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DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS MEETING MINUTES

December 12, 2019 @ 7:30 p.m.

ATTENDANCE: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Philip Thorn

Other persons present at the hearing: Scott Lambiase, Director of Municipal Services & Angela Ball, Administrative Assistant & James Wasielewski, Building Inspector

CALL TO ORDER: Wayne Dennison called the meeting to order.

ZBA Case #2019-11, Van Haur /McGoldrick c/o Galvin, 14 Chestnut St. (CONT'D): *The Board announced that the hearing will continue on January 9, 2020.*

ZBA Case #2019-12, Cellco Partnership dba Verizon Wireless, 155 Mayflower St. (CONT'D): *The Board announced that the hearing will continue on January 23, 2020.*

ZBA Case #2019-16 Wei-Chi, DYC 106 Harrison St Appeal (CONT'D): *The Board voted to continue the hearing until January 23, 2020.*

Kathleen Muncey motions to adjourn the meeting. Philp Thorn seconds. All in favor.

BOARD OF APPEALS — MINUTES

Case No: 2019-11

**Petitioner: Van Haur /McGoldrick
c/o Bob Galvin**

Address: 14 Chestnut Street

Date: July 25, 2019 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, July 25, 2019 at 7:30 p.m. to consider the application of Peter J. Van Haur and Michael McGoldrick c/o Robert W. Galvin for an Appeal under Article(s) 400 and 900, Section(s) 421.2, 906.1 and 911 of the Duxbury Protective Bylaw. The property is located at 14 Chestnut Street, Parcel No. 110-771-032 of the Duxbury Assessors Map, consisting of 0.82 Acres in Neighborhood Business District 1 (NB1) and owned by South Shore Capital, LLC. The Applicant disputes the basis of a zoning violation notice citing offensive noise and vibration and the Town's By-laws meaning therein.

Members present: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Philip Thorn

Members Voting: n/a

Other persons present at the hearing: Scott Lambiase, Director of Municipal Services & Angela Ball, Administrative Assistant & James Wasielewski, Building Inspector

- Wayne Dennison states that at the last meeting the ZBA had voted to continue the hearing for this matter until tonight, 12/12/19; however, the Vice Chair of the Board is on vacation and is needed for this case, so it has been continued to be heard again on January 9, 2020.

BOARD OF APPEALS — MINUTES

Applicant: Chiu Wei-Chi

Property Address: 106 Harrison Street

Case No: 2019-11

Date: December 12, 2019

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on Thursday, December 12, 2019 at 7:30 p.m. to consider the application of Chiu Wei-Chi for an Appeal under Article (s) 400, 600 and 900, Section (s) 430, 611, and 906.1 of the Duxbury Protective Bylaw. The property is located at 106 Harrison Street, Parcel No. 107-008-003 of the Duxbury Assessors Map, consisting of 53.56 acres in the Planned Development District #1 and owned by the Duxbury Yacht Club. The Applicant appeals the Building Inspector's determination that the Duxbury Yacht Club is *not* in violation of the Town's Bylaws contending that land clearing requires a Special Permit as defined in Section 611.

Members present: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan & Philip Thorn

Members Voting: n/a

Other persons present at the hearing: Scott Lambiase, Director of Municipal Services & Angela Ball, Administrative Assistant & James Wasielewski, Building Inspector

- Wayne Dennison states that this matter on the agenda deals with an appeal that a special permit was not required by the Duxbury Yacht Club. Mr. Dennison states that he made a disclosure that he is a member of the DYU, Kathy cannot sit as she was an officer of the club at the time, Freeman cannot sit, and Emmett filed a disclosure. Mr. Dennison added to his disclosure that he is a defendant in another matter and he understands the implications and still feels he can sit on the matter. He goes on to state that the issue is that we do not have 5 people that can sit on this case tonight, but we 3 now with the expectation that at about 8 pm we can have 4. Mr. Dennison explains that they can have a 5 member board, 3 of which are not yacht club members.
- Gabriel Dym goes on to state that he wishes he had known, but will only continue to a date that they know they'll have a 5 member board. Mr. Dym requests a copy of the disclosures and asked what happens if there aren't 5 members.
- Emmett states you'd get 4.
- The Board and Mr. Dym discuss the specifics of a quorum.
- Wayne Dennison states that if there is difficulty gathering a quorum for January 23, 2020 Mr. Dym will be notified.
- The Board and Mr. Dym discuss that the Board members are named in a separate lawsuit and agree on continuing the hearing until January 23, 2020.
- Mr. Dennison asks if anyone in public has anything to say.
- Mike Gill representing the Yacht Club, states that he understands why there were recusals before but since that work is done he doesn't understand the need to recuse now.
- Kathy states since she was a finance committee member then, she'd like to.
- Wayne Dennison speaks to the 36 month look back period and states that makes sense for Freeman as well.

Kathleen Muncey motions to adjourn the meeting. Philp Thorn seconds. All in favor.