

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
March 6, 2024

Members:

Mr. Paul Dahlen – Chairman
Mr. Doug Dondero – Vice Chairman
Mr. Lane Goldberg
Mr. Robert Mullen
Mr. Kevin Wrightington
Ms. Marsha Smith Meekins

In attendance in Room 200: Mr. Dahlen, Mr. Wrightington, Mr. Mullen, and Ms. Marsha Meekins Smith
Absent: Mr. Goldberg and Mr. Dondero

Mr. Dahlen opened the meeting of the Zoning Board of Appeals at 7:10 PM, seconded by Ms. Marsha Meekins Smith.

Ms. Marsha Meekins Smith read the public hearing notice for 33 Cushman Drive.

Appointment:

7:00 PM - . A Public Hearing will be held at the Town Hall, 26 Evergreen Street, Room 200 and Zoom on Wednesday, November 1, 2023, at 7:05 PM to hear the petition of Cushman Farms, LLC., 33 Cushman Drive, Kingston, MA 02364. To request a Comprehensive Permit under Massachusetts General Laws Chapter 40B, to allow construction of three apartment buildings proposed to build 100 sixty-two (162 units of rental housing (the “project”) on approximately 11 acres of land located off Marion Drive and Cushman Drive (the “site”) in Kingston (the “municipality”) with an associated community building, access road, parking, stream crossing, utilities, and stormwater features on assorted parcels along Thomas St., including Off Pleasant St. and Pleasant St. Map 66 Lots 29, 32, 33, 35, 37, 38, 40, 41, 42, 47 and Map 75 Lots 5 and 7. Mass Housing ID #1159. Plot Plan by Coneco Engineers & Scientists, Bridgewater, MA. Drawn by Surveyor Timothy S. Bodah, PLS dated September 28, 2023. Comprehensive Permit Plans by Coneco Engineers & Scientists. Plans drawn by Engineer Damien J. Dmitruk, P.E., dated October 2, 2023.

MOTION: Mr. Mullen motioned to open the public hearing, seconded by Mr. Wrightington.

VOTE: 4-0-0

MOTION: Mr. Dahlen motioned to **CONTINUE** the public hearing to April 3, 2024, at 7:15 PM. Seconded by Ms. Marsha Meekins Smith.

VOTE: 4-0-0

MOTION: Ms. Marsha Meekins Smith read the public hearing notice for Indian Pond Country Club, 60 Country Club Way and **MOTIONED** to open the public hearing, seconded by Mr. Wrightington.

VOTE: 4-0-0

Appointment:

7:05 PM - A Public Hearing will be held at the Town Hall, 26 Evergreen Street, Room 200 on Wednesday, March 6, 2024, at 7:05 PM. Applicant, Fred Tonsberg, 60 Country Club Way, Map 74, Lot 4 seeks a special permit from the Zoning Board of Appeals per section 5.2 table of uses Kingston Zoning By Law, page 33 in order to construct a maintenance building for the existing Country Club. Site Plan for proposed maintenance building at Indian Pond Country Club, Inc. prepared by Joseph Webby, Jr. and Richard DeBenedictis of Webby Engineering Associates, Inc. dated 7/11/2023. Retaining Wall Location and Note Plan, Civil Connection, LLC., Gilmanton, NH dated 11/29/2023.

Attorney Fleming, Andover, MA represented Mr. Fred Tonsberg, Indian Pond Country Club, 60 Country Club Way. Attorney Fleming spoke of the refiling of the Special Permit application related to the maintenance building request, provided plans and location of the maintenance building. Based on feedback from the owner of the abutting property the applicant would move the facility 50' away from the property. Attorney Fleming continued to explain the entry ways to each floor of the building as well as what will be contained on the first and second floor. Carts going in and out of the building will not be visible to anyone. The use would not adversely affect the neighborhood. Spoke of the criteria and bylaws. This will improve the neighborhood. The other facility is decrepit and stopped using that building. Read emails from abutters. Mentioned that abutters emailed the attorney their concerns of roads and the entrance. Claims High Pines is responsible for the roads. Read bylaws/use and explained IPCC wants to fit all the equipment in the building. Only employees will have access to the building. By moving the building 50', did not need a retaining wall and there is no elevation. Would prefer to put in a bathroom but depends on water/sewer.

Mr. Dahlen requested a letter from both the Water and Sewer Departments.

Ms. Marsha Meekins Smith asked if there was water to the current maintenance building.

Mr. Fred Tonsberg stated that if he cannot get all the equipment into the new building the equipment will go halfway down the driving range. Mentioned reason for parking the equipment in that area.

Ms. Marsha Meekins Smith asked how the new building compares sq ft. wise with the old maintenance building. Trying to get an idea of the additional size.

Mr. Tonsberg answered Ms. Meekins Smith's question and went on to explain IPCC/High Pines Corporation.

Ms. Marsha Meekins Smith questioned the issue of roads and how they are a sore spot for homeowners. Asked the difference between IPCC and High Pines, LLC.

Mr. Mullen commented that there seems to be some internal conflict between the residents and Indian Pond Country Club. It sounds a little diluted between who owns High Pines and IPCC. Spoke of road issues and seems to always be a problem. Residents are mad. Somebody should fix the roads to help the people who live there. Questioned whether the existing building is going to be demolished, painted or is it just going to sit there. Internal conflict has been talked about. Spoke of special permit and having to do with the water, fire, building departments etc. Need those approvals and sign offs from departments. Fix the roads and a lot of this would go away.

Attorney Fleming spoke of getting approval from Jason Silva, Building Inspector.

Ms. Marsha Meekins Smith mentioned limiting the hours of construction.

Mr. Tonsberg mentioned that there will not be work on the weekends unless there is an emergency.

Attorney Fleming disagrees that IPCC and High Pines are one entity.

Mr. Dahlen spoke of roads not being maintained, plowed, or sanded.

Mr. Wrightington commented that he doesn't think the conversation of fixing the roads is going anywhere.

Mr. Mullen commented that people have been complaining about the roads. Just fix it. This is the resident's issue. Figure out the roads. It has nothing to do with the special permit as far as he is concerned.

George Eagan, 131 Country Club Way owns a landscaping company in Plymouth. The road conditions at IPCC are atrocious. High Pines and IPCC are the same entity. Not correct not maintaining road conditions which are full of potholes. Nobody seems to care about fixing. They made a promise to the town and the residents that the roads would be taken care of 25 years ago. Nothing has been done. Regarding the building, he doesn't see any screening for equipment so that it will not look bad to the neighbors. Cars are on the front grass/yard at the maintenance building. Where will the employees' park. Does not trust that this will be kept up.

Kim Irvine, 24 Putters Place has resided at Indian Pond for approximately 20 years. Kim questioned what will be different at the new facility if the special permit is approved.

Attorney John Denehy representing Deborah and Peter Hooper, 425 Country Club Way spoke of the purpose of zoning is to protect abutters. Spoke of bylaws and displayed the original plan for the board and public to see. Spoke of past approval and special permit and current maintenance building. The location is the real issue. Spoke of declaration. The building is currently leased to Fred Tonsberg by EBF, LLC. Attorney Denehy distributed copies of pictures to the board members showing rundown buildings with grass growing out of the gutters, broken windows which are boarded up. Attorney Denehy requested a peer review to go through this or mandate and condition the permit.

Attorney Galvin representing EBF, LLC., owner Fred W. Tonsberg, Fred Tonsberg's son has owned the maintenance building since 2010. Spoke of the original plans and there should have been a special permit modification to that maintenance building. The building is worn into the ground and is in violation of the lease agreement. Questioned what would happen with the existing building since there is significant damage to the facility. It should be repaired, restored and screened so homes do not get damaged by golf balls. Questioned impervious surface, storm water generated causing flooding due to lack of attention to issues. Expressed concern of no central fuel facility/no plans to fueling, details on loading and unloading of materials, structural conditions, storage of materials and work hours etc. Natural features are altered, and site design is not compatible. Attorney Galvin suggested a peer review or for applicant to stay in the current location.

Deborah Hooper, 425 Country Club Way Spoke of previous concerns and expressed how the parking lot looks terrible as well as the roads – referring to the potholes and bad conditions for years. Deborah is very concerned about what will be stored in the facility.

Chris Worthy representing EBF, LLC., spoke of zoning rights assigned to the current maintenance building and Indiana Pond Country Club has given away those rights. The lease expires in 2025. Requested that the property be conditioned with screening and arborvitaes, etc.

Mr. Dahlen requested that there be a peer review and Executive Secretary will send the peer review list to the applicant's attorney – Attorney Fleming.

MOTION: Mr. Dahlen motioned to **CONTINUE** the hearing of 60 Country Club Way to May 1, 2024, at 7:00 PM, seconded by Ms. Marsha Meekins Smith.

VOTE: 4-0-0

MOTION: Ms. Marsha Meekins Smith read the public hearing notice for Priolo Wapping Realty, LLC., 113 & 117 Wapping Rd. and motioned to open the public hearing, seconded by Mr. Wrightington.

VOTE: 4-0-0

Appointment:

7:10 PM - A Public Hearing will be held at the Town Hall, 26 Evergreen Street, Room 200 and via Zoom on Wednesday, December 6, 2023, at 7:00 PM to hear the petition of Priolo Wapping Realty, LLC., 233 Pembroke Street, Kingston, MA 02364. To request a Comprehensive Permit under Massachusetts General Laws Chapter 40B, to allow construction at 113 & 117 Wapping Road (the "site") in Kingston (the "municipality") of an age restricted residential development consisting of sixty (60) units (the "project") on approximately 643,263 S.F. of land. Map 52 Lot 9 and Map 42 Lot 8. Mass Housing ID #1165. Traffic Impact Assessment by River Hawk Environmental, LLC., Marshfield, MA dated June 2023. Site Plan prepared by River Hawk Environmental Civil Engineering & Environmental Consulting, Middleboro, MA. Plans designed by, Plans Design, Quebec, Canada dated July 7, 2023.

Mr. Dahlen requested a new signed time waiver form from the applicant.

Rob Rego, Riverhawk Engineering spoke of the project on behalf of the applicant Glenn Priolo. Explained the modification to plans due to lack of water, changes of buildings, wells and roads which are all modified for 16 units. Talked about the driveway, curb cut, and no grass strip. Reviewed the various department comments. Traffic consultant will modify plans. Units are not age restricted. Septic is at the top of the hill.

Mr. Dahlen asked what happens if you lose power?

Rob Rego replied, the pump will be on a generator. Well will supply two units. There are 8 affordable units. 6 -2 bedrooms. #4, #8, #11, #15, #22, #26, #29, and #32 are all affordable housing. There are 5 market rate units. He went on to explain the remaining units. Spoke of school bus stop, mailboxes and keep everything away from the wetland.

Mr. Dahlen requested a peer review. They need slight overflow parking.

Mr. Mullen stated that he thought it was a good plan and expressed his concern over location regarding traffic in and out from route 106.

Mr. Wrightington spoke of lighting and expressed concern of people having a good view both ways onto route 106.

Ms. Marsha Meekins Smith expressed concern over the wetlands and well.

Rob Rego replied that septic is outside buffer zone. Each unit will have wells.

Pine DuBois, Jones River Watershed Association, expressed questions and concerns over borings and hazardous materials.

Mr. Dahlen replied that the applicant will be required to get a peer review.

Rob Rego responded that they did 25 test pits. Spoke of the environmental assessment and sampled water and did not find contamination. Report was sent to the DEP. Plans are very conceptual right now regarding septic and storm water.

Glenn Priolo state that a 21E was given to the building department. Wells and septic will be drilled and tested or cannot have the building permit.

Pine DuBois referenced Category D as high load design and should include nitrogen removal due to runoff into the Jones River.

Mr. Dahlen stated that fire department comments are needed.

MOTION: Mr. Dahlen motioned to **CONTINUE** 113 & 117 Wapping Rd. to May 15, 2024, at 7:00 PM, seconded by Ms. Marsa Meekins Smith.

VOTE: 4-0-0

Appointment:

7:15 PM - Informal request by Shawn Stanghellini, 46 Raboth Road, requesting the Board's opinion on ZBA case #20-07 as to whether changes to the Special Permit would be considered a minor or major modification.

Escel Stanghellini explained the request to increase the sq ft. to the existing residence by adding a second floor.

Shawn Stanghellini stated that the residence would be too small and would like to add a story and the footprint would not change.

Mr. Dahlen read Jason and Matt's email of concern. Looking at the existing residence and due to existing permit believes it is a major modification. Applicant needs to go through Conservation and the Building Department.

Mr. Mullen, Mr. Wrightington and Ms. Marsha Meekins Smith agree that this request is a major modification.

MINUTES:

December 6, 2023, Ms. Marsha Meekins Smith motioned to **APPROVE** minutes, seconded by Mr. Mullen.

VOTE 4-0-0

January 17, 2024, Ms. Marsha Meekins Smith motioned to **APPROVE** minutes, seconded by Mr. Mullen.

VOTE: 4-0-0.

February 7, 2024, Mr. Mullen motioned to **APPROVE** minutes, seconded by Ms. Marsha Meekins Smith.

VOTE: 4-0-0

ADJOURN: Mr. Dahlen motioned to adjourn at 10:08 PM, seconded by Ms. Marsha Meekins Smith.

VOTE: 4-0-0

Respectfully submitted,

Debora Barry
Executive Secretary Zoning Board of Appeals