



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

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June 24, 2021, Meeting Minutes

Chairman Baird opened the meeting at 7:04pm June 24, 2021. Members present Chairman Baird, Irene Dwyer, Tom Chiudina, Jason Wright. There are 7 cases on the agenda for this evening. Chairman Baird called the first case 019-2021 90 Highland Avenue Todd Green. The Applicant is requesting a special permit to operate an Air B&B. The applicant presented his case and went into detail about the proposed idea. He will be renting out 4 bedrooms and will be providing pre-packaged food. A question was raised by Member Tom Chiudina if the building was inspected. The inspection report wasn't included in the packet. The applicant will schedule the inspection and send report along to the Board once complete. Motion to close public comment. We didn't have any abutters opposing this proposed Air B&B. Motion to continue this case to July 29, 2021. Roll Call taken and all Yes votes by Chairman Baird, Tom Chiudina, and Irene Dwyer.

The next case to be heard is 020-2021 2 Washington Terrace. Sitting on this will be Irene Dwyer as chairperson as Darren Baird recused himself. The applicant presented his plans to the Board. Irene Dwyer spoke asking questions about the plans that were submitted, specifically the redesign on the front 2 bay windows. We had one person speak during public comment inquiring about the height of the building. Motion to close public comment voted yes by all 3 members. The Board has asked that the applicant submit a new set of plans showing the bay windows running from the first to second floors and questioned the height of the building. Tom Chiudina specifically asked for the Building Department to go out and measure the height of the building and report his findings back to the Board. Motion to continue until the Building Department can go out and measure the height. Motion voted yes by all 3 members. Case to be continued to July 8, 2021.

Next case is 021-2021 10,12,16 Revere Street. Sitting on this case is Chairman Baird, Tom Chiudina, and Irene Dwyer. Attorney Cipoletta is the representing Attorney for the

applicant Michael Carney. He has asked that this hearing be continued. He has submitted proposed plans to replace the previously submitted set, which had 14 2-bedroom units 1 1-bedroom unit. The new plans show 13-2-bedroom units and 2 1-bedroom unit. The commercial space stays the same. The new plans also reflect the reduction of the 4th floor by 577 square feet. The parking originally had 25 spaces but was changed to 24. They had to do this to slide the stairs forward to allow for the right side of the building to be stepped away from the side yard. The plans also show a change on the 4th floor changing the end unit from a 2-bedroom unit to a one-bedroom unit. Motion to continue yes vote by all 3 members. This case is continued to July 29, 2021.

Next case on the agenda is 80 Ingleside Ave case 004-2011AD. Jhosmar Castellano & Elise Mesedahl. The applicant is represented by Attorney Karl Stammen. This case is an appeal of a decision by the zoning administrator concerning a request for zoning enforcement at 80 Ingleside. Sitting on this is Tom Chiudina and Irene Dwyer and Chairman Baird.

The applicant addressed the Board to appeal a decision made by the Commissioner of Inspectional Services in his capacity as the administrator and enforcer of the zoning bylaw of the Town of Winthrop. They are requesting the Board reverse the Commissioner's decision which denies the applicants request for zoning enforcement and enforce the various zoning violations that have been found with the garage belonging to Mr. Nicholas Rosa constructed at 80 Ingleside Ave.

A copy of the original letter requesting enforcement as well as the Commissioner's letter was detailed to the Board. The applicant stated in the Commissioner's letter it states the that minimum enforcement is debarred by a six-year limitation. The letter then addresses the 10-year timeframe is applicable to actions complaining of structural violations for which no permit was given.

The applicant stated that the abutter Mr. Rosa did not build his garage in accordance with the terms of the building permit that was issued. The applicant then went into specific detail explaining the several exhibits he sent with his appeal. He stated the 10-year limitation period under which they sought redress for zoning enforcement had not been reached. He reiterated the fact that this case was brought to the Board for zoning enforcement for the violations that were stated on the application and exhibits submitted. Mr. Rosa's garage was built according to a variance which should have been 5' away from the side yard lot line belonging to Mr. Castellano. In fact, the garage violates the variance and is built at 4'3.6 inches. And only 13 feet 2 inches from the rear lot line not the 15' he

was supposed to. This is in violation of the Town's zoning by-laws. The applicant stated that Mr. Rosa knew this was an ongoing violation and was deliberate.

The Chairman then opened the floor for public comment. A few neighbors spoke up on behalf of Mr. Rosa.

Chairman Baird closed public comment.

The Board was given a chance to speak. Chairman Baird had several questions and questions from the Board were then asked. Chairman Baird stated that the applicant himself bought his property at 86 Ingleside Ave in August of 2016. He asked the applicant why a plot plan wasn't done when he bought his land to see that the garage was encroaching on his property, and why wait all this time to come forward.

Chairman Baird wanted guidance from the Town Council about how to proceed with this matter on the subject of laches.

Josh Castellano stated again what his appeal was which is appealing the decision that was made by the zoning enforcer.

Chairman Baird asked to continue this case for guidance from the Town Council. Motion approved by all 3 members. Case is continued to July 8, 2021.

Next case to be heard id 022-2021 Keith Mac Donald and Jill Hoffman 15 Ocean View Way. Sitting on this case Chairman Baird, Tom Chiudina and Jason Wright. The Applicant along with their Attorney Jim Cipoletta addressed the Board. They are proposing to modify their existing two-family home by removing the roof and constructing walls around the perimeter to create a more useable second floor. Mr. Cipoletta shared the drawings, set back and plot plans detailing this plan. The Board did ask a few questions pertaining to the height of the building. Public comment was closed when nobody had any questions or concerns. Motion then voted to approve the plans submitted, it was granted unanimously.

Case 016-2021 23 B Almont Street-Harkins. This was being continued from the last meeting which was on 06/10/2021. Sitting on this are Chairman Baird, Irene Dwyer and Jason Wright. Questions arose from the Board regarding setbacks. Irene Dwyer wasn't

prepared to vote on this till she saws the plot plan and read the engineering report in full. Attorney Jim Cipoletta submitted a supplemental request for leave to amend the application by adding the deck and fence to the variance request. (This is on file with the clerk). Several people from the public were able to address the Board over the concern of the pool. Chairman Baird suggested since this about a pool to postpone this to July 29 meeting. Motion to continue was approved by all 3 voting members.

Last case of the evening is 018-2021 Craig Doster 20-22 Banks Street. This was continued from the 5/27/2021 meeting. Sitting on this case is Chairman Baird, Jason Wright and Tom Chiudina. The applicant is trying to turn his 2 family into a 3 family. The Chairman had continued this case from May 27, 2021, to give time to the applicant to prove that this address had been used as a 3 family back in the 80's. The clerk received an email from the applicant on 6/23/2021 asking that he be granted a continuance since he is still working on providing proof and working with inspectional services for an inspection at the property. Motion granted by the 3 voting members to continue this case until our next hearing July 29, 2021.

No new meeting minutes to approve.

Motion to conclude meeting approved by Chairman Baird, Irene Dwyer, Tom Chiudina and Jason Wright.

Meeting adjourned at 9:15pm.