



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

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MEETING MINUTES 10-28-2021

Member Tom Chiudina opened up the meeting at 7:21pm on October 28, 2021. Joining tonight is Tom, John Young, Irene Dwyer and Jason right.

Case 016B-2021 23 B Almont has requested to be continued by their Attorney Jim Cipoletta. Jason Wirght set a motion to continue this case to December 2, 2021. Second by John Young. All in favor by roll call, yes by Tom, John and Jason.

Case 021-2021 12-16 Revere Street was asked to be continued by their Attorney Jim Cipoletta. John Young made a motion to move to December 2, 2021. Second by Jason Wright. All in favor by roll call yes by John, Jason and Tom.

Case 034 -2019. 283 Shirley Street. This was previously approved. And there's been a request for a change of ownership. John Young, Jason Wright and Tom Chiudina will sit on this case.

Attorney Cipoletta addressed the members for this case. The project had been approved by a decision of the Board of Appeals and recorded with the town clerk on the 30th of June 2020. Since that time, the property has sold and Mr. Shibu. Zero has purchased that property. The proposal that was approved, had as the manner of building as a modular home. Leo does not want to build a modular home, he wants to stick build the home. According to the same exact plans. He went to the building, department building department referred him to the Board of Appeals pursuant to the second condition, a second and third condition, finding that there was a deviation from the plans and that the materials used were different. And the manner and means of construction would different. I think it might be the standard here for this request is a request to the boy to find that there has not been a material change in the plans by for the difference of the

manner in which it would be built would be built as a stick frame house as opposed to a modular, delivered to the property.

Tom Chiudina did open up to public comment. Seeing no hands, there was a motion to close public comment. By Jason, Second by John.

Public comment is closed.

Tom Chiudina-So I just I'm going back to I don't have the original case plans, because we did make some adjustments to this layout. And that's the problem with this applications. I don't see a floor plan. There's only a section which describes the framing, which is obvious, but the elevations, but there's no floor plan. Because I think it was also some extra aesthetics on the outside, I thought there was there was more overhang on the roof. I don't think this was the final approved plan. Attorney Cipoletta. Do you have any recollection of that?

Attorney Cipoletta-I am at a bit of a last, Mr. Chairman, because I did not represent Mr. McGinnis when he came to the board. So I do not okay, I'm sorry.

John -To Jason's question, was there material change? And I guess the question I would have, is her material change to what? Other words is that what you're referring to Tom is what are we agreeing that we're agreeing that there's no material change? Correct? We're not certain what the degree to plan was, and there should be no material change to more or less?

Tom-Yes, you hit the nail right on the head. I don't think this was the plan. This was the elevation that we approved. I think this was the original submission, and he came back with an altered one. Now. What was the date that this was originally this? Was the decision say?

Attorney Cipoletta-The decision is dated June 30 2020.

So I mean, I don't I don't have an issue. I don't have an issue with this change. As long as we condition it, that it was the approval, the approved plan. I think we could do it like that. And I'm not actually sure.

Attorney Cipoletta-I think in this case, the relief goes with the land, not with the person. So I don't think it's necessary to transfer the decision.

Tom-Oh, they didn't change that. It's not a unit. Right. Okay. I follow. So let me let me say this. I would say that because we don't have an issue. It's at least I don't want to speak for John But Jason has already said he thinks is pretty straightforward. I do as well. But I would like a set of plans, like the plans that match the plans that were approved.

Attorney Cipoletta-I think the building inspector has both of them and he can probably we can make arrangements to have them shoot him up to you. That that was his only objection was modular versus stick built.

Tom-so then that said, Do you see any do you have any objection? If we were to continue this so that we can get the right plans?

Attorney Cipoletta-Would we have to continue it to December? Or can we have transmit the plans to the board? For review? Could be could it be conditioned upon the board reviewing the plans?

Tom-Yeah. Okay. That was that was sort of what I was getting at. Is he looking to get this underway right away?

Jason-I mean, it's really, if the only thing we're being asked to do is replace the method in which it's being built? Isn't it implied anyways, from the original decision, they should adhere to what was said in the comments that were given at the previous hearing, so why do we need to reiterate that?

Tom-Well, I think we need to condition it, that it's those plans that were approved and not these that were submitted.

Jason-Okay, so we can make that we can approve it with the condition that it'd be built as shown on original plans

Jason made a motion=case number 34 of 2019 283. Shirley street I'd like to make a motion to are finding that no material, there'll be no material changes with said plans. We are granting approval to change the manner and which the structure will be built. It will not be built modular, it will instead be done. Stick build. Set approval is conditioned on the structure being built as shown on set plans filed with the original petition in July of 2020. Second by John

All those in favor?. Tom. Yes. Yes. Jason? Yes. John? Yes.

17 Seaview Ave case 028-2021, which is also represented by Attorney Cipoletta and again sitting on this will be Tom. Jason and John.

Attorney Cipoletta addressed the Board- Good evening. This is an application by Joel Rubiera, for property at 17 Seaview Avenue, which is a property that's very close to the marsh, down there Washington and those in those main streets and it's comprised essentially of some mixed uses there are some there is a neighborhood down there, but this property has a wide variety of storage two boats, I think there was a dumpster company down there, there is a building that Mr. Rivera has put under agreement, which is actually a mixed use it has an apartment on top of a commercial use. And what he would like to do is make that a residential use which would be in compliance with the zoning, and he has the plans that I believe the board has at this point, we had some that updated the plans and I think you have the complete set of set of plans as to what the property is proposed to look like from all elevations. There is one caveat, though that I did catch something in the building inspector's denial. And that would be there is one other piece of relief that I believe we may need. And I think that that would be a variance from the maximum height/ floor dimension, it appears that the top floor exceeds 50% of the habitable space of the floor below it ,for seven or more feet, so that would actually make it a third story although the height is under 35 feet. it's 34 feet 11 inches and so I would ask leave of the board to allow us to amend our application to add that as a request for relief from the height slash floor dimensional regulation for a full third floor I'd with the chairs permission, Joel is on and the architected as well as I think it might be beneficial if they got a walkthrough from the development team and the architect can address all the plans that he has set out in his full set of plans before the board and would ask that he be wait raise his hand and be ready to address the rest of the presentation.

My name is Carlos Medina, I'm the architect with the project. I'm also developer and project manager. I work video over we had an editorial state we have worked around Winthrop area for a while we've done close to five for six projects in the area and we kind of liked it we loved the area. And just because the area law it's so beautiful for you well he's planning to do this property to take to keep it and what we're proposing here it's to convert these mixed use buildings into a two family house. He's planning to keep one of them and use the other one that's a rental I know you have the floor plans in front of you so would you like me to walk you through that? Or do you have questions about them? just some context on the property I mean I don't know if you guys have driven by and

seen it but it's a bit of an eyesore now it's like a use it's like a mixed use building they're using it as like a like they have a son apartment above and like a garage space below the use that we would be you know that we will be offering providing this to a family house in this area would I think would be a great addition for the area and it would blend much better with the residences around it right now kind of sticks out of it. And not for not for the good enough for all the right reasons.

Applicant shared his screen. This is the certified plot plan showing the street and the existing structure that's on it. So all we have right now is a what looks like a very old industrial and commercial building with a 27 feet of curve in front. There is no landscaping, it's all impervious surfaces. And well, that's I will say that's the worst thing to give to the neighbor to the neighborhood at all. So what we're planning to do there is to shrink that curve got limiting it just to the area we're going to use two axes to both garages. For one of the units we're going to use 50% of the existing area as asked if first floor and social areas kitchen dining living space. And for the other one we just got a desk in the first floor so garage and may mean a vigorous and entry. We're also opening that unit to the backyard as we're doing with the other one, but just through that door I don't know if you can see it. So what we're planning to do is to remove all the asphalt we have in the front and a big part of the concrete create pavers path, just use asphalt where we are right in front of the garage and leave the rest as a pervious surfaces with landscaping. And yeah, with more landscaping. If you were to move to second floor we are splitting the existing area more or less 5050. For the left unit we have two bedrooms we have a laundry and we have stairs that goes to the to the master bedroom in the top and also a bathroom that serves those two bedrooms there. For the unit at your right we have the social areas we have the kitchens the dining and the leaving claws, a powder room, also a small closet for coats and things like that. Then we have stairs going up to what it will end being for both units for the left one. So all the green it's all it's going to be grass. And then we have a paver patio in the rear part of the house. From the second floor from the in the right unit, we're going to have a stair going up from the patio to the social area or the first floor for it. For the left unit, we don't have stairs going up. So the only stairs we have going up are the interior stairs, not by exterior move to the other one second floor. So as you can see Suman please to the unit number two. So in unit number two, the stairs that you can see in the top, those are stairs that goes down to the patio, and then the stairs there. Inside, those are stairs going up to the third floor or bedroom, bedroom floor. The other in the other unit, you have stairs going down to the first floor, then the stairs going up to the third floor. And then exterior stairs, that which platform it's an a cantilever. So it's part of the main structure, there's no posts going down. And that goes to the to it's like a deck like a private deck which will also which will be also shared with guests. So that's the mean

of enter entering to that private porch there. Ah, through the outside not through the master bedroom showing the deck any Yeah, so in for unit one and the third floor where you have it's a master bedroom and a master bathroom and a walk in closet and the roof deck for the unit number two, you have two bedrooms, the master and another bath. For a if you want to go to the elevations so we can talk a little bit about the treatments and materials. So that's the front elevation. What we're trying to do is we're going to keep all the existing massing, um, we're just going to side with stucco and highlighted with the really bright white color. We're going to do black trimming with MDO materials. And then we're going to do a board and batten with cement board. In the front block, as you can see there, that's a great block and the third floor and then the parts that the facades that faces the front and both sides are going to be cited with a composite looked would look to material and keeping all the trimming and black painted MDO she can move to the other one they're going to have Yeah, it's the same thing, we're going to keep the stucco everywhere where we have CMU blocks, we're just going to paint them white, but we're going to keep it we're just not, we're not going to lay over any kind of material on top of it. And we do maintain the board and batten cement board and batten and third floor, the third floor, front and side log, we're going to do for the left unit steel handrails that will be facing the street and be single part of the property at the upper left. And then for the right unit, we're going to be using composite or pressure treated wood railing and decking. That's the rear part of it. see there the cantilevered platform for the stairs going up to the private to the private deck, and how we kept the CMU blocks and facade what which we're going to paint and then the fence. Can you still mean right where we have the fence? You? Well? It's that vertical lines that split both? The stairs they have now they're in really bad shape. But the thing is this The stairs are four inches wider. So they're protruding four inches more into the setback. But that's so we are not adding to the sides, we're just adding a third floor which we are keeping within the allowed 35 feet.

Tom did open up public comment :

Kathleen Melanson and I live at 56 Pleasant Street her and her husband Michael Melanson object to the plans.

Maureen McAdams 39 Seaview, Ave opposes this

Bob Smith. 27 Seaview Ave opposes project.

Mark Ferreira abutter opposes project.

Mr. Melanson, just curious as to what the average length of a vehicle is, versus the depth of that building. If they are going to go from sidewalk to the rear wall of that building?

Tom-So I'll just quickly answer that for you. The zoning requires 18 feet for a parking stall. This building is over 20 feet deep. So I would pretty confident that it's deep enough.

Motion to close public comment by Jason. Second by John. All in favor by roll call Tom, Jason and John.

Tom-So, my understanding of this application is the existing structure footprint is not changing, they are building on the existing footprint. So although they may still be required to go in front of conservation, because if they're within a the conservation land, they would need to do that that within wetland. An existing structure can remain in use and so they would not have to tear the building down and then rebuild it on stilts. As far as the backyard goes, again, we're looking at a surveyed plan by a civil engineer, we're looking at a deed that says that the property is 40 feet deep, and certified plans that have the building at roughly 20 feet deep. It shows 11 over 11 feet in the backyard to where the property line is. Now there is a fence that is shown there. It's probably the neighbor's fence. But it looks like it's on their property. But I just give you that for reference. So with that said, I guess attorney Cipoletta, if you and your the applicants want to further comment on some of the questions.

Attorney Cipoletta- Mr. Chairman, if I may just address a couple of the zoning points, and then allow Carlos to address the building and architecture points, I think that may be more beneficial to the board. The one thing that strikes me and I've been down there, and I've had other clients in that area dealing with Conservation Commission, and some of the properties. It looks to me like this is an improvement to the area. I don't think there's a question to that. I also think that it should be obvious that residential uses a muscle much less intensive use than what is there now. The plans, as the Chairman has, has recognized, envision using the existing footprint, so they're not expanding out from the footprint. There's some expansion vertically, I think was Bob Smith, and may have may have mentioned that. But yes, we do need to go to the Conservation Commission. This is within the resource area. And it is mandatory that we go there it is also the rules and regulations of the Conservation Commission that we have at least started. Well, I've been through the board of appeals process, they want to make sure that whatever relief may be required from the zoning point of view and so forth, has been addressed. And sometimes we can run them parallel. This may be semi parallel. But there is a requirement to go to the board to go to the Conservation Commission. That commission will deal with rain runoff, stormwater flow edge, and all those issues that are endemic to that particular area and areas around town that are similar to that they're very well, for us to experience in dealing

with situations just like this. Parking is always an issue when with room. I think Joel has made good effort to alleviate any overflow or any interference by parked vehicles out in the public way or that would interfere with the neighbors by putting two of those spaces inside the building. There is room around the building still to be able to park other vehicles. But what you're not going to have is you're not going to have tracks you're not going to have plumbing vehicles or commercial vehicles, you're not going to have deliveries of supplies in and so forth. So that sort of closes the loop on whether or not this is a less intensive use than a commercial use. And I think that that should be fairly obvious. And I think that it would be an improvement to the area. We understand and Joelle and Carlos and I talked about this the other night as to like what is the infrastructure situation we know that Winthrop is attacking its infrastructure problems, a lot of older pipes, a lot of situations around the marshy areas and the ocean. areas in the harbor do suffer from some infiltration from either rainwater or water coming in from the harbor from the ocean over the wall by way of a wave action. ConCom will address that. And I think to the extent that there will be a very good, very well designed and built residential use there. Oh, and by the way, yes, a townhouse is according to our zoning, this is not a townhouse community where whereas there may be one or two of those others that have adopted that name around town. This is a two unit to two family houses. Two unit dwelling. It's in the style of a townhouse. But that's a style. And the building Commissioner correctly identifies this as a two unit residential use. I think Carlos may have the answer to some of those other questions that were very pertinent to the structure and some of the architectural issues. And, Mr. Chairman, if he may be allowed to address that.

Carlos- Well, I know there's a lot of concern about the height. That's why we're trying to stay within the allowed height. I think aesthetically, we have a lot to bring to the zone. And it has a lot more to do with the sound that what they actually have right now. It's not a commercial space, it's a mixed use space. And it's also residential. By giving to the community, more green area and less concrete and less pervious surfaces, we are helping a little bit with the problems they have with rainwater management. And by just shrinking the curb cut and removing commercial use from the sun, we're removing the trucks going through the area trucks barking the sidewalk. And I think we're going to be reducing all kinds of barking related with commercial use. I that's I think that's those are the concerns that I remember more. Any other thing we're just not trying to do anything illegally here, I heard something about building illegally where when somebody else is having problems or struggling a lot to do a project in their property. We're just taking advantage of the existing footprint, and we are building on top of it within the allowed height. Something that it will be beautiful, and will be potentially good for the for the community.

John- I hear the word to family passed along a couple of times. And then we heard the idea of a townhouse is not townhouse you're not going to make it. townhouse condominiums for sale. You're saying that the owner is having a two family dwelling, which means he's going to live in one unit and rent out the other. You're not making these for sale? That's correct. I want to confirm

Carlos did confirm.

No date yet with Com Com. The application has been put together by the engineer do not have a date.

Attorney Cipoletta was asked how this was zoned. His response was -my understanding is that it's or B, but when the denial letter came through the building inspector does not identify the zoning district.

Tom-The request is to change the use to a conforming use. It's also a preexisting non conforming setback structure, and where they're building up, they're going to be extending that non conformance. I think that's why you would be looking for a variance per setback

Attorney Cipoletta- that's correct. is extending preexisting non conforming structure. And I think the stairs are probably the offenders. And the height would be, as I mentioned at the beginning, we would need a variance for that under 17.1602.

Carlos- a question. Why if we happen to plants, a proposed high that it's within it's contained within the approved height, we're going to need a variance for it.

Tom-Because our zoning bylaws have two stipulations. One is a height and the other is two and a half stories. So a half story is defined as more than 50% of the floor below. Okay, so you're exceeding that by a full by having a full third floor.

John- I've walked by the property many, many times, right. And I look at it as garage. And I think it's great people coming in and try to revitalize this. But do you have to tear down that entire property? And I'm just curious, can you make that what was formerly a garage, a dwelling without any issues?

Carlos- No, actually, we were not tearing it down. We're just going to remove the existing roof because it's sloped, it's tilted right now. So we're just going to make it straight. And that platform that we're going to build there is going to be a structural platform that will

bear the new load all the way to possible new foundations within the footprint. But we're not going to need to remove exterior walls in the first floor or second floor. Of course, we're going to repair it because we're moving windows we're having we're having wider windows and we found some kind of surface damage. We're going to replace it but we're planning to keep everything under the roof structure.

Tom-I have a couple Questions and Comments. Attorney Cipoletta Do you know when this property was divided? Or built in 1925? So under our bylaws, correct me if I'm wrong attorney Cipoletta, but this property being subdivided prior, you know, to whatever it is 1950. Under our current zoning requires 5000 square feet. For a two family. I think and I'm actually I guess, I was a little surprised, in the public comments that no one commented on the style of architecture, which is sometimes is sometimes criticized, I'm not a critic of it, I actually like and think it adds to the neighborhood to have something done like this. And I think you've done a nice job at that. And I appreciate the plans, you submitted the application because they read well, as well. But I do have to say, to be consistent, or try to be consistent, that just as we would with the larger projects that come in front of us, and we say, well, you're just over building on this piece of property, I feel the same on this one. The property is only 2000 square feet. It's not large enough to fit a two family. It's a small lot for that neighborhood. And I'm not sure that there's a hardship here that warrants a two family, I mean, converting it to a single family residential house. I think that's great. And even the setbacks I think, you know, we could deal with those. They're existing and, and I don't I don't see that as a as a further detriment to the to the neighborhood. But I do see the mass of the building and the fact that it is a two family. That's where I find I have issue.

Carlos- I have a comment about that. I completely agree with your argument and I see where you're coming from, but I also know that 100% Of all the cities and towns in Massachusetts are lacking residential units and I see that something positive in this project because I know a lot of people that loves Winthrop but cannot find something affordable to buy or to rent and this is a lovely area to great zone and I think we're going to be bringing more business for the town for the people that leaves there and will also bring in more money and residents for Winthrop. It happens to be a really small lot but it was also a commercial lot. So we're going to be turning something that's not that interesting and good into something that serves better to the community

John-You're asking the street, the neighbors to absorb to on street spaces. Yeah, very complex, very complicated for the folks on that street to do that is a tight, there are tight streets in Winthrop, that is one of the tightest, most narrow.

Carlos- I agree. Maybe six or eight because all the people that used to work there used to park on the street, including trucks. So I'm removing all the people that used to work there and the trucks away. And I'm just asking for two spots.

Jason-One of the concerns that kind of stuck with me the most was the issue with the with the flooding on the street. And I guess I was curious more than anything to see what measures ConCom would one put in place to mitigate the water runoff because obviously, as we know, now the structure right now has itself has a flat roof and stand there adding permeable surface ie grass and the like. But, you know, I'm looking at that roofline and it's, you know, pitched so I would hate for flooding, or, you know, runoff from that to become a detriment or a problem for any of the abutting properties.

Tom-I would say this Jason, as someone who I guess does this for a living, whether the roof is flat, or the roof is sloped, if it's covering the same area, it really doesn't matter. Because the water that's on the flat roof is still running off somewhere onto the property wherever into the street, it's running off, it doesn't just sit up there and disappear.

Tom- the applicant is making a request. If we're inclined to approve it, or approve it with some conditions, that's what's been approved. If in getting their conservation approval, they need to change those plans, then they need come back in front of us. So the order they do it in doesn't really matter, you know? I'll just, I know, Darren would say, what we've done in one case, or on another case, does not have any bearing on what we on this particular case. Which I always find somewhat hard to understand. But because I do try and being consistent to try to be consistent and by that, I mean, I look at the neighborhood that is directly impacted, and I look at the properties around it. We've had other cases where they've gone, they're looking for a two family or a single family on a lot that is smaller than what the zoning allows. But when you study the neighborhood, you see that all of those lots were divided in the same size. So you have a convey precedent in that neighborhood of all those houses being built on all the same lots, we don't have that here, all of the surrounding properties are nearly twice as big as what this little 2000 square foot property. So that's where I have the issue with the density of it. I mean, it's only a small two family house, but it's nowhere near on a parcel of land that our zoning allows for, or is comparable to the other properties around it.

Attorney Cipoletta- I just make a comment about this and try to take it maybe from a 10,000 foot view, what we're really looking for, because we're not changing the footprint, and a two family is allowed. And the building also already is a preexisting non-conforming structure. The fact that we're going to encroach four inches because of the width of the stairs is technically an expansion of a non-conforming structure. However, it is not a significant one, it's de minimis. What we're really looking at though, if we have a two family by right, we're lacking in parking. So that would be the point that may deserve the most debate, I do understand that, because the top level of the of the building exceeds more than 50% of the second level, then that offends against part B of the 35 feet, or two and a half stories. But if he took out part of that top, that top level, and it still was 35 feet, he wouldn't need the height variance. So what we're really looking for, I think, the most extensive and the most impactful variants we're looking for is what most applicants look for around town is a parking variance.

Tom-So you're saying you have a right to it 2 family? Why then are you requesting a variance?

Attorney Cipoletta- Well, we're requesting a variance for expansion of a non-conforming structure because the building inspector tells us that that's why he denied. He said that the structure fails to meet front rear and side setbacks. You know, it's interesting that he doesn't call out a variance for minimum lot size, and I think he's probably saying in thinking that it is grandfather. Well, the building but I think I'm probably answering a question you didn't ask. I was I was referring to the setbacks, where he's calling out front and rear setbacks in that's dimensional ranks. And I added height to that. He also calls out parking. And he also calls out that we're expanding a non-conforming structure.

Carlos- I would like to point out that the amount of space that we're adding is not even close to 50%. So we're not doubling the area. We're just adding 28% More space of the total that we're proposing. So it's only 818 square feet where we have over 2000. And that's also in part because a lot of the space is taken up by the garage on the first floor.

Attorney Cipoletta- What I'm suggesting is that in that in the zone, in that, in that Sony district, a two family can be had by right. And if he is referring then to minimum lot size, which he doesn't specifically call out. But I will agree that he does say minimum front rear and set side setbacks. If he's going to encompass minimum lot size into that, then we would have to what he says is the proposed non compliance with respect to minimum front, rear inside setbacks. He doesn't say minimum lot size.

Tom- Well, maybe he needs to review. Or maybe he miss types because 17. 16.020 J.1 one is specifically lots of divided prior to November 3. So maybe he's trying to encompass all of it. You say it's not clear, I think it is clear, I think you do not comply because of setbacks, and you do not comply because of the size of the lot.

Attorney Cipoletta- Then I guess the follow up question would be does he then not comply with? Does he then not have the ability to build anything? Even one family?

Tom-I think you're right, he would probably still need relief for that. That's the you know, unfortunately, you need to request relief. That's why you're here, though, and this all kind of circles back to my original point in that the relief that in my opinion that you're requesting is beyond what me personally, I'm willing to, to grant.

Carlos- I will say invite you to consider this is a very creative project. And it's true, but why not to open to the possibility of doing what you are concerned to do. Why not to be open to the idea of doing something really productive in a space a smallest this?

Attorney Cipoletta-I think at this point, Mr. Chairman, I'd ask to continue this on to the next December hearing and revisit this plan.

Alright, hearing a request for a continuance can someone make a motion please. On behalf of the applicant?

John- I would make that motion that we continue this to the December meeting of our board.

Second by Jason. Motion to move to December meeting.

Tom moving onto next case 125 Pleasant Street Do you have that we have Irene we can jump back to 125 Pleasant Street. So Irene I don't know if you were on when I had said this. But we skipped over this one because I wish to recuse myself from it. And we wouldn't have had a quorum.

Irene- The issue of recusal thing, if we weren't this tight, I might say the same thing because I'm a very good friend of a member of the family that used to own this property. But on the other hand, that's used to own so, it's not somebody it's not one of the people who sold the property or you know, it doesn't it doesn't really affect the legalities or,

what's being asked for here. So if we're not going to have a quorum, otherwise, then yeah, Sure I'll be on it

Tom- Alright, so for the record, Irene is going to chair I'm going to turn off my video just so I'm not seeing any more. And Irene you can go ahead with the formalities of starting this opening this case

So for case 027-2021 125 Pleasant Street Irene Dwyer will act as chairman for this for this case, John Young and Jason Wright will be sitting in. So the plan is to turn the two family building into a three and the method of laying it out being kind of what we'd call a Philadelphia style with units that it's not like the whole third unit it's going to be the third floor there's bedrooms on one floor and living on the other after move the rear stairs which affects ,well first of all the conversion affects the parking we should have six I think we have 4 and that also you know then of course it's the change of uses is major.

Attorney Cipoletta- Madam Chair. Just one thing I'd like to point out before we start, and it has to do has to do with plans. When they were originally submitted to the building inspector, they showed four parking spaces, he denied the application on the basis, one of the bases was for lack of parking, and that the plan showed a deficit of two off street parking spaces. The plan was still being developed. And we were against a deadline to get it filed in time to make this meeting, but after the denial letter was written, the final plans came out and they show on page two, which is the second page after the page that says cover, there is an amendment to that plan that does in fact, provide two additional parking spaces in a driveway on the right-hand side of the house. that should be in the full set of plans on the second page.

Irene-Instead of instead of the plan showing four parking spaces, it's now showing including a garage that already exists there. It's showing five which, and technically we should you know, technically but the relief granted is from six.

Attorney Cipoletta- And that is a little bit in conflict with what the denial letter says. Because the two space were created after that. So whatever we whatever we do we have to wrap all this into our data. The developer is on. He holds quite a number of licenses and he would be able to talk about the construction and the conversion of the of the building and how it's going to be done, how it's going to be laid out. But generally, the purpose of

this project is to create a new third unit, and the third unit as Miss Dwyer ahead indicates It's sort of Philadelphia style. So there's going to be a third unit that's created, we're not creating any more out, we're not pushing out and creating any more footprint of living space, it's going to be two bedroom, an office, a kitchen and a bathroom. And that's taking space from the existing unit one and two. So taking a little bit of space away from one and two, and then being able to install the third unit, recognized from the plan on two levels. There will be a second level deck added on the west side of the building or maybe two decks. But it shows on the plan, they are not there currently, but the deck would be added, a new bedroom will be added for unit one, which is giving up some space to unit three, that would be in the basement level, and would have to be compliant with all the safety health and fire codes, and the rest of the basement is going to remain for storage. And for the mechanicals. Parking. I think we already covered it. But we do have an existing garage, we have three spaces behind it. And we're going to be to space that two cars on the right-hand side in a new driveway. And I would suggest that I think most people know this area.

Evening, folks, my name is Daniel Vannoni, live 125 Pleasant Street in Winthrop now. I'm also the contractor on the project, licensed construction supervisor and have variety of licenses ranging from brokerage to insurance. The goal of the project was in looking at the project as it stood or the property as it stood, the layout was a little bit unusual and not quite conforming to the way people live their lives now. So the goal is to take a little bit from both units and develop a third unit in the back there primarily in the back third of the building across two levels. The only other addition turns living spaces on the basement level, which the lot itself slopes down from the front of the lot on Pleasant Street towards the back of the lot which runs parallel with Woodside Ave. In terms of the driveway to be created off of Pleasant Street, just one thing to note. Part of why wasn't originally on the plans was like, I like to preserve greenspace if we can so the plan actually for that driveway is to use a permeable pavement solution as opposed to a hard solution to better deal with any potential drainage related issues.

Irene to close public comment. Motion to close by Jason, Second by John. All 3 voted yes.

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Irene- I'm not happy with a couple of things about this plan. I don't know whether there's any way to streamline them. Although, strictly speaking, you've got four parking spaces in the rearranged driveway and garage on the Woodside Avenue side, you do have a three-car tandem layout to make that work. And that is something we have been very reluctant to do because it makes it much more complicated should you need to you know, egress all the cars at one time. She is not happy with the basement windows. On the other hand, it's now on the side of it's on the side of the building that is now instead of being green or going to be an additional driveway with two cars on it. We should seems to me to raise a emissions issue with cars you know right outside of bedroom window.

Daniel Vannoni- they conform with current codes for egress infer height. If you look at the plans, if you look at sheet, a one where it says bedroom one, you see a double window, the window for the basement bedroom is actually below those windows. And it is the driveway does not overlap with that window.

Jason-Isn't there a telephone pole? On that side? Is that going to interfere with the proposed driveway?

The applicant- It shouldn't we the lot on that side of the building, I believe is between the House and the lot line is about 15 feet. So we should have enough room to put a driveway there.

Jason- Is there an adequate buffer on that driveway? Applicants answered I believe so.

John Young--When I first saw the proposal, I saw four parking spaces. And you've told me there'll be six now. And I want to make certain if we were to agree for the change. whatever plan you had, that shows those six spaces needs to be updated for what the approval was. And that's certainly what I received showed those six spaces. But I want to be able to say that I've seen those six spaces.

Jason-there'll be no other external changes to the actual building outside of I thought I heard somebody said there's going to be a staircase that's going to be moved?

Applicant There's a two story deck being put on the side of the house, which will be second form of egress for each of the units.

Jason-That doesn't encroach on anyone's property line to this violate any.

No, it does not.

Irene-I would like to have that more explicitly laid out showing that there is not only room for the additional parking spaces, but they're not interfering with one another. I had also raised a couple questions about the side driveway, the basement bedroom, that Mr. Vannoni has answered them pretty well. So I think we still have to do some work on the parking plan before we can put this up for vote.

Jason- just clarify for the record the what it is we're requesting for relief. I saw a special permit I saw parking but then not a parking variance. And then I saw a variance for variance request for Use.

Irene- okay, it's a special permit to convert from a two family to three. The following relief is required. Variants variance for relief from the provisions of a table of uses to establish a three family and the variance of required off street parking. Originally, we should be to use two spaces per unit. And originally the plan showed 4 parking spaces for three units. So in the interim, the applicant has established a side driveway a planned side driveway to give you two on the facing the house on the right hand side and then in the existing parking area on Woodside would have 4 including the use of an existing garage under. so we do have the number here. It's more the specificity of the measurements. And in my opinion is also three car tandem presents a potential fire issue.

Irene- What I would like to see before voting on this is the Woodside Avenue parking area cleared up somehow though you don't have parked in cars, when all the cars are there, that exceed the ability of any car to get out. On the Woodside Avenue side, you've got one car in the garage, and the other three. One of them's awfully close to the rear steps, I'm sure you're going to get the right measurements there. But Mr. Young had we had suggested a cleaned up plan that would give you the exact locations of the parking.

Irene-We would be a lot happier with this plan if we had the parking spaces still in that bituminous area delineated and that there not be a three-car tandem arrangement necessary. I appreciate your concern for the greenspace, but a couple of feet would probably do this

Attorney Cipoletta- I think we be in the process of requesting a variance for two parking spaces. And then try to remedy that situation by creating two parking spaces that are an arrangement at least on the Woodside Avenue side that apparently the boy in it does it looks it looks rather precarious. And I get the logic of three cars in tandem being unworkable. And I was almost going to say and it may be the solution is just to ask for clean up that side on Woodside Avenue and ask for one car parking space variants. Whereas we came into the process looking for too sometimes trying to over correct the situation isn't the solution and maybe as a more reasonable solution and a better layout would be to remove one of those spaces

Applicant- Yeah, the only comment I can offer relate to landscape is, I mean, we're not planning to change. The existing driveway is where it is, we're not planning to change it the new driveway, there is a hedge between, like I said ahead, that runs the full length of the property outside of the building. And that's out of the property that we're planning to keep As is.

Attorney Cipoletta- But I think I defer to Daniel and I. And I don't know. So it's 28. October, November. So it's probably five weeks or thereabouts. And if it's going to give the board a comfort level, that's a little higher, then my gut tells me it's probably worth doing.

John made a Motion to continue to next meeting. Second by Jason. All 3 members voted yes.

Next case 029-2021 19 Neptune Ave. On this case will be Tom, John and Jason.

Attorney Cipoletta- So, this is an application by Stetson Realty Sean and Patrick Butler for the proposed conversion of one family home to two family with four parking spaces on the lot. Two family home is allowed as a matter of right in the RA district and one of the

parking requirements are met total height of the house at its highest point will only be approximately 30 feet. what is being requested is since the building is a preexisting non-conforming structure, a special permit is required in order to alter amend or extend that non-conforming structure and to change the use from a one family to a two-family home. Which of course is allowed use, it is 5000 square feet that was subdivided prior to 1955 and the benefits of 17.16.02 OJ one. Right this is the one that was that was submitted because it was finally finished and stamped. And we submitted as soon as we were able to, to get it into the pipeline. So here, it fronts on Neptune, it is preexisting non-conforming structure. And none of that is going to be built outside of outside the footprint, there's going to be one thing that I did talk to Patrick about before today's meeting, is we do need to do something about this setback on the side here with the parking space. And we would then slide these two spaces back two feet in order to give a buffer strip here as required against the against this boundary. So that would be an amendment to the plan. And I would ask leave to amend the plan if the board were to approve this to make that the condition that we provide the buffer strip which we are able to do by moving these spaces back

Irene asked if any public comment. No public comment was made. Motion was made by Tom. Second by John. All 3 in favor to close public comment.

Attorney Cipoletta- may I just make one point that I skipped over in my notes. And that is to mention that the back decks that are existing there now will be removed. And that will create another seven feet of open space in the rear.

Tom had a couple of questions. The application says that you'll be squaring off the front section of the second floor. So I'm wondering what is meant by that. There's no notice there's no actual floor plans or elevation.

Attorney Cipoletta- The plan is to make is to make it such that when we when we're looking at the second floor, but it's going to second floor is going to be squared off to be equal to the foundation of the building. So it's going to be square as opposed to angled off the way it is, as it's shown in the assessor's picture.

Tom-Does this building meet the setbacks on the property? Or does not correct? You have preexisting non conforming?

Attorney Cipoletta- It doesn't.

Tom-So if you are increasing the second floor space and encroaching on those setbacks, on the second floor level, you would need relief from that.

Attorney Cipoletta- that's where we're extending the non-conforming structure, that that would be the special permit, but you have no plan showing that

Attorney Cipoletta- It should be in the application package. But I got to tell you what I have in front of you doesn't have it.

Tom-that's what's confusing that's in general, you know, just to I guess, voice my opinion this one to me is somewhat in stark comparison. And I know Darren's rolling over on his sofa at home if he's listening. But this is a property that has the space for a two family it has the property size allocated for what is allowed as a two family there's plenty of two families of similar size properties in the same street. So I am more inclined to approve this request personally. However, it does concern me on just saying that you're going to expand the nonconformance of the setback without having actual any plan I guess I'd like to see that.

Patrick Butler- Hi. Um, I had given some attorneys simple letter the plans? I'm not sure if everyone on the board. So received them. It's the elevations of the existing the floor plans of the proposed. So along with the pictures of I mean, the elevations of what's going to be proposed

Tom- Madam Chair. Yes, I hate to do this, but I'm going to make a motion that we continue. This is just not the way I mean, this is difficult to operate like this. It's not fair. To any out there to the public. I don't think it's a big deal to continue this. I don't think we need their permission on that because they didn't file the application, or we at least it didn't get to the board properly.

Tom made a motion to continue to Dec 2 meeting. John second the motion. All 3 in favor voted yes to continue. Tom made motion to adjourn meeting. Second by John. All in favor to adjourn.

Meeting was adjourned at 10:21 pm. Yes. Irene? Yes. John? Yes. Jason? Yes. Board members continued to executive session.