



TOWN OF WINTHROP CONSERVATION COMMISSION

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7:30 P. M. – May 11, 2011
Joseph Harvey Hearing Room
Winthrop Town Hall

Members in Attendance: Mary Kelley, Chairperson, Stephen Machcinski, Norman Hyett, David Girard, Kristine Dow, Brian Corbett, J. Calvin Farrand.

PUBLIC HEARING – Paul & Joan Marks, 35 Washington Avenue – Request for Determination of Applicability for new deck/patio and remove/rebuild driveway – Representative Mike Carney, Seacoast Contractors. Commission asked several questions and Mr. Carney gave details regarding project. No abutter comments received. **VOTE: NOT APPLICABLE – UNANIMOUS VOTE.** Hearing closed. Determination of Applicability signed. Commissioner Girard not present for the hearing.

Mike Carney, Seacoast Contractors – Asked question in relation to a project for his client, Crystal Cove Marina on Shirley St. Mr. Carney asked if he could make some general repairs at the marina without filing for a Wetland Permit. Before a decision can be made, the Commission asked that Mr. Carney submit further information about the project. Commissioner Girard not present for the hearing.

CONTINUATION OF APRIL 13, 2011 PUBLIC HEARING – Semyon Dukach, 165 Tafts Ave. – Notice of Intent – Repair seawall; remodel front porch & stairs; deck; pour concrete pad & install shed. All work had been done previously without proper permits. Representative, Attorney James Cipoletta responded to questions from the Commission – Stairs, no longer attached to seawall, was discussed. Shed will need a variance from Board of Appeals. Site visit held on May 21st was discussed.

Letter to be submitted amending the original NOI (Notice of Intent) to remove stairs from project...An Abbreviated Notice of Intent to be submitted for stairs attached to seawall only. Submit new plan with specific footprint plan and how stairs be attached. Hearing was not closed and continued until further notice.

Many abutters attended both hearings. The applicants' representative and the Conservation Commission responded to the many questions & comments from abutters of both properties. All statements & comments for both hearings are on cassette tape, which is on file.

CONTINUATION OF APRIL 13, 2011 PUBLIC HEARING – Semyon Dukach, 154 Adams Street (Adams St. @Tafts Ave.) – Notice of Intent – Enhance access and to retain the natural features of the property by way of installation of landscape amenities, foot paths; maintained lawn area; sundial; seasonal kayak/bicycle uses; temporary carousel; temporary wedding tent and decorative sail. Representative, James Cipoletta and Rick Salvo, Engineering Alliance, responded to questions from the Commission.

There was discussion regarding parking spaces for 42 cars and 4 storage containers that will be needed. Mr. Soper stated that this looks like it is going to be for business use. James Soper, Building Commissioner/Inspector, read into record the Zoning by-law regarding parking lots. May need Board of Appeals, Planning Board review. Attorney Cipoletta stated the spaces are not for a business but for Mr. Dukach's wedding. Comments were made with concerns that these spaces may end up permanent. Jim Soper also stated for the record that he had sent Mr. Dukach a violation letter over a year ago in regards to the vestibule being built without a building permit and it had been over a year before a response was made.

Mr. Salvo stated that the application for an 8M permit would be submitted to M.W.R.A. at time of closure of both Winthrop Conservation & Boston Conservation Commission hearings. Further information, project narrative and construction sequence, is to be submitted to the Commission in a timely manner. The applicants' representative and the Conservation Commission responded to the many questions from abutters of both properties that attended hearings. Hearing not closed. Hearing continued again until June 8, 2011.

All statements & comments for both hearings are on cassette tape, which is on file.

SHORT BEACH PROJECT UPDATE– Conservation Commissioner, David Girard, gave report regarding a site visit he had conducted at Short Beach. He stated that he had a “walk-thru” of the current activities, which are the bridge/ramp. David stated to the Commission that everything looks good.

CERTIFICATE OF COMPLIANCE – Paul White, 202 Grandview Ave. – Conservation Commissioner, Norman Hyett, gave a report of his site visit for the completed project. David Girard, Motion to approve; Norman Hyett, 2nd the motion, **UNANIMOUS VOTE**. Certificate of compliance signed.

CERTIFICATE OF COMPLIANCE – Cottage Park Yacht Club, 76 Orlando Ave., a/k/a 1 Baker Square - Conservation Commissioner, Norman Hyett, gave a report of his site visit for the completed project. Norman Hyett, Motion to approve; David Girard, 2nd the motion, **UNANIMOUS VOTE**. Certificate of Compliance signed.

MINUTES OF MEETING – **VOTE** to approve April 27, 2011 Minutes of Meeting; Kristine Dow, Motion to accept; Norman Hyett, 2nd the Motion, **UNANIMOUS VOTE**.

GENERAL BUSINESS:

1. **Discussion regarding Argyle St. complaint –excess storage of debris.** – Letters to abutters of the Resource Area in question are on hold until Commission can review map submitted by the Assessors office with names & addresses of property owners in the area of complaint. Mary Kelley & Norman Hyett had conducted a site visit and pictures are on file.
2. **Winthrop Golf Club** – Regarding complaints received by the Commission – Mary Kelley & Norman Hyett conducted a site visit. Grounds keeper cleaning up. Commission waiting for a response from Club President to attend June 8, 2011 meeting.

MEETING ADJOURNED 9:45 P.M.

Peter & Joan Marks
35 Washington Avenue, Winthrop, MA 02152

Determination of Applicability
Title & Date of Final Plans and Other Documents

<u>TITLE</u>	<u>SIGNED/SEAL/DATE</u>
4 Photographs project area	April 28, 2011
Locus Map	April 28, 2011
Certified Plot Plan	John J. Russell, March 30, 2011
Quitclaim Deed	April 30, 2009



Rec'd
5-11-2011
Mason

TOWN OF WINTHROP

BUILDING DEPARTMENT

OFFICE OF THE BUILDING COMMISSIONER/INSPECTOR

JAMES SOPER/COMMISSIONER
100 Kennedy Drive, Winthrop, MA 02152
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May 11, 2011

Ms. Mary Kelly, Chairperson
Winthrop Conservation Commission
Winthrop Town Hall
One Metcalf Square
Winthrop, MA 02152

Re: East of Air Realty Trust, 154 Adams Street Winthrop MA

Dear Ms. Mary Kelly, Chairperson:

Pursuant to your request, I conducted a review of the site plans for a project entitled "Plan of Land Tafts Avenue & Adams Street" w/ modifications dated 5/2/2011. The intent of this review is to facilitate the permitting process by indicating where the proposed project has possible conflicts with current Town of Winthrop zoning ordinances. Changes to the site plan as a result of conditions imposed by either the Board of Appeals or the Planning Board may cause the Conservation Commission to re-examine the applicant's proposal.

It appears the applicant's site plan proposes a business/commerce use derived from the rental of kayak, bicycle and windsurfing equipment. The proposed business/commerce use will be supported by a parking lot consisting of 42 spaces, four (4) temporary storage trailers and portable toilets.

The property is currently located within a Residential "A" district which prohibits the use for business or commercial development. Residential "A" zoning provides and allows primarily for the construction of single and two family dwellings. Storage trailers for purpose of trade or business are prohibited under section 17.12.070. The capacity of a parking lot in a residential district is restricted to spaces for three non-commercial vehicles per dwelling unit under section 17.12.100. The zoning ordinance does not allow the use of a parcel of land in the Residential "A" district to become a lot for the parking of vehicles. The design of the parking lot (if allowed) does not comply with section 17.20.050, including required front and side yard setbacks and barricades. The plan does not achieve or establish minimal widths for access isles (24'); entrance and exit drives (20'); stall spacing (9'x19'); or buffer strips (4').

These issues mentioned above would require review by the applicable zoning boards, which could result in the possible redesign of the elements in question. In my opinion, the applicant should seek proper zoning review and relief prior to issuance of an order of conditions from the Conservation Commission for the development of this parcel.

Please let me know if you have any questions regarding this matter.

Sincerely,

James Soper
Building Commissioner

cc: Attorney J. James Cipoletta