



Town of Winthrop Planning Board

MINUTES

March 18, 2024

7:00 PM

Harvey Hearing Room

Roll Call:

Chris Boyce-Chair	Present
Gina DiMento, Esq.	Absent
Honor Merceret	Present
Kimberly Hirsh	Present
Sarah Jane Fourness	Present
Alyssa Gamble	Present
Jason Pollutro	Present

The meeting was called to order at 7:00pm by Chris Boyce, Chair, followed by a roll call.

1. **154 Adams Street/1 Tafts Avenue-** Honor Merceret asked about the odd-shaped lots. The applicant showed the building configurations that would work on such lots and confirmed that no lot gets less than 75% of the 75' lot dimension. *(All members signed the ANR mylar plans, as there were no objections.)*

2. **Old Business:**

- **40R Banks: Attorney** Edmondson- Kerom, representing the Applicants, read an amended letter to the Board to be submitted for the record to the hopes to move forward on the merits for the proposed right of way/ private way over the easement to frontage, with waivers requested. If denied, a trial in land court would be requested.

Public Comment:

- **Morton Street Abutter-** Concerned that if this is developed and if the trees are removed, the areas are going to be flooded more. He was also concerned that the DPW stated that the sewer systems are old and that there could be more flooding and is worried about the properties.
- **34 Banks Street Abutter-** Even though the design proposed should collect water, the area is taxed after recent storms. We are concerned about additional water, storms, and flooding; we would all feel more comfortable with an independent review or an assessment of the plans. Even if this does beautify the area, we are unconvinced; the neighbors have trimmed the trees. They have not talked to the neighbors beforehand.
- **Anonymous Abutter-** This whole area is a flood area. Town Council is working on grants to make improvements, but we do not know what will mean. I am surprised that this is back on the table. This is a large area that is impacted. The Tree Committee is concerned about this and feels it would be irresponsible to do this and cut down so many mature trees. The curb cut for this driveway was authorized during COVID which was unheard of. It is a shame that all these trees will be cut down. This is the ninth time we have been here, but it has never gotten approved. When the curb cut happened, we stopped getting notices. When it went to the land court now, we are back. (Clarification regarding the cutaway was for the easement which was deeded to the land was raised from the Board.)

- **John- From Precinct 2-** The value as a property owner is not a fair assessment of why this should or should not be done. The leaching system is advantageous on site. This flooding is an issue, but one house is not going to make that much of a difference.
- **Rebuttal from Attorney and/ or Architect on behalf of Applicants:** If there was neglect it was there for 20 years there were vehicles blocking access and we could not get there. Drainage will improve from what is currently there as the water will be redirected. Tree removal will be minimal, and we will replant as we can. Run off will go into a drainage system and not a sewage system. Attorney Edmondson- Kerom added that there was a previous Superior Court zoning matter regarding this land. This is now a Land Court matter for a sub-division matter. She also added that the easement was added to the deed in 1985.
- **Discussion Among Board Members -** Members discussed the difference between a private way and a driveway; an easement and a private way, the property being landlocked, and the waivers that the Members are permitted to vote upon:
 - 16.12.010.A1A- Curb raises not less than 20'.
 - 16.12.010.A.B- Dead End Street provided with a turnaround (Hammerhead).
 - 16.010.C- Sidewalk not less than 8' width either side of street.
- **Further discussion included** – Is there a 40' width waiver? No, however the width is 29'. The waiver is for is for the hammerhead only, but application called out the turning radius at Banks Street. Confusion over whether a turning radius would apply to a right-of-way if it were not a public street. Question about who would maintain the public way if it is private and on the property of 40 Banks. Question about the sidewalk waiver - Sidewalks are required for streets, but not for private ways. The applicant stated that the waiver was only for the sidewalks at the hammerhead, however they would be willing to add sidewalks to the right-of-way (more confusion about whether this is a street or an easement). The Applicant explained that they did not produce the requested site plan / drainage plan because it would be an added expense that would not be worth it at this time since it was most likely going to be denied. The application was not corrected as requested in January either. General concern from the board on whether we have the authority to subdivide a lot and a street with no public access. No precedent for this, and concern that it would need to be addressed with the neighbor/ the deed since it would reduce the lot size of 40 Banks; Attorney cited Zagala Case and Washington Street as precedents.
- The Motion to deny the waiver for 16.12.010.A1A was made by HONOR MERCERET and seconded by CHRIS BOYCE. KIMBERLY HIRSH ABSTAINED FROM THE VOTE. ALL OTHERS VOTED IN FAVOR TO DENY THE MOTION.
- The motion to deny the waiver for 16.12.010.A.B was made by KIMBERLY HIRSH and seconded by ALYSSA GAMBLE. ALL OTHERS VOTED IN FAVOR TO DENY THE MOTION.
- The Motion to deny the waiver for 16.010.C was made by ALYSSA GAMBLE and seconded by SARAH JANE FOURNESS. ALL OTHERS VOTED IN FAVOR TO DENY THE MOTION.
- **5 Freemont Street-** Sarah Jane Fourness will walk to the site and take photos and ask the Town Manager if he is satisfied with the photos.

3. **Meeting Minutes-** Members will read them and send comments.
4. **3A Discussion-** There was a discussion among the Board Members to see if it would be possible to invite some Town Council Members to meet with them regarding working with the Consultant regarding the 3A Zoning

Grant and Meetings. There was concern regarding no Planning Board Membership representation at the meetings regarding 3A and we would like to have a joint session with the Town Council, the Consultant, and Planning Board to have a discussion regarding the 3A Zoning. There were Town Councilors in the audience who offered to attend as well.

A motion was made to adjourn the meeting at 8:32. The motion was second and all members voted in favor.