Mr. Mullen with a **VOTE of 4-0-0**.

7:10 PM - Applicant, Cartec Collision, lot owned by David and Stacy Conden must seek a special permit from the Zoning Board of Appeals per section 5.2 table of uses page 36 to include foot notes 22 a-b in order to operate a motor vehicle sales facility in a preexisting building at 132 Pembroke St.

Mr. Dondero read the Public Hearing Notice for 132 Pembroke St.

Luana Caminhas, 13 Magoni Terrace, Plymouth, MA explained to the Board that they are seeking a special permit to sell 10 vehicles. They have been at the location for 1 year but not operating yet. Also, will be taking over the office at the location.

Mr. Mullen asked the Applicants what environmental guards they have in place to avoid environmental impact they have in place, for example oil changes etc.

Luana Caminhas stated that oil changes will be done at 11 Joseph St. not at 132 Pembroke St.

Mr. Jason Silva, Building Commissioner stated that 10 vehicles is standard. Caution that adequate facilities should be in place. Suggested that he was not sure there would be enough room for more vehicles but would leave that open if wanting to increase the number of cars to come back to ZBA for a modification in the future.

Mr. Dahlen motioned to **APPROVE** the Special Permit as written for 10 cars and seconded by Mr. Mullen with a **VOTE of 4-0-0**.

7:15 PM – Applicant, Spencer Kingston Realty LLC, Dunkin Donuts located at 121 Main St. must seek a variance from the Zoning Board of Appeals per section 10.4.B powers subsection #3 of the Kingston zoning bylaw (ZBL) in order to install signage in excess of the allowances for size and numbers of signs as described in ZBL section 9.4.D.

Mr. Dondero read the Public Hearing Notice. Mr. Dahlen motioned to open the hearing and seconded by Mr. Wrightington with a **VOTE of 4-0-0**.

Sean Donovan with Viewpoint Sign and Awning sign manufacturer and installer for Dunkin Donuts. Spoke of size of signs and request.

Mr. Dahlen stated that it sounds like Dunkin Donuts still has to go in front of the Planning Board with issues still going on.

Sean Donovan replied yes. He proceeded to explain the size and location of the signs.

Mr. Mullen questioned the size of the letters as seen on the plans.

Sean Donovan said that he could see the confusion on the plans but that has nothing to do with the sign they are proposing.

Mr. Dahlen explained the variance and the Applicants request for the variance and what they are allowed. The Applicant is allowed two signs. One stating the name of the company and type of business.

Mr. Jason Silva agreed and said the type of goods that they sell. They are allowed 30 sq. ft. There are two buildings, two signs, one for each building. They are freestanding signs for daycare and Dunkin Donuts. The sign to the left has three slats for each tenant bay. Those signs are permitted. Anything beyond that is in excess. The challenge here is that this is a 3A Design District which is even tighter. Would rather see them go to ZBA and put everything on the table. Jason spoke of height of the drive thru with branding and logos.

Mr. Dahlen stated that they need to show a hardship for the variance to be granted.

Sean Donovan stated the hardship is the back of lower portion of the building.

Mr. Jason Silva spoke and said that the Planning Board has an active hearing scheduled regarding the site plan and uses. It would be valuable for the Planning Board to comment to the ZBA on everything and whether is necessary or not, where the signs are going to go because that could change. If the Planning Board works something out with entrance/exit/one way. It may be a better opportunity to get feedback from the Planning Board. We don't know

what the Planning Board thinks about letting them open let alone the signage. No other permitted signage on that property that a permit can be given for. Already has permitted 2 16 sq. ft. signs that exist on the property today. Bylaw is restricted.

Mr. Dondero motioned to continue the hearing for 121 Main St. to April 5, 2023, at 7:10 PM, seconded by Mr. Wrightington with a **VOTE of 4-0-0**.

The ZBA members reviewed the Application from Marsha Smith Meekins as a new Associate Member. The Board welcomes Ms. Marsha Smith Meekins to join. (Comment supplied to the Selectmen's Office for appointment. Associate Member appointed on 3/14/2023)

11/16/2022 minutes reviewed and APPROVED, motion by Mr. Mullen and seconded by Mr. Dondero with a **VOTE of 4-0-0**.

1/1/2022 minutes reviewed and APPROVED, motion by Mr. Dondero and seconded by Mr. Wrightington with a **VOTE of 4-0-0**.

1/18/2022 minutes reviewed and APPROVED, motion by Mr. Dondero and seconded by Mr. Mullen with a **VOTE of 4-0-0**.

2/1/2023 minutes reviewed and APPROVED, motion by Mr. Dondero and seconded by Mr. Mullen with a **VOTE of 4-0-0**.

ADJOURN: 7:38 PM

Respectfully submitted,

Debora Barry
Executive Secretary - Zoning Board of Appeals