

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
April 3, 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. Dondero, Mr. Wrightington, Mr. Mullen, Ms. Marsha Meekins Smith via Zoom

Absent: Mr. Goldberg

Mr. Dahlen **motioned** to open the meeting of the Zoning Board of Appeals at 7:05 PM, seconded by Mr. Dondero
VOTE 5-0-0

Mr. Dondero read the Public Hearing notice for 33 Cushman Drive.

Appointment:

7:05 PM - Applicant, 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.

Attorney Walter Mirrione from Mirrione, Shaughnessy & Uitti, LLC., Quincy, MA representing Cushman Farms, Rick Lincoln requested a continuance due to need for more time regarding water moratorium/water connection.

Mr. Dahlen requested a Peer Review and a check in the amount of \$5,000.00 as a starting payment. He requested a letter extension of time from the applicant.

MOTION: Mr. Dahlen motioned to **CONTINUE** the hearing to June 5, 2024, at 7:00 PM, seconded by Mr. Wrightington.

VOTE: 5-0-0

Mr. Dondero read the Public Hearing notice for 3 Grandview Avenue

Appointment:

7:00 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.

Sue Larson, 3 Grandview Avenue attended via Zoom. Sue spoke of a meeting with Conservation. Met with conservation and they approved with an order of conditions. Met with the Building Inspector, Jason Silva.

Mr. Dahlen asked about parking on the street in front of the house as well as a request to explain the project. Mr. Dahlen commented that looking at the site plan that there needs to be 2 parking spots to park 2 vehicles.

Jason Silva, Building Commissioner, spoke of his discussion with the applicant regarding revision and modification of the plans. Jason spoke of 2 important components of conflict. 1. Structure elevation, FEMA flood plan 2. Off street parking. They are looking to not trigger a parking requirement.

Mr. Mullen stated that this has been an existing condition with the same number of bedrooms. He does not see a problem with the plans.

Mr. Silva mentioned a 3 retaining wall system away from the marsh.

Mr. Wrightington stated that the applicant needs parking.

Mr. Dahlen stated that ZBA can't allow this expansion to allow parking in the street for one house and not others.

Sue Larson expressed her concern that she thought this was going in a different direction.

Mr. Dahlen stated that the parking was missed while looking at the plans. Mr. Dahlen pooled the board. Questioned parking in the winter.

Sue Larson stated that she was away in the winters.

Mr. Wrightington stated that parking is a problem, expressed concern of emergency vehicles being able to get by and the bylaw states 1 parking spot per bedroom.

Mr. Dondero suggested that Doug Friesen figure out the parking.

Ms. Marsha Meekins Smith asked about the lot being surveyed and if the applicants' parking situation being the same since 2005.

Sue Larson replied, yes. The house is about 880 sqft.

Ms. Marsha Meekins Smith stated that she does not have a problem with the project and parking since this is a preexisting condition.

Mr. Dahlen questioned the basement and to change the plan to include parking. We do not allow residents to park in the street.

Sue Larson replied that the basement will be reinforced.

Mr. Mullen stated that the applicants' house has not been a wintering house in 30 years.

Jason Silva stated that he discussed from the beginning with the applicant about parking being an issue. They chose to go forward with the application. The board should decide is this more detrimental as proposed or not. Discussed parking, drainage, etc.

Mr. Wrightington asked the applicant if they could continue so that Sue Larson can get her engineer to work on the parking issue.

Mr. Dahlen abstained from voting due to missing the meeting and the Mullens Rule. It was suggested that Sue Larson meet with Doug Friesen regarding parking.

Ms. Marsha Meekins Smith moved to grant the Special Permit.

Mr. Mullen spoke seconded and ***retracted for record***.

MOTION: Mr. Mullen motioned to **CONTINUE** the hearing of 3 Grandview Avenue after the applicant consults with her Doug Friesen to May 15, 2024, at 7:05 PM, seconded by Mr. Wrightington.

VOTE: 3-1-0

Mr. Dondero read the Public Hearing notice for 70 Summer Street.

Appointment:

7:10 PM - Applicant must seek a Variance per section 10.4 from the Zoning Board of Appeals per section 10.4B powers subsection 3 in order to modify footnote #8B page 31 ZBL requiring specific setbacks in order to construct a six-unit residential 2nd & 3rd floor, and business use on the first floor at 70 Summer St. ZBA Review Mixed Use Building Plans by Off The Grid Architectural and Space Planning. Site Plan by Grady Consulting, LLC. dated February 29, 2024. In a future Planning Board meeting, Applicant must also seek a Special Permit per section 5-page 31 table of uses from the Planning Board to include site plan approval in order to construct a 6 unit residential/business use.

Jason Silva, speaking as the Community Development Director, worked with the applicant/new owner of the property. Jason is encouraged to see that someone has stepped up and purchased the property and is interested in finishing it. Step one would be to grant relief if from the ZBA and step two would be the planning board. Spoke of comments from planning and conservation. The board has the right to grant relief within control of the board. Encouraging residence in the area and with all due consideration asked the board to consider this application.

Kevin Grady representing the applicant spoke of having to respond to the town planner. The concern is that it does not meet the considerations of the variance, only the shape and topography of the lot. Planner claimed that before this application there was work done without permits. Kevin does not believe as the new owner this has bearings on this application. Kevin explained the preexisting, nonconformity of the lot and setbacks. Described the construction of the third floor which will be not more than 6 dwelling units. Planning wrote a 2-page letter in opposition. Spoke of going in front of planning after zoning. That use is allowed through a special permit through

the planning board. The applicant has sewer capacity, stormwater approved by the previous owner. It is a mixed-use building. Increase the density of the use.

Jason Silva explained the variance and requirements. Thinks it is a wonderful idea.

Mr. Dahlen pooled the board.

The board members were all fine with the plan as written.

MOTION: Mr. Mullen motioned to **APPROVE** the variance for 70 Summer St. as written, seconded by Mr. Wrightington.

VOTE: 5-0-0

Mr. Dondero read the Public Hearing notice for 556 Elm St.

Appointment:

7:15 PM –Applicant, Sue Carlson, 556 Elm Street must seek a special permit from the Zoning Board of Appeals per section 5.1 table of uses page 35 in order to operate a dog kennel as defined by Kingston General and Zoning Bylaw.

Sue Carlson moved to 556 Elm St. with five dogs not knowing the town bylaw which states that you can only have four dogs. Animal control went out and inspected the property and looked at the dogs. The animal control officer spoke to Jason Silva and made him aware. Jason told the applicant she must go in front of the ZBA for a special permit.

Jason Silva spoke of the bylaw and kennel license issue. The Town Clerk's office requires signatures from the animal control officer and the zoning department. They are personal dogs. Approval today should be based on what she is requesting. Any increase in dogs she would have to come back to ZBA.

Mr. Mullen asked if it is a kennel and do you have to have certain criteria.

Sue Carlson stated that animal control is aware that the dogs would be going in and out of the house to the back fenced in area. The animal control officer gave the ok to proceed.

Mr. Dondero asked how the dog officer ended up going out to the property

Sue Carlson replied that it was triggered by getting dog licenses for 5 dogs.

MOTION: Mr. Dahlen motioned to **APPROVE** the special permit to allow a kennel up to 5-6 dogs at 556 Elm St., seconded by Mr. Wrightington

VOTE: 5-0-0

MOTION: To **ADJOURN** at 8:51 PM by Mr. Dahlen, seconded by Mr. Wrightington

VOTE: 5-0-0

Respectfully submitted,

Debora Barry
Executive Secretary Zoning Board of Appeals