



TOWN OF DUXBURY  
BOARD OF APPEALS

DUXBURY BOARD OF APPEALS  
MEETING MINUTES  
September 14, 2023 @ 7:30 p.m.

TOWN CLERK  
2023 NOV 14 AM 11:23  
DUXBURY, MASS.

**ATTENDANCE:** Philip Thorn, Judith Barrett, Emmett Sheehan, Freeman Boynton Jr. and Borys Gojnycz  
**Other persons present at the hearing:** James Wasielewski, Director of Municipal Services & Lauren Haché, Principal Assistant

**CALL TO ORDER:** Philip Thorn, Chair *Pro Tem*, 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, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. Additionally, the meeting will be broadcast live, in real time, via 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.

**AGENDA**

**ZBA Case #2023-12, The Town of Duxbury, 878 Tremont Street:** *The Board voted unanimously (4-0) to grant the special permit.*

**ZBA Case #2023-13, The Bluefish River Tavern, 581 Tremont Street:** *The Board voted unanimously (4-0) to grant the special permit with conditions and voted unanimously (4-0) to the withdraw of the variance request.*

**ZBA Case #2023-15, Husk, 160 Marshall Street:** *The Board voted unanimously (4-0) to continue the opening of the public hearing to October 12, 2023.*

**ZBA Case #2023-16, Pine Woods Animal Hospital, 612 Congress Street:** *The Board voted unanimously (5-0) to approve the special permit.*

*Philip Thorns makes a motion to approve the minutes from July 27, 2023. Emmett Sheehan seconds  
Emmett Sheehan makes a motion to approve the minutes from July 13, 2023. Philip Thorn seconds  
Borys Gojnycz makes a motion to adjourn. Philip Thorn seconds.*

## BOARD OF APPEALS MINUTES

**Case No: 2023-12**

**Petitioner: The Town of Duxbury**

**Address: 878 Tremont Street**

**Date: September 14, 2023 Time: 7:30 p.m.**

**(Continued from July 27, 2023)**

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

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

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

- Philip Thorn opens the public hearing and reads the hearing notice, the materials that were submitted and case response memos from the Conservation Administrator, The Health Agent, the Design Review Board and two memos from Town Peer Review Engineer Pat Brennan
- Brian McCusker with Weston and Sampson Engineers Inc presented the application to the Board along with a detailed slideshow including environmental receptors maps, no wetlands, not in a FEMA flood zone. The parcel is 24 acres and we are really only using the existing coverage down front. We are in the APOD and that is why we have included the Nitrogen calculations. We meet all other requirements. There is currently no stormwater treatment, so we have added that site treatment and we will be using energy sustainability. The proposal has an administration building attached to the maintenance bays. There will be full sprinkler coverage, adequate ventilation and lighting, the bays will protect the vehicles and equipment from elements and corrosion.
- Dan Campbell, 904 Tremont Street, a direct abutter asked questions regarding the plan for screening the homes abutting the property
- Brian McCusker spoke about plantings and fence to screen
- Ken Zanetti, 894 Tremont Street, spoke about the right-of-way that he owns and that the town uses to access the site. Mr. Zanetti notes that he would be willing to sell this right of way to the Town if interested
- Paul Spolidoro, 884 Tremont Street, mentioned the dead trees and planting along the right of way and mentioned the desire to have the Town spruce that area up or maintaining it
- Borys Gojnycz asked if the trails that border the DPW will still be accessible
- Elena Compter, Civil Engineer with Weston and Sampson, explained where the gate will go to the building and states that the trails will still be able to be accessed.
- Emmett Sheehan moves to close the public hearing
- Judith Barrett seconds
- All in favor PT, ES, JB, BG
- Philip Thorns states any discussion
- The Board thanks the volunteers that have been working on this plan for years as part of an oversight committee
- Emmett Sheehan makes a motion to approve the special permit as requested
- Judith Barrett seconds
- All in favor PT, ES, JB, BG

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

Moved by: TT

Seconded by: PT

Number in favor: 5

Number opposed: 0

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

Moved by: FB

Seconded by: WD

Number in favor: 5

Number opposed: 0



## BOARD OF APPEALS MINUTES

**Case No: 2023-13**

**Petitioner: The Bluefish River Tavern**

**Address: 581 Tremont Street**

**Date: September 14, 2023 Time: 7:30 p.m.**

**(Continued from July 27, 2023)**

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

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

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

- Philip Thorn opens the public hearing and reads the public hearing notice
- James Wasielewski, the Building Commissioner, states if I may, the Applicants have been permitted through the building department for the chimney sign, as they were able to comply with the zoning bylaw and no longer require the variance
- Philip Thorn states great, so the only thing before us is the free-standing sign
- Becky Sheerin with Brenner Signs presented to the Board the special permit application request for the new free-standing sign, 25 ft square feet, double sided, in the same exact position as the existing sign at the property.
- Emmett Sheehan states will this be lit
- Becky Sheerin states no internal lighting
- Jim Wasielewski states the external illumination will remain as it was permitted with the existing special permit and it is to remain
- Emmett Sheehan states I don't have a problem if it's lit during hours of operation, as we permit with all free-standing signs
- Philip Thorn agrees and states we can condition that; does the board have any question for the Applicant
- Emmett Sheehan states Jim, does the existing sign meet our bylaws
- Jim Wasielewski states it does. I would note that they have to maintain the dimensional requirements in the bylaw, 30" below the sign and no shrubbery below it
- Philip Thorn opens the hearing to the public for comments; no comments made
- Emmett Sheehan makes a motion to close the public hearing
- Philip Thorn seconds
- All in favor ES, JB, PT, BG
- Emmett Sheehan makes a motion to approve the sign as presented with the condition that the sign be lit during the hours of operation only and the request to withdraw the variance
- Philip Thorn seconds
- All in favor JB, ES, PT, BG

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

Moved by: ES

Seconded by: PT

Number in favor: 4

Number opposed: 0

**Motion: It was moved, seconded and voted (4-0) to approve the special permit with conditions.**

Moved by: ES

Seconded by: PT

Number in favor: 4

Number opposed: 0

## BOARD OF APPEALS MINUTES

**Case No: 2023-16**

**Petitioner: Pine Woods Animal Hospital**

**Address: 612 Congress Street**

**Date: September 14, 2023 Time: 7:30 p.m.**

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

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

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

- Philip Thorn opens the public hearing and reads the public hearing notice. Mr. Thorn continues to read the case response from the Health Agent, the Planning Board, and the Design Review Board
- Freeman Boynton Jr states do we need a parking plan for a change in use
- Judith Barrett states no, this was a veterinary office for a very long time and there was never an issue
- Emmett Sheehan states there is a ton of parking there
- Freeman Boynton Jr states how many Vets will be there
- Philip Thorn states lets open this to the Applicant
- Dr. Jennifer Johnson introduces herself and explains that she is proposing to change the use, as she is purchasing the building and turning it back into an animal hospital, which it was previously for 32 years. Dr Jennifer will be the only Vet with general practice, no emergency care. They hope to have other vet specialist in from time to time, like an acupuncturist. This will be mostly a single doctor vet. I don't believe we need any additional parking. We'll stay in the same footprint.
- Freeman Boynton Jr states are there any outdoor kennels
- Jennifer Johnson states no
- Philip Thorn states will you have any overnight guests
- Jennifer Johnson states probably not, maybe occasionally, but will remain indoors
- Judith Barrett states is this for small animals or domestic only
- Jennifer Johnson states 99% cats and dogs, on occasion exotics
- There were no public comments
- Judith Barrett makes a motion to close the public hearing
- Emmett Sheehan seconds
- Jim Wasielewski states may I make a comment, the DRB requested that they would like to see a sign if it comes to that, I just want to mention that anything beyond what I can approve without a special permit is just a building permit, anything more would go to the zba and drb
- Emmett Sheehan makes a motion to approve the special permit for Pine Woods Animal Hospital, with the premise that signs and lighting co-exist with the special permit on file
- Judith Barrett seconds the motion
- All in favor JB, ES, FB, PT, BG

**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 (4-0) to approve the special permit as requested.**

Moved by: ES

Seconded by: JB

Number in favor: 5

Number opposed: 0