



TOWN OF DUXBURY  
BOARD OF APPEALS

TOWN CLERK  
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DUXBURY, MASS.

DUXBURY BOARD OF APPEALS  
MEETING MINUTES

November 12, 2020 @ 7:30 p.m.

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

**Other persons present at the hearing:** James Wasielewski, Director of Municipal Services, Lauren Haché, Administrative Assistant

**CALL TO ORDER:** Wayne Dennison called the meeting to order and reads the Governor's Preamble: Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, 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. To watch a meeting live on PACTV's streaming channel, PACTV Prime, visit [www.pactv.org/live](http://www.pactv.org/live). To watch replays of a meeting, visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) or to watch online visit PACTV's Video on Demand at [www.pactv.org/ondemand](http://www.pactv.org/ondemand). NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WILL BE PERMITTED. Every effort will be made to ensure that the public can adequately access the proceedings to the best of our technical abilities; and despite our best efforts due to lack of technical infrastructure, this meeting will be available on PACTV to view a video recording and a transcript or other comprehensive record of proceedings as soon as possible after the meeting.

**ZBA Case #2020-13, Rielly, 9 Puritan Way (CONT):** *The Board voted unanimously 4-0 to grant the special permit*

**ZBA Case #2020-14, Obey, 65 Ocean Road North:** *The Board voted unanimously 5-0 to continue the Public Hearing to November 19, 2020 at 7:30pm.*

**ZBA Case #2020-15, Hammel, 246 Gurnet Road:** *The Board Votes unanimously 4-0 to continue the public hearing to January 14, 2021 at 7:30pm.*

**ZBA Case #2020-16, The Village at Duxbury, 290 Kings Town Way:** *The Applicant requests to withdraw without prejudice.*

**ZBA Case #2020-17, The Duxbury House, 298 Kings Town Way:** *The Applicant requests to withdraw without prejudice.*

*The Board voted to adjourn the meeting. All in favor.*

*The Board voted to approve the meeting minutes from June 27, 2019 (5-0).*

*The Board voted to approve to the meeting minutes from October 24, 2019 (5-0).*

*The Board voted to approve to the meeting minutes from November 14, 2019 (5-0).*

*The Board voted to approve to the meeting minutes from November 25, 2019 (3-0). KM FB2nd*

*The Board voted to approve the meeting minutes from December 19, 2019 (5-0) WD, KM2nd*

*The Board voted to approve the meeting minutes from January 9, 2020 (5-0) WD, JB2nd*

## **BOARD OF APPEALS — MINUTES**

**Case No: 2020-13**  
**Petitioner: Kate Rielly**  
**Address: 9 Puritan Way**  
**Parcel #'s: 081-959-156**  
**Date: November 12, 2020**  
**(Cont'd from October 22, 2020)**

The Board of Appeals will hold a public hearing via ZOOM on ~~Thursday, October 22, 2020~~ at 7:30 p.m. to consider the application of Katherine Rielly c/o Grady Consulting, LLC 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 9 Puritan Way, Parcel No. 081-959-156 of the Duxbury Assessors Map, consisting of 0.090 acres in the Residential Compatibility (RC) District and owned by Katherine Rielly. The Applicant proposes to raze and rebuild a pre-existing, non-conforming dwelling. A Special Permit is required. The application may be viewed on the Town's website [www.town.Duxbury.ma.us](http://www.town.Duxbury.ma.us) under the Zoning Board of Appeals page. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the application and any accompanying materials in an accessible format. Such requests should be made at least three business days in advance by contacting the Municipal Services Department.

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

**Members Voting:** Wayne Dennison, Emmett Sheehan, Freeman Boynton Jr. & Philip Thorn

**Other persons present at the hearing:** James Wasielewski, Director of Municipal Services & Lauren Haché, Administrative Assistant

- Wayne Dennison opens the public hearing and asks who is here to present this case
- Nicholas Leing with Grady Consulting introduces himself and begins the presentation and shares his screen.
- Wayne Dennison states we can see the site plan from Grady Consulting.
- Nicholas Leing states he is shrinking all of the setbacks except for the front setback, we are holding the front setback. Mr. Leing states we are still maintaining our setbacks as required by the bylaw and continues to show the calculation at 22.9% out of the allowable 27%. Mr. Leing continues, I will now turn the floor over to the Board for any questions.
- Wayne Dennison states at the first public hearing, my recollection is that your initial proposal encroached the setbacks, greater than what they were existing and now, with this proposal I think that what you are presenting has corrected that
- Nicholas Leing states yes, we are proposing to leave the setbacks as they are
- Wayne Dennison states Lauren, did we get additional correspondence relative to this case?
- Lauren Haché states no, we have not; we do have the original memos from the Town Boards, as well as some letters of support from neighbors.
- Wayne Dennison states what did the Planning Board state in their memo

- Judith Barrett states yes and I am actually not available on the third Thursday of month
- Wayne Dennison states lets put this on next week, see what the Design Review Board can do and if we can get a site plan
- Emmett Sheehan states I agree, we need that site plan and a memo for Design Review otherwise
- Wayne Dennison states otherwise we'll continue again
- Philip Thorn states I would like to hear from the neighbors if this is a different plan
- Jessica Williams states that Tony and Lisa were able to send these plans to the neighbors Tuesday night
- Judith Barrett states Lauren, wasn't that some of the correspondence that we received today
- Lauren Haché states yes, and continues to read into the record letters of support from the Buckley's at 55 Ocean Rd. N, the Leonard's at 69 Ocean Rd. N., Donald North at 53 Ocean Rd. N, Paul Leone Ocean Rd. N, James Duffy of 59 Ocean Rd. N, Steve and Kathy Urquhart in support, Brian and Amy Sack at 54 Ocean Rd. N and Marty and Maryellen Federici of 21 Hummock lane.
- Philip Thorn states that is great, I didn't realize that all of those letters were in support of the new plan.
- Wayne Dennison states alright, I am going to move to continue this public hearing to Thursday November 19, 2020 at 7:30pm.
- Judith Barrett seconds
- WD JB KM FB ES

**Motion:** It was moved, seconded and unanimously voted to continue the public hearing to November 19, 2020.

**Moved by:** WD

**Seconded by:** JB

**Number in favor:** 5

**Number opposed:** 0

## **BOARD OF APPEALS — MINUTES**

**Case No: 2020-15**

**Petitioner: Jennifer Hammel**

**Address: 246 Gurnet Road**

**Parcel #'s: 139-941-068**

**Date: November 12, 2020**

The Board of Appeals will hold a remote ZOOM public hearing on Thursday, November 12, 2020 at 7:30 p.m. to consider the application of Jennifer Hammel c/o Minot Building Corporation for a Special Permit under Article(s) 400 and 900, Section(s) 401.2 #4, 402, 410.4, and 906.2 of the Duxbury Protective Bylaw. The property is located at 246 Gurnet Road, Parcel No. 139-941-068 of the Duxbury Assessors Map, consisting of 0.10 Acres in the Residential Compatibility (RC) & Flood Hazard Area Overlay Districts (FHAOD) and owned by Jennifer Hammel. The Applicant proposes to raze and rebuild a pre-existing, nonconforming dwelling. A Special Permit is required. The application may be viewed on the Town's website [www.town.Duxbury.ma.us](http://www.town.Duxbury.ma.us) under the Zoning Board of Appeals page. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the application and any accompanying materials in an accessible format. Such requests should be made at least three business days in advance by contacting the Municipal Services Department.

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

**Members Voting:** Wayne Dennison, Freeman Boynton Jr., Judith Barrett, Kathleen Muncey & Emmett Sheehan

**Other persons present at the hearing:** James Wasielewski, Director of Municipal Services & Lauren Haché, Administrative Assistant

- Wayne Dennison reads the public hearing notice
- Wayne Dennison asks Lauren Haché to read the correspondence into the record, that has been received thus far
- Lauren Haché states we have a memo from Tracy Mayo, the Health Agent, that states the property is connected to the Marshfield Waste Water treatment plant and therefore she has no comment. A memo from the Conservation Commission Director Joe Grady, stating he has reviews the application and that the project falls under the jurisdiction of the Conservation Commission, so the home owner will need to apply with the Conservation Commission, a Notice of Intent and secure their orders of conditions before moving forward with the project. The Planning Board stated in their memo that the Board voted unanimously to defer to the ZBA and lastly a lengthy memo from the Design Review Board, stating they recommend that the ZBA approve the modified plans dated November 5, 2020, stating that the awnings material is not appropriate and suggest replacing with shingles and second, they question the usefulness of the excessive number of decks, but have no dispute with them, the roof design marked A and we have provided constructive steps to help the petitioner.
- Wayne Dennison states is that all of the correspondence we have received
- Lauren Haché states yes
- Wayne Dennison states ok, let's hear from the applicant

- Jennifer Hammel introduces herself as the Applicant and homeowner, thanks the Board, Nancy Johnson and the Design Review Board for their time
- Richard Burchill, Minot Building states he is the builder and explains that the original design maintains the theme of the house and what Ms. Hammels children had requested-decks. The house was originally non-conforming and so, we did make it less non-conforming on the North and took the Design Review Boards requests and made the changes. The house will be on concrete piers and we also took advantage of the 3% rule since the house lot is under 20,000 sq. ft. We have applied for the NOI on October 23<sup>rd</sup>.
- Wayne Dennison asks can you do the numbers pertaining to the 3%
- Richard Burchill explains the math
- Wayne Dennison asks what the lot size is
- Richard Burchill states it's 4,275 sq. ft. and explains the house is 15ft wide-very narrow
- Wayne Dennison states does the Board have questions
- Freeman Boynton Jr states what's the math again
- Richard states 20,000 sq. ft. minus 4275 gave 15,025 x 3% gives you 471 sq. ft.
- Jim Wasielewski states can you clarify one thing, the existing square coverage was 400 sq. ft.?
- Richard Burchill states yes, the living space, was 400 sq. ft. plus the 200 sq. ft. from the porch and another 25 sq. ft. from the front porch.
- James Wasielewski states it's the 15% of the 4275 sq. ft. is 641 sq. ft., that's allowable and then the total for the 3% increase you are asking for is...
- Richard Burchill tries to explain again
- Jim Wasielewski states so this whole design is under the 11,012 sq. ft.
- Richard Burchill states yes
- Wayne Dennison states so, the Design Review Board requested to see new plans and what about a new site plan
- Kathleen Muncey states November 5<sup>th</sup>
- Wayne Dennison asks is the coverage calculation listed on the site plan
- Jim Wasielewski states we only have the percentage
- Freeman Boynton Jr states we don't have the area of existing or area of proposed dwelling on the site plan
- Wayne Dennison said so, there was one Board determination that asks us to wait based on Con. Comm. Is there any objection to doing that?
- Freeman Boynton Jr. states the Conservation would want those numbers
- Kathleen Muncey states I see the numbers are on the site plan, existing 13% proposed 22.4% and then there's a note at the bottom
- Freeman Boynton Jr. states but it doesn't tell us how many square feet the exiting house is or how many square feet the proposed house is..
- Kathleen Muncey agrees, okay
- Freeman Boynton Jr. says if you work the numbers, the 13% into the lot area it's saying we have 555 sq. ft. of existing house roughly, and with the 3% rule we can add 471 gives us a total of 1026
- Kathleen Muncey states so can you do the proposed 22.4
- Freeman Boynton Jr. states I am coming up with 24% but it would be nice to have the actual numbers
- Richard Burchill states ok, so we're looking for the square foot of the existing and square foot of the proposed on the site plan

- Kathleen Muncey states yes
- Jim Wasielewski states one more thing would be to have the actual math to the site plan
- Wayne Dennison states so, I asked a question, can we continue this until after the Conservation Commission has made a determination?
- Freeman Boynton Jr. states I don't see why not
- Kathleen Muncey states I don't see what not, they usually don't ask us to wait and they are this time
- Wayne Dennison states yes, so would the Applicant agree?
- Judith Barrett asks when is Conservation supposed to act on this
- Richard Burchill states he doesn't have a date yet, hoping for December
- Kathleen Muncey asks if he has already been before them
- Richard Burchill stated no, not yet
- Wayne Dennison states so what is your anticipation on Con Comm
- Richard Burchill states he isn't too sure, we're waiting on a DEP number
- Wayne Dennison asks Lauren, is there additional correspondence
- Lauren Haché states no, no abutters or additional correspondence
- Wayne Dennison states it is rare that Conservation asks us to defer, so I think we need to continue, Lauren when can we put this on?
- Lauren Hache states January 14, 2021
- Wayne Dennison states is there anything else on January 14<sup>th</sup>?
- Lauren Haché states just those two signs from earlier this evening
- Wayne Dennison states I would recommend we continue to January 14, 2021 so that we can wait for Conservation and perhaps improvements to the site plan with the exiting coverage, so I am going to move to continue this to January 14, 2021
- Judith Barrett second

**Motion: It was moved, seconded and unanimously voted to continue the public hearing to January 14, 2021.**

**Moved by: WD**

**Seconded by: JB**

**Number in favor: 5**

**Number opposed: 0**