

TOWN OF KINGSTON
ZONING BOARD OF APPEALS

MINUTES
April 6, 2022

Members

Paul Dahlen – Chairman
Doug Dondero – Vice Chairman
Lane Goldberg (absent 4/6/2022)
Robert Mullen
Kevin Wrightington

Mr. Dahlen called to order the meeting of the Zoning Board of Appeals at 7:00 pm in Room 200, Mr. Dondero motioned to open the meeting and Mr. Wrightington Seconded. Also, in Room 200: Mr. Dahlen and Mr. Mullen. Mr. Goldberg was absent.

Vote: 4-0-0 to open the public hearing.

7:05 PM Informal item - Lisa DeScenza of 21 Shore Drive received a special permit #21-07 to raze and rebuild a single-family dwelling. She seeks the Zoning Board of Appeals opinion as to whether the change of adding a workshop and dormer to the accessory structure second floor, changing the orientation of two garage doors represents a minor or major deviation from the special permit approved.

Jason Silva, Building Commissioner spoke regarding 21 Shore Drive which was in front of the ZBA in 4/2021. Looking for approval for a modification. The applicant Lisa DeScenza is looking for garage changes and to finish the second floor in the garage. She wants to approach the Board informally as Mr. Silva has concerns that the neighbors would see work going on. A decision needs to be made as to whether this would be a major or minor modification.

Mr. Dahlen asked Ms. DeScenza to explain.

Lisa DeScenza, 21 Shore Dr. stated that she did not request dormers during the initial hearing and would like to add dormers and two garage doors/one door. She said there is no intention of making the area above the garage living space.

Philip Murphy, also known as Scott Murphy, of Southern Mass Tradesman, 36 Bradford St. Brant Rock, Builder for Lisa DeScenza, stated that the garage door would be one big door for cars.

Mr. Dahlen asked if dormers would be for front or back.

Lisa DeScenza stated yes, the dormers would be in the front and the back.

Mr. Dahlen asked how many bedrooms in the house.

Lisa DeScenza stated 3 bedrooms

Mr. Dahlen asked the other Board members if they would like to add their thoughts or comments.

Mr. Dondero stated that he had no problem with the modification.

Mr. Wrightington added that he had no problem with the modification. Is the driveway paved?

Lisa DeScenza responded no there is not enough permeable surface.

Mr. Mullen added that he had no problem with the modification.

Mr. Dahlen asked Mr. Jason Silva, Building Commissioner if the Board needed to put any limitations?

Mr. Jason Silva, Building Commissioner stated no conditions associated. Concerned that anybody that adds kitchens to accessory structures we get deed restriction to make sure that it does not turn into a living unit. In this case it does not show a kitchen. Applicant can follow the plan.

Mr. Wrightington motioned to add in, to special permit 2 dormers and garage door as a minor modification. Mr. Mullen second to approve with a vote of 4-0-0.

VOTE: I move to approve the minor modification with a vote of 4-0-0

Motion made by Mr. Dondero and seconded by Mr. Wrightington to approve 3/16/2022 minutes.

VOTE: I move to approve the March 16, 2022, Meeting minutes with a vote of 4-0-0.

Appointment

7:10 PM Applicant must seek a special permit from the Zoning Board of Appeals per section 5.2 table of uses in order to construct and run a dog daycare business and boarding of dogs. Caitlin Anderson, 114R Main Street, Map 58, Lot 132. Continued from March 2, 2022, March 16, 2022, and April 6, 2022.

Mr. Dondero read the 7:10 PM Appointment for 114R Main St.

Motion made by Mr. Dondero and seconded by Mr. Dahlen to open the Public Hearing of 114R Main St. and a Vote of 4-0-0.

VOTE: 4-0-0

Mr. Jason Silva talked about revised zoning by-law of June 2018 and that the law was recorded and changed on page 4, §4.8 permissible requirement on 11/12/2019 vote town warrant reformatting, which created a new reference by-law. Scrivener's error that should be listed as a special permit per

Board of Appeals. Use was not voted to change that line item. The group that we hired to make the new by-law made an error. We've been noting them as we go. The petition in front of you is here correctly and is allowed under the by-law to be in front of you. It is an error in our current by-law. That error is not an uncommon thing. Petition is legally correctly in front of you whether approved or not.

Caitlin and Burt Anderson, 18 Druid Hill Avenue East, Randolph. Spoke of proposed doggy daycare with possible overnight which could have up to 50 dogs. There are two separate rooms 4x6x8, 3 indoor play areas, canine grass to clean off which connects to sewer and indoor climate is a controlled space.

Mr. Dahlen asked what hours would be during the week.

Caitlin Anderson stated that the hours would be 8-6:30 pm during the week and 8-4 on the weekends, bring the dogs out at 9:00 am to go to the bathroom. Spoke of shared parking.

Mr. Dondero asked Caitlin Anderson what her background is.

Caitlin Anderson stated that she is a Vet Technician, reception on South Shore, show dogs and grooming.

Mr. Dondero asked Caitlin if she is from Kingston.

Caitlin Anderson stated that growing up she spent time at her aunt and uncle's house during the summer on Grey's Beach and that it is nice to get away and out of Randolph.

Mr. Dondero questioned whether Caitlin Anderson would be starting out with overnight boarding of dogs.

Caitlin Anderson stated that for the first year she would do doggy daycare.

Mr. Dahlen asked review for complaints before animal control officers and conditions.

Mr. Jason Silva stated add conditions.

Mr. Wrightington stated that there needs to be a fence around the property.

Caitlin Anderson replied that the area would be fenced in. Details on plans. At the backdoor there is an additional gate to catch a dog if it gets out.

Mr. Wrightington asked Caitlin Anderson if the fence would be 6'.

Caitlin Anderson Replied yes, vinyl fence.

Mr. Wrightington asked about ratio of staff to dogs.

Caitlin Anderson stated 3 play areas, outdoor play area to go to bathroom and get fresh air. If 14 dogs need 2 staff members, and 1 attendant working with 13 dogs.

Mr. Dahlen asked where the parking would be.

Caitlin Anderson replied that the landlord states that in the affidavit that it's an open shared lot.

Mr. Dahlen questioned and showed concern over Orta opening at 4:00 pm and the traffic.

Caitlin Anderson stated that businesses in the area are closed during entering hours. Picking up at 4 pm. Orta would be just opening when traffic is coming in and leaving. Pick up would be scheduled.

Mr. Dahlen stated that with 50 people dropping off that would be a lot of cars. There should be a designated parking area. That's a lot of cars.

Mr. Jason Silva agrees that parking is not specific. Need to make sure there is enough parking so that the parking lot is not overburdened due to overlap in time with other Orta and KFC. Don't have a right to force owner on parking condition issues. Owner is not willing to dedicate spaces.

Mr. Wrightington asked about two gates and whether dogs could get out in the front or back.

Caitlin Anderson stated that the front/fire emergency exit. There are two different ways out. The back loops and connects to play area and trash.

Mr. Wrightington stated his concern regarding the barking.

Caitlin Anderson replied that the barking inside would be absorbed, AC ionizer to reduce dander for humans and dogs.

Mr. Mullen questioned what would happen if a different restaurant opened and wants to open for lunch.

Caitlin Anderson stated that if anything moved in it would have to be approved. The dogs would be leashed when entering or exiting.

Mr. Mullen asked if Animal Control signed off and what did Caitlin receive.

Caitlin Anderson responded that Animal Control had no problem going forward with the plan and approved 25 kennels, 50 dogs.

Mr. Mullen stated that it sounded as though Caitlin did her work.

Caitlin stated that she tried to make it the safest zone.

Mr. Mullen stated that the traffic can be bad there.

Mr. Dahlen stated that the biggest problem is going to be neighbors even though this is smaller scale than Dunkin Donuts. Dogs would be limited outside.

Caitlin stated up to 10 dogs.

Mr., Dahlen asked if anyone from the public would like to speak.

Haley Conte, 7 Brightside Ave. Healthcare, day sleeper. Does not want to listen to 5-10 dogs barking and not be able to sleep. The facility is 30' from lot line. Land is like a soup bowl. Questioned whether there is anywhere else this can go.

Tree Kuharich, 5 Post Court expressed support for residents. The land is like an amphitheater. Concerned over the traffic impact leaving and arriving. Does not meet criteria.

Nathan Hedburg, 5 Post Court It is too close to residents, does not see it as an enforceable operation and not realistic.

Paul Vantangoli, 5 Brightside Ave., expressed his concern over huge noise situation, dogs relieving themselves into storm drain, wrong location. It was stated originally to be retail. It is going to affect neighborhood.

Susan Sherman, 215 Main St., although doggy daycare it is a wonderful idea, standing with the neighbors. Noise due to too much dog barking, not the right spot for this business as well as severe parking issue.

Mr. Dahlen read Paul Vantangoli's letter aloud. Asked if there was anything else. Stated concern that it is the wrong spot, animal noise, parking, single in and out is issue.

Caitlin Anderson asked if she could eliminate one outdoor space.

Mr. Wrightington expressed his concern regarding outdoor parking, drop off and noise going right up the hill. All other dog daycares are in an industrial area.

Mr. Mullen commended Caitlin for her plan and that it is an outstanding business but wrong location due to neighbor concerns, parking, and traffic. Feels as though Caitlin is limiting her business potential. If you become hugely successful there's no room for expansion.

Mr. Dondero stated everything board members said and that he would love for her to have the business. Have you looked at other locations in town?

Caitlin Anderson stated that she looked at other towns and the by-laws were finicky.

Mr. Dahlen stated that we can't guide you.

Motion to recess by Mr. Dahlen and seconded by Mr. Dondero with a vote of 4-0-0.

VOTE: 4-0-0

Caitlin Anderson requested a motion of continuance to try and address everyone's concerns and possibly go over them at the next meeting and try to improvise some things.

Motion made by Mr. Dondero of continuance on May 4, 2022, at 7:10 pm, and second by Mr. Mullen with a vote of 4-0-0.

VOTE: 4-0-0

Motion to adjourn made by Mr. Dondero and seconded by Mr. Wrightington with a vote of 4-0-0.

VOTED: to Adjourn. 4-0-0

Adjourn at 8:08 PM.