

REQUEST FOR REVIEW

Case No: 2024-10

Petitioner: Bayside Marine

C/O: S R Periwinkle Realty Corp.

Address: 433-447 Washington Street

Parcel #s: 119-762-102, 119-761-115 and 119-761-114

<input type="checkbox"/>	PLANNING BOARD
<input type="checkbox"/>	BOARD OF HEALTH
<input type="checkbox"/>	CONSERVATION COMMISSION
<input type="checkbox"/>	DESIGN REVIEW BOARD
<input type="checkbox"/>	WATER DEPARTMENT
<input type="checkbox"/>	DUXBURY BAY MANAGEMENT COMMISSION
<input type="checkbox"/>	HIGHWAY DEPARTMENT

Date form was delivered: 03/4/2024

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: 04/10/2024 or ASAP**

PUBLIC HEARING SCHEDULED FOR: April 11, 2024

<input type="checkbox"/>	RESIDENTIAL CLUSTER DEVELOPMENT
<input type="checkbox"/>	PLANNED DEVELOPMENT
<input checked="" type="checkbox"/>	SPECIAL PERMIT
<input type="checkbox"/>	VARIANCE
<input type="checkbox"/>	APPEAL

BOARD OF APPEALS REQUESTS:

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



TOWN CLERK
2024 MAR -4 PM 6:14
DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a public hearing in the Mural Room, 878 Tremont Street and via zoom on Thursday, April 25, 2024 at 7:30 p.m. to consider the application of Bayside Marine for a Special permit under Article(s) 400, 600 and 900, Section(s) 402, 404, 410, 420, 422, 422.3 #5, 615, 615.2 #1C and 906.2 of the Duxbury Protective Bylaw. The property is located at 433-447 Washington Street, Parcel No.'s 119-762-102, 119-761-115 and 119-761-114 of the Duxbury Assessors Map, consisting of 4.09 acres, 0.09 acres and 0.34 acres in the Residential Compatibility (RC) District, Neighborhood Business District 2 (NB2), Wetlands Protection District (WPOD) and Flood Hazard Overlay District (FHAOD) and owned by SR Periwinkle Realty Corp. The Applicant proposes to raze an existing seven bay service garage located on parcel no. 119-762-102 and construct a new six bay service garage on the same parcel. A Special Permit is required. The application may be viewed on the Town's website www.town.Duxbury.ma.us under the Zoning Board of Appeals page. 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.

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 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=RHZYNIIVLTndTdVZqaWlPb25hZlVLU09>

Zoom Meeting ID: 936 1632 7348 Zoom Password: 943482

Zoom call in access: 1 929 205 6099 US

Adv.: 4/10 & 4/17/2024
Case #2024-10

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 MAR -4 PM 6:14
DUXBURY, MASS.

APPLICATION - DUXBURY ZONING BOARD OF APPEALS

APPLICATION INFORMATION

This Application is for:

☒ Special Permit ☐ Appeal ☐ Variance ☐ Comprehensive Permit

Project Name: Bayside Marine

Project Type: Commercial

Location (Street Address): 433-447 Washington Street, Duxbury MA

Assessor's Map/Block/Lot Number (s): Map 119, Block 762, 102, Block 761, Lots 114 and 115

Applicant: SR Periwinkle Realty Corp.

Address: 441 Washington St, P.O Box 158, Duxbury MA 02331

Telephone: 781-934-0561

Fax:

Email: jr@baysidemarinecorp.com

Property Owner: SR Periwinkle Realty Corp.

Address: 441 Washington St, P.O Box 158, Duxbury MA 02331

Telephone: 781-934-0561

Fax:

Email: jr@baysidemarinecorp.com

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

The applicant/owner proposes to raze an existing 7 bay service garage and construct a new 6 bay service garage, The current use is for boat sales and service, which is an allowed use by special permit. The proposed garage will not increase the use as the proposal reduces the number of service bays by 1. The proposed development along with associated removal of approximately 1,600 SF of bituminous concrete pavement will yield a reduced impervious cover from the existing conditions.

SITE INFORMATION

Total Area (Sq. Ft.): 205,507

Lot Frontage: 280.3 FT

Total Upland Area (Sq. Ft.): 166,986 ☐

Zoning District(s):

☐ RC: Residential Compatibility

☐ NB1: Neighborhood Business District 1

☒ NB2: Neighborhood Business District 2

☐ PD1: Planned Development District 1

☐ 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:
Section 422.3(5) Use Permitted by Special Permit, Section 615.2(1)(c) Site Plan Review, and section 906.2 for Special Permits.



Duxbury Zoning Board of Appeals
Application Form
Page 1

Existing Use(s) of the Property:
Boat Sales and Service

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:

Date:

Print:

Signature:

Date:

Print:

Applicant/Appellant

Signature:

Date:

Print:

Signature:

Date:

Print:

Applicant is: ☒ Owner ☐ Tenant ☐ Agent/Attorney ☐ Purchaser ☐ Appellant

Building Inspector Review

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

Signature of Building Inspector

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: The proposed site improvements will not affect the nearby land in any significant way. There will be no negative effects by maintaining the current use on-site. The proposed improvements will not result in an increase in impervious area on site. Existing stormwater facilities will be used to treat stormwater runoff.

The proposed garage will be serviced by on-site services from the existing water and gas mains within Washington Street.

The proposed 6-bay garage will be located further away from the wetland resources than the existing 7-bay garage.

Erosion control measures will be installed during project construction. The proposed razing and redevelopment of the garage will have no negative impacts to municipal water supplies, public or private water supplies, or any nearby habitat.

- 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: The proposed site improvements and redevelopment will not alter the intensity of the current use, boat sales and service, on the property. The proposed 6 bay garage, with its associated garage bay dimensions, will provide Bayside Marine with proper boat storage area to better service the current boat market by allowing more room per bay to service and maintain the larger boat inventory.

- 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.

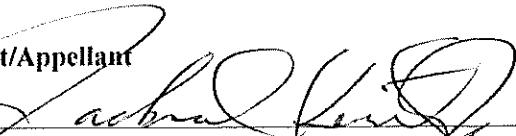
Applicant's Response: The scenic views from public ways and surrounding developed properties will not be affected by the new garage as it is in the general location of the existing garage to be razed. The exterior aesthetics will be consistent with the other garage structures on-site. No additional parking is required with the improvements. The proposed garage is situated behind existing structures that front on Washington Street, minimizing the visibility from the public street. Public access to the site will not be affected by the proposed improvements. The proposed improvements will not increase the building footprint by more than 1,000 SF. Compliance with §424.4 and §615 of the Duxbury Zoning Bylaw will be upheld through Site plan approval. Compliance with §404.20 and §404.50 are not applicable to this project.

By Applicant/Appellant

Signature:

Date:

Print:


JACKSON S KENT JR

3/1/2024

DUXBURY BOARD OF APPEALS
SUPPLEMENTAL APPLICATION REQUIREMENTS
D. Application for a Special Permit in the NB1 or NB2 District

- 1) Project Description. Complete the following chart by providing information about all existing and proposed uses on the site.

Use(s)	Existing (E) or Proposed (P)	Gross Floor Area (sf)	Site Coverage (See Section 425; Respond in "Total" Line)	Off-Street Parking Requirement (See Section 610)	Subject to Site Plan Review under Section 615?
Retails/Office	E	6,404		22	No
Service Bays (2 bays)	E	2,176		6	No
Service Bays (6 bays)	P	4,800		18	Yes
Showroom	E	3,600		9	No
Total:		16,980	38.9% (80,027 ±SF)	55 (Existing 81)	
Service Bays (7-bays)	E	4,452		21	No

- 2) The following questions pertain to findings the Board of Appeals must make in order to grant a special permit under Section 906.2. Provide information sufficient for the Board to make the required findings. This information should support the summary of public benefits presented in Attachment A.

- a) How will the proposed uses contribute to the diversity of goods and services available in the Town?

The proposed improvements do not change the use of the property but will increase the ability to provide boat services to the Town and surrounding community by allowing for more adequately sized service bays to service and maintain the boat inventory on-site.

- b) Will the proposed uses generate unique seasonal impacts, such as a seasonal increase in traffic, water consumption, energy use, or other?

The proposed improvements will not alter the uses provided on-site, resulting in no additional seasonal impacts.

- c) Will the clientele or customer base for the proposed uses be predominantly local or non-local? How do you know?

The customer base will not be impacted by the proposed improvements, based on the use remaining the same.

- d) Employment. Complete the following chart by providing information about existing employment on the site and anticipated employment when the project is built and occupied.

Type of Employment	Number of Jobs		Absolute Change	Percent Change	Average Annual Wage
	Existing	Proposed			
Boat Yard/Sales & Service	35	35	0	0	\$60,000
Total:	35	35	0	0	\$60,000

- e) Will the proposed project result in the displacement of any existing uses on the site? ☐ Yes ☒ No
If yes, explain:

- 3) Additional information needed to evaluate the proposed project under Sections 906.2 and 424.

Environmental Measure	Existing Condition	Build-out Condition	Absolute Change	Percent Change
Daily traffic (vehicle trip generation)		No Change		0%
Annual water demand		No Change		0%
Annual energy use		No Change		0%

By Applicant/Appellant

Signature:

Date:

Print:

Richard Kent
3/1/2024
JACKSON S KENT JR



EXISTING BUILDING WEST ELEVATION



EXISTING BUILDING NORTH ELEVATION



EXISTING BUILDING SOUTH ELEVATION



EXISTING BUILDING WEST ELEVATION

SR PERIWINKLE REALTY CORP
PO BOX 158
DUXBURY, MASSACHUSETTS 0233

PARCEL ID: 119-761-115
441 WASHINGTON STREET
LAND COURT CERT. #C17-2

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE X, ZONE AE (EL=10) AND ZONE VE (EL=12) OF THE FLOOD INSURANCE RATE MAP, AS SHOWN ON COMMUNITY MAP NO. 25023C0241L, WHICH BEARS AN EFFECTIVE DATE OF JULY 6, 2021, AND IS IN A SPECIAL FLOOD HAZARD AREA.

1. TOPOGRAPHIC AND DETAIL INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND SURVEY PERFORMED BY MERRILL ENGINEERS AND LAND SURVEYORS DURING APRIL AND MAY OF 2021.
2. ALL ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
3. WETLAND RESOURCE AREAS SHOWN ON THIS PLAN WERE DELINEATED BY ENVIRONMENTAL CONSULTING AND RESTORATION, LLC DURING APRIL OF 2021 AND FIELD LOCATED BY MERRILL ENGINEERS AND LAND SURVEYORS.
4. SUBJECT SITE IS IN THE NEIGHBORHOOD BUSINESS DISTRICT 2 "NB2" AS DEPICTED ON THE TOWN OF DUXBURY ZONING MAP.
5. EXISTING UTILITIES, WHERE SHOWN, HAVE BEEN COMPILED BASED ON OBSERVED ABOVE GROUND EVIDENCE AND AVAILABLE RECORD PLANS AND ARE TO BE CONSIDERED APPROXIMATE. MERRILL ENGINEERS AND LAND SURVEYORS DOES NOT GUARANTEE THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN OR THAT ALL EXISTING UTILITIES AND/OR SUBSURFACE STRUCTURES ARE SHOWN.

NEIGHBORHOOD BUSINESS NB2 DISTRICT

	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
AREA	15,000 SF	166,986±SF	166,986±SF
FRONTAGE	100 FEET	280.3 FEET	280.3 FEET
LOT DEPTH	100 FEET	>100 FEET	>100 FEET
BUILDING HEIGHT	30 FEET	<30 FEET	<30 FEET
SITE COVERAGE	50%	39.8%	38.9%
MINIMUM YARDS:		<u>EXISTING BUILDING TO BE RAZED</u>	<u>PROPOSED BUILDING</u>
FRONT	10 FEET	180.4 FEET	169.8 FEET
SIDE	0 FEET	25.4 FEET	31.2 FEET
REAR	0 FEET	228.2 FEET	272.2 FEET

● DISC	BRASS DISC FOUND
□ SB/DH	STONE BOUND W/DRILL HOLE FOUND
● REBAR	
100	REBAR FOUND
○	CONTOUR LINE
□	POST AND RAIL FENCE
—	STOCKADE FENCE
E	WASH WATER RECYCLE PIPE
G	ELECTRIC LINE
r	GAS LINE
D	TELEPHONE/CABLE LINE
OHW	GUARD RAIL
LS	DRAIN LINE
—	OVERHEAD WIRES
—	BUILDING OVERHANG
—	LANDSCAPE AREA
—	TREE LINE
—	WETLAND LINE
W	BUFFER ZONE LINE
—	WATERMAIN
—	PAINT LINE
⊞ AC	HVAC UNIT
○ DMH	DRAIN MANHOLE
⊞ EM	ELECTRIC METER
○ FLAG	FLAG POLE
⊞ GG	GAS GATE
□ GM	GAS METER
○ HYD	FIRE HYDRANT
⊞ LP	LIGHT POLE (PUBLIC)
⊞ MB	MAIL BOX
⊞ MH	MANHOLE (UNKNOWN)
⊞ PIV	POST INDICATOR VALVE
○ POST	WOOD POST
◇ RHT	ROOF HEIGHT
~ SIGN	SIGN
× SLAB	SLAB ELEVATION
○ SMH	SEWER MANHOLE
◆ TBM	BENCHMARK
+ TH	THRESHHOLD
⊞ UP	UTILITY POLE
○ WF	WETLAND FLAGGED LINE
⊞ WG	WATER GATE
⊞ HAND	HANDICAP SPACE

5	3/1/24	REV. PROP BLDG
4	1/23/24	ADD PROP BLDG
3	11/16/21	GRADING CHANGES
2	10/22/21	REMOVE PROP BLDG
1	8/2/21	REVIEW COMMENTS

DESIGNED BY: DK

Merrill
Engineers and Land Surveyors
427 COLUMBIA ROAD, HANOVER, MA 02339 / T: (781) 826-9200
26 UNION STREET, PLYMOUTH, MA 02560 / T: (508) 746-6060

SITE PLAN

433-447 WASHINGTON ST
DUXBURY, MASSACHUSETTS

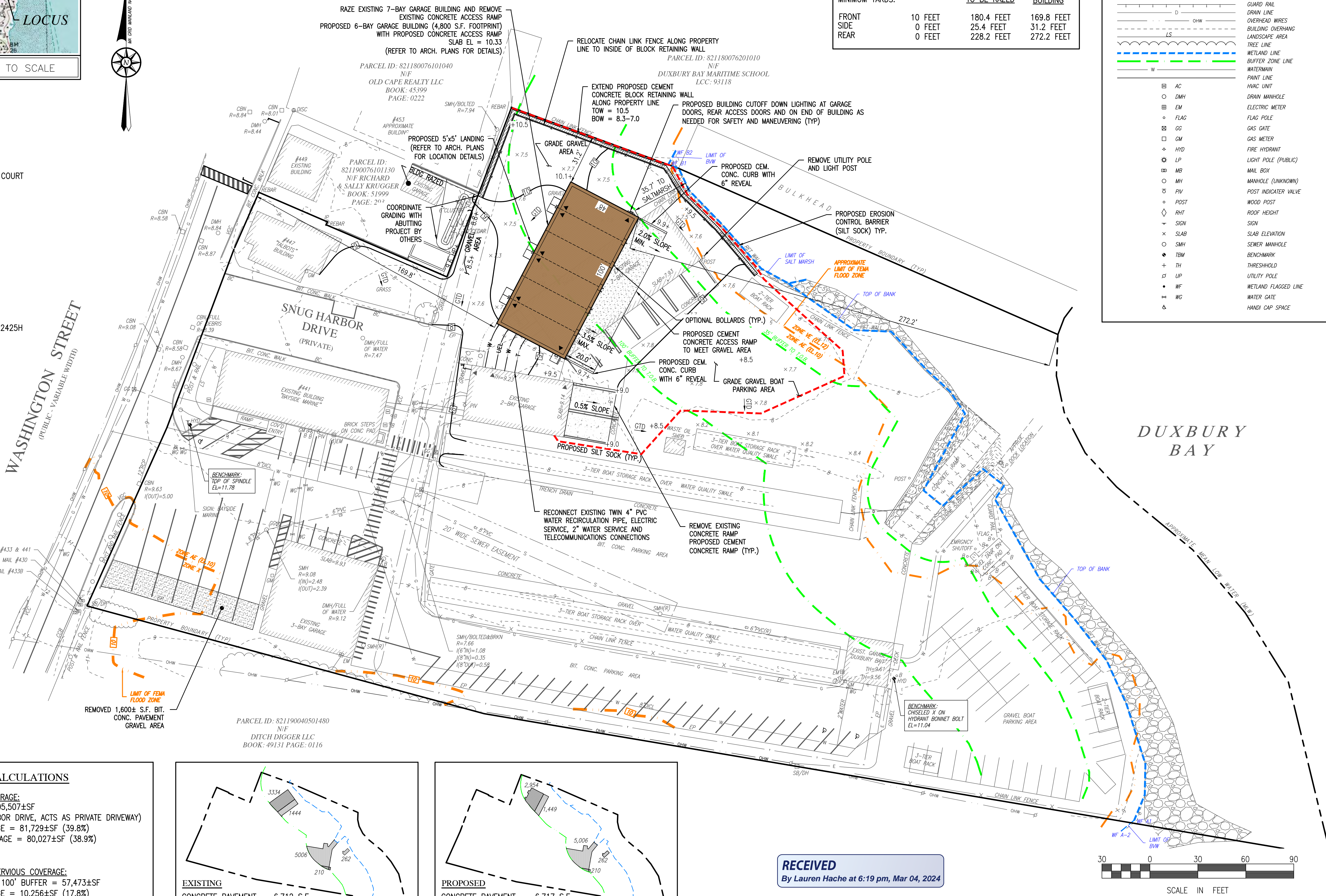
DAN HAWKINS/ BAYSIDE MARINE
433-447 WASHINGTON STREET

PREPARED FOR

SCALE: 1" = 30'

LATEST REVISION
MARCH 1, 2024

SHEET 1 OF 2



SITE IMPERVIOUS COVERAGE:
TOTAL LOT AREA = 205,507±SF
(INCLUDES SNUG HARBOR DRIVE, ACTS AS PRIVATE DRIVEWAY)
EXISTING LOT COVERAGE = 81,729±SF (39.8%)
PROPOSED LOT COVERAGE = 80,027±SF (38.9%)

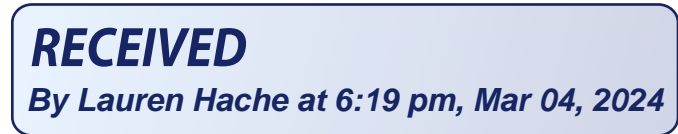
WETLAND BUFFER IMPERVIOUS COVERAGE:
 EXISTING AREA WITHIN 100' BUFFER = 57,473±SF
 EXISTING LOT COVERAGE = 10,256±SF (17.8%)
 PROPOSED AREA WITHIN 100' BUFFER = 57,473±SF
 PROPOSED LOT COVERAGE = 9,881±SF (17.2%)

<u>EXISTING</u>	
CONCRETE PAVEMENT -	6,712 S.F.
BUILDING -	3,544 S.F.
TOTAL -	10,256 S.F.

<u>PROPOSED</u>		
CONCRETE PAVEMENT -	6,717	S.F.
BUILDING -	3,164	S.F.
TOTAL -	9,881	S.F.

RECEIVED
By Lauren Hache at 6:19 pm, Mar 04, 2024

SHEET 2 OF 2



SITE NORTH

PLAN NORTH

Bayside Marine
6-Bay Work Garage
433-447 Washington Street
Duxbury MA 02332

CLIENT

Bayside Marine Corp.
441 Washington St
[P.O. Box 148]
Duxbury MA 02331
T: 781 934,0561
E: info@baysidemarinecorp.com

MEP ENGINEER

STRUCTURE

CONSUL

SEAL

1	2.27.24	REVIEW
NO.	DATE	REVISION

ITECTS
Inc.
508.746.4646
r2arch.com

22 AR
91 Samoset Street
Plymouth, MA 02360

PROJECT MGR	CHECKED BY
RR	RFR
JOB NO	DRAWN BY
24202	RR
SCALE	DATE
As Noted	02.27.2024

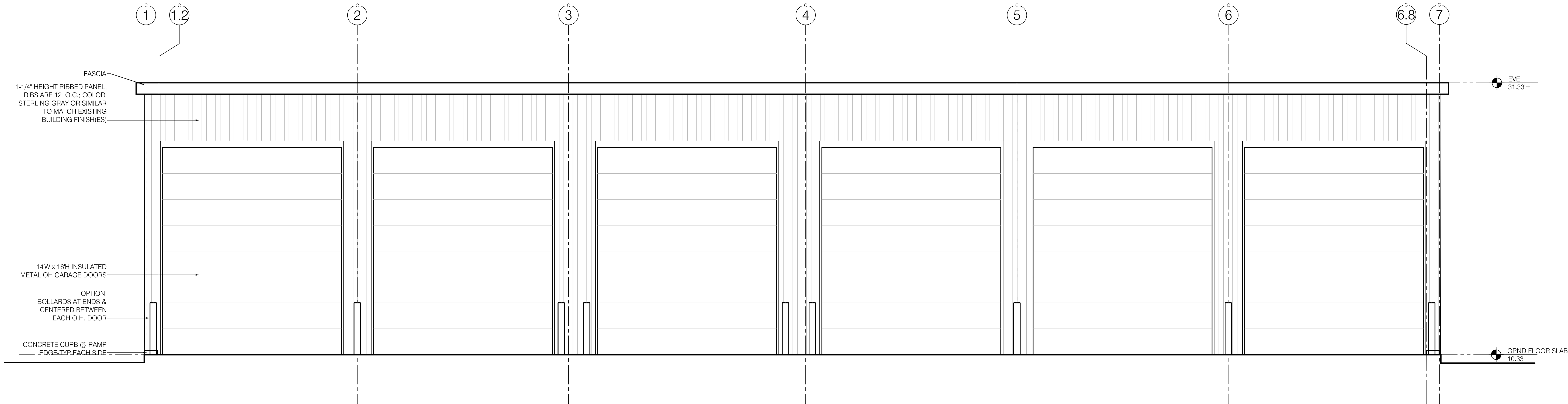
DWG TITLE

GROUND
LEVEL FLOOR
PLAN

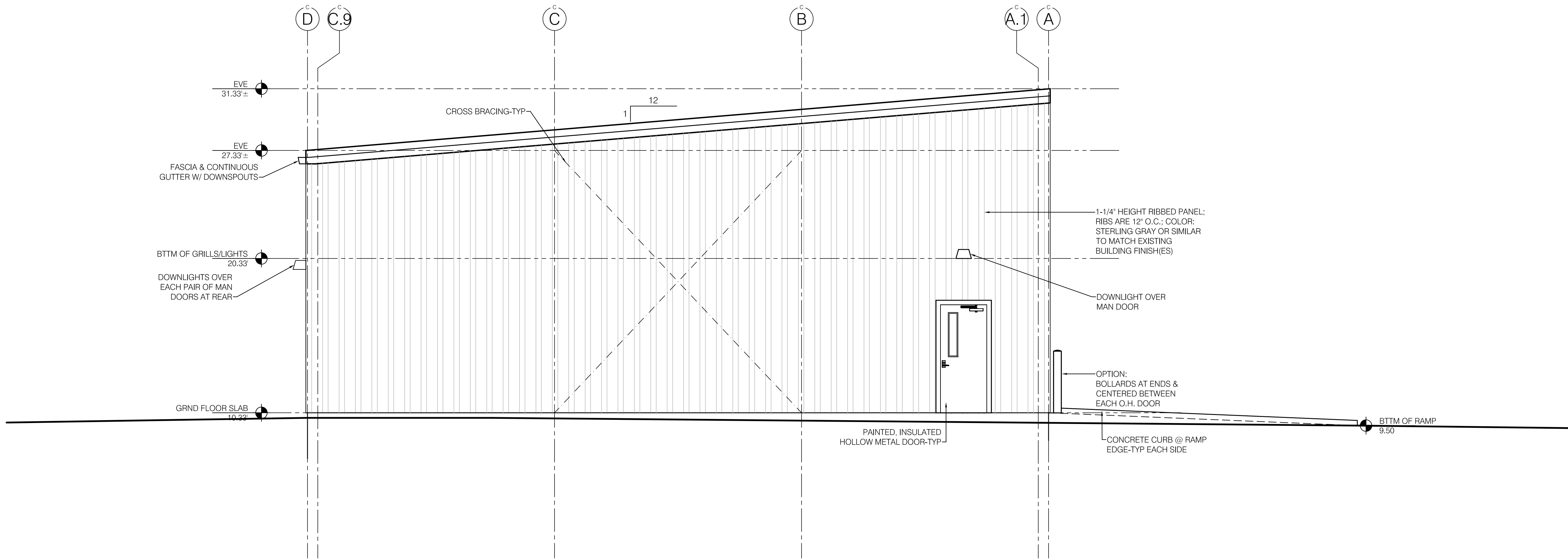
SHEET N

A1.01

\\ACADPROJ\24202_Boyside_2\24202_Boyside_BASE.dwg Feb 27, 2024 -- 11:33 am RHE/EJS



1 East Facing Elevation
1/4"=1'-0"



2 South Facing Elevation
1/4"=1'-0"

RECEIVED
By Lauren Hache at 6:19 pm, Mar 04, 2024

NOTES

PROJECT

Bayside Marine
6-Bay Work Garage
433-447 Washington Street
Duxbury MA 02332

CLIENT

Bayside Marine Corp.
441 Washington St
[P.O. Box 148]
Duxbury MA 02331
T: 781.954.0661
E: info@baysidemarinecorp.com

MEP ENGINEER

STRUCTURAL

CONSULTANT

SEAL

NO.	DATE	REVISION
1	2.27.24	REVIEW

R2 ARCHITECTS Inc.
508.744.4666
r2arch.com
91 Samson Street
Plymouth, MA 02360

PROJECT MGR

RR

CHECKED BY

RFR

JOB NO

24202

DRAWN BY

RR

SCALE

As Noted

DATE

02.27.2024

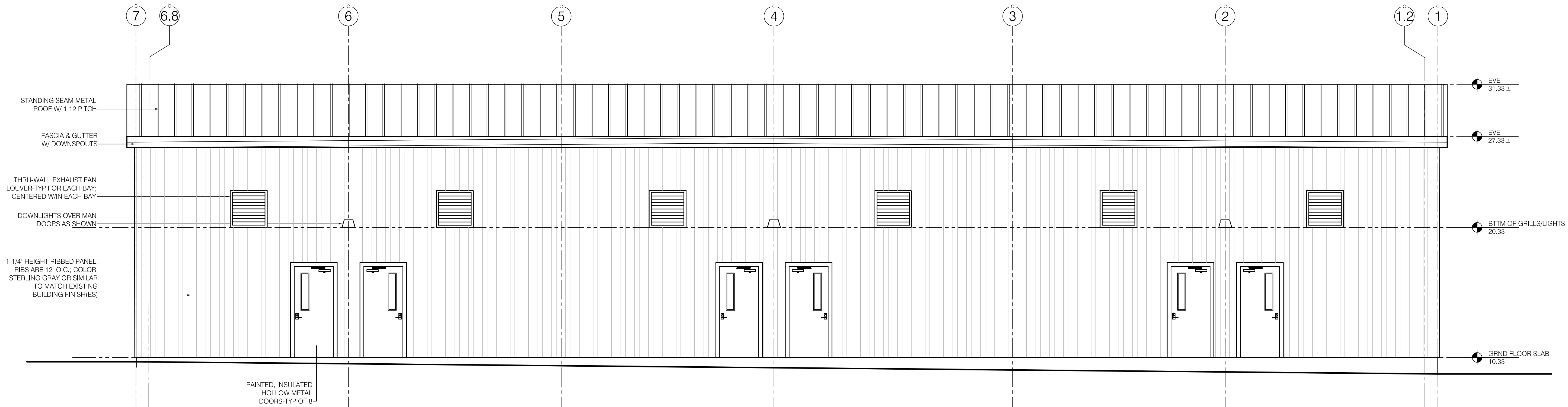
DWG TITLE

SOUTH FACING ELEVATIONS

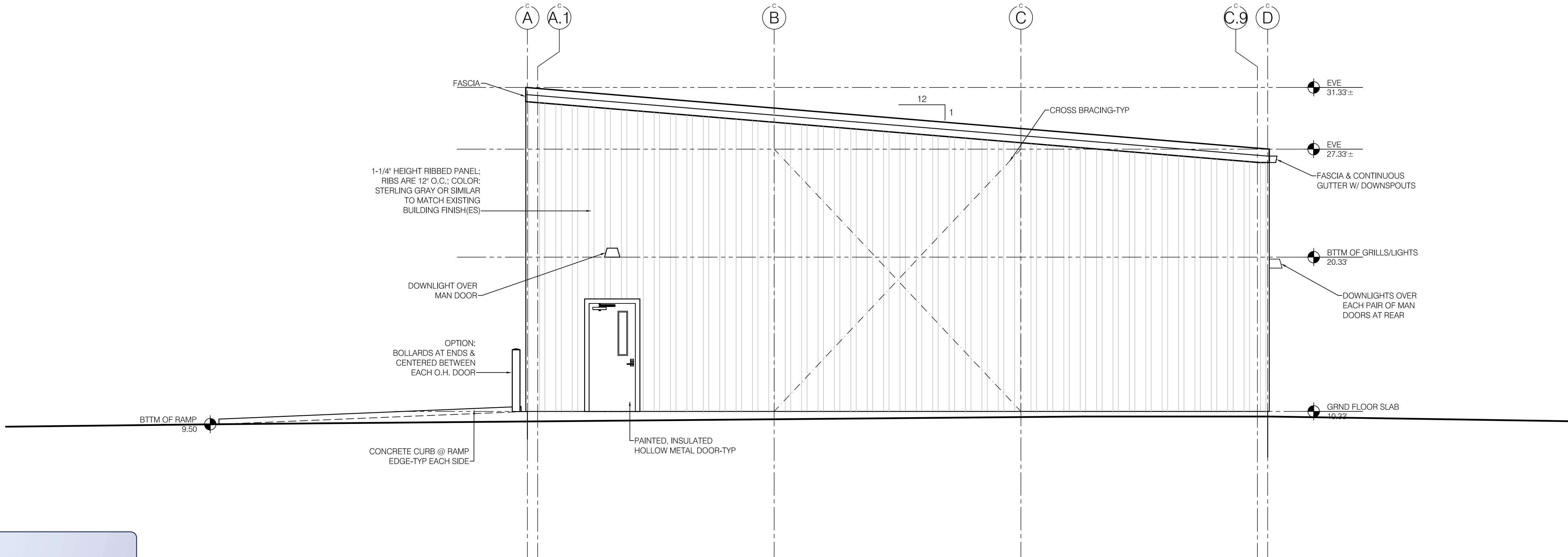
SHEET NO

A2.01

\\ACADPROJ\24202_Bayside_2\24202_Bayside_BASE.dwg Feb 27, 2024 - 11:34 am RBE/ESS



1 West Facing Elevation
1/4"=1'-0"



RECEIVED
By Lauren Hache at 6:19 pm, Mar 04, 2024

2 North Facing Elevation
1/4"=1'-0"

NOTES

PROJECT

Bayside Marine
6-Bay Work Garage
433-447 Washington Street
Duxbury MA 02332

CLIENT

Bayside Marine Corp.
441 Washington St
[P.O. Box 148]
Duxbury MA 02331
E: info@baysidemarinecorp.com

MEP ENGINEER

STRUCTURAL

CONSULTANT

SEAL

NO.	DATE	REVISION
1	2.27.24	REVIEW

R2 ARCHITECTS Inc.
508.744.4646
r2arch.com
91 Somerset Street
Plymouth, MA 02360

PROJECT MGR	CHECKED BY
RR	RFR
JOB NO	DRAWN BY
24202	RR
SCALE	DATE
As Noted	02.27.2024

WEST AND
NORTH FACING
ELEVATIONS

SHEET NO

A2.02