



BOA 03 25 2021

Mon, 8/9 3:50PM 3:16:02

Initials

DB- Darren Baird
TC- Tom Chiudina
FG- Fred Gutierrez
JW- Jason Wright
ID- Irene Dwyer
RS- Rick Salvo
MH- Michael Herbert
AC- Attorney Jim Cipoletta

The meeting start time is 7:04pm March 25 2021, members tonight are Chairmain Darren Baird, Tom Chiudina member, Irene Dwyer member, Jason Wright, and Fred Guitierrez, associate members, Sharon Sicurella. The agenda says there are seven matters on tonight. We're concerned that we might not get into everything tonight. We will move a couple cases to continue matters to a special meeting that will be held on April 15 at 7pm. We're going to move case number 005 2021. Butler Stetson Realty LLC at 55 Bank Street, cases number 008 of 2021 Tessa Jean LLC 215 Court Road and case 009 2021 Safet Peti at 68 Locust Street. So with that first case, I'm going to call and open is case number 005 of 2021. Stetson realty LLC at 55 Bank Street, sitting on this will be Darren Baird, Jason Wright and Irene Dwyer. We have opened this matter. The applicant has agreed after opening to continue the matter to a public hearing that will be held at 7pm on April 15 2021.

Case 008. of 2021. Tessa Jean LLC 215. Court Road. Sitting on this will be Darren Baird, Tom Chiudina and Irene Dwyer. Case will be continued to April 15, 2021. Motion from TC to continue, 2nd motion by ID. Case number 009 of 2021 68 Locust street Safet Peti, sitting on this matter will be Darren, Jason Wright and Tom Chiudina. Motion to continue to April 15, 2021 by JW, second by TC.

DB-We have just continued three matters to April 15 2021 55, Bank Street, 215, Court Road, and 68 locust Street.

DB -opens case number 12 of 2020. Joseph Ciampa 38 Franklin Street This is a continuance from a matter heard back in February but Attorney Cipoletta continued this to have some new plans. Sitting on this is DB, JW , TC.

Jim Cipoletta- Thank you, Mr. Chairman and members. The comments from the board and the neighbors and others who contributed their input and their opinion during the last hearing and probably the month before as well. were taken into account by Mr Ciampa. Along with that, as we had gone down toward the Conservation Commission filings, some adjustments were made. And we rolled back a number of things having taken into account those, those opinions, the new plans show three substantial changes from the last version of plans that the board viewed in in February. The differences are number one, the dormer on that was on the second level has been removed, there had been some comment about that either being out of place, or obstructive, or whatever. And we, we were able to remove that. The second is there was quite a bit of discussion around the soil on on a lot. So in conjunction with engineering Alliance and Rick salvo principle there, we redrafted our concom application, and consequently, this application to to remove the element that called for filling on that plot. The third is the installation of a flow through Foundation, as opposed to the foundation that showed on the original original plans. Sort of a corollary to that, and I think we may have done it for the last on the last set of plans is that at the suggestion or the urging of some and the comments from the board, we took those stairs that lead down from the second floor, took them out of the side yard and swung them to the back of the building. So those are, those are the changes that were made. To give a better and more detailed explanation of how we got here and what the impact would be. Rick salvo has logged into the zoom. And I'd ask permission to have him brought forward to explain some of the changes and how they would be a substantial benefit over the plan that the board initially reviewed. Rick Salvo was asked to join the call.

R Salvo- So the original proposal was to add a little bit of fill to this lot to raise it above the floodplain so that we could construct a traditional slab on grade outside of the floodplain. And we heard you know, some concerns from the abutting properties that it could potentially have an impact on the lateral extent of flooding during a flooding event. So what we've done is we've removed any of the fill, because this dwelling now will be constructed in the in the floodplain by the State Building Code, you're required to put in a flow through foundation that has two openings that have a net area of one square inch of opening per every square foot of enclosure, which we've accommodated on this lot. So this lot, is a significant improvement over the pre development condition when the house was there prior because that house did not have a flow through foundation. So this effectively increases the flood storage capacity on the lot. And then with the installation of the two 500 gallon dry wells, it reduces the net runoff off this property. So net net there's an increase in flood storage capacity and a decrease in stormwater runoff. Because we eliminate the fill. It also allows us to put that two foot landscape buffer back in next to each driveway. Again, as Attorney Cipoletta mentioned, we did get rid of that top floor that had a bedroom and a bathroom that's been eliminated. This building is height compliant, it's under the 35 feet. We did have to raise the first floor up a bit because we had to be able to get a flow through foundation in there to meet the state building code. So I think that this is a

significant improvement.

DB-Okay. All right. So given them you have a change in plans, I am going to open as it relates to this change in plans, realizing we've had a couple public meetings on this matter already, where we have accepted testimony and had substantial amounts of testimony. With regard to this changed plan, I would welcome testimony and any comments from the public. So with that, I am going to call for anyone who would like to be heard on this matter 38 Franklin Street to raise your hand and when called on and you're unmuted, please state your name and address for the record? And any comments you have, whether they're for or against or neutral. So with that, I open it to public comments.

Attorney Sean Donuhue: I represent James and Diane Forrester who are direct the buttons to the property at 38. Franklin Street. I wanted to first start off by acknowledging that the changes that have been made or certainly what welcomed by by by me, and I'm, I'm assuming my client as well, we haven't had the chance to discuss the changes that have been made to these plans. And as it was stated, these are substantial changes. So what I'm asking for, Mr. Chairman, is the opportunity to have to to to review these plans. I wasn't aware they were submitted. I'd asked the board to take no action on this matter this evening. Give us the opportunity to inspect the plans. I'd also ask, Mr. Chairman, there was a drainage plan that was submitted. I don't know it was last month or the month before. I'm asking that the changes that were made to be reflected in an amended storm water report or drainage report. I don't know the exact title of it. But it's only seems fair that that the changes that have been made, are are included in the report in an amended report.

Jim Forster. 34 Franklin Street right next door to the proposed 38 Franklin Street. Project. These are welcome changes. To say the least. I do have a couple of questions still well, new questions because of the new plan. I do understand that the dormer on my side of the building is removed. Does that scale that particular harbortown to what two bedroom? That's one question. The second question I had just give me a second. I'm just reading my notes. The answer that is yes. So it's just going to be a two, two bedroom. Correct. Okay, that's great. As far as the elevation goes, am I correct in understanding that the 10.1 foot is going to be the start of the building? There'll be no fill on that parcel of land. It's actually opposite. The second question is about the the filling in of the parcel. Prior plans, we're talking about elevating the whole parcel of foot, and the structure, a foot and a half from current from the current level, just want to make sure that if I'm understanding this correctly, with the new plan, that that is not going to happen. That's my question. And if it's going to stay at the 10.1, which is the original measurement of the land, and my last question, give me a second here. Oh, with the the, the the drain tanks, again, that was on

a previous plan that addresses the rainwater storage. My question about the whole water issue is not only rainwater, it's it's the ground table too. And I just didn't because because Mr. salvos here, if he has any input that a layman can understand about how sinking 2 500 foot drums is not going to affect the displacement of the water leaching if that's the correct term. I'd like to hear what he has to say about that. And I yield back. Thank you. Thank you for listening.

DB- So with that anything further for anyone on 38 Franklin Street. case number 12 of 2020. We show no hands second call case 12 of 20 2038. Franklin Street. going twice, third and final 38. Franklin. Seeing none, I will take a motion for Mr. Chuidina or Mr. Wright to close public comment. Motion to close public comment. You have a second. Okay. All those in favor by roll call. Yes, Tom. Yes, Jason. Yes. So public comment is closed. Attorney Cipoletta, before we get into further questions from the board, do you or Mr. salvo have any responses to the questions or comments made during the public comment?

Atty JP- Mr. Chairman, I can answer the first question. And the question was, has the dwelling been reduced to a, a two bedroom? dwelling with those dwellings upstairs? The answer to that is yes. The other two technical questions way above my paygrade. And I would need to defer to Mr. salvo with your permission, sir.

Rick Salvo-Mr. Chairman. The you're correct. There is no fill proposed to be placed on this property whatsoever. The existing grade, I know, those are mentioned made to 10.1. It's actually 9.8. And the grade will not be raised at all, anywhere on this on this property. Relative to Mr. Donohue, his comments about redoing the drainage calculations, there really is no need to recalculate the drainage calculations, because the impervious surfaces for this lot have not changed. So the calculations that were provided, are still in place. I'd be happy to allow them to review that, again, with this revised plan, but there is no change in the stormwater runoff. And then I think the last question was whether or not the infiltration, dry wells would have an impact. And all the infiltration dry wells do is mimic the existing condition right now, when it rains out, a drop of water hits that lot, and is able to infiltrate into the ground. When the roof was put there, a drop of water would hit that roof of the driveway, and not be able to infiltrate. So the drywall is just simply provide a means for that water to be able to infiltrate into the ground as if this house wasn't there. So it's the same, it would be the same condition that you experienced today, with a vacant lot. They just kind of they mitigate the impervious surfaces.

FG- I was gonna say, should it be noted that there'll be some topsoil and some grass or loam put on this that might have the perception of a raised grade? I don't know if you want to talk about

that a little bit.

Rick Salvo- No, they will not be allowed to raise the grade. If they want to put a new logo on there, they'll have to scrape four inches along them off and put four inches long back and keep the grade exactly the way it is. Thank you, Tom or, Jason, any comments, questions?

TC- I would defer to you whether or not you think it's necessary to continue this again, I frankly, don't being familiar with drainage calculations. I agree with Mr. Zola, that, that there's no need for for that to be reworked or redone, or it's not changing impervious area. So I would defer to your, I guess, opinion down on whether or not we have to continue this again.

DB-You know, I think that we can make a determination. I mean, I'm happy to take a motion either way. But one question that I had is does this have to go at this point? The gray isn't being raised, does this has to go to Conservation Commission now for an amended order or or an order of conditions beyond anything you already have.

RS-So that question was chairman is yes. So we would have gone to the Conservation Commission since the last hearing but unfortunately, the only the the soonest meeting we could have gotten in on would have been April 14. So what we did was we modified the plan, but you would submit it to your board and then this will be re submitted to the Conservation Commission and this will be heard on April 14.

DB-Okay, so you have to go back to the Conservation Commission because you're with within the 100 year floodplain. Correct. Okay. I mean, to me from a zoning perspective, in purely from a zoning perspective, the issues of drainage and impact to the floodplain or Conservation Commission issues. And the fact that they still have to go to concom makes me comfortable voting on this from a zoning standpoint, because if there are concerns about drainage, then that is something in the impact of the floodplain. There, there's a public hearing that's going to be held on that by the board that actually has purview over that. Right? So to me, I mean, I look at this, and it's a vast improvement. And I'm not an civil engineer. But I play one on TV sometimes. And I sort of look at this and go there, you know, it's going to, it's going to perform better than as well, if not better than what's there today. And it's certainly going to be a vast improvement over what we had seen previously. So I'm inclined to not continue this. And I'd be curious to get Jason's take on it. But one question that I did have, before we go any further on this is, given the changes in plans, Attorney Cipoletta you know, the relief that you're requesting, at this point, from us from a

variance perspective, is what? Because a number of things have come off the table and changed. And so the question is, what's what's left for us to approve at this point?

Atty JC- Originally, Mr. Chairman, we were requesting relief from the minimum lot size to the extent of 364 square feet. However, with the change in the plan to reflect the stairs being swung from the side to the rear, the distance from the stairs to the boundary is 8.8 feet. So it would appear even by quick math that we probably know require a rear yard setback for the stairs.

DB-Okay, so as opposed to a side yard variance, you now need a rear yard variance. And you also need a variance for deficient lot size.

Atty JC- Just want to check what the building inspector wrote. His original denial was for plot size only, I think that was there may have been some change in the plan, because it was a buffer area to the side. And we needed two more, two more feet. We gave them the two feet, it doesn't look like on the new plan that a side yard variance is required. Nope. But I would say it certainly looks like a rear yard does.

DB-What was it side yard was required when you initially filed because you add stairs on the side of the house. And I think that there's adequate notice that a yard variance would be required is just a repositioning of the stairs through the process. So in my mind, if its minimum lot size, because you have a to constructing a two family and rear yard setback, you know, based purely on the plans and the fact that, you know, this has had a built condition on it previously, you know, soils shape and topography wise, you know, they're not allowing you to relief would have would create a substantial hardship. So I, I can get to a place where granting a variance here for me, is an acceptable result. But that's me. And you know, Tom and Jason, I'm not sure if you have any further questions, but based on what I've seen tonight, I'm ready to I'm ready to accept the motion on this.

FG-And make a comment or clarification. Sure. I wasn't here for the previous one. But maybe the owner can answer this question with the flow through designation or design is basically the bottom side of that house of pervious. A pervious condition when the waters there, there's not a slab, there's not like a rat slab on grade down there now. Nope, you're exactly right. It's a stone base. Okay, so given that and given I just want to point a clarification for the neighbors and their concerns, the structures that are on there are not water storage structures. But actually, they're designed as infiltrators to help the water infiltrate faster. So they're performing better than the

natural condition and then with the addition to the flow through, it's actually in my opinion, I'm not a civil engineer. I'm an architect and a builder. It's performing as good as the lot is existing now, if not better, I just wanted to point that out. Okay. Jason, any questions or comments from you?

JW- Just regarding real quick, just as a point of procedure is it we're just asking for was a two two foot, give or take for the rear yard setback.

RS- it's 8.8 feet to that rear rear live lot line corner that requires it. I think we can we did granted, subject to conformance with the plans and allowing for proximity to that lot line of no closer than 8.8 feet. And for inclined to grant the variance.

DB-Yes, correct. Yep. So we would say it's a variant of, we would call it can be, you know, so that it's not quite so exact, but they are requesting a 10 foot variance from the rear yard from 18. call it 18. Five to, you know, eight and a half?

DB-So is that is that a change to the plan that that you'd be willing to do prior to that the applicant be willing to make prior to filing for a building permit? I don't think that's a problem for us. Alright, so with that change that would bring the setback to 13 feet so that so you'd be looking for a variance of call it five and a half feet.

TC- I'd say grant them a variance for four, seven feet this way, he has a little, you know, a little wiggle room to adjust it accordingly.

DB-you know, if, if that's how folks want to make the motion, I'm inclined to accept the motion.

JW-Given, given, given all the changes that the applicants made out, I don't want to split hairs over a few feet for a staircase down the back. But, you know, if they're inclined to do it, we can certainly grant the rear for seven. You know, if not, I'm content given the 10 for a very odd as well.

TC-Just trying to do some math in my head. And I don't want to get into redesigning this, but where we don't have an exact dimension on that URL, it's also at the back lot lines also at an angle, which makes it even more difficult.

DB-Which could do what we could do is grant it for 10 with a request that they try to mitigate it by turning it to have to be less than 10. I mean, you know, I guess that's that's one way to sort of reach a little bit of a, you know, a compromise on this point. I do you think that to me, whether it's the way it's shown on the plan, or farther from a little bit farther from that line, I'm indifferent on that issue as to it's not going to make a difference for me, whether I how I vote on this.

TC-We determine that the rear yard setback should be 18.5. So they would need relief with 10 feet. I would say we would grant them relief for 12 feet, and that would be adequate enough space for them to to adjust that stair.

DB-Okay. So with that, any further questions from the board? If not, I when we take a vote, I would gladly accept the motion on 38. Franklin.

JW-Mr. Chairman, Tom, you all set? Good. Yep. Yeah. Application number 12 of 20 2038. Franklin Street, I would like to make a motion to grant a variance for a two family dwelling on 4636 square feet of land variance, again being for 364 feet. I would also like to grant a rear yard variance for 12 feet within under verbal understanding that the applicant will do their best to lessen that staircase or bring it closer to the house to the extent possible. also finding that the soil shape and topography of the lot is such that literal enforcement or application of the zoning code would deprive the option of reasonable use of the land. granting of the variance will not be injurious to the neighborhood, due in large part of the storm water controls that have been agreed to and amended as outlined as well and the drainage report said how it's being built, as shown on said plans submitted to the board or dated March 23 2021.

DB- So with that motion. Do I have a second? Second? All those in favor by roll call. Darren Baird? Yes. Jason? Yes, Tom. Yes. The variances for minimum lot size and rear yard setback in been granted. Attorney Cipoletta if you when you have a chance, if you could submit a draft decision, we'll review it. We may have some comments on it. Once it is finalized and signed, it will be submitted to the town clerk. And there will be a 20 day appeal period. If no appeals are taken. You'll record that variance with the registry of deeds and that will allow you to pull a building permit subject of course to you know, whatever you have to get a Conservation Commission under your Notice of Intent in order of conditions. So with that, we will move on to case number 10 of 2021 23B Almont street. Richard Harkins is the applicant. On this is myself, Irene. I'm sorry myself, Fred Gutierrez and Tom Chiudina

DB- I see a hand for Jeff Turco. attorney Turco over because I believe he is counsel for Mr. Harkins.

JTurco- Attorney Jeffrey Turco on behalf of the petitioner, Mr. Mrs. Hawkins, Michelle Hawkins is here at Mr. Ricky Cochran. So thank you, this is an appeal, seeking a variance for the denial of based on two setbacks for the installation of an above ground pool. The proposed pool is 12 feet by 17 feet, the relief that's required is the setback, closest to the house of bringing it from 10 feet down to five, and on the side 10 feet down to five as well, because we're not looking for relief on the left side of the pool or to the rear of the property. above ground, not going to affect you know digging. So I'm going to be straight up the you may ask why the pool is close to the house. If you look at the plan that was submitted, you see, to the rear of the pool, there is a drop off in the land. So the the land is sort of two levels, you can see there's like a line to the left and to the right of the lot, which reflects some exes. And that's where the land does sort of have a drop in. So in order to avoid having to seek to put fill in order to do digging, it was simply easier to keep the keep it closer to the house and seek the relief that we did. My understanding of several members of the of the several neighbors have submitted letters and support to the town clerk's office. They've made it to your to your attention for the public record. So we're looking for specifically for relief from the side between 23 B and 23. A see there's a fence there in five, to get down to five feet to be close to within five feet of the deck instead of 10 feet.

Thank you, Attorney Turco. So anything further before I open it to public comment.

Oh, no, I think we're good. Just bear. With that. I'll open to comments from the public on 23B Almont Street.

First up, we have Frank Constantino.

Frank Constantion Yes. Good evening, folks. Thank you for your hard work on the Board of Appeals. I am a resident from 82 Main Street. I also have my own business office on Pauline Street. I've also been a member for over 30 years as well as an officer and grounds groundskeeping chairperson for the winter improvement and Historical Association. Trade take strong exception to this proposed plan to the Board of Appeals for a number of reasons that have been stipulated in a letter that was submitted to the Board of Appeals as of yesterday. And as far as I understand this, there are numerous issues involved. One has to do with the fact that the applicant has intentionally positioned his pool five feet from a fence that he had erected dividing the condo space between these two units that are part of this single structure directly behind the

dean Winthrop house and barn There's also no provision by the applicant to the association, supporting providing any supporting engineering, soil compaction, installation or other documents to us the abutters to verify the proper preparation of the ground scape, particularly where it's at an elevated elevated yard space. In order for us to be assured about any installation of such pool, there was no provision by the applicant either of signed engineering documents for any kind of indicated wall construction are adequate, adequate containment of the water loads of this proposed pool. There was no provision by the applicant of any insurance documents for any insurable risk with us as the beneficiaries against any failure for such a pool installation. There's also potential in very serious water damages to the adjacent Dean Witter posts in the barn from annual MTA or failure that may occur with this proposed soft body pool. And then of course, there are potentially disruptive noise factors from the uses of said pool. During many events that we have holds during the course of the year. The most famous of which, which has been going on for 100 years, is the strawberry festival that occurs in the DW yard. Wh er. I also want to let you know that you know, this bond in the bar has been existence for over 100 years, the Dean Witter post has been in existence for almost 400 years, 371 years. It is a town treasure as well as a state and national treasure. The buffer that has been existing there for a very long time, and is still a change in elevation. That is allowed that buffer to give us some expanded room for the house in the barn. We feel that that is something that needs to be respected. This house has been here for centuries. We hope that we'll be here for centuries more. We hope that the town be able to celebrate the 400 year anniversary of the dean winter posts in about 30 years. We think that this is an asset that shouldn't be intruded upon, that the idea of putting a pool is a dangerous idea with the potential for hazardous results. I I implore the Board of Appeals to reject this request. Thank you.

Casey Brazell 40. Shirley Street. Thank you, Mr. Chairman, members of the board. For the past two and a half years, I've had the privilege of residing in the dean Winthrop house in serving as the caretaker for the house and grounds. I'm attending the town hall meeting tonight, because I wanted to express my opposition to the installation of this swimming pool directly behind the dean Winter Palace. And just to offer some personal insight onto why I feel this way. So through my role as caretaker at the dean Winter Palace, I've had the pleasure of meeting a lot of folks live in Winthrop in the surrounding communities and also many folks who travel here to winter just to see the historic house and grounds, many from out of town. I've given tours to people, young and old who come here just to learn about this house, our grounds that have been standing for nearly 400 years. And you know, we've had innumerable people visit just to hang out on the bench in the backyard or who bring their own chairs and blankets to have picnics against the backdrop of, you know, like Frank said this beautiful and nationally historic property. Those include school teachers to bring their local students here to learn about the grounds in house while doing arts and crafts in the backyard. Those include local artists groups who set up in the backyard to paint the house and the surrounding yard and grounds especially in the spring and summer when we have all of our trees, plants and flowers in bloom. And this past year with the pandemic. Obviously,

everything has been an adjustment for everybody. But we're no exception here at the dean Winthrop house. But I've seen people use the grounds of our house more this past year than any time previously in my time as caretaker. You know, we can't gather indoors together safely right now. But I find that people have rediscovered a new appreciation for local green spaces where we can safely congregate and peace. And I've witnessed a lot of people coming to the house to hang out in the yard to have a few restful minutes of their day in a beautiful place. And I love seeing that. I would argue that this land in the serene atmosphere it provides has always been. And now, maybe more than ever, is a public good for everyone who lives in winter and our surrounding communities. I won't add too much more. I'll just wrap up by saying that earlier this week, I had to run into Webster First Bank over off of Woodside and I noticed that they have a painting of the dean with their passing grounds behind their tellers. In that painting, you can see a depiction of the townspeople enjoying their time together in our backyard, likely at the annual strawberry festival. And I think this painting is how I think most everyone in our community sees the dean winter pass and our grounds they view it is a source of community pride and for what it is as a historic and important part of the wintered community. That's used as a communal gathering space. And to that end, that's why I'm opposing the installation of this swimming pool, which I think would effectively ruin the sight lines in our backyard. And certainly also add to the noise level when in use this house this land are both national treasures. I don't think it's just another property. And I would ask this Board of Appeals to please consider it consider this in that matter. So that's all I wanted to say. Thank you guys for hearing our concerns.

My name is Jamie Stern, 138 tafs Ave. I'll make this very short, just want to thank the board for all the work and having this meeting. And this has been really, really helpful. I understand how this works. But I just wanted to say that I'm here to say my, I'd like to oppose the pool next to the dean Winthrop house. My family has been here since the 50s, we've had three generations now I just relocated back and taken ownership of the family house. I'm extremely happy to be back in Winthrop. And one of the things I do love about Winthrop is just the amount of you know historical spots that we have here. And the dean Winthrop house is just, it's just too special to have any risk. You know, any, anything that's modern, that could that could risk it. But also, if there's anything that could happen to it, that we couldn't do anything to prevent, I'd feel really strongly that if we if we didn't take a chance to have the foresight of that. So you usually would never oppose someone doing something on their property, especially something like a pool, but I think the risk is just high. And the The house is just it's too special. And yeah, I just like to state that for the record and, and hope that that there's some thought about this before it's a it's pushed through. Thank you. Thank you.

Jeff Schiff. I live in Winthrop longtime resident and 110 Grovers Ave. I'm also a member of the we have and currently serving as head of house and grounds. I'm also a licensed building supervisor,

currently listed, and I was in the pool industry for many years. I've put in more gunay pools than probably anybody. And I mean anybody that this sighting of the pool is actually quite dangerous to the vine as a structure. You've got 16 tons of water in a 17 by four foot by eight foot pool. And it's 20 feet from the border of the curating room of the band, which is a recent and very expensive addition. This curating room houses irreplaceable documents and artifacts dating back to the 1600s and many other highly specialized records that cannot be conserved any other way. If there were a catastrophic failure of this pool, it would literally knock the room off its foundations. This is way too risky. For that size of a pool. To be fair, if he wants a hot tub Well, that's great. But a pool of this size is beyond can't can't be tolerated, quite frankly. Very strong objection here. And addition, the site has lost a great many trees in the last four years, that site has been hit by four microburst for each taking down very large trees and jeopardizing the drainage in the area. Regardless of its intended purpose. That strip of land that's between those houses was established exclusively for drainage. And it's being jeopardized now. And just know, the beaches, three blocks away, go for a swim. That's all. Thank you very much.

Mary Mahoney, 891, Shirley street Winthrop, and I'm calling in against this pool. I am also like some of the previous callers like Jeff, a member of Winthrop improvement and Historical Association. what each of the other speakers has said, is absolutely how I feel especially about the irreplaceable part of any antiquities, the house itself. But the other thing I've been actually on on the board and a member for over 10 years and the other thing that comes to mind knowing when I first joined the association, even though I've been with them forever. I don't think people realize that it was somebody bequeath, bequeath to basically enough of a year to year endowment basically, that that's even been able to be kept as winfs treasure. This is not a cheap undertaking. What's there already has taken generations of people. And many of you do know the fundraisers you might not know all the rest of it. But I was a lot of my time on the board was spent as a fundraising person. And I can tell you that everything from the strawberry sale the ornaments, it has been a struggle to especially fulfill our main aim at this point. And it absolutely involves the preservation of the dean width of house and barn as they are not flooded, not crowded, not noisy, is we have had a huge influx bringing people into town for weddings, showers, engagement, parties, birthdays, this is huge. It means it's taken a lot of work on the part of members to figure out how this can work on obviously small sized groups right now. But this is a huge input. This town is forever saying we don't have anything that brings people in. We do have some things that bring people in, but we're going to lose them. If we say Oh, somebody wants to pool. Yeah, could flooded. It could wreck. I know for a fact there are things dating back to when my mother grew up in this town in 1910. In that archives, drone and things before that. And it literally is the back part it is locked, as in a safe would be that is all jeopardized and there's no oh, we can insure it. No, these are all irreplaceable things that with the President's in one case, somebody who's in California sent us back something that was an award to his father, like 60 years ago, we have swords that have been given back to this is a huge thing. For those who don't

know it, I hope you know, people hear it and do investigate it. But the loss is just it's there is no way to calculate it for a pool for an above ground pool that could wash away generations of work and a woman's endowment, and all the work of the people in this town. I can't even believe it's up for discussion. But it obviously is so I'm here to tell you I'm absolutely against it. I absolutely think if when you think about this, think of the all the meetings going on in the town of Winthrop saying how can we bring more people in here? How can we put ourselves on the map? Not by having a noisy pool? That would jeopardize something that is indeed one of your treasures? And thank you very much.

Stephanie Honan. I live at 12 Pico Avenue. As the treasurer of the Winthrop improvement and Historical Association at 40 Shirley Street, it has been my honor to serve as treasurer for almost 10 years. As you know by now, we are the owners of the dean Winthrop house. The Dean Winthrop house is on the National Park Service's National Register of Historic Places. Not only is it a window treasure, it is a recognized national treasure. We are a 501 c three charity and while we are in sound, financial shape, every penny counts. In this pandemic year, we have had to cancel the 2020 and 2021 annual strawberry festivals, the 2020 and 2021 annual classic car shows to annual Arbor Day celebrations, holiday celebrations, wedding receptions, and all of our dinner meetings in between. Our board graciously voted to freeze memberships until 2022. So we will not collect annual dues in 2021. Needless to say, our revenue stream will be very thin this year. And yet, the swimming pool variance and other issues that face our organization have compelled us to seek legal counsel. Whether it's flooding or mudslides, or any other topographic deficit caused by the clear cutting of the trees, in overdevelopment of our abutters yards. The width of improvement and Historical Association likely would not be able to financially recover from the devastation to our property, land or buildings, our 400 year old first period dealing with their house and it's 100 year old by our mighty, but they are vulnerable. Our property houses important artifacts of winters history as so many of my colleagues have have told you. And we provide a valuable cultural resource to the town. And we and we certainly plan to do so for the next generations. Therefore, I humbly ask that you deny the swimming pool variance. And I thank you very much for this opportunity to speak to you tonight. Thank you.

Hi, yes, Lauren Maazuchelli 132 Winthrop Shore Drive, I am also a board member of the winter improvement and Historical Association. And I would also like to pose the variance. I've done some work with the curating room and the artifacts. And unfortunately, due to the pandemic, we haven't had as much on display for a little over a year now, hopefully that'll change when we can bring people inside safely. But I just like to point out again, a lot of work is done to essentially keep the property stable. And were a little bit work nowhere a lot worried about potential damage. And we haven't seen anything that would address our concerns, which we would like to see. So I would ask that the council oppose the variance. There is the bare minimum until we see something that

addresses those safety concerns. Thank you.

Hi, my name is Michael Herbert at 86 Otis St. I'm president of the Winthrop improvement and Historical Association at 40 Shirley Street. And I just find it kind of ironic that the Franklin Street flooding concern was on the agenda this evening. But let me just get back to I really don't want to be here fighting especially because the developer of the 1985 Elmont street project, cut corners. What I really envisioned after 15 years of service volunteering now as president is hosting one of America's longest running strawberry festivals, opening the barn doors to couples who want to share their vows on our beautiful lawn, not with Marco Polo. In my 15 year Blue Ribbon vision of installing a fire sprinkler system in the second oldest house in the United States. Second to the Dean of the Delhomme Fairbanks house is number one, I finally got the board to sign on after the Great Fire of Notre Dom church in Paris. So now my column has taken a new path as spokesperson. For the over 300 members of the Winthrop improvement and Historical Association, we strongly approach oppose the variance on several levels. Number one, it does not comply with the town bylaws just because they want bigger and because it should be denied on its face alone. Also because of the attractive nuisance number two, we know for a fact that the land of the proposed pool would sit on is filled land. Recently we had a local contractor who filled out land to come to the site and show us what was filled on top of the glacial marine aquifer as you know. Now, you place a 12 by 17 above ground pool containing approximately 7650 gallons, weighing approximately 61,200 pounds of this is equivalent to 140 55 gallon drums. Now I bet myself in the board we'd struggle just to live 155 gallon drum. I have 455 gallon drum rain barrels at my house that can easily fill up in one rainstorm. Compound this on top of 140 rain barrels near the bottom of the hill unfilled land that has not fully settled left but 36 years. The hillside vegetation that supports the above grade land has recently been completely cleared. Approximately a dozen trees have been cut down behind 23 Elmont Street, potentially causing a California mudslide at some point. Back to the variance request, with a five foot setback, you're channeling diverting, displacing water into a funnel, potentially eroding soil on both sides of the proposed pool, which I use the term the Grand Canyon effect. If that limb feels, or if the pool itself fails, the possibility of the 100 year old barn could be knocked off its foundation, rupturing the gas line in the back of the building causing a catastrophic explosion. Also in the back of the building, we are concerned with the clear Hubbard curating room filled with 1000s and 1000s of irreplaceable pictures, documents and archives that date back to the 1600s of the towns of Winthrop rich history. You can't tell me freak accidents can happen is my brother drowned when we were together as young kids? How parkins neighbor's tree took took out Harkins fence from 30 feet away in 2020. During a microburst

MH- After going through lots of old handwritten paperwork from the 1980s we have board meeting secretarial minutes, we have found notes supporting the original intention of the land

between the two properties. And about the concern of water runoff from the hill in the dry well meant to protect the dean with their property. We retained attorney chandani a few months ago, and recently at great expense retained a specialist in adverse possession, whom has recommended us to move forward with his counsel. I'm going to need to sell I'm going to need a lot more volunteers to sell Strawberry Shortcake next year people with their improvement and Historical Association is pursuing adverse possession which would give a tax break to all the homes on alamode Street in protect the drywall at the bottom of the hill and the irreplaceable historical integrity of the site. Just so the appeals board knows how committed we are is, the board has voted indefinitely to put on hold the fire sprinkler system inside the house, we will install a four inch main from the four inch pipe connecting to the main on the street and capping it off in the basement. Because we've already paid for that the board is going to focus its energy and resources on the land between the two properties. So we ask that you please deny the variance because the historic historical legacy is in serious jeopardy. Thank you.

Claire Hubbard 164 Nahant Avenue. I am the curator of the dean winter house. And I object to the building of this pool. I as is I am the curator. I am in charge of all of the documents and maps and artifacts that are in the barn and also in the house. And if anything ever happened to a pole back there, it could destroy our curating room and all of the objects that are in there. And it would be catastrophic to us. So please do not even consider that. He could build a pullback there. And I thank you for your time. Thank you. And my husband is here's also and he would like to speak shortly as well.

This is Dave Hubbard. I have been involved with a Winthrop improvenet Historical Association for somewhere around 60 years. And I think many of you probably know me, because of the various offices that held in the town. I am and I was recently appointed to be the town historian and the first legitimate town historian I bought Well, no, there have been others. But I am the town official town historian today. And I've listened to what all the various people have said, concerning the reasons for not wanting to have the pool air and I don't want to repeat all these things. I think they're all very applicable. And I as a town historian would like to say that I 100% support the idea of not having a pool built there. Thank you.

Brian Bartoli. I live at 25 B. Almont Street. Unlike everybody who's actually spoken tonight, I am not a member of the wiha, I am a actual neighbor of the neighborhood. And I can tell you, I am all for having a pool. For years. I've lived here for 36 years since this has actually been built. It was always a dream of my parents to actually put in a pool. And finally I'm very excited to see my neighbor Richard, hopefully getting a pool put into his backyard for his kids. We live in an outrageous time right now with COVID. And, you know, anything that these kids can have

released with. It's invaluable for their health, their well being and their whole honesty, living here for 36 years. With the strawberry festivals and what have you. We've been good neighbors. We've never had complaints never complained about noises and vice versa. I don't understand where this is coming from. But I am for it. And I yield back anytime. Thank you.

We live in at 23 A Almont Street. So we're neighbors of the proposed pool. And first I want to thank everyone for their time tonight. And I want to note that I have a great respect for everybody who has spoken tonight. And I have had three generations in Winthrop and my husband and I just recently moved back back which is very exciting. I'm so basically what I wanted to say is the Harkins family has been extremely welcoming to us. And they've been very accommodating to us as neighbors throughout their whole process they've been checking in to make sure that we're comfortable with their plans, and I feel like there has been a lot of care and thought put into his plans. So we just want to say that we don't oppose any of the plans. And to thank you all for your time tonight. Thank you.

Good evening, Mr. Chairman, members of the board. My name is Sean Donahue. I'm an attorney I represent Winthrop improvement and Historical Association, which goes by the acronym we have you may have heard some people refer to we have w lha. My office is located at 21 Pauline street in Winthrop. First of all, I just want to mention that this isn't about good neighbors and bad neighbors. The bottom line is they're all neighbors. But there are concerns that some neighbors have in connection with the pool that's being proposed here. And we appreciate you taking the time to hear us out. Mr. Chairman, I'd submitted some photographs along with some documents if I may just briefly go to those photographs. Is there a way to share the screen?

Atty Donohue-Okay, so in picture one, as you can see on the bottom right hand corner, I've got the each photograph numbered. I've have six photographs I want to show you. This is the dean with their post as you probably all well know but for those of you who don't this is the dean with their posts located 40 Shirley Street. This is a view from the south eastern side of the property. In the back. That orange colored house, brownish colored house is a is the property where the pool is being proposed to be constructed.

Atty-DonahueThis is photograph number two. This is a view of the dean with their posts and barn, the barn that you've been hearing about the opposite side looking at it from the southwestern side of the property. This is a side view of the barn. In the barn is the structure that you've heard that houses a lot of historical documents. In the back, you can see the Harkins his yard, which is up on an embankment. There's no lateral support on that embankment. It's just a wide open area.

In the concern, obviously is if the pool should fail, that water is only going in one direction, and that is toward the dean with a post. That's photograph number four. Showing you photograph number five, you can see the Harkins property, it began it's it's located where this trampoline is presently located. Now and speaking to someone had mentioned a local contractor offering some advice in connection with a pool being constructed on the Harkins property. And his response was that it would take quote unquote, a serious structure in terms of a wall lateral structure, lateral support, shall I say, which is not being proposed here, which is very concerning, because, you know, we run the risk of, you know, not only water just flowing down into the dean with a post, but the possibility of mudslides. The possibility of the pool sliding. My understanding is unless the pool is situated on a flat land, the walls of the pool become compromised. And as you all know, Mother Nature is unkind when it comes to land. it erodes the land, and especially when there's no unilateral support, the land is going to erode more quicker than it would if there was unilateral support. And if there was your unilateral support, according to the contract would also require, as he mentioned, a cement wall or at least a foot thick with rods going through it that's constructed in penetrates into the ground. But by a depth I think it said a few feet to actually support the possible of flooding conditions with return walls as well. Not only just a wall on the backside, separating the properties, but a return wall running up alongside the properties back toward the host. And again, this is just another view of the of the Harkins property up on the embankment as you can see the embankment at the next door at the at the home next to the Harkins property, you can see the significance of the height along that, that land, in that insofar as it relates to the the property of the dean with their posts, it's much higher. So to put an above ground pool up in that area presents many risks. Many of what's used have been discussed here this evening. So I'm not going to get back into that. Um, hold on one second. No. This is a this is a plan of the land that is dated September 13 2020. And unlike the plan that's presently before you can see a line. I'm not sure. Can you see where my cursor is? going back and forth. There's a line there. It's my understanding by me.

Atty-Donahue All right, thank you. It's been a standing that's a location of The chain link fence that that is situated behind the Harkins property, along with the other properties that are situated adjacent to the Harkins property. The Harkins have recently removed that fence, it was a it was a fence that that's been removed. And as you can see from the photographs I just showed you. There there isn't a fence anymore. They presented their plan with with that line being eliminated or extracted from the, from the plan of the land. But what's interesting here, you heard that there was a potential claim for adverse possession, which I think is very significant here in connection with the Harkins plant the land. On the opposite side of that line on that that's this is the theme with a property right over here. This stretch of land which extends from that line, which I mentioned, I believe to be the fence line. And in this line here, which is actually the property line of the dean winter post is a subject of a claim by m. by Winthrop improvement in Historical Association for adverse possession. Notice has been set to the Harkins along with the other

property owners have. We has intent to assert a claim for adverse possession on this land. If they were if we were to prevail on that claim. We're looking for the Harkins property is a much shorter yard. This, just so you know, to be clear, the land on this opposite side of the feds, which is subject to the claim for adverse possession has not been used by the Harkins or any of their successors. Ever, their homes without the homes that they live on on all Main Street were built in 1985. And this land here has been wide open and sort of part of the dean with opposes property, dealing with our poses, is maintained and, and clean the area over the years. And they intend to, as I say, pursue a claim for adverse possession. So I bring that to your attention, because I think it's quite significant if you're to rule in favor of the relief that's being requested. Because the guide might be a lot shorter if we have prevails on its claim for for adverse possession. I just want to mention, too, that the pursuant to Section 17.3 6.02, all classifications of poles under our top town code, Section A and I'm quoting it says any constructive pool which is used or intended to be used as a swimming pool, in connection with a single or two family residence and available only to the family of the household in its private guest shall be classified as a private swimming pool. Now if you go on to seven section 17.3 6.0 for old, a section entitled location, it states that private swimming pools shall be set back at a minimum of 15 feet from a street property line 10 feet from a side property line and 10 feet from a rear property line. No wall of a swimming pool to be constructed under this chapter shall be located less than 10 feet from any permanent structure. The Board of Appeals may by special permit and not by variance. But by special permit allow location of a pool within the above required yard setback area to within one half of the required distance if it finds that lateral enforcement, yada, yada, yada, it's in there. But nonetheless, I just want to point out that pointing to our bylaws it requires the issuance of a special permit and the application is presently before you is a request for a variance. Also, I want to mention that something I don't see here is that according to Section 17.3 6.03 a section entitled permits and plans Section B plans, it states that plans shall accurately show dimensions in construction of pool and protect tenant. Perhaps you can help me with this word after tenants is in properly established distances to lot lines of buildings, walks and fences, details of the water supply system drainage in water disposal systems and all air protect tenants is pertaining to the swimming pool. detailed plans of structures vertical elevations and sections through the pool showing depth shall be increased. loaded. And I wanted to state that I don't see any of that in the with the applicants application. And then lastly, pursuant to Section 17.3 6.060, water supply treatment and drainage systems under subsection c drainage systems, it states that the swimming pool and equipment shall be equipped to be completely emptied of water and discharge water shall be disposed of and approved in an approved drain. And again, I don't see any of that in any of the plans that have been presented here. So for the reasons that I've stated here, and for all of the other reasons that you've heard from the many people who are passionate about retaining the the historical value of the deme winter post, I'm asking you to deny the request for relief.

DB-So with that, I will make one last third and final call on 23b Almont Street. Seeing no hands,

Mr. Chuidina or Mr. Gutierrez take a motion to close public. Do I have a second? Okay. Second, okay. Roll call vote to close public comment. Yes. Good. Yes, Tom. Yes. So before we open this up to comments from the questions from the board, Attorney Turco, would you like to respond to anything that was said or you heard during public comment now was your time

Atty. Turco- . If they did a 10 by 16 pool and move to 10 feet away from the house. They could they could do it as a matter of right without really from the sport. The downside is that they're trying to keep it as far away from the dean width and posts in the bond as possible. And that's why they're looking to keep it closer to their to their back deck. And so if you look at the plan that's been submitted, it's a full 25 feet on the Hopkins land is where the pool is from the property line. In that I'm told that the bond is an additional five feet. So the end of this pool is going to be 30 feet away from where the pool is. In If you look to the left of the Hawkins, one or two properties over you can actually see in the same slope of land, you can see an above ground pool that's there. So one of the neighbors with The same slope of land, in the photo that he put into evidence shows an above ground pool there. So again, you acquired to be fenced in, to the extent the Hopkins have we did talk about the idea to the extent that he went the prosthetic concern about the proposed six foot fence at the end of the property line, you know, they'd be happy to put the six foot fence where your chain link fence was, but that would require additional relief of five feet to the rear of the pool. But that's not what's before you now, but to the extent that you addressed some of their concern, we'd be happy to entertain that. But again, just to be clear, you know, it's 30 feet, it's 25 feet on the Hopkins property and five feet on from the width of historic and improvement society's property before you get to the bond. This is completely consistent with us family wanting to have a pool in their backyard. The idea that simply because we're an oceanfront community, you know, take your 96 year old kid to the beach, instead of having a pool in the backyard. I don't think that's respected, respectful of private property rights, and the right of property owners to petition this board, I would urge you to grant the relief requested, again, recognizing that many of the concerns you heard, if the relief isn't requested, there's still going to put a pool in, it'll be slightly smaller and further away from the house. But for closer to the dean winter post, which puts creates greater risk. But as a matter of right, they could do. Thank you. Thank you, Attorney sir Turco. So with that, questions from the board. I'll go first, Fred. I

TC- I'll start by saying that the dean Winthrop house is a treasure to Winthrop and we recognize that. And I applaud and thank all of those that take part in that. And the preservation of that as well as the the other committees beautification of Winthrop, all of that, that they sit on, we certainly understand what it what it means to volunteer time for the good of the town. But I do take offense, when people start to impose restrictions on properties that are just somewhat absurd. When I want to hear a bit that it's going to be loud in someone's backyard, because there might be kids in there playing in a pool or playing in the backyard like, like, I just, that's absurd.

That's the character of a neighborhood, that that's what that's the beauty of a neighborhood. You know, that said, I think what attorney Turco says is correct. And people please understand this, that we are not in the position or have the authority to deny the building of a pool, we only have the power to determine where it's going to go on the property. And with that, meaning if it's going to be closer than what the zoning allows. So I'm not sure how the town would legally stop this pool from being built. If they just shifted it and adjusted the size of it. So we're really in a conundrum here of what's best, keeping it further away, or moving it closer and not having any control over where it goes. I guess you know, that all said I really I just have I guess one question for attorney for the applicant attorney Turco is Is there any measures that the applicant is willing to take or to consider to look at from an engineering perspective on the back? Yeah, I mean, obviously, it goes without saying that the pool has to meet certain building code requirements that are the authority of or under the purview of the building inspector to enforce. But that said, is the applicant willing to take any additional measures to help with the protection of the dean Winthrop house?.

DB- You can always just withdraw without prejudice and do a smaller pool, or we can keep going down this road and continuing, you can come back with plans and we'll see in four weeks, I guess. I'll ask that question before I asked the board what its pleasure is here.

Atty Turco- I'm sorry. I was talking to my client. That's if you give me one second, please. Mr. Chairman, thank you, what they would like to do is withdraw that they're going to shrink the pool to a 10 by 16, and go with what they can as a matter of right. And so I would ask that, does the petition be withdrawn? Without Prejudice?

DB- Okay. So with that, I will take a motion from one of the sitting board members, . So moved that a second, Fred. Second. All those in favor by roll call. Baird. Yes, fred. Yes, Tom. Yes. Thank you, Attorney Turco, this, this matter case number 10 of 2021 has been withdrawn without prejudice. So the board will not take further action on this this evening. Thank you. So with that, I'm going to take the next matter out of order here. And I'm gonna take case number 007 2021 132 Highland Ave, which is a request for a variance sitting on itself is my sitting on this one is myself. Irene Dwyer and Fred . So with that attorney Cipoletta I believe this you're on this matter so the floor is yours.,

Atty Cipoletta: Thank you, Mr. Chairman. Members. This is a request for two variances one is for minimum lot size. A lot according to our zoning ordinance is lacking and 500 square feet The other is for a 2.5 foot side yard variance on the north side of the property to allow the the owner

become a daughter is Ms. Deanna Rosa Priest, and she owns the house. A house on Highland Avenue as well. This is lot number 11. is a vacant lot. And Mike Cimino, Jr, who is with the president and is residing on edge Hill Road with his wife and three children wants to purchase this lot and build a small house that is shown on the plans that we submitted with the application. As you can see, the house, although it is small, it does fit very nicely on the lot and is not out of character with the neighborhood. Mike wants to have a little, little larger place wants to move up to the Highlands and would prefer something new that he could design and build. And his dad as the board may well know, is a builder and a developer who has done work around the Winthrop area. The realization always is that Winthrop especially in some of these neighborhood streets is parking stressed and we always need to pay attention to what is going to happen with vehicles that would be connected with this house. This house in fact is designed so that there are two parking spaces under the either the home the garage is below the grade or it's half below the grade and is below the house and will accommodate the two off street parking spaces that are required for a one family home. The lots in the area and on on the cross streets as well as those on Highland Avenue about the same size they all seem to have come from the same sub subdivision and the grade of this of this lot slopes down it's an uneven as you can see from page a 2.0 it does slope. So the topography and the shape is irregular and does present some challenges to building the side of the side which would be the north side where the request for a variance of 2.5 feet abuts property actually that is owned by ms de Roos a priest. So, it is not as if this home would be encroaching on Petey any neighbors or people who enjoy some separation of houses by by a new house being dropped to close in violation of the the ordinance without actually a variance This house is deficient by 2.5 feet on the site that abuts abuts the owner of the building instructor has pointed out to matters of relief that are required. And since this lot was subdivided prior to 1955 minimum lot size from one family houses 5000 square feet the proposes 4500 side setback is 10 and the proposed is 7.5. So the relief under 17 1602 Oh j one would be for a minimum lot size and also for a side yard variance on the north side of of the property. If there are any questions, I would be happy to answer them after the public comment and in the Boyd has as its round. Mike jr is on on the zoom as well as his dad who would be building or contracting alpha the house. And I might want to point out because I don't think it was clearly stated that the roof at its peak is 32 feet, seven and a half inches. So we know that we have a 35 foot height limitation this does not come close to encroaching on that. And it fits in very well with the neighborhood. So with that, Mr. Chairman and members, I'd be available as when Messrs. Sabino and Mr. Rogers a priest at the end of the public comment period. Thank you.

DB- Thank you attorney Cipoletta so with that. I will take comments from the public or we will take comments from the public on on case numbers 007 2021 132 Highland Avenue.

My name is Christine Riley. I reside at 5 Floyd Street. The house immediately abuts the property

the back of my house is up against the lot and I oppose allowing the variance because first of all, the conditions that are required for a special permit and variance are not met the number 12. On the variance it says that we have to describe the slope condition, shape or topography affecting the land or structure in question, but not affecting Generally, the zoning district in which the land or structure are located. The answer The answer provided by the owner is the building lot is irregular topography, uneven or sloping. But that doesn't meet the requirements of that section of allowing the variance. I didn't want to speak about the parking issue as well. The house will provide two parking spaces in a garage, but these are going to be tandem spaces. So one car would have to move for the other to get out. So it is likely that street parking will be utilized when it's too inconvenient to move the cars around. It's also going to be a four bedroom house. So it is perfectly reasonable to consider that they may certainly be more than two cars, the neighborhood is already having parking issues. There's an illegal free family and zoned to be a two family and the people of being allowed to rent out the other unit just around the corner from here directly across the street, a two families just to be allowed to turn into a three family. So parking is definitely an issue that I believe needs to be considered. Um, the other thing is just playing the zoning law about 5000 square feet being needed. And the zoning laws are written for a reason the zoning laws are written so that the neighborhood's don't become too dense and congested. The house at 138 Highland Avenue is on a 4500 Square lot and I believe the reason that that was allowed is because the lot next door was considered. Um, it was it was allowed because the same person owned the lot next door. And so that you're willing to if you allow this, you're going to have two non conforming structures right beside each other. I don't think that's appropriate. The other issue that the lot has been classified as a non buildable lot, and it's been assessed at approximately \$14,000, which means the taxes paid on that property for many, many years have been for a value of \$14,000 because it's considered non buildable. And I don't think that that's appropriate, because that means the town has lost significant revenue to the IRS if this property is actually worth \$325,000, and it's being sold that the town has taken a large loss because of parently. It shouldn't have been classified as non buildable. But my last point to make this there is a Massachusetts merger law. And Massachusetts merger law states that in Massachusetts adjacent lots will be treated as a single lot or merged for zoning purposes as soon as they come into common ownership to minimize non conformities. common ownership occurs when the lots are titled in the same name, as well as when they are within the common control of the land. Owner. I have a copy of the deed when the house was purchased, and it shows that the two lots were purchased at exactly the same time by the same owner. So under the conditions of the Massachusetts merger law, I feel that that is the reason why this cannot be approved, in addition to the fact that the lot is too small. Thank you.

This is Mark Julian. I'm at 121 Highland Ave. And so I've come broaded across the street. And I just wanted to reiterate some of the points that Christine made. Mainly the parking, I know you guys are aware of the situation, just want to give you another point of view from someone who

lives immediately there as well that, you know, parking is really tight. We just heard about it last month, the case for the three storey or the two family, the three family conversion next to us. So I just wanted to give you another point that yes, that really is an issue on the street. And of course, they do have parking. But you know, not, you don't always park in your driveway. And that's understandable. And then I also want for the seven and a half foot next to the existing structure of the house, that it seems much closer than any of the other houses in the neighborhood. And I know, obviously they own it. And so the immediate person, it doesn't matter. But obviously people sell their houses and things change. And it just kind of sets a precedent that, you know, these distances don't matter. And, you know, people can then cite this distance when they want to rebuild the house as close as they want to another house. So I just think it's such a dangerous path. And so I think you guys should consider that before you approve it. Thank you.

Peter McNeil, Unit Two on five Floyd Street. And I just want you to know that we disagree with this and I fully agree with her findings and that I oppose this variance as well. Thank you very much. Thank you for your time as well. Thank you.

DB- So before we get questions from the board attorney Cipoletta, anything you'd like to respond to you from public comment?

AC- Yes, Mr. Chairman. So parking seems to be a concern. And we took that into consideration. I do understand that sometimes. If folks have a driveway in their tandem spaces, occasionally one person will park in the street because it's easier than getting up at Oh, dark 30 and moving the car so somebody else can get out, I get that. This is a little bit different. This isn't a driveway, this is covered parking, it's indoor parking. So there's a little bit of difference there. But nonetheless, you know, there is always the speculation and conjecture that Well, maybe not everybody's on Park, or half the street or they'll park for convenience, one car industry one car in the driveway, because it's much, much easier. Well, that might be true, but that's not necessarily so in all in all cases. There is probably parking on Highland Avenue as there is everywhere else at the Highland so yeah, we we understand that we are sensitive to that. And that's why Mike had designed this so that these two cars could go back into the covered parking underneath the house as opposed to an exterior outdoor uncovered driveway. Yes, there are a number of bedrooms there as I had mentioned, Mike Jr. and his wife live there with their three children. So that's five. That's five people. I'm not sure whether the kids all have their own bedrooms or will not. Maybe they don't know and they have a chance to but it still is we're talking about kids. We're not talking about people of driving age. The assessors field card that I pulled and attached to the application describes the land use as residential land undeveloped. It doesn't say it's non buildable. It just says it also says it's vacant on on another part of of the cod where there would have been a photo but

there isn't it says no image available just to the left of that it says vacant land it does not say part of somebody's side yard The process of always maintain that separate identity. These are not parcels that have joined together us together the 7.5. And I understand what the gentleman is referring to when he goes across the street, we had a discussion with him as well. And one of the other cases that involved a residence, I believe next door to him. I think it is important to know that the 2.5 feet of variance allowance that the owner is looking for a bunch her property. And I think that's that's a big difference. And yes, somebody may buy her house someday. And they will do that with their eyes wide open. And they'll know what the situation is and what what the density of the street is and how the highlands justified as dense and, you know, established as any other neighborhood in in one form. So we do understand that but this is how we make things fit. is we right up and down Highland Avenue. And in the streets like Sewell and Grover's and all that, you know, you find one of these houses don't have the the 10 foot side yard sign on each side. That's just the way things were built. And the request for 2.5 feet is is not out of line, it's not unreasonable. And the topography and the shape and the slope of the land certainly does meet the requisite set out in the in the zoning ordinance, where this condition does not generally affect the zoning district. This is an RA district, not every zoning. Every house in the RA district has this but this challenge. But nonetheless, this is at a point on Highland Avenue where there is a severe dip the upside of of Highland Avenue as you go, you head south and head toward the traffic lights. There reverse rate is higher. This is on the low on the low end. And so what you've got what you getting there is what is shown on page a 2.0. So those are my remarks in concert with or to explain and sort of expand upon the concerns that that have been been raised by the three people who spoke prior to the board asking us questions. Thank you, Attorney Cipoletta. I will take questions from from the board.

ID- Yeah, okay. But just to clarify a couple of the drawings here. Where's the driveway the there's no provision in your drawing for the driveway, I'm kind of can figure out where it's, it's got to be based on the fact that you're having an underground garage. But that lot is bound round by both be the only possible way you can get a car in there is to cut a curb cut on Highland Avenue in front of the house. Because you can't park on that side of Highland Avenue, you can only park on the other side. And that means obviously that's not what we're talking about. Because the the we're trying to build a high driveway and not create an off street parking problem on street parking problem. And I see that one thing you have in your favor is that you won't be doing that because one of the issues we sometimes come up with here is if we do a curb cut, are we taking out any street trees or anything like that? There's nothing there. And you can't park there anyway, so we're not taking out a public parking space on street parking space. But I I have a question about where the driveway Exactly. I can figure out what it's gonna be but it's not on your drawing. And the problem with the how the property slow? Well, you're probably going to take the driveway down a little bit too I suppose. But the how the slope is at the front of the property right off the sidewalk and then it goes down. Not very far with two or three feet. How are you planning

on handling that?

Michael Cimmino- Hello board. How are you? And thank you for hearing this hearing this this evening. I So I had to put this all together quickly here. I believe that we have a 15 foot setback. I worked hand in hand with designer John Lloyd . And we calculated. Actually, I'm sorry to say this, I don't have I have the hand sketched plot plan. But initially, we started at 15. Do you have a plot plan that shows the setback from the street in front of you?

ID- Well, that wasn't my question. It's, it's where do you exactly are you going to put this, I see the house on the lot. And I see all the elevations, but the one drawing you have of where the garage doors going to be, as all these hashmark lines in front of it kind of looks like a fence?

Mike Cimmino- the hash mark shaded area is the actual width of the lot 45 feet, on Highland Avenue, and to the right side, where the garage is that that hashmark area is the seven and a half foot setback that we are currently asking for relief for. So the garage is just to the left of that, and the proposed curb cut would be there. When we when we design this, we took into consideration that technically, we we would have been able to ask and show additional or the primary parking to the west side of the house. If we just can eat up the house one foot, that would have given us an 11 foot sideline setback to the west. And that would have accommodated off street parking, I believe. But we thought that being that we were able, because of the great situation to place the primary parking under the home, it would be better for the neighborhood. And it would be better for the coverage of the overall property to not to incorporate any more hardtop. So that's why we propose to put the parking under the home. Again, if worst came to worst, we could go back to the drawing board, skinny up the house one foot in width, and have the parking on the outside on the left hand side. I just think it made aesthetically. And for other important reasons made more sense to show the parking inside the home.

DB- I'm not sure if you have anything further . Do you have any questions?

FG- I guess now that you brought brought up this idea of skinning it i didn't i don't really understand the logic of skinning it a foot to move it over to the side. But I mean, could you do that? Could you keep it the same size, move it a foot to the right and still have another parking spot they need to do to two curb cuts. So that does that kind of work? Nevermind. Yeah. And we would be my friend. Thank you. Yeah. I guess I would ask Darren, your your take on the abutters concern about kind of the historic merging of the properties. That's beyond my understanding of

the law. I don't really understand that.

DB- So we have to watch that were created before 1955. And the way merger works in Massachusetts is if you have two parcels that are in common ownership, or both of which by the way, is legally deficient in some sort of dimensional capacity. One has an improvement on it. One is vacant, right? If they both have buildings on it, they can't merge. That's pretty pretty standard case law right. If one is vacant, and one is off and one has a structure, if the one with the structure is deficient in any way, then it has to rely on the vacant lot to cure that deficiency. So here actually think the existing watt built upon lot actually technically needs the vacant lot to comply with the night the requirements for a buildable lot from 1955 Right, which, again, if there was a building on this lock previously, that wouldn't apply, but there's no building on it. So it's vacant, for instance, so for instance, there's insufficient frontage, right? A lot subdivided prior to 1955 has to have 50 feet of frontage, each of these have 45 feet. Right? So, deficiency there, they also require side yard setbacks. The the existing house is immediately on their proposed the existing property line, which would become the new properties property line, if we allow them to be read subdivided. So, from that standpoint, if we were to approve this, right, and grant these variances, we would be creating a nonconformity on the site that has a house currently. So you either have to deal with that holistically, and grant the variance for both lots, or none at all. So it, you can't treat this we can't make a decision, at least in my mind can't make a decision because a lot merger on this lot without also addressing the built upon law, which is in common ownership, that's just merger, that's just murder case law in Massachusetts. So I mean, and I run into this issue more times than I care to admit, in practice. So I understand it maybe at a level that I wish I didn't. But I do think that there is, um, we run into this, we run into this issue quite a bit and went through it, right. But here's the weird result of all this, right? If the developer, if the owner wanted to build a two family house, or expand the existing one, and literally make it a duplex, they could do that as Right. Right, because of the size of the lot. And so it's a little bit of a funky result, but by virtue of creating single two single family house lots where the lots have merged, you need variances for both properties in order to accomplish that. Now, I mean, does the densification of this particular site by bother me, you know, a little bit, but not tremendously, because it's not out of character with the neighborhood. But I don't think we're in a position to grant the necessary relief tonight, because both properties aren't in front of us.

DB-So that's, you know, that's sort of where my head is on this one. We can't vote Well, we can't vote on this parcel without also noticing and voting on the other parcel, because we can't issue a decision on a variance on a parcel that wouldn't create a new nonconformity on another parcel, right, not something we can do, because that would be that would create a zoning violation by our act. because you have deficiencies on the house, on the house law on the lot that contains the current house. It is deficient from a minimum requirement standpoint of what was required in

1955. If that didn't have deficiencies, from a side yard perspective or a frontage perspective, we wouldn't have to worry about that at all right, we could just vote on this particular lot, but because in order to get to 50 feet of frontage, in order to get to the side yard setback that's required for a 1955 lot with an improvement on it. You know, we need to re effectively re subdivide and recreate this lot. And that would create non conformities on the House floor. So it is a funky result. It's a little bit you know, this issue has come up before, but we haven't had deficiencies on the parcel, the tab, the improvements on it, and someone's looking to do something with the vacant lot. That's where this one is different than ones we've had relatively recently and I Other parts of town. So we could we could continue this and allow the applicant to file for relief on the adjoining law and let that catch up with this one and then take them together in our in our April meeting, if that's you know what the board wants to do, but again, that's I leave that it's a question for attorney Cipoletta whether that sort of continuance here would be acceptable to the applicant, given the situation.

Atty Cipoletta- Mr. Chairman, thank you very well reasoned and very articulate explanation of merger and how it applies in this situation. So in order for this law to be developed in any way by any person, the owner would need to take those steps in any event. So I think I was thinking of doing it one of two ways, either a clean fresh application on behalf of the owner who owns Well, the built upon the developed lot, and run in parallel to, as the chair indicated, let it catch up, or to amend because it is the same owner to amended by adding the second lot. Now, I'm not sure which one, and it is cleaner, and I suppose you could bifurcate the vote. But it wouldn't really make sense. Because if one goes down, they both go down. So you know, it's actually wait, we would need the plat plan, we need all of the requirements, that first submission, and so forth, the only the only difference is the filing fee. And I'm not sure that that that's a big consideration. But I would leave that to the board as to how the board would want to receive it, and act upon it, I would not, you know, impose, you know my will, because it might be easier for me, and submit and say to the board, I want you to do it this way. So whichever way the board wants to act on it, knowing that it's coming, will will will take the guidance of the board.

DB- So I would say that as a point of procedure, an amendment doesn't really work or get you to any substantively different place from an application perspective, because you're going to have to read notice it anyway. Because the original application notice, does not cover abutters and abutters, to a butters within 300 feet of that other lot. So you have to we notice it anyway. So I think that, you know, my inclination, here would be one of two things, either you keep this one live, and we continue and you file for the abutting one and do everything you need to do to file for that one and lift it to catch up. And we take them as two separate cases. And we can consolidate them right at the next meeting and vote on them independently, but in a consolidated fashion. Or you can withdraw this and refile the whole thing that I leave to you as to what you want us to do,

which is easier for you. So I mean, we'll make the motion either way, I just want from a logistics perspective, you know, you to sort of tell us how you would want us to do that if we're going to do that I actually think that it's easier to let this petition stay live and file, you know, it associated petition on the other lot, and just have them catch up with each other.

TC- So Darrin, I got one other thing just before you move on to emotion and figured it, it's easier to bring up now and let the applicant consider addressing it and make the board members aware of it. The grade from the street to the to the garage level is four feet over. What is this 15 feet or 14 feet setback 15 feet. So that's like a 26% slope that is extremely steep. I'm not sure that this garage is really ever going to be used. I don't I don't know how a car would really be able to maneuver into that. Certainly a truck or any type of SUV would have trouble doing that. I mean, that's that's the grade from point of foundation to property line. So it would probably be even steeper because they would have to have some sort of level area before they go out the garage door.

ID-Oh, I have a question. And that's could you move the house back a little bit and get a longer driveway, I mean, you've got plenty not looking for variances in the in the rear of the house, you've got plenty of room there. So that's a thought.

DB- Jason, I guess having that more clearly dimensioned on the plans would be a good thing I do worry about just from a street wall continuity perspective, setting back, even though there's not a street wall, like setting that back too much, might create a really weird effect, a long island to have. But you know, if that's an I'm not playing architect, and I'm not playing landscape designer, we've got people on the board who actually know how to do that. So I guess we could make a motion to continue this to the 29th. And if you could we could get if we could get just dimensioned plans that show how far those decks are off the wall outline if they're not on there, because I put my application somewhere.

FG-Yeah, I just want to say that a lot of it. And I don't know the downside of it. But I think the parking on the side of the house just seems like the more practical way to do it.

Mike Cimmino- Yes, thank you, I guess on a few of the concerns. So as you were speaking, I obviously never took into consideration their pre existing home to the east of the current owner of a lot, their sideline setback. And now that you raise that, that is a concern. We initially chose to ask for the two and a half foot variance to the, to the east side because she was the owner. And

we try to respect the other neighbors and the abutters to the property. But, you know, I guess one of my thoughts were, if we went to the left, if we shifted the home to the left, and asked for two and a half foot variance there that would give us the allow or the proper sideline setback to the east to 10 feet. That would be one answer that we maybe not have to submit to applications for variances or for for your approvals. And another thought was when you brought up so many words, the concern of the steepness of this I mean, I don't again, I wish John Boyd were on this evening, but I think he was studying for a test. We brought this up and he did the calculations and he felt it was very doable. But from my calculations this evening, I believe the rear deck is only a staircase down. And I believe it's not greater than five feet. So if we have a current proposed 35 foot rear yard line right now, and we take off five, that leaves us 30, which means, technically, we could shift the home back five feet more, and that would eliminate the concerns of the steep entrance into the home. So there are a few options there. I don't know what's right or wrong, but I guess I'm asking for some guidance from the board. What makes more sense or what would be more presentable?

DB-. From what from what the current lot lines are, even though you need a variance to sort of effectively re-subdivide them. You don't need an actual any action by a planning board to subdivide them. If you change that lot line to move it west to accommodate a 10 foot setback.

Mike Cimmino= No, I'm sorry, I didn't, I might have worded it in properly. I What I meant was shift the home, oh, sighting of the home to the left. So we will be asking for the relief on the west side to the other parts, because that home to the left has actually a driveway there. So they have a large probably I'm guessing but 10 1214 feet of separation from their home to the actual lot line. Now, if we shifted the proposed home to the left, we'd be asking for two and a half foot relief. But again, without measuring that then would be still probably 18 or 19 feet between the two homes. And we wouldn't be asking for relief from the right side, we would come in with a you know, appropriate 10 or 11 foot sideline where we could do exterior parking. And, and it kind of solves everybody's concern.

DB-both buildings will need a 10 foot setback with regard to the respective lot line. So it's 20 feet between buildings, as a technical matter from a set price.

Mike Cimmino-So the pre-existing homes still sold if still deficient, correct? Yep. Yeah. I understand. Thank you

DB- I will take a motion from either Fred or Irene to do a continuance with this of this matter to 7pm on April 29 2021. All those in favor to continue this matter. 007 of 2021 132 Highland app to our hearing on April 29 at 7pm. Okay. So, this matter has been continued to April 29 at 7pm. And, you know, we'll look forward what when you submit the other case, obviously, you know, notices all the other things that go into the package will then take them up? Well, we'll move to probably merge them and take them up in the same matter. So we don't have to do back to back matters attorney civil, but I think that'll just be easier for everybody involved. All right. So with that, last but certainly not least this evening, is case number 006 of 2021. I want to first of all, thank all the attendees for sticking with us because it looks like the majority of the people who are attending are literally here for this matter. So this is Crystal Cove apartments, Inc. 600. Shirley Street. Again, case number 006 of 2021. Sitting on this one is myself Tom Chiudina and Jason Wright

Atty Cipoletta, Thank you, Mr. Chairman and members. This matter concerns the end at Crystal Cove, which has existed as a hotel for many years and is a landmark and a good community neighbor and provider of hope hotel rooms along the waterfront, which now would be better served by a plan to convert the 35 Hotel units to 18 condominium units. And as the plans set out, and I hope that we haven't lost folks from Phoenix, pocket architects to explain it in more detail. There would be 15 condominium units in the main building, and three in the annex and that would be the 18 units. In the main building. It is proposed that it'd be five studio type condominiums. Nine one bedrooms in one two bedroom, and the annex would be one one bedroom, one two bedroom in one three bedroom. We visited the site plan review committee and had a proceeding before them on February 11 of this year. And I think I attached a copy of the site plan review committee's report in And recommendations with regard to the conversion of this property. There is one deviation or one exception to that that has been amended, since the issuance of that report, and that is that the report sets out that we would require a variance for minimum parking. And since that report had issued, the owner had determined that it would be beneficial to remove the swimming pool and the deck and the fence and thereby creating 36 parking spaces, which are the number of is the number of parking spaces required under our code for 18 condominium units. Therefore, the relief that we would be asking for is in the form of a special permit under our zoning code and finding under Chapter 40, a section six, we are changing from one preexisting non conforming use to a non conforming use in the IRA district. And a finding that the new use as a condominium community would be not be substantially more detrimental to the neighborhood then would be the current preexisting non conforming hotel. And of all the hotel has been a landmark and to get an attraction and width up, Mr. Chairman and members, the hospitality industry has taken quite a substantial beating during this pandemic, people don't travel as much, they're a little bit reluctant to stay in a hotel with strangers, and so forth. And the owner decided that without too much disruption, and with a little bit of planning and upgrade, it was he could create a very attractive condominium community right there on the property. I think that the plan as set out and perhaps if, if Peter or Andrew is out there, they can explain a little bit more the

layout and so forth. But it seems to me that all of the members are able to read the plans and it pretty much straightforward. But it would indeed, result in a net benefit. And in fact, a great positive benefit not only in terms of ownership of condominiums by those who might potentially be able to buy there and have some pride in ownership, as opposed to an up and running but sort of Olympic hotel, with rooms that are open for rent but not rentable, simply because there is no need. For them, there would be quite a significant advantage to the tax base and the economic base, as well as some of the improvements that are proposed in the plans to upgrade some of the facilities both internally and externally of the condominium community and would not add any more. Any additional people because we're going from 18 from 35 units down to 18 condominium units, parking is is completely adequate. Even at the the very very high requirement that Winthrop insist on for parking two to one, we meet that with the 36 parking spaces, we expect that there will be vacant spaces as well. But we did not want to ask for more relief than we absolutely needed to. And we thought that we did fit within the four corners of a finding that the condominium conversion is not substantially more detrimental than the preexisting non conforming hotel use. If you enjoy a Peter Peter sandwich or somebody from Phoenix is there, they can explain or they can wait until the Boyd has its shot at asking questions about the layout and the architecture and the engineering. Whatever is the pleasure of the board. But that would be my initial presentation at this point, Mr. Chairman. Okay.

DB- I will open this up to questions and comments from the public. on matters 006 of 2021 600 Shirley street second call 600 surely street public comment Seeing no hands third and final call 600 surely street crystal code requirements Inc. 006 of 2021. Seeing no hands, I will take a motion for Mr Chiudina or Mr. Wright to close public comment.

Public comment is closed questions from the board?

JW- So they'll be there'll be no external changes whatsoever outside of it sounds like adding more parking and removing the pool.

Atty Cipoletta, That's correct.

JW- So I don't know if there was a way to or if there will be a way to kind of buffer some of the cars in the front. And then I guess another? I wouldn't say it's a concern, I would just ask, as far as strong water right up storm water runoff. If that's been taken into account, obviously, given the proximity to the ocean?

Atty Cipoletta- I don't think that there has been a stormwater study or any of any environmental study.

TC-So I jumped in at this this point, because I think it might be maybe we save ourselves a little bit of time. It's, it's unfortunate, because it is, it's a nice amenity that the town has, but clearly the economics if it's not working, it seems appropriate to consider developing this into a condominium condominium complex. And I don't have huge objection to that. However, you are proposing a significant change with this 38 is it? Right? Is that right? 38 parking, split parking lot. 38 space parking lot. 36 . And, frankly, sketching it out on you know, what looks much like a plot plan is not going to cut it for me, I want to see an engineered site plan. I want to see a landscape plan. This is just way too big to to look at this, like it's a, you know, two family house and we're trying to fit a driveway and a few parking spaces on it. So I'm at a point where, you know, I think it's an appropriate change in use, but I'm still I need to see a lot more as far as the development of this, this parcel of land and all this parking. As far as you know, the the engineering of it goes.

JW- How wide are the parking spaces? I mean, I would see less parking, but I'm not encouraging you to seek a variance for parking assist.

TC-You know, Jason, the thing is, is we see a plot plan, and we see all the spaces identified. But there's no landscaping identified. I mean, there's a buffer called out big deal. This is a parking lot with 36 parking spaces. You know, I want to know, if they're going to be adding trees, I want to know where the snow storage is going to be. I want to know whether it's, you know, dumpster location is going to be I want to dimensioned plan, this is just far too major of a change. to not take those things into consideration. Yeah, no, and I know that they're properly designed.

JW-Yeah, no, and I agree with you. I mean, I kind of touched on that when I was talking somewhat about, about the, you know, the buffer on the front, I don't want the dimensions of the parking is, you know, I understand the need of the parking spaces to not require a variance for parking. I wish there. I must wish was less parking again, but I assume it's probably not going to be an option. Obviously that being said, as far as going from, you know, 35 hotel rooms having a transient population come in and coming out or eating condominiums and Oh, absolutely. Do I think the use is appropriate for sure. But, you know, I give you know, a lot of merit and weight to your concern and it will be helpful. first car was laid out the dimensions of the parking. And the buffer given given, again, its location being in the front as opposed to, you know, behind the structure that's there now. So I think that's a reasonable request.

DB-I agree. I think that, you know, while I do think that the use is appropriate, and I do genuinely support this change, because I mean, look, we all know what's happened to hospitality in the last 15 months, right. So, and I think that that's probably not going to get better quickly. But I do think that this conversion to condominium makes a lot of sense. That said, I don't think we typically approve a parking plan that is sort of overlaid without any specific dimensions to check stall widths and lengths, and you know, all the things that both you and Tom said, Jason. So I do think that in that limited respect, I mean, we got lucky, we got great, I have to say the quality of plans and floor plans that we got from Phoenix architects that was delivered to the board were, you know, really good, and, you know, really thoughtful, I think that we need to see a similar level, similar level of thought, you know, put into the parking plan, especially because, I mean, let's face it, this stuff goes into a storm sewer, how far does it go before it's in the Atlantic, you know, or wherever it ends up. And so I do think if you're going to be treating surfaces, if you're turning a lot of this into impervious cover, that's then going to drain into catch basins. You got to know how that works. And I think as part of any part of granting a special permit, as we said earlier, when we talking about the swimming pool behind the dean Winthrop house, you have to show that it's not going to be a detriment to the public health, safety or welfare. And I think these drainage concerns and runoff concerns are real ones. And I think we need to understand exactly how that will function in a more concrete, no pun intended way on the site plan. So I'm in favor of, you know, continuing to get a better parking site plan. I don't think I need anything else unless, Tom, you or Jason disagree on the architecture, I actually think the architectural plans are, are pretty helpful. They're very helpful as far as how the layouts will work. And then I think, you know, understanding how do you want to understand things like in a condominium setting, you know, how is the trash going to work here? It's going to be private haulout, stuff like that, like, that's also ties into the public health, safety and welfare that's different than when you have a single operator operating hotel, right, because that's a single commercial use. Now you have an 18 unit residential use where, you know, I assume it's going to be private trash pickup, where's that going to be kept? Like those sorts of things? I want to understand at a better level than I do right now. That said, I mean, a little bit of elbow grease, I think in just seeing some updated plans as it relates to those particular issues. You know, I'm inclined not to prejudge, but I'm inclined to grant to provide I don't see anything really weird. And those plans not to get not telegraphed. But I do think this, is it an appropriate change in use? So, yeah, I would, I'd welcome a motion to continue if we can get those plans before our next meeting.

TC-Yep. And just to be clear, I think, to the applicant, this property has always been a well maintained and attractive property. turning it into condos, doesn't necessarily mean it's not going to continue to be, but turning the asphalt area, you know, I'd like to know what the percentage is, I mean, looking at Google Earth, and the size of the pool and the grounds around the pool, it looks like you could be doubling the amount of pavement. And that is, that's not going to be acceptable. I want to see a landscape plan to and I want to see the, you know, something

maintained as far as the the aesthetics of the ground.

JW-Yeah, and I agree, you know, I'm not encouraging anyone to seek a variance for parking. But, you know, if if the grounds in the front can be improved substantially, to the point where to Tom's point is not an asphalt paradise, then, you know, I'm not going to talk numbers, but if we have to forfeit a couple of parking spaces to make it look nice in the front, then, you know, not everyone's gonna know, like, not everyone living here is gonna have two cars that we know that's a fact. Given that they didn't seem to be a lot, or the fact that you know, there wasn't a lot of or any public comment was somewhat surprising, but that tends to make me believe that there's people in the Navy All heard who, who support this. And again, the property is beautiful. I've walked by it probably 1000 times with my dog, the insides just as nice. So, again, yeah, to have an asphalt parking lot in the front just to accommodate two spaces per unit, even for the studios or the one beds. You know, there's a trade off there. And again, I understand the desire to not have to request a variance and just have to ask for the special permit. But you know, we want it to look nice, given that proximity to the street, and it's the fact that it's right on the ocean. That's just That's right.

Atty Cipoletta- I'm sorry. I just had one question. I wanted to make sure that the Boyd had a copy of the site plan review. Report, they do call out in items six and seven. drainage and stormwater management plan must be submitted to the building department DPW. So at some point, they're going to have to do one anyway. I'm not sure where they are in doing that. Our understanding is that it would be submitted at the time the building permit was was applied for. And I guess my point would be I'm not really, I'm not sure that it would be done. But I by the April meeting, I would hope it would. , I would ask Roger to give him a call in the morning.

DB-So I mean, if for some reason, it wasn't ready in time for the April meeting, we could just we would just continue again, I don't want to not continue use specific to a specific date attorney slip a letter and then have to re notice, I think that would just make a lot of sense. I want to make sure she has a chance to speak here before we take any action.

Hi, I'm Roger Beckert. I'm the long term owner on pulling the property for 23 years. And I'd like to address several of your concerns that you brought up. The gentleman who was wondering about the fence, the fence in the landscaping along the Shirley Street and the Crystal Cove outside, will you retained as for the dumpster issue of the dump dumpster, the site planning review committee, as stated certain requirements for the dumpster situation. So that will be taken care of it will be fenced down, it will be off of a hillside on the annex building. And we will be landscaping the areas

around the parking area. And there'll be again the current landscaping, which everybody can see as they go down Shirley Street and then left on Crystal Cove that landscaping will be maintained in running all along Crystal Cove Ave to the rear of the property. And we will have planters strategically located throughout the property. As we do now we have major large planters that will be landscaped. So I think we've really kind of considered all the aspects of what you were suggesting, again, we have our floral associates has a stamped engineering plan of the parking with all the dimensions of the parking spaces. OI was wondering if you've seen that because that you fitment you've asked a number of questions about that. So it show shows all the dimensions of the parking spaces and their locations so that that plan is well developed.

DB- If you remember, and I hate to bring this up, you held our feet to the fire on plan submission on a neighboring property. And I'm holding your feet to the fire because we approve something, we approve something with specificity based on what this board has to determine, okay, not what another board does.

Roger Beckert- Alright, so what I just wanted clarification, and you want a landscape plan. And the person who was doing the parking spaces has met with Steve Calla from the Department of Public Works, and they've gone over the drainage issues. So my understanding is that that's being taken care of.

DB-so get it done taken care of, but we still need to know, before we grant a special permit, that what you want, is not going to have an effect on this health, safety and welfare. It is so to say, Steve Calls looked at it and say, okay, that's great, but I don't know what that means. Okay, so I need to be comfortable to make sure that I'm not approving something that has a detrimental impact. And so that's why we're asking for this. We're not asking for this to be difficult. It's because it's what we're required to ask. So I'm just trying to use like an engineered

TC- I mean, that shows it calls out the sides of the spaces, and then it shows lines, are those lines where the pavement starts and stops? Are those just painted lines? Like there's no indication of what what that what that is? We don't know what's pavement, what's landscape. We don't even have a, you know, a landscape plan that shows what these these things are. I'm sorry, but this is, this is a major change to this site. And we'd like to see the specifics. And this is far, you know, fairly underdeveloped, as far as plan submission goes.

Roger Beckert- I think what we were trying to do was to get to 36 parking spaces to satisfy the

building, you know, the zoning codes, I'm getting a feeling that you might accept less parking spaces and more landscape.

TC- Jason commented that he might be I'm not convinced you need to do that. If I could see what landscape what could be landscape and what isn't. Because I just see a lot of wasted area here that from the plan that's here, I'm assuming it's all pavement, and it doesn't need to be you could get a lot of trees on this site and not have to reduce the parking. I

Roger Beckert- If you if you come in the driveway, if you look that area to the left, that is in front of all those parking spaces to the left hand side. That is a row of trees right right now as it currently exists, So we'll get it we'll get a landscape architect to do a landscape plan for the property then and that would be something that you would be interested in seeing?

TC- I not interested requiring requiring. Okay. That sounds fine. Thank you. Well, thank you. And so with that,

JW-case number six of 2021 600 Charlie street like to make a motion to continue to our next meeting on April 29.

Do we have a second? Mr. Second, all those in favor by roll call? Chairman beard? Yes. Tom? Yep. Jason. Yes. Okay. So this matter is continued to April 29 at 7pm.

DB-So with that, that concludes the the cases that we have on tonight. Thank you, everybody, for your patience.

DB-so we are adjourned at 10 now 10:19pm Thank you, everybody. And I look forward to seeing you guys on the 15th Thank you.