



**TOWN OF WINTHROP
OFFICE OF THE BOARD OF APPEALS**

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April 29, 2021, Meeting Minutes

Chairman Darren Baird opened the meeting 7:04pm for April 29, 2021. In attendance is Irene Dwyer, member Tom Chiudina, member Jason Wright, associate member Fred Gutierrez associate member, our clerk, Sharon Sicurella along with Laurisa Wojcik who is moderating, this is being recorded. I am going to call it first case in the evening, which is a continuance from our March hearing, case 006-2021 of 2021 Crystal Cove apartments Inc 600. Shirley Street. On this case is Chairman Baird, Tom Chiudina and Jason Wright.

Attorney Cipoletta addresses the Board. Three concerns at least that the Board requested us to address in a little more detail. And so, we did that. And I had forwarded some things to the clerk. One was a landscaping plan. The second is the stormwater plan that the Board had requested us to submit. I also forwarded the fire safety plan and certification by the registered fire safety engineer. The people who would be able to explain these updated submissions would be Eric Brandon AC from engineering Alliance, he's standing in for Rick Salvo, James Emanuel, who is the landscape architect can address the matter of the greenery that the board had asked us to provide. And I'm not sure whether the fire safety engineer is going to be on the zoom or he needs to be it's a stamped document that I would suspect that either Captain Wiley or chief Flanagan would want to take some authority over that and approve it or disapprove it. Additionally, I found in my file today that Roger has contracted with JRM hauling and recycling and has entered into a contract for removal three days a week. but it's a simple one-page contract for waste removal, three days per week. So, with the chair's permission, it's it would be your call as to who whom you would like to explain their parts. Eric from engineering Alliance will explain the stormwater.

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This is Eric from engineering Alliance Saugus MA 194 Central Street is the address to the office. So, this is a stormwater plan that was submitted. The address consists of the two existing buildings. The in the annex building, there is an existing paved surface area, there's an existing shed, and the site grade tends to pitch all stormwater in the current condition down to the closed drainage system in Shirley Street. So as part of the project, the parking expansion that you guys can see here, what we've done as far as stormwater goes, is we have implemented a new deep some hood and catch basin, a water quality manhole, a context TDs unit, that's the proposed TDs here, and then a subsurface infiltration facility. That's this box here. This system has been sized to capture all of the runoff from the new parking expansion area, and the size of the system. The system has been sized to accommodate and hold stormwater runoff for all storm events up to a 100-year storm event. So any runoff from this new parking area, in any storm event up to 100 year storm can be held in this in the volume provided in this subsurface system, the location of the system is was deliberately placed and if you can see me zooming in here, so there is an existing inground pool in this particular area here, what we did is placed this within the limits of the pool, to the maximum extent that we could, and the idea there is that basically the void space of the pool will now become the void space for the subsurface system. So what limits most of the excavation in that particular area, at least for the at least for the proposed stormwater system. Additionally, there will be some pervious pavers that will be added here along the building entrance. And these will capture some runoff from the higher area here that all pitches down in this direction. This has also been sized to hold and attenuate the area that drains to it. It's basically just this particular portion of the hillside here that pitches down here and into this pervious paver area. The remainder of the site, including the buildings will drain off site via surface flow as in the current condition. But the peak rates of runoff for all storm events has been reduced at the design point, which is the surely Street closed drainage system. As far as stormwater goes, I think that kind of covers it all.

Attorney Cipoletta spoke again. The other item that was requested to be updated and clarified was with regard to the possibility or probability of getting some greenery and doing some landscape design and have that installed as part of the project. James Emanuel, can explain the design that he has created and the reasons t

James Emmanuel addressed the Board. He did share his screen regarding the terms of greenery and plantings throughout the site. The landscape plan indicates here and they in the gray is the parking expansion. We've got the parking as we, as was shown on the civil plan all throughout these areas. What we're looking to do is maintain the greenery and the hedge that is existing, this is an aggravating hedge, but we will need to replace a few of these plants, which is shown on the plant list. But this is remaining as a green buffer, all along the property boundary adjacent to the adjacent property. These light green areas here indicate grass or turf areas. We're also using these areas for snow storage. So there's no shrubs or trees or plans per se on that. But that will be a green space to soften the pavement edge. And currently right now is the planting and the signage in the wall that's in this area here. That's being eliminated to allow for the new driveway, but it will be relocated. In this area. Here we have a composition of inkberry, little blue seven, these are all kind of native plants, coastal type plants that would be planted to come on this area. along the perimeter. There's an existing as you all recall, there's an existing white fence that runs along the perimeter. And we'll be able to save most of these shrubs. So these shrubs are all still healthy there. They consist of things like us, hydrangea, some rhododendrons, that pretty good size plants, I think we can manage to salvage most of them, I don't think they're going to be damaged; we still have a three- or four-foot planting strip that that's enough for them to survive. And then in the in between, I'm proposing that we plan in these kinds of gaps here, we will be planting some beach grasses found grasses to give it a little extra kind of coastal feel to it. These are all the existing shrubs that are in this corner. Again, hydrangeas, I think, Styria, hydrangea, Holly, so not that you need to know but there are a number of existing shrubs there. If you want to know the specifics of them, I think they were on the plan that you have before you, the lot gets a little bit closer to the fence line here, we can't really keep shrubs on this edge. So on this edge, we're going to instead put a climbing hydrangea cluster of three of those that will provide greenery along the fence there. And then we get a little more width here where we can keep some of the use and other varieties and the holly that will remain right there. This is the location where the dumpster is and that is enclosed by another fence and apparently have a paver access that can roll this out to be emptied and to be maintained. And there's an existing shed right there within this turf grass area. These are all the pavers that are currently on the site. And we would have planters at the back edge of these at these parking spaces. This allows us to have some, you know the feeling of some greenery there and a little bit of a buffer between the pedestrian circulation and the parking circulation as well too. These are all existing plants. That's going to remain it's pretty nice one is rhododendrons in this area this azaleas use this is where the existing air conditioning units are and we've got some greenery existing here. So along this stretch is

a very full existing buffer or planting of, of shrubbery that consists of well established plantings and then the fence is right behind it there. We're adding a patio here and then on the existing Paid space, we will be converting that into pavers as a sort of patio space for a unit on the side over here. So as we come around the corner, there are some existing azaleas here, we'll be adding some mount laurels, and then adding a few shrubs along this buffer along the property line on that edge there. So you can see the beige color is where the pavers are. And then the green color is where the shrubs are going to be. When we come over to the other side of the lot, there are a few shrubs that we're going to take out and then we're going to put some white fencing along this line right here just to create a patio space for this unit that walks out here. And then we've introduced some new plantings on this side, again, mostly native coastal type plantings, to create an edge on this property line right here, behind the unit, so that so that secures that and visually creates a little bit of greenery and green space on that edge. I think that's a good general summary, you have a Plant List of the proposed plants. And just keep in mind that the proposed Plant List is sort of a fraction of what the plantings are on the site. Because there are, I would say, the plant list is probably about 25% of what's going to be there and maybe even less 15% and 30% of the remainder 75% is the shrubs that we're going to be maintaining on the site that are already there. If you've walked through, you'll see that it's a fairly well planted area, particularly in and around the buildings and along the perimeter of the site. So that's, that's about it. I'm happy to answer any questions as they come up.

Chairman Baid- So with that, we will, we'll likely have some questions on stormwater management, as well as landscaping, but we'll, we'll get back to that when we have questions from the board. 600 Shirley Street is will open up to the public for questions. No public comments. Motion to close public comment by Jason, second by Tom. passed. It will now open it up to questions from the board.

Questions from Chairman Baird, Can you tell us what the what the relief that is requested is at this point from a variance perspective?

Per Attorney Cipoletta, in accordance with the zoning review letter that was prepared by the building department and the site plan review report that was issued on February 11 of this year, we are requesting a special permit to convert one preexisting non-conforming use to another non-conforming use to allow the conversion of the use of the current 35

room hotel, to an 18 unit condominium community, pursuant to Section 17 28.030. And a finding pursuant to general laws chapter 40. 06, that the requested relief would not be substantially more detrimental than the current existing non-conforming use.

Question asked by Irene Dwyer: And that that is on the landscaping plan we just looked at there's this is a third structure. There's number 17. on it. What is being done without

Per Chairman Baird, I think there's a I think in the middle of their site plan, there actually is a little notch in their property where there is a separate house, that is not part of the plan.

Tom Chiudina asked- In giving up a lot of impervious area. And I'm wondering why, why you can't have any trees, not preview, you've proposed a huge increase in pervious material. You still have some plentiful planting beds, why can't we get any trees?

James Emmanuel- we have areas that we wanted to designate as snow storage. So I think that was one of the main concerns in the in the areas that had been shown on the plan. I don't like to plant trees too close to the to the paved locations, especially when we already have existing established plants that have good, well established fibrous root systems. on Crystal Cove Ave trees, and that would be kind of near a retaining wall, which isn't great, either. I think maybe hillside Ave would be a location where we could possibly put a couple of trees in lieu of the evergreens. But we were really looking at that location to create an evergreen buffer to block out the parking lot from the public view. So that's kind of how the site plan played out with that.

Tom Chiudina asked you meet the parking requirements. I don't see a parking calculation anywhere, but I'm assuming I think I counted 36 spaces. Is that right?

Per Attorney Cipoletta. Yes, sir. That's correct. We had that scoped by both the building department and the site plan review committee. And they determined as we have opined

that we are required to have 36 parking spaces, which equates to two spaces per unit 18 units, and that gives us 36.

Jason Wright asked, Were there any handicapped spaces?

Attorney Cipoletta said I do believe there are handicap spaces because it's called out in the site plan review committee report as a requirement or a recommendation.

Tom Chiudina- The first comment was all designated units must be handicap accessible. And the parking area must be sufficient pitch and stripe to meet handicap access code. I'm not sure I understand what that says. Because when you read it, it sounds like they're saying that all units need to be handicap accessible. But I don't think that's what the code requires. But obviously, some do. And you'd be required to have parking, the appropriate parking, which also requires the appropriate loading area. So I would like to see where that's going. Because obviously, that loading area for a van, which is 36 spaces, you have to have at least two handicap parking spaces. One of which must be a van, that van loading areas is eight feet. So I'm not sure where that's going to go without eliminating parking. And that's only one you need and you need 2.

Per Attorney Cipoletta, -Mr. Chiudina, you're correct. In my memory, that there was a discussion about that. I'm not sure that that site plan review paragraph was written to it, I suppose it could have been written a little better. But I agree with your interpretation. To the extent that I mean, we have plenty of parking, and to require two spaces per condominium unit is probably overkill. If need be, we can eliminate a couple of those spaces, and then modify or amend our request to include a variance for perhaps two or four spaces. So that in an abundance of caution, we would be able to establish as many handicap spaces as are required, and perhaps still have confidently still have plenty of parking to accommodate the employee.

Tom Chiudina asked, Do you know which units are accessible? I'm sorry, are accessible?

Attorney Cipoletta wasn't aware. Andrew from Phoenix Architecture.

Andrew addressed the Board. So, to answer your question, there is no ADA accessible units required. We had code review done. And being at the unit count, it's that we do not need any. There is a handicap ramp up front though that's existing there that we will maintain. But we are not required.

Tom Chiudina So if you're relieved from having accessible units, I'm not sure the same is true for the parking. You make a parked on that? But since we don't have to consider what unit is accessible with regards to the parking and we just need to provide parking. accessible parking. Let me ask this -the space the area on the left side that says proposed pervious pavers. Is the elevation of those pavers the same as the pavement?

James Emmanuel. I can attest to that. Yeah, the elevation there is sufficient to meet the pitch for accessible parking. That is correct.

Tom Chiudina- All right, then I think Darren, I think we could condition that, the space that is sort of at the top of the row of parking that faces the front, I think that would work out and that that pervious paver area could act as a loading area for van accessible space. And I think we can condition the one across from that that is up at the corner also. And then that little triangular last space, there could be striped as a loading area, which doesn't have to be as large.

Chairman Baird, that works for me. Sure. Sure. The board feel compelled to approve this. I would be in favor of that. Not sure if you have anything else, Tom.

Tom Chiudina, we should be looking to try and get some trees.

Chairman Baird, Trees are always nice. I think given the amount of landscaping that this property has, and the additional landscaping, it will have been nice to have canopy. But the reality is, I think it's probably got enough green on it. And I think that the site's safe, pretty tight to try to put to try to land trees on this site, when it's trying to accomplish what it's trying to accomplish. the answer is maybe you shouldn't try to accomplish as much. But even with the existing structures. I think you'd have a hard time planting trees that wouldn't end up disrupting pavement and other improvements on the site over time. So thinking about the root systems and the viability, I think that for me, I'm not this one not having a canopy on this one or requiring trees in certain locations. I mean, it'd be great if, as they're developing this, if there's a opportunity to plant trees, we should encourage them to do that. But I don't think I would necessarily condition it on that. That's me,

The Board along with the architect reviewed the plans.

The architect- the biggest thing was we turn this into a laundry room, shared laundry instead of having stackable . They are preserving this existing lobby as it is. the first floor, each unit upfront can be accessed from the lobby. So unit one, as you can see right here, not one of the entrances are going into bedrooms So we're trying to preserve as many walls as possible, because that bathroom in Unit Two just looks ridiculous. Then that's kind of how they are. They are very tight. So in some of these existing bathrooms, we're just trying to preserve from a cost standpoint, and not shifting around too many walls and stuff like that. But they are on the tighter side. And if we were to do new construction, they wouldn't be this tight. But I'm just working with what we had.

Tom Chiudina- But I feel like this is a building code issue. That it's not really a zoning issue. It should be the one that that I guess determines if an existing bill of bathroom if the overall scope of the work, justifies or requires them to upgrade certain things like bathroom sizes, and you know, like it would for eat grass and natural light. And

Fred- I guess that's kind of where I'm going. I'm not I'm not intending to do that. I'm just kind of looking at it and kind of questions are popping up. And to me, it looks like a short-

term rental and I and that's what I don't think we want it to be. But it doesn't seem like these units are attractive as a condo for somebody.

Irene- I really don't like the way this is laid out. And I can see why you're doing it. But you want to use what you can as much as possible. But some of these layouts are awkward beyond belief.

Per Chairman Baird- I worry a little bit about sort of tripping into building code related issues or dictating layout. I did have one question, though Attorney Cipoletta and that has to do with the parking field. And I don't know if there's a plan that shows the updated parking field itself and, in this plan, set, but this is saying this is residence a zoning. And I think we're creating some new parking spaces, correct? along the southeast corner of the property with a swimming pool is going to no longer be there. Those are those new spaces.

Per Attorney Cipoletta Yes, Mr. Chairman,

Chairman Baird, Those are both front yards, right in front yards in a residential district parking in a front yard is not permitted. And so, the question is, do we need to grant a variance there? And I would suspect we do, to allow those parking spaces to reside there. It's just that one corner where you may need additional relief.

Tom Chiudina- my issue that there is so much additional parking and pavement being added to this. And I don't think I don't feel enough has been done from a landscaping point of view. I mean, there are plenty of street trees that are planted all over town. and I'm not sure that you couldn't make that a little wider. I mean, those spaces that are along surely Street, the back of those spaces are further south than the storage area, you know, the planting bed on the right side there, so that you could even increase that landscaping bed.

Attorney Cipoletta said That sounds that sounds reasonable to reduce the size of the spaces because more and more especially when you have people I would assume who are buying sort of units might have smaller cars. But I, I don't see any harm in doing that if you can get some screening or greenery along the back of those spaces. Also given the prohibition of front yard parking, if the chair and the members of the Board of Appeals would be amenable to entertaining a motion to amend our application to include a variance for front yard parking. I would make that that motion.

Fred asked if they Are they all mechanically separated?

Tom Chiudina- Yeah, I guess, Fred, I understand what you're saying. I'm sorry. I just it just seems I agree.

Fred-I'm going towards the to the to the detriment to the hardship, and I'm feeling like that.

Tom-Well, it's a special permit and not the same hardship. But I think what Darren said earlier that it's the applicants issue as far as the viability I don't necessarily agree with that. And I am kind of in between the two of you, I guess, because we can say, well, that's his prerogative, but then it doesn't work. And they're back in front of us looking to, you know, for another trip, special permit to transpose it into something else. it's just because maybe we didn't do enough, you know, due diligence as far as looking at the viability of this. But I would tend to want the applicant to address that, as far as the unit's go, and he's going to be separated mechanically. Electrical utilities, nothing's really shown here. I mean, from what I can see, there's looks like there's a single a single service coming into this building serving this building. So is there now going to be a whole Bank of, you know, but 18 electrical meters on the side of that, on the side of that building? How many more condensers are going to be you know, spread around this building?

Roger Beckert spoke to the Board. He is the owner of the property. He wanted to respond to a couple of the concerns of the board. The first one about the utilities, there

will not be no additional gas or electric meters on the building, there is going to be common electric and gas for the units and that will be paid for by the condominium Association. The other issue I'd like to deal with is the desirability of the units. I've had the property As you may be aware of for 23 years, and in the past probably 10 years, I've spent several million dollars upgrading the property, the interior detail is of the highest quality. We've kept the lobby, because it has a beautiful feel and a beautiful view of the harbor. All the units have bathrooms that have Restoration Hardware, fixtures, tile, granite, everything is done in that building to the highest standards. So I believe that they will be very marketable and there will be no financial issues or distressed issues where I have to come back to you and ask for anything other than what I'm asking for now. Any conditions that you put on this, and I thought the idea of having the front parking spaces as compact and adding additional landscaping was a fabulous idea. We'd be more than willing to do that. The only concern about planting high trees would be that we wouldn't be blocking The views from the front of the building of the harbor, which is obviously a very big selling feature, and a very pleasant thing for the residents to have, we have several Japanese style low trees on the property now. And if you know the property is very well landscaped, but more than amenable to landscaping additionally, along the front with compact parking spaces, so I would appreciate you to understand that the quality of this is going to be of the highest quality, if you just notice the building from the outside, the porches with the glass and the finish and the lighting at night. If everything has been done, they're really to the highest standards. And it's my vision that these condominiums would be very desirable. You know, I've spent 23 years of my life running this business. And it's a sad thing that I cannot continue to run it. But over the last 17 months, due to COVID, we have had massive losses every single month for 17 months. So it's really a hardship to continue this business. But I rest assured you that everything will be done to the highest standards and the highest quality. And any conditions that you put on this project will be adhere to. Thank you for listening to me. Thank you.

Chairman Baird is open to entertaining any motion that someone wants to put forth. Whether it's a motion to vote, continue. One thing from a procedure perspective, we have a special permit request in front of us, which is a request under 1728 34. The change in a non-conforming use from one non-conforming use to the other. So if we were to vote would be whether or not we feel like that is a change. That is not substantially more detrimental to the neighborhood from a public health safety or welfare perspective than what's there today. And, you know, that would also be a finding under Mass General laws chapter 40, a section six, for a change in non-conforming use, I guess the other thing

would be we'd have to take up the motion for the request of the applicant to amend its petition to add a request for a variance based on the parking and seeking a variance for the new parking that's being constructed within the 15 foot front yard setback. so that would be one variance that we put out that that would have to be requested. And then you know, from a standpoint of stall dimensions if we do want to condition the decision if this was where people were on the requirement of compact car spaces. And I think we probably must do a variance as it relates to the stall length and width potentially of those spaces. And then request that the applicant, you know, plant trees, and give us provide us with an updated planting plan file an updated planting plan and an updated parking plan prior to pulling a building permit. Not that we must vote on it, but so that we can see what you know it's in our file was submitted to the building department. So there are some housekeeping things around that. If there's some cleanup things that I think that if someone were to make offer a dispositive motion this evening, it would have to address both the special permit and the variance requests. So that's just trying to frame the issue because there was a lot there.

Jason Wright stated Mr. Chairman, I'm ready to vote if Tom wants to make the motion. I'm hoping he's writing that down.

Tom Chiudina, I just wanted to Check to make sure that that front yard that you're referring to that for all parking in residential, or is it just one and two family?

Chairman Baird= We have one or two family uses. And we have residential districts. So I think if you're worried about finance ability, that given the way that our ordinance reads that in one and two family districts, which again, we don't have we have residents, a B, C, D, residents, A, B and C districts that parking and motor vehicles is prohibited in the front yard except in the driveway. I think it is better form to grant that variance if you're if you're going to grant the relief. So it is complete

Tom Chiudina, I'm not quite sure we are ready to vote? We haven't touched on I don't think everything. I guess something else I'm thinking of is lighting. You've got a parking lot. That's 36 cars. A huge space surrounded by residential area. There's no lighting plan.

Irene- but lighting is going to depending on what you're doing is going to draw the neighborhood back in because depending on how high and how bright and the hours and all that I think people are entitled to some more comment on that.

Tom- I guess I'd say we should first ask the applicant. What's your plan for lighting? Are you going to be adding lighting is there lighting, you know, that it goes to the completeness of the application or lack thereof? The zoning says abutting properties in residential districts shall be protected from adverse impacts of nonresidential or multifamily developments. as follows, and there's, you know, a list of criteria here. So, you know, what are they proposing is if nothing, then let it you know, then say nothing. I mean, this is not indicated anywhere.

Roger Beckert stated That's a very good point. But um, as you as you, if you've driven by the building at night, all the porches have very LED lighting, I think they'll be minimal lighting in the parking lot. And if you would like to put any conditions on that the strictest conditions that you would like to put, we want to do it very attractive, we don't want to disturb the neighborhood. We don't want lighting that will bother anybody's view of the evening stars, we can have it very low, facing directly down.

Tom- i don't want to make it conditional on so many things that that we don't know what the outcome is going to be. So if anything, I would say we condition it that there's not going to be any additional lighting added. And if there is you'd need to come back with a lighting plan and have that approved.

Tom Chiudina started a motion: matter of 06 2021 600Shirley Street, the Inn at Crystal Cove, I would like to move that the Board grant the special permit to change the existing non-conforming use to another non-conforming use by special permit that the board find that the change does not worse than the neighborhood or negatively impact the neighborhood does not derogate the intent of the zoning bylaws and that we do so with the following conditions. The revised parking plan be submitted showing the five spaces along the Crystal Cove street be reduced to compact size and additional landscaped area

be widened that the two spaces that We indicated earlier be designated as handicap spaces that there is no additional lighting, parking lot lighting being added without coming back for additional request.

Chairman Baird- The first motion should be to amend the petition to allow for a variance. Okay, then. All right, then so.

Tom Chiudina-So move that the first condition be that the approval be amended in a variance granted to allow for the parking in a front yard in residential district.

Chairman Baird= we said that a number of those would be compact as well. And we're going to show that on the parking plan. But I think it to the extent we need a variance to reduce those stall widths to have to become compact spaces. Seeing if that's something we need to do or not. I'm saying that the relief should be that we give relief for that from that stalled depth requirement in order to allow it to require them to create compact spaces on those whatever three or four spaces that are along. Crystal Cove have got so move the five spaces that are along Crystal Cove . So I would just make a motion to amend the motion before we vote on the motion.

Chairman Baird- But the amendment I made that offer is that the variances are pursuant to findings consistent that the board will make consistent with 40 a section 10 of the general laws that do the soil shape topography of the lot. That the given the topography of the lot. The fact that it is a bunch streets on three sides and has a notch net resulting from an intervening house lot coupled with the fact that it's sort of panhandle shaped as it reaches its westerly end wet northwesterly end is sufficient from a from a shape perspective to create hardships on the property that would make the literal enforcement of the zoning provisions a substantial hardship. Upon the applicant, thereby allowing us to grant variance because it's not substantially more detrimental to the public safety, health and welfare of the community than what is there today, or what would otherwise be allowed by zoning. That's one two, that, you know, the condition be added that material consistency with the plans is requiring for any change that is material or substantial to the plans, that the applicant has to come back to this board before approval before making those changes either in a building permit or during construction. So that is the only

changes I would make to the motion. I'm not sure with that motion to amend if there's a second to that motion.

Jason Wright second the motion. Yes. Tom. Yes. And Jason. Yes. Okay, so that's as the amendment as to the motion as amended, offered by Mr. Medina. Do I have a second? Mr. Wright. Second, all those in favor of granting the relief as suggested as put forth in Tom Mr. TuneIn, his motion, as amended. By roll call, Chairman Baird. Yes, Tom? Yes, Jason. Yes. Okay.

Chairman Baird spoke saying relief has been granted for a special permit for a change in a non-conforming use as well as variances for parking within a front yard along Shirley Street and Crystal Cove Ave and for the reduction in space side of the spaces along Crystal Cove Ave for parking stall width and depth to allow for compact spaces and plantings.

Moving onto the next case 007 of 2021. This is 132 Highland Avenue, which continued from our March Meeting. on this was myself, Fred Gutierrez And Irene Dwyer.

Attorney Cipoletta spoke, In March, we addressed the matter of the vacant lot at that address, and the Board suggested, and rightfully so and requested that the owner of the property Whose house is adjacent to this lot, he owner lives adjacent to this lot. And that were we to reduce the, the setbacks for the existing home adjacent to that lot that the board would need to see a plan and would also need to grant relief to the improved lot. We filed an application seeking relief from the dimensional regulations. Somewhere the legal advertising apparently in the transcript didn't happen. But I do think that the clerk has forwarded that application to the board for at least discussion or for review. And that would be the application of Deanna Diruzza-Priest with respect to the improved lot. So we do recognize that there is a defect in the with a transcript of legal ad. So I would leave it to the board. To decide whether the board wanted to discuss it. And by the way, I, I recall that the board said that this, these two applications would be consolidated and taken as one because they seem to be a single project.

Chairman Baird- so just before we so I think we have a jurisdictional issue, Attorney Cipoletta with opening this case tonight if it wasn't properly advertised. And I just I don't think we can, as a jurisdictional matter, I just don't think we can open it and start the proceedings on it. I think it has to be advertised in the transcript with the appropriate 14 days prior notice to the hearing, so that we can open it consolidate and then vote on the two cases,

Attorney Cipoletta that's correct. And my suggestion that I threw to the board was whether or not it made sense to talk further about 007. If the consolidated companion case was not before it, I think it probably don't think I don't think so. Because I think that the companion case is a condition precedent to granting relief on the K double Oh, seven, at least, that's my procedural feeling on it.

Chairman Baird- I would entertain any other thoughts from sitting board members on this but would be that we would continue this as much as I don't want to continue it, continue it, so that we can so that defect in the notice can be cured. And then we can hear them together because we really do have to hear them together in order to give you the relief on this one, because of the merger issue. What was the nature of the defect?

Attorney Cipoletta, I'm not quite sure, Mr. Chairman. So I think, I mean, some sometimes these things fall through the cracks. And sometimes the, the newspaper doesn't pick up the fax or the email or whatever. But I was notified by your clerk, that when all of the advertising appeared on the first go around that, that advertising, the advertising for that particular project was not included. I looked at some potential options there with advertising and perhaps the Lynn item on one week and the transcript on the other. But the arithmetic two just didn't add up to satisfy 48. So again, to avoid a procedural defect here. I think we should carry them both to next month.

Chairman Baird, Well, I appreciate your understanding on that one. It's unfortunate when these things happen, but I think that what our next hearing is May So I would entertain a motion from either as to a continuance of case number 007 of 2021 132 Highland Avenue to our hearing on May 27 2021. At 7pm. I have a motion. So move second. Irene was at a second. Thank you. All right. So all in favor of continuing this matter 007 of 2021 132

Highland Avenue. May 27 2021 at 7pm. All those in favor by roll call. Chairman Baird. Yes, Fred. Yes. And Irene, yes. Okay. Thank you. All right. So that brings us to our last of the continued cases, which is 005 2021 55. Bank St. Patrick Butler Stetson realty LLC. On this was Irene Dwyer as chair, Tom Chiudina and Jason Wright. I will vacate the chair and hand it over to Irene for this matter.

Irene Dwyer- if I recall correctly, we left it at the mid month meeting, that we wanted to see the corrected survey because one of the plot plants showed an incorrect measurement at the southeast corner. But that is it's 1.1 and a half feet. And it's actually Ten. So in the meantime, you have sent us the updated survey, photographs and an explanation of some of the things that were spoken about. the only thing left to be done is to vote on this one. The relief requested is to permit the extension of a non-conforming use in that the lot itself is measured by the laptop as measured by the pre 1955 dimensions. But the owner wishes to add a second story to this building, following a fire.

Attorney Cipoletta, I'm not sure whether I included this in my memorandum that I forwarded to the board. But there seem to have been some haziness during the last hearing as to whether or not this house was going to be completely raised and rebuilt. And it is not, the roof is going to be taken off and the second story proposed to be placed upon the existing structure. I know there was some discussion around moving the house in one direction or another. But this house is not proposed to be moved. It's just proposed to be built on to add the second story. And I think there was one picture that's very telling that Pat Butler went down and took in that does show in conformity with the amended plan, that it is not 1.5 feet or ever what the first incorrect survey said. It's exactly 10 and maybe a little more. There's a little bulkhead or something that's built toward, the rear of the photograph, that's coming out. So I don't want there to be any confusion as to that being in the setback. It was a bulkhead that's going to be removed. So the footprint of the actual residence as it is on the lot is the footprint that is proposed to remain. Thank you Madam Chair.

Procedural question there was an issue about minor was actually a factual issue or just simply a part of it. One of the public points was that someone was objecting as in the butter and yet when you look at the completed survey, that is what we'll see like an easement. You'll get the corrected survey. There's a thing that says 71 banks And it about

a sidewalk wide line to the rear of 55 Bank Street. Meaning that whatever that stands for it's not a lot, a separate lot, nor does it appear to lead to a separate law. So have we dispensed with the abutter issue?

Attorney Cipoletta, I believe we have, I think, in the memorandum we address that there wasn't a butter, who owns the property at 50 -52 Wilshire Street, it's a two-family house. And we show that on the GIS map. And that is not in the abutter immediately adjacent to the south, that the abutter to the south is a gray house. And that individual did not object. So I wanted it to be clear that this house on Wilshire is about three houses up from the corner. At least two maybe three.

Irene-Yeah, so I'm looking at that page, it is page nine of the various plans. And like I said that as the 55 banks turns the corner, there's this as they say, sidewalk sized looks like an easement that says 72 Bank Street.

Attorney Cipoletta- I know, Madam Chair, that there is an easement there for water infrastructure.

Irene- For I don't think you can see we've seen that line. it's not important. I just want to make sure that I was seeing the right that what I was seeing was correct. It's not part of your property doesn't seem to actually be our slot. Okay. the only relief requested is to permit a further non-conforming, use non-conforming element to an existing non-conforming use to an addition of a second floor consistent with the plans that have been filed with the application. Is there anything else?

Attorney Cipoletta, Well, if I may suggest that we may consider that the request is to enlarge or expand a preexisting non-conforming structure as opposed to the use.

Jason= there was an issue with or originally there was a request for our side yard variance and then that turned into our very request for a rear yard variance. But for the record that neither of those are being asked for at this time, correct?

Attorney Cipoletta, that's correct. Because when we're not going to increase the setback, or in, encroach any further into that setback, that that is the preexisting non-conforming structure element of it. And one thing too, and I mentioned to Mr. Baird, and the members who were sitting on I believe the first the Crystal Cove matter where we have this corner lot. And I think we addressed it in the memorandum. So if this were a side yard, then we would not need to do anything because that side yard would be 10 feet in accordance with our zoning ordinance. So if we declared that side of the house as the front than that rear yard, that is creating the little glitch in the plan would not be necessary. We would not be asking for a variance. It's just the way that the house is oriented. And it's not unusual, but it's a little different because it is a corner lot.

Jason has one question is that the mini cul de sac in the front, I assume that's being removed and then the two tandem spots on the side of the lot will replace that.

Attorney Cipoletta, It appears so Yes, we have. We have four spots on the side there and they're going to take it so tight getting in and out of there. I drove over, though. So I think that's going to be amended as well. So that's where the parking is going to go in the cul de sac. it's an element. I don't know what they're going to do with it. But it looks like on the plan that it's going to be modified in some way to accommodate the parking. Thank you, Tom. Anything?

Tom Chiudina=Yeah, I just wanted to confirm the easement is that an easement that's in the front yard?

Attorney Cipoletta, Yes, that Mr. Chiudina, that is an easement by the water authority. And that is particular to most of the lots on Bank Street. And also one part of our upon I think Fairview has that easement as well. And that, I don't know when that easement was

established, but there's no plan to do any further building over it. But that that is an existing easement and it is active.

Irene- It's just for the record, it's not the water authority. It's not the modern one. It's a Metropolitan Water and Sewer District, which is hasn't had that title for quite a while. And I see what you're pointing to Tom, there is a little piece of the house that's built in, you know, corner of it that comes over that easement. And it's been there for how many years?

Attorney Cipoletta answered -I think it was 1954 was the date of construction.

Tom Chiudina- I guess I want to point out to I guess the board the public we did we did receive I think another letter from a neighbor objecting to this. And I know public comment is closed, but I didn't I personally I read it. And I did want to kind of address the fact that this lot is large enough to be a two-family house or to put a two-family structure on it by right. So they're not asking for a special conditions to put a two family structure on it. They're allowed to do that by right. The issue is that the existing they want to put it where the existing structure is, which isn't non-conforming, because of its the setback. And they want to extend that non-conforming setback. If that is with the easement going through the front. This is the to me that the classic example of what a hardship is they can't move the structure any further to conform to the setback, because there is a variance and municipality variance that runs through their property.

Irene Dwyer- I thank you for reminding us about the additional letter and as you say, although it's common this close this for generally accepts letters, but this basically the only objections I can read it is that the house going from a one family to a two family. Almost all the houses on the street are two family well, half of them at least. And as Mr. Chiudina pointed out that the amount of square footage they have even under monitoring something they could put in, they can put into family. So we have to we have to address legality of that. Do you gentlemen like to make a motion about the relief requested in this case, which is what's our docket number? Sir, I'm looking around number 005 of 2021.

Jason Wright to make a motion-Yes, happy to make a motion. case number 005-2021 55 Bank Street would like to make a motion to approve variance from section 1728 030 to allow for the large amount of the extension of non-conforming use of the structure. Conditions are such that the application of the provisions of the zoning code would deprive the applicant of reasonable use of the land due in large part to the as Tom mentioned, the variance the rents for the front of the yard as well as the abnormal shape of the lot itself. granting of the variance will not be detrimental to the neighborhood due in large part that the two-family home will Remain or be built on the existing foundation in place now, furthermore adequate parking will be provided for. And a two family can in essence be built as of right due to the large shape of the lot as shown on said plans submitted with the application Tom , Second. All in favor? roll call. Irene. Yes. Jason. Yes. And Tom. Yes.

Chairman Baird to discuss matter 011-2021 John Bvartkow 43 Triton Avenue. This is a request for the renewal of an air b&b. Sitting on this will be Chairman Baird, Irene Dwyer and Jason Wright. Is the applicant present?

John Bvartkow- addressed the Board to present his property for an air B&B Its nice resource or backup for me for financially, which has been great. So I'm just here in front of you again, it's two years looking for annual I'm hoping I can do that. And I continue doing what we really love doing.

Chairman Baird open it up to comments from the questions from the public, because he's a public hearing. So with that, are there any individuals that would like to be heard on this matter? 43 Trinton Avenue extension of a bed and breakfast slash transient lodging license? I don't I can't see any. There's no hands right now. Thank you. So I'm second call for 43 Triton Avenue. Seeing no hands third and final 43 Triton Avenue. I'm seeing no hands. I will take a motion from either Irene or Jason to close public comment. Motion to close public comment. You have a second. Seconded by Irene. All those in favor of closing public comment by roll call. There. Yes. Irene. Jason Yes. Yes, this habit so public comment is closed. Any questions from the board? Darren asked if we have an inspection sign off from both fire and inspectional services. We do.

Chairman Baird, Okay, so we have both inspection and fire. I don't have any further questions. If there are no other questions from the board, I'll entertain a motion to approve the extension of the bed and breakfast transient lodging license. so move by Irene. Do I have a second? Second by Jason, all those in favor by roll call. Chairman Baird. Yes. Irene? Yes. Jason? Yes. All right. . You have been extended, we will vote we will issue a decision. You know, same drill as last time. And good luck. Thank you so much. Alright, so with that. Moving on, we're going to move to matter number 012- 2021 Lloyd Thompson 614. Shirley St. looks like a request for a variance from side yard setbacks. Sitting on this Chairman Baird,, Tom Chiudina and Irene Dwyer.

Attorney Cipoletta addressed the Board-Thank you, Mr. Chairman and members of the Board of Appeals. This is a request by Rachel and Lloyd Thompson, who live at the corner of Shirley Street and Crystal Cove Avenue. And what they would like to do is to build a deck along the Crystal Cove revenue side of the home, the deck proposed is 10 by 35. And that would put them two feet into the side yard setback. So the this the request, the relief requested is for a two foot variance from the provisions requiring 10 feet for a side yard setback on the Crystal Cove Avenue side, the deck obviously is going to be just one level he's not going up. He's just coming out to use that as family space. And sitting area two, if you know the property I'm sure you do looks out to the harbor over winter proper into the Boston skyline. And it's just a family use area. It won't encroach on anybody's peace and quiet. it's probably it's placed at the most innocuous location on the lot. Whereas those that intersection is I guess across the street is the Crystal Cove in so there's real there's really not much there to interfere with. And the request is fairly minimal. And I see that Rachel and Lloyd have signed in. So with that, Mr. Chairman, we just ask that the Board grant the side yard setback relief as having met all of the requirements preceding to the grant of a variance under both our zoning ordinance and chapter 48

Chairman Baird so with that I will open it to questions or comments from members of the public. So if anyone would like to be heard on this matter 614 Shirley street please raise your hand and be recognized for the record. No hands were raised, so I would take a motion from either Mr. Chiudina to close public comment. So moved. Okay, moved by Mr. Chiudina can have a second Irene . Okay. With that roll call to close public comment. Yes, Tom? Yes. Yes. Okay. So with public comment closed any questions from members of the board?

Tom asked - I would like to know how high this deck is off the ground. And what the railing and construction is going to be.

Lloyd Thompson addressed the Board- so it's literally off my first floor. So height off the ground would be about 36 inches. It's not a very high. As for finished materials, everything is going to be done in either a Zack, PVC, cellulose. There's not going to be any like pressure treated green deck. We're still finalizing exactly what the rails are going to look like something that you can see through but still promote some privacy when we're sitting having dinner out there. The rail height will be I think it has to be 40 inches.

Irene Dwyer- Yeah, my question is, do you have to come quite so far out to the court? It sounds when you first want to pick this up, you know, a two-foot variance in one section, the rest of its compliant. But when you look at this from the aerial concept and the rest of the lot this that, no, it's not part of this application, but that you were like one foot from the neighboring property at the rear. And you're pretty much taking up three quarters of what little bit of yard is left? I mean I don't think we have many restrictions on the size of decks. So it although it's they keep coming up, they keep coming up larger and larger. Which should make sense? I mean, it's a beautiful location. But could you are you open to maybe pushing it back a little bit at the front so that you don't even need this variance?

Lloyd Thompson- All right, well, so looking at it from a from a practical use point of view, it's the whole reason that I went for the two extra fee is after meeting with some construction guys, if you put a standard table and two chairs on either side of it to try to have people sit down and have a meal out there. In addition to having a barbecue and other stuff, they were telling me that I need 12 feet in order to make that happen. We shrunk that down to 10 just to try it out. Okay, I don't want to go out quite that far, you know, 10 feet seems kind of reasonable, it'd be big enough that we can put minimal furniture out there, you know, a table so we can sit out there and eat and still be able to look at the Boston skyline.

Irene Dwyer- It my thing was not the 10 feet. It's the coming all the way the 38 or whatever it is feet right up to the corner of the house. Because you're already you know, pretty much covering the property. I just wonder if you are open to pulling back that area where you're looking for the two feet, just a couple of feet. if that's compatible with your entrance and exit from the house.

Lloyd Thompson- to answer your question, the front door of the house is almost all the way to the front of the house. So by wrapping the deck into it, it saves us from building a separate set of stairs and an entrance right at the end of the deck, which would in turn, be the exact same thing. That's where the stairs were before.

Chairman Baird- Attorney Cipoletta. setbacks?

Attorney Cipoletta responded with So the required setback from the street line is 15 feet, not 10. That would be from the front. You have at least one front yard. So right you have to pick which one it is right. And so I think he picked the Shirley street is the front yard.

Chairman Baird Okay, so Shirley street is the front yard. This decks it's 10 feet off Shirley Street., that that sidewalk is within the public layout of Shirley Street. So I mean, that would be an additional variance, we'd have to grant now. I'm not saying that. I wouldn't do it. But I mean, I think that you're then having you're sort of reducing that setback by a third. That sort of to me militates pushing that back a little bit at that at the front of the house, you know, sort of front to back. Then the other question I have is, so is just Are you are you're not that nine foot contour. One, I assume that is the floodplain. You're outside of. You're outside of a floodplain here, right? Yes. Okay. ASo I guess the question is, would you be willing to consider pulling back that front yard incursion along Shirley Street to comply with that front yard? Or are you would be you'd be requesting a variance for all or some of that five feet?

Attorney Cipoletta, It looks like, Mr. Chairman, that the deck would be 10 feet back on the front. But the existing house at some, including the stairs looks to be somewhat less.

Chairman Baird, No, I agree that they're less than 10 feet, the existing line of the building but an extension with a new portion of a structure it isn't encouraging in that front yard would require a variance because it would be an extension. It would be a new incursion, and a new violation. Not like a going vertical on the same wall plane, you're going horizontal.

Attorney Cipoletta I think from what Lloyd said he would be requesting a variance from the front. off of Shirley street by five feet.

Irene Dwyer- But he's so the five feet is to cover the difference between 10 and 15. I am. Yes, that's correct.

Chairman Baird- the original request Irene was for two feet along Crystal Cove Ave from the side yard setback of 10. And then on Shirley Street. It's an additional request for five feet from the 15 foot requirement bringing it down to 10. So that's the request before us.

Tom- I have one last question. The existing stairs are those going to be used for this deck and those staying?

Lloyd Thompson- those stairs are now gone. we put up a nice retaining wall all the way around, we made it look really pretty and we backfill with the stairs, I did come out for that. We haven't replaced them because that's where we want the deck to go all the way to so you'll exit that front door onto the deck and then come down off of the stairs off of the deck at the driveway

Irene made a motion to grant the relief requested in case number 012 - 2021 614 Shirley Street a variance from the provisions of Section 17 point 16.030 side yard setback noting

Chairman Baird- We should continue with this motion with the next thing in his motion would be to accept the applicant applicants request for a front yard setback from Shirley street reduce the under the same provision of the ordinance 17 .16.030 of a five foot variance from the front yard requirement and then do the finding under 40 A. So if you want to just accept that and go to the finding that's fine.

Irene Dwyer- That response to the applicants original requests for two foot variance of side yard setback. We accept the applicants request to extend that to five feet. Due to the fact that the front of 614 Shirley Street in an RA district requires a 15 foot setback rather than 10. And the relief requested therefore needs to be five feet finding under Section 40A given the narrow land available at this site, the sloping nature of the property and the at that corner. And the fact that this the property is a corner lot that there will not be any detriment to the neighborhood allowed occasioned by allowing this variance.

Chairman Baird= The only addition I would make to that is that there that we add a condition. So this would be an amendment to that motion. It will if people accepted that the materials will be as represented in this evening's hearing and if there will be no sort of visible pressure treated on a deck. So someone's willing to accept that amendment. I'll move that amendment to the motion.

Tom-, Second Amendment.

Chairman Baird All right. So as seconded, do we have approval of the amendment to Irene's motion? By roll call? Yes, Tom. Yes. Yes. Okay. So as amended Irene's motion stands. Do I have a second Tom on Irene's motion as amended? Yes. I'll second. All right. So all those in favor by Roll Call of motion as amended. Chairman Baird, yes. Tom. Yes, Irene. Yes.

Chairman Baird that the variance has been granted. Attorney Cipoletta and I assume standard operating procedure you will give us a draft decision.

Chairman Baird- The next matter is number 13- 2021 51 Sargeant Street. This looks like it is a request for a variance as it relates to minimum setbacks for a swimming pool approval, from the minimum rear setback of 10 feet for a swimming pool.

Sitting on this one will be Chairman Baird. Jason Wright, and Tom Chiudina.

Mr. Piazza addressed the Board -Pretty simple request we have here we have the request just to have the setback, we were going to put an inground pool in the yard. And obviously, there's a 10 foot requirement that we have, we just wanted to cut that in half and have a five foot variance from the back of the lot so that we can put the pool and have all the requirements that we need in order to install the pool.

Chairman Baird- I will do is now open it up to questions from the public or comments from the public. Okay, so I'll call it again questions from the public on 51 Sargent street request for a variance from the rear yard setback for a pool re at setback. Second Call Seeing a hand from a neighbor.

I'm Pam Troyer. I'm neighbor 55. Sargeant Street. I think the pool is unreasonably long, we have not been able to reach an agreement to the location of the property lines between 51 and 55 Sargeant Street and I've been trying to work this out with them they are currently on my property. The third point I don't give under any circumstances and senate agreement to let them use any portion of my land between the two houses for construction and or maintenance of the pool or the parking and loading or unloading of cars. We only have approximate less than seven feet between the houses and for them to access the backyard they would have to come across my property in order for construction to occur on their lands land surveyor never presented the raw data to my surveyor to work out the property lines. So at this point in time, I'm oppose.

Chairman called a motion to close public comment. Tom Moved to have a second. Second by Jason. All those in favor of closing the public comment by roll call. Yes, Jason. Yes, Tom? Yes. Okay. So public comment is closed. So questions from the board.

Mr. Piazza- addressed the comment from the abutter. there's nobody on our land. That's my property that she is discussing. We've had the land surveyed. The property line has been here since 1901. We have proof that it's our land has been surveyed multiple times. It's my land and she's actually talking about it. But she has it under the impression that she thinks that that the land belongs to her for some reasons. You know, its a 12 inch distance between her property line and my property line that she thinks that she owns. She doesn't. Her surveyor came out and just basically couldn't add. We're all in agreement that we have 48 feet of frontage and the measurement that she has, when she comes on to it is actually 49 feet is up. Yeah, 49 feet so the measurement wrong. There's just something that was she was told and she's just going by that it's my property. You can see the property lines that are there. Everything that's there is in accordance to where it's supposed to be.

Jason Wright-Yeah, the last line in the rare looks like it kind of cuts out an angle. The furthest point from that pool is at about looks like a maybe about 10 feet, give or take, is that correct? I guess what I'm asking is, if the line itself didn't cut at such an angle, would you even need a variance for railyard?

Mr. Piazza- We were told that we didn't need the various because we have to come off what we want is the five feet. So we were told that we need the variance. Or do you mean do what we needed in order to put the pool in or Yeah, in order for us to have the actual walkway around that?

Tom Chiudina- this to me, I thought was a slam dunk. It's not a variance to special permit. it's cutting it from five down to five feet. And that is only at that point. At the rear. It's not at the side. For the for the sake of the neighbor. I can understand her concern. But the deed says his property is 48 feet wide, is putting in a 28 foot pool that allows him 10 feet on either end. So, it's he's not looking for any side relief. He meets the zoning. As far as side relief goes, it's the rear that he's looking for. And I don't see an issue why we wouldn't grant this based on the applicants submission. So Darrin, I guess, do we have any issue because of the claim that the property or is that for her? You know, is that that that the

neighbors responsibility to work that out? Any claims that's not accurate? or property extends?

Chairman Baird , one question, the only question I had about and it's I don't, it's not, I don't think it's truly dispositive. So can you guys see the plan? I guess we have a survey plot plan as part of the record that's consistent with the lot lines described in the petitioners deed.

Tom=We don't have a certified plot plan. We have a plot plan. no stamp on it. So I mean, I'd be happy to make a motion that's conditional that, you know, they stamped land surveyors plan is submitted to confirm that it is what it is.

Chairman Baird- And I would that motion, I would accept that motion and vote on it.

Mr. Piazza- We also have the reason for the pool, to be honest is so we're two sisters that own the house. We've lived together for the last 20 years, the last four years here and Winthrop in the pool is mostly for my niece who's autistic. it's something for her activities, that she's really more like a homebody to stay home. So it's more for activity for her and for her exercise and for her development and our kids to her. Well, it's more for me, it's for the kids. Don't get me wrong, but it's more for her, not to her.

Chairman Baird I understood that we and we did see as part of the record the letter from the pediatrician, so we you know, we have that in the record as well. So, with that, do we have a motion either Mr. Chiudina or Mr. Wright on this matter?

Tom-Yes, Mr. Chairman, I will make a motion with regards to case number 013-2021 that the applicant at 51 Sargeant Street be granted the special permit to reduce the rear yard setback to construct an inground pool to the allowed half the 10 foot distance that being five feet that due to the shape of the property and the positions existing house, that the

relief is necessary for the construction of the pool, and that it does not harm or negate the intent of the zoning or character the neighborhood.

Chairman Baird Okay, Do I have a second on the motion? Jason Second on the motion. Okay. All those in favor of the motion is made by roll call. Chairman Baird. Yes, Tom? Yes. Jason. Yes. All right, the yeses, have it we will issue a decision.

Chairman Baird We have case number 014-2021 which is 57 Loring road a special permit requests and this is the applicant is J David Cantu, sitting on this is Chairman Baird, Irene Dwyer, and Tom Chiudina

J David Cantu and his wife addressed the Board. we're looking to add a two story like roughly nine foot addition to a side setback on the left side of our house, the main function will be for family use, but specifically, our house currently doesn't have a bathroom on the first floor. So that's one of the primary functions of it, there will be a side entrance from the back of our driveway that will walk into a mudroom, a powder room and it will kind of connect to our existing sunroom. And as I mentioned, it will be two story as well. So within the 10 foot setback. So that's why we're applying.

Chairman Baird- Okay, anything else you'd like to add? Before I open it to questions from the public?

J David Cantu- one thing I'll add is we don't have a bathroom on the first floor. And we have a two year old and a new one on the way. So you know we're looking at how to make this home be here for a while where it functions for us. So that's the main reason is we definitely are looking to expand and stay here for a while.

Chairman Baird . Any questions or comments from the public on 57 Loring road

Lou Kfoury 56 Loring road. and I just wanted to speak in in favor of their proposal,

Chairman Baird will take a motion. I will take a motion to close public comment motion by Tom Do second by Irene. All those in favor of closing public comment by roll call. .

Chairman Baird, Tom Irene yes. Do you have questions from the board?

Tom- I believe your property drops drastically. Is that correct? in the back? I mean, this is that section that's sort of up behind court road where it's a huge embankment there, and they try to extend back would be, you know, quite a challenge.

Mrs. Cantu- We have, like a 10 foot, roughly retaining wall, a bit more like eight that kind of spans the back of our house, but you know, off the house, so it's like a patio existing. The whole property line, the retaining wall. I believe that we that's why we're not going back or just going out to the side and sort of extending the existing sunroom that's there already to the second floor. But that's something that we're also working with the structural engineer to figure out exactly how to support.

Tom Chiudina, I'll make a motion. Regarding case 014-2021 57. Loring road that the board It shouldn't be a variance. there a denial letter is noncompliance of the proposed structure with respect to the minimum side setbacks 10 feet. requirements, in consistent with chapter 40A that due to the slope and topography of the existing property, that enforcement of the zoning bylaws would create a hardship to the applicant. And that relief on the side yard be granted of seven feet to allow for the construction of the proposed addition in the submitted plans.

Chairman Baird- Okay, so I was moved to have a second. Second. All those in favor of granting the relief requested pursuant to Mr. Chiudina motion. By roll call? Yes, Irene. Yes. Tom? Yes. Right. So the variance has been granted for the requested relief. We'll write a decision.

Chairman Baird took a motion to adjourn at 9:35pm. Motion to adjourn from Jason, The second from Irene. All those in favor by roll call to adjourn at 9:35pm. Chairman Baird. Yes. Jason. Yes, Tom. Yes, Irene. Yes. We are adjourned.