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DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

January 28, 2021 @ 7:30 p.m.

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

Other persons present at the hearing: James Wasielewski, Building Commissioner and 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 #2019-17, WB Builders Duxbury LLC. Fieldstone Farm, 1 & 25 Lincoln St. (CONT'D.):

The Board voted to continue the Public Hearing to February 25, 2021.

ZBA Case #2020-25, Sampson, 34 Lovers Lane: *The Board voted unanimously to grant the special permit as proposed.*

Administrative:

ZBA Case 2021-02A Cellco Partnership d.b.a. Verizon Wireless, 155 Mayflower St.: *The Board voted unanimously to extend the Variance by three (3) months to July 21, 2021.*

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 March 12, 2020. Kathleen Muncey seconds. (3-0)

Wayne Dennison makes a motion to approve the meeting minutes of September 10, 2020.

Wayne Dennison makes a motion to approve the meeting minutes of September 24, 2020. Judith Barrett seconds. (5-0)

Wayne Dennison makes a motion to approve the meeting minutes of October 8, 2020. Judith Barrett seconds. (5-0)

Wayne Dennison makes a motion to approve the meeting minutes of November 12, 2020. Judith Barrett seconds (5-0)

Wayne Dennison makes a motion to close the public hearing and enter executive session. Judith Barrett seconds (7-0)

BOARD OF APPEALS — MINUTES

Case No: 2019-17

Petitioner: WB Builders, Fieldstone Farm

Address: 1 & 25 Lincoln Street

Date: June 25, 2020 Time: 6:00 p.m.

**(Continued from January 23, 2020 & June 25, 2020,
October 22, 2020 and November 19, 2020)**

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

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

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

- Wayne Dennison re-opens the public hearing and states that there has been quite a bit of correspondence that has been submit since the last meeting and asks Lauren to review them
- Lauren Haché reads the correspondence from the Applicant including a new Landscape Design plan dates November 23, 2020, a Sight Distance Study from Vanasse & Associated dated December 29, 2020, A new set of plans from the Applicant dates December 29, 2020, a new packet from Outback Engineering including a Nitrogen Loading sheet, an updated waivers list, supplemental drainage calculations and revised plans dated January 11, 2021. Also, a supplemental traffic Peer Review from McMahon Associates dated January 25, 2021 and a Landscape Architect Peer Review from Grady Consulting dated January 28, 2021. We have also received various memos from Abutters, first from Thomas Nee, the Duxbury Sidewalk and Bike Path Committee dated November 20, 2020 stating that Richard Prone has been delegated as the representative for the DBSC, an email from MJ Kelley dated January 25, 2021, letter from Richard Prone with the DBSC dated January 20, 2021 with two photos of the Amazon facility being built in Kingston and lastly a letter from Richard Prone with the DSBC dates January 26, 2021 all read into the record.
- Wayne Dennison states thank you, let's proceed with the Applicant
- Peter Freeman states thank you, I will turn things over to the team, starting with Jim Pavlik or Greg Webb.
- Greg Webb states I'll start, since our last meeting we left scratching our heads trying to figure out the best path to come to a happy conclusion. We decided we need to change the concept, so we went from a 40B to a 55 and over 40B. That was a substantial reduction in traffic and nitrogen. I think our Engineer Jim Pavlik can speak more intelligently pertaining to that.

- Jim Pavlik, Outback Engineers, thank you Greg. Lauren, are you able to share your screen and bring up the revised plans, sheet 3
- Lauren Haché states yes, I will share my screen
- Jim Pavlik begins to explain the new layout and changes, stating that the additional roadway with four homes closer to Lincoln Street, in the bottom corner of the site- where this is an existing house now. We eliminated that 250 feet of roadway and four homes. The homes now are over 150 feet from Lincoln Street, creating a larger buffer. The majority of the homes are going to be 2 bedroom homes for the 55+ community and 8 of the homes are going to be 3 bedroom homes to cater to the senior families. We are still waiting for the final review from Mass Housing on this change, but essentially they have agreed with the layout changes. So by eliminating 4 homes and changing the set up to 55+ age restriction, we have reduced the sewage flow from 9,400 gallons to 6,300 gallons or about 1/3 reduction. That further reduces the Nitrogen load for the site from 4.18 Mg/L and now 3.88 Mg/L. The site in total is in full compliance with State regulations for Title 5. Beyond that, we are proposing an enhanced nitrogen removal system for the septic, above and beyond what Title 5 would require. Those are the primary changes. We also included this landscape plan, my landscape architect Greg is online as well.
- Wayne Dennison states Jim before we move on from your presentation, I have a question, there have been several concerns about having been no nitrogen load testing done, can you comment about that
- Jim Pavlik states that the Town regulations there is a requirement pertaining to the water table and that is where we would have to install monitoring wells to evaluate the Nitrogen load. As far as our increase for the Nitrogen load for the entire development is under the total limit that the Town has (5 Mg/L).
- Wayne Dennison states I guess the point is that these various letters submit states that ok, it's less than the Town limit, but there is no idea what you started at. Have you sought waivers pertaining to that
- Jim Pavlik states we did, we did seek a waiver and that's why I am saying we are in compliance with the State regulation, it's the Town's Bylaw we would be seeking a waiver in. We have taken a number of precautions to minimize the Nitrogen load, so we feel that we have an approvable project
- Wayne Dennison states ok, thank you and I cut you off, would you like to pass the baton over to another presenter
- Greg Drake, Outback Engineers states can we switch to the first plan with the landscape plan. I came into this project halfway through and have added some more detail and a plant list. Working with the screens still, but the original set of plans shows where the walls are and grade raising for screening. Screening into the property and the screen basins
- Wayne Dennison states so, part of the consideration that this Board is entitled to make are the design characteristics, it does appear to me as designed that we have a significant number of homes whose backside face Lincoln Street and the front sides face

road A. This is concerning as an inappropriate way to present homes in this Town. There are at least 10 homes with backs on Lincoln Street

- Jim Pavlik states I can address that, we did removed 4 homes that were the closest to Lincoln Street and now the homes along Lincoln Street are over 150 feet from the road. We also have the street scape plantings, there is a significant row of plantings along Lincoln Street to provide buffering with the exception of one home on the north end that is about 50-60 feet from Lincoln Street. That is also in a location where the roadway coming in off Lincoln Street is sloped down, so that proposed home will be down, not up on a hill and there is a dense row of plantings.
- Greg Webb states and Wayne, I think the last plan you saw had these homes maybe 30 feet off of Lincoln Street and after your comment at the last meeting, we pushed these homes back as far as we could, 150 feet now which leaves rooms for landscaping, trees and fencing, giving more privacy
- Wayne Dennison stated thank you very much, I do see streetscape landscaping. You did reference fencing, what fences are you referring to
- Greg Webb states we were going to create a stone wall with split sections with fencing so that it's not all the same. We wanted something pretty attractive.
- Wayne Dennison states does the Board have other questions for the Applicants
- Kathleen Muncey states where is the stone wall
- Greg Webb states originally we had the stone wall along the entire roadway, between the two entrances and then there will be breaks in the stone walls with split rail fencing and we'll add certain trees and shrubs behind the stone wall, we'll break it up so it's not monotonous
- Kathleen Muncey states how far away from the street will this be, it seems to be making the road seem narrow with such a buffer
- Greg Webb states oh no, we wanted to put a buffer between the wall and the roadway at least 10 feet in case someday they put in a sidewalk; it could be grass, it will improve our sight distances as well coming in and out of the development
- Jim Pavlik states these plantings on the walls were laid out to avoid any impacts from the site distance for the new entrances. We will be cutting these back and leveling them off and setting up these walls about 10-20 feet from the street, so it will be a nice, level shoulder
- Kathleen Muncey states how high will the plantings and wall be
- Greg Drake states the plants are about 7-8 feet, evergreens, white pines and spruce and will grow together and form a screen
- Kathleen Muncey states thank you
- Wayne Dennison states Freeman did you have questions
- Freeman Boynton Jr states yes, the shoulder you are creating in the bend in the road, is it going to be the same width as previously proposed in the previous cross section
- Jim Pavlik states yes, it is
- Freeman Boynton Jr states and this is to Wayne, both Phil and I were concerned about the proximity of the units to the street and the concern about looking at the back side of

them and I think it's very good of the Applicant to eliminate some of the units and moved them so far from the street. They have approved the curb appeal of this project

- Wayne Dennison states Is there any reason why the Applicant couldn't put a sidewalk along this buffer area
- Peter Freeman states typically a sidewalk that goes nowhere generally isn't done and we have really improved the site along with the traffic concerns and this is an existing condition, it's an expenditure that seems sort of a waste if it doesn't go beyond this project
- Wayne Dennison states I guess, I understand the point, but the Board has heard credible evidence that this roadway is treacherous, especially near this proposed development. I would think a sidewalk would be an enormous improvement for pedestrian traffic
- Peter Freeman states again, Jim, I think the width creates a decent amount of walking room between the roadway and where our landscaping begins
- Jim Pavlik states sure, so (using a scale) the shoulder that is being provided will be 15-25 feet from the pavement to the wall and fences with a flat slope around 2%. This would help in the summer months, the other concern would be in the winter months, if a sidewalk were installed, they would have to be maintained and plowed during the winter
- Greg Webb states Wayne, does the Town have any intention of building a sidewalk along Lincoln Street
- Wayne Dennison states I cannot speak for the Town, I have no idea
- Greg Webb states funny story, the last time the Town asked me to build a sidewalk, I did and then they came in and built a sidewalk across the street so not the one I built is just weeds, nobody uses it. I would hate to build a sidewalk that nobody would use
- Wayne Dennison states I will be candid with you, I feel that if there were someplace for bicyclists and pedestrians to get out of the road along this development, that makes this development much more consistent with the neighborhood, but you can make whatever judgements you choose to make
- Peter Freeman states I understand, it's a consideration, we haven't really looked into it or priced it, we could look at this and report back
- Jim Bristol states it probably makes sense for the development to do a sidewalk along entrance to entrance along Lincoln street, the other area beyond that will be graded as such that the town could add on to a sidewalk eventually. We can look at proposing a sidewalk from entrance to entrance
- Kathleen Muncey states so you are proposing entrance to entrance to create a top loop sort of
- Jim Bristol states exactly
- Wayne Dennison states so Road A to Road B, so there had been some further review from our peer review Consultants, why don't we hear from them next
- Philip Thorn states Wayne, before we move on, if I could make a comment. I think it's admirable that the Applicant is receptive to proposing a sidewalk, but I look at the grading they will do adjacent to the roadway and the embankment, eliminating all of that will improve site line and safety. I don't think a sidewalk there will improve the

character of the town in the least. I don't feel this should be a condition of this case with a sidewalk that goes nowhere

- Wayne Dennison states thank you Phil, I appreciate your thoughts and comments, but we have quite a bit of correspondence pertaining to this case, where frankly the residents fear for their life while walking on this road and whether the sidewalk goes to nowhere, I guess we can consider it, but the notion of the Residents of Lincoln Street can get 4 feet off the street rather than 6 inches away from cars, has meaning for me
- Jim Pavlik states should we take a pole from the Board with this issues
- Borys Gojnycz states if we do clear that 10 feet there are a number of utility poles I am concerned with, near road B. Are those poles there for current utility to existing homes with they be removed? The road is very narrow there
- Jim Pavlik states we have one pole near Road B and that is primarily serving 25 Lincoln Street that shouldn't be a problem. I see two more poles closer to Road A that will have to be worked out with the Utility companies
- Borys Gojnycz states but are those poles servicing existing homes now or can they be removed or will they stay there
- Jim Pavlik states we don't know yet, the two poles towards Road A are definitely the primary service for the road and I believe the pole at Road B is for the existing home there, but we will have to work that out with the Utilities Companies
- Borys Gojnycz states and my other concern, and I do agree that these improvement to the plans are great, removing the closest homes is excellent that you took the liberty of doing that. My concern is that driving through there with a trailer is treacherous heading north, it is impossible to maintain your total vehicle in the lane, you cross over the yellow line. That is my concern at that turn, it really needs to be opened up, but I know you don't own the property. I mean even if you could work with the Abutter. A sidewalk to cut through that blind curve would be great
- Greg Webb states I think you are talking about the south side of the property and I have reached out to the Neighbor there with the rhododendrons and if we could take those out and do some landscaping for him, that would be an improvement also
- Wayne Dennison states thank you very much, Borys. So, let's go through the Peer Review reports.
- Peter Freeman states Mr. Dirk and Mr. Bandini are here
- Jeff Bandini, McMahon Associates, states we have reviewed the traffic assessment by Vanasse and Associates and we were last in front of the Board in late October 2020. We had requested at that time some additional information and have since received and reviewed that information and sent that back to the Board. There were a total of 9 bullet points, some have been resolved. One is the expansion of the study area including Mayflower Street intersection, second coordination with the bus routes in the area and its proximity to the site driveways, third is the safety concerns and the crash data through the State and the Town, fourth is an adjustment factor pertaining to COVID-19 traffic, fifth is outlining the trip information and the diminished scale of the project, sixth is the traffic analysis and agreed that the methodology was consistent. We wanted to touch on the speed data and made sure the Applicant was using the proper data.

Lastly, we wanted to wrap up our review process once all of the comments have been addressed and we would come to an agreement with Vanasse on what is appropriate for the project. I think we are in a good space, are there any questions on the material McMahon provided in their letter

- Wayne Dennison states I have some questions, there was talk about the ability of cars to pass one another with 6 ½ inches available on either side of the roadway and then we heard from a Board Member stating it is impossible to stay on the correct side of the road when pulling a trailer, what consideration have you given to those
- Jeff Bandini states that is a fair questions, with the width of the roadway there is concern. Looking at the crash data, it would indicate, it's our opinion that that would be in the crash data that Vanasse put together. If it was noted in there we would have noted that. Nineteen and a half feet was only at one particular portion. I know there was discussion of providing additional shoulder along the site, that would be great, but we don't want to provide a false sense of security. We want to be aware of how the transportation system is going to operate
- Wayne Dennison states have you personally observed this roadway
- Jeff Bandini states our office did observe this roadway, yes, we did look at pictures, notes and photographs
- Wayne Dennison states well, since I ask questions for a living, I gather that your response that your office observed the roadway, means you personally did not
- Jeff Bandini states personally I did not, the understanding from the site visit, reading the material and having industry knowledge, I was able to provide our own opinion
- Wayne Dennison states so what are you expecting in terms of further responses from the Applicants and the Applicants Traffic Reviewer at Vanasse
- Jeff Bandini states just a follow up on our comments, to make sure all of our additional information is corroborated. VAI took a big step forward by providing that Site Distance Study, that is the biggest concern with this project
- Richard Prone states Mr. Chairman, I just listened to the gentleman about towing the trailer it is unrestricted south of the rotary. Eighteen wheelers go through there all the time. I would like the Board to keep in mind that State Police, local Police and Fire have all commented on this roadway. My main concern here is safety. Do the people doing these studies live in Duxbury? The Town would have to widen the road. Also the speed data, the speed study, people typically slow down when driving over a rubber hose that measures speed
- Emmett Sheehan states Mr. Prone what do you think about the rest of the development
- Richard Prone states I have only seen the original plans, but I haven't seen the latest plans but since they have moved the homes back from the road is a plus. It's the traffic for me
- Emmett Sheehan states recently Duxbury has taken several roads and moved the speed limit down to 25 MPH and I bet Lincoln Street will join that
- Richard Prone states it's the two entrances that have the worst site lines so, I am in this long term and the traffic is not going to get any lower. It's all about safety and the Town doesn't have money for sidewalks, they are very, very expensive

- Wayne Dennison states Mr. Prone we did receive a letter that you are the Designee for the Sidewalk and Bike Path Committee and I asked the Applicant about the provision of a sidewalk along the development, why wouldn't that be an improvement
- Richard Prone states as the Applicant stated it's the sidewalk to nowhere, I don't know what it stands for. We're concerned with added traffic
- Wayne Dennison states please confine your answer to the question. We have heard from the Town's traffic consultant and the Applicant has a Traffic Consultant, I have asked you a very narrow question about sidewalks-why wouldn't a bike path or a sidewalk be a safety improvement to this project
- Richard Prone states if it went along the entire border maybe it would give some impetus to Duxbury to finish it off
- Peter Freeman states Mr. Chairman our Traffic Consultant is here, Jeffrey Dirk is here to answer some of these questions
- Wayne Dennison states I was going to go to Mr. Dirk next
- Freeman Boynton Jr. states may I make a few comments. The width of the road, in terms of making it wider, I feel that the cars will go faster. Look at Halls Corner and the stretch at Standish Street and how narrow that is, all of the cars slow down. I think that there is a grass shoulder created that is 15 feet wide is a major improvement. When we did site visit out there, I felt like my life was in danger but if there were a 15 foot wide grassy shoulder I would be in heaven. I think in terms of the sight distance, we had concerns about the vertical sight distance and we haven't heard anyone speaking about that yet
- Wayne Dennison states that is a great Segway into Mr. Jeffrey Dirk
- Jeff Dirk states good evening, I am a managing partner with Vanasse Associates, I am also a Licensed Professional Civil Engineer with over 30 years of experience. As Mr. Bandini stated we provided the answers to the questions that they had asked, as well as the Sight Distance Study. Both a horizontal and vertical sight distances were both met for the measured 85th percentile speed along Lincoln Street (35 MPH) as stated in my Sight Distance Study, with my planned regrading that has been discussed. A sidewalk potentially added there would be an added measure of safety. In terms of Mr. Bandini's questions, there are four clarifying points, number one did we meet with the Town's Planning Dept. with regards to any additional background development traffic provided to that area, Valerie (Massard) has emailed us stating that there are no additional development projects in this area that will add traffic above and beyond what we included in the traffic study. The second is to justify the background growth rate traffic count that we used with the Old Colony Planning Counsel. We have done that and have received an email verifying that. The third was where the measurements were taken as well as the adjustments from COVID-19 and we have provided that information and lastly was with regard to speed measurements and they were performed at our driveway locations. Lastly, I want to clarify with some facts, there has been no demonstrated safety issue on this roadway, I know it is uncomfortable, however the data provided by the Duxbury Police Department over a four year period demonstrated

that between route 14 and Mayflower St there were only two accidents reported, that is a fact.

- Wayne Dennison states I will be very candid with you Mr. Dirk, the fact that nobody has gotten killed yet, doesn't mean that this Board isn't going to try to determine how to make this project work, while making sure no one gets killed in the future.
- Jeff Dirk states I completely agree with you, I don't envy you with all of this information. I am here to present the factual data. The goal is to make this as safe as possible, we need to look at historical information and take that data. We should be working on improving the conditions, I agree. We will work on those four clarifications
- Wayne Dennison states thank you Mr. Dirk for your candid response, I heard a Member of this Board state the trailering issue and it is meaningful to me.
- Jeffrey Dirk states I agree, absolutely
- Borys Gojnycz states I appreciate the facts and they show that on a piece of paper states maybe it isn't so bad, but I have experienced many "oh my goodness" situations on this road repeatedly. In the instance of a bus, you are supposed to stay 100 feet from the back of a bus and you can't see that far ahead if a bus is stopped.
- Wayne Dennison states are there any other members of the public for comment
- Wayne Dennison continues ok, so for the Applicant, what do you think would be the most useful way to proceed now. I know we have a new Waivers list, I will just personally express with respect to the Waivers list, this nitrogen loading issue suggests to me that there ought to be some background determinations made, but maybe the rest of the Board is less concerned about this, but I do understand that the Applicant did request a waiver from the Town's rule on this.
- Peter Freeman states I think it makes more sense analyze the waivers for next time, we do under the proper analogically go under the 5 Mg/L. So I don't know if monitoring wells are feasible and we can do more research for the next hearing
- Wayne Dennison states that is terrific, my expectation is that the Town Peer Reviewer for the Landscape plan was going to participate tonight
- Bart Lipinski, Grady Consulting, states he looked at the plan according to 603.8 #2 and the only thing that could improve the street scape would be some landscape berms into that plan. Simply incorporate a meandering berm in a few places to help with privacy, perhaps a 2-3 foot berm but keep away from the entrances. My only other comment is to possibly add a little bit more in the landscape notes especially with maintenance and also how the plan could transfer over to the Homeowner's Association at some point. We also looked into Bylaw section 700, which isn't required.
- Wayne Dennison states so the Applicant has your comments and can integrate them for the next meeting
- Emmett Sheehan states as far as berms, the trees grow, so I am not a big advocate of berms. Maybe get a taller tree.
- Jim Pavlik states we did have a detail previously but we had a bench detail for landscaping and how we would grade back and then the stone masonry wall etc.
- Wayne Dennison states so, it sounds to me like we have some more work to do. What are you thinking in terms of an appropriate time to continue this to

- Peter Freeman states maybe about a month
- Wayne Dennison states Lauren what does it look like a month out
- Lauren Haché states we have February 25, 2021 available
- Wayne Dennison makes a motion to continue to February 25, 2021 at 7:30pm
- Kathleen Muncey seconds
- All in favor WD, KM, ES, FB, BG

Motion: It was moved, seconded and unanimously voted to continue the public hearing to February 25, 2021 at 7:30pm.

Moved by: WD

Seconded by: ES

Number in favor: 4

Number Opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2020-25

Petitioner: Bradford & Madeleine Sampson

Address: 34 Lovers Lane

Date: January 28, 2021 Time: 7:30 p.m.

Members present: Wayne Dennison, Judith Barrett, Kathleen Muncey, Emmett Sheehan & Borys Gojnycz

Members Voting: Wayne Dennison, Kathleen Muncey, Judith Barrett, Emmett Sheehan & Borys Gojnycz

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

- Freeman Boynton Jr. states, Mr. Chairman I have to recuse myself from this case, as does Philip Thorn
- Wayne Dennison reads the public hearing notice and notes that the application package consists of an application, a site plan, photographs and architectural drawings. We also have several case responses from other Boards; the Planning Board states they voted to defer judgement to the ZBA, the Board of Health has no issues. Amy Wilson of 5 Abrams Hill states as a neighbor we enthusiastically support the project. A letter from Cherry Bishop of 30 Lovers Lane stating the plans and elevations look very nice, she also states she has concerns that her small farm with animals is very close to the new proposed windows. Her concerns are with future owners of 34 Lovers Lane and also notes that she would not like any trees on her property removed, but understands branches overhanging can be removed with notice. Lauren anything else
- Lauren Haché states the Design Review Board submit a memo summarizing that the Board believes that the proposed work will be an upgrade to the property. We also have a memo from Conservation Commission Director Joseph Grady stating there are no wetlands of concern
- Kevin Dahlen of Shawn Dahlen & Company, representing the Applicants, begins the presentation and shares his screen to explain the project details. Mr. Dahlen states that the Applicants wish to raze the existing non-conforming garage and rebuild a new garage with an addition, which will be further from the setbacks, thus more conforming in nature. Mr. Dahlen states that they intend to keep the soffit and gutter detail that is currently existing and will not project further. Mr. Dahlen also notes that Duxbury is a right to farm town and they fully respect the neighbor's farm. He also notes that they will need to trim branches but will consult with Ms. Bishop before commencing such work. We feel that this project is not more detrimental to the neighborhood.
- Wayne Dennison states does the Board have questions

- Emmett Sheehan states is the cupola staying
- Kevin Dahlen states no, we decided against the cupola
- Kathleen Muncey states when you take the tree limbs down, will you take them away
- Kevin Dahlen states absolutely
- Kathleen Muncey states thank you
- Wayne Dennison states so it looks like the existing garage is one story and the proposed garage is two stories. So, it looks like there will be more volume in the space within the setback
- Kevin Dahlen states that is correct, I believe there will be about a 1,680 CF increase in volume
- Judith Barrett states Mr. Chairman, I think that this is one of those cases where you have a substantial increase in the nonconforming nature of the structure but is not more detrimental to the neighborhood
- Wayne Dennison states I fully agree, are there other members of the Board with questions or members of the public with questions
- Wayne Dennison states absent any further questions, I am going to move to close the public hearing
- Judith Barrett states can I ask a question-where there are some changes made on the current plan, do we need an updated plan or are you comfortable writing a decision acknowledging these changes
- Wayne Dennison states I am pretty comfortable that Mr. Dahlen made it pretty clear, no cupola and no deck
- Judith Barrett states alright
- Wayne Dennison states I can do this, I am going to move to close the public hearing
- Judith Barrett seconds
- All in favor WD, JB, KM, BG, ES
- Wayne Dennison states ok, does anyone want to engage in any discussions
- Kathleen Muncey states it looks like a nice project
- Judith Muncey agrees, this looks nice Kevin
- Wayne Dennison makes a motion to approve the plan as proposed with the removal of the first floor deck and the cupola
- Judith Barrett seconds
- All in favor WD, JB, KM, BG, ES

Motion: It was moved, seconded and unanimously voted to grant the special permit for 34 Lovers Lane.

Moved by: WD

Number in favor: 5

Seconded by: JB

Number Opposed: 0