



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

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MEETING MINUTES 9-23-2021

Chairman Baird opened up the meeting at 7:04pm on Thursday night, the 23rd of September 2021. Members present are Tom Chiudina, John Young, and Jason Wright along with Irene Dwyer.

First case is case number 16 of 2021. The applicant on that is Michelle Harkins, the address is 23B Almont Street. Sitting on that one was Chairman Baird, Jason Wright and Tom Chiudina. At this point, we've been waiting for plans for a little while now, while I'm inclined to allow another extension to the October meeting, if we don't have plans by October, we'll have to see what we want to do and what we may ask the petitioner to withdraw the matter if they can't produce plans, the updated plans, but we're not there yet. Chairman Baird took a motion to continue to October 28 2021, at 7pm. All 3 members moved to postpone.

Next case 026 -2021 66-70 Winthrop Shore Drive. Sitting on this is Chairman Baird, Tom Chiudina and John Young.

Richard Lynds addressed the Board with the business address of 245 Sumner Street, East Boston, Massachusetts. this is an initial presentation before the board. We're before the board for certain zoning relief and special permit approval for the proposed project. Just a quick overview. Before I get into the details of the presentation, this is to demolish a preexisting three unit structure on a preexisting just over 10,000 square foot lot. We would be proposing to redevelop this site with a proposed mixed-use building that would contain 12 units of residential plus ground level commercial retail space and a proposed five off street parking space facility locates the rear and side of the property presently, this time this project is proposed intended for homeownership. So this would be these would

be sold was individual condominium units in the commercial unit would likely be retained by the developer, but also could be sold off as a separate condominium unit. For reference and we can always come back to this. This is the refusal letter that was issued by the Office of the building Commissioner, citing the specific relief that we are seeking this evening. And all of the items that have been identified specifically by the building commissioner and I can read those into the record, specifically the town of Winthrop Zoning Bylaw chapter 17.1 2.0 three zero indicates that the noncompliance of proposed structure with respect to the minimum front side yard setback from 20 foot and 10 foot respectively. As well as the cited height requirements, I do have a zoning table Mr. Chairman, I can go through towards the end of the presentation. It also indicates that the permit was denied in accordance with the title windows Zoning Bylaw, use regulations and table of use regulations. Because we are proposing a mixed-use building. The release of a special permit from the Board of Appeals pursuant to 17.12.130 would also be required, and also indicates the existing parking requirements are not in compliance. And that relief will be needed under the parking regulations of 17.20 .060, that requires two parking spaces per dwelling unit. Lastly, Chapter 17.6 table dimensional regulations indicates that the minimum lot width that's required is 100 feet and relief would therefore be necessary. Click overview. There was some concern over the notice for this project. Mr. Chairman, this is the assessor's designation the property is identified for purposes of the record is 66 -70 Winthrop Shore Drive. As you can see from the map here, there is a 70 Winthrop Shore Drive as well. However, in the interest of completeness, the notice did include the designation as on file with the town of Winthrop. But for purposes of this hearing, and I believe going forward, we can refer to the property of 66 Winthrop shore Drive. So very brief overview, we're looking here with short drive with the beach, towards the bottom of the screen, the existing structure is here. So look, the open space look is the rear of the property is part of the parcel. And I will show that on the existing site plan, looking heading down with a short drive building being here on the right identify with the red arrow. And again, this is just to orient the board and members of the public. So the specific location of the site, a bird's eye view here showing the proximity and sort of relative density of the buildings that surround the site. And then looking again, with the beach being up towards the top of the screen, looking more towards the rear of the property and again, the relative relationship of the existing structure the structures around it, and then looking back up Winthrop Shore Drive, we can always come back to those for reference, this is a street view, the building is here on the left, two and a half story again pre existing three unit structure, we would propose to raise the entire structure. My research and sort of diligence on this does not indicate any specific historical significance for this property. So I don't believe demolition would be at all contrary to any

preservation rules, or anything that would require preservation of the existing structure. Again, looking up Winthrop Shore Drive here at the beach to the left, this is the right side view of the property and then you can see the proximity to the building to the right. And then a close up view Street View of the existing structure itself. Just to show a little bit of context in a surrounding neighborhood. We do have everybody that I'm sure is familiar with Windham Shore Drive, but just to show some of the neighboring context in the area. And then we also have included how to architect include a little bit of research on some of the historical context and some of the historical precedent that didn't exist, on shore drive. There, I would suggest that many of these buildings have either been modified or lost at some point in time, but just to give the board and members of the public a little bit of a glimpse into some of the thought process into how the architect approached the particular site. So our existing site plan, as I mentioned, shows the site being a little bit over 10,000 square feet, we're showing the existing structure here located mostly the front porch of the property with the substantial amount of open space to the rear our proposed site plan and we do overlay this with the existing structure to show the contrast between the proposed footprint and the existing footprint. And then we are showing five parking spaces three of those located to the rear of the building. And two spaces located here that would be located under the rear portion of the building will see that in the elevation view. Our proposed ground floor plan, as I indicated in the initial overview of the project that we are proposing a cafe style use, that would include kitchen facilities back of the house and typical facilities that would be used in this type of operation. And the concept and the idea here is to provide at least a retail opportunity along Winthrop Beach, something that is somewhat lacking. There is an I'm sure as the board is aware, a lot of opportunity for this. Along Shore Drive, we show our proposed typical floor plans and this essentially repeats itself. For the upper levels, floors 2,3,4 and five, we show two one bedrooms and one three-bedroom unit. So mix of varying sizes and the bedrooms, showing our elevations we have the front and the rear. So we are proposing this a little over 55 feet, this would be a five story building. And again, this being the initial presentation, we are certainly interested in hearing feedback not only from the public, but of course from the Board of appeal itself. So our use being proposed as mixed use cited by the building department as requiring special permit, we do have the minimum lot size a little bit more than the minimum lot size requirement of 10,094 square feet 10,000 is the minimum are a lot with a lot frontage, the required amount is 100 feet, the preexisting condition is 70 feet. So the variance is warranted per the refusal letter of the building inspector. However, I would point out this is a preexisting non-conforming condition that already exists on the site. Our front yard requirement is 20 feet, our proposed is 6.7. Again, this is also a pre existing non conforming condition that already

exists in the site. And then our side yards, we are proposing six feet and 16.2 feet, I should say I wouldn't say respectively left to right, but right to the left. Also, we do have some preexisting non conforming conditions with respect to the side yards, our rear yard setback proposes 29.3 feet that is actually conforming as 25 feet is required. The height of our building, as I indicated in the elevation is 53.5 feet 35 feet being the maximum and two and a half stories being as we're proposing five, both of those require variants as well. And then there's a substantial amount of parking that would be required under strict interpretation of the code at two per dwelling unit plus any retail, we are proposing five and therefore a variance would be necessary for that as well.

Chairman Baird- did open up to public comment.

Brad Fisher and wife, Paula, are the owners of 70 Winthrop Shore Drive. If you take a look at the several postings that are describing, whether it be the meeting the application, for the permits, are breaking down the application for the special permit states 66 to 70. It sends wrong message saying that we're including 70, Winthrop Shore Drive as part of this construction, Secondly, the point that we wanted to bring was the change in multi-use over five story 12 units, the commercial of five spaces. He addressed the parking and traffic in the area. They are against this.

Ryan and Maureen Murphy at 54 Winthrop Shore Drive. Their main concern is parking.

Kurt Millar 20 Enfield road opposing project.

Gia Cassale 17 hillside Ave opposing project.

Kathy Jones at 45 Irwin Street unit one opposed project due to parking.

Nellie kearns. I live at 83 Woodside really liked this plan but some concerns for parking.

Brenda Gatchell. I live on Washington Avenue in Winthrop. But I do own 64 Winthrop Shore Drive, and I own 62 Winthrop Shore Drive. Opposes this project.

Sandra Porcaro at 45 Irwin Street. Unit Two opposes project and concerns with parking.

John Stanley, wave way- concerned that this project was never brought to the attention of DCR and the parking issues, traffic issues. Opposes project.

Suzanne Smith-75 Winthrop Shore Drive is against this project.

Deborah Burgundy lives at 18 Irwin Street. strongly oppose this project.

Mike Datta representing parents at 59. Winthrop Shore Drive, also at 46, Sturgis Street, which is nut butter, and also my brother, which is at 102 Shore Drive right down the way. Opposes project.

Sarah Borelli. I'm here with my husband, Kevin Vargas. We live at 12 Taylor Street oppose project.

Christine Riley 5 floyd Street is opposed

Wendy Millar Page raised on Winthrop shore Drive. Lives at 20 Enfield. Opposes density of the building.

Bob Flaherty 81 Shore Drive, opposed project.

Todd Sacco precinct two. Asking Boards to consider responsible development.

Sean Donahue. I'm an attorney here in Winthrop. My office is located at 21 Pauline street in Winthrop. I'm also a lifelong resident of Winthrop. So I speak both in a professional and in a personal capacity and addressing the board. According to Massachusetts General laws chapter 40, a section 11. In terms of the publications and notices that are required by that particular section, it states that and I quote publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location of the area or premises, which is the subject of the petition. And I read this, quote this particular provision from general laws chapter 48. Because I think in my opinion, there's a defect in the notice of this hearing. I represent Brad Fisher, who lives at 70 Winthrop Shore Drive along with some other of the abutters in that area. What can you imagine Mr. Fisher's surprise when he received the letter by way of mail that identified him that his house at 71 of Shore Drive was going to be converted to a five story 12 unit with one commercial mixed use structure. That's a defect in the notice. It's a defect in the notice when I personally drove by that area and looked at two lots, one at 66 and one at 70 and saw this huge area on which this five story building was going to be built. When I later learned that 70 had nothing to do when 70 Winthrop Shore Drive had nothing to do with this project. When Mr. Fisher called me to explain to me that his house had no relevance in connection with this proposal. It was then that I learned that it was just limited to 66 Shore Drive. Now the petitioner has presented some information purportedly from the assessor's office here from town of Winthrop, which they showed earlier in this hearing, which I think it was labeled as map view of assessors designations. And on that it showed a piece of a structure I guess all it's right here and now it's been up on the screen. I'm just taking a look at the screen that shows a portion of 66 I guess short drive on the property of 70

Winthrop Shore Drive, which quite frankly, isn't true. How do I know it's not true? in the information that's been provided in connection with the applicants application, they show existing conditions There's a plan showing existing conditions. I assume that the petitioner had or the applicant had a an instrument survey performed. I've got a copy of this site plan of the land, which is in the packet. And it's stamped by George Collins, a licensed land surveyor, which clearly delineates the two properties and also depicts the structures on those properties. Nowhere is it is it is the structure located at 66 Winthrop shore drive shown to be encroaching on the lot at 70, Winthrop Shore Drive. This information, I assume that the applicant was in possession of at the time they filled out their application. But yet they took the opportunity for whatever reason to address the property of 66 -70 Winthrop Shore Drive, it's right there on both applications. That's misleading information, whether it was done intentionally or recklessly, I don't know. But it's misleading. People who have an interest in this proposal, whether they're present at this hearing, or not, probably did what I did when driving by and saw the properties both at 66 and 70. And assumed we were talking about an expansive space at that location. Well, the fact of the matter is, the frontage of 66 Winthrop shore Drive is considerably less, when you remove the lot located at 70 Winthrop Shore Drive, it's misleading. And people have a right to know what is being proposed.

Attorney Donahue objection to go over the 3 minute time limit.

Chairman Baird- Notices are given based on Assessor's documentation. The assessor in the town of Winthrop has this listed, and probably incorrectly as 66 to 70 Winthrop Shore Drive, we have that paperwork based on that particular tax, map and parcel number, that is the address. It wouldn't be a defect if that address was not carried in the notice. So what we have is a compliance notice. And the abutters notices were based on that address. And that parcel ID and notice was proper, it was published properly. And it was delivered properly to abutters into abutters to abutters within 300 feet. So this idea that somehow the designation of dash 70 is an action by either the Board or the applicant to mislead the community is patently false, and demonstrably untrue.

Chairman Baird- I don't want to get into a debate about what the assessing records have. But I will say this assessing records are sometimes incorrect or they have overlapped. And I know that can be confusing, and I think it's weird that two properties have the same designation that also includes 70 but that is in fact the way it is and from the standpoint of notice, we had to give notice based on what the assessor records say, the addresses so to the extent that creates confusion, I would suggest it's something that gets cleared up with the assessing department. But we did notice the way the notice is given is based on the

address the way the assessor carries so yes, I agree it's confusing, but we don't have the right to make the judgment call on that when we issue our notices.

Roberta Snall 38 Irwin St #3. Opposes project, parking is an issue.

Peter Gill Plummer Ave disagrees with the project.

Michelle Navaro lives at 44 Underhill Street opposes project.

Chris Mcpearl precinct one against project.

Joshua Farr, homeowner of 56 Winthrop Shore Drive unit one F. Opposes project.

Chairman Baird read a written comment by Diane Kessler 77 Winthrop Shore Drive who opposed the project. This was sent on 9/18/2021 at 12:59pm.

Received phone calls - From Cheryl merchant at 14 Irwin street from Paul Bono 70 Winthrop Shore Drive and Joseph Cream at 20 Irwin Street, all who was who were voicing their opposition to this project

Motion to close public comment to reserve right to open public comment should it continue after tonight. Motion by Tom, 2nd by John Young. All 3 members voted yes to close public comment.

Chairman Baird gave Attorney Lynds a chance to address to Board.

Attorney Lynds- has been communicating with my client directly, we certainly hear loud and clear the concerns that have been raised over both height and parking as well as the commercial proposed commercial use. So those are all important items that we obviously want to consider in the context of what we heard this evening. I do want to say I don't want to belabor the issue because I think the chair adequately respond to address the matter but I want to take exception to my fellow colleague who I have great respect for attorney Donohue, there's nothing intentional about our or meant to be intentional about misleading anyone with respect to the notice. I did have previously up on the screen the deed into the current owner, the deed itself and the title to this property actually References 66 to 70 Winthrop Shore Drive as this as a chair and the board is aware. We're also required to supply a deed with our filing. In the interest of completeness, the identification of 66 dash 70 Shore Drive was included. I certainly understand and can

appreciate that people may think they're confused because this involves 70 Shore Drive, but I have seen and I know this may sound odd but If you look at the actual address in 66 dash 70 is a very specific address for the assessor and for the deed 70 is its own its own identified address as well, I can stay for the record and certainly confirm for the board that there's no intention here to mislead anyone. He then went on to say the board does not have to grant that to me, but I think we could utilize the time to go back to the drawing board, as they say, and do a little bit of work on this project to see if there's something that can be a bit more palatable for the neighborhood.

Chairman Baird- I think there was a pretty a pretty consistent group of comments that you could draw from for me, as I look at this, I have I have some questions or some comments as well. But I don't know Mr. Young or Mr. Chiudina, if you have specific questions that you also would like the applicant to consider if we're going to grant a continuance for them to sort of investigate and think about what they might change here to see if they can come up with a plan that may be more palatable and more in keeping with the neighborhood.

Tom Chiudina- does agree with a lot of what the public comment was tonight. That is the concern with height, parking, and I'm not sure that the town The neighborhood is looking for a retail space, or mixed use type of type of building.

John Young asked if this would be the tallest building on Winthrop Shore Drive.

Attorney Lynds's response is I can attempt through the chair mystery I can attempt to get more information on that as to whether or not this would be the tallest.

Chairman Baird- there's a few things here that I have an issue with just from the scale of the building as it relates the neighborhood in the parking, I think the commercial piece of this, granting a use variance to allow commercial use on Shore Drive as a mixed use building, I just don't see, in my mind anyway.

Jason Wright asked what might be helpful to have a rendering from streetscape showing me decided upon assuming the heights going to be loaded height in relation to the properties that are bought it. I know that we've that's something that's been done in the past with projects when height was a concern.

Irene Dwyer brought up possible being in a flood zone and this project will need to make accommodations for that.

Motion to grant the request from the applicant to continue the hearing to the forementioned hearing date. Motion voted yes by all 3 members.

Some meeting minutes were sent for approval for June 10 2021, July 8 2021, August 26 of 2021 in September 9 of 2021. Motion by Jason Wright to approve the minutes second by John Young. All members voted yes.

Motion to adjourn meeting at 8:52pm.