

Winthrop Board of Appeals
May 30, 2024
Special Meeting Minutes
Harvey Hearing Room

Board Members in Attendance:

Darren Baird- Chair

Jason Wright- Member

Jaime Stern- Member

John Young- Member

Tom Chiudina- Member

Marc Chapdelaine- Member

Board Members Absent: n/a

Meeting Called to Order at 7:00pm followed by roll call.

Continuations:

1. **82 Main Street- (013 2023/ 005 2024)-** The Applicant's Attorney, Sean Donohue, was on the meeting via Zoom. Attorney Donohue was explaining the history of needing a change in the community and how the definition of Accessory Dwelling Units (ADUs) is defined now vs. 2013 when the original variance was granted. It was acknowledged during this, that since this is a Special Meeting and a continuance, that this has been entered into the record previously, and that perhaps the discussion could be directed to the relief being sought. The relief being sought is to allow two- single dwelling at 82 Main Street making it conditional upon owner occupancy; two separate units under a single owner with the removal of the familial relationship requirement between the units; and a variance for two- single family dwelling units on the same lot but owned in common ownership. One of them would be owner/ occupied and the other would be allowed for rental purposes. It is difficult in this market to rent and that was not the intention in 2013. The Applicant would like to make it a rental because they have maintained it and would like to get the revenue for all the work they have put into it over the years. It is noted that the condition of the property will not change and there has been no opposition at any meetings.

Public Comment:

- No members in the gallery or on Zoom.

Questions/ Discussion among the Board: Can the BOA find a hardship? In the past, the variance was granted, with common ownership, but financial hardship is not a reason for a variance; however, the condition changes the marketability of the property- does that create the hardship to sell the property? There are two issues:

- 1)- A language change for the 2013 variance; would have to keep the decision and amend it;
- 2)- A 2024 variance for 2 single family, detached dwellings on the same lot.

Member Chapdelaine made a motion for a hardship that exists to issue a variance for an accessory dwelling unit for a garage with 1 unit that is owner/ occupied; it shall not increase in habitable space; shall remain in common ownership; and will be an ADU (two single family dwellings on same lot).

Member Wright seconded the motion. A vote of 3-2 was taken and the motion failed. After a recess, Attorney Donohue requested that case **013-2013** be withdrawn without prejudice.

Member Chiudina made a motion to accept the request for withdrawal and **Member Young** seconded the motion. All members voted in favor.

2. **40 Bates Avenue (004 2024)**- The Applicant's Attorney, Rebecca Edmondson-Korom, was present along with the Applicants. The Applicants are requesting to raze the existing garage and rebuild a two-car garage with a second story that will attach to the second floor of the home to be used as a media room and storage. The area will have electricity but no plumbing. The Applicants have done a lot of work to the home and have contributed to the neighborhood and need more space and would like to use their garage to park inside. They do not want to use the back area to expand as they have a small yard that they use. The neighbors have reached out to the neighbors and have letters of support. They are looking for a special permit for a non-conforming structure. **Sitting members: Chapdelaine, Young, Wright, Stern and Baird.**

Public Comment:

- **Letter of Support-** Chairman read it into record.
- **36 Bates Avenue-** This abutter cited many regulations, codes, and laws that he feels are being violated by this project and adamantly opposes it. He believes that the stamp on the plot plan is illegal. A very lengthy letter was read into the record including but not limited to some of the following: * The structure is going to fill in the driveway and airflow; *It is in violation of the fire code; and *The new structure extends onto my property line.
- **Karen-** This abutter stated that while all the neighbors live close to each other, and it is appreciated that the project needs to be done, this project violates a lot of regulations and is too big for the lot. She stated that it violates her right to light in her back yard and it is a tough spot to put a two-story structure with no windows, essentially a two-story wall.
- **106 Sunnyside Avenue-** This seems like a well thought out plan and the Applicants seem respectful to the neighbors.
- **Anonymous Abutter-** The Applicants have tried to fix the house and are respectful. They just want to park their cars and fix the structure. It is essentially the same footprint.
- **Main Street Abutter-** I came in support of the project.

Applicant Rebuttal: The project is two stories not two and a half stories; the height of the current dormer is higher than the project height; while the project does take up much of the driveway, it does not take up all of it; the project is not on the neighbor's property- in fact, it is further away than the current garage; we can move the gutter on the project if water run off is a concern; it is not a multipurpose building; it is an addition to a home; we can not speak to any changes to the light in neighbors' homes/ yards; the project is not adding any additional parking spaces- it is the same two spaces.

Discussion with BOA and Applicant: Could the project be brought closer to the back of the driveway, reduced by ten feet, and maybe a flatter roof; maybe it would not look so much like a two- story wall and be more amenable to the neighbors? Also, given that all the other houses in the neighborhood have almost the same layout (single family house with driveway and garage), what is the hardship that is worthy of a monolithic wall being built to be considered? The plans would need to be revised and brought forward for a continuance at the June 27, 2024 meeting. Member Chapdelaine made a motion to continue, and Member Stern seconded the motion. All members voted in favor.

Member Wright made a motion to adjourn the Meeting and Member Stern seconded the motion. The meeting was adjourned at 8:54pm.