

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
April 5, 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
Ms. Marsha Smith Meekins – Associate Member

In attendance in Room 200: All members were in attendance except Mr. Goldberg.

Mr. Dahlen opened the meeting of the Zoning Board of Appeals at 7:02 PM, seconded by Mr. Dondero with a **VOTE of 6-0-0**.

Mr. Dondero read the Public Hearing notice for 1 Tremont and 163 Summer St.

Appointment: 7:00 PM – CONTINUED – TO 5/3/2023 at 7:00 PM - Public Hearing for 1 Tremont St. and 163 Summer St., Applicant 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. Dahlen read the email from Scott Brown, Applicant for 1 Tremont St. and 163 Summer St. regarding the Water Department flow test. Applicant is waiting for their report to design the water tie in system in order to issue the Water Quality Certificate.

MOTION: Mr. Dahlen motioned to **CONTINUE** the hearing of 1 Tremont St. and 163 Summer St. to May 3, 2023, at 7:00 PM, seconded by Mr. Dondero with a **VOTE of 4-0-0**.

Mr. Dondero read the Public Hearing notice for 8 Smelt Pond Rd.

Mr. Dondero MOTIONED to open the Public Hearing of 8 Smelt Pond Rd., seconded by Mr. Mullen.

Appointment: 7:05 PM – Public Hearing - Applicant, 8 Smelt Pond Road 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.

Dillon Brady, Project Designer for Grady Consulting, LLC. Representing the Applicant stated that 8 Smelt Pond Rd. is a gravel road. Dillon went on to explain the changes made to updated plans, upgrade the septic system based on bedrooms being increased to two bedrooms, and pointed out parking plan. They have received Board of Health and Conservation Commission approval.

Jason Silva, Building Inspector stated that no abutters presented issues.

Daniel Pepe stated that there is access for the school bus and Fire trucks. It is a one lane dirt road.

Mr. Dahlen pooled the Board. Preexisting, nonconforming lot.

MOTION: By Mr. Dondero to **APPROVE** the Special Permit for 8 Smelt Pond Rd., seconded by Mr. Mullen with a VOTE of 6-0-0.

MOTION: By Mr. Dondero to close the hearing on 8 Smelt Pond Rd., seconded by Mr. Wrightington with a VOTE of 6-0-0.

Mr. Dondero read the Public Hearing notice of 121 Main St.

Appointment: 7:10 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.

MOTION: By Mr. Dondero to **CONTINUE** 121 Main St. to May 5, 2023, at 7:05 PM, seconded by Mr. Mullen with a VOTE of 4-0-0. A representative for 121 Main St. was not present for the hearing.

Jason Silva stated that previous issues with the Planning Board have been resolved. Has heard nothing from Dunkin' Donuts. There is no awning allowed and this is a challenging decision due to the area.

Appointment: 7:15 PM - Applicant seeks an informal hearing to request a determination as to whether the addition of a 12' X 16' deck represents a major or minor modification to Special Permit #22-04 from January 2022, April Ruiz, 77 Main Street.

The Board reviewed the final decision/packet from ZBA case #22-04.

Mr. Dahlen requested that April Ruiz explain her needs.

April Ruiz stated that they are looking to add a deck off of the back of the structure where they had a deck and looking to replace it. The deck would go off the back of the house.

Mr. Mullen asked April Ruiz if the deck is the same size. She stated no but shorter from the property line.

April Ruiz stated that the deck was not on the original plan when she went in front of the ZBA in 2022. April used the existing plot plan with a drawing of the size of the deck added to the addition.

Mr. Dahlen stated that something needs to be in the file, on the plot plan to show the deck. Mr. Dahlen proceeded to pool the Board on whether this is a minor or major modification.

****The Board agreed that this is a minor modification and April Ruiz with the Boards approval drew in the size and location of the deck of 12' X 16' and signed/dated the plot plan.**

Jason Silva, Building Commissioner, stated that the signed and dated plot plan will go into the file.

There were no abutters disapproving the addition at the meeting or on Zoom.

MINUTES: 3/15/2023 minutes reviewed and APPROVED, motion by Mr. Dondero and seconded by Mr. Mullen with a vote of 6-0-0.

MOTION: To ADJOURN by Mr. Dondero and seconded by Mr. Wrightington.

ADJOURN: 7:30 PM

Respectfully submitted,

Debora Barry
Executive Secretary - Zoning Board of Appeals