



Zoning Board of Appeals

Kingston Town House, 26
Evergreen St. Kingston Ma 02364

ZONING BOARD OF APPEALS MINUTES 07/17/24

The Kingston Zoning Board of Appeals meeting on July 17, 2024, covered several agenda items. Minutes from April 3, May 1, and June 5, 2024, were approved. The Cushman and Grand View hearings were continued to September 18 and August 21, respectively. A public hearing for 30 Smith Lane approved converting a front porch into an entrance to meet code. For 113 Wapping Road, the board discussed a comprehensive permit for an age-restricted residential development with 32 duplex units. Concerns included roadway design, septic system proximity to water sources, and fire protection. The board requested detailed plans and clarification on HOA responsibilities and conservation compliance. The meeting focused on the approval of a comprehensive permit for a maintenance building at Indian Pond Country Club. Key concerns included setbacks, parking, and drainage. The applicant proposed a 20-foot minimum setback, 8-foot side setbacks, and 10-foot rear setbacks. They also suggested extending access easements for backyard access. The board discussed the need for a detailed parking plan and proper drainage calculations. Additionally, the applicant faced criticism for poor road maintenance and unkempt property. The board decided to continue the discussion at the next meeting, emphasizing the need for a comprehensive plan with clear conditions. The meeting discussed the poor condition of the current maintenance building and the need for a new one due to expiring leases and inadequate facilities. High Pines Corporation's failure to maintain the property was highlighted, with references to a 2001 building permit and a 2014 settlement agreement. The town's efforts to compel High Pines to complete roadwork were also addressed, noting delays and financial constraints. The board debated closing the hearing, ultimately deciding to deny Indian Pond Country Club's application for a new maintenance facility, citing detrimental impacts on the neighborhood and the lack of necessary permits and funding.

Action Items

- ☐ Provide copies of the approved Order of Resource Area Delineation to the Conservation Commission.
- ☐ Confirm with the Water Department about the potential to install a fire hydrant on the property.
- ☐ Revise the plans to show a minimum 20-foot front setback and 8-foot side setbacks for the units.
- ☐ Install a sign at the entrance of the subdivision clearly indicating it is a "Private Way".
- ☐ Incorporate all of the peer review comments provided by the town engineer and submit revised plans for an informal review.
- ☐ Provide information on any 21E environmental assessments performed on the site and the water quality test results.

Outline

Approval of Previous Meeting Minutes

- Paul Dahlen calls the meeting to order and requests a motion to approve the minutes from April 3, 2024.
- Motion to approve the minutes is made and seconded, with all in favor.

- Minutes from May 1, 2024, are approved in the same manner.
- Minutes from June 5, 2024, are approved after a motion and second.

Opening and Scheduling of Hearings

- Paul Dahlen makes a motion to open the Cushman hearing, but there is confusion about the specifics.
- Paul Dahlen suggests scheduling a date for the Cushman hearing, with a motion to continue to the third Wednesday in September.
- Motion to continue the Grand View hearing to August 21, 2024, is made and seconded, with all in favor.

Public Hearing for 30 Smith Lane

- Marsha Meekins reads the public hearing notice for 30 Smith Lane, which involves a special permit for converting a front porch into living space.
- Mr. Smith explains the need to convert the front porch to a safe entrance due to non-conforming stairs.
- Mr. Smith details the proposed changes, including moving the stairs to the side and maintaining the existing roof.
- Mr. Smith addresses concerns about sewer connections and proper footings, confirming that all necessary markings and tests have been done.

Discussion and Approval of 30 Smith Lane

- Mr. Smith addresses questions from the board, including the removal of a dying tree and the addition of windows.
- Paul Dahlen asks for a motion to close the hearing, which is made and seconded, with all in favor.
- Motion to approve the special permit is made and seconded, with all in favor, including the alternate.

Public Hearing for 113 Wapping Road

Lane Golberg reads the public hearing notice for 113 Whopping Road, which involves a comprehensive permit for an age-restricted residential development.

- Bob Rego from Riverhawk Environmental explains the project's history and current status, including the reduction from John Fleming 0 to 32 units.
- Bob Rego outlines the project's layout, including duplex units with private wells and a common septic system.
- Bob Rego requests a response to comments from the board, including waivers and technical requirements.

Comments and Questions from the Board

- Pat Brennan, PGB Engineering, reviews the waivers requested by the applicant, including setback requirements and building permits.
- Brennan highlights concern about the septic system's proximity to a stream and the need for test holes.
- Brennan suggests additional measures for fire protection and stormwater management.
- Brennan emphasizes the importance of maintaining proper setbacks and ensuring compliance with local regulations.

Discussion on Roadway and Sidewalk Design

- Bob Rego presents two options for the roadway and sidewalk design, including a concrete curb and a vertical asphalt berm.
- Bob Rego explains the benefits of each option, including maintenance and safety.
- The board discusses the pros and cons of each design, with some members preferring a concrete curb for safety.

- Glenn Priolo suggests a compromise involving a concrete curb on the side with driveway openings and a vertical asphalt berm on the other side.

Clarification on HOA Responsibilities

- Marsha Meekins asks for clarification on the responsibilities of the homeowner's association (HOA) for maintaining the road and infrastructure.
- Glenn Priolo explains that the HOA will be responsible for the common areas, including the road, utilities, and landscaping.
- The board discusses the need for the HOA to be fully active and functioning before the last sellable property is released.
- Paul Dahlen suggests adding a condition to ensure the HOA is established before final approval.

Conservation and Environmental Concerns

- Matt Penella raises concerns about the septic system's proximity to a stream and the need for a detailed review of the resource areas.
- Bob Rego responds that an order of resource area delineation was previously approved by the Conservation Commission.
- The board discusses the importance of maintaining the integrity of the stream and ensuring compliance with the Wetlands Protection Act.
- Paul Dahlen requests that the applicant confirm the stream's location and ensure it is outside the 200-foot buffer zone.

Final Comments and Next Steps

- Bob Rego reiterates the importance of the previously approved resource area delineation and the need for proper documentation.
- The board discusses the need for a detailed plan showing the proposed roadway and sidewalk design, including the concrete curb and asphalt berm.
- Paul Dahlen suggests that the applicant provide an illustration of the proposed design to help the board visualize the changes.
- The board agrees to continue the hearing to address the remaining concerns and ensure compliance with all regulations.

Public Comment and Initial Concerns

- Glenn Priolo discusses the EPIC system and its design, emphasizing that it is not affected by the river's downstream location.
- Jason Silva outlines concern about the original plan, particularly setbacks, and suggests a 20-foot minimum setback standard.
- Jason Silva proposes conditions for the board to approve, including specific setback standards and private road signage.

Proposed Solutions and Conditions

- Glenn Priolo discusses extending access easements on utility basins to ensure backyard access.
- Jason Silva emphasizes the need for clear setback requirements and flexibility in building envelopes.
- Paul Dahlen expresses concern about moving forward without seeing the final product and mentions a potential fire hiring issue.
- Jason Silva argues for approving the permit with conditions to avoid unnecessary hearings and delays.

Discussion on Private Roads and Water Supply

- Pine DuBois raises concerns about the location of basins and the feasibility of a condo project with town water.

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- **Bob Rego** explains the challenges of meeting public water supply well requirements and the decision to use private wells.
 - **Pine DuBois** inquiries about water quality tests and the depth of groundwater, emphasizing the importance of nitrogen levels in the river.
 - **Bob Rego** provides details on soil and groundwater assessments and the proposed denitrifying septic systems.

Public Comments and Concerns

- **Paul Dahlen** opens the floor for public comments, noting the importance of addressing parking and fire suppression issues.
- **Robert Roundtree** criticizes the country club for poor road maintenance and unkempt property, suggesting the club is not a good neighbor.
- **Pat Brennan** from **PGB Engineering** presents detailed comments on the site plan, including missing utilities and drainage issues.
- **John Fleming** provides a photo of the current parking situation, highlighting the need for better management.

Board Discussion and Next Steps

- **Paul Dahlen** suggests getting a comprehensive permit with conditions to streamline the process and avoid delays.
- **Glenn Priolo** agrees to work with the board on conditions and emphasizes the need for clear directives on sidewalks and fire suppression.
- **Paul Dahlen** and **Marsha Meekins** express the need for specific waivers and conditions to be outlined clearly.
- **Paul Dahlen** proposes continuing the discussion at the next meeting, with the board and applicant working on a detailed plan.

Conclusion and Motion to Continue

- **Doug Dondero** makes a motion to continue the discussion until **August 7, 2024**, which is seconded and approved.
- **Paul Dahlen** emphasizes the importance of having a clear plan with conditions to avoid back-and-forth discussions.
- **Glenn Priolo** agrees to work on the conditions and present a detailed plan for the next meeting.
- The meeting is adjourned with a plan to reconvene in August to finalize the comprehensive permit.

Maintenance Building and Parking Issues

- **Paul Dahlen** discusses the poor condition of the maintenance building and the surrounding area, highlighting the lack of effort from **Mr. Tonsburg** to maintain the property.
- **Paul Dahlen** mentions the need to figure out parking spaces for the new maintenance building, noting that **John Fleming** vehicles are currently parked there.
- **Paul Dahlen** inquires if the group is still using the old maintenance building, and an unknown speaker confirms that they have a lease expiring in **November 2005**.
- **Paul Dahlen** questions whose responsibility it is to maintain the building and the surrounding area, leading to a discussion about the lease and its terms.

Need for a New Maintenance Building

- **John Fleming** explains that the new maintenance building is necessary because the old one is in terrible condition and their lease is expiring.
- **John Fleming** mentions that **Mr. Tonsburg** has physically attacked them in the past, adding to the urgency for a new building.

- **Marsha Meekinsg** brings up the building permit application from 2001, questioning the need for a new building and the transfer of the 140-acre parcel to Indian Pond Country Club.
- **Speaker John Fleming** and **Fred Tonsburg Jr.** discuss the history of the building permit and the transfer of the property, with **Speaker John Fleming** suggesting that the plan was to transfer the property after getting the building permit.

Legal and Financial Issues

- **Kevin Wirthington** questions why Indian Pond Country Club did not apply for the permit for the maintenance facility on its own land.
- **Speaker John Fleming** explains that the building was owned by **High Pines Corp** and that the plan was to transfer the property after getting the permit.
- **Kevin Wirthington** asks about the anticipated decision in the case involving **High Pines Corp** and the town's efforts to compel them to complete the roads.
- **Speaker John Fleming** explains that **High Pines Corp** has filed an appeal to the full appeals court, and the town has filed its reply brief, but they have not heard anything since.

Funding and Access Issues

- **Kevin Wirthington** questions if **High Pines Corp** has the funds to complete the work specified in the 2014 settlement agreement.
- **John Fleming** explains that they have lots that are under covenant with the planning board, preventing them from selling them to generate funds.
- **John Fleming** mentions a proposal to pay \$75,000 per lot for six lots, which would have provided \$450,000 to the town, but the town declined the offer.
- **Kevin Wirthington** asks if **Country Club Way** is the only ingress and egress to Indian Pond Country Club, and **Speaker John Fleming** confirms that there is a second road, **Pond View Road**, that connects to **Brook Street**.

Lease and Maintenance Responsibilities

- **Fred Tonsburgs Jr.** reads paragraph six of the lease, which states that the tenant is responsible for maintaining the premises and making all necessary repairs.
- **Fred Tonsburg Jr.** confirms that the lease is signed and dated November 30, 2010, and expires on November 30, 2025, between **EBF LLC** and **Indian Pond Country Club**.
- **Fred Tonsburg Jr** discusses the three different permits involved: the 134 lots for the road, the 1998 permit for the golf course, and the special permit for the new maintenance facility.
- **Fred Tonsburg Jr.** explains that **High Pines Corp** got both the necessary permits approved, and the transfer of the property to **Indian Pond Country Club** is relevant to the current issue.

Public Comments and Motion to Close the Hearing

- **Robert Roundtree** criticizes **Mr. Tonsburg** for not maintaining the building and being a bad neighbor, calling for the hearing to be closed.
- **Doug Dondero** and **Lane Goldberg** recused themselves on this case 24-02.
- **Marsha Meekins** proposes denying the application for the new maintenance facility, citing the detrimental impact on the neighborhood and the poor condition of the current building.
- **Marsha Meekins** makes a motion to deny the application, which is seconded **Kevin Wirthington**.
- The board denied permit 4-0. **Bob Mullen** makes a motion to close the hearing, seconded by **Marsh Meekins**.