



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

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Meeting Minutes March 31, 2022

March 31 2022. Meeting called into order at 6:34pm. In attendance are Chairman Baird, members Irene Dwyer, and Tom Chiudina, associate members, Jason Wright, and John Young. Associate Member Jamie Stern cannot attend tonight.

The first matter that we are considering is matter number 15 of 2020 which is 25. Locust Street, the applicant is John Rollender. They are seeking in approval of a plan renovation, because they hit some issues during construction that affected their initial plan. And they're here to have us review and approve as is required in all of our decisions. Their change in the plans. Attorney Cipoletta, I believe you're on this matter. So sitting on this Chairman Baird, Tom Chiudina and Jason Wright.

Attorney Cipoletta addressed the Board- Mr. Chairman, thank you and members of the Board of Appeals. This is a request by John Rollender for an approval of a plan that was approved by the Board of Appeals on October 29, 2020. In case number 015-2020. As they had pulled the building permit and began to do the redevelopment reconstruction of the house they ran into some structural problems. And it forced them to downscale their plan a little bit. And so, what I have done with respect to the request for approval of the plan, I submitted the decision, the 2020 plans and the 2022 plans. And just in a nutshell, and Mr. Griffin is on with Roland to reside here, too and he can explain it a little more detail if the boy bequest. So, he needs to construct a retaining wall to bolster the front foundation and that would be accomplished by backfilling the existing foundation with dimensions of approximately five feet by 11 feet. He reduces the scope of the project by eliminating the proposed top floor and remain within the height limit. He is going to eliminate the previously proposed dormers that appear on the 2020 plan and create a gabled roof which is shown on the 2022 plan and eliminate the second or lower deck at the rear of the property and in its place, construct a stairway along that rear elevation that is also shown on the 2022 plan, which should be behind our engineering report the structural engineering report that was submitted. All the work proposed is proposed to be performed within the existing footing The essential relief that was granted by the Board of Appeals with respect to dimensional regulations was a three-foot variance on the right to foot variance on the left. And parking, none of that is going to change, especially since it's within the same footprint. All parking will stay, as it is on the site plans that the Board has, as part of the record. If I, I suspect that it anticipates that the Board has had a chance to look at the plans

and to compare them, I submit that this is a scaled down and a much less intensive, much less aggressive proposal than the one that was approved by the board, but by necessity needs to be scaled down. So, John, who goes by the name of Griffin, I see him up there on the on the Zoom roster. If the board has questions about any of the construction and sort of what happened along the way from 2020 to 22, he can certainly give up on the grounds report from his position. So, thank you, Mr. Chairman. I have nothing further at this point but would ask the questions at the appropriate time.

Chairman Baird- Right because we do have, I mean, I don't think anything here that's being requested is new relief. So, we're standing on the old decision, and the question is whether the board is inclined to grant you know, approval of the revised plans. So, I will briefly open it up any comments from the public just on the revised plans. We are not reopening the existing relief that was granted. So, you know, work started pursuant to the relief, correct attorney Cipoletta. Yes, they're doing the work started pursuant to that relief that that relief was exercised and therefore valid. And so, there's no we're not talking about revoking or modifying that relief. We're talking about the change in the plans or at least it's, you know, what we should be limiting the conversation to. So, with that as sort of a table setter, I will open it up to any comments on the plan revision for 25 Locust. Second Call 25 Locust Street anyone like to be heard on the chain changing plans? Third and final for 25 Locust? All right, seeing no hands. I will ask for either Mr. Chiudina or Mr. Right to move to close any public comment.

Jason made a motion to move to close public comment. All right, as moved by Mr. Right. Do I have a second? Mr. Chiudina, second. All right. As moved in seconded by roll call to close public comment. All 3 votes to close public comment.

Jason -Mr. Chairman, like to make a motion to approve the revised plans, case number 15 of 2020, 25. Locust Street to be built as shown on plans, resubmitted? I apologize. I don't have the date in front of me but 2022 with the application.

Okay, as move Do I have a second? yet? So, second? All right. As moved by Mr. Right and seconded by Mr. Chiudina. vote to approve the plan. The plan modification by roll call.

Vote all 3 by roll call to approve.

Chairman Baird-Yes. Okay. So, plans have been approved plan change has been approved attorney Cipoletta. There's no further need for a decision from us or anything else. I think at this point, you can substitute these with the building inspector, and, you know, continue with the project.

The second case that's on the list for this evening. Number 006 of 2022. The applicant is George Collins and the address is 96 Nahant Avenue. On this will be Chairman Baird, Irene Dwyer and John Young. So, the applicant attorney Cipoletta, are you? Oh, yes, you are. I am. So, you have the floor.

Attorney Cipoletta addressed the Board Yes, Mr. Chairman. Good evening, members of the Board of Appeals with me on this case is Dr. Lloyd who is the architect. This is an improvement to a preexisting non-conforming structure. And as the plans show that we should be attached, drawn by Mr. Lloyd. There is one element of the architecture that requires relief. And that is, since the front porch currently

extends or encroaches into the front yard setback. The deck that is proposed above that, according to the building inspector, I did not disagree with requires relief in a minimal way. The other exterior improvements are going to be a deck at grade, but that deck is not actually in compliance with the side yard setback, rear yard setback. So, the building inspector did not call that out. Any of the dormers that were proposed on the top level of the building do not exceed the height and do not come outside the current footprint. The building inspector deemed those to comply. So, what we are asking for Mr. Chairman is a special permit to alter or extend a preexisting non-conforming structure pursuant to 17.28 .030. As pointed out by the building inspector

Chairman Baird- just as a point of information attorney Cipoletta I thought I'd ask it now because it goes to the relief being sought. There is not a request for a third story there is no okay. And, and parking is remaining as is. Yes, sir. And it's a single family.

Chairman Baird- did open for public comment. We have received three different communications as a board from one from the owner of 85 Nahant Avenue, Robert, and Elaine Melvin, one from the owners of 100 Nahant, Gabriella and Brian Anderson, and one from Stephanie Tufaro at 92 Nahant Avenue, and that all three of them are in favor and support in support of the project. Those communications are in the Board of Appeals record. I just wanted to note them for the record, they are on file, and we have read them. So, with that, I'll open it up to public comment.

Christian Helleberg addressed the Board- So I did have a couple of just quick questions on this. I guess the first is whether a notice of intent was required to be sent out on this project to neighbors and abutters. But the second one is I'm limited in time is whether conservation is going to review the proposed deck on the outside. Third is that the permit that Mr. Collins applied for says that there is a special request to build a deck above an existing porch, and then just a deck on the east side with the permit. And to your point you just mentioned this to Mr. Cipoletta a lot of has nothing to do with the request to extend the third floor, which I mean we have the building plans and I'm looking them over it doesn't really look like it's just extensions of dormers, it looks like it's a renovation to the entire third floor. And then just the last part is whether these copies that were sent out, I guess this is just the email for the abutters and interested parties. If there's a stamped plan or an approved plan by an engineer, I think what we have is just the computer generated one, but those are the few questions that I have that like to be heard on.

Ellen Helleberg. I had a couple of questions, because what I received, like I said, in the mail of what the intent was, when I went down to the DPW, it's something totally different. My question is, is there going to be a roof top deck? Or is it only the deck coming off, Like, say, one of the bedrooms and the deck on the east side? Because I see that he was looking for a variance for a full third story. But then what my plans are looking at is that he was going to open the dormers. But it's not just opening the dormers. It's I'm making a whole second floor, a new second floor. But is he also making a third floor also with a deck?

Thomas Semino- A couple of questions. I'm not clear on the plans. What's intended by a building on to an existing porch, or is it just another porch that is like the existing porch? Or is there an intention to enclose the porch that's going to be constructed? At some point is that going to be enclosed. And secondly, in a former career, I was director of real estate and construction for a retail chain that did work nationally. And in every instance, we needed to have a certificate of occupancy, which required inspection. That meant, you know, the inspector came and made sure that we met the plans that we had submitted. And here is this once this is constructed? Is there going to be an inspection for a CEO such that the plans that were submitted, have been adhered to? My understanding from neighbors is that other construction on this property has never been inspected to ensure that previous construction has met the plans that had been submitted previously. So, construction has been conducted. And there has never been an inspection to make sure that the plans that were submitted, complied with what was approved. So, my concern here is that what is proposed and what is constructed is what you're approving. So that's my constraint.

Chairman Baird-Yeah, we will address that as well. I understand the question we can address that when we get through public comment when we get done with public comment will respond to all the questions. I'll respond to the procedural ones just because there have been a couple about notice and about back end at the CFO, just how that works. And then the applicant can respond to the more plan related issues.

Gabriella Anderson, hi, can you hear me, Darren? You can? Yep. Great. So first, I want to say that I'm the closest abutter to the Collins property. We've heard from several neighbors that don't live on the handout. So, my house is the director abutter. I have seen the plans, and I am 100% in favor of the improvements that Mr. Collins wants to do on his home.

Stephanie Furfaro. I am a property owner at 92 Nahant Avenue, and I'm the other abutter to George Collins. And while I've not been in the neighborhood a long time, what I would say is, is that my experience that Mr. Collins has been upkeep the property, upkeep the home, the surrounding areas as well as neighboring property, in terms of contributing to really preserving what is a beautiful, beautiful neighborhood. I do understand the plans. I have seen the plans and it seems to me that Mr. Collins is just really trying to extend the benefits of being on a waterfront property. So, I just wanted to voice my support for you know what Mr. Collins is hoping to do with his home and his contribution to the neighborhood.

Chairman Baird- asked to close public comment. Moved by John Young, Second by Irene Dwyer. Roll call all 3 yes to close public comment.

Chairman Baird- Okay, so a couple of things that I just want to address before I turn it over to Attorney Cipoletta relative to procedure. So as far as notice goes, notices are sent to abutters and abutters to abutters within 300 feet by mail in addition to a posting in the paper in a town hall. So that's how notices should work in Winthrop for zoning appeals. So, if you directly but you're directly across the street or you're within you know what you are but one of those people within 300 feet of the property you get written notice of a hearing. As far as whether Conservation Commission is required or not, I

don't know that's up to the applicant to go to Comm Con calm and file a noi. You know us granting relief does not absolve them from having to get other relief from other boards including the Conservation Commission. So that is, I mean, I suspect that they may need they could be within They could be within 100 feet, they could be within a resource area, I just don't know, because they don't have the contours. And then as far as COs go, I mean, when so when we approve something that's based on plans as a Board of Appeals, and this has been the case, since I've been on the board, the building inspector, when they issue their building permit must issue a building permit based on those plans. If there's modifications to those plans, our condition in any in any relief, we grant, whether it's a variance or a special permit, specifically says any material changes to the plans need to come back to us for approval. So, you know, case in point, the matter that we heard just before this at 25 Locust Street was that situation, it was a material change the plans, they had to come back, we had to approve it. So, if all occurs in the building inspector issues on those plans, when the certificate of occupancy is issued, for the project at the back end before they can occupy the new construction. They should you know that the CFO should reference back to the building permit, which references the plans that we approved. So, there shouldn't be a situation when we approve something, and something gets a CFO that's different. If that's happening, that's a different issue. So, but that is not how it should work currently, you know, with our approval process, so hopefully that is an adequate answer or a sufficient answer to that question. I'm not a building inspector, I don't issue the certificates of occupancy, and we don't as a board, but if there are plan changes, the inspector usually catches that, and they must come back. So that's all I had from a procedural standpoint. I know there were some other questions Attorney Cipoletta I'll let you address the substantive ones.

Attorney Cipoletta -Thank you, Mr. Chairman. I believe the initial one had to do with the jurisdiction of the Conservation Commission. We have filed it has been advertised and the public hearing will be taking place on April 5, the Winthrop Conservation Commission. I believe the chair answered the two or three other answers that I had jotted down the questions that concern the plans. I would, Mr. Chairman, request leave to defer to Mr. Lloyd, the architect who is on this zoom.

John Lloyd- Thank you, Darren, and members of the board. I think some questions came up about how many stories were here. The existing houses essentially, I would classify as a one and a half story. The second floor has two very small dormers on the front and back. And Mr. Collins is looking to extend those dormers and maintain the roof lines that he has on the rakes of the building and extend those dormers to create additional space on that second floor. If you looked at the floor plans can see it's pretty constrained up there. It's two bedrooms and bath. He's only looking to have two bedrooms and a bath there. But I don't think we are here for the any of the dormers so, but I just thought I'd clarify that. Then going to the item, we are here for the roof deck that's on the existing sunporch at the front of the residence that is just being created on that roof to access from his second floor. It's an open exterior deck with railing. And that's pretty much it.

John Young- I just have a procedural question. I'm looking at the denial letter from Mr. Legee. And he has three things number two, number three. Number four. are we discussing just number four? I just want to be clear about what we're asked to vote on?

Chairman Baird- Yes, just know. I view it as just number four. Because basically so basically, here's what I don't know. And this was one of the questions I had. So, I'm just going to pile on to your question, was there a previous plan here that had a third floor on it or going more vertical? Because I just, I'm confused by the reference to a full third story.

Attorney Cipoletta- I can answer that. When I received the denial letter from the building inspector, it was a denial letter that pertained to a different property. And it was one of those cut and paste things that sometimes happen. And I brought that to his attention on 17 February and on the same date, he issued the correct denial letter, which should be in the file, and it says the owner proposes to improve the interior and exterior of single-family home located era zone. The exterior improvements involve installations of a deck on the east side, that would be the front facing the ocean, and a flat deck atop the existing poor side of Twitch facing the hideout that would be the one facing the ocean, the building is a preexisting non-conforming structure, it doesn't meet the front setback requirement. Proposed deck will therefore encroach into the setback. Therefore, a special permit is required from VOA for alteration extension a preexisting non-conforming structure pursuant to 1720 8030. That's the correct denial letter.

Chairman Baird- It's purely the expansion or alteration of a non-conforming structure?

I don't mean to use this term, we're going to use this term, even though it's not technically correct judicial notice of the fact that right? Neither of those variances are required for this project, right. So, the denial letter me say that we can choose to ignore them and say that was issued incorrectly. The important thing is that the denial letter does reference the alteration or extension of a non-conforming structure, if we didn't have that, that would be a problem, right? Because that is a relief that's being requested. So, I mean, I don't see the need to stand on ceremony to wait for it for our corrected denial letter to be show up. In our record, when the relief that's needed is listed on the existing denial letter, we can just choose to take notice the fact that items two and three on that denial letter are not, you know, aren't relevant in this situation. And we're not going to grant relief based on it, because we're only going to grant relief in the form of a special permit if we're inclined to, for the extension of the of the non-conforming structure right then because that's all we need to do. And we would just be specific if people want to go that route, and approve it, about the fact that that is all we are approving. It's the only relief being requested and the only relief we're approving and then the decision would reference obviously, the fact that only a special permit has been granted for the extension of a preexisting non-conforming structure. I think that's if people are worried about or hung up on the denial letter being incorrect. I think we're okay because our jurisdiction attached by the denial letter at least has the right you know, and contains within it the right relief that's needed, even though it has other ones that aren't.

Only the request for an extension of a preexisting nonconformity. So, I mean, from that perspective, even I would say this, if they needed a variance, they'd be in trouble, because we wouldn't be able to grant it because it wasn't noticed. Right. So, we can only stay within the bounds of our legal notice, which is the preexisting non-conforming analysis. So that's, you know, I think, procedurally, we could decide if we were inclined to on the relief that they need.

Attorney Cipoletta Mr. Chairman, if I just may put a little short tail on that, because I believe that's a correct analysis. In our application, it asked us specifically, what is the exact nature of the appeal or variance requested? And we asked for a special permit to Walter extend a preexisting non-conforming structure by the deck above the existing porch. So that's a number 11 of the application. So, I don't I don't think that we are looking for anything more than what we had requested in number 11. The next exhibit or paper after the board's standard application is the town of Winthrop building inspectors denial letter that was attached to our filing, the one I have here, in my office copy is the correct one, the one that had superseded the controversial one, so I'm not sure if that got through. But we're only asking for that special permit, Mr. Chairman,

Chairman Baird- Understood. And thank you for the clarification. me from my point of view, we're talking about adding an open-air deck on top of an existing porch and connection with a basically a rehab of the house. I don't think that from my perspective, that that change, and that extension is, at best a vertical extension, from a use perspective with some flooring, they're not asking for a vertical wall, they're not doing anything that's going to be truly obstructive, from a view perspective. So, I mean, and you know, they're facing out at the ocean. So, to me, I think that it's one of those things, it's not substantially more detrimental than what's there. And I don't think would cause any, any harm, and I think is consistent with sort of the spirit and intent of our zoning. You know, there's already an existing encroachment into that area with a vertical structure. And this is just a vertical extension of that it doesn't exceed the bounds of that existing nonconformity. So, for me, it's like, I just think that under our standards and the standards for granting a special permit for this sort of an extension, this is not a material to the property, and one that would not cause any substantial detriment to the public good based on the existing structure, and the use of that structure to single family home. And I think that that's, you know, for me, if some we're going to make a motion on that, I think it's important to have in our findings to be specific about that. Because, you know, we want to see exactly why we think this is not more detrimental than what's there presently.

John Young-For the folks who asked about the Conservation Commission, it says that an order of the Conservation Commission must be required before work is to begin. So is in Mr. Legee's order. I'm assuming if that's the question on the table for anybody.

Chairman Baird- just so it's clear, we can't condition our decision already found the action of another board, but obviously they can't build without all other approvals being had.

Irene Dwyer= I would move to grant the relief requested to allow the construction of decks over the front porch and to extending on other the other deck on the side of the house, as shown in the plans

that have been provided with this application. And that we grant the special permit to alter existing non-conforming structure.

Chairman Baird- And I the only thing I would suggest adding to that motion is that, you know, upon the findings made in referenced earlier in the conversation, relative to not being more substantially more detrimental to the public welfare and, you know, the typical 40A findings.

Irene- that's my motion to grant relief requested is also since this is a modest an amendment to an existing structure, it does not impede anybody's vision, the Conservation Commission will have to be not that we're talking about making them go with the Conservation Commission will be reviewing this, and that is not therefore substantially more detrimental than what is already there. And presents no safety or hazard to the public.

Second by John Young, Vote by roll call to grant relief was all 3 yeses.

Next case number 007 Of 2022. Joel Ribera 620 Shirley St. On this matter will be Chairman Baird. Mr. Wright and Irene Dwyer.

Attorney Cipoletta addressed the Board - I represent Joel Rubiera. And he's here on the zoom with his architect. And we've reviewed the plan for the building inspector. And in his set out in his denial letter. He has sent us to the board of appeals to seek a special permit to alter our extended preexisting non-conforming structure pursuant to 17 28 03. Oh, and we did that, and we have asked for in paragraph number 11 for the board to grant this. So, just a quick description of the building. It is a three-family unit it's shows that in the records of the building department and that was reviewed by the building inspector before issuing to me it is zoning review letter. So, Joel wants to improve and develop the existing three unit building by completely renovating the interior space as well as locating the front exterior stairway. And adding a second exterior stairway to the second level on the north side of the house. Just orientation this very close to the Crystal Cove in and it's diagonally across from the Winthrop Yacht Club, obviously, on the landward side. So, it's on the east side of Shirley Street. Other than those four, those exterior alterations, which do come outside by necessity of the carbon footprint, all the rest of the construction of the development or improvement of the property would be done from the interior. So, to give a better description, I would beg leave of the chair to allow Mr. Medina, the project architect to finish the presentation with respect to the improvements.

Carlos Medina- How are you all. So, what we're trying to do here is we're just going to try to rehabilitate the entire building internally. We're going to redo all the exterior, trying to maintain the identity of the building, we're not increasing the footprint. We are as the as our lawyer mentioned, we're going to add one more stair and decide just to create a second means of egress for the unit in the second floor that currently doesn't have. And the reason why we're here is because we're trying to raise the roof for the rear unit. So that was apparently the latest unit to be added to the property. And when they did it. They saved around seven feet for height for interior. And that's uncomfortable for our means and for today's standards. And what we're trying to do, it's to raise the whole structure 2 feet, maintaining the roof, flat as it is right now. And leveling, trying to match the second floor as the second floor for that unit is not match with the rest. And that's all that's practically all there's, there will be reinforcements needed and

suggested by our structural engineer, there will be any creasing of finished area as we're going to grow to the to the basement, we're going to add one more bedroom in the basement for one of the units. But all that have been solved by the structural engineer and civil engineer working with us.

Chairman Baird asked for public comments, no public comments, motion by Jason, second by Irene all 3 yes votes to close public comments.

Chairman Baird- So I do have an I have a question just because I want to understand what the current state of play on the property is. Is there a staircase today? on that? The northerly side, so the called the left-hand side of the building that's being replaced, or is it a brand-new stair? There's nothing there today.

Carlos Medina-There's a there's an existing stair connecting first floor and second floor and we're going to maintain it There is no readers there that was created as a second means of egress for the second floor unit once the rear unit was added, and that's the one that's going to be replaced by interior stair within the third unit, but the existing and original stair, it's going to, it's going to be maintained, we're just going to refinish it, it's actually in very good shape. It's not it's not slanted or sagging anything. And the balusters are decent and good looking. So, we're just going to maintain it.

Chairman Baird- So my question is the one that is going on the left side of the building new.

Carlos That's new. That's brand new. Yeah. Huh.

Carlos- We currently have six parking spaces. And we are not adding or taking out. So, and what we're doing by moving the axis, it's actually trying to create a little bit more landscape to I don't know, to diminish a little bit the amount of impervious surface that we have in the area. But we are not I mean; we're not adding parking or increasing the size of the existing

Jason- is there any sort of setback variance or whatnot required on the left side of the house? If there's going to be a stairwell placed there the stairwell place?

Chairman Baird- If we take the immediately prior case, right. And that was a special permit to extend a preexisting non-conforming structure within its footprint, right? We're just going vertical with that whole thing, to me a brand-new encroachment within a required yard that didn't exist previously, is a little bit of a different animal. Because it's a different encroachment and a different violation.

Tom Chiudina-it's already encroached on that side by far more than what the stairs encroaching, correct. So, it's an extension of a preexisting non-conforming.

Carlos Medina- And we created that because one of the jobs we had I was the owner of the property, is planning to keep that unit for him. He loved the area. He's he has lived in Winthrop for a long time. And he would like to have like direct access to the to these parking spaces is that we need that. But we didn't see a problem as we were already approaching in that setback, way more than what we are asking.

Chairman Baird= Yep. No, I understand. I think that's important. That's an important fact. Yeah, I was wondering that with that stair, is it comes off the side? Are you going to still be able to get two cars in that driveway? From a tandem perspective? So, you can still have six off street spaces that work? Or is that stair going to prevent the second car from getting in that driveway and therefore you only have five spaces?

Carlos Medina- Um, actually, yeah, that was that was one of his questions. And I think I could clarify that in one of our meetings with the elevation with the elevation showing the stairs. So, I'm just looking. What we're going to do is we are going to count the lever the landing. So, by cantilever in the landing, we're not going to need the posts going down to the to the grade and that's going to help us to park as far as possible the first car in there.

Chairman Baird- Oh, so the stair, the stair. It's showing very far, like very far forward in. When I look at the plan, and I look at the Shirley Street frontage. The plan would have you believe that the stairs come down to towards Shirley Street they run away from Shirley Street because they come off that deck on the second floor and run away so you'd be able to park under that candle lever decks that probably gives you enough distance to get two cars in there. Correct. Okay. All right, that makes sense to me. I don't have anything further, I guess I'm moved by the fact that the encroach the existing encroachment of the rear of the house is much more extensive in that yard. And so, from that perspective, It is an extension of a preexisting nonconformity. And I think we could handle this by special permit. Because it is it's less intense than existing encroachment is it had stuck out even an inch more, that would be a variance. Yep. So, I, I think that the special permit for an extension of a preexisting non-conforming structure is probably the right relief, if people are inclined to granted, I do think that, um, you know, since it's an existing three family, it needs to be refurbished, rehabbed. That, you know, and it would be a safer, it'd be safer not only for this building, but for the community to have something as a safe egress. I think that it's not substantially more detrimental and it does not create any health safety or welfare issues, at least in my mind. So, I'd be comfortable getting to a finding in support under both our ordinance and under 40A section nine of granting the relief requested. So that's me. Curious as to whether other board members have questions, or if there are no questions are inclined to make a motion on this matter. No further questions. Okay. So, there's no further questions. I'm happy to take a motion from either Mr. Wright, Miss Dwyer on 620 Shirley Street case number 007 of 2022.

Jason made motion case number seven of 2022 620. Shirley Street, like to make a motion to grant special permit to alter a preexisting non-conforming structure under Section 17.28 030. Granting special permit based on findings made during discussions of this hearing I we find that to be substantially detrimental to the public welfare, said special permit is consistent finding that said granting special permit is consistent with the spirit and intent of zonings proposed changes will be an improvement to the neighborhood. The renovations themselves under 40A,

Chairman Baird I think the only thing the only amendment I would offer to that would be that, you know, obviously construction being according to the plans that were submitted. And any material

changes must come back for approval to the board by the board. So, I'll move that amendment to your motion. Do I have a second to the amendment? Second. All right. So, on the amendment as moved by me and seconded by Ms. Dwyer, vote by roll call as the amendment.

All yes by roll call.

So as amended the motion as amended, offered by Mr. Wright. Do I have a second? Miss Dwyer? Second. So as moved by Mr. Wright and seconded by Miss Dwyer, the amended motion vote to approve by roll call.

All 3 yes by roll call.

Chairman Baird- Okay. So, approval has been granted for the requested relief of a special permit to expect to expand or alter a preexisting non-conforming structure in accordance with the plans.

Lastly, this is case 008 of 2022 PV BI Realty trust Patrick Butler, 24 Beacon Street there's a request for a special permit to alter a preexisting non-conforming structure. I'm sensing a theme here and their variance requests. So, sitting on this Chairman Baird, Tom Chiudina, and John Young.

Attorney Cipoletta addressed the Board= Thank you very much, Mr. Chairman and members. This is a proposal by Shawn Butler, the butler brothers who have purchased this property. It's a two-family house. It's in need of some repair and upgrading. So, they're going to do that. They've applied to the building department for a permit to expand those dormers out so that it will look substantially like what is on page two of the plans after the site plan, where you will have all four elevations. By extending out the dormers it would then create a third a full third floor but does not exceed the 35-foot height, which is shown on the plan. Reviewing this with the building inspector. He pointed out a couple of things, obviously, and as the boy can see from the plans, you know, they are modifying the parking there's some parking there on the left side. You to avoid PMs on the property they've sketched out as best they can. And it is tandem parking. Parking spaces on the on the property. I understand and Sean and, Patrick. I understand because we discussed this about what is looks good on a plan. Sometimes in real world application doesn't work out. And that's sometimes the nature of tandem parking. But they can get six spaces on the on the property, the nature of the neighborhood and why are we suggesting that the relief can be granted without substantial detriment? It's a very nice neighborhood. This is probably not the best-looking house in the neighborhood. I would say not by a longshot. But the brothers do want to improve that and bring it up to the standard that's been set in the neighborhood, which is currently a mix of one to one to two family homes and number of multifamily homes. I believe the building immediately if not immediately to the right is a six-family house. There appears to be ample parking when we're going to be taking up any parking spaces off. off site. If we do and the board does not like the plan with the tandem spaces, then there may be a motion to modify the request in the plan. But even at that, looking at what like you know the photographs that I essentially will Google Photos and street views show that there's substantial parking, even given the number of multifamily units and that six family that's in proximity. Patrick is on here. If there's questions from the board, if you need him to give any expanded explanation of the worker, he's certainly capable of doing that. But then I would just reserve the rest for questions.

Chairman Baird opened it up to public comments.

No comments given, Chairman Baird asked for motion to close, given by Tom seconded by John. All 3 yes by roll call.

Tom- I'll start if that's all right. Attorney Cipoletta. There's a photograph. That's in here it says, remove stairs, it says three full levels, both sides. And then on the left side, it says fill in? Yeah. What is that?

Attorney Cipoletta- Yeah, I called after I file this and I spoke to Patrick, there is this sort of a U-shaped indentation or cut in? That doesn't show completely on this photograph. And this was the sketch that he was using when he was drawing the plans. So, I think what his plan is here, Shawn, is to just fill in that empty space, which is a cut in, between the main house and whatever that other part of the house is. And I think he can explain it better.

Tom- I think you've explained it fine. But I'll say it's, it's hard to get an accurate account of that by a picture when you don't have existing floor plans that have or even proposed floor plans that have dimensions on them. You know, looking at that photo, I see the stair that you're going to remove to make these six parking spaces work. Is that correct? You're not getting two spaces from with that stare there. So how are you going to continue the two spaces back with the basement bulkhead that's just beyond that.

Attorney Cipoletta- I think that's going to be removed, but I'm going to kick that one to Patrick

Patrick Butler- The bulkhead has been so removed. And right now, that current U shaped is there's a handicap exit accessibility deck on that side of the property. And so that's where the huge that's close to where the U-shaped part is.

Tom-Okay, and that deck is all coming out?

Patrick= Yes, yes. Yeah. And I heard Jimmy mentioned, there was a six-unit next door, there's a 10 unit. that's abuts the property to the right, is a four unit that abuts it to the rear and there's six unit three doors up on the right on the corner Beacon and Shirley Street all with no parking.

Tom- Again, without having dimensions, it's hard to say whether this is even going to work this parking, meaning your property depth is 62 feet. Are you saying that there's you're going you know, 54 feet for the three spaces deep? It says 18 feet on your plan. I think I read I mean, I'm assuming that's from the property line to the building, which means you have no buffer, which is required. So, you'd need relief from that as well. The parking relief is Yeah, I guess it's tandem. You know honestly try not to I don't I don't think We should be looking to only be as good as the existing structures that are around. I don't think that's beneficial to the neighborhood. I think what you've designed here is less than desirable for the neighborhood. It looks just like a simple box. I've seen you guys do a lot better than what you're showing here. You know, and it'd be, it'd be nice to have plans that are somewhat accurate. The floor plan has the deck at the back going beyond the building, which would interfere with your parking and coming down into the driveway. You know, which is inconsistent with what the site plan shows.

Patrick- I'll redo the plans, and I'll get the existing

Tom- So is the front porch being removed? Or are you building on top of the front porch?

Patrick- No, not the front porch.

Tom- So it was being removed. So not just the steps, but you're being you're removing the front porch? And then just squaring off the existing third floor? I don't I don't have any more questions.

John- I think Mr. Butler was going to bring him bring it back to the committee. I'm not certain that was his intent. Yeah. But I remember the last thing you brought before the committee, you got kudos for the drawings. There were superb. I remember the folks on the call talking about how good they looked. And I think that would be helpful to us.

Patrick- Yeah, well, um, I'll go back with the architect and, and take care of that. Thank you. Thank you.

Chairman Baird- when you do that, just let's make sure the elevations match the site plan and show how it lays out site plan wise, because I do think that to one of Mr. Chiudina point, I think when you actually lay out the tandem parking, you're going to find that there's an additional piece of relief that's needed, because you don't have a you won't have a two foot buffer strip between the side lot line the extent to your side lot line, and where the parking starts. And that is a requirement to have a two-foot buffer, and there's no way you can achieve that end, Park two cars, they're side by side and get that in before you get to that side of the house. So, I think just look that if it requires additional relief, I just think that's a something will, you know, that we'll have to address, and amend the filing accordingly. But I leave that to your very able legal counsel on that.

Tom- So there's obviously there's a fence on that property line, and you know, rarely are fences directly on property line. So, if it's if it's on your property, now, it's restricting the width of your parking even more.

Chairman Baird - so my recommendation would be to continue this matter to our next hearing, which I believe is April 28. Only at 6:30pm. Will that be enough time to get the revised plans? And I assume it will be?

Patrick- yes

Chairman Baird- So with that, I'll take a motion Mr. Young Mr. Chiudina to continue this matter to our next hearing on April 28, at 6:30pm.

Motion to continue by Mr. Young, seconded by Tom Chiudina. All 3 voted yes to continue.

Next matter is approval of the meeting minutes for March 10, 2022. Motion to approve meeting minutes from March 10, 2022, by Jason Wright, seconded by Irene Dwyer.

All members voted yes to approve meeting minutes.

Next meeting will be in person at the Harvey hearing room.

Also, we received a stop order. Yes. On Crystal Cove. They will have to petition to start work again.

Chairman Baird took a motion to adjourn at 7:54pm. Motion to adjourn by Jason Wright, seconded by Irene. Roll Call all voted yes.