

Kingston Zoning Board of Adjustment
June 9, 2016
Public Hearing

The Chairman called the meeting to order at 7:002PM, declaring a quorum present; there were no challenges to the validity of the meeting.

Members Present:

Ellie Alessio, Chair
Chuck Hart
Richard Johnson, alternate

Ray Donald, Vice Chair
Peter Coffin

Also in Attendance: Ellen Faulconer, Board secretary.

Board Business:

Ms. Alessio noted that the Board had not met in months; this was the first meeting since Town elections and the officers needed to be elected.

MM&S to nominate Ellie Alessio as Chairperson. (Motion by Mr. Coffin, second by Mr. Donald) Ms. Alessio stated that while happy to continue as Chair, she is open to someone else doing it and asked if there were any other nominations. Mr. Donald moved the question. **Motion passed unanimously.**

MM&S to nominate Ray Donald as Vice Chair. (Motion by Mr. Coffin, second by Mr. Hart) **PUNA**

Ms. Alessio stated that a question had been raised by someone who ran for a position on the ZBA regarding multiple memberships and rather than involve the expense of attorneys and raise have any issues, Ms. Faulconer graciously resigned as an alternate. She noted that there is currently an opening for an alternate; the Board suggested the Chair contact two people who had previously shown an interest. She will get back to the Board after doing this.

Ms. Alessio handed out copies of updated ordinances.

Patricia and Pierre Guevin
21 Main Street
Tax Map R21 Lot 4

Ms. Alessio read the notice; the applicant is requesting a Special Exception from the terms of Article 206, Section 4A to allow an accessory apartment in a single-family residence. Patricia Guevin and her father-in-law Norman Guevin introduced themselves to the Board. Mr. Alessio explained the process for a special exception. She noted letters received from

the Health Inspector and Building Inspector. The Health Inspector noted that the septic system needed to be approved by the Town and State prior to getting a Building Permit.

Ms. Guevin explained that the apartment was for her father-in-law. Mr. Guevin explained that his current apartment had increased in rent by 5% yearly for the last three years and was becoming too expensive to continue living there. The cost of the addition where he would continue to live equaled the rent he would pay for 1 ½ years. Mr. Coffin stated that this exactly the type of circumstance that makes the Accessory Apartment Ordinance important; the applicant just needed to meet certain requirements that the Board needed to confirm.

Ms. Alessio asked if there was anyone present, other than the applicants, who wished to speak in favor or opposition. There was none.

Mr. Donald suggested reviewing the items in the ordinance per the application; the applicant had the original plot plan and the proposal available for review. The proposed apartment addition was 601 ft.; the house, with the proposed addition of the new entryway, the square footage of the house totaled 1819 square feet. The Board confirmed that the dimensional requirements in the ordinance regarding being no larger than 30% of the structure were able to be met. The Chair read the other requirements in the ordinance; the Board agreed that all of them could be met with the stipulation of the approved septic system which could be a condition of approval. Ms. Alessio explained that any approval would also be contingent on the applicant filing the documentation as part of the deed and for the record at the Registry of Deeds that the apartment is for a family member.

Concerns about setbacks within the Shoreland Protection District were raised by Mr. Coffin who added that it did not look like this would be a problem; Ms. Alessio said that this would be confirmed during the Building Permit process.

Mr. Hart explained that even though the current septic may be functioning, there would need to be a new design on file that had been approved by the State. Ms. Alessio read the entire letter from the Health Officer re-iterating the need for approval prior to issuance of a building permit. She explained the permitting process.

Ms. Alessio read the requirements for approval of the Special Exception; the paperwork was handed out to the Board. Ms. Alessio read the votes on each of the requirements. No detriment: agreed unanimously; no creation of traffic/safety hazard: agreed unanimously; no excess demand on services: agreed unanimously; no fire or toxic hazard: agreed unanimously; notification to the appropriate Boards – 4 in favor, 1 abstained as it did not apply; the last item was determined to be not germane to the application.

MM&S to grant the Special Exception with the following conditions: septic system approval by the Town and State and register the special exception with the Registry of Deeds. (Motion by Mr. Donald, second by Mr. Coffin) PUNA

Ms. Alessio read the Special Exception agreement noting that if the property was sold, the special exception ceased. She gave the applicant the appropriate paperwork for recording at the Registry.

The Board reviewed the Special Exception paperwork; Ms. Alessio explained that she put it into simplified language that had been approved by the Board's attorney, Peter Loughlin. She will look into revising the forms into one specific for a special exception and separating the forms into one for residential use and one for non-residential use.

Ms. Alessio asked that the Board review the procedure for tapes after minutes are accepted at the next meeting.

The Chairman adjourned the meeting at 7:38 PM.

Respectfully submitted,
Ellen L. Faulconer
Recording Secretary