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TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

October 25, 2018 @ 7:30 p.m.

ATTENDANCE: Kathleen Muncey, Borys Gojncyz, Philip Thorn, Emmett Sheehan & Freeman Boynton, Jr.

CALL TO ORDER: Kathleen Muncey called the meeting to order.

- **ZBA Case #2018-17 Carter, 225 Gurnet Rd, Special Permit:** *The Board voted to approve the special permit, subject to conditions (5-0).*

The Board moved to approve the meeting minutes from October 11, 2018.

The Board moved to adjourn the meeting. All in favor (5-0).

BOARD OF APPEALS — MINUTES

Case No: 2018-17

Petitioner: Mark Harrington

(for homeowner, Paul Carter)

Address: 225 Gurnet Road

Case No: 2018-7

Date: October 25, 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, October 25, 2018 at 7:30 p.m. to consider the application of Paul A. Carter c/o Mark Harrington for a Special Permit under Article(s) 400 and 900, Section(s) 401.2 #4, 410.4, and 906.2 of the Duxbury Protective Bylaw. The property is located at 225 Gurnet Road, Parcel No. 139-939-178 of the Duxbury Assessors Map, consisting of 7,045 S.F. in the Residential Compatibility District and owned by Paul A. & Geraldine T. Carter. The Applicant proposes to convert a deck to a 3 season porch on the pre-existing, nonconforming structure. The proposed construction will increase the nonconforming nature of the allowable coverage. A Special Permit is required.

Members present: Kathleen Muncey, Borys Gojncyz, Philip Thorn, Emmett Sheehan & Freeman Boynton, Jr.

Members Voting: Kathleen Muncey, Borys Gojncyz, Philip Thorn, Emmett Sheehan & Freeman Boynton, Jr.

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

- Kathleen Muncey, CPT, calls the meeting to order and reads the public hearing notice into record.
- Kathleen Muncey cites and reads the correspondence received, some in part: The ZBA Application; Photographs; Site Plan; Sketches; Board of Health Memo dated 9/24/18; Planning Board Memo dated 10/1/18; Design Review Board Memo dated 10/8/18; Conservation Commission Memo dated 10/4/18; letters in support from Elizabeth and Kevin Carr, Paul & Susan McGowan, Lynne Zwalik, McCann & Maureen Sullivan.
- Ms. Muncey invites the Applicant to present the case.
- Mark Harrington, builder for the homeowners, introduces himself and explains the project, stating that the idea is to make the deck into a covered porch and it will be a foot larger
- Ms. Muncey asks if the existing deck is 12.3' x 18.7'.
- Mr. Harrington concurs and states it's designed to blend with the house.
- Freeman Boynton, Jr. asks if Hummock Ln is a private road.
- Paul Carter answers, yes.
- Freeman Boynton, Jr, Philip Thorn and Kathleen Muncey discuss what the setback requirements are on Gurnet Road. Paul Carter states that it is 10' on center as he understands it.
- Kathleen Muncey asks the Board if there are any other questions.

- Philip Thorn states that it appears that even with the change it'll be under the lot coverage requirements and no neighbors are opposed.
- Kathleen Muncey points out that even if the increase is slight, they'll have to use the 3% rule.
- Emmett Sheehan asks if there is a shed.
- Mark Harrington states that there is a shed and if they took that out, then they wouldn't need to be here.
- Freeman Boynton, Jr. questions if they need the 3% rule. Kathleen Muncey states that if they go by the Planning Board's calculations in their memo, then yes.
- Kathleen Muncey asks Mr. Harrington if they've gone to Conservation yet.
- Mark Harrington answers, stating that they will on Tuesday night. He adds that the house was properly raised in the past and went through Conservation then and that this house lot is larger than most in the area.
- Emmett Sheehan makes a motion to close the hearing. All in favor, 5-0.
- Kathleen Muncey asks for any more discussion or comments. None.
- Kathleen Muncey states that this is not more detrimental to the neighborhood and that the neighbors are all for it and it sounds like it's a good use of the deck.
- Philip Thorn states that it will enhance the value of the home, the Planning Board states it's in the allowable percentage so he would approve.
- Philip Thorn makes a motion to approve the special permit application, subject to Conservation approval. Emmett Sheehan seconds. All in favor (5-0).

Motion: Motion: It was moved and unanimously voted to close the public hearing for 225 Gurnet Rd.

Moved by: ES	Seconded by: n/a
Number in favor: 5	Number opposed: 0

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

Moved by: PT	Seconded by: ES
Number in favor: 5	Number opposed: 0