



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

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MEETING MINUTES 12-9-2021

Chairman Baird opened up the meeting at 7:16pm. Members tonight are Chairman Baird, Irene Dwyer, John Young and Jaime Stern. We have two matters on tonight. One continuance and one new matter.

First case to discuss is 63 Summit Ave. Chairman Baird asked Attorney Cipoletta to address the Board.

Attorney Cipoletta- And since the last meeting, it's only short two weeks ago, I think the Board had some concerns that were expressed to the DeVincenzo and to Mr. Luna. And one of them was with regard to the sewer easement at the rear of the property. And there was a recommendation that Mr. DiVincenzo and Mr. Luna inquire of Mr. Calla at the DPW with regard to any potential building back in that area. So Joe and John both met with Steve, I believe on Monday morning. I did a site visit with Mr. De Vincenzo on Saturday. And later on Monday afternoon we convened with Mr. Calla who has submitted a letter on behalf of the DPW and the board should have that attached to my email dated December 8, which would be yesterday. Additionally, as a result of that meeting and some discussion with Mr. Luna and Mr. Calla it was decided that there would need to be revised site plan we also submitted that and it shows the a buffer area of at least three feet off of the easement Additionally, there was an aerial photograph showing the locus and all of the surrounding uses and most importantly, I think The reason for that was to show that there are many driveways that come down the along the border of the property line between properties and homes. In that area, obviously, there was a very steep slope at the end of in the backyards of some of those Summit Avenue. residences. Not all of the properties in the RA district plagued with that slope and challenge of, of building. I submitted another copy of the building inspectors zoning review letter, I reviewed the new plan with the zone

with the building inspector, as the chair had indicated, and I think Mr. Chiudina had suggested as well over the course of the last couple of meetings as back if there are any changes of plans that those ought to be run by the building inspector, again, to make sure that he hasn't changed his mind on what if any relief is required. And principally in this situation, what is required or requested is about 6.4 feet or thereabouts off the right-side setback in order to accommodate the garage and the attendant structures and elements that would go with that. I believe.

Attorney Dwyer -On Monday morning, eight o'clock, Mr. DeVincenzo and I met with Steve Calla over DPW and walked him through the plan and also told them that we had been before the board the previous Thursday, and the question was raised. With the new retaining walls, what is actually allowed and filling over the existing sewer easement. There's not an issue filling over the easement. The issue came even though we're not building on top of the sewer line, we can't go over it in any way shape or form because it needs to have access. So that being said, the property the retaining wall as that is located at the far south end of the property needs to move forward to the north. And that retaining wall needs to be three feet from the edge of the existing sewer line. And that's three feet to the footing. So we'd likely will have some type of asymmetrical footing that the footing doesn't encroach back in the wall will be held three feet off. What the plan would be is prior to any construction or excavation in that area, DPW would come out and mark the line. Once it's excavated, the wall constructed, they'll come out and do another visit to make sure that we meet the three-foot buffer area off of that line. So essentially, if you took our plan that was submitted last week, you take that retaining wall along the backstop wall, push it forward till it's three feet, three feet further north from the sewer line, that's where the edge of our retaining wall will start and then we just essentially filling in over the over the footing but there will be no retaining walls will stop on the east and west side as well. So it's a you and there's no and there's no impact with the with the existing sewer line. You can see the blue line to the south, right there. If you go to the back end of the property, that's where the original retaining wall was located. So from the blue line, the U shaped retaining walls, if you see on the east west and south side, those who are limited in their entirety. And again, the rest is just the rest is just procedure as to how we will make sure that the sewer lines properly documented and that the as built condition is observed prior to backfill.

Mr. DeVincenzo- I took some photos from our property facing east and facing west, showing that the design of the new retaining wall behind the garage would be very similar

to one that already exists within bordering about 50, about 100 feet to our east. Okay, this is the this is the plot plan that we discussed on the second. Just to orient yourself, that's what you and I discussed on the second all of us together. And then here is the DPW letter of clarification, specifying exactly how far off the sewer line, any construction or structure has to be including footings. And the procedure for verifying that location by Steve Calla. And then this you've just looked at is the new the new plan with essentially removing all retaining walls from greater than three feet away from the existing sewer line. And then in addition, if you can see my pointer, I plotted the distance between this wall the closest wall of the garage, proposed garage to the nearest neighbor. And that is, this is 16.8 feet. And then this right here is 26.2 feet. And now, I would like to show you an aerial view. That's technical terminology for Google Maps. And this shows you in red that our property here, and then I've listed in yellow, where various driveways and attached garages are. So notice here is a garage with a driveway on the property line. Here is a never another driver on the property line. Both of this home right here this property is 50 foot wide, exactly like the width of this of our property. And then here you have an attached garage with rooftop deck and driveway on the property line. And that's also a 50-foot-wide property. This wider property here is notable for having a retaining wall with a backyard. This one has a retaining wall or SEC yard. Oh, many of these, as you can see in this in this beige have retaining walls or partial retaining walls. Now I'm going to show you some photos taken from the backyard here looking first that direction across this abutters yard and into this yard here. And then secondly, I'll look this direction and point the camera that direction. So here is looking to the east, from the sun porch of our home. And you can see here there's no construction here. Because this wood is likely where the same sewer line is going. But there is a retaining wall here with a terrace. And if you look further to that, this is our nearest or butter here just to give point of reference. And sorry. And then if you look closer at that retaining wall from a different angle, you'll see it's a terrorist retaining wall. So there's the lowest level which would be where the suit over the sewer. Then there's the retaining wall here makes it flat there and there's a second eye terrace here upon which the garage is built this garage. As opposed to our design. This one has a peaked roof and it's a little bit higher than basement level, as I understand it, ours is at basement level and does not have a peak roof. And then there you can see it from a different angle, the four levels of the terrace from the approximately 100 feet from, to the east of our property. Here's looking to the west of our property. And you can see a four level terrace also deck and flat back. And that's all I had except for the list of letters of support and their addresses. We have 18 letters of support, and I took the time to put them on a map. These are the letters of support. They come from all abutters. Except for I don't know if this one's technically in an abutter, except for this abutter here. And the red is the prop our property

Neighbor Alexandra Perrin- One thing that every picture is not showing that the snow is really going to affect the elevation of getting up and down that driveway. And the wall that would separate the two properties would really impact the drifting to get any access to 69. Summit to the back of it. And I'm concerned about our egress is I appreciate you taking the time to take in all considerations. But once our light is gone, our tree is gone. They're gone forever.

Chairman Baird closed public comment. Motion made by Irene Dwyer, Second by Jaime Stern. All in favor by yes vote

Chairman Baird asked if there are any questions from the Board-

Jaime Stern- When you were showing the retaining wall on the far side of the property, not the one with the terraces, but the far side. And with the garage, I think it was a red garage. When I went to look at the property I walked around, I was respectful. I didn't look like a crazy person. That when you're in the back If you're looking when you're on the when you're on that back sort of slope where you're looking to build how much higher is your wall going to be the net retaining On the other side of the property, is it going to be another? I was really trying to get an idea on the comparison? Is it going to be another four feet five feet higher than that? Or is it going to be roughly the same within the garage at that at similar height?

Mr DeVincenzo architect addressed the Board- I want to see the edge of the adjacent structure. That's important to note in this. When, as was discussed at the last meeting, we are not starting our slope down to the level entry at the garage, we're starting it at the existing retaining wall, the first immediate retaining wall off of Summit Street on the property. So our slope begins from the driveway elevation, as I mentioned last slopes at a 15% gradient. our garage is set further to the south. The garage you see in in the photograph, when you're looking toward the east is set further to the north, ours is pushed back. And the reason being is I have to push my driveway back as to not impact the property as we sloped down from the driveway to our left our level landing for the garage. That slope is a step by step retaining wall similar to what you see in the adjacent property. We don't go to a Level retaining wall till we're well past the edge of this existing stairway you see in this photograph. So the concern about having a tall wall there, that wall is stepping naturally as it is right now. And there really is not going to be any such change in that the wall will be approximately two feet higher along the edge because we need to create a guardrail to prevent any potential hazard as I mentioned in the last presentation, then we level off but that is well past the edge where the existing houses and that's the greatest impact we have on the adjacent property because as we level off,

the property continues to slope toward the south. But to be clear, we are not our condition is no different for what is adjacent to the existing house and stair structure you see here. And what you see in that photograph of the adjacent garage, that garage is pushed further to the north, and we are because we don't have the luxury, you know, closer to the front property line. Does that address the address your, your question?

Jaime Stern-Pretty much I. So you're saying that, right now what I'm looking at here, that wall and the compared to that long, right from the far side, it's going to be roughly that's almost roughly that size.

Attorney Dwyer And then the main impact is, as we get, imagine where you see that fence? All right, that's essentially where the edge of that fence is where the edge of our level landing starts. Okay, that's, that's the elevation of where our garage backing out driveway is. On that, you can see the site continues to slope. Okay. So as we get past that the natural gradient is going to make that wall tall. So right, but we are not near and I want to be clear on this, we are not near the existing house regarding a higher retaining wall, we're following the natural topography at that point, and there already is a preexisting retaining wall along the site.

John DeVincenzo=Can I just point out a couple things on this photo of the fence that you see natural wood picket fence that's approximately three feet tall. And it connects to the base, where the driveway the level of where the driveway would be at the level of the of the garage. So the base of that fence is approximately the level the elevation of the of the base of the garage so if you add two feet from the base, it's actually shorter than the top of that fence there.

Irene Dwyer-Yeah, I went out and tramped around over the weekend too. the slope of what is being looked at in strike me as being one of these, you know, you're building us a ski slope number

Attorney Dwyer as we clear the driveway and will you see the curve stairwell, there'll be a major drop in the retaining wall height at that point, because the elevation between the driveways to level areas is 10 feet, so the retaining wall will come down substantially at that area as we get around that curved stairway. So it's not we're not going to configure that height all the way over. We'll step the retaining wall down so there's a natural transition till we stop stopped. It's approximately the same height as that as that one that I took the photo off because it's about if I remembered we measured it right. It's about I think it's about six feet or seven feet, something like that.

Mr DeVincenzo-May I share the screen and show you another angle photograph that allows you to determine how, how much elevation the driveway would be relative to the abutters house on the east? Okay, so I'm going to share screen again. Okay, so this right here is a photo that I showed last meeting, and I'm going to put it up here. The window on your right, that window is not going to be changed at all, that's the window into our basement, that window will not be changed, So if you can see the height of that window will not be covered at all by the driveway as it goes down. So as you can see here, the height of this fence the existing fence on the existing retaining wall that needs to be repaired because it's crumbling, that height is actually that height of that fence is actually higher than this window here. So that you can see what the slope of the driver would be it would be cutting down so that it wouldn't affect that that window would not be buried at all. And that this patio here with the two white chairs is the level of the of the driveway as you enter the garage or the level of the garage floor with this fence being seen, approximately three feet higher than that.

Chairman Baird asked a questions So what's the distance between the closest point of the house where it's closest from the house to the where the retaining wall will be? Or what's the width there, because as I stood down on that patio, and started walking up the hill, I was thinking you better be driving a mini cooper or a or a moped, because it's, that's pretty narrow,

Attorney Dwyer I've got a 22 foot backing area, from the face of the garage to the retaining wall. The reason why you see that, that curve section with the stair is to allow a three-point turn out of there. So you have you have a little bit more maneuvering room, you can swing wider at that point. That's why it's pushed back. I got a 21-foot-deep garage, which is about the minimum, I can get a get to, you know, a standard link car inside there and then a 22-foot backing area. It's not going to be an easy turn, there's no there's getting around it, but it's workable. So, you know, I don't we did not want to push the garage, any closer to the property line than what's currently shown on this plan. And then it's just a matter of what were the numbers add and up. So we try to we try to split this as tight as we can it is workable. But we've only got 50 foot 50 feet between the property lines, and you know, there's only so much we can do.

The crumbling retaining wall will be redone per John DeVincenzo.

Chairman Baird- f you can't reach an agreement with your neighbor, and then we're gonna put a sheet piling?

Attorney Dwyer -yes

Chairman Baird- And I guess this is a question for attorney Cipoletta. Um, that's the structure of those stairs encroach into the side yard. Right. So wouldn't it be that within the side yard? Am I missing that the stairway structure itself is separate from the retaining wall? Would that require a separate variance? I just because I want to just make sure that if we're giving if the board makes a determination, that's going to give the relief it needs to give, I want to make sure it's being complete.

Attorney Cipoletta- When I looked at it, my impression, and my thought was that it does not because it's not a structure in the traditional sense. It's a manner of accessing another part of the property. It is it does encroach in the side yard. The building inspector didn't call it out. But if the board determines that is a structure, then we would request leave to amend the application and ask for relief for the left side yard setback.

Chairman Baird-I think I hear you on the structure, right? Because as a technical matter, under our ordinance, a retaining wall is not a structure and it looks like that it's not the continuance of a retaining wall, as it as it says it. It's a Is that correct? So, I mean, I think that where it wasn't called out in the denial letter, and where it is a continuation of retaining wall, it's probably you're probably right attorney Cipoletta. It's not a structure. So I appreciate the clarification.

Chairman Baird asked for a motion.

Irene Dwyer- Non compliance of proposed structure with regard to minimum side yard setback of 10 feet. Section 17.16.020. J1 I would make the motion to grant the relief requested, giving a variance for the noncompliance of a proposed structure with regard to the minimum yard setback of 10 feet. The relief that he's looking for in the original plan on the one day to 12 /2 is where there's a jog that kind of matches the house jog, on the east side is a little kind of a walkway on the east side, and there are a couple of marked in red rectangles there were the house sticks out here or there and already has a little bit of a problem. And they were staying in compliance with that same measurement.

Chairman Baird= I think only it's only I think their only relief is as it relates to the placement of the garage. To the west sideline, they're looking for a variance that would take normally that's a 10 foot required side yard. We want to bring it down to 3.6 feet. So that's a that's a variance of 6.7 feet on the westerly side yard. I think that's the only relief that's required here. Okay. So I think the only thing is the variance for the side yard setback.

Irene= So, I moved to grant the relief requested for the app from the applicant DiVincenzo of a variance to grant an extension of an existing non-conforming use of 6.4 feet at the Western southwestern corner of the building, where a proposed new garage is to be built per plans.

Chairman Baird-I think I would add that making appropriate findings that because of the narrow width of the lot coupled with the topography, and you know, the location of the house on the lot creates a unique and uniqueness to the lot in the structure that does create a hardship and that hardship. You know, the hardship here of sort of strictly construing and enforcing the zoning ordinance against the applicant, relative to that side yard setback would create a substantial hardship, and it does not create a it's not more detrimental to the community than what's there already it doesn't affect the public health, safety or welfare and I would also say whatever we conditioned this on, you know, you said consistent with plans. Attorney Dwyer but I would also throw in there that you know, and subject to continuing you know, compliance With the DPW letter, and I think that that would be what I would offer as an amendment to your motion, if that works for people.

Seconded by amendment by Jaime Stern. Roll call yes for approval of amendment.

Chairman Baird-Yes. The variance has been granted.

Second case for the evening is case number 31- 2021 138 TAFs Avenue. Sitting on that will be Chairman Baird, Miss Dwyer and Mr. Young. Just as a point of disclosure, one of our board members, Jaime Stern is the petitioner in this case. So it's a little unusual, not totally unheard of, you know, as a member of a board, you still have the right to utilize the Board of Appeals in any other town, administering town function, relative to property or otherwise. So I assure you that because Mr. Stern is a member of the board will not result in any different treatment than any other way without treat Mr. Stern differently than we treat the other petitioner.

Attorney Cipoletta addressed the Board- this is a proposal for a raise and rebuild of 138 Tafts Avenue and the current house as it is pictured on the on the plan and with the attachments of the photographs and so forth, can see that the house that exists there now is similarly non-conforming. And that seems to be one of the things that carries through the neighborhood. And indeed, around the general area of the of the point a lot of these lots of small and this area is 3000 square feet. And it's about consistent with other

lots on and around the Tafts Avenue area. The purpose behind this development or redevelopment is to take a piece of property that's been in the Stern family for generations to rehabilitate it and with the end goal of there being able to accommodate three generations of Stearns, Mr. Stearns, the applicant mother owns the property, she is not there now. They are hoping to break it back. And Mr. Stern and his family would move back there and would bring mom home to where she had resided for, for many years. So unlike some of the other proposals that have, and they may have been appropriate, and I'm not suggesting that they're not this is not a proposal for multi-unit condominiums. It's not a proposal for townhouses. It's a proposal that would result in the reconstruction of the redevelopment or replacement of a home that would comply and be built in accordance with modern current building standards. And all of the other standards, including fire. And the other codes that would apply to new construction, as opposed to when this house was built many decades ago, probably under two or three other versions of the building code in might not actually be in compliance. So it would be not only an improvement to the neighborhood, and in terms of keeping a family that has been long standing in the Tafts Avenue neighborhood, it would also replace a home that it is in need of some repair, and upkeep with something that is brand new and built to code. The plan does in many respects, as the house that currently occupies a lot falls into noncompliance. And we're not, although it looks like Mr. Stern is asking for every variance under the sun, it's only a couple of variances beyond what is already there. The first variance he is requesting and probably the most notable one is in height. And because of the size of the lot, he needs enough interior space, he can't go left right front back to any appreciable degree. So we need to go up a lot of what is what appears on this on this plan that's drawn by a Nathaniel Kart and he'll I'll ask the boy to hear from him in a moment takes into consideration the surrounding structures, there is a two story home to the right of that structure to the left, obviously is Mugford. So he's on a corner lot. And the way that it's designed is so that it doesn't interfere with any of the sunlight, the air doesn't create overcrowding or unrealistic density in the neighborhood or on the lot. The second request for variance that is always controversial in width is for parking. So the lot now has no parking. The proposed plan with the rebuilt home would not have off street parking. But what he does have is the benefit of that bumped out area a cut in area on Mugford that's used currently to park two cars. This is a one family home, and it will remain a one family home. And the parking requirement is for two off street parking spaces. The plan is to continue to use those parking spaces adjacent to the home at the corner of Mugford. And in Tafts Avenue. And I believe there is maybe there's a one photo maybe two images of the car, the cars that are shown there in the in the cut in on the corner of Mugford, And in talking with Nathaniel and with Jamie. They look at this from 350 to 360 degrees of the

compass and I would like Nathaniel to be able to with permission of the chair to explain and walk the board through the design of the home means a manner of construction and why we feel that this matter this Have a building would not be detrimental to the neighborhood and would be an improvement. This is not a three-story home, the top floor is less than 50% of this gross square footage of the floor below it, there is only going to be a playroom/ library that would be enclosed on the on the top, and on the north and south, on the front and rear would just be outdoor decks. So the that level at the at the apex of the house is a half a story and no more.

Architect Nathaniel Kart- So we're looking at IP, the new proposed construction. I'll try to keep this brief and allow more time for questions. But we are on Shirley point. so here's the home with 100 foot radius circle just to kind of give you an idea of, you know, the distance to the beach along Shirley point and Deer Island . So our strategy for this house, first addressing the flooding, is to pick up the structure by about two and a half feet. That not only addresses the flood issue, but combined with the concrete pier foundation allows the new structure to vent that 1% chance of annual flooding. But we still want to have a relationship to the outside. Jamie's a very sociable person and wants to say hello to his neighbors. And it's with the challenge of a small site, we wouldn't necessarily have a traditional front porch, but rather have a raised terrace. And I think that this image is a good example when showing in comparison to what happens at when we follow the height limit. Basically, there's two versions of this where we've shown protruding seven feet above the height limit versus keeping it much more flattened. And we're trying to adhere to a vernacular style of the neighborhood. So maybe strengthening we feel as though strengthening the presence of the gable roofline could actually contribute to the character visually without obstructing lighter views from the neighboring properties. And we also are asking for setbacks. So this ground floor site plan shows in red, the various setback lines, and you can see the footprint of the structure and where we're asking for relief from those setbacks. The key points are to have a zero setback on Mugford street where it kind of greets the street with a new entry from the adjacent to the parking a more formal entry along Tafts Ave with six foot of clearance requested on the setback along the south lot. The existing structure has a fireplace which comes to about five and a half feet so we feel we're respecting the neighbors and also allowing for fire separation distance which is in compliance with the building code and even allowing a bit more space in the rear lot. We were adhering to the rear setback where we're adhering to the 1/5 lot depth based on the lot being subdivided prior to 1955. So the only thing to really point out there is on the second floor we have a balcony which is protruding four feet overhanging without any columns into that that rear setback, which is seems very, very common. In the at least in the Boston area where you see overhangs into a right of way, in this case, it's on

the property. Briefly show the elevations and to give an idea of how we've picked up the structure, two and a half feet. So by raising the structure, we've been able to increase the ceiling heights without a huge visual impact from the from the street.

Jaime Stern-Can I add something? Am I allowed to? You're the petitioner so okay. So just to speak to a couple of points, the space, I mean, it's a small, my grandfather built this, it's a small space, we're trying to stay here, you know, with a young family, potentially more we'll see depends on, we've talked to myself, my wife, tried to bring my mother back, she's not going to live alone for much longer, to have a mother in law daughter in law, we need, we just need a little more space. That's why we did this, so that we cannot just survive, but have a happy home. But we do need space. So if they both want to watch TV at the same time, and things aren't working out, there's enough space within the house to have some separation. I mean, that is really the case for the space issue. To speak about the parking, I don't know, if you have visited the property, my grandfather paved part of Mugford. You know, 30-40 years ago, we've been we have three spaces that have sort of, we've just inherited through the family. And I know some of my neighbors are on and might speak after this, you know, we've been parking the same three spots for, you know, almost 60 years now. And we're with the neighbors, you know, we have Mugford is a shared Road, everyone has their own little spots, and it's just worked. So what we're asking for is really just to continue the same, the same process that we followed, that we followed for all of these years. So that's why the parking there, and what the neighbors were, you know, we really took into consideration, I think Travis is here, you know, we would be going a little bit higher in front of him, we've talked to everyone about this, we made sure that our neighbors to the south, we weren't going to affect their sun, the neighbor to my north, he actually, I don't want to speak for him. But he said, taking away some of the direct sun into one of his rooms might be helpful in a way, we're taking a lot into consideration. And really, we're trying to do this so we can stay. If to make it so that both my family and my mother, we can all make this work. That's why Nathaniel's you know, we've worked really hard to put this design together. So my mother can really have the run of the first floor, we have the second floor for us and the kids and, and then the bat space upstairs is really for, I want to say for me, but just for a little more space, so that we don't have to be stepping on each other. And then trying to maintain some outdoor space, my wife is inside all the time, I'm outside all the time. So having that front terrace. So I can, you know, I do talk to my neighbors a lot to make it so that it's a little more comfortable for everyone. That's the goal of this. So it's really to keep this house in our family. Because if this doesn't work, then we, you know, we'd have we couldn't stay we'd sell and can move on, which we don't want to do. So that's the idea behind it. So I think that's all.

Chairman Baird opened it up again to public comment.

Edward Bleuchere from 141 Tafts Avenue across the street. I just I'm in support of, of Jamie stern and the project's.

Gregory Streeter. I was curious when you see that swimming pool, how deep is that? And what is the strand?

Joe Lawrence at 10 Mugford. I saw the plan, and I have no issues with it.

Alan Sennott 139 Tafts Ave Okay. I'm directly across the street from Jamie. And I would like to, in favor of Jamie staying.

Michael Herbert is in favor of this project.

Travis Pawquet, direct abutter agrees with this project.

Motion to close public comment by Irene, second by John Young. Roll call all 3 yes.

The pool will be a splash pool. 30-40 inches. The Strand is a public right away. It does provide access to some properties, but it's generally less formal than a typical street.

John Young was a little concerned about the parking but understood that point Shirley is a little different. But nobody opposed the parking.

Chairman Baird asked to take a motion from one of the members, either Ms. Dwyer or Mr. Young. On this petition, 138 Tafts Ave.

Irene Dwyer-, So the variant for the lot size. front yard setback is 1.2 feet left Left Side setback to 2.8. So that's we will require a variance there as well as on the right side but the major have side yard variances up against Mugford Street, the rear yard setback, I think it is inconsequential, the height has been explained by the chairman I think is very much understood. So parking that's an existing condition.

Chairman Baird- isn't Mugford a zero lot line setback and here I don't see anything that reflects a request for a 10 foot setback off that lot line unless I'm missing something

Attorney Cipoletta-its number 4 listed.

The use of of strands of public way, mud for the public way and TAFs as a public way. So which one are you picking? Is your front yard? Tafts? All right. Tafts is your front Mugford is your saw see of Mugford side you have the side parallel to Mugford is aside in in the strand is your rear. So, right. Your you need variances for the two off street parking spaces. The height exceedance of seven feet from 35 to 42. To a front yard setback it's a 10 foot setback. I don't see a take off here that tells me how far it is from the front of the closest wall plane on the front side of the house. The dimension, it's a 15 foot setback that we're requesting to be reduced to a 10 foot. Oh 15 to 10. Okay, thank you. So 10 foot, okay, so a five foot reduction in the front yard setback? A 10 foot reduction in this side yard on Mugford street side because that is a zero lot line condition at the rear of the property. it's a four foot reduction from 10 feet to six along the neighboring property side yard on the southerly side of the lot. And then what did I miss here? Side front parking. And the swimming pool? And that's what distance to the distance to the lot line. It's on the on the lot line. Yet at this time. We're assuming that's the strand. Yep, so zero conditions 00 setback condition for the swimming pool?

Chairman Baird=So I think as a technical matter, even though this lot is had a single family house on it, and was is 3000 square feet and only has 40 feet of frontage, I still think it's better practice for us to grant variances to allow that condition to remain to be a buildable lot. So because you are raising the existing structure and building a new one. So I think the other two variances you would need is variants for lot size, reducing the required lot size from 5000 to 3000. Because that's the current condition it would be a hardship to require something else for something that's had a single family for on it for as long as it has. And then same goes for frontage, reducing it from 50 feet to 40 feet. For the same reasons it's been an existing lot with a single family house on it for decades, maybe even will certainly long enough to get zoning protection. So I think that to require something else would be a hardship as well. So I think that's all the zoning relief that I see here.

Irene made a motion to grant the relief report. Question in case 31 -2021 138 Tafts Avenue. The relief requested, variance from section 17.16.020 J one for the size of a lot, which is currently 3000 square feet, a 2000 square foot variance from the required minimum of 5000 square feet. That's a loss or a reduction of the front measurement of the house on Tafts Ave from 50 feet to 40 feet. A granting a variance of 1.2 feet under 17 point 16.030. For the front setback also on Tafts Ave. a secondary is under 17 point 16.030 of 2.8 feet on the left side of the property from the zoning requirements of 10 feet high and a third setback under 17 16.030. From the side yard setback on the right side of the property from 10 feet to 6.9 feet meaning a variance of 3.1 feet. a variance continuing under 17 .16.030 from the height requirement of 35 feet granting a variance to the

applicant to increase the height of the structure on the third floor to 42 feet and a variance from the 17.2 0.060 or the requirement for two onsite parking spaces. Recognizing that on street parking immediately adjacent abutting the applicant property contains adequate parking. And finally, another variance under 17 .16.030 of 10.6 I'm sorry, 9.4 feet from the requirement of 20 feet or 1/5 of the property so as to permit constructed allow for the construction of a splash pool on the rear in the rear yard area of the property. not granting these use variances would be a hardship to the applicant because the lot is the existing lot is under size. The Mugford Street to one side doesn't appear to be a street maintained by the town that the height variance will not adversely affect any of the abutters on that. The proposed project will not be more detrimental to the neighborhood.

Chairman Baird= I would move to amend just a couple of things because I think I might have caused some confusion by having the building inspectors letter up. So the front setback relief that is sought is to reduce the requirement, the variance is from 15 feet to 10 feet. So it's a five yard five foot reduction. On the side setback on Mugford street, it's a reduction from 10 feet to zero feet, as you get towards that northeast corner, and then on the sidestep back. On the southerly lot line you're going from 10 feet to about six feet, it's less than 6.9, I'd say six feet for a four foot reduction, I just as long as it's consistent with the plans. And then on the rear yard setback, you're going from 20 feet or 1/5 of the lot depth to and it doesn't look like that pool is very far, I wouldn't guess it's more than two or three feet, I didn't see a take off on the plan. So you know, I think having that dimensioned prior to filing for a building permit so that the building inspector knows how far it is, as long as that is cited no closer than what it shown on the plan to that rear yard. I think that rear yard is what it is, I think it can't be more than three or four feet as shown on that plan. So I think those are the those amendments, I'd also say that, our decision should make the typical findings in reference 48, section 10 for the granting of variances. And again, I know Irene pointed out the small undersized shape of the lot. I think one of the other one of the other unique things about this property is it has had a single family house on it for a very long time. I think that replacing the single family house for a single family house in this situation on that lot to not allow that. And to grant these variances to make useful use of the property in and replace what's a building that's probably at or past its useful life, would create a hardship if we strictly enforce the provisions of the zoning code. And because of that in the fact that it will not cause any additional or it won't create any issues in public for from a public safety or welfare perspective, In fact, it will improve the condition. I think those are the changes I would make. And of course the changes that everything we've done consistent with plans and the standard condition if there's any material changes that it has to come back to the board for approval before those changes are implemented in the field.

Second on amendment by John Young.

Second on motion amended by Mr. Young roll call yes.

Relief has been granted.

Chairman Baird took a motion to adjourn the meeting at 9:08pm moved by Mr. Young,
Seconded by Irene Dwyer.