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TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

May 23, 2019 @ 7:30 p.m.

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

CALL TO ORDER: Judith Barrett, Chair Pro Tem, called the meeting to order.

- **ZBA Case #2019-03 Cavanaugh/Archia Homes, 13 Lewis Court:** *The Board voted to approve the special permit.*
- **ZBA Case #2019-04 McGrath, 16 Pine Pt Road:** *The Board voted to continue the hearing until September 12, 2019.*

The Board moved to adjourn the meeting. All in favor.

BOARD OF APPEALS — MINUTES

Case No: 2019-03

**Applicant: Jacqueline Cavanaugh c/o Archia Homes
(Agent, Peter Stames)**

Property Address: 13 Lewis Court

Date: May 23, 2019 Time: 7:30 p.m.

(Cont'd from May 9, 2019)

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on ~~Thursday, May 9, 2019~~ at 7:30 p.m. to consider the application of Jacqueline Cavanaugh c/o Archia Homes for a Special Permit under Article(s) 400 and 900, Section(s) 401.2, 404.9, 410.4, and 906.2 of the Duxbury Protective Bylaw. The property is located at 13 Lewis Court, Parcel No. 139-042-006 of the Duxbury Assessors Map, consisting of .05 Acres in the Residential Compatibility & Wetlands Protection Overlay Districts and owned by Jacqueline Cavanaugh. The Applicant proposes to raze and rebuild a pre-existing, nonconforming dwelling. A Special Permit is required.

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

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

Other persons present at the hearing: Angela Ball, Administrative Assistant

- Judith Barrett opens the meeting and explains it's a continuance from another meeting she was not present at, so she hands it over to another who was – Kathleen Muncey.
- Kathleen Muncey, Chair Pro Tem, explains the situation from the last meeting - that it was found the plan setbacks did not match the application and that the application had some errors on dimensions, so the ZBA had asked them to come back. Kathleen Muncey states that the application appears to have been corrected; however the recent plans do not show the front setback of 16' so one way is to continue and get another plan or does the Board have another suggestion.
- Freeman Boynton, Jr. states that he thinks the Applicant knows what he has to do and that they could ask for a corrected plan and condition that Scott look at it before moving forward. Mr. Boynton also explains that there are other options – that the Bylaw allows him to reduce the setback to be less than the average of the abutting properties, so he could go out and calculate that.
- The Board discusses alternate options.
- Emmett Sheehan states that he thinks an easier option is to simply prove the 16' setback.
- Freeman Boynton, Jr. states that as long as he comes in with a stamped plan proving the 16' or an average of the others, he's ok with it.
- Emmett Sheehan concurs.
- Kathleen Muncey asks if there is a possibility they could put a larger house there.
- Peter Stames (Agent for the Applicant) indicates they are not considering that.
- Kathleen Muncey states she's ok with the plan as is with the condition to submit an accurate plan.

BOARD OF APPEALS — MINUTES

Case No: 2019-04

Applicant: Glenn R. McGrath

Property Address: 16 Pine Pt Road

Date: May 23, 2019 Time: 7:30 p.m.

The Board of Appeals will hold a public hearing in the Mural Room at Town Hall, 878 Tremont Street, on Thursday, May 23, 2019 at 7:30 p.m. to consider the application of Glenn R. McGrath for a Special Permit under Article(s) 400 and 900, Section(s) 401.2 #4, 402, 410.4, and 906.2 of the Duxbury Protective Bylaw. The property is located at 16 Pine Point Road, Parcel No. 139-941-023 of the Duxbury Assessors Map, consisting of .10 Acres in the Residential Compatibility (RC) & Flood Hazard Area Overlay Districts (FHAOD) and owned by Glenn R. McGrath. The Applicant proposes to raze and rebuild a pre-existing, nonconforming dwelling. A Special Permit is required.

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

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

Other persons present at the hearing: Angela Ball, Administrative Assistant

- Judith Barrett, Chair Pro Tem, opens the public hearing for 16 Pine Pt Road and asks eh Applicant if he'd like to update them on a status.
- Glenn McGrath of 16 Pine Pt Road states that he had hired Grady consulting to survey his property and it was put in an AO Flood Zone, but when he met with Conservation they explained that it was rezoned in 2016 to a velocity zone. He states that his house design as submitted cannot be approved to move forward unless that Zone is changed back to AO and that he understands that it may happen as there is a request from the Town already in the works, otherwise he'll have to go back and redesign his house to a much smaller house. Mr. McGrath explains that time is of the essence to him as he is renting and paying a mortgage.
- Mr. McGrath and the Board discuss his situation, noting that the zone designation change is key and that it'd make sense to continue the hearing and wait to see if the zone changes in that time.
- Angela Ball explains that the Planning Director let her know that a petition to change the Flood Maps has been submitted to FEMA by a consultant (on behalf of the Town) and that change is likely to occur and likely to take btwn 30-60 days.
- Borys Gojnycz asks who is making the decision, is it federal. All answer, that yes, it's FEMA.
- Philip Thorn asks if the application or petition is a LOMA. Yes.
- The Board discusses continuation dates.
- Freeman Boynton, Jr. makes a motion to continue the hearing until September 12, 2019.
- Emmett Sheehan seconds. All in favor, 5-0.

Motion: It was moved, seconded and unanimously voted to continue the public hearing until September 12, 2019.

Moved by: FB

Seconded by: ES

Number in favor: 5

Number opposed: 0