



TOWN OF DUXBURY

BOARD OF APPEALS

DUXBURY BOARD OF APPEALS  
MEETING MINUTES

May 11, 2023 @ 7:30 p.m.

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

**ATTENDANCE:** Judith Barrett (CPT), Emmett Sheehan, Freeman Boynton Jr., 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](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 #2023-07, The Winsor House, 390 Washington Street:** *The Board voted to unanimously (5-0) to approve the special permit as presented.*

**ZBA Case #2023-08, Willis, 40 Pine Point Road:** *The Board votes unanimously (5-0) to approve the special permit as requested.*

**ZBA Case #2023-09, The Winsor at Millbrook Village, 50 Railroad Avenue, Comprehensive Permit Application:** *The Board votes unanimously (5-0) to continue the public hearing to June 22, 2023.*

*Philip Thorn moves to adjourn. Judith Barrett seconds.*

## BOARD OF APPEALS MINUTES

**Case No: 2023-07**

**Petitioner: The Winsor House**

**Address: 390 Washington Street**

**Date: May 11, 2023 Time: 7:30 p.m.**

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

**Members Voting:** Judith Barrett, Emmett Sheehan, Philip Thorn, 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 notice and the correspondence into the record.
- Jim Wasielewski, the Building Commissioner, reads the definition of a sign from the bylaw and states he put forth to the zba to determine if it is a sign and what should be considered
- Matt Damore on behalf of the Winsor House, explains the sign and it's dimensions and that it does not have any wording or numbering and more public art
- The Board discusses the fact that it is art
- Philip Thorn moves to close the public hearing
- Borys Gojnycz states I agree with Phil, it is a sign
- Judith Barrett states is there anyone in the public that wishes to speak; hearing none, I move to close the public hearing
- All in favor JB, ES, PT, TT, BG
- Emmett Sheehan makes a motion to approve the special permit as requested
- Philip Thorn seconds
- All in favor aye

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

Moved by: JB

Seconded by: ES

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: ES

Seconded by: PT

Number in favor: 5

Number opposed: 0



## BOARD OF APPEALS MINUTES

**Case No: 2023-08**

**Petitioner: Willis**

**Address: 40 Pine Point Road**

**Date: May 11, 2023 Time: 7:30 p.m.**

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

**Members Voting:** Judith Barrett, Emmett Sheehan, Freeman Boynton Jr., Philip Thorn, and Tanya Trevisan

**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
- Paul Brogna of Seacoast Engineering, the Agent for the Applicants, presents to the board the proposal to raze and rebuild, stating that Conservation has approved and issued orders of conditions and states we are reducing the non-conformity within the setback. The existing coverage is 13.26 percent to and the new proposal is to 16.68 percent
- Jim Wasielewski states the allowable coverage with the 3 percent the bylaw allows is 1,170 and they are under that, proposing 792
- Jenny Birnstiel with Archiplicity, LLC, the Architect for the project, explains they worked to make the new design less non-conforming and explains some of the changes with respect to the Design Review Boards comments
- Freeman Boynton Jr asks the architect where the height of the building is measured
- Jenny Birnstiel explains where the 30 feet is and each story is 8'6", 8'6" and 7'6" for the height
- Freeman Boynton Jr. states so much of the house has that shed dormer, it should be considered
- Jenny Birnstiel explains that is how she measure and got 29.7 feet
- James Wasielewski states I reviewed this several times with Jenny and this is correct
- Paul Brogna states that we are in between the homes that have already been raised up, not the shortest or tallest
- Jim Wasielewski states on the plot plan, the location of the proposed structure is 13.4 feet, and asks if there is a new non-conformity
- Jenny Birnstiel states there is an existing deck
- Jim Wasielewski states thank you I see it, 11.6
- Freeman Boynton Jr. states I don't have any issues, but I don't like the 3 stories
- Jenny Birnstiel states it is a mechanical room, there is no basement due to the piles, but it's not a divided space, no doors, no closets
- Freeman Boynton Jr. states it looks like there is only two bedrooms
- Jenny Birnstiel states currently there is one bedroom and they are going to two
- Freeman Boynton Jr states how does that effect the Marshfield sewage plan, just wondering
- The Board of Health doesn't get involved with that
- Freeman Boynton Jr states is there anyone else in the audience wishing to speak
- Freeman Boynton Jr makes a motion to close the public hearing
- Emmett Sheehan seconds

- All in favor JB, PT, FB, ES, TT, BG
- Emmett Sheehan makes a motion to approve the special permit as requested
- Judith Barrett seconds
- All in favor TT, JB, PT, ES, FB

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

Moved by: FB

Seconded by: ES

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: ES

Seconded by: JB

Number in favor: 5

Number opposed: 0

## BOARD OF APPEALS MINUTES

**Case No: 2023-09**

**Petitioner: The Winsor at Railroad Avenue**

**Address: 50 Railroad Avenue**

**Date: May 11, 2023 Time: 7:30 p.m.**

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

**Members Voting:** Judith Barrett, Emmett Sheehan, Philip Thorn, Borys Gojnycz and Tanya Trevisan

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

- Philip Thorn, Chair Pro-Tem, opens the public hearing and reads the correspondence and Board case responses. Mr. Thorn states we do not have a formal application, there are some documents that are missing and continues to read the case response memos from the town boards.
- Matthew Walsh, the Applicant, explains the application and states we will furnish the ZBA's application pages. The proposal units will not have basements and each has its own driveways and introduces Mr. Engler
- Bob Engler, Agent for the Applicant, states that he has worked on many 40B's and this is one of the few that conforms to zoning and size. In filing this application, we filed what we believed was a filing for 40B and we will gladly submit what is required for your application
- Robert Crowell, Engineer for the Applicant, explains the proposed plan and engineering and how the proposal is keeping the Duxplex building, but will need to move the septic for that building
- Julia Chuslo, the Architect for the project, explains the drawings and the midline to the ridge for building height
- Philip Thorn states we do need larger scale plans, we can't work off of 8 ½ x 11 plans
- Julia Chuslo states I will absolutely get those plans to you before the next hearing
- Judith Barrett states we will need to hire Pat Brennan to peer review this along the way as well
- Emmett Sheehan states I see the Old Colony traffic review; did you do your own?
- Bob Engler state regarding the traffic study, but from my experience, we are not going to get anymore than 8 cars per 60 minutes. The traffic study that was turned in would meet you requirements
- Emmett Sheehan disagrees
- Borys Gojnycz states what will happen with the sidewalk continuation from Alden Street
- Discussions ensue regarding crosswalks and sidewalks
- Judith Barrett states it would help with the Architect here in person for the next meeting and I think we should invite the design review board to join us that evening as well
- Philip Thorn states we do have some questions regarding building heights
- Several neighbors spoke with questions
- Liz Bradley, 114 Alden Street, raised questions as the closet residential abutter
- Susan Peters, 47 Railroad Avenue, raised questions about the septic and sidewalks
- Joseph Blau, 7 Cooper Hill, asks about the wetlands on plans and the flooding
- Bob Crowell shows the audience the wetlands determination line



- Emmett Sheehan states yes, they have to comply with the State wetlands setbacks and states this all very preliminary, but you are asking super questions. They have to comply with State and Local regulations
- Philip Thorn states when would you like to continue your hearing to, when is reasonable for a time frame to continue?
- Philip Thorn makes a motion to continue the public hearing to June 22, 2023 at 7:30pm
- All those in favor PT, BG, JB, TT, ES

**Motion: It was moved, seconded and voted (5-0) to continue the public hearing to June 22, 2023 at 7:30p.m.**

Moved by: PT

Seconded by: JB

Number in favor: 5

Number opposed: 0