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# TOWN OF DUXBURY



## BOARD OF APPEALS

### DUXBURY BOARD OF APPEALS

#### MEETING MINUTES

July 13, 2017 @ 7:30 p.m.

**ATTENDANCE:** Wayne Dennison, Kathleen Muncey, Erin MacGregor & Borys Gojncyz

**CALL TO ORDER:** Wayne Dennison called the meeting to order.

- **2017-03 113 Tremont St Realty Hamori, 113 Tremont St.:** *The Board moved to approve the special permit. All in favor (4-0).*

*Kathy Muncey makes a motion to close the public hearing. Wayne Dennison seconds. All in favor (4-0).*

*Wayne Dennison makes a motion to approve the meeting minutes from 5/25/17. Borys Gojncyz seconds. All in favor (4-0).*

*Wayne Dennison makes a motion to adjourn the meeting. Borys Gojncyz seconds. All in favor (4-0).*

## **BOARD OF APPEALS — MINUTES**

**Applicant: 113 Tremont St Realty LLC/**

**Christine Hamori**

**Property Address: 113 Tremont Street**

**Case No: 2017-03**

**Date: July 13, 2017 Time: 7:50 p.m.**

**(Cont'd from 5.25.17)**

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on Thursday, May 25, 2017 at 7:30 p.m. to consider the application of Christine Hamori of 113 Tremont Street Realty LLC for a special permit under Article(s) 400, 600, and 900, Section(s) 421.3, 422.3, 424, 425, 615, and 906.2 of the Duxbury Protective Bylaw. The property is located at 113 Tremont Street, Parcel No. 062-751-002 of the Duxbury Assessors Map, consisting of 0.6 acres in the Neighborhood Business District and owned by Wallace Varonko & Robert Conway TT & 113 Tremont St Realty Trust. The Applicant requests the allowed use of a Professional Medical Building approximately 6,782 sq. ft. A Special Permit is required.

**Members present:** Wayne Dennison, Kathleen Muncey, Erin MacGregor & Borys Gojncyz

**Members Voting:** Wayne Dennison, Kathleen Muncey, Erin MacGregor & Borys Gojncyz

- Wayne Dennison explains to the applicants that there are only 4 members present and that they would need all 4 to vote yes to grant the special permit and asks if they'd like to proceed. Applicants agree.
- Wayne Dennison calls the meeting to order, reads and summarizes the public hearing notice. Mr. Dennison states that he thinks they have Planning Board recommendations to review.
- Rick Grady of Grady Consulting (representing the applicant) states that yes, the Planning Board should've sent a supplement memo, but they did not yet; however, he has an email confirming they are comfortable with the porous pavement.
- Wayne Dennison reads the email from the Planning Board and states that it seems consistent in that they intend on supporting the pavement. He states that they also got an administrative site plan decision.
- Kathy Muncey asks if they are going to amend the site plan review, is that what they are asking for.
- Rick Grady states that he doesn't think so and that in the Site Plan Review, the Planning Board was asking the ZBA allow a variance so that they could pave the entire parking lot; so in lieu of that, at the last meeting they asked to do porous pavement so they are not exceeding impervious coverage so that a variance wasn't necessary.
- Wayne Dennison states that the Planning Board's approval was for 24 spaces on the lot, correct?
- Rick Grady states that is correct, the Planning Board approved plans.
- Wayne Dennison reads from the Planning Board review, stating that the Planning Board supports changes to the approved plan that will allow for an additional 3 paved parking spaces up to 50% coverage maximum, and additional paved parking where gravel parking is currently shown if the Board of Appeals grants waivers to allow this additional paving, with adequate stormwater management. Mr. Dennison states that is enough information for him and that if they are encouraging them to do waivers to require more spaces, that if they can do something that doesn't require a waiver and the porous material would allow for that, that's good.
- Rick Grady states they agree.
- Wayne Dennison asks if the new plan has 24 parking spaces.

- Rick Grady states that yes the same as originally, that on the old plan they were going to do conventional pavement on 5 spaces and gravel on the light gray spaces. He states that for consistency it made more sense to do use conventional pavement on the main traffic aisle and do all of the parking spaces with the porous pavement and they end up at 46.2% coverage, a few percent below 50.
- Wayne asks if existing is 54.6%.
- Rick Grady states yes, that is right.
- Wayne Dennison states that a past concern was about the vertical wall structure, being used in part for a screen, and that the concern was whether or not the stand alone structure would be perceived as a big giant sign. He states that they were going to think about it and get back.
- Vin Giambertone of ACT TWO Architects states that they have and have reviewed the by-law, section 60.1.1 about sign area. He states that the dashed area (pointing to a plan) is the background of the sign and if it's 1 sf per length of building they have 53 sf to work with and the background is 18 sf, so it's really the interpretation if the wall is part of the sign or not and it is their contention that it is not, the wall is a privacy screen and the dashed area is the sign. He states they have two signs they are designing, the main one on screen and another one on the inside of the courtyard.
- Kathy Muncey asks if that is part of the total square footage of signs.
- Vin Giambertone states that yes, the zoning by-law speaks to a primary sign and an ancillary sign. He states that there is language in the by-law that states that the area of the sign is 1sf per length of building minus the ancillary sign, which gives you 53sf and we are well below that at 18sf.
- Wayne Dennison states that you could do it anywhere on the building in any size, right?
- Vin Giambertone states that up to 53 sf.
- Kathy Muncey states they could put it on a white background and put somewhere else, but thinks it's far more attractive there.
- Wayne Dennison states that his concern is the next one.
- Kathy Muncey explains he means as if setting up the next.
- Vin Giambertone states they'd like to get it resolved correctly, so they have done two options. He states that option 1 is their preferred with eh metal letters on a 2" standoff, done with no internal lighting to call attention to itself, but will most likely have landscaped lighting.
- Wayne Dennison states he is concerned that he was reading from 601.6 # 5 which is flush mounted signs, 1 sf for each linear side of wall and that is how you got to 53. He states that although there is a functional element to the screening wall, the whole thing could be like a free-standing sign since there is nothing in the all that contributes to the inside of the building.
- Vin Giambertone states that it is the functional quality of providing patient privacy.
- Wayne Dennison states that his concern is that the whole screen wall could be considered a free-standing sign despite it being attached to the building, and that says not to exceed 25 sf in area maximum and 12' minimum ground height of 30". Mr. Dennison states that he is satisfied that he can differentiate this sign from future ones.
- Wayne Dennison asks if anyone else has questions or wants to present anything else.
- Vin Giambertone states that for future interpretations perhaps, that in sign area 601.1 it states that it should not include any supporting structure or bracing, but he thinks it's different as it exists for patient privacy.
- Wayne Dennison states he has no other questions and would be in favor.
- Kathy Muncey agrees.
- Kathy Muncey makes a motion to close the public hearing. Wayne Dennison seconds. All in favor (4-0).
- Wayne Dennison asks if there is any discussion. None.
- Kathy Muncey asks if they need a motion about the pavement specifically.
- Wayne Dennison states that they have reduced the coverage of the pavement.

- Kathy Muncey states that their decision is incorporated into the Planning Board's decision.
- Wayne Dennison states if they vote to approve, he'd like to vote to approve the special permit subject to the new plan dated June 1. He asks if plans were submitted that reflect the new sign.
- Vin Giambertone states yes they have.
- Wayne Dennison asks if it is option 1 they prefer.
- Vin Giambertone answers yes.
- Wayne Dennison states they'd have to permit the ancillary sign as well.
- Rick Grady states that they could make a finding that it complies with the by-law and it is ultimately the building inspector that will issue the permit for that. He states he doesn't think the sign is technically part of the special permit, although a finding on that would be appreciated.
- Wayne Dennison states that they cannot approve the sign as it wasn't in the public hearing notice, so they cannot approve a sign without the proper notice. He states that we can approve project in accordance with the plans and they can discuss the sign with Scott and come back if need be; however, they cannot give express approval specific to the sign.
- Kathy Muncey makes a motion to approve the special permit to allow the use of the professional medical office in the NB1 Zoning district in accordance with section 421.37 in accordance with the plans dated June 1<sup>st</sup>.
- Wayne Dennison seconds. All in favor (4-0).

**Motion: It was moved, seconded and unanimously voted to approve the special permit.**

Number in favor: 4

Number opposed: 0