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DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

April 22, 2021 @ 7:30 p.m.

ATTENDANCE: Wayne Dennison, Judith Barrett, Kathleen Muncey, Freeman Boynton Jr., Emmett Sheehan & 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, Fieldstone Farm, 1 & 25 Lincoln Street: *The Board voted unanimously to continue the public hearing to May 27, 2021 at 7:30 pm.*

ZBA Case #2021-04, Patel, 65 Samoset Road: *The Board voted unanimously to grant the special permit.*

ZBA Case #2021-05, Andrew, 403 Washington Street-APPEAL: *The Board voted unanimously to grant the Applicants request to withdraw their application.*

ZBA Case #2021-07, Collin, 10 Huckleberry Lane: *The Board voted unanimously to continue the public hearing to June 24, 2021 at 7:30p.m.*

ZBA Case #2021-08, Romano, 365 King Caesar Road: *The Board voted unanimously to grant the special permit for the proposed pier.*

Judith Barrett makes a motion to close the public hearing. Borys Gojnycz seconds (5-0)

BOARD OF APPEALS — MINUTES

Case No: 2019-17

Petitioner: WB Builders, Fieldstone Farm

Address: 1 & 25 Lincoln Street

Date: April 22, 2021 **Time:** 7:30 p.m.

(Continued from March 25, 2021 February 25, 2021, January 28, 2021, November 19, 2020, October 22, 2020, September 10, 2020, July 23, 2020, June 25, 2020, June 11, 2020, May 14, 2020, March 26, 2020, March 12, 2020 and January 23, 2020)

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

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

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 we have received some additional material, including a draft decision from the applicant. Lauren, what else do we have
- Lauren Haché states we have a couple of letters from the Duxbury Sidewalk and Bike Path Committee and continues to read the letters into the record. A memo dated April 22, 2021 from the Design Review Board on their supplemental review of the proposed development.
- Wayne Dennison states why don't we hear from the Applicant in terms of where we are at and what we shall do next
- Peter Freeman states thank you Mr. Chairman, we got the DRB letter and Greg Webb would like to say a few words and then after that, we really have presented everything, so we are ready to get to the decision draft that we submit a week and a half ago
- Wayne Dennison states we are very happy to hear from Greg and any other, with respect to the decision draft, we have not yet got a review of the decision from Town Counsel and I am not comfortable until we have that, to really move this along.
- Peter Freeman states I certainly understand, but I am a little disappointed
- Greg Webb states thank you, we did meet with the Design Review Board and talked a lot about the landscaping and they did not have any changes. We talked about the sign and we all recognized that the sign is too big, so we cut that in half. I brought in a plan of the clubhouse and the Board really like it. What we want to do is take the design elements and carry that through the development. The Board liked the eight computer designs and the floorplans.

- Wayne Dennison states thank you, Peter is there anyone else you would like to have the Board here from tonight
- Peter Freeman states I believe we are ready to rest our case
- Wayne Dennison states I do have a questions raised in one of the letters, it was that the notion that the plans that were submitted of those intersections were not constructible, did you have a response to that
- Peter Freeman states I don't really find that logical, that was part of the peer review from Pat Brennan with Amory did and he was satisfied, I don't remember that was mentioned at all
- Jim Pavlik states I am present, I think you may have been referring to the sight distance study and the survey date.
- Peter Freeman states not that, it was about horizontal and vertical constructability of our two entrances related to site visit
- Wayne Dennison states there was a series of questions based on the plans submitted that stated not approved for construction and not stamped and certified by an Engineer
- Jim Pavlik states the road survey was based on all the data and the plans are still of a preliminary stage and the final plans will be stamped and the sight distances are met
- Jeff Dirk states so the plans were a sight distance study, not construction drawings. The construction drawings are what Mr. Pavlik, the drawings I attached with a letter were purely for the sight distance study
- Wayne Dennison states thank you very much, why don't we hear from any member of the public that wishes to speak
- Richard Prone, Duxbury Sidewalk and Bike Path Committee, the fact is that the people actively involved in this is our neighborhood and from day one it's not about how the design is going to look, I am confident that this project will look great. This is about safety. It's hazardous and dangerous, there is no sidewalk and I am looking out for the safety of the community. I think we've said all we can at this point.
- Wayne Dennison states thank you, Mr. Prone
- Teresa Demuzio, Mayflower Street, I have been here since 1972 and have seen the development in the last few years. Being a Resident here on this street I have seen more and more trucks going down the street. I am an avid cyclist and knowing there may be a sidewalk in that would great.
- Wayne Dennison states thank you, is there anyone else
- Wayne Dennison states Lauren when is the next time we can really spend some time with this and give Amy enough time to go through.
- Lauren Haché states May 27th
- Wayne Dennison continues to explain the time process of a comprehensive permit and states that the Applicant has been quite gracious with the extensions here
- Peter Freeman states thank you Mr. Chair, I happen to be available May 27th, but maybe May 13th
- Wayne Dennison states I know that May 13th is packed, so I think we could really spend some time with this on the 27th and it would be really beneficial and get this toward a final resolution

- Greg Webb states Mr. Chairman states that is fine with us
- Wayne Dennison moves to continue the public hearing to May 27th
- Kathleen Muncey seconds
- All in favor WD, KM, BG, FB, ES

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

Moved by: WD

Seconded by: KM

Number in favor: 5

Number Opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2021-04

Petitioner: Anit and Rebecca Patel

Address: 65 Samoset Road

Date: April 22, 2021 Time: 7:30 p.m.

(Continued from April 8, 2021 and March 11, 2021)

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

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

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

- Wayne Dennison re-opens the public hearing and since the last hearing, we have received a new drawing and I think the Board has seen the new drawing, did we get anything else Lauren
- Lauren Haché states no, that is all
- Wayne Dennison states okay, let's hear from the Applicant or Applicants counsel
- Jed Ruccio states thank you Mr. Chairman, I don't believe we have anything further to present
- Wayne Dennison states I do have a question, so the revised design is the new plan with the lowered roof line after several conversations with the neighbors
- Jed Ruccio states that is correct
- Wayne Dennison states does the Board have additional questions, Jim do you have any questions
- Jim Wasielewski states I don't have any questions
- Wayne Dennison states are there Members of the public that wish to speak
- Lauren Haché states Mr. Chairman, there is someone with their hand up, Scott Smith
- Wayne Dennison states Mr. Smith please identify yourself and where you live
- Scott Smith states I apologize, I hit raise hand in error
- Wayne Dennison states thank you sir, no problem. So, having heard from no one else, I am going to make a motion to close the public hearing.
- Judith Barrett states so moved Mr. Chair
- All in favor WD, JB, KM, BG
- Wayne Dennison states so the public hearing is closed, in terms of discussion, this is the two doors that we often discuss. Is this proposal is more non-conforming and second is this proposal more detrimental to the neighborhood. There had been some talk of abandonment and then some correspondence over Town Counsel and Counsel for the neighbors and I think those have been resolved. I think it comes down to the questions of more non-conforming and more detrimental to the neighborhood
- Kathleen Muncey states I was persuaded by Town Counsel too, I think it was sound reasoning

- Judith Barrett concurs
- Kathleen Muncey states these are unusual circumstances, but they did make an effort to reduce the size of the structure
- Wayne Dennison states I am stuck on whether this is more non-conforming than the previous condition. There is more volume in the setback, but my personal view on this is even if it is, I don't find this more detrimental to the neighborhood, broadly defined. The neighborhood with the exception of one neighbor, has weighed in.
- Judith Barrett states I am convinced that there is an increase to the non-conforming nature of the structure but I am not convinced that it is a substantial increase to the nature of the structure. That is the straight language from the statute, I definitely don't see how it is substantially more detrimental, so from my point of view, I think they make it through the first door
- Wayne Dennison states Kathy
- Kathleen Muncey states airing on caution, I think I would let them through the second door.
- Wayne Dennison states but you would let them through the door
- Kathleen Muncey states yes
- Borys Gojnycz states I found the easement interesting and from my perspective the most important view was to maintain the view. He even stated that he would be fine with putting in the original garage back, to me that seems like the proposed garage would not be more detrimental.
- Wayne Dennison state Emmett do you have a preference on which door. Is Emmett still on Lauren
- Judith Barrett states he is on, but he is still on mute
- Lauren Haché states I just messaged him to unmute
- Wayne Dennison states so Judi you are door number 1 and Kathy is door number 2, Borys do you have a preference. Wayne Dennison states I am going to make a motion that we approve the special permit as modified by the most recent plan
- Emmett Sheehan states I am back folks and I agree with you Wayne
- Wayne Dennison states I am going to approve this special permit as modified on the plan stamped by ZBA April 20, 2021
- Emmett Sheehan seconds
- All in favor WD, ES, KM, JB, BG

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

- Moved by: WD Seconded by: JB
- Number in favor: 4 Number Opposed: 0

Motion: It was moved, seconded and unanimously voted 5-0 to grant the special permit for the garage.

- Moved by: WD Seconded by: ES
- Number in favor: 5 Number Opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2021-05

Petitioner: Barrel Fund LLC, Chris Andrew

Address: 403 Washington Street

Date: April 22, 2021 Time: 7:30 p.m.

(Continued from March 25, 2021 and April 8, 2021)

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

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

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 the Applicant has requested to withdraw without prejudice. We received within the intervening days a memo from Town Counsel but I don't believe this warrants going over at this point. Don't see a problem with allowing the Applicant to withdraw, how does the Board feel about this
- Emmett Sheehan states I am okay with that, I would forward a motion to allow them to drop his appeal without prejudice
- Wayne Dennison seconds the motion
- All in favor WD, ES, KM, FB, BG

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

Moved by: WD

Seconded by: ES

Number in favor: 5

Number Opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2021-07

Petitioner: Hutton Collin

Address: 10 Huckleberry Lane

Date: April 22, 2021 Time: 7:30 p.m.

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

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

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

- Wayne Dennison open the public hearing and ask Lauren Haché to read the public hearing notice
- Lauren Haché reads the public hearing notice and the various responses from the Board of Health, the Planning Board, the Design Review Board and the Conservation Commission
- Lauren Haché read a letter from an Abutter
- Kathleen Muncey and Freeman Boynton Jr. both recuse themselves from this case
- Wayne Dennison explains that we only have four Board Members and it is up to the Applicant if they would like to proceed
- Jessica Williams asks about polling the Board after presenting
- Wayne Dennison states we can hear your presentation tonight and have another member sit in on the continued hearing
- Jessica Williams states she is willing to move forward tonight, this is a relatively straight forward request
- Jessica Williams continues and presents the plan stating she is representing the owners of the property at 10 Huckleberry, Hutton and Alyssa. The issue we have before us is that we are in the wetlands protection overlay district. We have Mark Casey here, the site engineer from South Shore Surveyors and he put together the site plan. Ms. Williams shares her screen and presents the case, we intend to make this property entirely conform to all zoning setbacks, coverage, height etc. The septic system is being designed currently, so this property will help drain the water properly. The Planning Board told us we could petition at Town Meeting to have the Wetland line move, in which case we wouldn't need to be here, but that takes a lot of time, so we are here in hopes to get a special permit.
- Wayne Dennison states is there a depiction on the map that shows the 100 year flood line
- Jessica Williams states I don't know that, that is something I will have to ask Mark. Lauren, did Mark Casey make his way into the meeting
- Mark Casey states, yes I am here. None of the property is within the flood plain
- Wayne Dennison states so, part of the special permit requirements for WPOD is that the site is subject to inundation by the 100 year flood zone. From what can the Board make a determination on that requirement

- Mark Casey states no portion of this site is within the flood plain, so it can't possibly be inundated by the 100 year flood, you get a wetlands line and a line behind that and a 200 foot wide river front area. Mr. Casey continues with the presentation explaining the septic plan and the percolation testes that were performed
- Wayne Dennison states so Lauren, did the Con Comm. weigh in here
- Lauren Haché states yes and reads the memo from Joe Grady, the Director for the Conservation Commission
- Wayne Dennison states thank you, does the Board have any questions for the Applicant
- Borys Gojnycz states hi Wayne, I am assuming f there were any wetland issues, he would have specified. Given Mark Casey's explanation, they are moving the septic system even further from the wetlands and borders of that 150 foot line that they are looking at. I am guessing there doesn't even seem to be an issue with the septic.
- Mark Casey states we will be filing a notice of intent with the Conservation Commission due to the red line on the plan, the riverfront area
- Wayne Dennison states so that does raise an issue under the Bylaw, 404.9 D requires the Con Comm. to approve such use and construction within the WPOD. Now, I did hear that the residential dwelling has been there a long time and there is an exemption under 404.11. So is the Applicant saying it's exempt under 404.11 or that it will comply with 404.9 D
- Jessica Williams states thank you, I don't believe we are looking at the exemption, but 404.9 D where it has to approve such use and construction. If we need to continue until we have that approval or the Board conditions until then, either way we are filing a notice of intent. I suppose, would the Board approve with a condition
- Wayne Dennison states do Members of the Board have questions
- James Wasielewski, the Building Commissioner states can I ask a question to the Applicant, could you speak to the age of the house, is the date older than the age of the exemption
- Jessica Williams states the house was built in the 1950's, before the WPOD existed. Because it's a new building entirely, it didn't meet the exemption requirements
- Wayne Dennison states the language in the exemption states repair, rebuild, modify or enlarge
- Jim Wasielewski states that is how I interpret that and I don't recall that conversation and I apologize for that Jessica
- Jessica Williams states well, perhaps we have to go through the Board for the exemption, I can take two seconds to get the date the house was built, Hutton do you know
- Hutton Collin states it was between 1948 and 1950
- Wayne Dennison states well, that will put it before 71'. Are there questions from the Board; Are there members of the Public who would like to be heard
- Wayne Dennison states Judi what do you think
- Judith Barrett states I defer to you
- Jessica Williams states as an applicant I am looking at this exemption and I think we would probably withdraw this special permit application and move forward with the exemption, but I would like to understand if this is accurate
- Jim Wasielewski states Jessica, is there a pool on this property now
- Jessica Williams states there is not
- Judith Barrett states which section are we relying on
- Wayne Dennison states 404.11 there's an exemption from the WPOD

- Judith Barrett states oh yeah, they are exempt
- Jim Wasielewski states that is what I think
- Judith Barrett states it is pretty obvious
- Jim Wasielewski states with the addition of the pool be an issue with this, where it doesn't exist
- Judith Barrett states yeah, that could be an issue
- Wayne Dennison states but they are going to have to comply with everything else, it says that they get to do outbuildings
- Jessica Williams states should we continue to request the special permit for the pool and ask for you to consider approval on the condition of Conservation
- Judith Barrett states the pool would need the special permit because it didn't exist
- Wayne Dennison states so my issue with the special permit request whether it's the house or the pool, it does occur to me that there is a very direct requirement which states you can't act until the Conservation Commission acts and I understand about a condition but that's not the way the Bylaw reads
- Jessica Williams so the way this reads we can move along with the house and garage and should we continue this with regard to the pool. But I feel right now, the Board is in agreement we can go ahead and get a building permit after Con Comm. and Board of Health approval and continue this and figure this out once we have the proper approval
- Wayne Dennison states yes, but I don't know how to deal with this, is Dr. Norman still on the meeting, they tried to speak and it was inaudible
- Borys Gojnycz states I just saw that they left
- Wayne Dennison states we have a question in the chat, stating how does the pending litigation on this property effect the Boards decision; Wayne Dennison states I frankly don't even know what that means
- Hutton Collin states Wayne, I can speak to that a little bit. This is an outside issue that has nothing to do with the property. Tracy Norman is a Jamaican resident, she does not live in town or the United States and is irrelevant
- Wayne Dennison states generally, unless it's a zoning issue it isn't relevant. Aright, so what is a reasonable continuation date
- Jessica Williams states I am going to ask Mark
- Mark Casey states that Conservation is very busy, so I would think 60 days
- Wayne Dennison states ok, Lauren what do we have 60 days from now
- Lauren Haché states June 24th
- Wayne Dennison states I am hoping we don't have anything scheduled there.
- Laure Haché states no, nothing yet
- Wayne Dennison makes a motion to continue to June 24, 2021 at 7:30pm
- Judith Barrett seconds
- All in favor WD, JB, BG, ES

Motion: It was moved, seconded and unanimously continue the public hearing to June 24, 2021 at 7:30 p.m.

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| • Moved by: WD | Seconded by: JB |
| • Number in favor: 4 | Number Opposed: 0 |

BOARD OF APPEALS — MINUTES

Case No: 2021-08

Petitioner: John Romano

Address: 365 King Caesar Road

Date: April 22, 2021 Time: 7:30 p.m.

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

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

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

- Wayne Dennison opens the public hearing and asks Lauren Haché to read the public hearing notice
- Lauren Haché reads the public hearing notice and continues to read the Board responses from the Planning Board, the Conservation Commission, the Board of Health and Design Review Board
- Wayne Dennison states thank you, so let's hear from the Applicant
- Emmett Sheehan states may I say something, no lighting is allowed and I want to just state that right off the bat, just a Christmas tree at Christmas
- Paul Brogna states thank you, I am with Seacoast Engineering. Doctor Romano expressed his regrets, he is out of town and not with us this evening. The plan is to construct a 43 foot walkway for his property on King Caesar Road and asks Lauren to share her screen.
- Paul Brogna continues stating the structure will include stairs and ramp coming down the embankment. It will be about 4 feet in width and 43 feet in length. The walkway itself has been presented before the Conservation Commission and also peer reviewed by Lenore White. They approved the length of the walkway and the seasonal aluminum gangway 3 feet by 25 feet which is removable and then the 10 foot x 20 foot float at the end in accordance with the Bylaw. I think importantly, the height of the walkway is at 15 feet, which is the requirement by 404.2.10 which basically requires us to have the height no more than 15 feet elevation. Lastly, 906.2 is where we demonstrate that there are no adverse effects. As Mr. Sheehan mentioned, we do have electricity out here, but basically for the holiday Christmas tree and for any normal maintenance needed for pier or boats. We do not want lights and we don't promote lights. We also have a set of cross stairs on each side so that Dr. Romano will have access to the beach, there is no access to the beach from his property right now.
- Wayne Dennison states does the Board have questions

- Freeman Boynton Jr. states I do, Mr. Brogna tell me about the stairs, will they removed seasonally. I think there is quite a bit of water beneath there with the ice flows, will they be alright you think
- Paul Brogna states they should be ok, they are sort of sacrificial stairs. We are not using any piles for the stairs, but over the years based on exposure or ice damn issues, the stairs go first. This side of King Caesar is pretty protected from the Northeast. These stairs aren't really made to be removed
- Wayne Dennison states so these stairs, is there public access for the stairs
- Paul Brogna states the stairs are required if there is not 5 feet of access at the mean high water line. We have roughly 5 ½ feet of clearance. The other piers along King Caesar don't have the crossover stairs, but they typically have other stairs to access the beach. The Romano family does not have that option right now and these crossover stairs will provide that. Are the stairs needed yes, are they required no
- Wayne Dennison states right, they aren't required because you can walk under the pier
- Paul Brogna states correct
- Freeman Boynton Jr. states do we not see the stairs in the plan view or
- Paul Brogna states they are up on the profile Freeman
- Kathleen Muncey states sheet 2 of 8
- Wayne Dennison states I don't see them on the plan view, only the profile
- Paul Brogna states on the 11 x 17 plans they are on sheet 2 of 8
- Emmett Sheehan states I see them
- Wayne Dennison states are there members of the public who wish to speak; are there members of the Board with questions
- Judith Barrett states I have no questions, Mr. Chair.
- Kathleen Muncey states I have no questions
- Freeman Boynton Jr. states I think it's fair and of reasonable length and not obnoxiously sticking out into the bay
- Emmett Sheehan states I agree, I am okay with this
- Borys Gojnycz states did the Harbor Master weigh in
- Emmett Sheehan states you can still drive around it
- Freeman Boynton Jr. states if the stairs are not required to maintain access along the shoreline, do we need them on both sides of the pier
- Wayne Dennison states no
- Kathleen Muncey states don't they want to get to both sides of their property
- Wayne Dennison states they can just walk under the dock
- Kathleen Muncey states oh, they can
- Emmett Sheehan states Wayne, stop it
- Freeman Boynton Jr. states Paul did mention there was 5 ½ feet of headroom under the pier, I just would love to see them minimize the amount of debris floating in the river in the winter
- Emmett Sheehan states what are you proposing Freeman
- Freeman Boynton Jr. states I would lose one set of stairs and then unbolt the other pair and take them home in the wintertime, the water is pretty deep there

- Emmett Sheehan states Paul, I maintain three other piers in the area and we take the stairs out each year. I agree though, lose one set of stairs.
- Paul Brogna states right now we don't have any other access to the beach from this property, the crossover stairs for public and private use, would make sense. The state does require crossover if there isn't 5 feet under the pier, but to me it's a reasonable risk to put the stairs in. If he loses more than one set of stairs in a season we can talk about removable stairs
- Wayne Dennison states but we're talking about 12 foot of wings on these stairs and you have already indicated that this doesn't require stairs at all, I think it's a reasonable request to require one set of stairs
- Paul Brogna states single star or set of stairs
- Emmett Sheehan states single set, one set and lose the other set. You go down and walk under
- Paul Brogna states I am going to be very technical, at the 15 foot elevation the Mass DEP could determine that you don't have 5 feet of clearance from the lower structural timber
- Wayne Dennison states the problem with that technical question is that I flat out asked you whether there were crossover stairs required and you flat out told me no. Frankly, I would like to know the answer, yes or no
- Paul Brogna states it depends on who does the review, it goes both ways. I am just trying to be consistent and I have never seen a half a set of stairs in my 40 years in town
- Wayne Dennison states why don't we continue this until you have DEP approval and whether you have the height under the pier
- Paul Brogna states well, the State plans all have the crossover stairs on them and I have not heard any comments regarding that
- Judith Barrett states Mr. Chair are we trying to design someone's project for them
- Wayne Dennison states no, we're trying to make sure this is an appropriate use. The applicant has already stated that there is an unusual feature here. I think some Members of the board are inquiring on whether this feature is necessary
- Borys Gojnycz states are these older folks
- Paul Brogna states I don't know, but he is younger than I am
- Borys Gojnycz states I only ask for the accessibility issue, it could be a necessity
- Kathleen Muncey states is there a beach there at low tide
- Paul Brogna states there is a partial beach
- Emmett Sheehan states I sort of get this, it meets our bylaw and I think we are beating this down.
- Kathleen Muncey states the Abrams Hill one was a public way, but I wouldn't want to duck under this
- Emmett Sheehan states I agree put clammer and walkers go down this and I think the homeowners would utilize this. I am okay with this
- Kathleen Muncey states as am I
- Judith Barrett states I am too
- Freeman Boynton Jr. states I am okay with it also

- Wayne Dennison states okay
- Kathleen Muncey states this was a good exercise
- Freeman Boynton Jr. states but you couldn't walk under the one on Abrams Way, it was only 28 inches
- Wayne Dennison states you couldn't get under that no matter what age you are
- Wayne Dennison states I am going to move to close the public hearing
- Emmett Sheehan seconds
- All in favor WD, JB, KM, ES, FB
- Wayne Dennison states I am going to move to approve the pier as proposed in the plans but without lighting
- Judith Barrett seconds
- All in favor WD, ES, JB, KM, FB

Motion: It was moved, seconded and unanimously voted 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 5-0 to grant the special permit for the garage.

- Moved by: WD Seconded by: JB
- Number in favor: 5 Number Opposed: 0