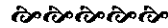


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DUXBURY, MASS.

TOWN OF DUXBURY



BOARD OF APPEALS

DUXBURY BOARD OF APPEALS

MEETING MINUTES

June 25, 2020 @ 6:00 p.m.

ATTENDANCE: Wayne Dennison, Kathleen Muncey, Freeman Boynton Jr., Philip Thorn & Borys Gojnyecz

Other persons present at the hearing: Lauren Haché, Administrative Assistant

CALL TO ORDER: Wayne Dennison called the meeting to order and reads the Governor's Preamble: Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, 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. To watch a meeting live on PACTV's streaming channel, PACTV Prime, visit www.pactv.org/live. To watch replays of a meeting, visit www.pactv.org/duxbury or to watch online visit PACTV's Video on Demand at www.pactv.org/ondemand. **NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WILL BE PERMITTED.** Every effort will be made to ensure that the public can adequately access the proceedings to the best of our technical abilities; and despite our best efforts due to lack of technical infrastructure, this meeting will be available on PACTV to view a video recording and a transcript or other comprehensive record of proceedings as soon as possible after the meeting.

ZBA Case #2019-17, WB Builders Duxbury LLC, Fieldstone Farm, 1 & 25 Lincoln St.(CONT'D): *The Board voted to continue the Public Hearing to July 23, 2020 at 7:30pm*

ZBA Case #2020-01, Vertex Tower Assets, LLC, 421 Elm St.(CONT'D): *The Board voted unanimously 5-0 to approve the Special Permit and Variance with conditions.*

ZBA Case #2020-02, Brownbuild Const., 116 Tremont St.(CONT'D): *The Board voted 4-1 to approve the Special Permit with conditions.*

ZBA Case #2020-03, Larkin, 10 Pine Point Place(CONT'D): *The Board approved to continue the public hearing to July 9, 2020 at 7:30pm.*

A. Administrative: Duxbury Farms

BOARD OF APPEALS — MINUTES

Case No: 2019-17

Petitioner: WB Builders, Fieldstone Farm

Address: 1 & 25 Lincoln Street

Date: June 25, 2020 **Time:** 6:00 p.m.

(Continued from January 23, 2020 & June 11, 2020)

Members present: Wayne Dennison, Kathleen Muncey, Freeman Boynton Jr., Borys Gojnycz & Philip Thorn

Members Voting: Wayne Dennison, Kathleen Muncey, Freeman Boynton Jr., Borys Gojnycz & Philip Thorn

Other persons present at the hearing: James Wasielewski, Director of Municipal Services & Lauren Haché, Administrative Assistant

- Wayne Dennison opens the Public Hearing and reads Governor Baker's preamble, calls the meeting to order case 2019-17 WB Builders Duxbury LLC, Fieldstone Farm located at 1&25 Lincoln Street which was a continuation. Is the Applicant ready to speak
- Peter Freeman, the Agent for WB Builders, addresses the Board and thanks them for arranging the meeting in these troubling times of COVID-19.
- Peter Freeman continues explaining that they have made changes, the plans are now for 36 houses rather than 40, but I will have Jim Pavlik of Outback Engineers, our Engineer explain that, we also have Jeffrey Dirk with Vanesse Associates here to go over the traffic study.
- Jim Pavlik presents the latest plans and shares his screen, showing the latest plan dates May 18, 2020 with a stamped date of May 14, 2020. He shows the new plan of the general site layout and describes in more detail the changes that were made, a comparison plan showing the major changes that were made with a reduced work area within the property reducing the habitat to 2.9 acres, eliminating 4 homes and eliminating 1,700 linear feet of roadway. These changes came about after working with Amory Engineers, as well as Natural Heritage with respect to the endangered species mapped on the site.
- Wayne Dennison asks Jim to show on the map where the habitat area is located
- Jim Pavlik explains that it is the area in purple and that it was mapped by Natural Heritage. We plan to do more work with Natural Heritage. Jim shows the original plans, where the extended dead end was and states we eliminated that cul-de-sac totally to keep it in its natural state. We also reconfigured, to eliminate 1,700 feet of roadway, so 4 homes were eliminated making the total project 36 homes.
- Jim Pavlik continues presenting, stating that they have reduced off site runoff
- Wayne Dennison asks about the drainage report date 5/14, has this been peer reviewed
- Jim Pavlik states yes, it was, Pat Brennan with Amory Engineers is here and continues that there's still more to do, drainage, water quality volumes need to be done still. We're

showing that the drainage we're proposing is reducing off site runoff. The drainage systems we're proposing have the capacity for a 100 years storm. We have utility plans, road profiles, the grades of the roadways...we have provided an erosion and sediment control plan. We are proposing to develop the site in two phases with two entrance roads, road A and road B would be developed first. Seventeen or eighteen homes will be south of road B and that would be phase two. We've also done extensive work on the septic, proposing one leaching area near the club house, along Lincoln Street. We've done Nitrogen loading calculations, proposing to include a denitrification system, which is a bio clear type system to get us under the 5 milligram per liter nitrogen loading requirement.

- Jim Pavlik continues, we plan to update the waiver list with regard to septic and drainage while taking into consideration the response letter dated May 18, 2020 from Amory Engineers, the letter from Joe Grady of Conservation and Tracy Mayo with the Board of Health, as well as the Design Review Boards comments. We feel this revised layout addresses some of these issues. We also have a few new designs, in particular the Pinehurst model, where the garage doors are in the back of the unit
- Wayne Dennison asks if there are any comments or questions from the Board regarding Mr. Pavlik's presentation
- Borys Gojnyecz states Wayne, I have one question if I could, specific to unit #23 on the plan this unit is closest to 748 Mayflower Street but doesn't show the existing structure. How much closer south are you moving towards 748 and would the grade be higher or lower and how much higher would the ridge be to the existing structure
- Jim Pavlik pulls up the drawing, stating it is sheet number 3 of the plans set, the site layout. He zooms into the specific property, unit 23 and the existing house on the property that is to be demolished. There is a 10 foot wide buffer planting bed along the street line to put in buffer type plantings. As for grading, to cut it down, the existing home is on a knoll. We want to cut down the grade to the developed site to create a berm if you will
- Borys Gojnyecz states so what if I'm standing on the road looking at unit 23, how much over the berm am I looking
- Jim Pavlik brings up the grading plan, and states that the elevation is 95 at the intersection of Mayflower Street and Lincoln Street and then the grade goes up to an elevation of 100, proposing to cut it down
- Wayne Dennison states it looks as though the grade, as you move south, decreases very rapidly from 93 feet to 72 feet at the retaining wall, can you describe that grade generally
- Jim Pavlik states we're proposing a 3 to 1 slope with a 4 foot high retaining wall around the home at #23
- Wayne Dennison states I think Borys was asking how much closer is lot #23 to the property line with respect to the existing property at 748 Mayflower
- Wayne Dennison states so it's more than 30 feet closer
- Borys Gojnyecz states that's what I see
- Wayne Dennison states so it's 40-45 feet closer and there seems to be a very significant decrease in grade, will that create drainage issues
- Jim Pavlik states this is the grading plan, fill is going in between 2 feet to about 7 or 8 feet at the retaining wall, it's not unusual. With the drainage, we looked at the runoff and

are controlling it to under or less than the existing conditions. We also have a rain guard infiltration system type systems, so it doesn't flow into the wetlands

- Mr. Korey, I am a neighbor, if you go into wetlands, it will flood our house
- Jim Pavlik states these are not detention systems, these are to store and infiltrate up to the 100 storm to control the run off where there's highly permeable soils. The runoff stays on site
- Freeman Boynton Jr. states can we open the existing conditions plans, this is in line with what Borys was thinking about
- Jim Pavlik opens the existing conditions plan on the shared screen
- Freeman Boynton Jr states how much closer is unit #23 to the south property line, the neighbor's house is 14 feet below it
- Borys Gojnycz states right now, my concern is that unit 23 will tower over the neighbor's house; Number 748 would be staring at a tall structure. What could be built there, a two story home
- Jim Pavlik states #748 appears to be 88 or 89
- Freeman Boynton Jr. states 87 and then 80 in the back
- Jim Pavlik states looking 89 and the back elevation is 80, so unit #23 would be 94, not significantly higher
- Freeman Boynton Jr states it must be the back, must be a walkout
- Jim Pavlik states yes
- Borys Gojnycz asks what could be built at 23, could it be two stories
- Freeman Boynton Jr states what are the architectural for unit 23
- Jim Pavlik states, yes I'll bring the architectural up, they are market driven, home styles could be swapped out
- Jim Bristol states the house plan for unit 23 is the Pinehurst, which is a 1 ½ story with a side loading garage. This was to address the snouty nose design issue
- Jim Pavlik states that's the Pinehurst on the screen
- Borys Gojnycz states do we have a dimension to show the top of the ridge, to show it's not drastically different
- Jim Bristol states that the ridgeline is a little less than existing with the grade cut, it will be a little lower
- Borys Gojnycz states thank you, my concern was visual
- Wayne Dennison states Lauren, can you recount the correspondence that has come in since January 23rd; it's been six months due to Covid-19 since the Public Hearing was opened. What materials were sent since then
- Lauren Hache reads the responses from various Boards and then states there are quite a few emails from Residents and Abutters
- Peter Freeman asks Jim Bristol to go over the new or additional plans
- Jim Bristol shows the drawings and states that they are targeting downsizing individuals with their first floor master bedroom homes, as well as young families that may want to move back to Duxbury but couldn't afford it previously
- Peter Freeman thanks Jim Bristol and then introduces Jeffrey Dirk, the Traffic Engineer
- Jeffrey Dirk with Vanesse Associates introduces himself

- Wayne Dennison states Mr. Dirk can I ask you a question before we begin, given the circumstances due to Covid-19, do the traffic patterns change or are they accurate at this time
- Jeffrey Dirk states that there has been some debate regarding this, but this is preliminary, prior to Mass DOT guidance. So, in terms of many not traveling at this time to work or school, the State says any traffic studies after the Governor's orders, cannot be used. So we, for this case, we prepare preliminary existing conditions with historical accidents quantified. Impact of the project, more traffic, with baseline information. Now your peer reviewer can validate what we've evaluated to provide feedback with site distances or triangles, in regard to berming and landscaping. That is as far as we can go at this point, we fully expect to be looking at the round-about and will conduct a more robust analysis will be coming. Mass DOT allows traffic counts up to six years old as a baseline.
- Wayne Dennison states OK
- Jeffrey Dirk states that this is report gives some context with respect to looking at the peak hours, the site distance measurements in the report as well as the conditions of snow piles not in the sightlines. The condo association would need to remove those
- Wayne Dennison asks have you worked on another Lincoln Street Development
- Jeffrey Dirk states I believe so, I am sure I have, we've done a lot of work in this area
- Wayne Dennison states but you don't have a present recollection of a recent, in the last six months, Lincoln street development where speed was addressed
- Jeffrey Dirk states I don't think in the last 6 months
- Wayne Dennison asks Mr. Freeman were there any other presenters
- Peter Freeman states no, this is our presentation for this evening
- Wayne Dennison states there are a ton of waivers, should we go through these tonight
- Peter Freeman states no, you just got those and you'll need to hear from your peer reviewer
- Wayne Dennison states I concur with that, so, Lauren can you go through the letters from the public so we can read them into the record
- Lauren Hache reads all 23 emails into the record
- Wayne Dennison states why don't we open up the floor to the general public for comment. I actually just received a message from the Peer Review Engineer Pat Brennan with Amory Engineers, he would like to speak, so Pat please go ahead
- Pat Brennan, Amory Engineers, I sent a letter to the Board dated June 8th; the majority of my questions have been addressed with Jim Pavlik, but I do have a few points I'd like to recommend to the Board. The Nitrogen loading bio clear system, I would suggest that that be included as a condition to fulfill should the Board approve the project. The grading improvements pertaining to the cell tower property easements state that they have been in contact with the owner, so I would make a condition if approved that these letters be provided before construction starts. There is a waiver for sight distance at 350, but the way that the Planning Board calculates this is by adding the posted speed plus five and then times ten, so in this case that would be 350 ft. There was a lot of talk and the Board did ask for the Landscaping plan, so that will be provided, according to the Applicant, with the final site design, so I would recommend that the Board also make that a condition should they approve the project. The drainage analysis they provided with the calculations on site are satisfying, but there are a couple of drain things they should/need

to provide specific to pipe sizing calculations, that should be with the final design and should you approve, I would suggest that also be a condition. There should be a maintenance operation plan for the storm water system that will be maintained by the condo association that should also be a condition should the project get approval. The retaining walls are fairly high and while they have eliminated some, there are still some 4 foot walls that will need a fall protection plan but they will need to get a building permit for said walls and the fall protection will be addressed then.

- Wayne Dennison states thank you Mr. Brennan and opens up the meeting to the members of the public
- Robert Korey, 738 Mayflower Street, asks where is the utility power line access, will they be above ground or under ground
- Wayne Dennison states Mr. Pavlik
- Jim Pavlik replies they will be completely underground throughout the development
- Robert Korey responds ok, because I have a very old easement, so that won't be utilized. I also question the runoff, we live behind this development and also the traffic is a main concern; more traffic will create a delay in the response time for fire, police and emergency rescue
- Wayne Dennison states thank you Mr. Korey
- John Morin, 1 Hatches Bar Rd., off of Mayflower Street, I echo those concerns about the traffic and the habitat. I have a very young son and there are no sidewalks on Lincoln Street. Also there is a dense vegetation on the berm on the backside of the dwellings, can we get more clarity with respect to that? Do you plan to plant 10 foot Leland's unlike Merry Village where the drainage ditch and peoples back porch are visible from Lincoln Street. I'd also like more clarity on what it looks like and how it will impact the habitat on the wetlands
- Wayne Dennison states does the Applicant want to address these questions
- Jim Pavlik states I could, the proposal is to do what the Board suggests in terms of landscaping along Lincoln Street, We do now that we need to provide a more detailed landscape plan
- Wayne Dennison asks when is that plan anticipated
- Jim Pavlik states we want the Boards understanding of the new proposed layout first, then move to the landscaping
- Peter Freeman states that this could be a post permit condition or we can submit this before
- Deb Keller, 30 Lincoln Street, I live across from the proposed project and I am very interested in seeing the landscape plan. Will it be evergreens, because what we don't want arborvitaes like Merry Village. It's unattractive in my opinion, so the plan would give us an idea. Also, the septic system, I would like clarification on the Bio clear if it has an odor or is charcoal involved there. Is there any opportunity to add roof drywells to catch some extra run off? Lastly, for clarification, is there a maximum building height? And you do need to still file with Conservation, correct?
- Jim Pavlik states yes
- Wayne Dennison asks have you asked for any waivers on building heights
- Jim Pavlik states we have not, we plan to keep within zoning requirements

- Wayne Dennison asks do you have the ability or can you address Ms. Keller's questions about the odor issue
- Jim Pavlik states we can address, we'll need a Board of Health permit so we can address that and get into more detail then. I also heard her mention a more detailed landscape plan, which we plan to submit after we work on it some more. Also some roof drywells...
- Wayne Dennison responds yes
- Jim Pavlik states we can look at that in detail and the design to specific areas that would drain towards the wetlands to control additional runoff
- Deb Keller states thank you, that's great, the roof drywells could reduce that rain guard size
- Jim Pavlik states it's something we could look at
- Ben Kamlet, 761 Mayflower Street, I would like to clarify that that car accident was in our front yard. Your comment about attracting families, well the traffic is a turnoff. It is dangerous, we have to sprint to cross the street
- Wayne Dennison states thank you
- David Grady, 66 Lincoln Street, I am very close to Merry Village, my concern is the size of the development and the traffic congestion. Cars park along Lincoln Street and that's dangerous. Crossing Lincoln Street to get to my mailbox is dangerous, so I feel that studies need to be done, not only on weekdays but also weekends
- Brian Dominguez, 15 Hatches Bar Rd., My general consensus is that traffic, conservation, drainage, sidewalks and landscape overview all need to be done
- Jessica Williams, 1243 Tremont St., I'm a concerned citizen, I am wondering did the Developers do any economic studies on not having this be a 40B and doing several homes rather than several dozens of homes
- Peter Freeman states that he respects her question but finds that it is irrelevant, this is what we are proposing
- Jessica Williams states so just to clarify, you never did a study
- Wayne Dennison states that questions should come through the Board, while the question is interesting, the Developer is entitled to propose what they would like
- Sophie Bulman, 656 Mayflower Street, I am very concerned with the traffic, I have always been too scared to walk or ride my bike here. There are residents that don't have vehicles and rely on walking or biking to get places, so I would like to see a further study done on pedestrians and bikers instead of assuming there won't be any
- Wayne Dennison states thank you, is there any other member of the public who would like to speak
- Therese Dimuzio, 707 Mayflower Street, I have lived here since the 1960's and I can say that the traffic issues are exceptional, the speed, then there's the Audubon, water quality, quality of living in this neighborhood. With 166 parking spaces in the original plan, how many less now with the revised plan. We are concerned, we love Duxbury and we love living here, thank you
- Richard Prone, 606 Mayflower Street, my concern is the safety issue here. I am a retired Amtrak Engineer that would run the trains to New York and over my career, I was involved in 5 fatalities, 4 of which were due to sight lines, not being able to stop soon enough due to sight line. I would also like to read my letter into the record
- Wayne Dennison states to be clear, your letter was read into the record previously

- Richard Prone states oh and one other thing, my wife and young daughter were hit head on in a collision with a snow play on this road, the people proposing this project should drive this stretch. Mr. Prone reads his letter.
- Wayne Dennison states thank you Mr. Prone, are there any other comments from the public...ok, so there is additional information that we need to receive, so at the Applicants request to go over the waiver list at another time, my inclination would be to continue this Public hearing to another date. Mr. Freeman what do you think would be adequate for time?
- Peter Freeman asks Jeffrey Dirk
- Jeffrey Dirk states that his traffic analysis should be peer reviewed before moving forward there, so maybe sometime in late July
- Jim Pavlik states the end of July, what additional information should we provide other than the traffic review
- Wayne Dennison states a traffic review, landscaping details, waiver lists...
- Philip Thorn asks the Applicants about clarification on how many units or homes will have the first floor master bedroom and how many homes will have the second floor master bedrooms
- Wayne Dennison asks any other questions from the Board...alright so, Lauren what is the July schedule
- Lauren Hache states that July 23rd at 7:30pm is available
- Wayne Dennison makes a move to continue the Public Hearing to July 23rd at 7:30pm
- Kathleen Muncey seconds
- All in favor roll call WD, FB, KM, PT

Motion: It was moved, seconded and voted 4-0 to continue the Public hearing to July 23, 2020

Moved by: WD

Seconded by: KM

Number in favor: 4

Number opposed: 0

BOARD OF APPEALS — MINUTES

Case No: 2020-02

Petitioner: Brownbuilt Construction

Address: 116 Tremont Street

Date: June 25, 2020 Time: 6:00 p.m.

(Continued from June 11, 2020)

Members present: Wayne Dennison, Judith Barrett, Kathleen Muncey, Borys Gojnycz & Philip Thorn

Members Voting: Wayne Dennison, Judith Barrett, Kathleen Muncey, Borys Gojnycz & Philip Thorn

Other persons present at the hearing: James Wasielewski, Director of Municipal Services & Lauren Haché, Administrative Assistant

- Wayne Dennison opens the continued hearing and asks if there have been any new correspondence since the June 11, 2020 Public Hearing
- Lauren Hache responds that there is a new correspondence, a supplemental letter from the Design Review Board dated June 18, 2020 from Stephen Williams and proceeds to read the letter which is in approval of the changes that Mr. Scott Brown has made to the building proposal.
- Wayne Dennison asks if there are any other items
- Kathleen Muncey states that there are, an emailed letter from a concerned resident.
- Lauren Hache responds yes, an email I received dated June 24, 2020 from Carol McCarthy with concern over too many commercial buildings in that area and accidents.
- Chris Leamy of Duxbury Construction begins his presentation, refreshing the Board of the plan; that it's in Neighborhood Business District, there are no Conservation concerns. They plan to demolish the existing building and construct a 3,560 square foot mixed use building that will house office space, Doctor's office space and four single family, one bedroom apartments on the top floor with twenty six parking spaces, including two handicapped spots. The septic is straight forward, everything is accommodating the Bylaws. The signage meets all requirements, the Design Review Board is satisfied with the changes overall and the general situation is that the exiting building is vacant and on the main drag, so by adding a mixed use building we would bring vitality to the space.
- Wayne Dennison states so, on the screen is the rendering? Can you put up the signage?
- Chris Leamy exclaims, oh ok, are you referencing the free standing signage?
- Wayne Dennison responds yes

- Chris Leamy responds, ok, so if you refer to the detail sheet page seven of seven in the site plan packet and for those without the packet, I will hold the page up to the screen-on page 7 of 7, down on the bottom the signage is described. So...
- Wayne Dennison asks where on the property is the sign proposed to go
- Chris Leamy holds up the drawing and states if you look at the developed lot, it will be a little to the left of the developed building
- Wayne Dennison asks so maybe I'm missing something altogether-oh, ok, I see where you're pointing
- Chris Leamy states ok, sorry for the lack in technology; as we mentioned before, it falls outside of the sight triangle, so it won't be blocking anybody coming in or out and it fulfills the bylaw.
- Wayne Dennison asks in what way it fulfills the Bylaw. The bylaw states that if it has sufficient signage on the building, you don't need additional signage
- Chris Leamy states ok, I was referring more to the height and size requirements in the bylaw
- Kathleen Muncey asks is there signage on the building
- Wayne Dennison adds there seems to be on the rendering
- Scott Brown, Applicant, states there is signage, but you won't be able to see that depending on the direction you are traveling on Tremont Street.
- Wayne Dennison asks mixed use, would the Applicant be willing to make one of the units affordable as a condition of the special permit
- Scott Brown responds probably not
- Wayne Dennison asks so that's a no?
- Scott Brown replies No
- Wayne Dennison asks why that is inconsistent with the bylaw to make this an affordable unit.
- Scott Browns asks Wayne Dennison to repeat the question
- Wayne Dennison repeats what he initially asked
- Scott Brown responds I don't know, it's just not feasible; there are not enough units
- Judith Barrett asks how many units we are talking about.
- Scott Brown responds four
- Judith Barrett says ok
- Wayne Dennison states so, it's the Applicants position that this project is infeasible and will not be built if there is a condition that one of the four units is affordable. Is that the position of the Applicant?
- Scott Brown answers the position is, it's just not feasible
- Judith Barrett asks the Applicant have you even looked at it. Do you know what an affordable rent it?
- Scott Brown responds ah, yeah we do, yup; it wasn't designed in the manner for affordable, these are only one bedroom units
- Judith Barrett answers yeah
- Wayne Dennison replies those would be presumably the ones that are most desirable.
- Scott Brown answers yeah, umm, do you have any other projects where this stipulation was made?
- Judith Barrett responds I don't think that's relevant, this is the case in front of us

- Scott Brown replies that we did not build and design this with that intent. We're trying to bring mixed use to Duxbury, it's just not something we thought of
- Wayne Dennison asks what your projected rents are.
- Scott Brown responds the same as any other one bedroom in the town of Duxbury
- Judith Barrett asks and what's that?
- Scott Brown replies probably in the \$1800-\$2000 dollar range
- Wayne Dennison asks did you do an analysis or is this off the top of your head?
- Scott Brown answers No, we did an analysis and we also had an appraisal done on it by a bank
- Wayne Dennison laughs
- Scott Brown exclaims what, you don't believe me?
- Wayne Dennison states, no sir, my issue is we've asked you a very direct question about an important issue in the Town and you said it wasn't feasible and it couldn't be done. When I asked you a follow up question about the actual numbers you considered, you said well we had an appraisal, I asked who and you said a bank appraiser. We've asked you for some details about a project, reasonable questions and all we've heard from you is that it's not feasible. You've asked for a special permit and we have to make findings, whether or not this particular use will be a detriment to the area. We are trying to find ways that it will be benefit to the area and you are not interested in the manner that we ask. So, did I laugh, yes I may have...
- Scott Brown responds you did...
- Scott Brown responds that this is a small project, we pushed it to stay within the guidelines except for the special permit for the mixed use element. We would consider affordable housing units if we had maybe ten units. The figures just don't work, the apartments and commercial rents won't work. We own commercial and residential units in surrounding areas, we know what it costs to build and maintain these. It's just not something we considered. It's not an ugly, cookie cutter style box, we think it's going to benefit the town. Right now you're looking at an empty, overgrown building only generating a small real estate tax income, this is going to generate commerce. The project doesn't have capabilities for affordable housing.
- Wayne Dennison asks so, are there other or any other portion of the presentation you'd like to make?
- Chris Leamy replies we're open to questions
- Wayne Dennison asks the Board if they have any questions
- Philip Thorn asks what is the square footage of each apartment
- Scott Brown replies 725 Square feet
- Philip Thorn replies thank you
- Wayne Dennison asks if the general public would like to be heard
- Carol McCarthy, 151 Flint Locke Drive, I was the one who wrote the note to Lauren. I am concerned with all of the new unoccupied buildings in this area. Why do you think you can occupy your building when the adjacent buildings are empty?
- Wayne Dennison states we'll direct your question through the Board, so what does your market information look like for office or medical use?

- Scott Brown responds that there is lots of interest, not just medical, along with the four residences. This is more of a flexible use. My main office will occupy about 50 percent of the building.
- Carol McCarthy replies can I ask the Board another questions about the big building next to Bennett's-did I miss something?
- Wayne Dennison responds I don't know if you missed something, but that building did need a special permit etc. and a Public Hearing was advertised and held to obtain the special permit. This is a medical building for Doctor Hamori and was subject to a hearing etc.
- Carol McCarthy states that this building is not an eyesore, I just hate to see more houses taken down and what about an accident study?
- Wayne Dennison asks did the Applicant submit a traffic study
- Chris Leamy responds No
- Wayne Dennison asks nobody requested one, right
- Scott Brown asks to address Mrs. McCarthy stating that this is already an office now, so we want to actually add housing , we don't feel traffic will be impacted
- Wayne Dennison asks why 23 parking spot
- Chris Leamy responds 26 spots actually, that was determined by going through all of the required uses in the Bylaw
- Wayne Dennison ok, alright, any further questions from the Board
- Judith Barrett states I would just like to point out that the current affordable housing rent for a one bedroom unit in the Boston metro area, which we are located in, is \$1,925 dollar
- Judith Barrett continues if the Tenant has to pay utilities, you take \$50 off of that
- Wayne Dennison responds so it is within the range that the Applicant has indicated that units rent for
- Judith Barrett responds yes, the maximum income is \$77,000 annually
- Wayne Dennison asks anything further from the Board
- Wayne Dennison asks is anyone ready to make a motion to close the Public Hearing or...
- Judith Barrett asks do we have enough information to act on this case
- Wayne Dennison replies yes, I think we have all the information, Lauren is there anything outstanding
- Lauren Hache responds no, nothing outstanding
- Borys Gojnyecz asks Wayne, is there signage separate or is it included in this special permit
- Wayne Dennison responds it's under the one permit
- Borys Gojnyecz replies ok, last meeting we resolved any issues with the sign
- Wayne Dennison moves to close the Public Hearing
- Judith Barrett Seconds
- WD, JB, KM, PT & BG vote unanimously to close the Public Hearing
- Wayne Dennison states I don't think this presentation was sufficient in convincing me they need a separate free standing sign, separate from the building. And quite frankly, I think that the town would benefit with an affordable unit in this. If I were to move to approve, I would move to no free standing sign and have an affordable unit
- Judith Barrett states I would support you Mr. Chairman, especially where the bylaw directs us to make certain findings and one of those findings directs us to how it will

contribute to affordable housing. We increase the towns' liability for large, comprehensive permits unless we start requiring these mixed use projects to have affordable housing. In the planning world, which I am in, mixed use is where you want the affordable housing.

- Wayne Dennison asks any other members?
- Borys Gojnycz states I think it's a good idea
- Philip Thorn states my comment about affordable housing is it's a little late in this process to be discussing this. As for signage, I think we have to look at the surrounding businesses with free standing and building signs. I would be hard pressed to deny the free standing sign, especially where there is no concern from a traffic stand point.
- Philip Thorn states I do not support on either of those points
- Wayne Dennison states I don't know any other building in that stretch that has both a free standing and building mounted sign
- Kathleen Muncey states I think they all do, I know Doctor Hamori has a very large sign, as does Bennett's
- Wayne Dennison states Hamori doesn't
- Kathleen Muncey states she has a very bold sign. You can see it from the street, with this case, you won't be able to see the building mounted ...
- Scott Brown can I...
- Wayne Dennison states that the Public Hearing is now closed.
- Kathleen Muncey continues you see what I'm saying, you can see the building mounted sign coming into town but not leaving town.
- Wayne Dennison states I was just wondering about the two signs
- Kathleen Muncey replies not that it matters, but didn't Conway have two signs
- Wayne Dennison asks are there any other comments
- Judith Barret states I would like to make a motion, I would move to grant the Application as requested subject to a condition that one of the four units be designated and deed restricted as affordable.
- Wayne Dennison Second
- Motion to roll call vote
- Wayne Dennison yay, Judith Barrett Yay, Kathleen Muncey Yay, Borys Gojnycz Yay, Philip Thorn Nay

Motion: It was moved, seconded and voted 4-1 to approve the Special Permit with conditions on June 25, 2020 at 6:00pm.

Moved by: JB

Seconded by: WD

Number in favor: 4

Number opposed: 1

BOARD OF APPEALS — MINUTES

Case No: 2020-01

Petitioner: Vertex Tower Assets LLC

Francis Parisi (Agent)

Address: 421 Elm Street

Date: June 25, 2020 Time: 6:00 p.m.

(Continued from June 11, 2020)

Members present: Judith Barrett (CPT), Kathleen Muncey, Freeman Boynton, Jr., Borys Gojnycz & Philip Thorn

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

Other persons present at the hearing: James Wasielewski, Director of Municipal Services & Lauren Haché, Administrative Assistant

- Judith Barrett reopens the hearing and asks if the Applicant has any additional information for the Board.
- Fran Parisi, the Agent for Vertex Tower Assets LLC, states that he has nothing new to report. That they had worked with the Planning Board, as previously mentioned during the June 11th Public Hearing, that we have made the changes that they required pertaining to the stockade fence height to 8 feet. We also sent notifications, out of an abundance of caution, to the State Highway Departments in Boston and locally to Taunton.
- Judy Barrett asks the Board if they have any questions
- Borys Gojnycz states that he was the Member that mentioned the State Highway and agrees that that is good that the notifications went out. He then asks if it was Philip Thorn who asked about the 20 foot additional height increase after the permit.
- Philip Thorn states would the Applicant agree to waive their right to the increase, similar to what we required to the tower at 155 Mayflower Street.
- Fran Parisi responds yes, we would agree
- Philip Thorn asks there are no lights on the tower?
- Fran Parisi responds correct, no lighting is required by the FCC
- Philip Thorn responds great
- Judy Barrett asks is there anyone else?
- Freeman Boynton Jr asks wasn't there something with landscaping, trees and fence?

- Fran Parisi states yes, we've agreed to an 8' stockade fence and will update the plans to reflect that, when we apply for the Building Permit. As for the landscaping, we're back so far from the road, where there is already dense vegetation, we feel it's not necessary, so we have a letter from the land owner stating they do not expect landscaping.
- Freeman Boynton says thank you
- Freeman Boynton states can we make a motion
- Borys Gojnycz makes a motion
- Kathleen Muncey second
- All in favor to close the Public Hearing
- KM, JB, FB, BG and PT
- Judy Barrett asks if there is any other discussion
- Kathleen Muncey makes a move to approve the application as presented with the conditions of an 8' stockade fence around the perimeter, no formal landscaping around the area and a condition to waive the 20' increase after the fact.
- Borys Gojnycz seconds, that was really good
- JB, BG, PT, FB, PT

Motion: It was moved, seconded and unanimously voted to approve the Special Permit and Variance with conditions on June 25, 2020 at 6:00pm.

Moved by: KM

Seconded by: BG

Number in favor: 5

Number opposed: 0