



TOWN CLERK
2021 MAR 12 AM 9:33
DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

**DUXBURY BOARD OF APPEALS
MEETING MINUTES**

January 14, 2021 @ 7:30 p.m.

ATTENDANCE: Wayne Dennison, Kathleen Muncey, Judith Barrett, 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 for information about Duxbury programming. To watch a meeting live on PACTV's streaming channel, PACTV Prime, visit www.pactv.org/live . To watch replays of a meeting, visit www.pactv.org/duxbury or to watch online visit PACTV's Video on Demand at 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 #2020-15, Hammel, 246 Gurnet Road (CONT'D): *The Board voted unanimously to grant the Special Permit.*

ZBA Case #2020-16, The Village at Duxbury, 290 Kings Town Way: *The Board voted to continue the Public Hearing to March 25, 2021.*

ZBA Case #2020-17, The Duxbury House, 298 Kings Town Way: *The Board voted to continue the Public Hearing to March 25, 2021.*

ZBA Case #2020-20, Carlin, 8 Pine Point Road (CONT'D): *The Board moved to grant the withdrawal request without prejudice. All in favor (5-0).*

ZBA Case #2020-23, Sheehan, 77 Gurnet Road: *The Board voted unanimously to grant the Special Permit.*

Administrative

ZBA Case #2020-22A, Winsor House, 390 Washington St.: *The Board voted unanimously to extend the special permit by one year.*

ZBA Case #2020-23A, Greenwood, 393 Tremont St.: *The Board voted unanimously to transfer the special permit.*

Webster Point Village: *The Board voted unanimously to approve the invoice of legal fees incurred.*

Wayne Dennison makes a motion to approve the meeting minutes of June 25, 2020. Freeman Boynton Jr. seconds. All in favor (4-0).

Wayne Dennison makes a motion to approve the meeting minutes of July 9, 2020.

Wayne Dennison makes a motion to approve the meeting minutes of July 23, 2020. Emmett Sheehan seconds. All in favor (5-0).

Wayne Dennison moves to adjourn. Judith Barrett second. All in favor (5-0).

BOARD OF APPEALS — MINUTES

Case No: 2020-15
Petitioner: Jennifer Hammel
C/O Minot Building
Address: 246 Gurnet Road
Date: January 14, 2021 Time: 7:30 p.m.
(Continued from November 12, 2020)

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

Members Voting: Wayne Dennison, 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

- Wayne Dennison opens the public hearing, stating that this is a continued case from November 12, 2020 and proceeds to ask the Applicant to begin their presentation
- Richard Burchill states his intentions and explains that he did present the project a couple of months ago and that the biggest hurdle was that they were waiting for Conservation to sign off on the project. Since then, Conservation has met and did issue the Orders of Conditions. The ZBA had requested some calculations to the plans and we were able to achieve that and added those to the plot plan. We also took the DRB advice and tweaked the plans and got rid of the metal roof and added a white cedar roof. Just as a refresher, the house is non-conforming and sits on the neighbor's yard a little bit, so we moved that and made it less non-conforming. So we took all of the advice from the previous meeting to make some changes and we are here tonight to discuss those.
- Wayne Dennison states so, Lauren since the last meeting we did receive some supplemental materials and input from neighbors, in particular 244 Gurnet Road
- Lauren Haché states that is correct, we did receive quite a few memos from Abutters in support
- Wayne Dennison states great, would you mind summarizing those
- Lauren Haché reads the letters from Abutters including John and Danielle Mann of 241 Gurnet Street, Tony and Pattie Johnston of 41 Martingale Road, Robin Chimenello of 233 Gurnet Road, Julie and Lee Olivia and Paula Shakespeare of 245 Gurnet Road all in support of the project.
- Wayne Dennison states we had previously received other memos from Town Departments, this is hooked into Marshfield right?
- Richard Burchill states yes
- Wayne Dennison states what did the Planning Board vote Lauren?
- Lauren Haché states the Planning Board voted unanimously (4-0) to defer to the ZBA for the Special Permit.
- Wayne Dennison states so Rich, my first question is that one of the emails from the Abutters suggests that you are going to live here?

- Richard Burchill states yes, I will be living there in the future
- Wayne Dennison states ok, so this is your house
- Richard Burchill states its Jennifer's house, not that my personal life should matter, but..
- Wayne Dennison states I'm not trying to pin you down
- Richard Burchill states oh, but Jennifer and I have been dating for about 8 years now
- Wayne Dennison states no, no, I'm not trying to pin you down, but I would suggest to you that someone that is building their own house is going to do a pretty good job with it
- Richard Burchill states this is the biggest pressure I have had on my shoulders in a long time
- Wayne Dennison states alright, does the Board have questions
- Wayne Dennison states is there anyone here from the Public that would like to ask questions or comment
- Kathy Magdis and my mother Helen Larsen of 244 Gurnet Road expresses their support and their pleasure that the house will be moving off of our property
- Wayne Dennison moved to close the Public Hearing
- Judith Barrett second
- The Board votes WD, JB, KM, FB, ES
- Wayne Dennison states would the Board like to engage in any conversation. In my opinion this seems like a very well designed, very well thought out plan and quite frankly much better overall plan than what is existing
- Emmett Sheehan states it seems that they have addressed all of our concerns
- Judith Barrett states it's a nice project, it really is
- Wayne Dennison states alright, so I am going to move that we approve the special permit as proposed
- Judith Barrett second
- WD, JB, KM, ES, FB

Motion: It was moved, seconded and unanimously voted to close the public hearing.

- | | |
|-----------------------------|--------------------------|
| • Moved by: WD | Seconded by: JB |
| • Number in favor: 5 | Number opposed: 0 |

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

- | | |
|-----------------------------|--------------------------|
| • Moved by: WD | Seconded by: JB |
| • Number in favor: 5 | Number opposed: 0 |

BOARD OF APPEALS — MINUTES

Case No: 2020-16

Petitioner: The Village at Duxbury

C/O Kevin Gaughan, P.C.

Address: 290 Kingstown Way

Date: January 14, 2021 Time: 7:30 p.m.

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

Members Voting: 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

- Wayne Dennison opens the public hearing and reads the public hearing notice and states that we received a cover letter, a brief and chart, a copy of the original special permit and some correspondence from other Boards, Lauren what did we get from other Boards
- Lauren Haché states in a memo dated 10/8/2020 the Board of Health Agent has no comments on the application, in a memo dated 10/20/2020 Conservation Commission Director Joe Grady states there are no wetlands and no wetland issues pertaining to this application, a memo dated 10/22/2020 The design Review Board states that the proposed signs for this application and case 2020-17 conclude that the proposed signage for these facilities are esthetically pleasing and appropriate and a memo dated 11/4/2020 from the Planning Board states that the Board voted unanimously to recommend approval for 290 and 298 Kingstown Way noting the requests are consistent with public safety.
- Wayne Dennison states alright, I believe there was an email received today as it relates to 290 Kingstown Way.
- Lauren Haché states correct, in an email dated 1/14/2021 from Bobby and Pat Hayden, 289 Kingstown Way, they regret that they cannot make the public hearing, but hope to be able to hear more of the impacts the sign may have on them.
- Wayne Dennison invited the Applicant to speak
- Kevin Gaughan states thank you, good evening, I am Kevin Gaughan with Goulston and Storrs, 400 Atlantic Avenue, Boston, MA. And I am here this evening to represent the Village at Duxbury, with us also is Paul Casale, the Clerk representing the Village at Duxbury. If able, I would like to share my screen.
- Wayne Dennison states absolutely
- Mr. Gaughan shares his screen and describes his proposal, explaining that 298 and 290 Kingstown Way are two separate properties, two separate owners that share a driveway. He continues that the modifications they are asking for are a taller sign post up to 14' in height and a variance from the Bylaw that states that any sign must hang no less than 30" above the ground, where this sign proposal would be 26".
- Wayne Dennison states I don't understand how these variance are appropriate given the state law on variance, a notion that these dimensions fit the request for a variance, I don't understand why you cannot design a sign that complies with the Bylaw.

- Kevin Gaughan explains the dense vegetation and trees around the site and the esthetic of the neighborhood
- Wayne Dennison states why do you need a sign that violates the Bylaw
- Kevin Gaughan states we only have a very narrow frontage that is acceptable and safe for a sign and states that this campus does have folks travelling from outside of the area
- Wayne Dennison states does the Board have any questions
- Judith Barrett states I don't have any questions Mr. Chair, but I am almost sold on this
- Wayne Dennison states I find it incomprehensible that this particular use, which I understand, can't design a sign which works for its purposes that complies with out Bylaw.
- Kevin Gaughan explains how this campus is set up and signage with 298 Kingstown Way
- Wayne Dennison states my issue isn't where the sign is located, it is the size.
- Jim Wasielewski states could you put up the height of the sign with the dimensions. My question to the Board is this, when determining the area of the sign, does the height of that post really apply to the height of that sign here
- Wayne Dennison states the area calculation of the sign is the 25 square feet issue
- Jim Wasielewski apologizes, he didn't initially hear the square footage of the sign
- Emmett Sheehan states, so there are four entities that want to be advertised, but the way they are doing it, it's only a tiny bit over the Bylaw dimensions. So, can't you take the post out, I don't have a problem with it
- Wayne Dennison states I get that, it is a tasteful sign, but my view on this is that we have a Bylaw and there is no good reason to ask for a variance and I can't grant a variance for these issues that can be designed around
- Kathleen Muncey states are you saying two signs
- Wayne Dennison states they're not even close to 25 square feet
- Kathleen Muncey agrees but states the lot is very irregular in shape
- Wayne Dennison states right Kathy, but they can have one sign that lists the uses
- Kathleen Muncey states right, but would that make the wording too small or confusing
- Judith Barrett states I think that's the concern
- Kathleen Muncey continues people are coming from out of town, is this too small...
- Wayne Dennison states there is a big pineapple, there is ample room on that sign
- Emmett Sheehan states I think that's their logo, but they could lop the whole top of that sign off and gain more space
- Kevin Gaughan states the pineapple has long been a symbol of Welch Healthcare group and the Senior living community
- Wayne Dennison states I am fine with whatever you want on your sign, as long as it complies with the Bylaw
- Mr. Chairman, this is Paul Casale, Treasurer of the Cooperative here, I live on 73 Captains Hill Road, our thought with this sign was to not disturb what has been there for over 25 years and out hope was to just add the simple panel at the bottom but we can certainly design a brand new sign that can cover all the uses. We just thought that the familiarity of the existing sign was simple
- Kathleen Muncey states what about lighting the sign, the neighbor across the street was concerned about that
- Kevin Gaughan states there will be no additional lighting

- Kathleen Muncey states is there room to put two signs
- Kevin Gaughan states the Bylaw only allows for one freestanding sign on a property
- Kathleen Muncey states ok
- Wayne Dennison states that's correct
- Judith Barrett states I don't think we want to be in the business of promoting sign clutter either
- Wayne Dennison states right, does the Board have any further questions
- Jim Wasielewski states can the Applicant tell me the square footage of the sign
- Kevin Gaughan states it is below the 25 sq. feet, I don't have that number in front of me but I can follow up with you
- Judith Barrett states you're not asking for relief from that
- Kevin Gaughan states correct, we are not
- Jim Wasielewski states it comes out at 21.9 sq. feet, my reason is because if we don't consider the post and we're still within the square footage, why can't the sign be raised four inches
- Kevin Gaughan states I think the issue becomes the top of the sign, we would be above that 12 foot maximum
- Wayne Dennison asks Kevin how high is that crossbar on that sign
- Kevin Gaughan replies somewhere around 12 ½ feet
- Emmett Sheehan states can you lob off the scroll work off the existing sign and redo the village sign or modify it
- Kevin Gaughan states we're still too high on the pole
- Emmett Sheehan states Jim are you suggesting the pole should not come into play here
- Kevin Gaughan states the Bylaw does state that conservatively and I appreciate that thought
- Wayne Dennison states so Emmett's suggestion is to bring the scroll work off and you would be completely compliant
- Kevin Gaughan states I don't think so, we would still be at maximum for the pole itself
- Wayne Dennison state but you have an existing pole that's compliant
- Kevin Gaughan states well this is getting confusing, it's going to be 26" because we are raising it 2 feet higher.
- Wayne Dennison states oh, ok
- Philip Thorn states I'm questioning whether that pole really is to be considered part of that sign. What happens when there is a flag pole and the Bylaw
- James Wasielewski states the way that the Bylaw intends this, the definition of sign, it speaks about how it is displayed or supporting structure or bracing.
- Kathleen Muncey states that doesn't make sense, then it could be 20 feet tall
- Wayne Dennison states yeah and I think the Applicants Counsel agrees and reads this the same way that I do
- Freeman Boynton Jr. states I would think that if there were a 20 foot telephone pole right there, you could strap the sign to that or a light pole, the Sam's Gas sign we did a month ago was 20 feet tall
- Wayne Dennison states that is pre-existing
- Freeman Boynton Jr states I would discount the pole in my opinion
- Wayne Dennison states that is not my issue here
- Kathleen Muncey states the Variance

- Wayne Dennison states I know that they could design a beautiful sign that complies to the Bylaw and I don't think anyone on this Board disagrees with that
- Kathleen Muncey states could there be a second crossbar
- Freeman Boynton states cut it off at the cross...make it conform, I think we would set a precedence if we grant a variance
- Kathleen Muncey states or put the Village on one side and the other on the other side
- Judith Barrett states I wouldn't do that
- Kathleen Muncey states too hard to read you think
- Wayne Dennison states I don't have any problem with the esthetics of this sign, my problem is with granting a variance for a sign that I know they can design within compliance
- Judith Barrett states, well then I think what we should probably do is ask the Applicant to come back with a sign that conforms
- Freeman Boynton Jr states do they need a sign right away, should we let them do a temporary sign to get something up on the street
- Paul Casale states thank you Freeman, I don't think we need to do that
- Philip Thorn states can we issues a special permit without a variance
- Kathleen Muncey states it's not before us, they would have to change the design
- Wayne Dennison states is the Applicant in a position to come back with a sign that complies with the Bylaw
- Paul Casale states yes, we can do that
- Wayne Dennison states alright, why don't we do that, come back when you have had time to address the drawing
- Emmett Sheehan states can we give them a date, that way they can...
- Wayne Dennison states Lauren when is the next time they can do this
- Lauren Haché states we have January 28, February 11...
- Freeman Boynton Jr states how much time do they need
- Paul Casale state give the fact that this is a Board of Directors comprised mostly of Village Residents, this could take a little, may need 60-90 days
- Judith Barrett states that's not an issue
- Paul Casale states great, thank you
- Wayne Dennison states why don't we give them 60 days and if they need more time, they can just tell us
- Lauren Haché states we have March 11th or March 25th
- Wayne Dennison states alright, let's put it on for March 25th
- Freeman Boynton Jr states do you need a motion Wayne
- Freeman Boynton Jr states 2020-16 I make a motion to move this to March 25th
- Judith Barrett second
- WD, KM, JB, ES, FB

Motion: It was moved, seconded and unanimously voted to continue the public hearing to March 25, 2021.

• **Moved by:** FB

Seconded by: JB

• **Number in favor:** 5

Number opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2020-17

Petitioner: Duxbury House LLC

C/O Kevin Gaughan, P.C.

Address: 298 Kingstown Way

Date: January 14, 2021 Time: 7:30 p.m.

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

Members Voting: 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

- Wayne Dennison opens the public hearing and reads the public hearing notice. We received a very complete application, drawings and analysis, photographs and correspondence, some of which related to both applications. Lauren, Is there anything relative solely to this application that hasn't been read
- Lauren Haché states no
- Wayne Dennison asks the Applicant to present
- Kevin Gaughan explains the application, the sign for Duxbury House which is on a private drive and shares his screen. The issue is the height, the variance would be to deviate from the height restriction at 12", well below the 30" minimum
- Wayne Dennison states so Jim I have a question, this sign is on a private road, not a public way
- Kevin Gaughan states that is correct, it is a private drive, in a reciprocal agreement between Duxbury House and the Village at Duxbury and states that although it is not on a public road, we do ask for a special permit
- Freeman Boynton Jr states are you suggesting something Wayne
- Wayne Dennison states I am wondering if this even needs a special permit where it sits on a private way, that's why I was asking Jim about it
- Jim Wasielewski states I haven't had to deal with this question yet, it's new to me
- Freeman Boynton Jr states is this a second sign on the same parcel, is that an issue
- Kevin Gaughan states this is on a separate parcel from the first matter, the previous sign was 290 Kingstown and this is for 298 Kingstown.
- Freeman Boynton Jr states is there an issue with sight distance
- Wayne Dennison states that is my issue with this, it's right on the corner and really low and quite frankly it's the same problem we had with another sign in town, where is you are trying to turn a corner, you can't look under the sign. I think there are several levels of issues here. Would you be able to just put a sign on the building, because there is a preference for that in the Bylaw? Then, we have to determine whether it's too close to the corner relative to sight distances and then we would have to determine if they are entitled to a variance for being 18"

below what is in the Bylaw. I have no idea how we can give this relief, I am wondering if they need the relief.

- Jim Wasielewski states I don't see anything about a private way in the Bylaw, but I do have an issue with the sight distance below the sign
- Freeman Boynton Jr states is this a one sided sign
- Kevin Gaughan states as you can see on the site plan, you are correct a one sided sign parallel with the stop sign, but at an angle, not flush with the stop sign
- Freeman Boynton Jr states could you pull the sign back a few feet, it looks like stopping at the stop sign, it impedes the view
- Kevin Gaughan states I think we would be able to deviate and pull that sign back 3-5 feet.
- Wayne Dennison states why can't you get the sign 30" off the ground
- Kevin Gaughan states we were trying to keep the sign at eye level for folks driving slowly up this road
- Freeman Boynton Jr states I would think that when you plow snow, the snow banks will block this
- Kevin Gaughan states there are two primary locations for snow removal, I get your point but they do have spots for the snow piles
- Freeman Boynton Jr states I think it was Freddy Clifford that once said "We don't give Variances"
- Judith Barrett states he did say that
- Freeman Boynton Jr states to quote Wayne, why can't you create a sign that doesn't need a variance
- Kevin Gaughan states we had thought this would be the best sign for this space, we were focused on the sight line
- Freeman Boynton Jr states I don't have a problem with this where it is on a private road, but I do have a problem granting a variance
- Wayne Dennison states that is exactly how I feel
- Freeman Boynton Jr states it looks like we can cut 18" off the bottom of this sign and won't lose any lettering on it
- Jim Wasielewski states I don't see anything with respect to signage on a private way in zoning
- Judith Barrett states there isn't
- Jim Wasielewski states there isn't, I just read it twice
- Wayne Dennison states I am looking for some way to do this but...
- Jim Wasielewski states with the case of Raveis, that minimum height had to be raised
- Wayne Dennison states can the Applicant come back with a sign that conforms to the Bylaw, it will be approved
- Paul Casale states I guess we could do that, it seems like there is some question about even needing approval for this, considering this is on a private way with very little traffic going about 15 mph. We just didn't want a big huge sign there, but we can redesign this and come back
- Wayne Dennison states in the first instance what we are charged with determining would be a sign on the building, would that be sufficient
- Paul Casale that wouldn't work, you are not going to be seeing the building, there are trees all along there

- Wayne Dennison states ok, I guess I don't understand, if the sign is on the building how would the trees obstruct it
- Kevin Gaughan states this (on the screen) shows the Board the tree and foliage line that obstructs the building and a sign would not be visible, especially in the spring and summer months. You wouldn't be able to see this unless you look back
- Wayne Dennison states isn't the proposed sign now after the turn
- Kevin Gaughan states yes, right here (on the screen)
- Freeman Boynton Jr I would think you would need to turn at 90 degrees in order to see the sign or to be able to see it before you miss the entrance
- Paul Casale states right, it would have to be on a slight angle, not 90 degrees
- Freeman Boynton Jr states yes slight angle would work, but then you would have to raise the height up
- Paul Casale states when you take into consideration the people who are coming here, once they are here for the first time, they know where they are going. We are trying to direct people for the first time, where to go and keep them away from the service entrance. It's not like a daily instance where people are constantly looking on how to get here. The need for signage is minimal, but the need is there. We don't want people to continue to the Village and park there looking for the Duxbury House. But I do question why we need to go through all of this for a sign on the private way but I certainly did not go to Law School
- Wayne Dennison laughs, I did and I'm not sure it helps
- Jim Wasielewski states so, if you were approved when this building was done for that sign, why the change
- Kevin Gaughan states the Planning Board isn't allowed to permit a free standing sign
- Jim Wasielewski states ok thanks
- Wayne Dennison states I am understanding this more clearly, I understand that the sign can't be on the building, my only comment would be that I would like a free standing sign that complies with the Bylaw.
- Wayne Dennison states is there any member of the public looking to weigh in, any Board Members who would like to say anything else
- Judith Barrett states I have said enough
- Wayne Dennison states alright, I am going to ask the Applicant, can you come back in March with a new design that complies
- Paul Casale states sure, we have nothing else to do and laughs
- Wayne Dennison moves to continue to March 25, 2021
- Judith Barrett seconds
- WD, JB, KM, FB, ES
- Paul Casale states Mr. Chairman, I just wanted to share some good news, this free standing facility won a National award for Memory care first place, so we can all be proud of Duxbury
- Everyone congratulates

Motion: It was moved, seconded and unanimously voted to continue the public hearing to March 25, 2021.

• **Moved by:** WD

Seconded by: JB

• **Number in favor:** 5

Number opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2020-20

Petitioner: Carlin

Address: 8 Pine Point Road

Date: January 14, 2021 Time: 7:30 p.m.

(Continued from December 10, 2020)

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

Members Voting: 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

- Wayne Dennison asks about the case, has there been any new correspondence since December 10.
- Lauren Haché states yes, we received a memo and plot plan with new calculations from Ross Engineering; Ms. Haché reads the memo into the record, stating they wish to withdraw without prejudice
- Wayne Denison states so Jim, did you look at this and confirm they do not need a special permit
- Jim Wasielewski states that is correct
- Wayne Dennison moves to grant the withdraw without prejudice
- Emmett Sheehan seconds
- WD, JB, KM, FB, ES

Motion: It was moved, seconded and unanimously voted to grant the withdrawal request without prejudice.

• **Moved by: WD**

Seconded by: JB

• **Number in favor: 5**

Number opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2020-23

Petitioner: Sheehan

Address: 77 Gurnet Road

Date: January 14, 2021 Time: 7:30 p.m.

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

Members Voting: 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

- Wayne Dennison opens the public hearing and reads the public hearing notice into the record. We received an application, a letter from the Applicant, an order of conditions from Con. Comm., the Health agent indicated that it's connected to Marshfield, so no comment, the Planning Board voted 5-0 to recommend approval, then we have a site plan, Lauren anything else?
- Lauren Haché states we did receive a memo from the Design Review Board and proceeds to read the memo.
- Mr. Sheehan presents his plan, stating he has worked with the Building Commissioner to help get the most compliant plan that doesn't encroach any more than existing
- Wayne Dennison states he was confused by the plot plan and asks about the existing setbacks
- Mr. Sheehan states yes, 10 ½ feet from the North
- Wayne Dennison states what is there currently
- Mr. Sheehan states it is the entrance to the house with stairs and a landing and then states the south west corner is 8.9ft
- Wayne Dennison states that you are proposing to add some volume with an open air deck
- Emmett Sheehan states so you're removing the steps and concrete pad
- Mr. Sheehan states yes, the new design is to eliminate those steps and concrete pad so that the steps face west with a smaller, new landing pad, making it easier to get from the driveway to the steps and into the house
- Emmett Sheehan states ok, I see, you had to walk all the way around and then up
- Mr. Sheehan states exactly
- Kathleen Muncey states there will still be a garage underneath
- Mr. Sheehan state correct
- Kathleen Muncey states the Design Review Board was looking for information, did you not have a chance to get it to them
- Mr. Sheehan states I wasn't aware of the DRB meeting, unfortunately. I would have been able to get them the elevations and setback which are on this plan

- Wayne Dennison states so Jim, you had some input
- Jim Wasielewski states yes, the original design was going beyond the original non-conformity, the Board typically will grant a special permit should this not be any more non-conforming
- Wayne Dennison states so now that I understand this, this allows better access to the house from the driveway, which seems like a good idea
- Freeman Boynton Jr states that does seem like a good idea
- Emmett Sheehan states does anybody have the picture of what it looks like
- Jim Wasielewski holds up the photo and states it's a standard AZEK design
- Kathleen Muncey states who is supposed to get the information to the Design Review Board
- Emmett Sheehan states I believe it gets sent to them from the Town
- Freeman Boynton Jr states I did see that meeting the other night and it seemed like their biggest concern was whether or not the car would fit under the deck
- Mr. Sheehan stated yes, the car will fit under the deck into the garage
- Emmett Sheehan states this looks like a good plan
- Wayne Dennison asks if any member of the public would like to speak or any Board Member questions
- Wayne Dennison moves to close the public hearing
- Emmett Sheehan seconds
- WD, KM, ES, FB, JB
- Wayne states this seems like a very logical thing to do, so I am going to move to approve the special permit as requested.
- Emmett Sheehan seconds
- WD, ES, FB, JB, KM
-

Motion: It was moved, seconded and unanimously voted to close the public hearing.

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0

Motion: It was moved, seconded and unanimously voted to grant the special permit as requested.

Moved by: WD

Seconded by: ES

Number in favor: 5

Number opposed: 0