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DUXBURY, MASS.

TOWN OF DUXBURY

BOARD OF APPEALS

DUXBURY BOARD OF APPEALS
MEETING MINUTES
September 22, 2022 @ 7:30 p.m.

ATTENDANCE: Freeman Boynton Jr. (CPT), Philip Thorn, Borys Gojnycz and Tanya Trevisan
Other persons present at the hearing: Jim Wasielewski, Building Commissioner and Lauren Haché, Administrative Assistant

CALL TO ORDER: Freeman Boynton Jr. called the meeting to order and reads the Governor's Preamble: Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act of Extending Certain COVID-19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, , G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. 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 #2021-40, Campbell, 5 E. Marginal Road (CONT'D): *The Board voted 4-0 to continue the public hearing to October 27, 2022.*

ZBA Case #2022-16, 339 Powder Point LLC, 339 Powder Point Lane, APPEAL: *The Board voted 4-0 to grant the withdraw petition from the Applicants.*

ZBA Case #2022-17, 339 Powder Point LLC, 339 Powder Point Lane, VARIANCE: *The board voted 4-0 to grant the Variance as requested.*

ZBA Case #2022-18, Bradford, 15 Lewis Court: *The Board voted 4-0 to continue the public hearing to October 27, 2022.*

ZBA Case #2022-19, Triple J Realty, Dunkin Donuts, 5 Chestnut Street: *The Board voted 4-0 to grant the special permit, with conditions*

Philip Thorn makes a motion to adjourn. Tanya Trevisan seconds (5-0)

BOARD OF APPEALS MINUTES

Case No: 2022-17
Petitioner: Powder Point LLC
Address: 339 Powder Point Lane
Date: September 22, 2022 at 7:30 p.m.

Members present: Freeman Boynton Jr. (CPT), Borys Gojnycz, Philip Thorn & Tanya Trevisan
Members Voting: Freeman Boynton Jr.(CPT), Borys Gojnycz, Philip Thorn & Tanya Trevisan
Other persons present at the hearing: Jim Wasielewski, Building Commissioner and Lauren Haché, Administrative Assistant

- Lauren Haché reads the public hearing notice into the record
- Freeman Boynton Jr. opens the public hearing and reads the case review memos from the town boards
- Lauren Haché reads two letters with regard to the variance request from Lorrie Hall or 290 Kingstown Way in opposition and Alice Vogler of 329 Powder Point Road in support.
- Freeman Boynton Jr states if this were a normal special permit request for 17% coverage, you most likely would not get that, but in this case, I want to ask first, did you build exactly what is on this plan
- Attorney Bob Galvin states yes, the size of the building did change
- Freeman Boynton Jr states no, from what was permitted
- Robert Galvin states no
- Freeman Boynton Jr states it is my feeling that you should not be penalized from what was built. The building permit should not have been issued because it was an incomplete application. You did not have a certified plot plan showing the setbacks and coverage calculations but this was issued anyways.
- Robert Galvin agrees and states I don't think that anyone did anything nefarious; I believe this was truly an error
- Freeman Boynton Jr agrees and states I do believe this is warranted in this case
- Richard Kelleher, 47 Crooked Lane and 339 Powder Point Ave. we restored both the properties I just mentioned to restore the homes character to that of the neighborhood. We would like to explain that we would never build something non-conforming. We didn't know and we appreciate your time today.
- Borys Gojnycz agrees that this was nobodies fault this was an oversight
- Freeman Boynton Jr asks the public for comment
- Philip Thorn states I am comfortable voting on this; I understand that the right of way over the property can't be included in the coverage and that hindered them as well
- Tanya Trevisan states so Crooked Lane is not a public way, but the public can access this correct. Also, the concerned resident speaking about impervious space, what will the driveway be
- Jim Wasielewski states coverage only applies to structures with roofs, not driveways, pools etc. with the exception of wetland areas
- Philip Thorn makes a motion to close the public hearing

- Tanya Trevisan seconds
- All in favor FB, TT, PT and BG
- Freeman Boynton Jr. states any discussion
- Philip Thorn makes a motion to approve the variance
- Tanya Trevisan seconds the motion
- All in favor FB, TT. PT and BG

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

Moved by: PT Seconded by: TT
Number in favor: 4 Number opposed: 0

Motion: It was moved, seconded and unanimously voted to approve the Variance Request as submitted.

Moved by: PT Seconded by: TT
Number in favor: 4 Number opposed: 0

BOARD OF APPEALS MINUTES

Case No: 2022-19
Petitioner: Triple J Realty; Dunkin Donuts
Address: 5 Chestnut Street
Date: September 22, 2022 at 7:30 p.m.

Members present: Freeman Boynton Jr. (CPT), Borys Gojnycz, Philip Thorn & Tanya Trevisan
Members Voting: Freeman Boynton Jr.(CPT), Borys Gojnycz, Philip Thorn & Tanya Trevisan
Other persons present at the hearing: Jim Wasielewski, Building Commissioner and Lauren Haché, Administrative Assistant

- Sean Donovan from Viewpoint Sign and Awning representing the applicants
- Freeman Boynton Jr. opens the public hearing and asks Lauren Haché to read the hearing notice
- Lauren Haché reads the public hearing notice and the case response from various area boards
- Sean Donovan states the Dunkin Donuts is rebranding. I know the original awnings were gray, then they went to brown and now they would like to go back to gray with no lettering at all. The sign we are proposing is a wall mounted sign that states "Dunkin"
- Jim Wasielewski states so the display is what this will look like at night
- Sean Donovan states so it is a channel-built letter, reversed, so there is a poly-shield in the back which gives that halo illumination
- Freeman Boynton Jr states so the light does not shine through the letters themselves
- Sean Donovan states right, it does not. During the day you will see an orange "Dunkin" sign and then at night the orange darkens out. It's illuminated and creates a halo
- Philip Thorns states so the sign you are proposing is not going to have indirect lighting from goose neck style lights
- Sean Donovan states no, no goosenecks. We went with shielded
- Freeman Boynton Jr states does the lettering on the awnings require anything Jim
- Jim Wasielewski states there is a building application in now for new skins/awnings and there is no lettering on the awnings
- Sean Donovan states correct, no graphics on the awnings
- Freeman Boynton Jr. states 8.7 square feet total of graphics
- Sean Donovan states yes, it's a small sign. I went through the code and made it as simple and compliant as possible
- Freeman Boynton Jr. states so you're just doing the graphics on the depot street side or the front
- Sean Donovan states just the front on Chestnut Street
- Freeman Boynton Jr states does it say somewhere in the application that the lettering Is not going to be on the awning
- Sean Donovan states it should
- Jim Wasielewski states there is a separate building application that we are working on and it states all of those graphics are going to be removed.

- Philip Thorn states I think we can condition that this can be the sole sign on the building
- Freeman Boynton Jr states what do you guys feel about voting on this without Wayne and Judi here
- Philip Thorn states I focus on 601.9 in the bylaw and reads the section of the bylaw. It appears to me that this sign proposal appears to meet that section of 601.9
- Tanya Trevisan states I think the halo lighting is less intrusive
- Freeman Boynton Jr states the Design Review Board didn't have anything in particular about it other than replacing the awnings
- Jim Wasielewski states this does refer to the area of a sign and for a sign on a building, you are allowed one square foot per linear foot of frontage and this thing is well under that
- Freeman Boynton Jr states Borys do you have any comments about this
- Borys Gojnycz states I was curious, I was looking at the hours of operation and will this sign be illuminated in the morning as well
- Jim Wasielewski states lit during hours of operation
- John Cadete, owner of Dunkin Donuts states it will be lit in the morning when it's dark out, we open at 5am. We close at 7-8pm in the winter and 9pm in the summer, so it won't be lit for too many hours
- Freeman Boynton Jr asks if anyone in the public would like to speak
- Freeman Boynton Jr states should we do a straw poll
- Philip Thorn and Borys Gojnycz both state they are ok to vote
- Philip Thorn moves to close the public hearing
- Tanya Trevisan seconds
- All those in favor FB, PT, TT, BG
- Freeman Boynton Jr states the aye's have it, any further discussion
- Philip Thorns states I think we should definitely condition it where this sign is the only exterior signage permitted and they it be lit during hours of operation
- Philip Thorns makes a motion to approve the special permit
- Tanya Trevisan seconds
- All in favor FB, TT, PT, BG

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

Moved by: PT Seconded by: TT
Number in favor: 4 Number opposed: 0

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

Moved by: PT Seconded by: TT
Number in favor: 4 Number opposed: 0