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DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

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

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

Other persons present at the hearing: Lauren Haché, Administrative Assistant

CALL TO ORDER: Wayne Dennison called the meeting to order and reads the Governor's Preamble: Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public and board members, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law. 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 #2021-19, Palmisano, 40 Wadsworth Lane (CONT'D): *The Board voted unanimously to grant the Applicants request to withdraw their application.*

ZBA Case #2021-27, Krugger, 449 Washington Street: *The Board voted unanimously (5-0) to continue the public hearing to November 18, 2021 at 7:30pm.*

ZBA Case #2021-28, Husk, 160 Marshall Street: *The Board voted unanimously (5-0) to continue the opening of the public hearing to January 13, 2022 at 7:30pm.*

ZBA Case #2021-29, Gawrelski and Greene, 57 Gurnet Road: *The Board voted unanimously (5-0) to grant the special permit as requested.*

Administrative

ZBA Case 2019-14, Duxbury Lincoln LLC: *The Board voted unanimously (5-0) that the changes requested to the comprehensive permit are insubstantial.*

Brown v ZBA: *21 MISC 000218 JS DR-The Board voted unanimously (5-0) to strike the condition of the affordable unit from decision 2020-02*

Wayne Dennison makes a motion to approve the meeting minutes of July 22, 2021. Kathleen Muncey seconds. (5-0)

Wayne Dennison makes a motion to approve the meeting minutes of July 29, 2021. Kathleen Muncey seconds. (5-0)

Wayne Dennison makes a motion to approve the meeting minutes from September 9, 2021. Emmett Sheehan seconds. (5-0)

Wayne Dennison makes a motion to approve the meeting minutes from September 23, 2021. Emmett Sheehan seconds. (5-0)

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

BOARD OF APPEALS — MINUTES

Case No: 2021-27

Petitioner: Krugger

Address: 449 Washington Street

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

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

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

Other persons present at the hearing: James Wasielewski, Building Commissioner and Lauren Haché, Administrative Assistant

- Wayne Dennison opens the public hearing and reads the public hearing notice into the record. Mr. Dennison states we have an application, a site plan, a number of photographs and some responses from the various other Boards. A memo from the Con Comm. stating that the applicant has filed with the Board and their meeting is scheduled for October 4, 2021 and I will pass on any determination. The Planning Board voted to defer judgement to us, the Health Agent states that this property is connect to the snug harbor shared septic system; the Board of Health will defer all comments to the Water Department, due to the fact that all changes are maintained by the Water Department. The proposed change in use to a beauty salon will require the addition of a tight tank system. The second memo from Con Comm. states that no further permits were needed from Conservation regarding this project. We received a letter from Old Cape Realty indicating that they are in support of the project but are concerned over the rain and runoff, the revised drainage plan suits us. We have a memo from the Design Review Board in favor of the case, stating that the esthetic should be understood, given the historic area that this property sits. A letter from the Historic Commission regarding the garage, the Board voted favorably stating that this is the first historic structure being lifted out of the flood zone in the snug harbor area. Lastly, we received a letter from Abutters Pamela Drouin and Kenneth Bohlin of 9 Beaverbrook Lane stating concerns with increased traffic flow from the new proposed salon but noting they are in support of the building being raised up out of the flood zone. Ok, Lauren did we receive anything else
- Lauren Haché states no
- Paul Brogna with Seacoast Engineering presents the application to the Board. Mr. Brogna explains that the building is proposed to raise from 8.9 to 13 feet in elevation. We are also proposing to change the use of the first floor to a beauty parlor, which is an approved use in the NB-1 district. We are also proposing to add six parking spaces to the back of the building, which presently there are none. Mr. Brogna explains the non-conformities of the lot and explains the rain garden to take care of normal rainwater on the site. Mr. Brogna continues to explain where it is proposed to pave a portion of the back lot and how the catch basin for runoff is proposed towards the back of the property.
- Philip Thorn states I have a quick question regarding the storm water drainage, is that catch basic currently on the property

- Paul Brogna states that is a public street drain inside the curbing of Washington Street
- Philip Thorns states ok thank you
- Paul Brogna continues, stating that they are working in conjunction with the Board of Health and Mass DEP regarding the septic and tight tank, which will be 1,500 gallons with the alarms that are required. Mr. Brogna continues to explain the space they will require from the shared septic and that Mass Title 5 requires one hundred gallons per day per chair and they are proposing six chairs.
- Wayne Dennison states I see Amy MacNab is on, Amy have you folks looked at this yet
- Amy MacNab states hello, no we haven't and I think the change of use will be something the Selectboard will need to discuss
- Freeman Boynton Jr. states they will have to approve the additional 300 gallons as the Sewer Commissioners
- Wayne Dennison states right, we can't do it
- Paul Brogna states last time we did this was when the Maritime school made a similar request
- Freeman Boynton Jr states correct, so it is do-able
- Paul Brogna states that is it considering the brief synopsis of the project and continues to explain that the stairs will be on each side of the building and that there is enough space so as to not encroach
- Wayne Dennison states the Design Review Board seemed uncomfortable with what was presented and given the prominence of this building and its location, I was hoping we could make them a little more comfortable
- Paul Brogna states when we met with them, they were looking for the traditional architecture plans that go with a tear down and rebuild and with this project we are simply raising the existing structure up four feet and renewing the windows and siding and AZEK skirting around the foundation and they felt this warranted plans. Frankly, Mr. Krugger and myself and we went to three or four architects were booked out months and this is a small job
- Emmett Sheehan states I understand that, they wouldn't even need to have DRB discuss new siding or any of this if it weren't for the raising of the building, they could have gone in and got a building permit
- Paul Brogna states to be fair to the Design Review Board, with entrances going to the side walls, there will be minor changes
- Kathleen Muncey states and you don't have to do ramps
- Paul Brogna states there is a ramp ADA approved which goes with the six parking spaces
- Freeman Boynton Jr states how do they get to the second floor now Paul
- Paul Brogna shows the Board on the plan how to access the second floor
- Borys Gojnycz states is it too early to talk about signs
- Freeman Boynton states I think they will be on the face of the building
- Paul Brogna states we have not applied for any sign permits yet Borys, but we plan to do something similar as to what is there now
- Wayne Dennison states did we get a submission where somebody said there used to be a barber shop there at one point
- Paul Brogna states yes, the Historical Commission and continue to explain the sections of the Bylaw that the application applies to

- Wayne Dennison states so I know you're not changing the location of the windows or the window design, just the windows themselves
- Paul Brogna states the vast majority of the windows will remain, just renewed
- Wayne Dennison states the façade of the building will remain
- Paul Brogna states the revisions will make the building a little cleaner. Ok, we are proposing six parking spaces in the rear, which currently don't exist. The apartment upstairs has to have two spots and then based on square footage we have added an additional four spots. The beauty shop is appointment only and not all six chairs will be in use at one time.
- Wayne Dennison states so, are you looking for a special permit for a beauty shop by appointment only not open every day of the week
- Paul Brogna states we have not sought that restriction
- Emmett Sheehan states it's going to be beauty not beauty and half retail
- Richard Krugger explains the project and the desire to keep the historic look of the building and area of town, but safer and cleaner. We noticed right off the bat that parking was an issue there, so we are trying to alleviate that issue by adding some parking
- Philip Thorn states so the stairs on the back of the building, currently existing, does that scenario continue to the new plan
- Paul Brogna states we basically have to raise it up four feet, but it will be similar with a similar landing
- Kathleen Muncey states will this impact anyone else in the neighborhood, their flooding, will it improve it or will it make it worse, especially the neighbors across the street
- Paul Brogna states across the street should have no impact at all, it's designed with that front corner catch basin on Town property and it is functional and working. We are adding a small retaining wall and so the storm water that generates on Krugger's property will channel on 449 and drain out with the outgoing tide.
- Wayne Dennison states so, Freeman, with your knowledge, what do you think about the treatment of the runoff
- Freeman Boynton Jr. states I am wondering if we have a big storm come in and the rain guard gets flooded, how will this impact the water
- Paul Brogna states all bets are off when the salt water comes in, if you were there when we had the three nor'easters, everybody has 3-4 feet under water
- Borys Gojnycz mentions the special designed gravel of a similar parking and asks about designing something that helps drainage
- Paul Brogna states the gravel will be pervious
- Freeman Boynton Jr states is there any way you can infiltrate
- Paul Brogna states I spoke with JR at Bayside and the Post Office, the service will create natural runoff anyways and explains the drainage plan

- Freeman Boynton Jr agrees, it doesn't seem like you're shedding water, it just seems to me that rainwater off of the roof is the easiest thing to put into the ground and continues do we need to raise this building up that high
- Paul Brogna states well we are in AE10 zone, so when you add in climate change and some future issues, we feel this is suitable. In this flood zone we are only required to go up to flood zone 10. So we want to raise it up due to the factor of safety
- Freeman Boynton Jr states so you are building for the future
- Richard Krugger, the owner of the property, states we went to elevation 13 to consider the floor joists
- Wayne Dennison states so Paul, it appears that there needs to be additional permitting both from the Water Dept., so the special permit would be subject to any other permitting required
- Paul Brogna agrees
- Wayne Dennison states what are the hours proposed for the hair salon
- Colleen Fisher, 89 Pine Street, I am looking to go out on my own, nothing huge, just would like to offer a few chairs to colleagues
- Wayne Dennison states when do you want to be open
- Colleen Fisher states Monday through Friday, limited hours Saturday and closed Sunday by appointment only. I would like six chairs, but a maximum of 3 stylists at any one time
- Freeman Boynton Jr states I am wondering how I am going to get in this parking area
- Paul Brogna states we toyed with several scenarios, you have to do a 3 point turn to get back out again. We could take the rain garden out, we're looking at taking the garage out
- Freeman Boynton Jr states what is you switch sides of the garage and rain garden
- Paul Brogna states we can't make it more non-conforming
- Freeman Boynton Jr states but the setback is zero on commercial property, so you could put the garage wherever you want
- Freeman Boynton Jr states I am just concerned with getting in and out of the parking, can you drive on the rain garden
- Paul Brogna states no, I wouldn't
- Tony Fisher, 89 Pine Street, we are looking to build this family business and we also want to maintain the historical elements of this structure
- Emmett Sheehan states you don't want to lose this garage, you want to be able to put it back
- Kathleen Muncey states is the garage historic
- Paul Brogna states there are also 3 public parking spots as well
- RT Carpenter states I am the Chair of the Historical Commission and they came before us as the garage was over 75 years old
- Wayne Dennison states great thank you, if you move the garage do you run into Con Comm problems

- Paul Brogna states no, there are no wetlands within 100 feet
- Wayne Dennison states if you put the garage in the corner by Bayside, doesn't that alleviate a lot of problems
- Emmett Sheehan states would you guys be amendable to that if it can be done engineering wise
- Paul Brogna states if you condition the permit to that, we could do that or look at it
- Wayne Dennison states I would suggest we do it in a different process than that, which would be to come back with another set of plans that we can approve
- Amy MacNab, Chair of the Selectboard, states the storm water concerns me. That storm water is being treated before it is released into the bay. Is the parking being proposed as paved? What would the site coverage be if it were paved; Also the building height of 30 feet to the midpoint, what will the height of the building be if it is elevated the proposed 4 feet
- Paul Brogna states this is not new construction, this is a renovation and so it falls under the storm water act of 1997/1998. Redevelopment is not new construction.
- Freeman Boynton Jr states but it's grass not (the driveway) and you are going to make it less pervious
- Paul Brogna states stone not gravel; we could put pervious asphalt.
- Freeman Boynton Jr states we are just discussing it Paul, Amy asked a question about paving it and treating storm water
- Wayne Dennison states so the height does not seem to be addressed in the site plan, how tall is this going to be
- Paul Brogna states right around 30 feet
- Wayne Dennison states but there are no elevations here
- Emmett Sheehan states that will be part of his homework
- Freeman Boynton Jr states that's measured twenty feet in front of the building
- Amy MacNab states until we as a Town decide to change the Bylaw to allow heights above thirty feet, it would need a variance to exceed
- Wayne Dennison states correct, the question is whether this application exceeds the 30 foot limit and the application does not include the existing height of the building and the proposed height of the building, that line was left blank
- Judith Barrett states Mr. Chair, I think this application needs more thought, the Applicant should be able to ask for an extension to allow more time
- Freeman Boynton Jr states would we prefer impervious asphalt over gravel
- Emmett Sheehan states we never have
- Kathleen Muncey states pervious asphalt is more pervious than gravel
- Freeman Boynton Jr states yes
- Discussions regarding pervious asphalt
- Richard Krugger states my property is picking up all of the runoff from the post office along with my own properties during a storm. Fifteen minutes and it soaks into the

ground. The post office will be moving their downspouts to alleviate some of the excess runoff and then I will put stone to help with absorption

- Wayne Dennison states I think the entire Board is sympathetic to getting this building up. We need the elevations and we need to know how to alleviate the runoff and then with the change of use, we will need to work on that as well.
- Paul Brogna states on the height in the building, we are not exceeding the 30 feet
- Emmett Sheehan states great, get it on the plan
- Wayne Dennison states there is no question that you can go to thirty feet, we will accept that, there are other issues that need to be addressed
- Judith Barrett states it should be documented in the application
- Paul Brogna states on the parking issues, the parking requirements are the same, we are giving you six additional spaces that have never been required before. This is a double standard.
- Wayne Dennison states so if you are asking for an up or down with respect to this plan, we will give you an up or down, but I am not sure you are going to like the outcome
- Freeman Boynton Jr. states I am not requiring anything in terms of parking, but to benefit the Applicant, I am simply saying it would benefit them to reconfigure the parking
- Freeman Boynton Jr continues, I just don't want to see cars backing into Washington Street with all the congestion that this will create, more cars backing onto Washington Street
- Tony Fisher states I totally understand this, I have been plowing this property for my father in law for three years, people back out onto Washington Street and there is a currently a retail shop, so changing the use, this will help by adding parking spots
- Emmett Sheehan states no I completely agree
- Philp Thorn states as it is configured now, whether you are plowing or dropping a letter at the post office, right now you are all at the same grade. So this new design your grade is above the post office, so I think the suggestion Mr. Boynton states is trying to help you. The redesign of the parking will make it a little more user friendly
- Tony Fisher states I do agree with the suggestions
- Wayne Dennison states I think that this is a completely do-able project, the question is how best to do this. We are in a difficult situation if the Applicants are looking to move forward with a vote tonight based on the materials before us. This is one of the most prominent locations in this town, so we want to get this right.
- Emmett Sheehan states it's going to be a design model for the entire area
- Freeman Boynton Jr makes a motion to continue this case
- Paul Brogan asks for the items to address, the height of the building, the parking, the material of the driveway, anything else
- Deb Keller with Merrill Engineers addresses the Board, just to add with respect to the storm water, but this does meet storm water standards

- Freeman Boynton Jr states sounds great, lets continue
- Wayne Dennison states Paul when do you want to continue to
- Paul Brogna states when is Mr. Wasielewski due back
- Borys Gojnycz states can I get a head count of who is voting and sitting on this case
- Wayne Dennison states the five sitting Board Members are on this case and everybody else, their contributions are extraordinarily desirable
- Lauren Haché states does November 18th work?
- Wayne Dennison moves to continue the public hearing to November 18, 2021 at 7:30pm
- Emmett Sheehan seconds
- All in favor WD, JB, ES, FB, KM

Motion: It was moved, seconded and unanimously voted to continue the public hearing to November 18, 2021.

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

BOARD OF APPEALS — MINUTES

Case No: 2021-29

Petitioner: Gawrelski & Greene

Address: 57 Gurnet Road

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

Members present: Wayne Dennison, Judith Barrett, Emmett Sheehan, Philip Thorn, Borys Gojnycz & Tanya Trevisan

Members Voting: Wayne Dennison, Emmett Sheehan, Philip Thorn, Borys Gojnycz & Tanya Trevisan

Other persons present at the hearing: James Wasielewski, Building Commissioner and Lauren Haché, Administrative Assistant

- Wayne Dennison opens the public hearing and asks who is here on behalf of the Applicant
- Deb Keller with Merrill Engineers responds that she is
- Wayne Dennison states do you waive the reading of the public hearing notice
- Deb Keller states yes
- Wayne Dennison continues and states we have an application, site photographs and reads the case responses from the Board of Health, the Planning Board, the Design Review Board and the Conservation Commission. We have a very complete site plan and architectural plans, so why don't we hear from the Applicant first and then we will allow for Board Members questions and then public comment.
- Deb Keller introduces herself and states the homeowners are here virtually tonight, as is the Architect and Builder. Ms. Keller states this is a raze and rebuild of a pre-existing, non-conforming house and garage. Deb Keller states the current home is non-conforming through a side setback as well as from a lot coverage standpoint. We are looking to raze and rebuild the garage and the proposed garage is slightly smaller than the existing garage. It does also meet all setbacks. The existing home is currently 9.8 feet from the North side setback and the proposed home will be 12.1 feet, so this will be slightly less non-conforming. We did do a calculation with the side setback and volume, this structure will still meet the 30 foot height limit the home will be 75 square feet smaller than the existing structure. In terms of building coverage, we came up with 2,720 for the property, which is slightly over 20%, so we looked at that and are looking to reduce that to 2,502 square footage with the new proposal, which reduces the coverage percentage to 19.2%. We are attempting to reduce both non-conformances and we have Conservation erosion control in the red line around the property. We are maintaining the existing driveway and we are looking to demo the patio in the rear of the existing home and replacing that with lawn area.
- Wayne Dennison states alright, I was interested in your building height calculations, you have a roof mid-point of 54 feet tall
- Deb Keller states that's the actual elevation, that is the grade elevation, if you look on the plan to the side 29.59 is the actual height of the proposed dwelling
- Wayne Dennison states ok, I got it, perfect. So 20 feet from the front and you are under the 30 feet. Does the Board have questions

- Wayne Dennison states is there anyone from the public that would like to comment
- Amy MacNab states, so if we are razing a pre-existing, non-conforming structure on a pre-existing, non-conforming lot, why would the Board not consider having this proposal come into compliance with setbacks and coverage, both of those are being improved, but are not in compliance. If they are starting over, why not make them come into compliance
- Wayne Dennison states so Amy, we have put this very issue to Town Counsel and just because it has a raze and rebuild, does not mean that now they have to comply with every provision of the Bylaw. This Board has long taken the position and has considered whether there has been some improvement towards compliance. These lots in particular are relatively small and we have had a very great level of improvement on them. I know the Planning Board for many years has always maintained the position that is there is a raze and rebuild, it has to come into compliance with the Bylaw, I don't think that that is consistent with Massachusetts Law and I don't think that that is consistent with the advice that we were given with Town Counsel. Accordingly, what we have done in several previous matters is consider whether the new project is a significant improvement over the old one. I will be candid here; I am fully convinced that this project is an improvement over the old one. I hope that is responsive to your question.
- Amy MacNab states it is, thank you for the Mr. Chairman
- Candace Martin, 59 Gurnet Road, I have some questions for Merrill Engineers on coverage reduction. When I look at the footprint of the house, it is actually getting 10 feet longer and the section that is squared off creates more coverage on the south side of the house. I don't know if the patio on the back of the house is included in the coverage and how could the overall coverage of the house getting smaller when the house is getting bigger
- Wayne Dennison states question of that nature should come through the Board, but why doesn't Merrill respond
- Deb Keller shares her screen and begins to explain. We are squaring off the proposed house. The patio is not included in the building coverage; it is included in the reduction of overall impervious for the site. When we look at the existing house structure, there is a large overhang that is 3 feet on the first and second story of the existing structure and that is the limit that this calculated to and is shown in this dashed line, which makes it hard to see the change between the two structures. We do have the calculations broken down on the plan also, which shows you the building coverage. We did break it down, the overhang does impact our building coverage, and when we follow the zoning regulations, we go down to from 2720 down to 2502 with building coverage.
- Candace Martin states ok, but why would you exclude the patio that is in front
- Deb Keller states I did not calculate anything past the actual property line, that patio there is part of the Plymouth Avenue private way, so this dashed line here is the actual property line
- Candace Martin states right, but part of that patio is on the property line, if that is not part of the property, who's property is that
- Deb Keller states I would have to defer to an Attorney on who has the rights. The wedge that you see of the patio on the property was included in the calculation of lot coverage, not building coverage
- Wayne Dennison states the portion of the patio that is on this site, you included in the lot calculation
- Deb Keller states yes, that is correct
- Candace Martin states even though the red line shows the limit you're calculating

- Deb Keller states, no the red dashed line is the erosion control boundary and shows that we are working within this area and we are not touching the retaining wall or patio
- Wayne Dennison states so, Ms. Martin, part of what we do here is to consider if this is more detrimental to the neighborhood, so do you have issue with this proposal
- Candace Martin states only that it extends 10 foot 7 inches longer, I am losing a view and then there is a garage that is much larger with a full two story structure with an in law apartment
- Deb Keller states the width of the existing structure is 33 feet wide excluding the overhang. The proposed structure will be similar in width as well, we are sliding it to the south slightly to improve the side setback but we are maintaining 15 ½ feet which is where the existing structure is still maintaining compliance with setback
- Candace Martin states right that abuts my property there. It's the east west view impacting my view and you are increasing that by 10 foot 7 inches
- Deb Keller states yes towards Gurnet Road
- Candace Martin states you are moving an exterior wall 3 feet. The two-story garage and it is just the point that the application states no impacts to obstructions and I disagree. Anything looking north will be obstructed and then on the marsh side it will be obstructed by the garage
- Emmett Sheehan states Ms. Martin so you are saying this will impact you quite a bit
- Candace Martin states not quite a bit, I just this the application should show a 41% increase in a house and it is closer to us and to the ocean side and marsh side
- Emmett Sheehan states and so you are a little bit impacted, what is your opinion
- Candace Martin states a 41% increase next door is not the small neighborhood you are describing and if I am adding 10 feet onto a house, the calculations don't seem right
- Borys Gojnycz states I would say this is a significant impact or detriment
- Wayne Dennison states I suspect that the Abutter is saying is correct, there are no view easements in Massachusetts. Furthermore, it is moving closer to the lot line, but it is moving within the setbacks in a permissible distance. I am sympathetic, but this does seem to me that people are allowed to make permissible improvements to their properties. I am interested about the difference between the proposed garage and existing garage and the notion of a much bigger volume. Can you speak to that Ms. Keller
- Deb Keller states I will state one thing and then I will ask the Architect to speak. The garage itself meets all of the zoning setbacks and height requirements, I will let the Architect speak on the volume
- Anne Mathias, Catalano Architects, I am going to share my screen and show the proposed garage drawings. Ms. Mathis explains the significant slope to Gurnet Road, with the second floor of the garage is 12 feet above the grade.
- Emmett Sheehan states what is the percent of more volume
- Anne Mathias states I do not have a number for that; it is certainly not 100%. I can figure this out right now
- Emmett Sheehan states yes, just a rough estimate
- Tanya Trevisan states there isn't an existing guess house in there, is there
- Emmett Sheehan states there can't be
- Anne Mathias states I would say probably 30-40% increase in volume and shares a photo of the existing garage
- Wayne Dennison states the existing garage doesn't have a guest house right

- Anne Mathis states no, it does not have a guesthouse. Let me see if I can see the existing drawings. There is a significant roof, there is not a 10' ceiling. There is a loft space above the garage
- Borys Gojnycz is there a difference in garage height existing verse proposed
- Deb Keller states I can take a look
- Wayne Dennison states so the existing home, how tall is that
- Deb Keller states the existing home is 26 feet high to the mid-point
- Wayne Dennison states so it's 4 feet taller
- Borys Gojnycz states my concern for the Abutter is regarding the views
- Deb Keller states we did not pick up the roof elevation in the survey for the garage. There is a 10 foot elevation change in terms of where the garage is to the home
- Wayne Dennison states what about the other houses in the immediate neighborhood, have any other neighbors spoken up
- Deb Keller states I am not aware, maybe Peter or Anne the homeowners know
- Candace Martin states so we did rebuild our house 6 years ago, we made the house smaller so that we did not need a special permit, as did the house to the south
- Wayne Dennison states how big is your property ma'am
- Candace Martin states it's the exact same size lot as the one seeking relief
- Wayne Dennison states did the Applicant consider a compliant application
- Anne Mathias states it would have drastically reduced the home and spaces that would work for the homeowners. We tried hard to reduce the non-conformities and supply the owners with a proposal that would work for them
- Wayne Dennison states was there any attempt to talk about the proposal with the neighbor or neighborhood
- AnnMarie Greene, homeowner of 57 Gurnet, we did speak to Candy and she is in fact working with the same Builder, so I am actually surprised that we are just hearing about this now, since we have spoken to her multiple times. As for the garage, there is a loft on the second floor, that is full height and it is currently unfinished. We are proposing it slightly higher and to put a small guest area for my parents to stay occasionally. One last comment on the views, the current view on the marsh are gorgeous, but I am confused about Candy's concerns on views on both ocean and marsh. Candy has a direct view to the marsh and in contrast we have a house behind us blocking the marsh and this garage is lower than that house. As for the ocean side, I am not sure if she is concerned about losing the views of Plymouth Ave. or the old Killian house. Our house is set back of hers, so it does not obstruct the ocean views, I am confused.
- Philip Thorns states can we make an observation as to where we are at with this before going down a rabbit hole. It appears to me that we as a Board are in agreement with the proposed house and the decrease in non-conformities. The only issue we have developed the height of the garage right
- Wayne Dennison states right fill, frankly without the garage, they wouldn't even be here
- AnnMarie Greene states isn't the height of the garage on the plan in front of you
- Deb Keller states the proposed height of the proposed garage meets the 30 feet
- Wayne Dennison states correct, the reason we are here is that you have lot coverage exceeding the conforming level and the side setback to the north of the single-family house. I was

interested in the notion that even if you look past the full height of the proposed garage there is another house between this house and the marsh, I think Mr. Gawrelski.

- Ken Gawrelski state yes sir, we have neighbors directly across from the garage and we have spoken to these neighbors. The Martin's have no obstruction with the marsh
- Candace Martin states I want to clarify that the first time we saw these plans was with Conservation and no garage was there and now there is a guesthouse added to the garage and this was never discussed.
- Ken Gawrelski states Candy is correct, the garage plan was unintentionally not with the Conservation application. We let the neighbors know and actually sent the full plans to the McGuiness's when they asked to see them and let all neighbors know to just ask. Also regarding this notion of a guesthouse in the garage, that is a bit of a misnomer. This was an unfinished loft and now we are proposing a finished loft with a slight increase in height. I know this is not even allowed for a guesthouse.
- Wayne Dennison states would you like us to vote or would you rather have further discussion with neighbors
- Deb Keller shares her screen to show the views with the home between the marsh and the Gawrelski and Greene home at 57 Gurnet Road
- Anne Greene states also the two homes most impacted by this have given their blessing on this project and points those homes out on the screen aerial view.
- Wayne Dennison states so, should we vote or continue
- Anne Greene states we would like the Board vote please
- Wayne Dennison states any other comments or concerns on this case
- Deb Keller states Anne do you have a proposed height of the garage.
- Anne Mathias states 22 feet above grade
- Emmett Sheehan states so the height of the garage is 22 feet from the garage door side
- Anne Mathias states correct and the elevation is 37.6
- Wayne Dennison states how tall is it on the other side
- Anne Mathias states just under 27 feet
- Amy MacNab states so, is this one of the homes with the new seawall
- AnnMarie Greene states no
- Amy MacNab states thank you
- Wayne Dennison states so absent of any other questions, I move to close the public hearing
- Emmett Sheehan seconds
- All in favor WD, ES, TT, PT, BG
- Wayne Dennison states the hearing is closed, Board have any discussion
- Philip Thorn states I move that we approve the special permit as reflected in the application and plans presented
- Wayne Dennison states second
- All in favor WD, PT, ES, TT, BG

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

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

Motion: It was moved, seconded and unanimously voted to approve the Special Permit as requested.

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