



TOWN OF DUXBURY
BOARD OF APPEALS

DUXBURY BOARD OF APPEALS
MEETING MINUTES
May 25, 2023 @ 7:00 p.m.

TOWN CLERK
2023 JUL 14 AM 9:05
DUXBURY, MASS.

ATTENDANCE: Judith Barrett (CPT), Freeman Boynton Jr., Emmett Sheehan, and Philip Thorn
Other persons present at the hearing: Amy Kwesell, Town Counsel, 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 Chapter 2 of the Acts of 2023, this meeting will be conducted in person and 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 #2022-10, Keene's Mill Village, 0 North Street: *The Board voted to unanimously (5-0) to close the public hearing.*

ZBA Case #2023-06, Milepost 581 LLC, 581 Tremont Street: *The Board votes unanimously (4-0) to grant the applicants to withdraw without prejudice.*

Emmett Sheehan moves to transfer the special permits on file for the milepost to Milepost 581, LLC. Judith Barrett seconds.

Emmett Sheehan makes a motion to approve the withdraw request for the Bluefish River Tavern without prejudice. Philip Thorns seconds.

Philip Thorn makes a motion to adjourn. Emmett Sheehan seconds.

BOARD OF APPEALS MINUTES

Case No: 2022-10

Petitioner: Keene's Mill Village

Address: 0 North Street

Date: May 25, 2023 Time: 7:00 p.m.

(Continued from April 27, 2023, January 12, 2023,
December 1, 2022, October 13, 2022, September 8, 2022,
July 14, 2022, and May 12, 2022)

- Judith Barrett re-opens the public hearing and reads all of the new correspondence that has been submitted, which is on file with the zoning board.
- Jonathan Silverstein, the agent for the applicants, states we have submitted a conditional plan that reduces the density, we do have to weigh that against the economics of the property. A sixteen unit plan is the new submittal, 2 units in the North Hamlet and 14 units in the South Hamlet, no more duplexes, all single family units and the road now terminates in a cul-de-sac, which the Fire Department deems that safer. All of the residences are north of the road, away from the neighbors and allowed us to move the septic north. This conditional plan no longer requires any waivers from local board of health. The idea that this conditional plan be appealed, the carrying costs and litigation make this reduced plan uneconomical. So we are proposing that the Board approve the 24-unit plan with the condition that states that if there is no appeal to title 5, wetlands protection and the comprehensive permit, then we would automatically shift to the conditional plan with 16 units. We are willing to be bound by that. If there is an appeal, then the proposal will be the 24 unit plan.
- Rick Grady, the Engineer for the project, describes the details of the reduced complex, relocating the septic closer to North street
- Amy Kwesell states that the conditional deal is well documented in this and is entirely proper; I have never seen this before but I can't find anything that would make it illegal. The Board has to make a finding that the appeal of 16 units will make it uneconomic. This is a 48% reduction and I have never seen this type of large reduction
- Pat Brennan, Peer Review Engineer with PGB Engineering. The 24 unit works with the engineering and the 16 unit plan does work as well. The waivers have gone from 18 to 13, with there being no supplemental waivers from the Board of Health with this new conditional plan. If you do approve it, I would just condition that you provide to me the information that I have asked for in the memo from May 18th. It is information for backup and doesn't change anything design wise.
- Judith Barrett states but what you are referring to is not a matter of officialness for the record
- Pat Brennan agrees, just information for me
- Scott Horsely speaks about water quality concerns and the septic system concerns
- Dennis Murphy speaks about only seeing the conditional plan tonight for the first time.
- Judith Barrett states if you cannot meet title 5, you can't proceed, so this proposal is meeting title 5 and the supplemental regulations in town
- Judith Barrett states we cannot limit a 40B without regulations to support that; title 5 requirements cannot be waived
- Discussion ensued
- Neighbors spoke to the concerns
- Lauren Haché states 40 days from today is July 5th

- The Board votes to close the public hearing
- The Board votes to discuss the matter administratively on June 5, 2023 at 4:00pm
- All in favor JB, ES, FB. PT

Motion: It was moved, seconded and voted (4-0-1) to close the public hearing.

Moved by: JB

Number in favor: 4

Seconded by: TT

Number opposed: 0