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DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

June 24, 2021 @ 7:30 p.m.

ATTENDANCE: Wayne Dennison, Judith Barrett, Kathleen Muncey, Freeman Boynton Jr., Emmett Sheehan, Philip Thorn and 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 Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act of Extending Certain COVID-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, , G.L. c. 30A, §18, 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 including streaming on Duxbury You Tube, to watch replays and Video on Demand.

ZBA Case #2019-17, WB Builders, 1 & 25 Lincoln St. (CONT'D): *The Board voted unanimously (5-0) to close the public hearing.*

ZBA Case #2021-06, Harlow Brook LLC (CONT'D): *The Board voted to continue the public hearing to July 22, 2021 at 7:30pm*

ZBA Case #2021-07, Colin, 10 Huckleberry Lane: *The Board moved to grant the withdrawal request without prejudice. All in favor (4-0)*

ZBA Case #2021-10, Keir, 117 Chestnut Street: *The Board voted to grant the special permit for the main house expansion and shed and deny the special permit for the expansion of the second dwelling.*

ZBA Case #2021-11, EJP Ice House LLC, Lot 7 Ice House Road-Appeal (CONT'D): *The Board voted to continue the public hearing to September 9, 2021*

ZBA Case #2021-12, Gulf Station/Nouria, 10 Washington Street (CONT'D): *The Board unanimously to deny the special permit.*

Wayne Dennison makes a motion to close the public hearing. Kathleen Muncey seconds (5-0)

BOARD OF APPEALS MINUTES

Case No: 2019-17

Petitioner: WB Builders, Fieldstone Farm

Address: 1 & 25 Lincoln Street

Date: June 24, 2021 Time: 7:30 p.m.

(Continued from June 10, 2021, May 27, 2021, April 22, 2021, 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., Philip Thorn & 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 new correspondence relative to this case including some photographs and an email from the Duxbury Bike Path and Side walk committee requesting the size of the development be reduced to 12 units. What else did we receive Lauren
- Lauren Haché states we received an addition nitrogen sheet and new sidewalk plan dated June 23, 2021
- Wayne Dennison states those both came from Outback Engineering
- Lauren Haché we do have an updated draft decision and waivers list with comments from the Applicant's Agent and Town Counsel
- Peter Freeman, the Agent for the Applicants thanks Mr. Dennison and states Kyle Devinish with Outback Engineering will jump right in and present
- Kyle Devinish addresses the board and states thank you, we contacted Peter Mackin with the water department regarding the nitrogen levels at the mayflower wells about ½ mile from the property and he was able to send some values, that are attached to the new documents. Mr. Devinish continues explaining that the nitrogen levels are less than what is in the mayflower wells. I would like to thank Peter Mackin for working with me. As for the sidewalk it's about 960 to 1,000 square feet of sidewalk, paved at both crosswalk entrances and then a proposed crushed gravel based grassed sidewalk so that the grass on the north and south of the property wouldn't have an abrupt end. There are a couple of utility poles and hydrants and mailboxes to coordinate and move and then we have conversed with the Town about clearing land
- Peter Freeman asks to share the screen with the new sidewalk plan

- Kyle Devinish continues to explain the proposed sidewalk
- Philip Thorn states is the material to be used granite curbing or grass, what is the material
- Kyle Devinish states along Lincoln street there are cape cod berm and a 4 ½ ft. wide sidewalk paved at the two entrances
- Emmett Sheehan states so a cape cod berm is the asphalt
- Kyle Devinish states yes
- Emmett Sheehan states personally I don't think that will hold up
- Kyle Devinish states the thought is that it's existing there
- Philip Thorn states so to clarify, the sidewalk is asphalt not concrete
- Kyle Devinish states that's correct
- Wayne Dennison states I have a question about the grass sidewalk, how are you proposed to maintain this
- Kyle Devinish states they can be mowed and they hold up pretty well
- Wayne Dennison states who mows this
- Kyle Devinish states most of it is on the Town's right of way
- Wayne Dennison states so it's up to the Town
- Greg Webb states those areas will be landscaped and stonewalls and we will maintain that strip as part of our project, it would not look good if we left it alone
- Wayne Dennison states thank you, also what about the water and the 6 feet separation
- Kyle Devinish states so the recent test pits that we just did, witnessed by Pat Brennan of Amory Engineers, we were able to achieve the six foot separation, this was a groundwater mounding calc.
- Freeman Boynton Jr states that sounds great
- Wayne Dennison states I see Town Counsel is here, Amy
- Amy Kwezell states let me check about number 50 of the waivers, it is still on there. Does it still need to be there based on the type of soil
- Kyle Devinish states so when a perc test is completed, it's either 5 or 6 and we got rates that would provide 6
- Amy Kwezell states so you do not need this waiver
- Wayne Dennison states any more questions from the board
- Borys Gojnycz states I do have a question, about the proposed sidewalk and the neighbor to the south there are extremely large pine trees and it looks like it goes down to the Abutters driveway, has the Applicant been in touch with the neighbor, it will be a major impact on that property
- Wayne Dennison states so are you suggesting the sidewalk not extend that far south
- Borys Gojnycz I think it should, but I think we should hear from that Abutter
- Kathleen Muncey states isn't that in the Town layout
- Kyle Devinish states the town does own a strip which makes up most of their front yard
- Borys Gojnycz states I agree with that, I am just worried about the roots
- Emmett Sheehan states I am an arborist and I have good faith in this group to do the right thing, to remove and replant
- Greg Webb states that makes a lot of sense, we'll assess that when we get there. I think the Owner of the property needs to have a meeting with someone in town to explain what is going to happen. We want to work with them

- Emmett Sheehan states somehow we can facilitate a meeting and I bet it would go over well
- Greg Webb states that would be great, an onsite meeting with them, perfect
- Kathleen Muncey states the extension of the sidewalk really extends the safety right
- Borys Gojnycz states yes and I am all for doing what can be done, I would feel horrible putting something like this in without them knowing
- Emmett Sheehan states I would think maybe a meeting with Peter Buttkus, the new homeowner and maybe one of us can explain and make it right, this may be able to screen their property better than what is there
- Greg Webb states I think if you tried backing out of his driveway, it would be an improvement
- Emmett Sheehan states yes
- Amy Kwezell states I have a question, I wasn't sure if Mr. Sheehan was satisfied about the fertilizer. I did not add a condition on that, I knew they were going back, so I didn't know about adding a condition
- Freeman Boynton Jr states it sounds to me they have covered all of the bases
- Emmett Sheehan agrees
- Wayne Dennison states ok, does the Applicant have further information they would like to present
- Peter Freeman states that is all for tonight
- Wayne Dennison states ok, let's open this up to the public
- Richard Prone states I have a question about the sidewalk, I don't understand why that 3 foot grass strip can't be asphalted
- Wayne Dennison states so why grass
- Kyle Devinish states to clarify the 3 foot grass strip is in both scenarios, both with the grass or asphalt, the 3 foot grass strip is sort of a buffer, so that has to get mowed anyway. The additional 4 ½ foot sidewalk is in addition
- Richard Prone states so this 3 foot wide grass strip abuts the asphalt sidewalk
- Kyle Devinish states there is a cape cod berm, then a 3 foot grass strip and then the 4 ½ foot sidewalk
- Wayne Dennison states so why did you decide on the 4 ½" grass over the asphalt sidewalk
- Kyle Devinish states we were trying to denote somewhat of an ending of a sidewalk. I pictured a child on a bike coming to an ending sidewalk and scooted out onto the street
- Greg Webb states I thought the grass sidewalk safer and I think it will look better too
- Wayne Dennison states part of what I was envisioning here was a way to get pedestrian traffic and bicycles off Lincoln Street. My concern is that nobody is going to know it's a sidewalk, it will just look like grass. Is there going to be anyway for someone to know that is a sidewalk
- Peter Freeman states we are really able to do what the Board wants here, grass or asphalt, we are fine tweaking this
- Emmett Sheehan states Greg, would you be adverse to asphaltting the whole thing
- Greg Webb states well the entire sidewalk is on town property, so if it was decided it needs to be paved, I suppose we would pave it. I do think it's safer the way it is being presented
- Richard Prone continues to state he prefers the asphalted sidewalk painted by a white stripe along its border

- Emmett Sheehan states he agrees
- Wayne Dennison states I know Mr. Kory stated he may want to weigh in
- Robert Kory states I would like to confirm what address the rhododendron is on
- Kyle Devinish states I believe the rhododendron is on the town property but the house there is at 738 Lincoln Street
- Freeman Boynton Jr states 748
- Robert Kory states ok, I am 738 and I was trying to figure that out. Also, how far down does the sidewalk go down
- Kyle Devinish states that sidewalk ends at 748 Mayflower Street
- Freeman Boynton Jr states I would imagine you would stop it short at his driveway
- Wayne Dennison states any other members of the public
- Amy MacNab states as a Resident, I want to call to the Boards attention, we are detecting levels of PFAS in our wells and this is of great concern and expense to try to filter out the chemicals and fertilizers are a contributor and I am glad that the fertilizer will be limited but in the future this is a major issue we need to consider moving forward and ask the Board to consider some reasonable restrictions on fertilizers
- Wayne Dennison states so you think we should consider fertilizer use
- Amy MacNab states yes, I think that is a contributing factor and restricting where it makes sense
- Emmett Sheehan states hi Amy, so far the fertilizers have not been proven to have PFAS in it
- Amy MacNab states google says otherwise, we don't what type of fertilizer, but it's an issue and what we are doing in all of these projects is creating density. If we can eliminate potential problems we should limit that
- Wayne Dennison states are there any other members looking to speak; Amy Kwesell why don't see where you are at with the draft decision and waivers
- Amy Kwesell states we are very close and with regard to building permits, I feel very strongly that the Town not agree to allow the escrow of building permits. The Comprehensive Permit regulations have timeline with these items and that's when SHI and I feel we should never risk that number. We only have 18 months from building permit issue to certificate of occupancy. I have asked that a final set of engineering plans to give 60 days for review and then I added a few other conditions. The Condo documents to be approved the documents by Town Counsel and that the Applicant pay for Town Counsel's review of these documents. There is one thing for the board to decide with regard to the landscaping along Lincoln Street.
- Wayne Dennison states is this a way to ensure that the landscaping is complete, is to hold Certificate of Occupancy
- Amy Kwesell states yes, I also added some conditions that I thought are important. If building ceases for more than 30 days, then written explanation should be sent to the Building Commissioner and then the Building Commissioner may require things are buttoned up-trenches etc. And then for third party inspections. That is it for significant changes that I added since our last meeting
- Wayne Dennison states thank you, Mr. Freeman, go ahead please
- Peter Freeman states thank you, Amy, I appreciate your summary. I did email with Jessica Malcome with the 40B with the Department with Mass. Housing. If you would like a copy of the letter, I will send it
- Amy Kwesell states why didn't you submit that

- Peter Freeman states Amy, no I just received it and read it verbatim. It is from today, I will send it.
- Wayne Dennison states we have Town Counsel providing guidance, so I would request that you permit Town Counsel to review this
- Peter Freeman agrees
- Emmett Sheehan states Peter, we are getting close
- Wayne Dennison states I am a little confused, all I am asking you to do is send the email to Amy
- Peter Freeman states I apologize, I will send it and continues to discuss the escrow and we are fine removing that, if you are not happy with it.
- Greg Webb states that is fine with me
- Peter Freeman states I think that's fine
- Kathleen Muncey states is the only open item the regulatory agreement
- Amy Kwezell states yes, I will have to talk to Sherin, I can have it ready for your next meeting
- Peter Freeman expresses his concern at not closing the public hearing tonight
- Amy Kwezell states no, I agree we should close the hearing. What I think you should do is close the hearing tonight and from there you have 40 days to issue the decision. I will come back with a clean decision next week
- Wayne Dennison states we got a request from Mr. Prone
- Richard Prone states Mr. Chairman, I only did that as a matter of protocol for the public.
- Wayne Dennison states sir, rather than belabor this point, why don't you read your comments
- Richard Prone asks Lauren Haché to read the letter
- Lauren Haché reads the letter dated June 24, 2021 into the record
- Wayne Dennison states are there other members of the public who would like to weigh in on the project. No, I believe we should close the public hearing based on what Town Counsel suggested
- Borys Gojnycz states Wayne, did we decide on if this sidewalk is being paved
- Wayne Dennison states well, we can deliberate about this after we close the public hearing
- Borys Gojnycz states ok, great
- Wayne Dennison moves to close the public hearing
- Emmett Sheehan seconds
- All in favor WD, KM, ES, FB, BG

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

BOARD OF APPEALS MINUTES

Case No: 2021-10

Petitioner: Ellen Keir

Address: 117 Chestnut Street

Date: June 24, 2021 Time: 7:30 p.m.

(Continued from May 13, 2021)

Members present: Kathleen Muncey (CPT), Judith Barrett, Emmett Sheehan, Freeman Boynton Jr., Philip Thorn & Borys Gojnycz

Members Voting: Kathleen Muncey (CPT), Kathleen Muncey, Emmett Sheehan, Freeman Boynton Jr. & Borys Gojnycz

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

- Kathleen Muncey re-opens the public hearing and states we have received some new correspondence relative to this case including some photographs, Lauren what have we received
- Lauren Haché states we received new architectural plans dated June 1, 2021 and a new plot plan dated June 14, 2021 and plans dated June 7, 2021 with detached options.
- Kathleen Muncey states has anything come in that initiates age pre-zoning and Amy, that's why you're here. Our Bylaw states any work to a second dwelling requires them to come before the Board.
- Amy Kwesell states what we have here that 401.4 #4 permits no more than one single family dwelling on one lot, so if you have two dwellings on one lot, you have a pre-existing, non-conforming use. So this would have had to been prior to zoning and a building permit prior to Bylaw. You are correct under 401.2 #5 any alteration goes more towards the structure side of this. The use side of this is much higher of a bar; 40A section 6 states a pre-existing, non-conforming with an original building permit. If it's been in existence over 6 years, it can stay without enforcement, but it cannot be changed in any way.
- Jim Wasielewski states the definition of dwelling changed to exclude stove in 1980, but before that a guesthouse, which this probably was created as, can be used and can be used to rent out for a night or for a period of time. So how far back do we need to go
- Amy Kwesell states technically to be a legal guest house, it should have a building permit.
- Kathleen Muncey states records over the years, town records are not very complete
- Jim Wasielewski states I did have Lauren add an interesting letter to this file, do you have that letter Lauren
- Lauren Haché states that is pertaining to another case with a second dwelling

- Jim Wasielewski state I'm sorry, we have had a few of these type of cases recently and the only way they can do this is if they can prove this was a second dwelling, pre-zoning
- Kathleen Muncey states I don't think it's fair that they are assessing this as a second dwelling.
- Amy Kwesell states well, they can continue using it after 6 years, they can't change it
- Emmett Sheehan states but they must have to prove it's existence for 6 years
- Jim Wasielewski states the building can be maintained, but never expanded, remodeled or altered-but can they remodel the kitchen
- Kathleen Muncey states they can maintain what's there
- Emmett Sheehan states can they rent this out, like an air bnb
- Jim Wasielewski states well, not an air bnb, but as a yearly rental
- Kathleen Muncey states so withdraw or deny
- Freeman Boynton Jr. states or turn it into a guesthouse
- Kathleen Muncey states is the Applicant here
- Hoyt Cousins states I am representing the Applicant
- Kathleen Muncey states and you heard our discussion
- Hoyt Cousins states yes, we are asking for 156 square feet for an enclosed water heater closet and washer and dryer and bathroom renovation. So if we delete the request for the second bedroom, keeping the same use as a 1 bedroom and just adding the utility closet, that is the only thing being requested for the rear cottage. There are two storage sheds that are 980 sq. ft, we would like to demolish those and add a 190sq. ft storage shed either attached or detached. The third element is the main house addition – a screened porch and master bedroom. If you are keeping the same use, can you add the 150sq. ft. amenities
- Emmett Sheehan states no
- Kathleen Muncey states I think that is what Town Counsel is telling us
- Emmett Sheehan states the use is there but you can't expand or alter
- Amy Kwesell so the Board has to determine if this will expand or alter the use
- Judith Barrett states are we expanding the use here
- Amy Kwesell states no, it doesn't sound like it
- Emmett Sheehan states regardless, 150 square feet is expanding
- Judith Barrett states are we expanding the use or expanding the structure
- Hoyt Cousins states it is a one bedroom cottage
- Amy Kwesell states 401.2.5 is making the determination requiring the findings of the Board to determine this not more detrimental to the neighborhood
- Hoyt Cousins states the primary focus is the main house, so that is 99% of the intent it had been our assumption that the rear cottage could be expanded. If the rear cottage jeopardizes the main house renovation, then we would withdraw immediately.
- Emmett Sheehan states Hoyt, what is the intent of the rear cottage and what is happening there now
- Hoyt Cousins states the rear cottage has been rented for many years as a one bedroom cottage

- Amy Kwesell states how many years, is there anything proving this
- Hoyt Cousins states several years, I would say 20+ years
- Jim Wasielewski states easily, there is a second service on that rear cottage and we determined it was built in 1947
- Amy Kwesell states the small house
- Hoyt Cousins states the rear house, the main house was 1920's and continues to explain the main intent is to renovate the main house
- Judith Barrett states 401.2.4 the issue states is the proposed change substantially more detrimental to the neighborhood
- Freeman Boynton Jr. states at the last meeting, we indicated that more bedrooms would be more detrimental
- Emmett Sheehan states Lloyd Ferral wouldn't have a building permit
- Judith Barrett states the standard is, is it more detrimental to the neighborhood. The use is not changing
- Amy Kwesell agrees, the Bylaw does state that two dwellings are not allowed and I agree that the small house would possibly condoning it and setting a precedent
- Kathleen Muncey states so can we approve the plans submit or do we need new plans
- Amy Kwesell states that would be up to Jim, approving the main house and denying the guest house
- Jim Wasielewski states that is how I would interpret it. Can they repair and replace the kitchen in the guest house
- Freeman Boynton Jr. states I am ok with the 156 square foot change to the guest house
- Emmett Sheehan states I am not, however...
- Amy Kwesell states and not a change in use
- Freeman Boynton Jr. states I think we can approve it
- Kathleen Muncey states this could change how we look at King Caesar Road
- Emmett Sheehan states I would agree to the expansion of the home and keep the accessory structure stays as it is, but not adding to it
- Hoyt Cousins states for clarification, the storage shed, there are two old garages totaling 980 square feet that are being demo'd and a new shed totaling 160 square feet will be put up
- Kathleen Muncey states will this create coverage issues
- Hoyt Cousins states no, as indicated in the application, so it's a small issue to clarify as part of the record. I showed attached and detached
- Kathleen Muncey states I think that will have to be detached
- Jim Wasielewski states so for clarification, if it's under 200 sq. ft. it only requires a zoning permit
- Emmett Sheehan states I agree with that, as not attached
- Freeman Boynton Jr. states I am wondering about Chestnut Avenue, does anyone else along Chestnut Avenue have rights over it
- Kathleen Muncey states it already exists there
- Freeman Boynton Jr. states the surveyor would determine it
- Kathleen Muncey states ok

- Emmett Sheehan states so what do you think Hoyt
- Hoyt Cousins states the main house is our priority, we will drop the rear cottage expansion should that jeopardize the main house renovation
- Freeman Boynton Jr. states well, how will we look at King Caesar
- Kathleen Muncey states 6 Upland Road
- Emmett Sheehan states I am not familiar
- Amy Kwezell states has that been opened, we need to be careful discussing
- Kathleen Muncey states so expansions to the main dwelling and no expansions to the accessory dwelling, does any Board Member have any questions, it looks like a beautiful addition
- Emmett Sheehan agrees
- Kathleen Muncey states do we want to close the public hearing
- Emmett Sheehan makes a motion to close the public hearing
- Judith Barrett seconds
- All in favor KM, ES, FB, JB, PT
- Emmett Sheehan makes a motion to allow the expansion of the main home and construction of the new shed detached and deny any expansion to the secondary dwelling
- Judith Barrett seconds
- All those in favor KM, ES, FB, JB, PT

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

Moved by: ES

Seconded by: JB

Number in favor: 5

Number opposed: 0

Motion: It was moved, seconded and unanimously voted to approve the special permit to expand the main home, construct a new shed and deny the special permit to expand the second dwelling.

Moved by: ES

Seconded by: JB

Number in favor: 5

Number opposed: 0

BOARD OF APPEALS MINUTES

Case No: 2021-12

Petitioner: Nouria/Gulf Station

Address: 10 Washington Street

Date: June 24, 2021 Time: 7:30 p.m.

(Continued from May 13, 2021)

Members present: Wayne Dennison, Kathleen Muncey, Emmett Sheehan, Freeman Boynton Jr., Philip Thorn & 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 new correspondence since the last public hearing. I would like to know why, upon driving past this business on a daily basis, there are two free standing signs currently. I have heard that the Applicant is proposing to take one of those down. So, why don't we hear from the Applicant, Lauren, what else did we received
- Lauren Haché states what was received, including a new plot plan with the second sign removed
- Wayne Dennison states ok, I have actually heard from the Building Department today, that the Applicant has inquired about operating this gas station for 24 hours. Our Bylaw states otherwise
- Steve Pedro states he is representing Nouria as the Engineers to re-brand their site as the new owners. We are asking for relief in modifying the freestanding sign, which is less than 25 square feet and explains what they are looking to do. They propose to keep the Gulf logo, the price panel and then the Nouria logo. We are also looking to put a 54" illuminated sign on the building. I believe the illumination is the request.
- Wayne Dennison states the existing freestanding sign, isn't that double sided
- Steve Pedro states correct
- Wayne Dennison states so, are you looking to have the same thing on both sides
- Steve Pedro states correct
- Wayne Dennison states ok, so the proposal you are making, you will have Nouria, Gulf and pricing
- Steve Pedro states correct, the existing freestanding sign is double sided
- Wayne Dennison states it is

- Steve Pedro states this site was acquired, as we made our site visit, we noted the second freestanding sign we refer to as a point of sale sign, which we are proposing to knock down and remove all together
- Wayne Dennison states ok, so the other relief you are asking for is for illumination for the store mounted sign
- Steve Pedro states correct
- Wayne Dennison states I drove by there last night and there is a portion of the building that is extremely well lit, so why do you feel you need more light
- Steve Pedro explains that this sign is a halo or glow, not very bright. Went to brand the building with Nouria
- Wayne Dennison states ok, does the Board have questions for the Applicant
- Jim Wasielewski states what about the orange illuminating through the freestanding sign
- Steve Pedro states that will be white and no illumination will be a lot less than what is illuminated now
- Borys Gojnycz so the orange portion won't be illuminated
- Steve Pedro states orange will be illuminated as will the white price panel
- Wayne Dennison states are there any other Board Members
- Philip Thorn states I do, it states the sign should have white lighting of reasonable intensity. It can not have interior light of colors
- Steve Pedro asks what section
- Philip Thorn states 601.9
- Steve Pedro states right, so non exposed white lights of reasonable intensity and that is what we have
- Philip Thorn states ok, but when the light shines through the orange, it's orange correct
- Steve Pedro states that's correct and that is what's there now
- Philip Thorns states I can't confirm what is there now and whether it complies with the Bylaw, but the way that I understand this section, no colored internal lighted signs
- Emmett Sheehan states I agree Phil, we went through this with Dunkin Donuts. My office is 100 yards from this and it's getting brighter and brighter and it's not a good look for Hall's Corner. I'm not sure your current signs are compliant or not.
- Philip Thorn states I agree, moving forward it should be in compliance with section 601.9
- Wayne Dennison states Mr. Wasielewski, would you like to weigh in
- Jim Wasielewski states the way I read it, it is white light, no color at all. Interior lighting should be white
- Philip Thorn states wouldn't it be better to have a sign any color with an indirect lighting
- Wayne Dennison states it would still need a permit

- Jim Wasielewski states I would like to state that from what I have seen, that Nouria sign shines less light than a goose neck light
- Steve Pedro states 601.9 says nothing about color
- Emmett Sheehan states I am opposed to that, I am opposed to having the building all lit up
- Wayne Dennison states Judi what's your opinion
- Judi Barrett states I almost agree with Phil, but 601.9 doesn't state any colors other than white, so we have to figure out what the intent is here and go from there
- Wayne Dennison states I look at the Bylaw the same way that you do and I don't think the intent of the Bylaw is to put up orange lights throughout town
- Emmett Sheehan states I agree
- Freeman Boynton Jr. states I think that the Bylaw's intent is to keep things tasteful. I think Nouria ought to have their name and logo, but to have the orange is too much
- Wayne Dennison states are there other members of the public that would like to weigh in; does the Applicant like to add anything
- Steve Pedro explains that this will be a subtle and necessary addition to the property
- Wayne Dennison states I know that you said that the existing sign was permitted, but I don't believe the existing sign was ever permitted. It was always blue
- Jim Wasielewski states one comment about the Nouria sign, the background is brown and doesn't reflect light
- Wayne Dennison states that portion of the building is extremely well lit at night, I was there yesterday
- Jim Wasielewski asks if thy plan to remove any soffit lighting
- Judith Barrett states I don't think the Town has a business in regulating commercial speech, I think the Town has a residential scale as a compatibility district. If it is externally lighted sign you can do whatever you want
- Wayne Dennison states does the Board have further questions for the Applicant
- Philip Thorn states I just want to say I would happy with a sign externally lighted
- Emmett Sheehan states and it needs to be off when not open
- Wayne Dennison states so, we often do this when the cards are not in the Applicants favor, you could choose to withdraw the project or come back with something else or get the likely denial, but I know that I personally would not support either of these proposed signs
- Steve Pedro states well, the proposal for the illuminated signs, if we come back with a different proposal with exterior lighting, we could do that
- Wayne Dennison states absolutely, but I will tell you if you put that Nouria logo up now under that eave, you wouldn't need a special permit and would be easily see it lit up

- Steve Pedro states, we still need to take the denial back to my client so we can propose ground lighting for the freestanding sign
- Wayne Dennison states ok, I move to close the public hearing
- Kathleen Muncey seconds
- All in favor WD, KM, ES, FB, PT
- Wayne Dennison moves to deny both elements of the special permit
- Kathleen Muncey seconds

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

Moved by: WD

Seconded by: KM

Number in favor: 5

Number opposed: 0

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

Moved by: WD

Seconded by: KM

Number in favor: 5

Number opposed: 0