



TOWN OF DUXBURY
BOARD OF APPEALS

DUXBURY BOARD OF APPEALS
MEETING MINUTES
April 13, 2023 @ 7:30 p.m.

TOWN CLERK
2023 JUL 14 AM 9:01
DUXBURY, MASS

ATTENDANCE: Judith Barrett (CPT), Wayne Dennison, Emmett Sheehan, Tanya Trevisan, Philip Thorn, and Borys Gojnycz

Other persons present at the hearing: James Wasielewski, Director of Municipal Services & Lauren Haché, Principal Assistant

CALL TO ORDER: Judith Barrett 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 for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

ZBA Case #2023-04, Duck Hill Properties LLC, 5 Surfside West: *The Board voted to unanimously (5-0) to approve the special permit as presented.*

ZBA Case #2023-05, John and Laurie Garbarino, 170 Marshall Street: *The Board votes unanimously (5-0) to approve the special permit as requested.*

ZBA Case #2023-06, Milepost 581 LLC, 581 Tremont Street: *The Board votes unanimously (5-0) to continue the public hearing to April 27, 2023.*

Emmett Sheehan makes a motion to approve the minutes from March 23, 2023. Judith Barrett seconds

Wayne Dennison moves to adjourn. Emmett Sheehan seconds.

BOARD OF APPEALS MINUTES

Case No: 2023-04

Petitioner: Duck Hill Properties, LLC

Address: 5 Surfside West

Date: April 13 , 2023 Time: 7:30 p.m.

Members present: Judith Barrett (CPT), Emmett Sheehan, Tanya Trevisan, Borys Gojnycz, Wayne Dennison, and Philip Thorn

Members Voting: Judith Barrett, Emmett Sheehan, Tanya Trevisan, Wayne Dennison, and Borys Gojnycz

Other persons present at the hearing: Jim Wasielewski, Building Commissioner and Lauren Haché, Principal Assistant

- Judith Barrett opens the public hearing and reads the public hearing notice and the case response memos from the Health Agent, Design Review Board and Planning Board.
- Jessica Williams presented the proposal for 5 Surfside West, stating that it is in the velocity zone. Ms. Williams shows photos of the existing home and states Historical approved demolition without a delay. Conservation has approved this and issued orders of conditions. This is a two and a half story home with three bedrooms and a very small game room in the attic space. We are proposing to hold the side and rear setbacks and increase the front setback that is not in the setback so it's allowable. We will be adding two feet of grade
- Judith Barrett asks Jim Wasielewski about the coverage and volume changes
- Jim Wasielewski states yes, they are within the scope of the bylaw
- Wayne Dennison states what is the height as depicted and how does the 2 foot in grade change effect this
- Jessica Williams states the height as depicted is 30 feet with this grade change
- Judith Barrett states average finished grade
- Wayne Dennison states they are right at the maximum height allowable in Duxbury and they were given an additional amount due to grade and doesn't that increase the building height over 30 feet
- Jim Wasielewski states well, the house is on pilings, so the house height decreases
- Wayne Dennison states ok, alright
- Wayne Dennison states are there any questions or comments from the board of public
- Borys Gojnycz states in terms of setbacks Jessica mentioned that they couldn't adjust that 1.8 side setback
- Jessica Williams states Conservation runs this site and they don't like to move from the original footprint, so we didn't ask for it. I have never seen them budge on that
- Wayne Dennison moves to close the public hearing
- Judith Barrett seconds
- All in favor WD, JB, TT, ES, BG
- Any discussion
- Judith Barrett states I do want to memorialize it somewhere what the Design Review stated about the window, which Jessica removed but also the roof line.

- Wayne Dennison moves to approve the special permit with the modifications that Jessica Williams presented tonight
- Emmett Sheehan seconds
- All in favor WD, JB, ES, TT, BG

Motion: It was moved, seconded and voted (5-0) to close the public hearing.

Moved by: WD

Seconded by: JB

Number in favor: 5

Number opposed: 0

Motion: It was moved, seconded and voted (5-0) to approve the special permit as requested.

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0

BOARD OF APPEALS MINUTES

Case No: 2023-05

Petitioner: John and Laurie Garbarino

Address: 170 Marshall Street

Date: April 13, 2023 Time: 7:30 p.m.

Members present: Wayne Dennison, Judith Barrett, Emmett Sheehan, Philip Thorn, Tanya Trevisan, and Borys Gojnycz

Members Voting: Judith Barrett, Emmett Sheehan, Tanya Trevisan, Wayne Dennison, and Philip Thorn

Other persons present at the hearing: Jim Wasielewski, Building Commissioner and Lauren Haché, Principal Assistant

- Wayne Dennison opens the public hearing and reads the public hearing notice and case response memos
- Bob Crowell, the Agent for the Applicants, presents the proposal stating there are 3 sixteen foot sections for seasonal use, where the stubs are capped in the offseason. There is a 35 foot gangway and 20x10 foot float at the end. This proposal does very little to disturb the shore. It is 28 inches off the ground and 28 inches high.
- Brad Holmes, Environmental Consulting Restoration, speaks about the eco-friendly proposal and that they have Con Comm approval
- Wayne Dennison states what material is the boardwalk made of
- Brad Holmes states aluminum frame with wooden decking, spaced for sunlight penetration
- Wayne Dennison states does the board have questions
- Emmett Sheehan comments on the neat, low profile design is great
- Borys Gojnycz states do you float the sections in and out, is it built on site?
- Brad Holmes states it's prefabricated placed by hand at low tide
- Wayne Dennison states any other comments; I am going to move to close the public hearing
- Judi Barrett seconds
- Wayne Dennison states any discussion; hearing none I am going to move that we approve the special permit as requested
- Emmett Sheehan seconds
- All in favor WD, ES, JB, TT, PT

Motion: It was moved, seconded and voted (5-0) to close the public hearing.

Moved by: WD

Seconded by: JB

Number in favor: 5

Number opposed: 0

Motion: It was moved, seconded and voted (5-0) to approve the special permit as requested.

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0

BOARD OF APPEALS MINUTES

Case No: 2023-06

Petitioner: Milepost 581 LLC

Address: 581 Tremont Street

Date: April 13, 2023 Time: 7:30 p.m.

Members present: Wayne Dennison, Judith Barrett, Emmett Sheehan, Tanya Trevisan, and Borys Gojnycz

Members Voting: Judith Barrett, Emmett Sheehan, Tanya Trevisan, Wayne Dennison, and Borys Gojnycz

Other persons present at the hearing: Jim Wasielewski, Building Commissioner and Lauren Haché, Principal Assistant

- Wayne Dennison opens the public hearing and reads the hearing notice, correspondence from various boards and letters in support and in opposition, which are on file in the ZBA department.
- Attorney Steve Guard, representing the applicants, share the proposal for the Bluefish River Tavern, including an outdoor patio and an expansion of 350 square feet
- Erik Daigle, the operating partner, explains the idea of the restaurant as a family friendly plan and states after hearing from the community and neighbors, we scrapped the patio proposal and we are only seeking the 340 square foot addition to add 22 seats. We will update the septic to account for that and open up the restaurant a bit, it is tight in there.
- Neighbors all spoke in support after hearing that the patio has been deleted from the proposal
- Ed Sanchez, 252 Chestnut Street, speaks about the special permits of the past and that all proposals for expansion there have all been denied and that he is against any expansion
- The Board entertains a date to continue the hearing until the Applicants get through the Planning Board and new plans, after May 8, 2023
- Wayne Dennison moves to continue the hearing to April 27, 2023 at 7pm
- Emmett Sheehan seconds
- All in favor WD, JB, TT, ES and PT

Motion: It was moved, seconded and voted (5-0) to continue the public hearing to April 27, 2023 at 7pm.

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0