



Zoning Board of Appeals

Kingston Town House,
26 Evergreen St. Kingston Ma
02364

ZONING BOARD OF APPEALS MINUTES 12/04/24

Board Members Present: Paul Dahlen, Doug Dondero, Lane Goldberg, Kevin Wrightington, Marsha S Meekins, Robert Mullen

The Kingston Zoning Board of Appeals discussed a public hearing for a comprehensive permit under MGL 40B for three apartment buildings with 162 units. The project was continued from a previous meeting due to the applicant's lack of water, a critical requirement. The town council advised limited options: denial, withdrawal, or finding water. The applicant's attorney disagreed, citing past successes. The board debated the project's feasibility, traffic impact, and the necessity of water and sewer connections. A motion was made to continue the hearing to February 5, allowing time for further discussions between the town councils.

Action Items

- ☐ Schedule a meeting in February with the town council and the applicant's attorney to discuss the water access issue and get a written legal opinion.
- ☐ Prepare an email to the town council requesting their attendance at the February meeting.

Outline

Public Hearing for Cushman's Comprehensive Permit

- Paul Dahlen opens the Kingston Zoning Board of Appeals meeting and calls for a second to open the public hearing for Cushman.
- Lane Goldberg explains the public hearing will address a request for a comprehensive permit under Mass General Laws 40 B to construct three apartment buildings with 162 units of rental housing.
- Paul Dahlen mentions consulting the town council, who suggested limited options due to the lack of water, including denial, withdrawal, or finding a way to get water.
- Rick Lincoln disagrees with the town council's legal opinion and requests a denial, citing previous successful projects despite similar issues.

Discussion on Project Requirements and Challenges

- Paul Dahlen outlines the extensive requirements for a 40B project, including sewer, water, fire, police, conservation, and public safety studies.
- Rick Lincoln argues that the project should proceed if the applicant is willing to go forward, conditionally, without water.
- Paul Dahlen emphasizes the necessity of having water and sewer before proceeding, suggesting conditional approval is not feasible without a written guarantee from the water department.
- Rick Lincoln mentions paying for peer review engineers and mass housing approval, but Paul Dahlen questions the board's willingness to waste time on a project without water.

Debate on Project Viability and Conditional Approval

- Rick Lincoln discusses the potential for sitting on the permit for years until water becomes available, citing previous experiences in other towns.
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- Lane Goldberg questions the board's decision to approve without water, while Rick Lincoln argues that the timeline for water availability is uncertain.
- Paul Dahlen suggests involving the town council to resolve the issue, but Rick Lincoln is open to continuing the hearing to allow for council-to-council discussions.
- Lane Goldberg expresses concern about the project's size and traffic impact, while Rick Lincoln highlights the benefits of 40B projects for affordable housing.

Easement and Property Ownership Clarifications

- Lane Goldberg inquires about the ownership of the property through which the project will pass, and Rick Lincoln confirms an easement agreement.
- Paul Dahlen and Rick Lincoln discuss the special permit for the doggy daycare and the impact on the project's approval.
- Lane Goldberg questions the feasibility of moving forward without water, while Rick Lincoln insists on the project's viability despite the challenges.
- Paul Dahlen and Lane Goldberg discuss the potential for future changes in board composition and the need for comprehensive approvals.

Dissenting Opinion and Final Decision

- Marsha Meekins 4 dissents, arguing that the applicant should be allowed to proceed if willing to pay for necessary improvements and that the board should not pre-judge the application.
- Paul Dahlen expresses discomfort with agreeing to something that may not happen, suggesting a continuation of the hearing.
- Lane Goldberg supports the town council's advice and suggests involving both town councils in a public debate.
- The board votes to continue the hearing to February 5, allowing time for council-to-council discussions and further consideration of the project's requirements.

Minutes and Meeting Adjournment

- Paul Dahlen and Marsha Meekins 4 discuss the need for streamlined meeting minutes to avoid overwhelming the recorder.
- Marsha Meekins 6 provides feedback on the previous minutes, noting confusion and errors in attributing quotes.
- Marsha Meekins 4 offers to provide constructive feedback privately to the recorder to improve the minutes' clarity and accuracy.
- The meeting is adjourned after confirming the continuation date and the need for a draft email to the town councils.