



TOWN CLERK  
2022 DEC 12 AM 9:22  
DUXBURY, MASS.

**TOWN OF DUXBURY**



**BOARD OF APPEALS**

**DUXBURY BOARD OF APPEALS**

**MEETING MINUTES**

November 10, 2022 @ 7:00 p.m.

**ATTENDANCE:** Wayne Dennison, Freeman Boynton Jr., Emmett Sheehan, Philip Thorn, Borys Gojnycz and Tanya Trevisan

**Other persons present at the hearing:** Lauren Haché, Administrative Assistant

**CALL TO ORDER:** Wayne Dennison called the meeting to order and reads the Governor's Preamble: Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act of Extending Certain COVID-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, , G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by viewing the Duxbury Government Access Channels – **Verizon 39 or Comcast 15**. Viewers can visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

**ZBA Case #2021-40, Campbell, 5 E. Marginal Road:** *The Board voted unanimously (5-0) to approve the special permit.*

**ZBA Case #2022-22, Peters, 47 Railroad Avenue:** *The Board voted 5-0 to grant the special permit with conditions.*

*Tanya Trevisan Makes a motion to approve the minutes from September 22, 2022. Freeman Boynton Jr. Seconds*

*Emmett Sheehan Makes a motion to approve the minutes from October 27, 2022. Freeman Boynton Jr. Seconds*

*Wayne Dennison makes a motion to adjourn. Philip Thorn seconds (5-0)*

## BOARD OF APPEALS MINUTES

**Case No: 2021-40**

**Petitioner: Campbell**

**Address: 5 E. Marginal Road**

**Date: November 10, 2022 at 7:30 p.m.**

**(Continued from October 27, 2022, September 22, 2022, September 8, 2022, July 14, 2022, June 23, 2022, June 9, 2022, April 28, 2022 and February 10, 2022)**

**Members present:** Freeman Boynton Jr. (CPT), Emmett Sheehan, Philip Thorn, Borys Gojnycz, Tanya Trevisan and Wayne Dennison

**Members Voting:** Freeman Boynton Jr. (CPT), Emmett Sheehan, Philip Thorn, Borys Gojnycz & Tanya Trevisan

**Other persons present at the hearing:** Lauren Haché, Administrative Assistant

- Freeman Boynton Jr, Chair Pro Tem, re-opens the public hearing and states we received a letter from the Mann's at 240 Gurnet Road that states they are in support of the project at this time. We have also received the application page with the volume calculations. Lastly, we received a revised architectural drawing which we will let the Applicant present
- Paul Spiro states good evening, I am representing Hugh and Lorraine Campbell as well as the Architect on this project, Brian Campbell. We changed the plan to add the figures to make them more legible. We also show on the Plot Plan the clearer grades to the middle of the street.
- Discussion ensues regarding the grade of the road on East Marginal and it gives an average at 10.3 feet at 20 feet out and the elevation of the midpoint of the roof is 40 feet
- Freeman Boynton Jr states ok, so that meets the requirements; does anyone on the Board have questions
- Tanya Trevisan states I have some questions, could you remind me, is there an increase in the building footprint or building on the footprint.
- Freeman Boynton Jr states they are expanding the footprint or adding to it
- Tanya Trevisan asks about the lot coverage percentage and if this with the 3% coverage allowed by special permit; could we do the math
- Freeman Boynton Jr states it must have been on one of the plans initially
- Lauren Haché states sheet C-1
- Paul Spiro states I will go over this
- Tanya Trevisan states we need to make sure that this isn't over the 3% allowed
- Paul Spiro explains
- Wayne Dennison states was this already in excess of 15%
- Paul Spiro states yes
- Freeman Boynton Jr states 25.34% it looks like

- Wayne Dennison states then why is the 3% at all relevant; if it's already non-conforming, the question then becomes is it more detrimental to the neighborhood. According to Town Counsel, if it started beyond the 3% extra then we don't do the 3% analysis
- Tanya Trevisan states I thought that we calculate the 3% of the existing
- Wayne Dennison states we have asked Town Counsel about this question previously and the explanation has always been that if it was non-conforming to begin with, then the question is if this explanation more detrimental to the neighborhood if the number is over 15%
- Paul Spiro states the existing coverage as it stands is 25.4% and is proposed to go to 28.7 and the calculation is used with 20,000-3,063 (lot size) and that gives a difference of 16,900 and 3% of that 16,900 we are allowed 549 sq. feet, we are proposing less.
- Freeman Boynton Jr states so either way, they are good
- Borys Gojnycz states I have a question, what is the limitation of them growing the footprint
- Freeman Boynton Jr states whether or not it is detrimental to the neighborhood
- Freeman Boynton Jr states I personally think the volume increase to go up is more detrimental, although the flood elevation needs it to at this point. Does anyone else have questions, audience have questions
- Philip Thorn makes a motion to close the public hearing
- Emmett Sheehan seconds
- All in favor FB, ES, PT, BG, TT
- Emmett Sheehan makes a motion to approve the special permit as presented on November 10, 2022
- Philip Thorn seconds
- All in favor FB, ES, PT, BG, TT

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

Moved by: PT

Seconded by: ES

Number in favor: 5

Number opposed: 0

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

Moved by: ES

Seconded by: PT

Number in favor: 5

Number opposed: 0



## BOARD OF APPEALS MINUTES

**Case No: 2022-22**

**Petitioner: Peters**

**Address: 47 Railroad Avenue**

**Date: November 10, 2022 at 7:30 p.m.**

**Members present:** Wayne Dennison, Emmett Sheehan, Philip Thorn, Borys Gojnycz & Tanya Trevisan

**Members Voting:** Wayne Dennison, Emmett Sheehan, Philip Thorn, Borys Gojnycz & Tanya Trevisan

**Other persons present at the hearing:** Lauren Haché, Administrative Assistant

- Wayne Dennison opens the public hearing and reads the public hearing notice into the record. Chair Dennison reads case response memos from the Health Agent, Planning Board and the Design Review Board. There is also a letter from the Local Building Inspector determining that after a site visit, the space is 849 sq. ft. Let's hear from the Applicant.
- Susan Peters, 47 Railroad Avenue, the applicant explains the proposal, stating that the house and apartment are in a Residential and Neighborhood Business District 1 and is suitable for the neighborhood. The space above the new garage was created for this purpose. We haven't decided how to list this yet, but we do have plenty of parking off of the street.
- Wayne Dennison states is there any change to the exterior.
- Susan Peters states no, well we started this project in 2019 and then received the Certificate of Occupancy in 2020 and waited the full year as the Bylaw states, before applying for the special permit
- Wayne Dennison states alright, it has to be owner occupied
- Susan Peters agrees
- Wayne Dennison states there is a provision in the Bylaw that states that you can't convert to a condo, is there any issue with that
- Susan Peters states no
- Wayne Dennison states how old is the home
- Susan Peters states 1930
- Wayne Dennison states when did the work get completed that resulted in the 849 sq. feet
- Susan Peters states that was all finished by the end of 2020 and the occupancy permit was issued September of 2021, so over a year
- Wayne Dennison states does the Board have any questions
- Wayne Dennison states is there anyone in the audience or on zoom with questions
- Emmett Sheehan states do you plan on doing a long term tenant or a weekly
- Susan Peters states I am not certain; I don't love the idea of random people coming for short periods of time but there is a demand for that
- Wayne Dennison explains there is no bylaw that permits that

- Discussion around the prohibitive Bylaw
- Wayne Dennison moves to close the public hearing
- Emmett Sheehan seconds
- All in favor WD, ES, PT, TT, BG
- Wayne Dennison moves to grant the special permit subject to the condition that Bylaw section 410.6.2L that this not be converted to condos and subject to the rest of the rules
- Emmett Sheehan seconds
- All in favor ED, ES, PT, BG, TT

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

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0

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

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0

120 SCREENHOUSE  
LN

COMMONWEALTH OF MASSACHUSETTS



TOWN OF DUXBURY  
**GAS PERMIT**

Map: 087-981.012/  
Permit: GAS PERMIT  
Permit #: GP-22-431  
Project #: 3070  
Fee: \$\$65.00  
Dig Safe #

**PERMISSION IS HEREBY GRANTED TO:**

**ISSUED DATE:**  
November 16, 2022

**EXPIRES ON:**  
May 15, 2023

**Contractor:** EDWARD J GESWELL  
**License Type:** Master Plumber  
**License#:** 10350  
**Expires:** May 1, 2024

**Owner:** JENKINS BONNIE  
**Applicant:** EDWARD GESWELL III  
**Job Location:** 120 SCREENHOUSE LN

**THIS PERMIT MAY BE REVOKED BY THE TOWN OF DUXBURY  
UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS**

**TO PERFORM THE FOLLOWING WORK:**  
gas line for pool heater.

Pool Heater      1st Floor - 1

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