

## REQUEST FOR REVIEW

Case No: 2024-04

Petitioner: James and Lisa Badeau

C/O: Sail Architects, Jessica Williams

Address: 18 Josselyn Avenue

Parcel #: 120-192-000

<u>  *</u>	PLANNING BOARD
<u>  *</u>	BOARD OF HEALTH
<u>  *</u>	CONSERVATION COMMISSION
<u>  *</u>	DESIGN REVIEW BOARD
<u>  *</u>	WATER DEPARTMENT
<u>  *</u>	DUXBURY BAY MANAGEMENT COMMISSION
<u>  *</u>	HIGHWAY DEPARTMENT

Date form was delivered: 01/11/2024

DATE REVIEW REPORT DUE TO BOARD OF APPEALS (906.4-WITHIN 35 DAYS) - Written comments and recommendations should be received within 35 days or there shall be deemed no opposition or desire to comment. **DUE DATE TO ZBA: 2/16/2024 or ASAP**

**PUBLIC HEARING SCHEDULED FOR: February 22, 2024**

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<u>      </u>	RESIDENTIAL CLUSTER DEVELOPMENT
<u>      </u>	PLANNED DEVELOPMENT
<u>  X  </u>	SPECIAL PERMIT
<u>      </u>	VARIANCE
<u>      </u>	APPEAL

### BOARD OF APPEALS REQUESTS:

<u>      </u>	PRELIMINARY QUALIFICATION/SITE ANALYSIS REVIEW	803.5
<u>  X  </u>	SPECIAL PERMIT COMMENTS & RECS.	906.2
<u>      </u>	DEVELOPMENT APPLICATION REVIEW	806.2
<u>      </u>	SITE PLAN APPROVAL	602
<u>      </u>	VARIANCE – COMMENTS AND RECOMMENDATIONS	
<u>      </u>	APPEAL OF BUILDING INSPECTOR'S DETERMINATION- COMMENTS AND RECOMMENDATIONS	



# TOWN OF DUXBURY



## BOARD OF APPEALS NOTICE OF PUBLIC HEARING

TOWN CLERK  
2024 JAN 12 AM 11:05  
DUXBURY, MASS.

The Board of Appeals will hold a public hearing in the Mural Room, 878 Tremont Street and via zoom on Thursday, February 22, 2024 at 7:30 p.m. to consider the application of James and Lisa Badeau, c/o Jessica Williams of Sail Architects for a Special Permit under Article(s) 400 and 900, Sections 401.3, 410.4 and 906.2 of the Duxbury Protective Bylaw. The property is located at 18 Josselyn Avenue, Parcel No. 120-192-000 of the Duxbury Assessors Map, consisting of 0.17 acres in the Residential Compatibility District (RC) and owned by James and Lisa Badeau. The Applicants propose to raze and rebuild a pre-existing, non-conforming attached garage, where the proposal is slightly more conforming. A special permit is required. The application may be viewed on the Town's website [www.town.Duxbury.MA.US](http://www.town.Duxbury.MA.US) under the Zoning Board of Appeals page or in the Municipal Services Department. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the application and any accompanying materials in an accessible format. Such requests should be made at least three business days in advance by contacting the Municipal Services Department.

Pursuant to Chapter 2 of the Acts of 2023, 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. Additionally, the meeting will be broadcast live, in real time, via the Duxbury Government Access Channels – Verizon 39 or Comcast 9. Viewers can visit [www.pactv.org/duxbury](http://www.pactv.org/duxbury) for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

### REMOTE MEETING ACCESS INSTRUCTIONS

<https://pactv.zoom.us/j/93616327348?pwd=RHZYNIYLTndTdVZqaWlPb25hZlVLU09>

Zoom Meeting ID: 936 1632 7348 Zoom Password: 943482

Zoom call in access: 1 929 205 6099 US

Adv.: 2/7 & 2/14/2024  
Case #2024-04

Wayne Dennison  
Chair, Board of Appeals





The Town of Duxbury  
878 Tremont Street  
Duxbury, MA 02332  
Phone: (781) 934-1100 • Fax: (781) 934-1118

TOWN CLERK'S STAMP:

TOWN CLERK  
2024 JAN 12 AM 11:05  
DUXBURY, MASS.

## APPLICATION - DUXBURY ZONING BOARD OF APPEALS

### APPLICATION INFORMATION

This Application is for:

Special Permit

Appeal

Variance

Comprehensive Permit

Project Name: **Badeau**

Project Type: Residential **Residential**

Location (Street Address): **18 Josselyn Ave, Duxbury, MA 02332**

Assessor's Map/Block/Lot Number (s):

Applicant: Jessica R. Williams

Address: 1243 Tremont Street, Duxbury,  
MA. 02332

Telephone: 781-934-2150

Fax:

Email: [Jessica@sailarchitects.com](mailto:Jessica@sailarchitects.com)

Property Owner: **Jim & Lisa Badeau**

Address: **18 Josselyn Ave, Duxbury, MA 02332**

Telephone: **617-529-5840 (Lisa), 617-620-3430 (Jim)** Fax:

Email: [lisabadeau@gmail.com](mailto:lisabadeau@gmail.com), [jimbadeau@gmail.com](mailto:jimbadeau@gmail.com)

Briefly describe and justify your special permit or variance request, or the basis for your appeal:

Pre-existing, non-conforming property in area and setback seeking a special permit to rebuild a garage with some living space with similar non-conformities.

### SITE INFORMATION

Total Area (Sq. Ft.): **7293**

Total Upland Area (Sq. Ft.) **7293**

Lot Frontage **80**

Zoning District(s) circle all that apply:

**RC: Residential Compatibility**

NB1: Neighborhood Business District 1

NB2: Neighborhood Business District 2

PD1: Planned Development District I

PD2: Planned Development District 2

PD3: Planned Development District 3

FHAOD: Flood Hazard Area Overlay

District

WPD: Wetlands Protection District

APOD: Aquifer Protection Overlay

District

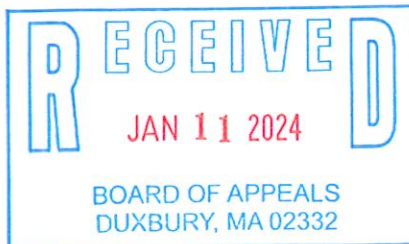
POLOD: Publicly Owned Land Overlay District

DPD: Dunes Protection District

WSOD: Waterfront Scenic Overlay District

Identify *all* sections of the Duxbury Protective Bylaw that apply to this Application:

**401.3, 410.4, 906.2**



Existing Use(s) of the Property:

Single Family residence and garage

#### APPLICANT AND OWNER CERTIFICATIONS

The undersigned hereby certifies that he/she has read and examined this Application, including all attachments hereto, and that the proposed project is accurately represented in the statements made in this Application. The undersigned also certifies that applications have been filed with the Planning Board, Conservation Commission, and Board of Health, as appropriate, and hereby requests a hearing before the Zoning Board of Appeals with reference to this Application.

#### Property Owner

I/we hereby acknowledge that the Applicant is authorized to act on my/our behalf and that any and all representations made by the Applicant will be binding on me/us as Owners of the property.

Signature: James V. Badoan Date: 1/7/24

Print: James V. Badoan

Signature: Lisa M. Badoan Date: 1/7/24

Print: Lisa M. Badoan

#### Applicant/Appellant

Signature: JRW Date: 1/10/24

Print: Jessica Williams

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_

Applicant is:    Owner    Tenant    ☒ Agent/Attorney    Purchaser    Appellant

This completed Application has been reviewed by the Building Inspector prior to filing with the Town Clerk.

[Signature]  
Signature of Building Inspector

1/12/24  
Date of Review

#### Supplemental Application Requirements

The Application must include one or more of the following supplemental pages, as applicable

- ☒ A. Section 906.2 Findings (Required for All Special Permit Applications)
- ☒ B. Application to Extend or Alter a Non-Conforming Single-Family or Two-Family Dwelling
- C. Application to Extend or Alter Other Use or Structure
- D. Application for a Special Permit in the NB-1 or NB-2 District
- E. Application for a Residential Pier
- F. Application for a Special Permit in the WPOD
- G. Application for Variance
- H. Appeal of Building Inspector/Zoning Enforcement Officer Decision
- I. Application for a Comprehensive Permit under G.L. c. 40B



## SUPPLEMENTAL APPLICATION REQUIREMENTS

### A. Section 906.2 Findings; Required for All Special Permit Applications.

For each of the following special permit granting criteria, summarize the proposed project's benefits to the Town and explain how they will outweigh any adverse impacts on the Town or the vicinity of the site. If a given criterion does not apply to the Application or if there will be no adverse impact, briefly explain why. Attach additional sheets if necessary.

- 1) Suitability of the proposed location for this proposal, taking the following into consideration:
  - a) Nearby land uses, and whether they would be supported by or damaged by having the proposed use nearby.
  - b) Uses of the site which would be displaced by or preempted by this use.
  - c) Adequacy of roads, water, drainage and other public facilities serving the location.
  - d) Whether the site is more sensitive than are most similarly zoned sites to environmental damage from the proposal such as: erosion, siltation, potential groundwater or surface water contamination, especially if affecting public or private water supplies, habitat disturbance or loss of valuable natural vegetation.
  - e) Contribution to cumulative impact upon municipal water supplies, including consideration of nitrate-nitrogen loading, if within a defined Aquifer Protection Overlay District.

Applicant's Response:

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The proposal is a rebuilding of existing and shall have no change in impact.

- 2) Activity type, mix and intensity, taking the following into consideration:
  - a) Whether the proposal contributes to the diversity of services available locally;
  - b) Seasonal consequences, including addition to peak period congestion;
  - c) Service to local, in preference to regional, markets;
  - d) For business developments, likelihood of employment opportunities being created for residents, and the quality of those opportunities; and
  - e) For residential developments, how substantially, if at all, the proposal contributes to housing diversity.

Applicant's Response:

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No change in activity type

- 3) Building and site design, including consideration of the following:
- a) Whether scenic views from public ways and developed properties have been considerably treated;
  - b) Whether compatibility with neighborhood character has been considerably treated;
  - c) Whether reasonable efforts have been made to minimize visibility of parking and service areas from public streets;
  - d) Whether any traditional public access to or along shoreline has been maintained; and
  - e) Compliance with the criteria of Section 424.4 and/or Section 615 under Site Plan Approval.
  - f) Compliance with Section 404.20, "Determination of Suitability of Piers" and Section 404.50, "Waterfront Scenic Area Overlay District," if applicable.

Applicant's Response:

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- A. The view of the structure will be improved from existing.
- B. The structure is in keeping with other neighborhood architecture.
- C. The structure could improve parking visibility by providing

By Applicant/Appellant

Signature: 

Date: 1.8.24

Print: Jessica Williams

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DUXBURY BOARD OF APPEALS  
SUPPLEMENTAL APPLICATION REQUIREMENTS

A. Application to Extend or Alter a Non-Conforming Single-Family or Two-Family Dwelling

- 1) What is the nature of the existing nonconformity(ies)? Check *all* that apply.
- ☒ Insufficient lot area ☒ Insufficient lot frontage
- ☒ Encroachment on front, side, or rear setbacks ☐ Existing height exceeds maximum height limit
- ☒ Excess *lot* coverage (RC limit: 15%) ☐ Excess *site* coverage (NB-1 and NB-2 limit: 50 %)
- ☐ Other (list):
- 2) When was the existing dwelling (or accessory structure) constructed? 1954  
(Attach evidence, e.g., historic photographs, assessor's record, building permit records, other)
- 3) When was it most recently altered or extended? 2002
- 4) Have any zoning variances been granted for the subject property? Yes ☐ No ☐ If yes, when? \_\_\_\_\_
- 5) Does the proposed project involve demolition of an existing structure? I Yes ☐ No ☒ Partial
- 6) If yes, and if the building was constructed 75 years or more before the date of this application, has the Historical Commission held a public hearing and made a demolition delay determination under Section 609?  
Yes ☐ No ☐ Not Applicable ☒
- 7) Describe the existing and proposed conditions on the lot. The following calculations should be prepared by the Engineer or Architect of record and must be presented here OR on the site plan

	Total (All Structures)			Nonconforming Only		
	Existing	Proposed	Percent Change	Existing	Proposed	Percent Change
Gross Floor Area (sq. ft.)	2722* (incl garage)	3028* (incl garage)	11.2	468	712	+52
Volume (cu. ft.)				4680	6452	+37
Lot or Site Coverage						
Area (sq. ft.)	1691	1763		468	505	+7.9
Percent	23.19	24.17	.99%	6.4	6.9	+5
Building, Height					18.9	
Setbacks:						
Front:				-	-	-
Side:	3.3	3.6	+9	3.3	3.6	+9
Side:	+15	+15				none
Rear:	1.5	1.6	+6	1.5	1.6	+6

- 8) Does your proposed project:
- Yes ☐ No ☒
- ☐ Conform to the requirements of the Duxbury Zoning Bylaw?
- ☒ Increase any existing non-conformity?
- ☐ Create any new non-conformity?
- 9) The Board of Appeals is required to make certain findings under Section 401.2(3)(a). To assist the Board in this process, please respond to each of the following questions.
- a) Will the proposed project substantially increase the nonconforming nature of the existing structure or lot? Why, or why not?

The existing structure is currently non-conforming by area and setback. The proposed structure is slightly more conforming in the side & rear setback. The increase in area is providing a small amount of storage to the garage which will be an attractive structure looking consistent with the context of the neighborhood. The increase toward the street shall not impact any other neighbor.

- b) Has the project been designed to ensure that the proposed changes will not be more detrimental than the existing nonconforming structure to the neighborhood? If so, how?

The design of the structure provides details similar to the neighborhood context. While there is some height and volume increase, the area of work is not impactful to neighbors. The loft has a single window looking toward the neighbor in the rear however, the window is set at a height that an occupant can only see sky, and not see to the neighbor's yard, preserving privacy.

By Applicant/Appellant

Signature:



Date:

1.8.24

Print: Jessica Williams



18 Josselyn Ave Existing Photos

North



South





West



East





# ZBA Application

## 18 Josselyn Ave - Comparable lot Coverages

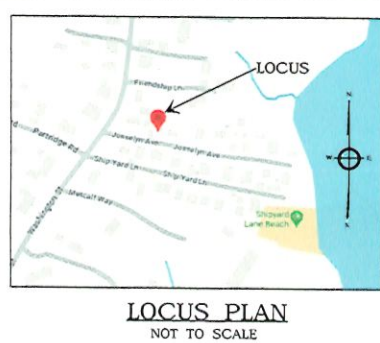
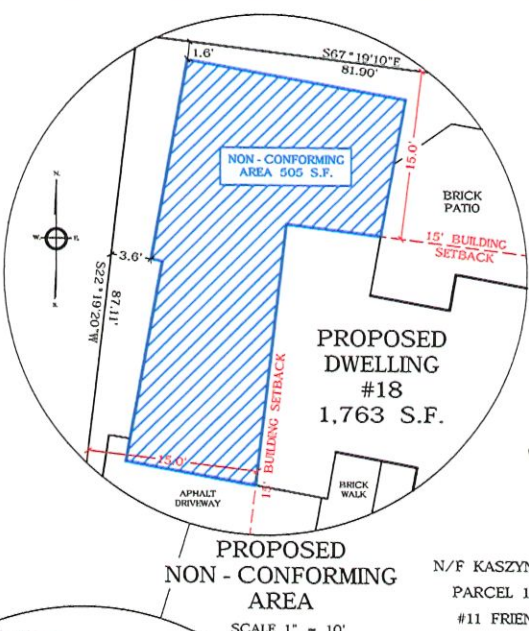
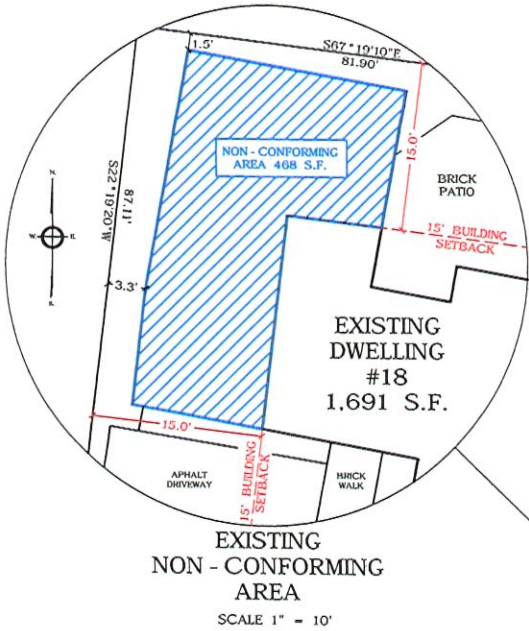
All Neighborhood Data from Duxbury Assessors Office

Shown Lowest to Highest on Josselyn Ave and Surrounding Roads

Address	SF of House	SF of Lot	% coverage
11 Friendship Ln	854	12632.4	6.8%
11 Josselyn Ave	2284	25264.8	9.0%
8 Josselyn Ave	1439	14374.8	10.0%
28 Josselyn Ave	1500	14374.8	10.4%
52 Josselyn Ave	2360	19602	12.0%
221 Washington St	2988	20908.8	14.3%
23 Josselyn Ave	1785	12196.8	14.6%
22 Josselyn Ave	1318	8712	15.1%
57 Josselyn Ave	3612	23522.4	15.4%
45 Josselyn Ave	1956	12196.8	16.0%
50 Josselyn Ave	980	6098.4	16.1%
44 Josselyn Ave	1201	6969.6	17.2%
17 Josselyn Ave	2026	11325.6	17.9%
31 Josselyn Ave	2702	13939.2	19.4%
38 Josselyn Ave	1376	6969.6	19.7%
39 Josselyn Ave	2166	10890	19.9%
42 Josselyn Ave	1489	6969.6	21.4%
51 Josselyn Ave	2179	9583.2	22.7%
18 Josselyn Ave	1691	7293	23.2%
18 Josselyn Ave (Proposed)	1763	7293	24.2%
35 Shipyard Lane	1906	7841	24.3%

Average Coverage	17.1%
Lowest Coverage	6.8%
Highest Coverage	24.3%

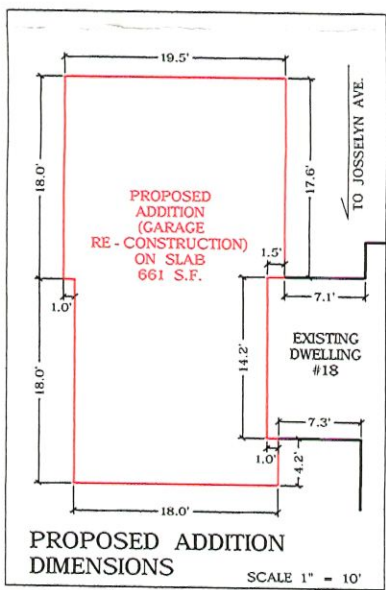




PROPOSED  
ADDITION  
(RE - CONSTRUCTION  
OF EXISTING GARAGE)  
ON SLAB  
661 S.F.

GENERAL NOTES:

ADDRESS: 18 JOSSELYN LANE  
OWNER: JAMES J. BADEAU AND  
USA M. BADEAU, TRUSTEES  
REFERENCE: LCC 131314  
ASSESSOR'S PARCEL NO.: 120-192-000  
LOT AREA: 7,293± S.F.  
EXISTING BUILDING COVERAGE: 1,691± S.F. / 23.18±  
PROPOSED BLDG COV': 1,763± S.F. / 24.17±  
BLDG COV' NET CHANGE: + 72 S.F. / + 0.99%



N/F EDGAR & MALLETTE  
PARCEL 120-191-000  
#8 JOSSELYN AVENUE

PARCEL 120-192-000  
7,293± S.F.

N/F CONWAY  
PARCEL 120-193-002  
#22 JOSSELYN AVENUE

JOSSELYN AVENUE  
(30' WIDE)



S. ROBERT PHINNEY, P.L.S.  
21 ACORN ST.  
MIDDLEBOROUGH, MASSACHUSETTS

I CERTIFY THAT THE BUILDING LOCATED AS SHOWN ON  
THIS PLAN IS DERIVED FROM AN ON THE GROUND SURVEY  
BY DUXBURY CONSTRUCTION.

THE DWELLING IS NOT LOCATED IN A FLOOD ZONE  
AS SHOWN ON F.I.R.M. MAP 25023C0243K DATED  
NOVEMBER 4, 2016.

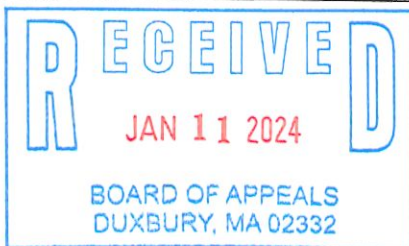
THIS PLAN AND ACCOMPANYING CERTIFICATIONS DO NOT  
CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY  
DISPLAYED HEREON. THE OWNER OF THE LOCUS AND ABUTTING  
PROPERTIES ARE SHOWN ACCORDING TO CURRENT  
ASSESSOR'S RECORDS.

DIMENSIONAL REQUIREMENTS: ZONE RC

ITEM	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	40,000 S.F.	N/A	N/A
MINIMUM LOT FRONTAGE	200 FT.	N/A	N/A
MINIMUM FRONT YARD (W/ STREET < 40 FT. WIDE)	45 FT. FROM CENTERLINE	47.6 FT. FROM CENTERLINE	64.6 FT. FROM CENTERLINE
MINIMUM SIDE YARD	15 FT.	3.3 FT.	3.6 FT.
MINIMUM REAR YARD	15 FT.	1.5 FT.	1.6 FT.

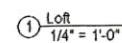
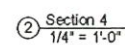
PROPOSED ADDITION  
for  
JAMES & LISA BADEAU  
on  
18 JOSSELYN AVENUE  
in  
DUXBURY, MASSACHUSETTS

JANUARY 8, 2024  
DUXBURY CONSTRUCTION COMPANY  
P.O. BOX 2514  
DUXBURY, MASSACHUSETTS









Badeau  
Garage & Guest Quarters Renovation

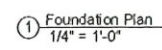
## Loft Plan

## A1.2

Scale  $1/4" = 1'-0"$





[illegible]

Badeau  
Garage & Guest Quarters Renovation

## Foundation Plan

Project number	2314
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Date \_\_\_\_\_

Drawn by	Author
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Checked by	Checker
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S1.0

Scale  $1/4" = 1'-0"$