



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

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Meeting Minutes January 27, 2022

Meeting opened at 7:02pm. Members present are Chairman Baird, Tom Chiudina, John Young, Jason Wright, and Jaime Stern. The Board received earlier today an email regarding case number 21 -2021 12-16 Revere Street Realty trust a request for withdrawal of that matter, without prejudice. Chairman Baird asked to take a motion for Mr. Young and Mr. Chianina. To accept the request by the applicant to withdraw without prejudice. I have a motion on the floor to withdraw to allow the withdraw without prejudice. Second matter is 23B Almont Street. There is a request to continue to Feb meeting. We just got plans on Monday. I think that to be fair to the board in to be fair to the neighbors who know obviously there's been this just particular project has had a fair amount of contention and discourse around the swimming pool and the plans I think that it's only fair that the neighbors have any abutters have the right to really look at and scrutinize those plans before we decide on them. I would like to so the applicant you know, requested to continue I think we should allow the continuance I think it's the right thing to do here. This one's been on our docket for a while we finally have engineered plans, I would like to have a meeting where we get not only have had the ability to review those plans in detail, but also get meaningful comments from the neighbors relative to those plans, after they've had a chance to review them.

Tom- So I don't understand why they're in front of us. They have new plans. They're, an appropriate distance from the property line and from the structure. So, what are they asking for?

Chairman Baird- Not from the fence, though, the fence is in the middle of the property they don't need that's not a permanent structure. What relief do they need from the fence? We have an ordinance that we can issue a special permit for them to be within five feet of a property line. That doesn't say anything about a fence and yet a fence is still required. So, all those special permits that we've issued to allow five feet from a property line, We've never given any special permit or variance for the fence that goes right on the same property line. So, I think it's clear that our zoning intent is not to have a fence recognized as a permanent structure.

Chairman Baird-I guess the question is, what is that fence separate? That fence separates two exclusive use areas in a condominium. I realize that that seems like a more permanent structure than a fence around a swimming pool. But I take your point, Mr. Chiudina, either way, if we were to grant relief, and if relief was required, then I would want to have the ability to scrutinize the plans. If in the interim, the applicant doesn't think relief is required, they should withdraw and go talk to the building inspector.

Chairman Baird- So I think I mean, from my perspective, I'd rather if we're going to consider whether or not if we decide relief is required after we look at this further, and dig in, really dig into it. If we think relief is required. I want the ability to scrutinize the plans and have the public have the right at a full hearing after they've had a chance to review it to be able to comment on those plans. Because the only way we're going to get to a conclusion on this. Tom moved to continue to February 24 2022

I have a continuance a motion for continuance. Do I have a second? Mr. Wright? Second. Okay. All those in favor to continue this case to 6:30pm on February 24. By role? Yes, Tom? Yes. Jason? Yes. Okay.

Our first case of the evening which is a continuance from, I believe our October meeting 66 to 70. Winthrop shore Drive. James in June Realty LLC, case number 26. of 2021. This is a request for a special permit, as well as a request for variances as well. Sitting on this is Chairman Baird, Mr. Young and Mr. Medina.

Attorney Lynds addressed the Board. Thank you, Mr. Chairman. Okay, so just to refresh the board's memory, we did make a full presentation at the prior public hearing on this. I believe there was also public testimony taken on the original proposal. We did hear a lot of comments from members of the board. Regarding the original proposal, I can refresh

the board's memory a bit. This was a proposal to demolish a preexisting structure that sits on a preexisting 10,000 square foot lot. We are proposing to redevelop the site with originally proposed mixed use 11 unit 12 unit residential, which with five parking spaces, we've actually changed that project now. We've reduced it from 12 units in the commercial unit to 11 units with no ground level commercial space, we reduced the height of the building from five stories, 53 and a half feet down to four stories, 40 just over 44 feet. And we've increased the parking from five to nine spaces to increase that parking ratio. The project continues to be proposed as an intended for homeownership. So these would be kind of condo through a condominium association, assuming the project is approved and built. I can run through quickly the changes in the updated plans for the members of the board. I don't know that we need to get into all of the sort of information we haven't here for reference, if there's any questions regarding it. But yeah, the bird's eye view and street views of the property we've included in the original public hearing, I'm happy to jump right over to the plans to talk about the updates and changes that were made since our last meeting. So let me just scroll through quickly here. And as I said, we can always jump back to this if there's specific questions regarding the current conditions. So our site plan showing the existing conditions for where the structure currently sits. As I said, it's just over 10,000 square feet on with their Shore Drive. We are showing the current setbacks in the existing building. Our proposed a revised site plans our architectural site plan, as I said show some revisions that were made from the last plan, we did show five parking spaces, we've now been able to increase that up to nine parking spaces. You can see here the nightspot located to the left side of the building for the spaces to the rear, and then the remaining four spaces located under the building on the left side are floorplan showing our ground level this originally was shown as commercial retail space, we did hear a lot of feedback from a butters neighbors and members of the board that although the retail space being proposed, was intended to provide something that is somewhat lacking for that area, that was not a compatible or good use for that site. So we've gone ahead and eliminated that. But as you can see, the lower level contains two units. With the common area entranceway off to the left, this building will have an elevator. So we are showing that on the ground level plan. We also have some storage areas located towards the rear left side of the building, as well as an area for servicing of trash and recycle. Recycling that was also requested by the board to show incorporate that into the plan, or typical floor plan, sort of a diverse mix of unit sizes and layouts. But this would be the typical layout for the stories as you go up from levels two, three and four. We have the mix of the two one bedroom and one two-bedroom layouts. But you can see here essentially what the arrangement would be with a double loaded corridor that would run through the center of the building with a common stairwell, both rear and middle of this building, as

well as the elevator that's located also in the midsection of the building. So our revised elevations as I said in the initial introduction, we've reduced the height of this building was originally proposed as five stories just over 53 feet, it's now been reduced down to four stories just over 44 feet. And again, showing here that we've removed the commercial space and retail space at the lower level that is all strictly just residential. Looking at our right-side elevation, you can see here the orientation windows on the property, again, to provide as much light there for the units that we're proposing. And on our laptop left side of the building, as I mentioned in the site plan we do have some storage areas here as well as our an area for our trash and recycling. In our entrance way, located off the left side of the building as well, just a context plan that our architecture architect team put together, just to give us sort of a view and perspective between Underhill to Irwin, our building, our proposed building would be here, somewhat in line with some of the taller buildings along shore drive, obviously, there's a mix of heights in that neighborhood. But, again, going back to some of the comments of your previous public meeting, reducing the height of our building down to four stories by way of updated zoning, you know, so one of the changes that again, to the changes that we made actually involve the height, so still requiring relief, because we would be still over the height limit of 35 feet, as well as the number of stories two and a half as the limit we're proposing now 4 even though we did increase the amount of parking, from the five to the nine parking spaces, we still would be below the required 24 spaces that are provided for into the Windsor bylaw. So a variance would be necessary for that as well. We do have a number of preexisting non-conforming conditions. And then of course, the special permit would be the multifamily residential, not mixed use. I believe that is the update of the presentation

Chairman Baird-. Did open up the floor for public comment.

Ed Calderon. I'm from 33 Winthrop Shore Drive. I'm against the proposal

Julia Wallace, address is 143 Morton street. I'm also a member of the planning board. But speaking as an individual member of the public just want to clarify that I mostly had a couple of questions. I actually love the design of this property of the building. I'm disappointed to hear that you cut the ground floor retail. The cafe space, I think actually would have added a lot to the area, but I understand the constraints you're facing. And this enables you to add additional off street parking, which I recognize is a need in this neighborhood. I think that 24 spaces would be excessive and that obviously you know the zoning is restricted by see why you need some relief. But the question is I'd have is to build something like this today. What do you have in mind? What do you have planned to make the assess the car free living which is going to be necessary? We you know, we want

to try if we're not going to have a parking space or two per unit. What do you need to do to make it easier and more attractive people to move here who don't want to own a car who don't want to have to drive a car? You know, there's a couple bus lines around the corner. It's not the most accessible location to existing stores, shops, restaurants, so most trips are probably least quarter half a mile away. Obviously the T is at least a mile away. Do you have any plans for transportation demand management you know subsidizing a T path providing signage Zipcar, membership Bike Share on you know covered bike parking is going to be not an auto centric development. How are you going to incentivize non auto centric living without just effectively overriding the neighborhood with more cars and traffic which is clearly a big concern for the abutters and the neighbors which I am not one. But I just curious how you would do that and actually market this project to that. That type of lifestyle. I would love to hear more about that and I think it would make a difference. I'm for the community to hear what those plans are. And it's great that you were able to lower it a little bit to fit the scale of the neighborhood. And I'm glad that you're willing to invest in this community. Thank you.

Brad Fisher, I live at 70 Winthrop Shore Drive. is concerned about parking, the safety of the cars pulling out of that area that trash trucks pulling in and out of that area. One of the things that I'm even more concerned about is right now if you take a look at the footprint, there's a lot of greenery, a lot of green space, so we're going to be turning all of that green space into either hot top or a building. So you take a look at all of the ROG the water run off, they're going to just go into all of our properties. And I don't know how they're going to address that. The second item is, you know, we said that we're conforming and the rear yard is that where the four parking spaces are? four spot parking spaces that, you know, is supposed to be what nine by 19. Four times at nine would be 36 feet, we only got 29. So does that mean that they're going to be seven, seven foot parking? But I'm just over concerned about, again, all of the safety, the height, you know, you take a look at that slide 11. And that basically just shows this, this structured, just looming over my house. So I'm opposed to it. Again what is the hardship for this project?

Jim Jack KVH and I live at 38 Irwin street I opposite this.

Mr. & Mrs. Streeter 150 Winthrop Shore Drive, opposed to this.

Connie Inocente. I live at 33 Ocean Avenue. And I am opposed of this development. Besides the parking issues, besides the greed, the fire safety is a huge issue for me.

Hi. My name is Carol Homeyer. and I am a resident of Winthrop. I'm on Washington Avenue. And I'd like to direct a bit of attention to the appeals board directly by reading the town chat or ethical standards. Just a brief part of it. It says elected and appointed officers and employees of the town of Winthrop are expected to demonstrate by their example, in the general conduct and in the performance of their duties and responsibilities. The highest ethical standards to the end. Public may justify a blow up on I'd love it and having sold. I want to stand in recognition of the townspeople and what the townspeople are communicating to you about this development. Making a claim of hardship based on insufficient profits on the investment is a corruption of the meaning of hardship. I would like you very much to pay close attention to this and keep the integrity of our town government. Peter Hieronymus will build this. I'm not saying it isn't lovely it is it's not for a small town that is already over developed and extremely overpopulated. These zoning laws that we're now trying to appeal are put in place to keep our community comfortable, safe and reasonable quality of life for the people that already live here. So again, I asked the appeals board to remember who you're representing. You are not representing a corporate developer, you are representing the people of Winthrop. And I thank you very much for taking my comment.

Tracy Massey, I live on the corner Winthrop shore Drive and Cutler Street, I am opposed to this building the main reason of the parking also for the reason of the size of the building.

Charlie Bono. I'm on a Nevada Street opposed to project due to parking, and its huge.

Attorney Donahue-The structure is much too large. For the with a lot much it is for the site. It as you heard from others, the hardship that's been presented in connection with this, which is essentially profit is not a legitimate hardship, which this board should give any consideration. The fact is, the developer wants to build a large structure to maximize the profit. And my suggestion is that we have local zoning ordinances, which is one of the speakers said is restrictive and probably so. But we live in a small town geographically, we're densely populated. We're limited in our means of egress, in and out of town. In historically, these restrictive zoning regulations have served a purpose to set a precedent and a large allow a structure on Revere Beach will set a bad precedent in asking you to deny this request. Insofar as the parking plan goes that's been presented by the applicant. The revised plan is no dimensions in there whatsoever in terms of the size of the parking space, in terms of the depth of the parking space, in terms of the aisle of the driveway that's being proposed along the side of the building. From my from my guess I get it. If you have one car pulling into the driveway as another car is leaving the driveway. What is it to do other than perhaps back out back on with a short drive to let the other vehicle in

before the car that's entering the lot can proceed forward? What type of use is this? The zoning code does not include any definition regarding the type of use being proposed here. The applicant seeks several variances not exactly sure what's being sought. But there is a request for several variances, I guess since the revision in this question whether the notice that was distributed issue published or sent out to the abutters several months ago, addresses the relief that is currently being sought. As you know, Mr. Chairman and members of the board, the issuance of a variance, according to law is a rarity. It's an exception. It's the exception to the rule. It's not the general rule. I submit here that the that the proposal here has failed in masking that you deny the request for the zoning relief in connection with this matter.

Michael Herbert here at 86 Otis Street Winthrop, Mass. I oppose this. Because of the parking issue.

Joshua farm owner on 56. Winthrop shore Drive unit One. Opposes this project.

Nick, Agri 149. Morton Street. I'm aware this is already, this building is already a non conforming structure. And just because something's non conforming doesn't necessarily mean it's terrible. I'm talking about the building as it stands currently. it also doesn't mean that we should make things worse, the building as it stands currently could not be made now due to our bylaws, and that's something that they would have to come to and get variances for small variances, what they're asking for are kind of it's a, it's a giant leap, let's say. And I was just doing kind of the back of the napkin, math on the amount of units, what's currently sold in this town and just for their one bedroom units, they're probably going to get about 1.8 million if they were to get this approved, and for their two bedroom units, about 2 million total. So you know, they're going to get maybe \$4 million, and that's a huge profit, good for them. I'm in the wrong business, but maybe do something a little bit more common sense for the town, something that will be more meaningful for everyone. And I understand the previous version had first floor retail space, and that was kind of actually very needed in that area. You'd have to get variants on use, but I just it's too big as it stands. I'm sure the neighbors probably are wouldn't be happy having this there. I wouldn't be happy having this next to me living in one of those houses. How many units I could say what I feel happy with? I have no idea. But this is just there's no common sense here. And I oppose it. Thank you.

Bob Flaherty at 81 Winthrop Shore Drive. I'm totally against this project in the appeals board on a hold up to the bylaws of the town of Windsor, so we don't get our quality of life ruined around here. Thank you very much.

Annetta current resident at 66. And during a snow we have four units during a snow event, we probably have eight cars that we have to find parking for. I would also say that it would be a shame to lose the yard here, the yard, we were able to have to two of us had gardens in the yard, which was lovely to be able to do and the yard is a very nice place where I've been able to meet a lot of my neighbors and Winthrop residents, just because I've had little various events back there. So I think it would be horrible to you lose the green, the greenery that's around here because that yard is great.

Brenda Gatchell. I live on Washington Avenue in Winthrop. But I own 62 Winthrop Shore Drive. And I own 64 Winthrop Shore Drive. I still oppose this

Julia Aggrey. I live at 149 Morton street, there were several years where I used to live on wave way and Cutler street. I'm just disappointed in this type of proposal. Thank you.

Hi, there. Sarah Borelli 12 Taylor Street, calling in as a concerned citizen. A few months prior a shadow study was requested. And I'm not exactly sure if that's what we're looking at currently on the screen. But I did just want to call out that the house to the right looks completely blocked of any sort of light. And I wanted to say that I feel for and sympathize with them. This feels all wrong for the town of Winthrop. And I would really encourage the board to deny this this proposal and consider you know, if there were pieces of this that are approved, what other what precedent this may have on other future projects within the town.

Gia Cassale- I'm just curious and actually have a question. So where does it fall with a parking regulation? Like, is that just a no? Is it a maybe who makes that decision? Because they are so you know, there's no snow removal? So when it snows, where are they going to put that snow? The whole back is parking? I'm just curious about that. Because why isn't that just like a no? And just as everyone else has reiterated, I mean, why can't they just do three stories or whatever fits, I just don't get the need for such a large property that doesn't have snow removal that doesn't have landscaping that doesn't have lighting that doesn't have any of those things that are sometimes required for the town.

Patty Hurley Felt I live at 18 Taylor Street. And I have a few questions on how they can build such a multifamily unit with only 10,774 square feet of land when the zoning requires 20,000 square feet of land. I also wonder about the number of units when the regulations for either garden apartments or multi use call for between 2000-2500 per unit and the density here for I think last time I looked at the plan it was 15 units. And I questioned why they going for a mixed use variance with the 15 units if it's going to all be

condos and I'm glad to see it's condos because at least the tax base is better I think this is more a planning board issues and that the development of the town needs to have meetings and all the people that oppose these need to come on meetings. I think you guys do a great job. I just feel bad that these developers are trying to slide it through a new and not follow regulations.

Chairman Baird took a motion to close public comment. Motion from Mr. Chiudina , second by Mr. Young. Moved and seconded by roll call all yes.

Chairman Baird- There was one question about who determines parking relief. So a variance has been requested here from the board, the underlying parking regulations, which would otherwise require two parking spaces per dwelling unit. So it is within our purview to grant or deny a variance on that request. You know, in we'd have to look at the variance standard and all that. So that would come to us under the variance, the allowances for variances in Winthrop. So that is why it's before us. So if we decided that they were entitled to a variance then and we granted it, that would be their stop.

Attorney Lynds to address some questions that we did here, including your comments from the director abutters. I know we've heard from a lot of members of the neighborhood in the town. But I think some of the issues that were raised by some of the director abutters are important to address. One of the issues that we did here, and it was a good point, I believe were raised by the director abutter was relative to the site conditions and soil conditions and what would occur if the site were developed, and the impacts that that would have on surrounding properties, I believe a project of this size would be required to or at least could easily incorporate on site stormwater management. That's not something that presently exists on the site. And I believe there is a there is a good amount of permeable surface, there's also a good amount of impervious surface as well. So part of any construction plan for new construction of this size would certainly address the stormwater runoff on site. And we would be managing that unlike what the current conditions are. So there is an improvement that goes along with develop whether it's this particular project that's before the board currently, or some variation of this project. Stormwater Management is something that certainly would be included. The second issue that we did here, I don't know if was the direct about it, or from somebody else had mentioned, you know, fire safety and the concern of our fire hazard. Just for people's edification are aware of this, the current building is a multi-unit building that does not have any fire suppression or life safety currently, when that building was built, was not required in the state building code to have sprinklers or fire suppression, equipment, central call stations, etc. A building of this size, multifamily building, or any

new multifamily building would be required to have that incorporated into the building. So the building that's being proposed is much safer than there will be there now. And, you know, certainly life safety is an important concern of not just, you know, somebody building this building, but times have changed in the state building code has implemented new requirements for that. So that is an issue that would also be addressed by any new construction on the site. I did hear a couple of comments about if demolishing this building would be wasting, historic building in the neighborhood. Typically, our due diligence and going through a process of redevelopment of a site looks at, any historical significance that may exist for the site. And I believe we looked and researched this through the Massachusetts Cultural Resource information database. And there is no historical significance that we're aware of, I'm happy to listen, if other people have some information on it, but we don't believe there's any historical significance either by, you know, persons famous persons who may have lived here, architecture in the building is pretty has been pretty chopped up over time. I don't believe it, it provides any type of historical significance or relevance to the town of Winthrop, and therefore, its demolition is not something that should come as a surprise. It's, it's there's no I don't there's a real compelling reason for preservation of this structure that exists today. So that's something that we would also want to point out. I'm glad to hear and I appreciate some of the comments that we did here about, you know, a little disappointed that the retail was removed. As I said, in my opening remarks, when we did make this initial presentation, we wanted to listen to what some of the biggest concerns were that we heard, we did hear about density, we did hear about mixed use, and we did hear about the number of parking space that we originally had. And that's why we made the changes that we made. I understand you know, my client certainly understands based on all the comments that we've heard this evening, you know, that we appear to have a ways to go on this project. And our aim tonight was to come back and further the conversation by making the adjustments based upon what we thought we heard as being the important issues. I believe. We did hear comments people ask us to reduce it to four stories. I hearing tonight we want to see a further reduction in that and We fully understand that, we also hear that, you know, based upon what our original proposal that we did have a good deal of, or concern over the parking that would be associated with the retail use, although we differed in our opinion on that, eliminating that also eliminated sound intensity for the site. And therefore, the demand for parking obviously has dropped. I, I fully understand here, the comments about the number of parking spaces and the presumption that they will be, you know, 24 cars, if we have this many units that were proposed are 22 cars, I think there's a little bit of a difference in thought, especially because the program for this building is condominium and not rental. Um, I think if this were a rental building, the

parking impact certainly would be higher, you do have situations in a rental project where you do have roommates, and the likelihood of seeing rental or multiple vehicles per unit certainly increased, I can't guarantee that, you know, everybody here will only have one car the same way that, you know, nobody can guarantee they're going to have two cars. Times are changing. And we certainly recognize that there needs to be a balance, and we understand the zoning code requires two spaces per unit. But people are living differently these days. And we do want to recognize that there are opportunities for both Karlis households as well as households that have less than two cars, or, you know, a smaller number of cars with the zoning code requires the question, I believe it was by miss Wallace, regarding what our plan is that this comes up a lot on development projects that I'm involved in, especially when we are proposing a project that has homeownership. And in this particular case, I feel that the market really dictates a lot of what the demand will be for parking. If you're making an investment in purchasing a condominium, especially new construction and having off street parking is an important component for you. And you don't have the amount of parking that you need for an investment like this, that it's likely that this is not in your search universe for the type of condominium or unit that you may be looking to purchase. That's not to say people with cars wouldn't buy here to have parking. But it certainly limits the target audience, if you will, of those who would be looking if perhaps they had two cars and needed to watch street parking spaces, this isn't something that probably would be in their wheelhouse for purchase. So we have taken that into consideration where we're open to suggestions, and certainly willing to listen on ideas to address those concerns, including, you know, providing bike storage, I know people say, well, not really rides a bike, but there are a lot of people who do, especially with access to public transit. And I know we do have bus lines here in the town of Winthrop, that lead to rapid transit in the city of Boston, and have the ability to allow people to rely less on power. So those are things that we certainly will think about as well. One other thing that we have considered and certainly we're willing to discuss this and perhaps even go back to the drawing board is a staggered style system for parking. We've used this in other projects in the greater Boston area, it allows for more parking with less footprint, I think the goal for a lot of urban planners these days is to not have a lot of space on the lot, if you will occupied by vehicles. So where we can have an opportunity to use the same footprint, but you know, double the capacity for parking. That's something that we're certainly willing to look at. And if parking is that important, you know, we're certainly willing to make that investment. And to take a look at that. And that, you know, that is something that I'm happy to go back to the drawing board and look at. Other than that, Mr. Chairman, I believe that the theme of the comments, I fully understand, you know, people are still concerned about the height, the size, the number of units, and

obviously the parking that go along with that. And you know, not to take too much of the board's time. I'm certainly willing to recommend that my client go back and take a further pass at this if the board so inclined to recommend a further hearing on this matter.

Tom Chiudina- you got to give us plans that have dimensions on them. Because that parking does not work, you cannot have 90 degree parking with a 12 foot aisle, you need at least 22 feet to back out of a 90 degree space. So if you're going to come back in front of us, the plans need to be more thorough, more complete, we need dimensions so that we can see the prop. I mean, you don't even have a site. You don't even have a proposed site plan here. The proposed site plan you have here is done by the architect. Okay, we need a survey plan for a proposed site plan that has the property line on it. So you should have a proposed that looks like that.

Attorney Lynds=Yeah, I do understand that this should I do apologize. We did have a proposed site plan for the original proposal. It was properly dimension, it did include all of the details that you are discussing. I believe we were putting this forth tonight to explore and discuss the change that we're considering. But you're 100% Correct. We will address that in a further hearing if, if the board so inclined to continue the matter.

John Young- my big focus on this is the parking

Atty Lynds-We're willing to if the board is so inclined to modify the project to continue to address concerns if the board and certainly at its wisdom and within its purview, chooses not to grant our request for continuance the board can move to deny or approve the request, that's completely within your control in the chairs control.

Chairman Baird=our zoning code is in need of a refresh as far as what, you know, what the requirements should be for parking, generally, because I think it's a little bit antiquated and a bit outdated, but it is what it is still our rule, right. So until it changes, we have to deal with it. I think that, you know, that parking concerns me the sheer mass of the building height wise, and what it does to the site, that the house directly to the north, frankly, is of all of my concerns, one of the biggest, I think it will cast that house and shadows forever. And I think that's an impact that's a bit outside abutting property because it's creating a shear wall, that will sit do north to south of a building, and that thing will be in shadows, except for when the sun is absolutely its highest in the summertime in the sky.. And when you start balancing the hardships, like what's a hardship for the property owner? versus what's the impact on the neighborhood, and you start balancing those hardships, that's our job. And if the extent that you can calibrate that

to a place where it's more in line with the zoning and more tolerable. That's, you know, that at least it's I think it's worth exploring whether that's possible, and whether the board gets comfortable.

Chairman Baird—took a motion for case 026 -2021 66-71 Winthrop Shore Drive that we accept the applicants request to continue to a special meeting on March 10 2022 at 6:30pm Motion by Mr. Chiudina, second by John Young. All 3 yes.

Next case 001-2022 on 5 Burrill Terrace. This is a permit seeking to operate an air b&b pursuant to 17.17 49.020 of the Winthrop town of Winthrop Zoning Bylaw on this is Chairman Baird, Jason Wright, and Irene Dwyer.

Ms. Pham addressed the Board- So I would like to apply for the Airbnb. For my current home. I used to live with my father at a primary resident, but because of some trouble neighbor. Not an easy way to stay there. So we now currently moved to another house. So now, but we would like to apply to operate. But we always want to go back to that house to stay. But then the COVID and everything with all the hardship we are experiencing. I would like to have some extra income to help pay for the mortgage, the taxes is crazy. And then I'm a single mom with two children. And my income is not stable to I'm looking for a nail salon and the job is not very stable. So I would like to just apply for your approval to have two rooms to operate the Airbnb, and we will stay there because I heard that my neighbor is moving out of the neighborhood soon. So it won't be a threat to my father anymore. So we can move back and we will stay there. And we just asked for, for two rooms or if not possible, even one room to help us to pay for the mortgage and everything. Thank you.

Chairman Baird-Okay, With that I will open this up to questions and comments from the public on 5 Burrill Terrace. anyone who'd like to be heard on this matter?

Brett Sillari. I own the building next I'm an abutter. Just added like curiosity, the neighbor issue? Um, what particular neighbor was it? And where are you currently residing? That you can't that you're trying to Airbnb not just rented.

KENNETH Goodwin. we're next on the agenda for the renewal process. But just to go back and anyone who's listening on this conference call for Airbnb. My partner and I were the original pioneers to help develop with all these various boards and committees to implement the first Ordinance of Winthrop to encompass Airbnb, now seven, nearly eight

and a half years into it, we have a runaway train in the system with no real mechanisms to enforce it, to oversee it. And we have just a whole slew of people in town wanting to apply for Airbnb. Now, we brought it to the attention. We have many, many, many people in town that have been doing it for over nine years with no enforcement with nowhere near the rules that apply to having a license and a permit. And yet, we're actually competing with these people who are laughing at us without the licensing and the permitting and the process. So I kudos for people who want to do Airbnb, I think they should do it. But it does need to be revised. It does need to be tweaked. It's nearly eight years old. And in the inspectional services, there's a lot of people that are weighing in, they are in a disagreement of what some of the language is in there. So that's all I want to say about it right now. My hat's off to this woman who wants to do an Airbnb, but a lot of people in town are just completely ignoring the rules and don't understand the language. It's in it and it does. It's time for a revision.

Chairman Baird asked for a motion from either Ms Dwyer or Mr. Wright to close public comment. All in favor.

Mr Wright had just two quick questions. One, I don't see a floor plan with the application. And then two I was I'm curious as to the parking management plan, which is also a requirement.

Ms Dwyer-there is a letter from the assessor's office, that probably clears that up by designating this particular property clearly as number five. But there are conflicting papers about whether it's 0,1,2 or five. And the actual plot plans are very helpful, and I certainly don't convey include a parking layout, and I'm not sure where the property line between five, and the property on Fremont Street.

Applicant So I draw here the blue in blue color no parking will be there on plot plan. Here is the floor plan

Chairman Baird would like to see on the floor plan where the rooms would be that are going to be the ones that are offered for rent.

Applicant=we have four bedrooms here. So we will rent the red room, bedroom number three and four or one two whatever you allow me to do us yes, this will be number one and number four. Number four has his own bathroom and metal number one at a shared bathroom.

Irene Dwyer- We do have the question of who actually lives there it is.

Applicant Me and my father and my two kids. So I live in bedroom number three with my two daughter and my father live in bedroom number two.

Applicant we don't live there right now, because my father, she has so many accident with Robin, the neighbors. So he's kind of traumatized whenever he saw her, and he's scared of her and he has a heart disease. So I really worried that he may have a heart attack. So that's why we have to move somewhere else for now with my sister. So and I heard that Robin is moving out soon. So we just wait until she's she moved and then we move right back.

Chairman Baird-So in order to in order to have the Airbnb you have to live on the premises? Yes. Yes. Until you live there. So that will obviously be a condition to any sort of Airbnb license that we grant.

Applicant= I understand that I have to leave there to operate Airbnb. Okay. Yes.

Chairman Baird- All right. Anything further from the board? For me, so with that, I will tend to obtain a motion from either Mr. Right or Ms Dwyer on this matter. Matter number 001 of 2022.

Irene Dwyer-I move to grant the relief requested and to issue a transient lodging permit for five Burrill Terrace. finding that the property has provided a floor plan and a parking plan as well as a completed form showing that the property has been inspected by the inspectional services. With the caveat that the owner will not operate this wood amenity until the inspectional services have been notified that they the applicant and her family are actually living in the premises at 5 Burrill Terrace.

In favor by roll call, Jason, Irene And Chairman Barid

Chairman Baird-So with that the transient lodging license has been granted. So congratulations, we will issue a decision after that decision is issued.

Matter 002 of 2022 Kenneth Goodwin 30 tileston Avenue and this is a permit to renew the Airbnb transient lodging license under 17.49. 020 sitting on this Chairman Baird, Irene Dwyer and John Young.

Ken Goodwin addressed the Board- We're here. We're here before the boardroom for our fourth renewal. This is our third renewal with Airbnb. And we've come before you for our renewal application. Nothing's changed from the last time.

Chairman Baird- I guess as a technical matter, we should open it up to any questions or comments from members of the public on this renewal of an Airbnb transient lodging license at 30 tileston Avenue. So anyone like to be heard on this matter? Please raise your hand. Second Call. Oh, there we go. Colleen Murphy.

Colleen Murphy addressed the Board I own the property at 40-42 tileston road and I would just like to I'm in favor of renewal.

Chairman Baird=Great. Thank you very much. Second Call , no hand. I'll take a motion from either Mr. Dwyer or Mr. Young to close public comment. All 3 yes.

Irene moved to grant relief to grant transient lodging at 30 Tileston Road. Alright, so as moved Do I have a second? Second by John. approval vote to approve by roll call Chairman Baird yes, Irene yes and John yes.

Case number 3 of 2020 to 202 Grandview Avenue. Sitting on this is Chairman Baird, Tom Chiudina and Jaime Stern.

Attorney Cipoletta addressed the Board- I wanted to just start by making a few minor corrections. And it's what is it what one was a misprint in the applicate. I'm sorry, in the application. There is shown on the plan, a existing garage. I'm sorry, Mr. Chairman, that was a misprint. That is a proposed garage in the right rear of the yard. There are two changes to the plan. And I'm sorry for the late submission, they came up during the preparation of these plans that needed to be accompanying the notice of intent to the board, the Conservation Commission. One in a very minor. One is that the plans that were originally submitted showed that the house would be raised off the level ground by five feet that is now six feet so it is a step pile house, and the pilings will be six feet off the ground not five that is shown on the plan that was most recently submitted. Also in this may appear to have some effect on the plan but really it doesn't there is a dormer on the north side as a small dormer on the left side of the house of the main roof, it shows to be about one foot of an extension off the roof, it doesn't increase the height of the of the structure. But during the last run through on the interior floor plans, it was noticed that since that part of the roof covers the attic, and also the attic stairway. There was not sufficient headroom, so they had to somehow retrieve about another foot or so of headroom in order to clear from the top of the stairway into the attic. And that was the only way to do it. So that's not technically habitable space. It's over the stairway, that half

story that's on top does not exceed the 50% of the square footage of the floor below. So I wanted to make those clear in case these plans and my memorandum came in sort of separately and maybe not all the members had a chance to read it. The other thing and I suppose I should just introduce D and Milton who are there on the front the video, they went up residence, they live on Shirley street, they bought this nice little house on the waterfront down on Grandview. It's not in the greatest shape, but they do want to engage in a rebuild and modernization of that home by increasing the livable space inside maximizing the views, and also while doing that to protect the abutters they've been acquired. Conversation with some of the abutters I believe a couple of them are on this zoom to support the project as well. Most of the variances that we're asking for pointed out by the building inspector, one of them is the lack size, that's an existing lot size. And my view is that it doesn't meet the 5000 square feet of, of Lot. Size, because of the rear boundary line. You see, it's not an exact rectangle, but it angles in slightly and it looks like there may have been less than 100 square feet, maybe taken from what ordinarily would have been a 5000 foot square foot lot. That's an existing condition, the front edge is required to be 50. It's now 45, that's an existing condition. The front setback is a little bit in play, I believe it looks like it's common house may extend into the front setback anyway but what the owners plan to do is rather than use any sort of try to work with the ground cover there is to just build deck above it. So they'll have their but ordinarily out front maybe may have been a little yard or some kind of a garden or something. They are proposing decks over that. And that is going to require a front setback variance. The left side setback is an existing condition, the right side actually complies, excuse me, but left, the rear yard setback is for purposes of the garage, not the house. And the reason that that garage is placed where it is, is that it's moved closer to the boundary line to protect the view Carter's of the rear abutter, and I believe he may be on the Zoom, it's moved to the right side of the boundary line of a lot and does offend into the right side yard setback that's done to avoid or minimize obstructing the sunlight to the neighbor to the south or to the right of the house. And those were the considerations that went into the placement of that proposed garage. The new variance that is required is the height 35 feet is the maximum or two and a half stories. This proposed high point of the structure is 3.9. And that is caused by the requirement of lifting the house in order to satisfy what am certain going to be conditions of the Conservation Commission but also in more importantly to protect the structure from storm water flow, which what it does come over that seawall and has a tendency to flat out there a lot. The seawall has been of little protection, but it does some, and in the last two storms details me that they did have infiltration of water, so they're going to need to raise that, that house up in order to build it. They are building on the current footprint. Again, the main house will be built on the current footprint of the

existing house. But for those decks in the front and obviously the garage in the back. There are hardships one is the shape of a lot. The other is the topography that third, the effects of the seawater and the rain and flooding. The location of the lot you can see it's really kind of weird as you get the Google Earth 10,000-foot view of that you see that it actually is on Grandview but Grandview doesn't really go all the way through and it's a little interesting layout of houses down in that that particular area, although the area does offer quite magnificent views. This house has fused directly on to Boston Harbor and across to the city of Boston. I would suggest Miss Chairman members that the plans and the application the presentation and obviously whatever questions that the Board may have that D are built into I can answer that the prerequisites for the granting of variances have been satisfied. There is one thing and I should probably raise it now and I'm not sure how the chair or the members would feel about this and I questioned that a little bit after the application was filed. In response to the building inspectors zoning review. I didn't know whether or not a special permit is required for an extension of preexisting non-conforming structure. That hadn't occurred to me, because of the number of variances, most of them existing conditions. But I am anticipating that that might come up during the course of the discussion. And I'm not sure whether when is or is not required, given the fact that the variances would be a being sought. So to that extent, if it is required, then we would ask leave at the appropriate time to amend the application to request a special permit to alter or extend a preexisting non conforming structure.

Chairman Baird-I think the variances will trump that if you if we have all the variances you don't need the you don't need the non conforming extension. I will open this up to questions and comments from the public on case number 003 of 2022 202 Grandview Avenue.

Hi. Michael Herbert 86 Otis St direct abutter. That area gets flooded constantly. So I'm in favor of that building going up to the height that's required for them to have their dream home. So I support them. 100% Thank you.

Motion to close public comment. As moved by Mr. Chiudina, and Mr. Stern. Do I have a second? Second? As moved and seconded approval to close public comment by roll

call? Mr. Baird? Tom , yes. Jamie. Yes.

Jaime Stern- I have two really quick questions. Um, first off the house looks great. I am, I do know this area and I walk around there. I mean, that seawall can be more aesthetic than actually stopping the sea. So you'll need all six feet of those to raise, the variance for

the height because you are coming so far off the ground. The only thing I would just you know, from that angle, I think it's going to improve that area. And I also think it's going to not really affect anyone on either side, it really is not taking away any anyone else's views. The only concern I have, which I think Mr. Cipoletta you might have mentioned was you took into consideration the garage, and the placement of the house. For the neighbors, the only house that I saw that could be affected by potential as sunlight was the 62 pebble Ave, which is sort of the if anything gets behind the house or you know, kitty corner to it. That would be I'm just only concern is if you've looked at how it might affect me their views or sunlight to that house, that would be my only concern because it doesn't seem to affect really any of the other properties. So I would just like to ask if that would take into consideration with the views and the build.

Attorney Cipoletta-The applicant had a number of conversations with the rear abutter

The applicant-For the pebble street neighbors, we did talk to them. And they said that the sun, the way it rises does not affect their garden, in their backyard, so they were not concerned with us going up to the height that we are going up. additional parking, you're going to have the garage is the garages for one car or for two cars. It's a one car garage. The driveway does hold about three to four cars knock out in the garage, so you could put a car in the garage, you still have three cars in the driveway.

Tom-The plans are really tough to read what we have? So is it six feet from the grade to the bottom of the first floor?

Applicant Yes, it's the lowest member of the House. So it's below the floor joists that bottom number six

Applicant-Well, according to the FEMA, you have to be at 12 plus two, which is 14 and I elevations eight. So we do have to do the six to meet the FEMA and the environmental regulation.

Tom-Okay. What's your floor to floor height?

Applicant-First floor is nine second floor is eight.

Tom just for record of correctness. The garage is a accessory use. I think the setback is five feet from the property line. Does that sound correct? That's correct. For the relief for that would be one foot. Correct? Not 11 feet? That's correct. Because it's a relief from a side yard setback for the ROG. Yep. So do we want to just add that to the approval motion with that side? Additional relief for the garage? Yep, I think we just correct the relief requested. Yep.

Jaime- So I move to approve the application for a case number 003-2022. Asking for relief for the lot size from 5000 to 4936. For the front edge from 50 to 45. From the front setback from 15 to 2.8. The left side setback from 10 to 6.9. From the right-side setback, we do not mean that complies from the rear yard setback, as of the application, it is 15 to four, but we are going to move that for relief for one foot based on the stipulation for the garage relief for the height from 35 to 38.9. And the additional parking from two to three. So no need for the parking.

Chairman Baird- Just as a point of information before we move on that motion. Is the height. Because that's from the building inspectors letter I think the height is I do I'd rather just be clear, as opposed to say point nine feet I'd rather say from 35 feet to 38 feet 11 inches because point nine when you're going from a you know, that sounds more like a metric scale to me and I don't like that conversion math. So I'd say 38 11 there because I think that's clear for the purposes of the decision. Unless you guys disagree. And then I think the only thing I'd add would be in accordance with the plans and you know, we'll make the findings necessary for a variance under 40. A section 10 I think we have enough testimony in the record is to those. So alright, so just amending the, from the height from 35 feet to 38 feet 11 inches, in accordance with the plans that have been submitted to the board.

Second by Tom, all in favor yes- Chairman Baird, Tom and Jaime.

So on the general business, I think we have some meeting minutes to approve. Sharon sent us meeting minutes from the last three meetings from the end of the year. Minutes from October 28 2021. December 2 2021. And December 9 2021. I don't know if people had time to review them. I did. I will entertain a motion when someone wants to give it to approve those meeting minutes. So move. All right. So we have a motion on the floor to approve those meeting minutes from October 28. December 2 and December 9 2021. Do I have a second? So as moved in seconded by Mr. Stern. Do I have a motion by roll call to approve those meeting minutes. Chairman Baird? Yes. Jason. Yes. Tom.

Tom asked to abstain wasn't there.

Jamie. Yes. Irene? Yes, John?

Meeting adjourned at 9:17pm