



Office of the
Kingston Planning Board
Kingston Town House
26 Evergreen Street
Kingston, Massachusetts 02364

Meeting Minutes of January 9, 2023
APPROVED at the regularly scheduled meeting on Monday, September 11, 2023

Members:

Tom Bouchard, Chair
Dave Gavigan, Vice Chair
Joanne Cullen, Clerk
Bob Gosselin, Member
Jonathan Barnett, Member
Rich Kenney, Alternate Member

Vice Chair David Gavigan called the meeting to order at 7:08 PM

ROLL CALL

Dave Gavigan: Present
Bob Gosselin: Present
Joanne Cullen: Present
Tom Bouchard, Jon Barnett and Rich Kenney were not present.

MEETING MINUTES

None available for review.

Public Hearing regarding Jennifer and Michael Landolfi seeking approval for Special Permit to add accessory dwelling at 20 West Street Map 41 Lot 11; Joanne Cullen read the Public Hearing Notice, Mr. Gavigan opened the hearing.

Mr. Gavigan invited Ms. Massard to speak first on the application. Valerie Massard, Town Planner, reviewed that the Zoning Bylaw, Table of Uses, for an Accessory Dwelling Unit, contains up to 12 footnotes that impose conditions on the accessory dwelling unit uses, size and associated amenities. There are three key issues. Ms. Massard described the property in question stating it is a nonconforming pre-existing legally undersized lot, and expressed concern that the application does not meet the lot size requirements stated in the Zoning Bylaw Table of Uses, which require the lot to be the minimum lot size in the zoning district – here being the R40 Zone as 40,000 square feet - as the lot is too small – that there are no abilities for the Planning Board to issue a waiver of the requirements under zoning as written. In order for this request to proceed, it would require a variance of the minimum lot size by the Zoning Board of Appeals – the Planning Board cannot grant a variance. The house is compliant with the existing R40 Zoning Bylaw setbacks in the side yard; by showing this ADU encroaching now into the required side yard setback, it appears to be encroaching and becoming more nonconforming. The zoning bylaw

Table of Uses, also requires a review of the size of the accessory dwelling unit, and the Assessor information does not appear to show that they have sufficient house size to allow for the proposed size of the ADU. The Applicant has been notified that the recommendation from staff is a denial without prejudice to allow time for adjustments or to refile.

Michael Landolfi, of 20 West Street defended the plans because that were based on the information given by the Building Department. He expressed disappointment that the Town gave him incorrect information. Jennifer Landolffi, of 20 West Street asked the Planning Board to clarify the conditions of the driveway location. Valerie Massard read directly from the Zoning Bylaw that parking is required to not be located in the front or side of the house/ADU per the footnotes in the Table of Uses.

Bob Gosselin and Joanne Cullen recommend to the Owners that they go to the Building Department and the Zoning Board of Appeals for clarification and variances which appear to be needed, and then they can refile with the Planning Board. Mr. Gosselin stated that he didn't expect that there would be an issue with the side yard if the old zoning applies to the lot. Ms. Massard indicated that the zoning language appears to indicate that there is not flexibility on the lot size matching the existing zoning in her review of the application with Jason Silva, the Building Commissioner, which took place last week for over an hour to try to sort out the questions that arose during the review. Mr. Gosselin encouraged them to seek the variance on parking location and lot size (both).

Motion to close the Public Hearing by Joanne Cullen

Second: Bob Gosselin

Vote: All in Favor 3-0-0

Motion: to deny without prejudice the Special Permit request as conditions/variances are not met

Second: Bob Gosselin

Vote: All in Favor 3-0-0

**It was noted after the fact by Chairman Bouchard that there were not sufficient members present to have held the public hearing – a special permit requires a supermajority vote consisting of four voting members. An approval for an in-law apartment was immediately approved by the Building Department to the Landolfis later that week, and a decision by the Planning Board was never rendered.*

DISCUSSION

Valerie Massard referred the Board to the draft Planning Board's section to be included in the Annual Town Report. She welcomed reviews or questions. Members present concurred that it looked complete.

Mr. Gosselin inquired about the 121 Main Street site development (daycare, possible Dunkin' Donuts), which is delayed in coming before the board tonight and is expected to appear at the next meeting.

NEW/OLD BUSINESS

Valerie Massard mentioned that a Technical Assistance Grant from Mass Housing Partnership has been received to help evaluate the configuration of a possible MBTA Zoning District near the Railroad station. She also advised the Planning Board that she will initiate discussion through the DLTa program with OCPC to study the corridor along 3A from town to town, primarily on the east side of town, but hopefully all the way to the Duxbury town line, in keeping with general input from town officials and the Kingston Business Association (the deadline for the application is next week). Discussion of the long process of updating the Subsidized Housing Inventory for the Town for the first time, being undertaken by the Town Planner, and how the process of Safe Harbor is declared temporarily in some situations.

Motion to adjourn by Joanne Cullen

Second: Bob Gosselin

Vote: All in Favor 3-0-0; adjourned at 7:37 PM

Next meeting to be held Monday, January 23, 2023.

Materials discussed/reviewed at this meeting:

- Agenda for January 9, 2023
- Staff Report of Conditions (septic plan, architectural drawings, narrative) for ADU permit located at 20 West St.
- Planning Board summary for Annual Town Report