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TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS MEETING MINUTES

June 27, 2019 @ 7:30 p.m.

ATTENDANCE: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

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

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

ZBA Case #2019-06 Cadete Family Limited Partnership, 1518 Tremont Street – CONT'D:
The Board voted to continue the meeting until July 25, 2019.

ZBA Case #2019-07 Welch Healthcare, 298 Kings Town Way: *The Board voted unanimously to approve the special permit.*

Administrative:

South Shore Habitat for Humanity, Feinberg Bog Road: *The Board voted to deem the request as insubstantial.*

Duxbury Farms: *The Board voted to approve pursuing Bond Company regarding performance funds.*

Wayne Dennison voted to adjourn the meeting. All in favor.

BOARD OF APPEALS — MINUTES

Case No: 2019-06

**Petitioner: Cadete Family Limited Partnership,
C/o Viewpoint Sign & Awning**

Address: 1518 Tremont Street

Date: June 27, 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, June 27, 2019 at 7:30 p.m. to consider the application of Cadete Family Limited Partnership, c/o Viewpoint Sign & Awning for a Special Permit under Article(s) 400, 600 and 900, Section(s) 421.1 #2, 424, 425.1, 601.3, 601.4, 601.6, 601.9 and 906.2 of the Duxbury Protective Bylaw. The property is located at 1518 Tremont Street, Parcel No. 104-731-350-A of the Duxbury Assessors Map, consisting of 1.5 Acres in the Neighborhood Business District (NB-1) and owned by Cadete Family Limited Partnership. The Applicant proposes to erect a freestanding sign with illumination.

Members present: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

Members Voting: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Borys Gojnycz & Dimitri Theodossiou

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

- Wayne Dennison, Chair, opens the meeting and reads the public hearing notice for case #2019-06 into record. Mr. Dennison cites the application, drawings, revised drawings, a Memo from the DRB which states that the DRB likes one face but not the location; the BOH Memo with no comments; the Conservation Commission Memo with no wetlands issues, the Planning Board Memo that has 3 considerations for the ZBA to consider, and an email from Viewpoint Sign with new description of the sign.
- Wayne Dennison invites the applicant to speak.
- Sean Donovan of Viewpoint Sign & Awning states that he understands the concern over the proposed location and he did speak with his client and they want to keep the same location to catch the northbound traffic on 3A, but are willing to work with the Board. He goes on to state that there is not enough room on the Tremont Street side but there is a possibility on the 3A side.
- Emmett Sheehan asks where on the 3A side?
- Sean Donovan states that they are trying to catch people going in the primary entrance, which is on Tremont Street.
- Wayne Dennison asks about existing signage.
- Sean Donovan states there is a sign on the building.
- Wayne Dennison states that it what we permit normally, what can you show that warrants needing this sign.
- Sean Donovan states that there is no visibility from the road, just directional signs.
- Emmett Sheehan asks what they look like.

- Sean Donovan states that they are directional signs, enter and exit with a silhouette of a coffee cup.
- Wayne Dennison asks if those were put up without permitting.
- Sean Donovan states that no we went to the building inspector.
- Wayne Dennison states that the bylaw says if you have a sign face on a building you've got to show need for more and that it is inadequate and that with this intersection that is dangerous.
- Sean Donovan states that the proposed sign is set back on the property, not interfering with traffic and not a road hazard, but this is simply an advertisement to bring people into the Dunkin donuts.
- Emmett Sheehan asks a question to clarify to see if he can sit on the case and wonders if the sign conceptual as proposed has interest from all the listed businesses.
- Sean Donovan states that as of now he thinks that there is interest and that is why they proposed a multi-tenant and he believes it's been offered to them.
- Wayne Dennison states that the narrower question is to explain that Emmett's sister's business is on the sign.
- Emmett Sheehan states that he will be recusing.
- Wayne Dennison points out that we still have 5 people.
- Kathleen Muncey asks if the 6 people on the sign have committed interest.
- Sean Donovan states that no, he is not sure of that.
- Siobhan Sheehan states that she would be one of those 6 and she can say that is incorrect. She also goes on to state that she is a tenant and she had no knowledge of the directional signs. She goes on to state that she's been a tenant there for 24 years and thought she could only have a sign on the building and that she was not offered a place on the sign, only received a postcard alerting her that dunkin wants to put up an illuminated sign
- Sean Donovan states that they made it a multi-tenant sign for a reason, to leave it open for others that may want a sign and he understands that there is a strict bylaw and we want to work with the Board for a mutually agreeable sign
- Wayne Dennison states he feels that issue is that we don't permit this, you need to show the need.
- Borys Gojnycz states that even though the other signs are small and silhouettes they are still signs.
- Sean Donovan states that it is very small.
- Wayne asks what time he wants to illuminate.
- Sean Donovan states that its hours of operation, not at night.
- Wayne Dennison states that we permit during business hours and asks when they close
- Freeman Boynton, Jr. asks if a 200 watt flood light necessary
- Sean Donovan states it's a standardized light and it's not as bright as you think and if you'd prefer something else, we will meet it.
- Freeman states its says 1500 lumens with 60'x60' light coverage
- Wayne asks if the size of the sign comply with the bylaw
- Scott Lambiase states that yes, can go up to 25 sf. in area
- Freeman states he is confused, that application was modified from the other.
- Sean states that yes, in order to be in line with what Design Review wanted we toned down the colors to a brown and went with a one faced sign. Building signs are dark with ivory letters but this is reversed.
- Wayne Dennison states that the Design Review has concerns over location and asks if he understand that.
- Sean states that he does understand it and after presenting it to his with his client they want to stay at the proposed location as they want to get the traffic on the 3A side
- Freeman asks which side lacks space to build the sign
- Sean Donovan states that it'd be feasible to do it on the other side.

- Wayne Dennison asks what evidence we have before us that you have the authority to put the sign in this proposed location.
- Freeman asks if we need the owner's signature on the application. [The Board shuffles through paperwork and finds it].
- Wayne asks if we need an owner's authorization for the adjoining parcel.
- The Board discusses who is the landlord and who owns the land
- Siobhan Sheehan answers a few questions.
- Wayne Dennison asks if anyone else would like to speak.
- Mike McGilvry of 1535 Tremont Street states he drives by it every day and it seems ok to him and asks for clarification as to where and thinks that the lighting is already more than sufficient
- Wayne Dennison states that we have so many sign requests and so many people come here and ask us to say how to do it, we're not here to draw your sign but we can help you to tweak it if necessary.
- Sean Donovan states that it can be a challenge
- Freeman states that if we are considering, we should make a site visit to evaluate the DRB concerns.
- Kathleen Muncey states that she'd like to know that the owner is authorizing the sign in the particular parcel.
- Scott Lambiase states that we have it listed as only one lot
- Wayne Dennison asks if anyone else like to speak
- Siobhan Sheehan states that she thinks that no one in the building was aware of this proposal.
- Emmett Sheehan of 122 Powder Point Ave states that he doesn't think they've done their homework and that the intersection is very dangerous as it is and he hopes the vote is against it.
- Wayne Dennison states that the Board is at a point where we can choose to close the public hearing, continue it for a site visit, etc. and I will say that I don't think this needs a site visit as it's an incomplete proposal and would vote to deny, but I would vote to continue if other members of the Board felt differently.
- Kathy Muncey states she'd like to see it.
- Borys Gojnycz suggests publicizing the site visit date. Wayne Dennison agrees.
- The Board and the Applicant agree to a continuance on the hearing until July 25, 2019.
- Sean Donovan asks what the Board thinks about the location.
- Wayne Dennison states that they are not bound by the DRB opinion, but we do take their opinion into account.
- Dimitri Theodossiou states that he thinks the DD sign should be near the Dunkin Donut's sign and you have plenty of room on the 3A sign
- Sean Donovan said they'd consider their own sign, but would prefer the multi-tenant
- Kathleen Muncey states that she is not opposed to the idea of a directory.
- Sean Donovan states that he will come up with some more drawings and get official interest from other tenants.
- All agree to continue to July 25, 2019.

BOARD OF APPEALS — MINUTES

Case No: 2019-07

**Petitioner: Welch Healthcare/Thomas & Rita Welch
Goulston & Storrs, Agent**

Address: 298 Kings Town Way

Parcel No.: 046-721-014

Date: June 27, 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, June 27, 2019 at 7:30 p.m. to consider the application of Welch Healthcare and Retirement Group, Inc., for a Special Permit under Article(s) 400 and 900, Section (s) 410.3 #6, 421.1 #1, and 906.2 of the Duxbury Protective Bylaw. The property is located at 298 Kings Town Way, Parcel No. 046-721-014 of the Duxbury Assessors Map, consisting of 0.99 Acres in the Neighborhood Business District (NB-1) and owned by Thomas F. & Rita M. Welch. The Applicant proposes to construct a 24 unit memory care facility. A Special Permit is required.

Members present: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

Members Voting: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

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

- Wayne Dennison opens the Public Hearing, cites the application, a letter from the Village at Duxbury, reads the correspondence from the Design Review Board, the memo from the Board of Health, the Planning Board memo and invites the Applicant to present to the Board
- John Twohig, of Welch Healthcare, identifies his colleagues of Goulston & Storrs. John Twohig continues by informing the Board that they have obtained ASPR approval and that he is aware of the Board of Health's comments. We have been settling this with the insurance company for two years and this went from a Nursing Home to a Memory Care Facility, as the need is there. There are two reasons the COOP Board and the need in Duxbury. We have a chart that went through the findings and how we meet them; I'd like to have him go through with any design etc.
- Peter Glick, SMMA Architecture and Planning, 1000 Mass Ave Cambridge, describes the Village at Duxbury using a map. The old building did not burn to the ground, it's intact and boarded up. Peter describes the site. The main facility is a two story building that matches what was there with 25 parking spaces
- Wayne Dennison asks how they got from 11 spaces to 25
- Peter Glick responds we went through the Duxbury House to see how much they need when they open to determine the number of parking spot. There may be overflow during the holidays
- Wayne Dennison states I was there today and I had trouble finding parking, so where are you finding space got 11 more
- Peter Glick responds in the back with the wooded area
- Wayne Dennison states what is the square footage of the area for clearing
- Peter Glick responds about 10,000 square feet or so

- Wayne Dennison states you know you need a Special Permit from the Planning Board if you're going to be clearing 30,000 sq ft
- Peter Glick replies yes, under that
- Wayne Dennison states is the design consistent with the landscape already at the village
- Peter Glick responds yes and there's a memory garden and lighting on poles that was part of the application to the Planning Board. The storm water went through peer reviews
- Wayne Dennison asks Conservation Commission?
- Freeman Boynton Jr states no wetlands issues
- Peter Glick continues to describe the storm and wastewater plans. Water from King town Way, no increase in the flow...any questions
- Freeman Boynton Jr states the existing building has 24 units
- Peter Glick responds that it is run with 24 beds
- Freeman Boynton Jr states same thing
- Peter Glick states that it is a different facility and care program, so staff will...
- Dimitri Theodossiou asks was the old building razed
- Peter Glick responds yes, it will be razed, but it was damaged beyond repair
- Dimitri Theodossiou will it remain in the footprint
- Peter Glick states it's larger, but meets the percentages for coverage and we're acquiring land from the Village
- Wayne Dennison asks does it affect the village coverage
- Peter Glick states no, they'll have more than enough
- Wayne Dennison states Garden homes can't get at
- Peter Glick states yes, that was part of the approval years ago
- Matthew O'Connell 43 Harvard, an Architect, states this plan speaks to best practice for memory care and part of why the footprint is larger. Matthew describes the room setup of the first floor with living room, bedrooms and the second floor as the same. He shows renderings on the display board of building from the road.
- Kathleen Muncey questions are these all residential or day program? All residential
- Wayne Dennison states that the Design Review Board talked about PVC and Vinyl siding and that they preferred materials
- Matthew O'Connell states the faux cedar vinyl is very high quality and is easier to maintain but not cost prohibitive. White cedar is hard to acquire and is expensive
- Borys Gojnyecz states with the change in use, will that change in visiting all
- John Twohig states on a peak shift, the visiting is 2-3 cars and the maximum of 12 cars for employees
- Borys Gojnyecz states not so much parking, but the traffic
- Dimitri Theodossiou states the first floor says 10,658 sq. ft. and the application states 20,000 sq. ft., so both floors
- Matthew O'Connell states yes, and there's a porch
- Dimitri Theodossiou states 6120 on old, so it's a similar story on the old, yes
- Wayne Dennison states so it's 1/3 larger than the existing
- Matthew O'Connell states with today's standards we couldn't replicate
- Dimitri Theodossiou states no neighbors as village owns it
- Wayne Dennison states that Bay Path next door, they have? No
- Freeman Boynton Jr asks any additional signage

- John Twohig states we discussed with the Planning Board to plan to do small wooden signs
- Peter Glick states a service entrance sign and a new one that reads Duxbury House
- Freeman Boynton Jr asks will you be back before us with a sign proposal
- Wayne Dennison states you're getting close to 25sq. ft. and you should be cognizant of the road sign
- Wayne Dennison asks the Board if they have any concerns
- Emmett Sheehan states I agree with the Architect on the vinyl siding, it looks incredible and I'm ok with it
- Wayne Dennison moves to close the Public Hearing
- Emmett Sheehan seconds
- All in favor
- Discussion:
- Freeman Boynton Jr questions what are the height requirements
- Wayne Dennison states we can ask Scott
- Scott Lambiase states it's ok
- Wayne Dennison asks Scott Lambiase did the other place have a special permit
- Scott Lambiase responds I don't think so, but this meets all-site, coverage, height and parking
- Wayne Dennison moves to approve the Special Permit as proposed
- Emmett Sheehan seconds
- All in favor

Motion: It was moved, seconded and unanimously voted to grant the Special Permit as proposed

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0

BOARD OF APPEALS — MINUTES

ADMINISTRATIVE

South Shore Habitat for Humanity, Feinberg Bog Road: *The Board voted to deem the request as insubstantial.*

Members present: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

Members Voting: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

Wayne Dennison states that the SSHH request, is it substantial or insubstantial

- Martine Taylor states I brought plans
- Freeman Boynton Jr asks is it gravel or paved
- Martine Taylor states that it's gravel
- Freeman Boynton Jr asks are you relocating snow storage
- Martine Taylor states no, just on both sides to accommodate guest parking
- Martine states that it's significantly in from Temple Street
- Wayne Dennison states that the CMR defines substantial change and reads off the list of substantial or insubstantial. Wayne continues that CMR doesn't help. How many per house, two per house with eight. It's a significant percentage of total parking
- Kathleen Muncey states I'd worry if it was a decrease
- Martine Taylor states it's a cul de sac, so we thought this would pull off the possibility of parking on a cul de sac
- Wayne Dennison states so twelve spaces going to fifteen
- Borys Gojnycz asks is it the grass area now
- Martine Taylor responds yes
- Emmett Sheehan states I think it's inside...
- Martine Taylor states that it's not on the original plan, but thought it was nice to allocate parking
- Wayne Dennison states we will notice this
- Martine Taylor states it's not going to make or break it
- Wayne Dennison states it's a great idea, I'm just questioning is if others are ok with it
- Martine Taylor states she's not sure yet
- Borys Gojnycz states I know that Merry Village parks on the street
- Scott Lambiase states side with parking
- Wayne Dennison moves to deem the request insubstantial
- Emmett Sheehan seconds
- All in favor

Motion: It was moved, seconded and unanimously voted that the request was deemed insubstantial.

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0

BOARD OF APPEALS — MINUTES

ADMINISTRATIVE

Duxbury Farms: *The Board voted to approve pursuing Bond Company regarding performance funds.*

Members present: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

Members Voting: Wayne Dennison, Kathleen Muncey, Freeman Boynton, Jr., Emmett Sheehan, Borys Gojnycz & Dimitri Theodossiou

- Scott Lambiase states it's been years of chasing the Developer to get work done and have been unsuccessful. Town Counsel wants the ZBA to ok going after the Bond Company

Motion: It was moved, seconded and unanimously voted to approve pursuing the Bond Company.

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0