



**TOWN OF WINTHROP
ZONING BOARD OF APPEALS
MINUTES OF MEETING
Held on Thursday, February 27, 2020
Town Hall – Joseph Harvey Hearing Room
WINTHROP, MA 02152**

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TOWN CLERK
WINTHROP, MASS.

Darren Baird, Chairman of the Board, called the public meeting of the Board of Appeals to order at approximately 7:03 p.m. and explains rules of procedure and conduct at hearings. In attendance at the hearing were the following Board Members: Thomas Chiudina, Irene Dwyer, Jason Wright, Fred Gutierrez, Marcus Cantu, and Joanne M. DeMato, Clerk.

The following matter was heard:

AGENDA: Hearing of the following application(s) for variance and/or special permit and deliberation of pending matters and discussion of old and new business:

Item No.	Appl. #	Applicant	Address	Appeal	Voting
1.	Chairman opens hearing				
2.	#021-2019	JB Capital, LLC	130-140 Shirley St.	Variances Chapters 17.12.130 17.16.030 17.20.060 Non compliances with setbacks, distance, height, off St. parking	ID/TC/MC Con. To 03/26/20
3.	#033-2019	Stephen Babine	191 Court Rd.	Variance Chapter 17.52.030 Table of Uses, 17.20.060 Req off St parking	ID/FG/TC Cont. to 4/30/20
4.	#034-2019	Dan McInnis	283 Shirley St. Lot 1	Variance Chapter 17.12.130 Table Use Regs, 17.16.030 lot requirements and setbacks, frontage, 17.20.060 off St parking	DB/TC/MC Cont. to 03/26/20
5.	#002-2020	142 Washington St, LLC	16 Elmwood Ave. (Lot #120)	Variance Chapter 17.16.020 J.1 noncompliance proposed structure with respect to mini. lot area requires 5,000 sq. ft.	TC/FG/JW Granted
6.	New Business: #003-2020	Alex Stathopoulos	10 Highland Ave	Conversion of barn onto single fam home Chapter 17.16.020 (A) Gen. Regs	DB/ID/TC Cont 4/30/20
7.	#004-2020	Jospeh Duplin	119 Grovers Ave.	Proposed demo of 1.5 story to build 2.5 story Chapter 17.28.030.C.2	DB/MC/JW Granted
8.	Approval of Minutes				
9.	Adjournment				

#002-2020, 142 Washington St., LLC, 16 Elmwood Rd. (Steven Stoddard)

Sitting: TC/FG/JW

In Attendance: Atty. James Cipoletta, Steven Stoddard

TC: We closed public comment previous meeting, we will open for discussion.

JC: The Board had asked for relocation of parking spaces driveway on right side as proposed parking Ex #1 Plot plan.

TC: Curb cut on right side is that existing? That would remain? Will you be adding one on the right side?

SS: Yes

JC: Answer questions

JW: Spaces?

TC: Driveway to back of house in order to fit 2 spaces.

SS: Lot 86 ft. long - Go back half of 40 ft. long

TC: No parking in front. From Assessors records all lots identical 20, 26, 32, 36 all same size. Across the street 15, 19, 29 are big & smaller lots. This is always a separate lot and never built on. It's a preexisting non-conforming and identical to others.

Motion: (JW) – Grant relief of variance of noncompliance of structure all other building in area and not detrimental of public, and condition parking 1 curb cut on right side of structure for 2 spaces.

Second: (FG)

Voted: All in favor

#033-2019, Stephen Babine, 191 Court Rd.

Sitting: ID/FG/TC

In Attendance: Atty. James Cipoletta, Stephen Babine

JC: Ex #3 elevation certificate, 3 variations and plan to heating Driveway and which side to be used plan to demonstrate.

SB: Squiggled lines show heating coils for driveway EX# 2,3,4 stamp elevation certificate. Show common drive for passage to go all the way around the property. 1 with heated and 1 not heated. Also, the elevation certificate that was asked for.

FG: Who designed driveway?

SB: Laurel Associates.

FG: Why here?

SB: Neighbor has ½ heated for only 10-12 ft. driveways I propose whole driveway

TC: Asked for engineered design land I see engineered plan with grade slope 32% slope on grade right now

SB: I have less than neighbors. You wanted an engineered site plan, Site Tech is an engineered site plan from FEMA.

TC: Your proposing this private passageway, can that be done? Not engineered, you're talking about significant work there and need to see if feasible,

SB: Cut further back than existing already 5 ft. opening, would go further back.

ID: Plans can't tell looking at those.

SB: 2 separate all on 1.

ID: Can't be sure if building within boundary to build need exact measurements and are ok. Proposing to do something to building and drew out extra feet but wouldn't know about the doors and windows.

TC: One issue although I accept 3rd apt. there – you're not look to continue preexisting nonconforming you're looking to extend and now created full apartment its more of a significant increase.

SB: Not look at building on assessor, I talked to abutters, your saying I built more I disagree, the assessors says 5.

JC: Does the Board have Assessors report?

TC: Now have 9.

SB: Because of pre-existing.

JC: May be something the Building didn't pick up, I don't know if he wrote different way didn't point out alter non-conforming use of s structure.

TC: Variance to establish a 3 family and variance off street parking from proposed plan wouldn't be looking.

JC: BI may have made SP requirements vs Variance if saw extension of alteration and that would seem to be a SP rather than variance and he get there but it should have written it as a SP.

TC: Maybe a SP if preexisting nonconforming but you're expanding on that and now into variance

JC: Variance Language correct.

TC: What's Hardship

JC: Establish as a 3 family Board seeks extension of PENC then our ordinance requires SP.

DB: If Board establishes 3rd unit as a Preexisting nonconforming then expansion of that unit, then extension done by Sec 6 & SP, under Chapter 40A section 6 finding expands or alters of nonconforming not more substantial detrimental to community of 3 to 4 as opposed to variance, if 4 was NC then new use variance.

FG: No convinced it's a 3.

TC: Legal 3? Photos shows 3 units in there matched with plans added door to use attic back a long time ago and town has record it was usable.

FG: Nonconforming requires separate services?

TC: Doesn't require it, whatever was done, existing plan shows 2 boilers so supports 3 exists. Do we accept it exists and accept its expandable?

JC: If Board accepts 6 parking spaces then don't need variance and if this plan is ___ and can't do that then we need a variance because I don't think there is any parking.

TC: Can't prove plan, too many questions and not a design plan. If you show how it's going to flow.

MC: Can't believe Con. Comm. approved without engineered site plan to mitigate erosion during construction near the beach.

JC: It was written in there, in the original filing. I don't have spare copy.

TC: Did that proposal have parking there, must not cause you're asking for a variance because went to Con Comm. you wouldn't have gotten a denial on the parking.

JC: Con. Comm. order of conditions concerned taking down back porch and to remove that. Those orders of conditions predated parking in back.

IUD: Really need to have those issued resolve.

TC: If come back with engineered plan would also have to go back to Con Comm. don't want to give impression of slam dunk because still Need structural design go back to Con. Comm. still would approve without being concerned.

JC: Think during course of hearing and parking became issue and would have to go back to Con. Comm. And find out if parking variance needed then find out if we can realistically get cars back there.

TC: Neighbors issue with parking not being convinced that parking plan works is big.

JC: All on street? If 2 family nothing to ask.

TC: Still need parking if you eliminate parking then a bigger issue, still requires parking.

JC: Status quo eliminate 3rd unit.

TC: Before he came here there were 2 garages on right side can't elimination without required parking variance.

ID: Even if plan, you don't know if change without Con Comm. approval.

TC: If properly designed, there are several options, we can take a vote, tell us what want us to vote on?

JC: Continue Con Comm. & engineered plans if we have a Commission.

TC: Need to see rationing wall; you are doing a lot of work not on your property.

SB: That is all my property.

TC: Common passageway is not your property and you're going to have to extend so it doesn't fall off.

SB: Whatever you guys need I will get to.

JC: So what do we need?

FG:

- 1) Civil engineer design
- 2) What impact identify where addition
- 3) Input from Con Comm. materials, drainage

ID: Plans should be shared with neighbors.

TC: I would suggest that we reopen public comment.

ID: If petitioner agrees.

TC: Suggests from Con Comm. Impervious materials?

JC: Where drainage, etc.

TC: Landscaping, paving is?

Motion (TC) – Motion to continue to April 30 meeting at applicants requests.

Second: (FG)

Voted: All in favor

#003-2020, Alexander & Anastasia Stathopoulos, 10 Highland Ave.

Sitting: DB/ID/TC

In attendance: Atty. James Cipoletta, Alex Stathopoulos

JC: In back of house for many years a Carriage house restore for daughter's studio. The next door neighbor submitted letter of support in application. (Ex #1 Walsh letter) Not a first impression to Board, there's a number of converted houses. Not Air BnB or rooming house and keep contained for daughter need space for working from home.

DB: Anyone want to be heard – 3xs – hearing none public comment closed.

Motion: (FG) – Motion to close public comment.

Second: (ID)

Voted: All in favor

DB: Questions from the Board?

TC: None.

ID: What exactly planning on doing?

TC: Convert to living space, so doesn't need internal plans.

AS: In progress as far as looking internal.

FG: Outside the same, windows doors?

AS: The windows and doors will be changed.

FG: I see no problem.

TC: I See problem taboo so many barns on town and will open a flood gate and have 5 neighbors that have a barn so why can't they do the same thing?

DB: In law over garages but not fundamentally different must take case by case basis.

TC: Those converts back after the In law is not in existence, maybe will to do that but don't like to do that because after 10 years who is checking on that and not a AirBnB.

DB: If allowed have to be Accessory use to principle structure not separate use, without be conveyed independently not able to separate 2 uses in concert with each other biggest issue not seeing plans. Don't want to see separated and issue with not seeing plans. Go uphill and visibility in Highlands and appreciate Tom's concerns

ID: Issue to be conveyed separately in terms of allowance we put but need to be careful say convert barn to single family.

JC: What Building Inspector said was not accurate.

ID: Need plans for approval of change and can't make decision without to say you're following variance or not. Use is one thing but how you're going to use.

DB: Its usual to approve without any floor plans & elevation, it's a precedent less happy to set we worked hard as board and make sure we get plans before making a proper decision at minimum to see how this looks

AS: Barn was a workshop 20 years ago with power there.

DB: Different turn into change of use for residential use and is a different in kind need to see plans.

TC: You're suggesting a primary use connected to structure.

DB: Grant variance conditions, accessory structure used by family members of principal house and cannot be separate apartment to use to rent to unrelated people.

AS: Listed as 2 families now single.

DB: I wouldn't be arguing it's a single and now turning back to two Family and wouldn't want hear argue turning back to 2 family which is much different, if using by family member ok, but saying it's a 2 family then can be rented by non-family member.

JC: Amend application apply for variance as accessory use, I gave up arguing with BI long time ago.

DB: Have to be Variance.

AS: Floor plan with elevation?

DB: See from walking around from ground.

Motion: (TC) – Continue to April 30, 2020.

Second: (ID)

Voted: All in favor

#004-2020, Joe & Elizabeth Duplin, 119 Grovers Ave.

Sitting: DB/MC/JW

In Attendance: Andrew Duplin, Peter, Architect, Rob, Contractor, Atty. James Cipoletta

JC: Remove existing structure re-building on same foundation.

AD: Father is deceased, mother here, purchasing house with wife. Plans to Board to clarify.

Arch: Explains layouts home design plans pushing forward towards the street to get 2 garage front, and putting swimming pool. Wide open concept with dining room. Sq. footages proposed keep under 50% 2nd flr., master bedrooms, 2 additional bedrooms, master bathrooms and 3rd floor office with small bathroom. Shingle style, roofline low, and dormers on 3rd floor.

JC: Neighbors spoke with to protect privacy fencing and frosted windows to house on north.

Arch: 2 windows needed for egress bedroom.

DB: Anyone wants to be heard, 3xs, hearing none public comment section is closed.

Motion (JW) – Motion to close public comment section.

Second: (MC)

Voted: All in favor.

DB: Any questions from the Board? So, the driveway already depressed and not further depressed, worried about drainage.

AD: Today there is a drain there at the base of that.

DB: French drain Impressed with plans.

AD: Good relation with neighbors and goal to work with neighbors not to look down at pool area.

DB: Preexisting nonconforming because of side yards it is not today with front yard but will be making it PENC?

AD: No.

JW: No variance just SP?

DB: Extending preexisting nonconforming E-W but not getting close to lot so can extend NC structure by SP vertically as long as not create new conformity under Chapter 40A sec 6 relief needed. Motion consistency with plans and 2 windows 2nd level northerly lot line will be frosted or opaque.

Motion: (JW) – To grant SP consistent with plans, condition that 2 windows on second level north lot line frosted or opaque grant nonconforming structure as shown in plans dates Jan 22, 2020 stipulating that 2 windows be frosted.

Second: (MC)

Voted: All in favor

Motion (DB): Also with a finding Chapter 40 A section 6 not substantially more detrimental to neighborhood than what is already there, and not create substantial detrimental to health, safety and welfare.

Second: (MC)

Voted: All in favor

#034-2020, Dan McInnis, 283 Shirley St.

Sitting: DB/TC/MC

In Attendance: Dan McInnis

DM: Proposing a 2 family modular. I had problems getting plans. Setbacks from Con Comm. Wants dry well, short 1 parking spot, setback exactly same as house next door and synagogue. There is a setback double width of public walkway so looking for setbacks relief on those. I have full plans with fire extinguisher and alarm plan coming. Have everything else on list that we needed. I had trouble with local engineer and place being built in PA. Not working out with plans so great, this was what I was able to get today.

DB: Opens up to public comment, does anyone want to be heard on this application?

Michael Beattie, 86 Johnson Ave.: I own 235 & 295 Shirley St. Obviously something needs to be built there but how many variances? Something that conforms to the lot needs to be built there and too close to the walk and existing building if a fire it will spread and also public way you'll be narrowing that down there. How close can you build to a public way? Why don't we build something that conforms? He needs a lot of variances and this should be consistent with the lot, concerns of fire safety,

DB: Anyone else wants to be heard on this matter 3xs seeing none, public comment closed.

Motion: (MC) – Close public comment section of hearing.

Second: (TC)

Voted: All in favor

DB: The reference to the public way out here is that the 6ft wide easement? Is that a public walkway?

DM: It's a public walkway that touches his stairs, there's a white 7 unit.

DB: So, on the other side of the synagogue?

DM: Yes. 7- Units. Don't need curb cut parking in back

TC: Can we go through variances and what they are? Setbacks,

DB: It's a use variance because multiunit is not permitted in a RES A district So, you'd have to have a Use variance for a multifamily use here. 3 units are not allowed without variance at this point.

TC: Next one is completed with minimum lot area of 7500. What is this 3042?

DB: How Old lot is?

DM: Separate in .65 technically deed 283 Block 1,2 & 3, Mine had 275, 277, & 279 In Assessors we changes to 275 A,B,C but the deed will always say 283.

DB: Still be undersized lot, need 5000 sq. ft.

TC: Noncompliant proposed structure with minimum front yards, left & right 10 ft., noncompliance off street parking.

DB: They need 6 they're prospering 3, and minimum lot frontage is adds to a Total of 8 variances, 2 use variances allow multi & 3rd unit, all dimensions ones for the 2 yards have thru lot 2 sides and front.

DM: Use to be 2 units put exactly as house next door, sidewalk to my property as, same as side, synagogue walk where easement was, take care of synagogue, crushed stone, impervious.

DB: Continuity of side doesn't bother pinch point south side, 4 ft. - synagogue on the line, from fire fighting perspective; nothing you're doing encroaches on the easement? Is that easement on your on your property?

DM: No public right of way will pitch roof.

DB: 100 ft. buffer that's why you had to go to Con Comm. Do you have Order of conditions from Con Comm.?

DM: Passes, order of condition dry well, these are market value apt not mansions, bus stop in front within 10 ft. of actual building.

DB: Stick built or modular?

DM: Modular, have to figure where cranes will go.

DB: Can you squeeze it a little to get relief on 4 ft. side yard to synagogue to Fight fire.

DM: Its 8 ft. and not putting a fence down the middle I would put a new gate.

DB: It's a 4 can become bigger on the other side, but they have a building with a footprint and can tear down and if they come in here today we would have a hard time saying no.

FG: The synagogue is 4 ft. off the lot line as well?

DM: Yes.

DB: Ok I thought it was zero lot line.

ID: Can get truck either side.

DB: Want to understand egress and Want to look at plans, want to understand plans. I think that something should go there.

DM: I'll put Vinyl siding makes look nice stone in front. Will be 33.5 ft. high, under 35 ft.

MC: Inaudible.

DM: Back built up because now just a big bowl.

MC: Is the elevation different? It's a modular.

DM: The ones on the plans.

DB: Need to see plans see final set of completed plans

DM: Have next week so you will see them at the next meeting unless I can get to them sooner.

DB: Even if sooner can't vote on it until the next meeting. Continue to March 26, 2020

Motion (MC): - Motion to Continue to March 26, 2020

Second: (TC)

Voted: All in favor

Motion (FG): To accept minutes of Special Meeting on Jan. 16, 2020

Second: (JW)

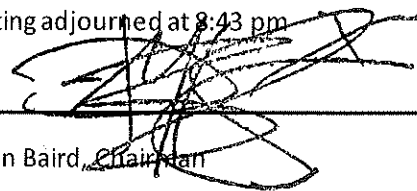
Voted: All in favor

Motion: (ID): To adjourn meeting

Second: (JW)

Voted: All in favor

Meeting adjourned at 8:43 pm


Darren Baird, Chairman

6/11/2020
Dated:

Respectfully submitted by: Joanne M. DeMato, Clerk