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DUXBURY, MASS.

# TOWN OF DUXBURY



## BOARD OF APPEALS

### DUXBURY BOARD OF APPEALS

#### MEETING MINUTES

October 26, 2017 @ 7:30 p.m.

**ATTENDANCE:** Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Borys Gojncyz

**CALL TO ORDER:** Kathleen Muncey called the meeting to order.

- **2017-08 Robbie, 295 St. George Street:** *The Board moved to continue the hearing until November 9, 2017. 3 in favor (Freeman Boynton, Jr. abstained).*
- **2017-07 Duxbury Farms Homeowner's Association/Towse, 78 Sawmill Rd:** *The Board moved to continue the hearing until December 14, 2017. All in favor (4-0)*

*Kathleen Muncey makes a motion to continue the public hearing for 295 St. George Street. Emmett Sheehan seconds. Three in favor, 1 abstained (3-0).*

*Kathleen Muncey makes a motion to continue the public hearing for 78 Sawmill Road. Emmett Sheehan seconds. All in favor (4-0).*

*Freeman Boynton makes a motion to approve the meeting minutes from 9/28/17. Emmett Sheehan seconds. All in favor (4-0).*

*Kathleen Muncey makes a motion to adjourn the meeting. Emmett Sheehan seconds. All in favor (4-0).*

## **BOARD OF APPEALS — MINUTES**

**Applicant: Jack Robbie**

**Property Address: 295 St. George Street**

**Case No: 2017-08**

**Date: October 26, 2017 Time: 7:30 p.m.**

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on Thursday, October 26, 2017 at 7:30 p.m. to consider the application of Jack Robbie for a Special Permit under Article(s) 400, 600, and 900, Section(s) 421.3, 421.4, 424, 425, 603, 615, 906.2 and 906.5 of the Duxbury Protective Bylaw. The property is located at 295 St. George Street, Parcel No. 106-030-000 of the Duxbury Assessors Map, consisting of 8,276 sq. ft. in the Neighborhood Business District 1 and owned by Sandra M. Snyder c/o John B. & Jennifer S. Robbie. The applicant proposes to change the use from residential to mixed-use. A Special Permit is required.

**Members present:** Kathleen Muncey, Emmett Sheehan, Freeman Boynton, Jr. & Borys Gojncyz

**Members Voting:** Kathleen Muncey, Emmett Sheehan & Borys Gojncyz

**Other persons present at the hearing:** Angela Ball, Administrative Assistant

- Kathleen Muncey (CPT) opens the meeting and summarizes the cases on the agenda. Ms. Muncey states that there is not a quorum to hear the case at 295 St. George Street and it is agreed to continue.
- Kathleen Muncey makes a motion to continue the public hearing until November 9, 2017. Emmett Sheehan and Borys Gojncyz in favor; Freeman Boynton, Jr. abstained.

**Motion: It was moved, and unanimously voted to continue the public hearing.**

Moved by: KM

Seconded by: ES

Number in favor: 3

Number opposed: 0

## **BOARD OF APPEALS — MINUTES**

**Applicant: Duxbury Farms Homeowner's Association  
(Kevin Coughlin & Kristin Towse)  
Property Address: 78 Sawmill Road  
Case No: 2017-07  
CONT'D Date: October 26, 2017 Time: 7:45 p.m.  
(Continued from September 28, 2017)**

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on ~~Thursday, September 28, 2017 at 7:30 p.m.~~ to consider the application of Duxbury Farms Homeowners Association for an Appeal under Article (s) 400 and 900, Section (s) 410.2 #5 and 906.1 of the Duxbury Protective Bylaw. The property is located at 78 Sawmill Road, Parcel No. 015-025-002 of the Duxbury Assessors Map, consisting of 1.26 acres in the Residential Compatibility and Wetlands Protection Districts and owned by Mutsumi S. Sullivan. The Applicant contends that a Ground Mounted Solar Array creates a hazardous use as defined in Section 410.2 #5 and disputes the Zoning Enforcement Officer's opinion that the solar panels do not present a hazard.

**Members present:** Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Borys Gojncyz

**Members Voting:** Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Borys Gojncyz

**Other persons present at the hearing:** Angela Ball, Administrative Assistant

- Kathleen Muncey (CPT) opens the hearing and explains that this hearing was continued so that the Board could obtain an opinion from Town Counsel. She goes on to state that the opinion was received very late, then they found they do not have a quorum and suggested that they continue the hearing until December 14, 2017.
- Emmett Sheehan asks if this is ok within the days and if the applicant has to sign.
- I, Angela Ball, state yes, they have to sign.
- Kristen Towse of High Street asks if she may speak.
- Emmett Sheehan states that it isn't a meeting yet.
- Kathleen Muncey states they opened the meeting and that they don't have any other alternatives. She states that there are 4 cases on for the 9<sup>th</sup> of November already and they could put it on for November 9<sup>th</sup> but it may be bounced for a number of reasons. She then asks Board what they think about having it on the 9<sup>th</sup>.
- Freeman Boynton, Jr. states he doesn't see why not if the right people are there.
- Kathleen Muncey states they'll do their best.
- Eric Saffler [from audience] states that he traveled for an hour and would hate to do it again just to have them tell him to come back.
- Kathleen Muncey states that he can be in touch with Angela during the day she can tell you and then apologizes stating they only found out about the Chairman's absence about a half hour ago. She begins to suggest the hearing continue until 9<sup>th</sup>.
- I, Angela Ball, point out that Emmett cannot make the meeting on the 9<sup>th</sup> of November and therefore will not have a quorum. Board discusses dates.
- Kristen Towse states they can do the 14<sup>th</sup> of December.
- Audience members ask whether or not Town Counsel opinion will be shared.
- Emmett Sheehan states that it can be when it's complete, it's a public document. He suggests that they call Angela and she can email it.
- I, Angela Ball, concur.
- Freeman Boynton, Jr. states that Town Counsel will add to it, it is not complete.

- Kathleen Muncey states that it sounds like they'll have more of a chance to speak at December 14<sup>th</sup> meeting.
- Audience member Michele Davis asks if there will be a full panel on that day.
- Kathleen Muncey states that they always try to be, that Angela does a quorum at the beginning of the week and they go from there.
- Kathleen Muncey makes a motion to continue the public hearing until December 14, 2017. Emmett Sheehan seconded. All in favor (4-0)

**Motion: It was moved, and unanimously voted to continue the public hearing.**

Moved by: KM

Seconded by: ES

Number in favor: 4

Number opposed: 0