REQUEST FOR REVIEW

Case No: 2024-12

Petitioner: Camilla Wilson Hammer C/O: Kevin Dahlen with Dahlen Co. Address: 1 Abrams Hill Road

Parcel #: 116-092-000

* PLANNING BOARD
BOARD OF HEALTH

* CONSERVATION COMMISSION

* DESIGN REVIEW BOARD

* WATER DEPARTMENT

* DUXBURY BAY MANAGEMENT COMMISSION

Date form was delivered: 3/28/2024

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: May 1, 2024

PUBLIC HEARING SCHEDULED FOR: MAY 9, 2024

RESIDENTIAL CLUSTER DEVELOPMENT
PLANNED DEVELOPMENT
X SPECIAL PERMIT
VARIANCE
APPEAL

BOARD OF APPEALS REQUESTS:

PRELIMINARY QUALIFICATION/SITE ANALYSIS REVIEW
SPECIAL PERMIT COMMENTS & RECS.
DEVELOPMENT APPLICATION REVIEW
806.2
SITE PLAN APPROVAL
602

VARIANCE – COMMENTS AND RECOMMENDATIONS
APPEAL OF BUILDING INSPECTOR'S DETERMINATIONCOMMENTS AND RECOMMENDATIONS



TOWN CLERK 2024 MAR 28 PM 12: 35 BUXBURY, 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, May 9, 2024 at 7:30 p.m. to consider the application of Camilla Wilson Hammer for a Special permit under Article(s) 400 and 900, Section(s) 402, 404, 404.6, 404.7, 404.8, 404.20, 410 and 906.2 of the Duxbury Protective Bylaw. The property is located at 1 Abrams Hill Road, Parcel No. 116-092-000 of the Duxbury Assessors Map, consisting of 1.72 acres in the Residential Compatibility District (RC), Flood Hazard Area Overlay District (FHAOD) and the Wetlands Protection Overlay District (WPOD) and owned by Camilla Wilson Hammer. The Applicant proposes to construct a residential pier. 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. 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 for information about Duxbury programming including streaming and watching replays on Duxbury YouTube.

REMOTE MEETING ACCESS INSTRUCTIONS

https://pactv.zoom.us/j/93616327348?pwd=RHZYNIVLTndTdVZqaWIPb25hZIVLUT09

Zoom Meeting ID: 936 1632 7348 Zoom Password: 943482

Zoom call in access: 1 929 205 6099 US

Adv: 4/24 & 5/1/2024

Case #2024-12

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 27 AM 11: 14 BUXBURY, MASS.

APPLICATION - DUXBURY ZONING BOARD OF APPEALS

APPLICATION INFORMAT	ION			
This Application is for:				
Special Permit	□ Appeal	☐ Variance		☐ Comprehensive Permit
Project Name: Proposed Season		lk pier		
Project Type: Residential board	and the same I have been a second			
Location (Street Address):	1 Abrams Hill Roa	ad		
Assessor's Map/Block/Lot Numb	per (s): 116-092-000			
Applicant: Kevin Dah				
	load, Duxbury MA 023			
Telephone: 617-688-2200	Fax:	781-934-2417	Email: ke	evin@dahlenco.com
Property Owner: Camilla Hamm				
	Road, Duxbury MA 023	332		
Telephone: 617-838-6368	Fax:	781-934-2417	Email:	chammer77@gmail.com
Briefly describe and justify your Applicant proposes to install a b gangway and a 10' x 20' float.	oardwalk pier that is w	ill be approximately 88	feet long.	There will be an 30' aluminum
Total Area (Sq. Ft.): 74,900sqft		Lot Frontage:		
Total Upland Area (Sq. Ft.):				
Zohing District(s):				
RC: Residential Compatibility	□ PD3: Pla	nned Development District 3		POLOD: Publicly Owned Land
□ NB1: Neighborhood Business District	FHAOD	: Flood Hazard Area Overlay		Overlay District
□ NB2: Neighborhood Business District		•		DPD: Dunes Protection District
☐ PD1: Planned Development District 1		etlands Protection District		WSOD: Waterfront Scenic Overlay
□ PD2: Planned Development District 2	☐ APOD: A	Aquifer Protection Overlay		District
Identify all sections of the Duxbu	ry Protective Bylaw th	at apply to this Applica	tion:	
404.6, 404.7, 404.8, 404.20	and 906.2		MRC	7
		MAR 2 8 BOARD OF AF	PPEALS	Duxbury Zoning Board of Appeals Application Form Page 1

Existing Use(s) of the Property:
Residential single family home
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: 2/2/24
Signature: 014 Date: 2/7/24 Print: 0 Mila tan MI
Signature: Date:
Print: Applicant/Appellant
Signature: Date: 3/25/24
Print: Kevin Daylun
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:
a) No adverse effect on nearby land
b) No displacement/premption of any use
c) Public facilities serving the site are adequate and won't be affected
d) No forseeable extraordinary affect on aforementioned aspects
 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:
a), b), c), d), e): Residential boardwalk pier - not applicable

- 3) Building and site design, including consideration of the following:
 - a) Whether scenic views from public ways and developed properties have been considerately treated;
 - b) Whether compatibility with neighborhood character has been considerately 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:
a) Boardwalk pier height is 28 inches above the salt marsh - scenice view not affected
b) Boardwalk pier is removable and aluminum (helical piles stay in place) Compatibility with neighborhood
c) Residential pier - NA
d), e) not NB district, no adminstrative site plan review - NA
f) proposed pier complies with 404.20 and lot is not waterfron scenic
By Applicant/Appellant
Signature: Date: 3-25-24
Drints

DUXBURY ZONING BOARD OF APPEALS SUPPLEMENTAL APPLICATION REQUIREMENTS

E. Special Permit Application for a Residential Pier

1)	This application involves:	In the Waterfront Scenic Overlay District? (if yes, check)
	✓ A new residential pier serving one property	
	☐ Reconstruction of an existing pier	
	☐ A shared pier serving two or more properties	
2)	Has this pier been reviewed and approved by the Conse evidence.) ✓ Yes □ No Notice of Intent (NOI) submitted (DEP	ervation Commission and Harbormaster? (If yes, attach
3)	What is the status of the Chapter 91 license for this pier	r? N/A

4) Projects Not Located in the Waterfront Scenic Overlay District

a) For new individual, shared, or reconstructed piers *not* located in the Waterfront Scenic Overlay District, state whether the proposed pier conforms to the following requirements. (See Section 404.20 and 404.40). Using the space provided on the, briefly explain all criteria marked "no." For reconstruction of a pre-existing pier, applicant must attach a copy of the existing, unexpired Chapter 91 license in order to justify the use of design standards that deviate from any of the criteria listed below.

Design Criteria	Yes	No
• Pier does not exceed 200' in length and extends the full distance over the salt marsh used to access the water's edge.	×	
• Width of pier does not exceed 4 feet.	×	
• Platform at seaward end does not exceed 6' x 10', i.e., 2' by 10' wider than walkway.	×	
 Pile bents are no less than 10' on center from each other except last bent on landward end. 	×	
• The most seaward piles do not extend more than 2' seaward of the salt marsh except to allow the attached float to be located seaward of any vegetation.	×	
 Floats do not exceed 200 sq. ft. unless permitted by the Conservation Commission and the Harbormaster.¹ 	×	
• Rails do not exceed 36" in height off the pier and have a top rail 5" or less in vertical dimension and a mid-rail 3½" or less in vertical dimension.	×	
 Piers, floats, and gangways are made principally out of wood or other materials of a color and reflective quality similar to natural wood. 	X	
• Pier is set back at least 25' from abutting property lines. ²	×	
• Pier is at least 50' to the nearest sideline of a town landing or way to the water.	×	
 Pier is not higher above the salt marsh than the minimum permitted by state and federal regulations. 	×	
 The height of the pier deck does not exceed 15 feet MLW unless required by federal or state regulations. 	×	

¹ If floats exceed 200 sq. ft., attach evidence of approval from Conservation Commission and Harbormaster.

² If this requirement will prevent the pier from being approved, explain in Section X of this application supplement. The pier must be set back at least 15 feet.

Revised March 2011

b)	For shared	piers	only:	N/A

_A(dditional Design Criteria for Shared Piers	Yes	No
•	Applicant has provided deed restrictions on each owner's lot prohibiting another pier, and deeded easements granting each owner access to the shared pier as long as it exists.		
•	Does pier access the water over the shortest distance of salt marsh? If not, attach brief explanation. ³		
•	Float sizes are 200 sq. ft. per owner and do not exceed 600 sq. ft. total unless permitted by the Conservation Commission and the Duxbury Harbormaster. ⁴		
c)	Briefly explain any "no" response to the above-listed design criteria. Attach additional	sheets if ne	ecessary.
Pro	Djects Located in the Waterfront Scenic Overlay District. N/A		
Ne	ojects Located in the Waterfront Scenic Overlay District. N/A we piers and reconstruction of existing piers must conform to the following requirements der for the Board to grant a special permit (Section 404.50). In order to assist the Board in terminations, provide a response to each requirement.	(where app	olicable) in ne required
Ne	w piers and reconstruction of existing piers must conform to the following requirements der for the Board to grant a special permit (Section 404.50). In order to assist the Board in	n making th	ne required
Ne ord det	we piers and reconstruction of existing piers must conform to the following requirements der for the Board to grant a special permit (Section 404.50). In order to assist the Board in terminations, provide a response to each requirement. A pre-existing pier shall not be reconstructed as a new pier unless the cost to repair the	n making the existing pions of the existing pions of the existing pions of the existing the exis	ne required er is greater is, prepared b
Ne ord det	we piers and reconstruction of existing piers must conform to the following requirements after for the Board to grant a special permit (Section 404.50). In order to assist the Board in terminations, provide a response to each requirement. A pre-existing pier shall not be reconstructed as a new pier unless the cost to repair the than 50 percent of the cost of a new pier on the same footprint. If the proposed reconstruction is designed as a new pier, briefly explain. Attach a finant a qualified design professional, that compares the proposed reconstruction to the cost to	n making the existing pions of the existing pions of the existing pions of the existing the exis	ne required er is greater is, prepared b

³ Note: under Section 404.40(2), shared piers are not required to access the water over the shortest distance of salt marsh. Nevertheless, a longer distance should be justified.

⁴ If either standard is exceeded, attach evidence of approval from Conservation Commission and Harbormaster. Revised March 2011

b)	Repairs to a pre-existing pier shall be made subject to no increase in pier length, height, width, footprint or modification of the railing dimension.
	Do the proposed repairs to a pre-existing pier meet this requirement? Yes No N/A
c)	New piers shall be limited to 3.5' in width, may have a handrail only on one side of the pier with its upper rail member having a profile of no greater than 1.5" viewed horizontally and a mid-rail member having a profile of no greater than 1/4" viewed horizontally.
	Does the proposed new pier meet this requirement? Yes No
	If no, explain. N/A, seasonal removable boardwalk
d)	New piers shall be constructed no higher above the salt marsh than the minimum standard for construction permitted by State and Federal regulations.
	Does the proposed new pier meet this requirement? Yes No
	If no, explain. N/A, seasonal removable boardwalk
Ву Арр	plicant/Appellant
Signatu	Date: 3-X-LY
Print:	Kurin Dehlm

DUXBURY ZONING BOARD OF APPEALS SUPPLEMENTAL APPLICATION REQUIREMENTS

F. Special Permit in the Wetlands Protection Overlay District

1) This application involves (check):

	Use or Structure Allowed by Special Permit	Yes	No
	Subject to Section 404.6		
	• Accessory use or structure to a dwelling, such as a footbridge, plank walk, or pier		
	• Temporary storage of materials or equipment for up to 3 months in any calendar year	ear 🗸	
	 Dams, excavations, or changes in watercourses to create ponds, pools for swimmin fishing, wildlife or other recreational or agricultural uses, scenic features, or for drainage improvements 	ng,	
	 Accessory use to dwelling or commercial structure, such as a boat landing and boathouse, the latter not to exceed 20' in height or one hundred 100 sq. ft. in the tot ground coverage. 	tal	
	Utilities installation		
	Enlargement of an existing parking area		
3.	Subject to Section 404.9		
	 New construction otherwise permitted in the RC district (or in an underlying, more restrictive district) 		
2)	For activities subject to Section 404.6:		
	 a) Does this project require an Order of Conditions from the Conservation Commission 	on?	
	b) If yes, has the Conservation Commission issued the Order of Conditions? ✓ Yes □ No If yes, attach a copy of the Order of Conditions. If no, briefly explain the status of your conservation Commission approved project on 2/14/2023. Order of Conditions will be included.		
	a) Does the proposed project comply with all applicable provisions of the Duxbury Zo ✓ Yes □ No	oning Bylaw?	
	If your project does not comply, you must also submit Application Supplement C or circumstances. For further guidance, consult with the Building Department or mak informal meeting with the Board of Appeals.		
3)	For activities subject to Section 404.9:		
	a) Is the proposed use allowed in the RC district (or an underlying district that is more ✓ Yes □ No	e restrictive than	the WPOD)?
	 b) Does the proposed project comply with all applicable provisions of the Duxbury Zo ☑ Yes □ No 	oning Bylaw?	

i) Is the location within a wetland as defined <i>either</i> under Section 40, chapter 131 M. G. L., <i>or</i> by soils type (very poorly drained, poorly drained or alluvial) as determined by the USDA Soils Conservation Service on-site investigation by a qualified soil scientist? ☑ Yes ☐ No Briefly explain, and attach evidence in support of your response.¹
Proposed boardwalk, gangway, and float are located over salt marsh and tidal flat.
 ii) Is the site subject to inundation in a one-hundred year flood? ☑ Yes □ No Attach evidence in support of your response.
Project area is located within Zone VE (el. 14' feet) as shown on F.E.M.A. map 25023C0243K, effective 11/4/2016.
iii) Will the use endanger health or safety? □ Yes ☑ No
Does your project require an Order of Conditions from the Conservation Commission? ☑ Yes □ No
If yes, has the Conservation Commission issued the Order of Conditions? Yes D No If yes, attach a copy of the Order of Conditions. If no, briefly explain the status of your Notice of Intent.
Order of Conditions to be issued; Duxbury Conservation Commission hearing was held on 2/14/2023 resulting in approval.

c) The Board is required to make three determinations in order to grant a special permit under Section 404.9. To

assist the Board in this process, provide a brief response to each of the following questions.

Revised March 2011

d)

e)

¹ Acceptable evidence will be one or more of the following: (a) a written determination by the Conservation Commission; (b) a copy of the most recent USDA Soil Conservation Service map (Plymouth County series), showing the site of the proposed construction superimposed on said map by a qualified professional; or (c) a report of an on-site soils investigation conducted by a qualified soil scientist.

f)	Does the proposed project comply with all applicable provisions of the Duxbury Zoning Bylaw?
	☑ Yes □ No
	If your project does not comply, you must also submit Application Supplement C or G, depending on the circumstances. For further guidance, consult with the Building Department or make an appointment for an informal meeting with the Board of Appeals.

By Applicant/Appellant				
Signature:	1 11		Date: 3-25-24	
Print:	Kevis	Dolla		

