

**TOWN OF DUXBURY**

**BOARD OF APPEALS**

**DUXBURY BOARD OF APPEALS**

**MEETING MINUTES**

December 9, 2021 @ 7:30 p.m.

TOWN CLERK  
2022 FEB 11 AM 8:40  
DUXBURY, MASS.

**ATTENDANCE:** Wayne Dennison, Judith Barrett, Kathleen Muncey, Freeman Boynton Jr., Philip Thorn, Borys Gojnycz and Tanya Trevisan

**Other persons present at the hearing:** James Wasielewski, Building Commissioner, and 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 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](http://www.pactv.org/duxbury) for information about Duxbury programming including streaming on Duxbury You Tube, to watch replays and Video on Demand.

**ZBA Case #2021-15, McKeag, 39 Shipyard Lane (CONT'D):** *The Board voted unanimously (5-0) to continue the public hearing to Januray 13, 2022 at 7:30 p.m.*

**ZBA Case #2021-34, Upham, 125 Abrams Hill (CONT'D):** *The Board voted to unanimously (5-0) to continue the public hearing to January 27, 2022 at 7:30pm*

**ZBA Case #2021-36, Allen, 482 Keene Street:** *The Board voted unanimously (5-0) to grant the special permit.*

**Administrative:**

*Wayne Dennison makes a motion to close the public hearing. Kathleen Muncey seconds (5-0)*

## BOARD OF APPEALS MINUTES

**Case No: 2021-15**

**Petitioner: Charles and Jennifer McKeag**

**Address: 39 Shipyard Lane**

**Date: December 9, 2021 Time: 7:30 p.m.**

**(Continued from December 2, 2021, October 28, 2021, September 9, 2021, July 29, 2021, July 8, 2021 and May 27, 2021)**

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

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

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

- Wayne Dennison re-opens the public hearing and states we have received some new correspondence since the previous hearing on this case. Mr. Dennison states when was the last hearing opened
- Lauren Haché states May 27<sup>th</sup>
- Wayne Dennison states okay, we have an email from July 8, 2021 from Susanna Sheehan states that her mother is the Abutter to 39 Shipyard Lane and we have submit this letter with photos demonstrating the proximity of the two properties. There is a July 24, 2021 letter from Antonia Shoham that states the plans and petition of this application have changed and I object to the Plot plan and the measurements on the plans. The new addition will come 4-5 feet closer to the lot line and thus blocking western sun into my home. This new closer plan also creates a fire danger and my personal living space. I wish to request an on site visit to the properties to show the Board Members what is existing and what is being proposed. We have a September 7, 2021 letter from Susanna Sheehan stating the house next to 39 Shipyard Lane is 35 Shipyard Lane has been in her family for 75 years and that she and her family all have enjoyed their time in the home. In the 1970's my grandmother winterized the home and in the 1980's my mother made some changes to modernize the home. They raised the home up and set it back down onto a full foundation. I am a proponent for those who want to update and change homes to bring them into the 21<sup>st</sup> century. The plans before you are the second set we are seeing. At the last meeting the Board suggested that my mother and the Applicants meet and discuss things, but that meeting never happened. The Architect for the case did speak with my mother and stated that the addition would not block her sun. Now before you this evening are yet another set of plans, a third set of plans, that brings the entire house closer to 35 Shipyard Lane and will put permanent shadow on to 35 Shipyard Lane daily. We believe that this will create a severe detriment to the neighborhood and to my mothers' enjoyment to the property.



- Mr. Dennison continues that it looks like we have plans that are dated July 7, 2021 and new plans filed on December 6, 2021, one of a proposed covered porch and a renovation porch plan and elevation. So why don't we hear from the Applicant first.
- Jessica Williams states I am the Architect representing the McKeag's. Ms. Williams explains there is a history with this petition and continuances to allow for some changes we are considering to make with this proposal. Since we last met, my Clients determined that the original design would create a much larger addition that what they truly need, so the design was reconfigured according to and within the setbacks with the Bylaw. We are now proposing a 94 square foot addition, all within the setbacks and we are not changing the height of the garage. The plan before is to cover the porch, due to the area exceeding 15%, where this lot is small, we are asking for relief in 410.4 and proceeds to explain the calculations. We are allowed to increase coverage to 18.7% using the 3% rule, but we asking for 16.2% coverage.
- Wayne Dennison states ok, I understand this plan. There are multiple areas that indicate that these areas are permitted but not finished. So you already have a building permit for the areas on the plan described as permitted but not yet completed.
- Jessica Williams states that is correct, all of the work that is provided there falls within the Bylaw requirements
- Wayne Dennison states so we are not even being asked to consider any of that because you have obtained a building permit by right.
- Jessica Williams states correct
- Wayne Dennison asks Ms. Williams to describe what she is looking for and shares her screen
- Jessica Williams explains the plan and states that in order to have the proposed covered entrance porch, the coverage would increase and requires a special permit
- Philip Thorn states no screen enclosure, just a roof
- Jessica Williams states correct, this isn't an intention to screen it or finish it, it is where they like to sit outside
- Kathleen Muncey states how high is the roof
- Jessica Williams states it is 11 feet
- Wayne Dennison states does the Board have questions, are there other comments from the public
- Antonia Shoham states where is the garage
- Jessica Williams shows where the garage is on the plan
- Antonia Shoham states her name and address at 35 Shipyard Lane and explains that she is asking the Board to deny the application due to the section of the house facing hers, that is currently open, faces her kitchen and she would lose all the sunlight in the kitchen and in her living room and upstairs
- Kathleen Muncey states from the porch roof, that would create that impact

- Antonia Shoham states yes, one of the main points I would like to make is that I understand that the building department gave them approval for this, but I thought the Zoning Board has the final say so on what can be added onto the house
- Wayne Dennison states I can help a little bit with this. There are some things that you are permitted to do without Zoning Board approval, things that you can do as of right and that is up to the Building Department. It appears that these folks have reconfigured their design so that they don't have to ask the Board for approval with the exception of the roof on the open front porch. I don't know when the building permit was issued, Jim, when was it issued
- James Wasielewski states I think within the last day or two
- Wayne Dennison states since you have notice of this, you have a certain amount of time to appeal this if you think this permit was improperly issued
- Antonia Shoham states I haven't been able to get in touch with Mr. Wasielewski and my Attorney is not available this evening, he is receiving an award in the city
- Wayne Dennison states so if you think that building permit was issued in error, you have a very limited time do something about that, you have to take an appeal of that within 30 days
- Antonia Shoham states well, both of these house were build in the early 1900 before zoning and states that the garage is 7'5" to the lot line. They tore down a fence without asking there is one post left and that measurement between the garage and the post is 7.5'.
- Wayne Dennison states the plot plan I front of us shows the garage is 10.7 feet
- Antonia Shoham states it is not, I have measure and re-measured and it is not. I would like to invite the Board to come out to my home and see it. I have asked Mr. Wasielewski if he had been on the site and he said no
- Wayne Dennison states so I think we did receive a letter asking us to come out there. I would be very much inclined to set up a site visit
- Antonia Shoham states I would love that
- Wayne Dennison states I just want to state that the portion of this that appears to be of concern to you, and we don't have jurisdiction over that unless you appeal the building Inspector
- Jim Wasielewski states the Building Permit was issued December 7<sup>th</sup>
- Wayne Dennison states alright, so you have 28 days
- Susanna Sheehan states her name and address at 122 Powder Point Ave and that Toni Shoham is her mother. I have some information that I think is relevant as to what is happening right now. Ms. Sheehan hands out a sheet to the Board Members, which is the Assessors card and two deeds showing the side lot distances are inaccurate on the plot plan before them which shows that the coverage is incorrect and is over the 15% allotted coverage.
- Kathleen Muncey states I can address the area, the certified plot plan provided is from a certified Engineer and the deeds are from 1893 and wouldn't necessarily have the accuracy. The Assessors card is also approximate and a lot that says



from this point to that point, the surveyor makes those calls, it's called laws of construction. So I am not necessarily, but we we have a registered land surveyor.

- Susanna Sheehan states the Surveyor referenced the deeds on the plan and reference a completely different thing
- Kathleen Muncey states the deeds are based on an 1893 plan, they didn't have the degree of accuracy back then
- Susanna Sheehan states but the deeds reference from 2011
- Kathleen Muncey states they will all reference the 1893 plan until a new plan I done, that's how these are done. I am confident of that...
- Susanna Sheehan states so you are saying the Assessors are wrong as well
- Kathleen Muncey states yes
- Wayne Dennison states that is fairly common
- Kathleen Muncey states we have to rely on the professional land surveyor; you could have your own surveyor do a plot surveying
- Wayne Dennison states so what you asked of the Board, if there is a building permit, which we have been told there is, we cannot hear these permitted areas, until there is an appeal of the commissioner's permitting. We cannot discuss this until that is done and if you don't do anything about an appeal, we cannot discuss this at all. What is in front of us is the covered porch, and I would propose we schedule a site visit and look at this to figure out if this is an appropriate use or detrimental to the neighborhood. Where is the Applicant with respect to that
- Jessica Williams states obviously we would love to have a vote tonight, but we are fine with a visit to the site and would happy to accommodate
- Wayne Dennison states I would like to do a site visit
- Philip Thorn states I think that us entirely appropriate
- Wayne Dennison states when states when is the next time we can hear this and schedule a site visit
- Lauren Haché states we meet again on January 13<sup>th</sup>
- Kathleen Muncey states I think we have a site visit at another location on January 7, 2022
- Lauren Haché states that is at Harlow Brook, Temple Street at 9:00am
- Wayne Dennison states can we do both that morning at like 10:15 on the 7<sup>th</sup>
- Jessica Williams states January 7<sup>th</sup>, I have that available
- Wayne Dennison moves to continue to this public hearing to January 13, 2022 with a site visit January 7, 2022 at 10:15am
- Judith Barrett seconds
- All in favor WD, JB, KM, PT, BG

**Motion: It was moved, seconded and unanimously voted to continue the public hearing to January 13, 2022 at 7:30pm.**

Moved by: WD

Seconded by: PT

Number in favor: 5

Number opposed: 0

## BOARD OF APPEALS MINUTES

**Case No: 2021-34**

**Petitioner: Nowell Upham**

**Address: 125 Abrams Hill**

**Date: December 9, 2021 Time: 7:30pm**

**(Continued from November 18, 2021)**

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

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

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

- Wayne Dennison opens the public hearing and states this matter was continued because we previously did not had a quorum. Who is going to sit in this case, Freeman you cannot, right
- Judith Barrett states I am available
- Wayne Dennison states so Phil, Borys, Judi, Kathy and me. Did we ever formally open this case
- Lauren Haché states no we did not
- Wayne Dennison states ok, who is here on behalf of the Applicant
- Chris Leamy, with Duxbury Construction introduces himself as the Agent for the Applicant.
- Wayne Dennison states great and continues to read to read the public hearing notice and the case response from the area Boards, Abutters letters in support and a Design review Board memo and supplemental memo
- Chris Leamy with Duxbury Construction presents the application and shares his screen. Mr. Leamy explains that this project has already been approved by Conservation. Basically, the proposed garage will be in the same general area, slightly improving the non-conformity. The existing non-conforming area is about 58 square feet and we are going to increase that by 138 square feet to an overall 194 square feet of non-conforming area. This is just a roof with no sides, so the volume will technically not change. The existing garage is 8.9 feet from the property line as is the proposed carport. Mr. Leamy explains that shifting the garage away from the existing side setback, the grade would make it difficult and it would also move the garage into the wetlands.
- Wayne Dennison states do any of the Board Members have questions for the Applicant
- Kathleen Muncey states what is the carport for, just to put a car in or storage
- Chris Leamy states it's for both, likely a car



- Judith Barrett states why would we have the garage more conforming, isn't that what we are doing. The fully enclosed garage is becoming fully conforming
- Chris Leamy states yes
- Judith Barrett states if we are doing that, why would we keep a non-conformity which we could improve here by eliminating the carport. The intent of a non-conforming rule is to encourage more conformity. Are we not continuing a greater intensity of use
- Chris Leamy states that is a great question, our reasoning of this has to do with constraints of the site. Parking here will upset the flow of the driveway. In our opinion, it is not more detrimental or more-nonconforming in our opinion.
- Wayne Dennison states are there more Board Members with questions or members of the public
- Judith Barrett states I am just not sure what the public benefit is of keeping that non-conformity. It is nice to see the garage moved. How many vehicles is the garage proposed to hold?
- Nowell Upham states hi, I can answer that. The garage is proposed to hold two vehicles. In the winter the carport will probably house a boat rather than in the front yard for eight months. Mr. Upham explains the limited turn around and constant moving of vehicles constricted by the driveway
- Wayne Dennison states the dream home as Mr. Leamy stated, the only thing we are being asked to weigh in on is the carport; you can literally do all of this except that carport, correct
- Judith Barrett agrees
- Chris Leamy states yes
- Wayne Dennison states I am going to just state my concern here which is we are trying to move towards greater conformity and the plan before has a much larger garage that is conforming and the Applicant is asking us to make a greater volume of non-conforming space as a benefit and convenience but is inconsistent with the Bylaw. I am going to be frank, I am going to have a very hard time supporting this application. I would in fact vote no for this. We often do a straw poll when there might be a no vote, so that the Applicant can choose to withdraw the application so as to not get the two year bar of re-application.
- Nowell Upham states I thank you for that; may I ask a question. Would I be able to repair the existing garage in its current footprint.
- Wayne Dennison states yes
- Nowell Upham states ok, that seems worse than what I am asking for, it feels worse to me.
- Philip Thorn states I actually agree with the Applicant. I do recognize the increase in the non-conformity, but I think it's a small increase. My only concern is that if this proposed carport is allowed, if a future owner comes along and encloses it, perhaps a condition on a potential approval should state it cannot be enclosed

- Jim Wasielewski states that is a great question. If it's conditioned in the permit, that is where we would look to this. If it were to come before me as an application, I would refer it back to the ZBA anyways.
- Kathleen Muncey states I have a question, could you rebuild in the same location and expand to the right
- Chris Leamy states anything is possible and shares his screen to show the existing garage
- Wayne Dennison states this plan does show a much larger, fully complying garage
- Chris Leamy agrees
- Nowell Upham states is goes from a 1 ½ car garage to a 2 car garage
- Philip Thorn states the proposed garage is by right, so I am focusing on the carport
- Wayne Dennison states respectfully, I don't think we should not focus on the proposed complying garage. I don't see any need to make and continue a non-conformity and expand it. I can't get there
- Kathleen Muncey states I cannot either
- Judith Barrett agrees
- Nowell Upham states may I ask if there is another solution that I am not thinking of; can I store my boat there with a temporarily cover that. I am just looking to not have a boat in the front yard
- Wayne Dennison states you have an incredibly capable Engineer who can help you with that. I did a little straw poll of the panel and this is not a bound decision, but you would need four of the five of us and I have heard at least three straw poll votes tending towards no. I will leave you to decide what you would like to do next
- Nowell Upham states I will go back to the drawing board
- Wayne Dennison states ok, why don't we continue this to a date to give you time to work with the plan
- Chris Leamy states would we have to reduce the conformity in all respects
- Wayne Dennison states I will speak for myself, but when you have a fully conforming garage it is hard for me to approve that, yes.
- Judith Barrett agrees and states you are trying to do a lot on an odd lot.
- Wayne Dennison states if you figure out a conforming solution, you don't have to come back
- Borys Gojnycz states I have seen sales attached to sides of buildings with steel cables, what if they rig a canvas sail for covering the boat and temporary structure, how would that work
- Jim Wasielewski states I can answer that, there have been a few issues. A tent requires a zoning permit, needs to be fore rated and can't be up for more than 180 days and I cannot permit that within the setback anyway.
- Kathleen Muncey states is a pergola a structure
- Jim Wasielewski states it is within the setback



- Nowell Upham asks about a detached shed in that place
- Jim Wasielewski states no, not in the setback and asks for clarification, if there is an existing non-conformity. If Mr. Upham were to comeback and only half of the carport was reduced in non-conformity and the square footage is equal to that existing non-conformity, can he come back and keep the existing non-conformity
- Wayne Dennison states I don't think you have a right to non-conformity. The zoning act states that over time as lots improve, the non-conformity should improve. There is a radical improvement to this lot, with ample parking and exceeds garage space and the notion of right to non-conformity is not consistent with Massachusetts Law
- Judith Barrett states I agree, this is a situation where someone is able to bring something into conformity
- Kathleen Muncey states is the sports court considered a structure
- Jim Wasielewski states no, but there is some applicable zoning to it
- Judith Barrett states Jim can you remind me, do we consider that in coverage calculation.
- Jim Wasielewski states not for residential purposes, just anything with a roof on it
- Wayne Dennison states so I suggest we continue this while everybody thinks on this
- Nowell Upham states thank you
- Lauren Haché states January 27, 2022
- Wayne Dennison states would that date work
- Nowell Upham states that is great and should we not come up with a solution, we can withdraw
- Wayne Dennison states yes and moves to continue the hearing to January 27, 2022
- Judith Barrett seconds
- WD, JB, KM, PT, BG

**Motion: It was moved, seconded and unanimously voted to continue the public hearing to January 27, 2022 at 7:30 p.m.**

Moved by: WD

Seconded by: JB

Number in favor: 5

Number opposed: 0

## BOARD OF APPEALS MINUTES

**Case No: 2021-36**

**Petitioner: Samantha Johnson & Nicholas Allen**

**Address: 482 Keene Street**

**Date: December 9, 2021 Time: 7:30 p.m.**

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

**Members Voting:** Wayne Dennison, Judith Barrett, Kathleen Muncey, Freeman Boynton Jr., & 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 the public hearing notice and the case response memos from the various town board
- Samantha Allen, the homeowner, introduces herself to the Board and presents the case. Ms. Allen states with regard to the Design Review Board memo, when we purchased the property, we had to add on a second floor which took away all of our storage space. Ms. Allen continues by apologizing for not having the plan on the screen and states I just had a baby, that's why we are so limited on space. The reason for the one-foot higher on the ridgeline is due to the ceiling heights in the existing home, the existing home was 6.5 feet high, and the building code now is 7.5 feet. With regard to the building materials, we are actually going to use the same exact materials when we used on the entire property renovation we have done since purchasing the property. In reference to the setback, it will be 14.5 feet off the street to flow with the existing house. We looked at all options and this was the only possible way due to existing flow of the home. We are looking to upgrade the neighborhood and we do have a neighbor here this evening for support and we really do not want to move, but rather would love to add on for more space for our growing family. Thank you for your time
- Wayne Dennison states does the Board have questions for the Applicant
- Kathleen Muncey states so there is an existing deck back there right where you are putting the addition, is it sort of a Z shaped deck
- Samantha Allen states yes, there is a deck that is 11 feet that would be
- Wayne Dennison states so in this plan, there appears to be an existing patio and deck, a portion of which you propose to enclose
- Samantha Allen states we are moving the deck and putting the addition in place of the deck
- Wayne Dennison states ok, I see, So Jim, the Design Review Boards indicated that the corner lot required 25 feet on both side of the corner
- Jim Wasielewski states yes, because it has frontage on both sides



- Kathleen Muncey states which would make it virtually impossible to add onto the house since it's already so close
- Wayne Dennison states is it possible to do an addition between the current home structure and the garage
- Samantha Allen states unfortunately when we were looking at the flow of the property, it would interrupt the kitchen
- Tanya Trevisan states can you explain that, interrupt the flow of the kitchen
- Nicholas Allen introduces himself and states the end of the house, where the stairs are, it would come in where the entry way is and the kitchen and it wouldn't flow or there is no way to get there. You would have to re-do the kitchen and explains that when we bought the house four years ago, we gutted the whole house and the kitchen is brand new, so to move it now would not work. The house is very old and we had to raise the ceilings to get 7.5 feet which took away the walk up attic and the basement is dirt crawlspace. We are trying to improve out living space with what we have.
- Wayne Dennison states so the Design Review Board indicated that nobody talked to them
- Nicholas Allen states well, since day one we have had this date as our date and when I asked Lauren about this email and she said that they sometimes don't tell the Applicants or we would have been there had we known.
- Wayne Dennison states do you want to go back to talk to them (Design Review)
- Nicholas Allen states well, we didn't even get a chance to, I got their memo emailed three days ago. It noted our fence was ugly to the neighborhood; it was very upsetting. We receive nothing but great comments and appreciation from the neighbors since we have been fixing this house up. We're not trying to do anything crazy to the neighborhood. When we got this email that was attacking our property and then saying we didn't even show up, we didn't get the chance to explain anything.
- Kathleen Muncey states Lauren, what is the process
- Lauren Haché states I will take responsibility, typically the Design Review Board will cc me on their Agenda and then I reach out to the Applicants to let them know of that meeting. I was not there the week before when this Agenda came out and thus, neglected to inform these Applicants.
- Kathleen Muncey states it's not your fault, don't they have the addresses
- Lauren Haché states they have the full application, as a courtesy I try to let the ZBA Applicants know
- Kathleen Muncey states it seems like it would fall through the cracks more times than now
- Tanya Trevisan states and they don't have to notice their applicants
- Lauren Haché states no
- Wayne Dennison states not to suggest that you let that fall through the cracks
- Lauren Haché states as a rule, I notify the Applicants that there is a meeting that if they can attend they should and I did not do that in this case

- Wayne Dennison states you do not have to get Design approval to get Zoning approval, it might be nice to meet with the, because you make a pretty compelling argument, the fence thing I think was gratuitous
- Freeman Boynton Jr states why not invite the Design Review Board to the house to see it. Also Union Street is 50 feet wide, which is very rare. I am wondering if someone did a taking with the street, but I don't have a problem with it.
- Wayne Dennison states so the edge of pavement is most likely 25-30 feet and asks if the Board Members have any questions
- Borys Gojnycz states I do have a question, we did a kitchen out on the beach and we extended a kitchen within the setback of the street and why was the kitchen on the front of the house. I thought we allowed due to uniqueness if we had set precedence in unique situations if we could offer relief
- Wayne Dennison states well they are not making a new non-conformity
- Kathleen Muncey states it's a continuing structure
- Freeman Boynton Jr. states and they are not knocking this down to put up another non-conformity
- Wayne Dennison states my preference here would be to see if you could have a discussion with the DRB, but I think they are a useful Board with helping assisting this Board
- Nicholas Allen states well, so how do I reach out to them, I don't think that is fair to hang this up since we didn't have the opportunity
- Judith Barrett states there is a lot of sensitivity with the DRB and we do try to make sure we get helpful information from them. We may not always agree with them, but we do prefer their input.
- Tanya Trevisan states this was no fault of the Applicants, they would have been able to defend themselves
- Judith Barrett states I don't want to penalize them
- Wayne Dennison states I agree, I just think that the presentation that Applicant made tonight, if provided to the DRB would have resulted in a far different result in terms of the thoughtfulness of your design and materials. Their input is important to me, I would like it if they met with the DRB, but you would probably get a better outcome.
- Nicholas Allen states I see, it is hard for me to get around their letter and the reason why the addition is going where it is. I'm just struggling with this and the fence comments
- Freeman Boynton Jr. states I hear you, we understand
- Philip Thorn states I have a question with the setback that the DRB raises, I'm not understanding to allow the addition to be 14.5 feet from the setback,
- Kathleen Muncey states it's not a new non-conformity, they are extending it
- Tanya Trevisan states its less than a non-conformity because it's further away
- Philip Thorn states I am familiar with the condition of the house previously and I find that the work that you have done greatly improved the home and your



neighbor here is nodding. I personally would disregard the DRB entire letter and would think that their fence comment is bordering on snarky

- Wayne Dennison states it is snarky
- Tanya Trevisan states I agree with Phil, frankly
- Wayne Dennison states well they don't have to go back to DRB and looking at the pavement, you are going to be very close to 25 feet anyways
- Tom Caine, 492 Keene Street so the house just to the east of this home and I support the tremendous job they are doing at this property. I really support this
- Wayne Dennison states so what doors do we have to drive through Judi
- Judi Barrett states are we substantially increasing the non-conforming nature of the structure and if we are is the result substantially more detrimental to the neighborhood
- Wayne Dennison well, we are substantially increasing the non-conformity, but it is not more detrimental to the neighborhood and I personally would be in favor of this
- Wayne Dennison moves to close the Public hearing
- Tanya Trevisan seconds
- Wayne Dennison moves to approve the special permit as requested conditioned on the comments of the Board of Health
- Philip Thorn seconds
- WD, JB, KM, FB, PT

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

Moved by: WD

Seconded by: TT

Number in favor: 5

Number opposed: 0

**Motion: It was moved, seconded and voted to grant the special permit, with conditions.**

Moved by: WD

Seconded by: PT

Number in favor: 5

Number opposed: 0