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TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

September 27, 2018 @ 7:30 p.m.

ATTENDANCE: Judith Barrett, Kathleen Muncey, Borys Gojncyz, Emmett Sheehan & Philip Thorn

CALL TO ORDER: Judith Barrett called the meeting to order.

- **ZBA Case # 2018-13 Habel, 106 King Phillips Path, Special Permit:** *The Board voted to approve the special permit, 5-0.*
- **ZBA Case #2018-15 Ardea Realty Trust, c/o Sullivan, 326 Powder Pt. Ave. , Special Permit:** *The Board voted to approve the special permit, 5-0.*

Kathleen Muncey makes a motion to close the public hearing for 106 King Phillips Path. Philip Thorn seconds. All in favor (5-0).

Emmett Sheehan makes a motion to approve the special permit for 106 King Phillips Path. Philip Thorn seconds. All in favor (5-0).

Emmett Sheehan makes a motion to close the public hearing for 326 Powder Point Avenue. Kathleen Muncey seconds. All in favor (5-0).

Emmett Sheehan makes a motion to approve the special permit for 326 Powder Point Avenue. Kathleen Muncey seconds. All in favor (5-0).

Kathleen Muncey makes a motion to approve the meeting minutes of June 28, 2018. Borys Gojncyz seconds. All in favor (3-0).

Emmett Sheehan makes a motion to approve the meeting minutes of July 26, 2018. Freeman Boynton, Jr. seconds. All in favor (3-0).

BOARD OF APPEALS — MINUTES

Applicant: Christopher Habel

Property Address: 106 King Phillips Path

Case No: 2018-13

Date: September 27, 2018

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on Thursday, September 27, 2018 at 7:30 p.m. to consider the application of Christopher Habel for a Special Permit under Article(s) 400 and 900, Section(s) 401.2 #5 and 906.2 of the Duxbury Protective Bylaw. The property is located at 106 King Phillips Path, Parcel No. 028-013-005 of the Duxbury Assessors Map, consisting of 3 acres in the Residential Compatibility & Planned Development #1 Districts and owned by Christopher J. Habel. The applicant proposes to alter an existing structure on a lot containing two dwellings. A Special Permit is required

Members present: Judith Barrett, Kathleen Muncey, Emmett Sheehan, Borys Gojncyz & Philip Thorn

Members Voting: Judith Barrett, Kathleen Muncey, Emmett Sheehan, Borys Gojncyz & Philip Thorn

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

- Judith Barrett, CPT, opens the meeting and describes the first case on the agenda, an application on a lot containing two dwellings.
- Judith Barrett reads the public hearing notice into record, cites and reads, some in part, the correspondence: A letter from abutter Dennis McLeod dated 12/12/17. Judith Barrett asks why the correspondence was so old.
- Angela Ball explains that there was another special permit granted, but the decision was not rendered so it was suggested to the Applicant to come back for another inclusive of that work and more work he would like to do.
- Judith Barrett continues on with the correspondence, citing, and reading some in part, a Memo from the Conservation Commission dated 5/16/18, a Memo from the Design Review Board dated 7/11/18, Planning Board Memo dated 8/27/18, a Board of Health Memo dated 12/6/17 and a Memo from the Conservation Commission dated 9/12/18. Ms. Barrett asks the applicant to present.
- Chris Habel of 106 King Phillips Path explains the plans stating that it wasn't much they requested, they essentially added 10' to existing structure and they did move the kitchen door to the back and that although they didn't receive the special permit in the meantime they figured out the entryway and needed to add that to it which is why they are here again.
- Kathy Muncey asks if everything is conforming.
- Chris Habel confirms.
- Judith Barrett asks if there are any questions.
- Philip Thorn asks if he wants a slight revision.
- Chris Habel states that yes, we'd like to have all of it under one special permit.
- Judith Barrett asks if there are questions or comments. None.
- Kathleen Muncey makes a motion to close the hearing. Philip Thorn seconds.
- Judith Barrett asks if there is any discussion. None.
- Emmett Sheehan makes a motion to approve the special permit.
- Philip Thorn seconds. All in favor (5-0).

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

Moved by: KM

Seconded by: PT

Number in favor: 5

Number opposed: 0

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

Moved by: ES

Seconded by: PT

Number in favor: 5

Number opposed: 0

BOARD OF APPEALS — MINUTES

Applicant: Ardea Realty Trust, c/o Marjorie Sullivan
(Agent, Merrill Engineers)

Property Address: 326 Powder Point Avenue

Case No: 2018-15

Date: September 27, 2018 **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, September 27, 2018 at 7:30 p.m. to consider the application of Ardea Realty Trust c/o Marjorie Sullivan for a Special Permit under Article(s) 400 and 900, Section(s) 404.6, 404.7, 404.8, 404.9, 404.20 and 906.2 of the Duxbury Protective Bylaw. The property is located at 326 Powder Point Avenue, Parcel No. 143-083-000 of the Duxbury Assessors Map, consisting of 2.92 acres in the Residential Compatibility & Wetlands Protection Overlay Districts and owned by Sherman H. Starr, TT & Ardea Realty Trust, c/o Marjorie Sullivan. The Applicant proposes to demolish an existing pier and construct a new pier. A Special Permit is required.

Members present: Judith Barrett, Kathleen Muncey, Emmett Sheehan, Borys Gojncyz & Philip Thorn

Members Voting: Judith Barrett, Kathleen Muncey, Emmett Sheehan, Borys Gojncyz & Philip Thorn

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

- Judith Barrett reads the public hearing notice into record and cites and reads, some in part, the correspondence received: The application, an old special permit transfer, Orders of Conditions from the Conservation Commission, Board of Health Memo dated 8/27/18, Planning Board Memo dated 8/27/18, Conservation Commission Memo dated 9/12/18 and the Design Review Board Memo dated 9/24/18.
- Judith Barrett invites the applicant to present.
- Thomas Pozerski of Merrill Engineers identifies himself as the applicant's representative. He goes on to describe that the pier plan is in the exact same location, but about 20' closer and states that he thinks you'll find that as we go through the bylaw sections we don't have any impact and we are here mostly for the height and requirement for new and this being 2' past the tidal area.
- Mr. Pozerski states that the elevation is at 17.7, and that based on regulatory requirements, FEMA requirements and the Army Corp it makes sense in this spot as it stops in prop marsh which will help tidal flats. Mr. Pozerski asks if there are any questions.
- Emmett Sheehan asks if the location will help stop prop marsh.
- Mr. Pozerski states that it will help inhibit it, yes.
- Judith Barrett asks if there are any questions.
- Philip Thorn asks if the reconstruction of this pier is it slightly higher.
- Mr. Pozerski states yes.
- Philip Thorn asks if it's the same width but shorter.
- Mr. Pozerski states yes, it's the same width but shorter.
- Frank Holden of 350 Powder Point Avenue states that he is fully supportive of this proposal.
- Bob Hayes states that he too is in full support.
- Judith Barrett asks if the Board needs more information. No.

- Emmett Sheehan makes a motion to close the public hearing. Philip Thorn seconds. All in favor, 5-0.
- Emmett Sheehan makes a motion to approve the plan as presented and grant the special permit. Kathleen Muncey seconds. All in favor, 5-0.

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

Moved by: ES
Number in favor: 3

Seconded by: PT
Number opposed: 0

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

Moved by: ES
Number in favor: 3

Seconded by: KM
Number opposed: 0