

Winthrop Board of Appeals
September 26, 2024
Meeting Minutes
Harvey Hearing Room

Board Members in Attendance:

Darren Baird- Chair

Jason Wright- Member

John Young- Member

Marc Chapdelaine- Member

Tom Chiudina – Member

Jordan Senerth- Member

Meeting Called to Order at 6:30 followed by roll call.

Continuations:

1. **118 Sunnyside Avenue**- Remand Presentation. There was a Conservation Commission issue, and a neighbor filed a DEP claim. In February 2024, the plans were changed to include piers rather than a slab foundation; stone driveway that has a car port type structure rather than a garage; new water drainage seeing as it is at the lowest point of the street; and in June 2024, the DEP approved the plans and went back to court.
 - o **Public Comment:**
 - 2 Letters of opposition were read into the record.
 - Attorney Matt Dunn for the abutter, Mr. Honan, reported concerns for substantial flooding in the area and mentioned that other concerns were included in the letters.
 - o **BOA Discussion/ Response from the Applicant:**
 - How will the functionality of the storm water control system be mitigated?
 - There is a subsurface system with a void underground that holds some flood water. There is no more water that comes across the property because of this new structure. DEP opined that it will not exasperate any flood waters. In fact, piers may help. Soil testing is immaterial and there will be downspouts to help with roof runoff.
 - What will the mitigation strategies be during construction?
 - The pipes are down two feet, and we will follow DEP rules and regulations.
 - What is the proposed finished elevation?
 - There is no change in the elevation even though the surface will be improved.
 - An abutter mentioned stagnant water. What is the mitigation plan for this?
 - The site floods but it does drain. It is at the lowest point of the street. It went before the Conservation Commission because a neighbor as of right appealed and hearings were held. This is how the new plans with the material changes were made.
 - The BOA must follow the de novo hearing rules for this because of the land court. BOA must revote on variances and special permits as if it were a new case. It is a non-conforming structure and requires a special permit to alter/ extend a pre-existing, non-conforming structure, along with a variance.

- There is a small piece of the property that is “owner unknown” and not registered. There is the question if this has been used as an existing driveway for 20 years and a day.
 - This property is at the lowest point of the street and with that, it is hard to think that this structure is going to add to the flooding.
 - The material changes to the applicant do not change the unique shape of this lot, which is the hardship.
 - o Motion to vote to grant relief based on the plans made by Member Chiudina and seconded by Member Chapdelaine. All voted in favor.
2. **19 Walden Street**- This was resubmitted and amended in September 2024. Even though there would be a need for twenty parking spots, the applicant is requesting a variance for ten spots. The applicant is looking for a special permit to change the use of the building from business to residential, the least intrusive use of the building. The dimensional requirements show that the building is up to the lot line at the front and some ten foot spaces and some four foot spaces around the oddly shaped footprint. The Applicant is trying to use the existing building. The Applicant had a public meeting already and the Fire Department and DPW is already aware of the building and project proposal. There is no alteration for the structure. We have nine- ten spots and are looking for twenty spots. The parking plan will need to be enforced by the landlord. The Site Plan was reviewed and water retention, trash, etc. is there and continues to need to be revisited in the plan.
- o **Public Comment:**
 - 49 Walden Street- There is not enough parking because you need handicap parking, parking for the Tae Kwon Do studio, pizza shop, and restaurant. There are a lot of accidents there now because people are pulling into driveways to back out to turn around. The water table is an issue, and it is a bus route too.
 - 118 Lincoln Street- This street is an emergency artery and is full during snowstorms.
 - Anonymous abutter- There is barely four feet between my house and the project. They tried to mitigate the water runoff from the roof before, but it is not a permanent solution. Parking is an issue and so are Fire and EMS response times to the back of the building. The windows will face directly into my home. It is a safety concern.
 - 63 Lincoln Street- The kids coming out of the Karate studio are not safe with the traffic.
 - 53 Walden Street- There is a high-water table in this area. Recently, a bus made a U-turn, hit a fence, and kept going. This street cannot handle a ten-family building. It is going to become a city, and we will need more resources.
 - 16 Short Street- I added a second story and had to put in new footings and sump pumps. How is there a restaurant and a karate studio there already without any parking? A couple of apartments would be ok, but these are small units and five times what is there now. Where will the HVAC system be? Where is the trash going to be? Will there be an exterior fence?
 - 132 Hermon Street- The HVAC and trash disposal are not on the plans.
 - Anonymous abutter- There have been seventy-seven accidents on Walden Street ranging from minor to fatality. What does a hardship entail? I thought a host of things were needed and this cannot be a reasonable use of this land. I thought it had to be without affecting the neighborhood. Also, this would be the fifth request for a variance and the fourth for parking on top of previous requests for this building. I am not totally opposed to the development, but it must meet everyone’s needs.

- Anonymous abutter- Variance requests are serious, and parking is such a problem. This needs to be seriously looked at. Also, the unit sizes are small.
 - Short Street abutter- Where will the trash be going on the property and how will it be removed? How will the rodent issue be mitigated during construction? The Karate School has a platform and a ramp and there is no way two cars can park there, and the parking proposal removes spots from the street. There is also concern about additional noise and safety.
 - Precinct 5 abutter- Contractors come in and make a living, and that is ok. But they need to follow the rules and not try to make a large profit. Rules are here to protect life and quality of life. Be reasonable. Without a variance, what would be allowed? There are concerns about cracked foundations during construction.
- o **BOA Discussion/ Response from the Applicant:**
- Are there currently nine spots on the plan that are nine feet wide?
 - Yes.
 - With all the current picking up and dropping off visitors of the business there, how do you plan to stop people from using these spots?
 - We can put up signage for no U-turns and no parking. The parking plan will address this with the other tenants as well. Guests would have to park on the street, near the rink, or even valet parking for the restaurant may be considered.
 - This would be the fourth variance to this building.
 - It has been piecemeal, but in totality, it is all the same. We hope to make an adaptive reuse of the building. Trash will be central and private. We are trying to redevelop the building in the community to accommodate the neighbors.
 - The size of the units is more like rooms. It seems like parking is trying to maximize the financial benefit alone/ Is the financial component the driving force for the ten units?
 - Yes. We wanted small units to appeal to those renters twenty-five- thirty years old with no kids willing to pay twenty-five hundred to three thousand dollars a month. This is what is available on the market currently.
 - This plan with ten units and parking variances is hard to find a cognizable hardship. There is something unique about the lot and the building. The existing variances have created a hardship to the neighborhood with no way to enforce parking and that is making the condition worse. However, it looks better on the plan than what is there now.
 - Are you suggesting less units?
 - Perhaps ten is too many.
- o Motion to continue to November 21, 2024, meeting with plan revisions. All voted in favor.

New Business:

1. **145 Bartlett Road-** Member Young recused himself. The Applicant was denied a building permit to convert the building to a three-story building. They will be saving all the trees, it is a large lot with ample parking for the project, and it will not change the character of the neighborhood. An updated Denial Letter was filed with the Town Clerk. The conversion from a two-family residence to a three-unit condominium will not require any construction outside the existing footprint. It will not cause any setbacks, and parking complies with the requirements of the ordinances because there is a two-car garage along with a driveway with four spaces. The units will be two- two bedrooms and one- three bedrooms. There will

be a dormer on the third floor with a deck on the third level on the back and a small landing on the first floor. It will not extend the existing footprint and will have the same finishes on the outside.

o **Public Comment:**

- Anonymous abutter- Why?
- 151 Bartlett Road- I am opposed. The driveway is narrow and opens at the end. To add another unit in a challenging driveway is a nightmare. They already park on the street and adding a unit will set precedence.
- 155 Bartlett Road- This neighborhood already has a yacht club and is flooded with cars whenever they have an event. There's only parking on one side of the street and it is tight. Cars and trucks are not always able to make their turn. I agree that it is setting a bad precedent.
- 121 Bartlett Road- Precinct 5- The design is ok, but the driveway is a problem. People always park on the street and because it is only on one side, Orlando becomes flooded with cars as well. The yacht club is increasingly busy, and parking is bad. I am worried about the drifter effect that two or three family homes will appear in other neighborhoods. How does this meet a hardship?
- 112 Bartlett Road- I would like to reiterate the parking issue. The property has been a successful two family, leave it alone.
- Anonymous abutter- the scope of the neighborhood is single family homes with a couple of two-family homes, but it needs to be preserved. This is an owner/ occupied neighborhood, and the vacant house has already placed a different feel in the neighborhood with "no trespassing" signage.
- 97 Johnson Street- The street is too narrow; maintain the neighborhood.

o **BOA Discussion/ Response from the Applicant:**

- The BOA did not review the whole packet.
- Would it be owner/ occupied?
- You could make it two condominiums with a dormer with no hardship but going from two to three units is not out of character for the neighborhood.
 - The Applicant purchased the property, and he has made financial decisions along the way that are his concern.
 - The condominiums would be owned/ occupied.
 - Everyone does the best they can with parking. It is frustrating, but the plot plan is large enough and it is not a changing condition to the street. The yacht club is creating the issue, not this project.
 - The Assessor's Office has one, two three-unit buildings listed; we are trying to do it properly.
 - The signage on the property was due to people dumping trash on the property costing more than one thousand dollars in fines.

- o Motion was made to move in the affirmative to grant the relief requested for conversion of a two family to a three unit building due to the topography and interest of zoning. Three members denied the motion- the variance was denied.

2. **63- 69 Putnam Street-** This project is the redevelopment of the building that once housed Surf Cleaners in the CBD. It has been closed for more than three years. The Applicant is seeking to make it an apartment building, and the Planning Board approved the plans. It will be two connected buildings: a two-story building with Pleasant Time Day Care and two- two-bedroom apartments. The property is taxed as one lot. The original proposal was to go up four stories, and that was denied. The new plan consists of fourteen- one-bedroom units

with fourteen enclosed parking spots. There will be terracing of the third and fourth floors, and more ground floor windows, and the orientation of the building is flipped. There will be new curbing with two parking spots on the street and a bike parking room. The Applicant is seeking a variance because without it, they cannot accommodate the parking requirements. The height of the building abuts the street to accommodate the shadowing. 85- 90% of all the toxic materials from the cleaners have been removed and the Environmental Department and all municipal departments have been met with.

o Public Comment:

- 13 Putnam Place- Where are the setbacks? My house is in shadow a lot according to the old plan, will the new plan make it better or worse? Also, the two parking spots inside are hard to get into. Putnam Street is too busy to back into a lot. The project is too big, remove the on-street parking on Putnam Street to make it safer.
- 8 Putnam Place- I object to the four stories. The condensers and elevator that are going to be on the top floor are going to be too loud next to single family homes. This project will not increase property values. It is a very hectic neighborhood with all the businesses. Can it be smaller? Maybe townhouses? It does not fit in the neighborhood.

o BOA Discussion/ Response from the Applicant:

- The CBD map may or may not be correct; it is unclear if this project will abut residential homes. The BOA has no faith that this is the proper map.
 - We submitted this map with judicial notice. It is from May 2019.
- The plan shows what you are going to do but does not show what it is going to do to the abutters to the rear in the landform. It is diagrammatically shown only.
- Does the CBD allow mixed use?
 - The daycare is taxed as one lot. After discussion with other businesses and departments, everyone would rather keep the existing businesses and not add further outside competition.
- Caution should be used that the gym and common space do not flip to more units given their size.
- The BOA would like to see updated plans and a shadow study done in December.
 - The Applicant has a letter of support from the daycare and the Chamber of Commerce. the construction will not disrupt their day-to-day operations.
- Member Wright made a Motion to continue November 21, 2024, meeting with plans. The Applicant waived the statutory continuance. Member Senerth seconded the motion. All voted in favor.

Meeting Minutes will be reviewed at the next meeting.

Member Chapdelaine made a motion to adjourn the Meeting and Member Young seconded the motion. The Meeting was adjourned at approximately 10:40pm.

https://us02web.zoom.us/rec/share/oFH0pd8-O3pdx4M_8WQ3qwV0siJ0LQx-Os27XgeHI1uii8T2gJc6plyEOZS1uMs.Xp97ceFQUyansloG?startTime=1727389513000