

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
July 19, 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: Mr. Goldberg, Mr. Wrightington, Mr. Mullen and Ms. Smith Meekins
Absent: Mr. Dahlen, Mr. Dondero and Mr. Woods

Mr. Wrightington opened the meeting of the Zoning Board of Appeals at 7:03 PM, seconded by Mr. Mullen with a **VOTE of 4-0-0.**

Mr. Goldberg read the Public Hearing Notice for 195 Summer St. and motioned to open by Ms. Smith Meekins and seconded by Mr. Wrightington. **VOTE of 4-0-0.**

Appointment:

7:00 PM - Applicant, John Breen, 195 Summer Street, to first seek a variance of the area as required per §8.2.A requiring 30,000 sq. ft. for a two family in an R-20 zone. Site plan by Webby Engineering 2/14/2022.

Jack Breen, 195 Summer St. owns the one family home and is applying for a variance. Mr. Breen explained the pictures and forms that were distributed to the Board. He explained where the property is located as well as the history of the property. The house was built in 1988. It was a residential area in 1988 and Mr. Breen spoke of the area development and number of commercial properties. Density has increased. Mr. Breen speaks of his home as an orphan amongst the commercial footprint of abutters. Mr. Breen proceeds to explain hardship as survival. The property doesn't belong or fit as a residence surrounded by commercial businesses. Undesirable for a family giving surroundings and it should be a two-family. Mr. Breen explained the letters from the abutters.

Mr. Goldberg pooled the Board.

Mr. Mullen speaks of any changes in existing or future buildings.

Mr. Breen stated there will not be a change in the size of the building.

Mr. Mullen stated that the Board would like to see a narrative of the existing building and new plan. This information is needed especially for the Building Department on what the plans is whether demolishing or built.

Mr. Breen understood that his application is incomplete.

Mr. Wrightington asked Mr. Breed if he lived in the house.
Mr. Breen stated that he does live in the house.

Mr. Wrightington stated that is not a hardship for variance.

Ms. Smith Meekins stated that she does not see a hardship. She asked if he had tried to sell the house.

Mr. Breen stated that he tried to sell the house right after Covid. His situation changed due to Covid and had to close his physical therapy business. He has no intention of moving.

Mr. Goldberg stated that he does not see a hardship. Needs a circumstance stated in the bylaw such as soil, topography, etc. Need to articulate and provide evidence of trying to sell the house and need to make findings for hardship. Abutter was asked to speak.

Marilyn Anderson, 197 Summer St. questioned if proposed change would affect her property.

Mr. Goldberg replied that if the change was approved by the Board, it would not affect her property. She would still be an R20 district.

Marilyn Anderson was against the variance and did not think the house should be changed.

Mr. Silva stated that the ZBA has hit all the points on the variance. The decision is on the Board.

MOTION: to continue by Mr. Wrightington and seconded by Mr. Mullen to August 16, 2023, at 7:00 PM.

VOTE: 3-1-0 with Ms. Smith Meekins not in favor.

**** APPLICANT WITHDREW THEIR APPLICATION ON 7/24/2023****

MOTION: To close the ZBA meeting made by Ms. Smith Meekins and seconded by Mr. Mullen.

VOTE of 4-0-0.

ADJOURN: 7:45 PM

Respectfully submitted,

Debora Barry
Executive Secretary - Zoning Board of Appeals