

Town of Winthrop
Zoning Board of Appeals
One Metcalf Square, Room 5
Winthrop, MA 02152
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TOWN CLERK
WINTHROP, MASS.

Meeting of the Zoning Board of Appeals
Thursday, June 25, 2020, 7:00 pm
Via Zoom

Item No.	Appl. #	Applicant	Address	Appeal	Voting
1.	Chairman opens hearing: Old Business				
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 06/25/2020
3.	#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 06/11/20
4.	#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 06/25/20
5.	New Business: #005-2020	Shirley Goodwin	45 Birch Rd.	Chapter 17.49 Special Permit for TL	
6.	#006-2020	Todd Green	90 Highland Ave.	Special Permit Chapter 17.20.050 D. 3 Design Off St Parking	
7.	#007-2020	Winthrop Hosp, LLC c/o Heath Properties	312-318 Shirley St	Special Permit to convert hotel into apt bldg. Chapter 17.20.050	
8.	#008-2020	Steve Holgersen	88 Locust St.	Variance Chapter 17.16.020 J. 1 Minimum side yard setback	

In Attendance: DB/ID/TC/MC/JD

Daren Baird opened meeting at approximately 7:06 pm

#008-2020, Steve Holgersen, 88 Locust St. not being heard today due to newspaper's lack of posting. Meeting rescheduled to July 30, 2020

#034-2019, 191 Court Rd, Steven Babine, continued to July 11, 2020

#021-2019, JB Capital, 130-140 Shirley St.

In Attendance: Atty. Richard C. Lynds

Sitting: ID/TC/MC

DB: Opened, gave introduction, turned over to Irene Dwyer to Chair.

ID: Continued case from previous May 28, 2020 meeting. Has updated plans sent on line.

Atty. Richard Lynds: Newest plans shown on screen, last month slightly modified plan, changes and options. 10 ft buffer between rear portion of property, not existing today, improved condition. Bldg. not currently sprinkled, we did make adjustment to create buffer space between buildings, and sprinkle bldg., setting back on Vet Rd side.

Changes based on comments. Site plan discussed, shows 14 parking spaces, shows access from Vet Rd, shows setbacks and buffers, asked architect for 2nd options, include trash area front corner of bldg., mechanical and utility area, lift shown.

Next slide, alternatives, 12 ft to 10 ft, right side of bldg., maintain and preserve buffer, different configuration, bike storage, small amenities. Showing layouts, not many changes, 4 story to 3 story won't change much, total units 10 vs 14. Schematics, height for 3 stories, no variance needed, West elevation from Shirley St separation in rear, addressed by providing space between bldgs. for concerns. Rendering showing designs, 12 parking vs 14. Footprint, overlay of existing bldg., rear deck, moves further away, modified height, pitched roof, bldg. below total overall height.

That addresses concerns from previous meeting. Questions from the Board.

ID: Open up for public comment, anyone want to comment.

Robert Carroll, 10 Beach Rd: Submitted a letter yesterday, reads letters. Wants Board to reject request.

Kinsbury family, 10 Brach Rd: Agrees with Bob Carroll. Concerned with proposal.

Lisa Alberghini, 79 Quincy Ave.: Concerned with precedent. No unique condition of lot. Wants variances denied.

Steven Hines, Beach Rd: Against this development. Zoning change needs community input.

Lisa Alberghini: Did BOA determine economic hardship, and was opinion from Town attorney?

DB: Part of deliberation is to get to finding, 2 land use attys on Board and use own knowledge of land use, under 40A section 10, would not seek outside counsel unless novel and not seen before the Board.

ID: Anyone wish to speak 3xs. Hearing none, public comments sect closed

Motion: MC Close Public comment

Second: TC

Voted: All in favor

RL: Zoning codes are rigid and have ability to grant variance, do best to come up with neighbors and developer. Concerns we addressed a lot, but not all, have PENC on NC lot, any project will have variances. Board has digression and do so without fear of precedence for granting same relief for other projects. Safety impacts - proposing is in

scale with height, changes to address concerns, not any project that the neighbors would support. Lowers height, units, separation & setback addressed that too. What becomes of this site, intent of code? Not let property fall into disrepair. No defined use, multi families, and others. Asking Board to allow it to be utilities. There are other uses by this one, and neighbors would be less inclined. This is more compatible and ask to consider petition.

ID: Res B?

RL: Correct, other comment about economic opportunity, point out asked not to include commercial interest and a consensus appeared not to have retail use but asked not to have that. Trying to respond to what we heard.

MC: What reason for no commercial use?

RL: Concerned of owner's other business ventures for cannabis.

ID: Any questions from Board?

TC: Appreciation compromise to abutters. No longer midrise apt now garden apt

RL: Drop to 3 story has impact.

TC: Garden apt 3 or more families, not exceed 3 stories, regard to requested variances. Must determine what exactly new relief is. Speak to concerns of abutters. Appreciate options for parking, option 1 out to Veterans Rd, no left turn. Must be looked at by someone with expertise or option 2 out to Shirley St.

DB: When need a variance, is something unique of soil, shape, topography of lot, is literal enforcement would create substantial hardship on owner, now balance equity, is substantially more detriment to neighborhood, safety, health, welfare, after 1st physical aspects of property hardship.

Put something meaningful on property.

ID: Appreciate dramatic decrease number of units and height & parking. For a bldg this big to almost to lot line is overwhelming, and number of variance requests should be addressed.

TC: Look at this and compare to existing, abutting 2 other structures, separation of bldg., increase towards Veterans Rd, section on last page on corner of Veterans & Shirley.

ID: On overlay, see cut at straighter angle and more buffers, concerned with front and rear sides, question is what you're bldg. Put a use where not permitted and have variances, going way over. Always concerned of appeal and get bounced back.

RL: The Board considered whether can be sustained on appeal not appropriate, Board acts in statutory powers, Board has depression to grant variances and stand on decision.

ID: If we can work out with neighborhood that's what I was saying.

DB: Under 40A Sec 10, whether equities fall in balance as evidence, for or against, due to physical characteristics of site, doesn't matter whether they like to or not.

ID: Is a variance permissible here, definition, statue, parcel of dirt, elevation allowable use too difficult.

DB: In general, all agreement, does not make site undue, is site unique? If neighbor think it's great, we don't automatically grant.

TC: Question is how is parcel unique?

RL: Fact that lot is under 7500 sq ft, analysis is same, NC not unique no other NC lots, Board has to go thru analysis. Address concerns and reduction of units and heights. Its unique to consider to grant variance on site, it's a PENC lot & structure, we are improving site, what's there now more of concern, than what's proposing. Same analysis, Board has to exercise that regardless, and make determination. We do have set back on Veterans Rd and are addressing issues, unique corner lot and not same set up for a bldg., to require greater rear yard, no impact to adjoining property. Real focus, how to deal with bldg., in relation to other properties 10 ft separation meets code of what it requires.

ID: Start with SP, is this a permitted use, then go to variance? Also, a change of use, units and store to garden apt. Don't we start with change of use.

RL Don't think you get SP unless you get variance. If we were proposing mixed use, only asking for variance. SP only available for mixed use.

DB: Atty Lands analysis is spot one. Reach question of variance first, Board has less digression, don't reach question of S P before variance.

RL: If Board grants variances, without those there is no SP without variances.

DB: Make motion to move or continue.

ID: Not ready to make decision. Changes made, have a cleaned-up application for relief and still need, where on the Bldg. the variance occurs, cleaner application before voting and confused about what's being asked.

RL: Happy to provide memo. Think notice is sufficient, made modification, operating within scope for all encompassing and happy to supply men of what remains for relief, if Bd wants to further continue.

TC: Stuck on parking and egress of paring and like expert opinion on that.

RL: Traffic study?

TC: Someone understands traffic patterns.

ID: Egress line of site and cars turning, need to be sue sure plenty of room to turn, rough study of trips per day, many civil engineers can do this.

RL: Went through site committee, DPW, fire might have information or position but no specific issue with design, traffic analysis, number of vehicles is below threshold can ask vendors to provide.

DB: More about turning radius or number of trips, compared to old dry cleaner, not a traffic study, but turning radial.

TC: Ingress and egress proposal, extending curb cut beyond stop sign and could exit onto intersection.

RL; Will provide information that is requested, maneuverability for more insight.

ID: Set back, pushed back more and affect sight coming out of a garage, putting them into bottleneck.

RL: Engineering analysis, memo of remaining relief within scope of public hearing, relative to new plans.

DB: Board heading to continuance. IS there anything Board needs before we meet again.

ID: Don't feel I would want more than that.

TC: Ask Atty Lynds look at the size of parking spaces and aisle width and m ay need

relief for larger aisle, level of service and feasibility of operating garage without aisle width.

RL: My understanding the width was residential was 20 ft.

ID: Common space will require variance?

RL: Not including to make mixed use bldg. in variance territory and look at change from midrise to garden.

TC: In a Bus A district.

DB: Variance perceptive if granting from NC that's a higher standard and if SP required for use, can certainly accomplish with variance. Can lump into variance granted and take it all up at once.

RL: Request to continue and agree to waive interim.

DB: Next regular schedule meeting July 30, 2020.

Motion: TC - Cont. to July 30, 2020 meeting allow applicant to provide zoning information and parking lot analysis.

Second: MC

Voted: All in favor

DB: any other general business meeting for the Board?

ID: I need to put in letter to Board, what do I do?

JD: Email letter to me.

TC: Did you have walk through hotel?

DB: Yes, has one already and will have another on in July on a Zoom with the public.

Motion: TC Motion to adjourn meeting

Second: ID

Voted: All in favor

Meeting adjourned at 8:43 pm



Darren Baird, Chair

7/30/2020

Dated

Respectfully submitted by: Joanne M. DeMato. Clerk