

**Winthrop Board of Appeals
July 27, 2023
Meeting Minutes
Harvey Hearing Room**

Board members in attendance: Darren Baird, Thomas Chiudina, Jason Wright, John Young

Town Staff members in attendance: Rachel Kelly

Board members Absent: Jaime Stern

Meeting called to order at 6:33 followed by roll call.

40 Willow Avenue (016-2023)

The hearing for 40 Willow Avenue was continued to a special meeting on August 10, 2023. A motion to continue the hearing was made by Tom Chiudina. The motion was seconded by John Young. All members voted in favor.

1039 Shirley Street (019-2023)

The hearing for 40 Willow Avenue was continued to a special meeting on August 10, 2023. A motion to continue the hearing was made by Tom Chiudina. The motion was seconded by John Young. All members voted in favor.

7 Frances Street (013-2023)

Homeowner was issued a cease-and-desist letter from the Winthrop Building Department for building an outdoor grilling area with counter tops and closed top pergola. The structure was built near the abutters.

The Chair opened the meeting for public comment.

Peter Gill, direct abutter. In support of the project. Described homeowner as a model neighbor.

Terri Care, 32 Woodside Park. Concerned with the proximity of the grill and cooking area to her home and windows. Concerned with fire and safety.

The Chair read off letter submitted to the Board from abutters, not in favor of the project, from Terri Care, Debbie and John MacDonald, and Natalia MacDonald.

A motion to close public comment was made by John Young. The motion was seconded by Tom Chiudina. All members voted in favor.

Legal Counsel for the applicant stated that a permit is not needed for a backyard grill. The Cease and Desist letter stated that it was issued because a structure greater than 400 square feet was being installed, however the existing structure is less than 400 square feet. The language within the Cease and Desist letter was not consistent with the Town Zoning Code.

A motion to overturn the Cease and Desist letter based on improper notification was made by Tom Chiudina. The motion was seconded by John Young. All members voted in favor.

The applicant also submitted an application for a variance for the outdoor kitchen. The newly installed grill has a direct connection to the gas utility line. The cooking area will be outfitted with two fire extinguishers. The applicant was willing to install an Ansel fire suppression system in the outdoor kitchen area.

The meeting was opened for public comment.

Terri Care, 32 Woodside Park, not in favor of the outdoor kitchen.

A motion to close public comment was made by Tom Chiudina. The motion was seconded by John Young. All members voted in favor.

The Board discussed the language of the Winthrop Zoning code and differentiating between a 'structure' and a 'building', and what the outdoor kitchen roof qualified as. The Board was unclear on if this structure was within the Board jurisdiction.

The application, information, and question about structure v. building and the BOA's jurisdiction will be sent to Winthrop Legal Counsel for input and clarification.

The hearing will be continued to the August 10th meeting. A motion to continue was made by Tom Chiudina. The motion was seconded by John Young. All members voted in favor.

506 Pleasant Street (023-2023)

The application was to construct an addition onto the rear of the existing pre-existing, non-conforming structure. The addition will be two stories of living space. The addition will be approximately 8 feet away from the existing pool.

The Acting Chair opened the meeting to public comment. There was no public comment. A motion to close the meeting was made by Jason Wright. The motion was seconded by John Young. All members voted in favor.

The Board determined that the addition will not be detrimental to the neighborhood.

A motion to grant a special permit and a variance, for work done in accordance with the plans, was made by Jason Wright. The motion was seconded by John Young. All members voted in favor. The hearing was closed.

24 South Main Street (024-2023)

The application was for a 3-story addition on the back of an existing single family home. The home will remain a single family. The existing lot is narrow.

The Chair opened the meeting up for public comment.

Abigail, 28 South Main Street. Does not think a 30-foot tall structure is necessary. Decks encroach on privacy. Parking is already difficult. Construction vehicles are already parked along street. The current

house is a pre-existing, non-conforming use. Foundation will have flow-through vents to accommodate flooding.

Robin Llyod, 28 South Main Street. Feels the large structure will deplete home values. Concerned with water runoff.

Greg Capone, 20 South Main Street. In favor of the project.

Benjamin Burke, 28 South Main Street. Concerned with the integrity of the structure.

Elain Cavino, 24 South Main Street. Stated she will be the only person living in the new addition.

The applicant also submitted a letter of support, signed by several neighbors. The Chair read the letter out loud at the meeting.

A motion to close public comment was made by Jason Wright. The motion was seconded by John Young.

A motion to grant a special permit and variance for a 3-story addition, in accordance with the plans submitted, was made by Jason Wright. The motion was seconded by John Young. No building permit can be received until approval is received from the Conservation Commission.

149 Main Street (026-2023)

The application was seeking relief to create a 3-family use in the RA zone, which does not allow for more than two units. The application also sought relief from parking requirements. All work would be done within the structure, no outside work would be done. There would be no off street parking for the unit.

The Chair opened the meeting up to public comment.

Andrew Serfling, 85 Beals Street. Concerned with light wells and their location.

A motion to close public comment was made by Jason Wright. The motion was seconded by Tom Chiudina. All members voted in favor.

A motion to deny the request for a 3rd living unit was denied due to proof of hardship not being met was made by Tom Chiudina. The motion was seconded by Jason Wright. Darren Baird voted No.

Adjourn

A motion to adjourn the meeting at 9:06 was made by John Young. The motion was seconded by Jason Wright. All members voted in favor.