

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
May 15, 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. Dondero, Mr. Goldberg, Mr. Wrightington via Zoom, Mr. Mullen, Ms. Marsha Meekins Smith and Mr. Jason Silva

Absent: Mr. Dahlen

Mr. Dahlen **motioned** to open the meeting of the Zoning Board of Appeals at 7:02 PM, seconded by Mr. Doug Dondero

VOTE 5-0-0

Appointment:

7:00 PM – Applicant, Priolo Wapping Realty, LLC., 233 Pembroke Street, requests 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. Goldberg read the Public Hearing notice for 113 & 117 Wapping Rd, Priolo Wapping Realty, LLC., and **MOTIONED to CONTINUE** to July 17, 2024, at 7:05 PM, seconded by Ms. Marsha Meekins Smith.

VOTE: 5-0-0

Appointment:

7:05 PM - Applicant, Susan Larson, 3 Grandview Avenue, Map 38 Lot 93, must seek a special permit from the Zoning Board of Appeals per section 4.2.A nonconforming structure use or lot subsection 4(a) in order to remove the roof on a nonconforming structure on a nonconforming lot and build a second floor for living space. Renovation plans to existing residence prepared by Doug Friesen of Duxborough Designs on 2/13/2023. Plan of Land prepared by Stephen Moran of Moran Surveying Incorporated on 12/30/2022.

Mr. Goldberg read the Public Hearing notice for 3 Grandview Ave.

Doug Friesen recapped the proposal currently in front of the board and thought it was viewed positively. Went to Conservation for approval. Conservation did not allow the owner to put 4 helical piers directly beneath the overhang of the building in order to better support the substandard foundation. It is a hardship because this was

not allowed 2' away from the building. Spoke about parking and referred to minutes. The Fire Department had no issue with getting by the area or the way the parking currently is. Questioning parking the way it is and investigated options. Elevations are almost a cliff due to the drop. Retaining wall will not get the parking 100% off the street. There is a little bit of room on the left side of the lot, that is where the sewage pump is that pumps up to the street main. The owner is looking for some reasonable assurance that going back to Conservation and doing a retaining wall would meet with ZBA approval because would not like to go through another added expense.

Ms. Meekins Smith asked how many parking spots the applicant was looking for.

Doug Friesen stated two parking spots.

Ms. Meekins Smith asked if Conservation had an issue with parking.

Doug Friesen replied, no parking did not come up.

Sue Larson explained that she has owned the house since 2015. The house was a summer cottage dating back to the 1950's. The house burned down in a fire and the house was rebuilt in 1975. The residents have been parking in the street since this time.

Ms. Meekins Smith asked the owner about the sqft. size after renovation of interior living space if approved.

Doug Friesen replied 12-1300 sqft.

Ms. Meekins Smith asked why the owner got the impression that the special permit would not be approved without parking.

Sue Larson referred to the meeting in October and how she left the meeting feeling parking was not an issue since she is not increasing bedrooms.

Ms. Meekins Smith asked the owner if she would be willing to apply for a variance in addition to asking for a special permit.

Doug Friesen would need advice. May need a hardship for the variance. Is apprehensive and referred to the piers.

Ms. Meekins Smith stated it is a matter of legal notice.

Mr. Goldberg asked the Applicant if they received a response from the Highway Department to your letter.

Sue Larson replied that Mr. Basler was on vacation when she went to his office.

Mr. Goldberg asked Sue Larson to continue to talk to Mr. Basler. Expressed his concern that this will affect the neighbors.

Mr. Wrightington stated that it is an unfortunate situation. The house is existing and there is not a lot of room. The addition creates more of an impact. They need some kind of parking for every bedroom. Spoke of the bylaw and parking.

Doug Friesen stated that there have never been two cars parked on the street at that location.

Mr. Mullen stated that he would love to grant the permit. He knows the history of the house. Request a new plan for parking and advise a continuation of the hearing. Without proper information the board cannot give an answer.

Mr. Dondero said that he felt blindsided at the last hearing when he found out that there was no parking and only on the street. Parking is the first question that everybody is asked when they come before the board to do anything in Rocky Nook.

Mr. Goldberg stated that the special permit goes on with the property and it affects the neighbors around the property and the next owner. He explained to the owner that they must look at the bylaws that were voted on by the town and interpret them.

Ms. Meekins Smith asked Jason Silva about the bylaws and how parking applies to preexisting nonconforming structures that come before the board if the change they propose to add to their structure.

Mr. Jason Silva, Building Commissioner replied that parking requirements in the bylaw today do not apply to preexisting nonconforming structures and uses that were in existence before the bylaw. We would never apply parking requirements from today like a business or a home had been in existence prior to those zoning requirements. Spoke of residential parking as 1.5 parking spaces for 2 bedrooms or fewer. Speaking of triggering FEMA regulations. The board has the discretion to make an opinion that more parking is going to be needed but there is no specific relief from a bylaw that's going to be needed to be required aside from the current special permit. The board has the discretion to grant this or not – Is this more detrimental than the existing or not. Spoke of whether this would be more intensity to the neighborhood. Spoke of traffic patterns and impact. He thinks that parking is a detail but not necessarily a deciding factor.

MOTION: Mr. Goldberg motioned to **CONTINUE** the hearing of 3 Grandview Ave. to July 17, 2024, at 7:10 PM, seconded by Mr. Mullen.

VOTE: 5-0-0

Appointment:

7:10 PM - Applicant, Doug Ratta, 1 Landing Road, Map 46 Lot 60, must seek a special permit from the Zoning Board of Appeals in order to expand a preexisting, nonconforming single-family dwelling on a nonconforming lot by adding an 18x22 addition and approximately 14x10 deck 9' from a sideline and 10' from a rear line. Contractor, Mark Buell of Aging in Place of Cape Cod, Bourne, MA. Site Plan prepared by Webby Engineering dated 3/19/2024. Progress Print prepared by Rockwood Design, Inc., Marshfield dated 3/6/2024.

Mr. Goldberg read the Public Hearing notice for 1 Landing Rd. and **MOTIONED** to open the Public Hearing, seconded by Mr. Mullen.

VOTE: 5-0-0

Dick Rockwood of Rockwood Design, Inc., Marshfield spoke on behalf of the owner, Doug Ratta. Dick explained the plans and request of expansion including a 14x10 deck and a first-floor bedroom for the husband, Doug who cannot make it upstairs. This would include a bathroom that works for him. There is plenty of parking. Conservation hearing is coming up in the next couple weeks. It is a drop in elevation to the river.

Mr. Wrightington stated that they would be following the same property line.

The board did not have any comments.

Mr. Goldberg stated that the Planning Staff Report is very helpful.

MOTION: Mr. Mullen made a motion to **APPROVE** the special permit for 1 Landing Rd., seconded by Ms. Marsh Meekins Smith.

VOTE: 5-0-0

Appointment:

7:15 PM - Applicant, Summer Hill Limited Partnership located at 160 Summer Street 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. Proposed Parking and Building Changes Plan by Associated Engineers of Plymouth, MA. Signage by Brenner Signs, Plymouth, MA.

Mr. Goldberg read the Public Hearing notice of 160 Summer St.

Julio Laitao, Project and Property Manager, DAI Property management Company for Summer Hill Plaza. Julio spoke about the signs and permits. Requesting relief on the signage.

Mr. Wrightington asked if pylon #1 & #2 are staying.

Julio Laitao stated that is correct and they are not moving any pylons. The request is to add to the bottom of the pylon sign #1 at Clinton St. and Summer St. Not looking to change the structure.

Jason Silva spoke of the sign bylaw. Explained why Paul Armstrong approved a permit in the past for both pylon signs.

Julio Laitao stated that they are looking for a variance to increase the size of the main large pylon sign because some of the store front spaces have been split into more than one space and more area is needed on the sign for incoming tenants.

Mr. Goldberg asked what the hardship would be.

Julio Laitao replied that they are not getting big box tenants anymore. Any tenant that would want to be in the plaza is going to want their name on the pylon sign as it acts as a directory.

Jason Silva spoke of the sign bylaw and would like to get better sign bylaws in place. He likes to see businesses do well and increase revenue for the town. Economic request and tenants need exposure, or they may go somewhere else.

MOTION: Ms. Meekins Smith MOTIONED to APPROVE the addition of 17 sqft. to the lit pylon signage to the bottom of the existing lit pylon #1 located at Clinton St. and Summer St. and the existing landscaping at the bottom of the pylon be maintained or replaced as a **CONDITION** of approval, seconded by Mr. Mullen.

VOTE: 4-1-0 Mr. Dondero voted no.

MOTION: Mr. Dondero MOTIONED to close the hearing, seconded by Mr. Mullen

VOTE: 5-0-0

MOTION: To **ADJOURN** at 8:22 PM by Mr. Dondero, seconded by Ms. Marsha Meekins Smith
VOTE: 5-0-0

Respectfully submitted,

Debora Barry
Executive Secretary Zoning Board of Appeals