



**BOARD OF APPEALS
TOWN OF WINTHROP
MINUTES OF MEETING**

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TOWN CLERK
WINTHROP, MASS

Held on Thursday, July 28, 2011
Town Hall – Joseph Harvey Hearing Room
WINTHROP, MA 02152

Chairman Paul W. Marks, Jr. called the public meeting of the Board of Appeals to order at approximately 7:08 p.m. In attendance at the hearing were the following Board Members, Darren Baird, Brian Beattie, Irene Dwyer, John Rich, and Romeo Moreira. Also in attendance were Joanne M. DeMato, Board Secretary/Clerk, and Captain Ned Hazlett.

The following matters were heard:

AGENDA: Hearing of the following application(s) for variance and/or special permit and deliberation of pending matters and discussion of new and old business.

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|------------|------------------|--|---|-----------------|
| 01. | #008-2011 | 88 Bowdoin St. | Robert Moynihan | PM/RM/BB |
| 02. | #011-2011 | 395 Shirley St. | Robert Dello Russo | PM/BB/ID |
| 03. | #012-2011 | 224 Winthrop St. | Pasquale Cimino | PM/ID/BB |
| 04. | #014-2011 | 248 Shirley St. | Carol Facella | |
| 05. | #015-2011 | 2 Terrace Ave. | Margaret Morris | |
| 06. | #025-2010 | 10-26 Somerset Ave. | East Boston Neighborhood Health Center | PM/DB/BB |
| | | Approval of prior meeting minutes | | |

#008-2011 – 88 Bowdoin St. – Robert Moynihan

In Attendance: Robert Moynihan, Rocco Festa

Sitting: PM/RM/BB

PM: This is a continuance from the last meeting in June. From that case we asked you to present us some drawings of what you're going to be doing. We've got those drawings; we took testimony from you and the audience if there was anybody here for or against this. I'll open up to the board members for any questions they have in regards to the drawings. SO what your doing here is adding a second floor?

RM: No we're adding a second floor bedroom. There is already an existing second floor all we're adding is a bedroom.

PM: So you're bumping it out in the back?

RF: It's actually going to be over an existing kitchen. Basically we're going to remove the roof and it's about an 11 x 17 just going to put the bedroom over the kitchen.

BB: It's basically going right here on this drawing?

RF: Correct. That's right, it's going on the front.

PM: This is a plan of the proposed addition, what's going to look like?

RF: Correct.

PM: And where is the added part of this here?

RF: It would be right above this area, right above the kitchen, right above the footprint of the kitchen.

PM: So if we are looking at this plan this is the rear of the house, this is the front?

RF: Correct.

PM: Members of the Board? Mr. Beattie?

BB: I have no questions.

RM: One question, the addition is it going entirely to the

RF: It's going to be matching right on the blue prints.

PM: What are you going to do about heating?

RF: Right now its forced hot air and they are going to run the duct right into the bedroom.

PM: Are you going to update anything else in the house?

RF: As of now no, there wont be anything else.

PM: So it's just the additional bedroom on the second floor? If there are no other questions I'll entertain what's the pleasure of the Board? Capt. Hazlett?

NH: The only thing for the record would had to be hardwired smokes and CO's

RF: Yes, I believe there are hard-wired smokes; it has a battery back up.

NH: Just have the electrician get a hold of me.

BB: Just one last question, when you pull into the driveway there to go straight down, is that a common driveway?

RM: It's basically a two-family house, I bought it as a two-family house it is two separate homes that is a common driveway.

BB: To the right there is parking for four.

RM: There are four off street parking spots. The middle is common parking.

BB: I no further questions. I'll make a motion.

MOTION (BRIAN BEATTIE) – To grant the relief requested at the 88 Bowdoin St. and there will be some probably some things added to it as far as building materials and things like that as far as what's going to be exposed and what's not going to be exposed mostly the wood part such as what your doing with the (asks question) – its going to be matching. That's it.

RF: Yes, there's going to be matching vinyl siding.

SECOND: (ROMEO MOREIRA)

PM: Any discussion on the motion? To add to the condition, the materials that you are going to use match the existing, any pressure treated wood that's used is covered so it's not exposed. Any further discussion?

VOTED: ALL IN FAVOR

#011-2011 – 395 Shirley St. – Robert DelloRusso

SITTING: PM/BB/ID

In attendance: Robert DelloRusso and Michael DelloRusso

PM: Good evening. This continuance from last month's hearing. You provided us some additional information. Lets get it out and look at that. We talked about this last time, we had a hearing, and we heard people in favor and people against. There were some neighbors that had some problems with it because of their views being blocked. I just saw this for the first time tonight so why don't you give us a chance to peek at this and look at it to see if we have any questions. Any questions from the Board?

BB: We were looking at the parking last month and that was one of the main concerns.

PM: I see the other plan you did and it's for the rear elevation and its doesn't show the relationship or your house versus the other properties that are besides you. You showed it at an elevation.

MD: What had happened when I gave it to the architect that's what he got out to me last minute. I can show you exactly how or point out to you where supposedly it's blocking the other houses. It's the same exactly addition as 391 Shirley St. has only its not set as far back so it won't go as far as theirs. It'll be 22 ft. past the neighbors.

ID: I took a look and the issue with the only abutter is really going to be somewhat visually affected at 393 because at 391..

MD: I have a couple of pictures this is what I've done from one property to the next, this picture you can see the distance between my house and the abutter's house, there's no sunlight or air issues or anything like that. There are some other pictures of the tree that also obstructed the view at 393 that I have taken down in 2004. Prior to me taking that down the views are not what they are now. Also I have several pictures that show windows on several different

occasions, not that it may or may not mean anything, the direct views to the side of my house at 409 Shirley St. Diagonal views reach over to the boatyard and the Elks area there. Also in pretty much every picture that I show you the views are not being used properly. I don't know if this helps you just trying to give you _____. You can see where the tree used to be planted.

PM: It's right in the middle of this planting bed?

MD: It would be actually right on the corner closest to me. Prior to buying 411 Shirley House I put up a big 6-ft fence to block off that area. And once I bought it I took the fence down. For the records I'm not looking to just put in a parking lot there as you can see there is a landscaping plan is there are much as the rental unit.

ID: I'm very much aware of -----(inaudible)

PM: In this picture here is that your tree or the neighbors?

MD: No that's the neighbors, which also obstructs views of the golf course.

PM: What are you plans for finishes for the house?

MD: I don't know if you've saw, there's a house on Shore Drive that I really, really like, the contractor did an excellent job, he's got red siding on the top and beautiful rod iron railings around the decking, he's got some composite decking.

PM: But as far as the house, you're going to take all the shingles off?

MD: The whole thing.

PM: Are you going to do wood shingles?

MD: Wood shingles or hardy _____.

PM: Hardy plank, cement board?

MD: I've entertained a few different finishes; I'm not a big fan of siding for my own property. But to conform with what's in the general vicinity of the two families in my area.

PM: It looks like mostly everything is wood.

MD: The shingles that are there now are not acceptable. It's probably going to have to be re-sheeted.

BB: Are you going to live there?

MD: Yes, I live in the white house.

BB: Very nice job.

MD: Thank you.

PM: Siding – wood. Roofing, asphalt?

MD: I think it's going to be slate to tell you the truth. Either that or architectural shingles, depending on the price I get and the kind of design I want to do.

PM: Your rear porches?

MD: Rear porches will probably be composite decking and rod iron railings.

PM: What about the framing of it? Any exposed pressure treated?

MD: I don't think you'll see too much pressure treated.

PM: You don't want to see it because you're going to be on a main street on Veterans Rd and if you use anything for framing we'd like to see it covered so you don't see anything.

MD: No we won't.

PM: Any questions, Ms. Dwyer? Mr. Beattie? Your parking here is tandem parking, our by-laws don't allow tandem parking unless there's a variance for it. Normally there's a separate parking space so everybody to get in but you've got two units here with the tandem on this and we have allowed this on the past. Do you remember anything on this, Mr. Baird?

DB: We've allowed it at on with the Health Center its going to go at the cross road over by the fire station right here on Pauline, we've allowed a couple if tandem spots in that driveway and also on Highland Ave. as well.

MD: I don't have it to have the parking spots I put it there because we had the space. I thought we needed to have two parking spots.

PM: That's four, it's two per unit and that's the requirement and that what we look at to make sure its sufficient parking on the lot.

MD: OK.

BB: It looks like you can make the parking on Veterans Rd.

MD: That was another option.

BB: This is much nicer looking.

PM: I think it's better than on a main road.

DB: You need a visual screening for the lights; you don't want lights in the backyard when people pull in and out. So there's got to be something there that it a visual screen to keep the light from penetrating on to or at least limited.

PM: Mr. Baird suggested that this landscaping here be a buffer with some shrubs or a small fence that prevents the lights from coming in impeding the neighbors.

MD: If you see those circles, those are trees so there is a buffer.

DB: That should be a condition if you guys allow this to make sure that there proper screening to prevent lights from going into the backyards.

MD: Absolutely.

PM: Anything else?

JR: I'm not sitting on the case but I've witnessed what he's done to the neighborhood and I think its worthy of merit that Business A piece of property I think its great for the neighbors. He's taken two dangerous pieces of property and made them nice. This is the third one that he's going to live in.

ID: Also part of the reason that Mr. Rich just alluded to, part of the reason for the denial was the non-conforming of the square footage.. A two family is allowed by right in a Business A District. By changing it to a two family that is not the issue, it's the size of the lot and that it's already a single family.

PM: It is, it's the size of the lot and the setbacks.

ID: He's entitled to the use, and I went through Chapter 40A that it is a greater detriment than is already there and it certainly isn't because the house is condemned.

PM: A derelict house. Ok. What is the pleasure of the Board? Make a motion?

MOTION: (IRENE DWYER) – To grant the relief requested finding that the conversion of the property from a single family to a two family is allowed by right if the structure is in a Business "A" District. However, because of dimensional

regulations the Board approves the granting of a special permit to convert the property according to the plans submitted, finding that under MGL Chapter 40A Section 6 the proposed construction will not be more substantially detrimental than the existing nonconforming use to the neighborhood. I hereby propose the variance to allow construction of the four parking spaces in a tandem arrangement parking as in Code § 145-26 (b) to fulfill the need for off street parking.

DB: I would make that subject to the conditions of complying with the site plan as approved and making sure along the tandem parking spaces that you install the proper screening to keep lights from cars from spilling onto the adjacent property.

PM: OK, Thank you for the information.

DB: And subject to conditions on finished materials.

SECOND: (BRIAN BEATTIE)

PM: Any further discussion, we just had some, again conditions that we would put on this is finished materials, there would be no lighting out the back would be intrusive to the neighbors, they put up a fence and do some planting to prevent any headlights spillage over to the neighbors.

MD: But I can put lights out back? You said no lighting out back so I don't know what that means. DO you mean by the cars or do you means putting the light up.

BB: Detrimental that shine on the neighbors.

MD: Right.

ID: You might want to put some motion detectors.

PM: Any further discussion?

VOTED: ALL IN FAVOR

#012-2011 – Pasquale Cimino, 224 Winthrop St.

Sitting: PM/BB/ID

PM: Continuation from June hearing, Mr. Cimino as going to submit a plan to show the layout that we got an architectural plan. So with the submission of the plan any questions from the Board?

ID: I only have one question regarding this plan and I know we talked about it in general terms about parking. I don't know what we can do besides signage on the side of the building. That corner is a, if you're headed towards the center on Pauline St. and going to turn left there, people park in front of the police station for starters.

PC: That parking spot is for the police station one day there was just a sign there, ten years ago there probably wasn't parking there. They made parking there. If there's a car there if you're coming out of the driveway even the police cars have a problem.

ID: One of them came out pretty fast. That corner from the station and the Wadsworth Building - I guess my only suggestion is to have to do with the architectural plans to have some kind of signage on the side of the building.

PC: I think he's going to do that. There was a sign out there already for parking on the building and they took it down to do work on the building so it should be coming back because the landlord said he's going to add more parking in the back probably 8 or 9 spots. There are about 30 right now and he's going to extend it further out.

PM: When is he going to do that did he say?

PC: He didn't say, he's doing so much work to the building now. He's just finished the back. Form our old landlord to now it like a thousand percent increase to what he's done to the building. He says he's going to put it in. He's done everything he said he was going to do.

PM: I would think that one of the things that we would like to see from him is a commitment to have the parking because if you fill all these seats up you're going to need quite a bit of parking.

ID: Even if the spaces aren't there they are it that you've got a tight turn.

PC: I have ten wheelers that get back there so there's plenty of room for deliveries. It's big enough and he's doing a lot to the building and to improve it.

PM: This plan is showing 2 cut outs to the wall entering.

PC: One's going to be the front part of my store where you come in by my counter the other is next to my kitchen door to get into my kitchen. The kitchen is staying where it is; nothing is going in there except tables. I'm using what I have now, my kitchen is staying for the waitress, the front door of the building is 226 and other is to the store to grab a sandwich and go sit down next door.

PM: A couple of other points that were pointed out, the bathroom is got to be handicapped bathroom. Normally a handicapped bathroom they show a circle on it to show that a wheelchair can come in and turn around. And then showing this to somebody there was a suggestion that the door to the bathroom could be on the side rather than here so when the bathroom door opened you wouldn't see people sitting down.

PC: I've actually talked to the landlord of it before, where my kitchen is to block that door to see in.

PM: The BI would require that so you would need to have that circle there and show the proper turning radius and that would be a requirement of the Building Dept. to do it. The other thing I am looking at is the seating. You're showing a seat here by the front door.

PC: That probably won't, it's a wall with a weird shape in front.

PM: I don't think you can have one like that and you're very tight with the six.

PC: That was a really big area that will probably be more of a bench. The architect put it in the seats because it could fit; it's just that the shape is weird. Dave had it blocked off so now that it's opened up so there's a lot more room. I told him what I was looking for and he said this many fit in here but I might not even go with the whole.

PM: I would like to see is to have this table and change it to four and eliminate this one here where it is so close.

PC: No problem.

PM: Any questions from the Board? What's the pleasure of the Board?

MOTION: (BRIAN BEATTIE) – To grant the relief requested with some of the special conditions, one would be the handicapped bathroom, removing the table to the left, making the 6 a 4 and some time at some point making a wall outside the handicapped bathroom.

SECOND: (IRENE DWYER)

PM: Discussion on it, I'd also like to put something in there that we don't have anything in writing or verbal but that your landlord is going to increase your parking space behind there and we would put it in as a condition as a way of tracking. Joanne maybe we can send the landlord a letter and say that we granted this to Mr. Cimino but he's got to do some additional parking back there.

VOTED: ALL IN FAVOR

#014-2011 – 248 Shirley St., Carol Facella

Sitting: PM/DB/JR

In attendance: Carol Facella, Attorney James Cipoletta

JC: Good evening Mr. Chairman. I'm Attorney James Cipoletta, 285 Broadway, Revere. I'm here on behalf of Carol Facella who is with us this evening. Mr. Chairman this was a case that was submitted to the BI back in Feb. as a two family home in The Business A District. I had a walk through with the BI to determine what the interior of the home would be and subsequently followed with a letter dated June 20, 2010, requesting in writing a certificate of occupancy at 248 Shirley St. in BA District. In the letter attached to the applications it points out what we agreed is in the BI file and it appears from the records of 248 Shirley St. filed with the BI office that the house was built prior to 1922 the reason that we know that it was built prior to 1922 that there was a building permit in there to do alterations on May 3, 1922. In 1949 the then BI William Bennett granted a building permit to extend the piazza and also to remodel the kitchens, kitchens being plural, 1976 a 120 BTU unit, as two family, 1989 siding as a two family, 1991 plumbing permit #108, don't know what that is, 1995 a permit that was unspecified and then another gas permit 2001 noting that it's a two family. I've given to your clerk a series of photographs depicting what I believe the BI saw when we walked thru the home on March 1st and if your series are in the order that you'll find the first photo shows the house at the corner of Trident Ave and Shirley St. the 2nd one is a shot of what's down Trident Ave,

PM: Is this a packet?

JC: Yes, the 3rd one shows the tree in front of Ms. Facella's house and the 3 homes that are the right to it the first 2 appears to be 3 deckers and the 4th one

appears to be a two or three family house. Then there's a photograph of the 2 mailboxes, and next the two entranceways into the 1st and 2nd floor apartments the 3rd is a real thriller, that's the kitchen not as it was in 1922 but as it is today. You'll notice the style and the colors of that kitchen. The second one is a first floor bathroom with the very contemporary orange tile, the 3rd is a photo of the ever so contemporary kitchen backsplash and kitchen cabinets and you can see that hasn't been recently installed. And the next picture is the tangerine and beige colored 2nd floor bathroom not of recent vintage. Then we get in to the mechanicals of what the BI saw in the next photo is two gas boilers, two hot water heaters, and two gas meters, two electrical services which are fuses. And I'd say what is the most interesting thing of all which is the sticker of the electrical company is from Penacchio Brothers from Revere telling a telephone number which is REVERE 84546 so apparently these electrical services predate the use of area codes. I'm old enough to remember what that was. I suppose that was back in the 50's is when he put that sticker on. This is not a request to convert a one family to a two family, this is a request to validate the two family as it existed from 1922 at least and acknowledged by the Town of Winthrop during the years as different Inspectors have issued different permits. In the BI denial in response to my letter he indicated in 1995 there was multifamily legalization that was a temporary by-law wherein Paul Facella been told that he needed a variance to maintain his two family house there. Our argument is that he didn't need a variance then and he doesn't need a variance now and the reason is that it was built as a two family house prior to the institution of zoning. Zoning was instituted by a by-law adopted by special town meeting of October of 1929. And this preexisting and being grandfathered as having preexisting, as a two family prior to 1929 is exempt from the subsequent zoning. Even if it were not, there is still the fact that whatever lot number it had in 1922 it was subdivided by 1925 so you don't need that 10,000 sq ft. As a matter of fact, nowhere in the BI denial in response to my request he says you need side yard setbacks and minimum lot size variances for the lot. Not to reiterate everything that is in the application I think we do set forth the case and site to the applicable zoning ordinance. Also the BI seems to have omitted in his response back that although not necessarily the owner applied in 1995 for a variance and you can apply for a variance every two years again, and every two years thereafter. Our stance that Mr. Facella in 1995 did not require a variance and Mr. Facella in 2011 does not require a variance. There is a plan that is enclosed that shows there is off street parking and there is a sizable driveway it shows two parking spaces there and can easily accommodate four and to the left hand side there is part of the land that is unpaved that could accommodate cars as well. We would therefore ask that based on the evidence that is before the BOA which is the same evidence which is before the BI when we made the request that the Board reverse the decision of denying the certificate of occupancy for the validation of a two unit dwelling and order that the certificate of occupancy that a certificate of a two family dwelling be issued. If the Board is not inclined

to do so we also requested alternatively that the Board issue whatever variance with regard to minimum lot size that Board made find is required for ____ and for parking. IF there is any questions Mrs. Facella is here and she is very familiar with the property but she tells me repeatedly that she was not responsible for the decorating and she can answer any questions.

PM: Ok, closing that part of hearing is there anyone here in favor of this application in the audience, hearing none, anybody not in favor of this petition, hearing none. Mr. Rich?

JR: May I see those pictures please.

PM: Yes. While Mr. Rich is looking at the pictures, Mr. Baird?

DB: I'm still looking at the pictures.

PM: OK.

DB: I don't have any questions Mr. Chairman.

PM: Seeing the jacket here from the BI going thru it for the first time I have some questions on and I'd like to take a look at it. Ms. DeMato had to sign her life away to get this jacket from the Building Dept. so I'd like to have a better peek at this and be continued this to next month.

JC: When you say a peek at this you want to go to the property or you want to look at?

PM: The building jacket.

DB: A site view usually with this sort of case in mind, going to the property and actually seeing it and how its laid out is usually very helpful for me in this type because paper only tells you so much, looking at it and seeing the age and understanding what's on the ground to me is better than a building jacket. It's more reliable to me.

JC: This is the best two-dimensional thing. One of us will be available.

DB: Mr. Chairman, is it possible given the circumstances that maybe we can have a middle of August meeting so they don't have to wait till the end of the month because they're trying to get – you can market it, it's not really our issue to worry about but at the same time if we are going out there to do a site walk and if we're not asking for more information, I'd just as soon put this out.

MOTION: (DARREN BAIRD) – To continue this to Thursday, August 11, 2011 a meeting at 7:00 p.m. with a site walk scheduled at the property for 6:00 pm.

SECOND: (JOHN RICH)

PM: Any discussion on this?

VOTED: ALL IN FAVOR

PM: So we'll continue this to August 11, at 7:00 pm and we'll meet at the property on 6:00 prior.

JC: What is the next scheduled meeting?

PM: August 25th.

#015-2011 – 2 Terrace Ave., Margaret Morris

Sitting: PM/DB/ID

In Attendance: Maggie Morris, Joe Carroll

MM: My name is Margaret Morris, my address is 2 Terrace Ave., I am the owner on record, this is my fiancé Joe Carroll, I am here to request a special use to operate a bed & breakfast in our home as an accessory use. I just want to make sure that everyone got copies of the application itself and the addendum required by section 17.49 the bed & breakfast.

PM: Just before you continue further this is some information for the board and everything. This is a new ordinance that was passed by the council in June. And the requirement is for the applicant is to file an application with the Board of Appeal for the granting of this. The normal process here is that someone applies for a permit and they get rejected by the Building Dept and they make out an application for the Board of Appeal. So this here is a little bit different where if somebody is looking to do this they would file an application with the Clerks office and we would put it in the agenda to be heard. So that's what we are doing here. There's no preface of anything being denied there's an application that's been filed before us to look at it and they're looking at a special permit as an accessory to their home. So thank you and proceed.

MM: This is I'm the first applicant and this is a brand new ordinance, so I know that there might be lots of questions so I welcome any of those. The application we filled out on what we'd like to do. I've added floor plans all the things required and we can go through. So basically we are looking to have a bed & Breakfast. There are three rooms that will be available to guests. There's common area available in both a sitting room and a dining room. They will stay no longer than 14 days I'm not looking for a boarding house of any kind this is weekend overnight stay at best and we are looking for people who need a nice place to stay in a comfortable home. We have access to the yacht club we are on a bus route and are right across from the new ferry. So we thinking this would be a great asset to the town & community. It would allow us to keep our house in good condition and enhance the neighborhood. We're being very conscientious, my neighbors, most of them are here, we have already existing parking, we abide by the signage laws, and the lighting of those signage, we've put it in there, and we already have a 6 bedroom house and we're looking to have three. Most families have that much coming and going already. So we've pretty much tried to cover all bases to make sure that we have enough ample space for the guests to stay comfortable while being cognizant of our neighbors as well as hoping to enhance our house for the town. I've added more floor plans and I don't know if you have questions if you'd like to go thru the addendums.

PM: OK why don't you walk us thru the addendums and see if we have any questions on them.

MM: I believe the addendum is first is a just a survey plan a surveyors plot plan, I brought some new exhibits, You should all have a certified plot plan, so you

can see the property, we actually have two plots of plan, its under one deed but we do receive two taxes. So there's ample parking on the right-hand side and then, the I mean, the left-hand side and the property is on the right. I've also included the floor plan, which is also part of it that shows you the floor plan of the 1st flr., 2nd flr. and 3rd flr. It gives you all of the sq footage because obviously this plan also requires that its less than 45% of the house id dedicated to room and there will be only 3 rooms and the guest room and the dining room are there and they're accessible to all of us. The only dedicated is on the second floor, which will 3 bedrooms and the guest bath. So I also noted on the floor plan which was also put in that you can see it's only 22% of our space is solely dedicated to our guests. Even if we included in the 1st floor it would still below 45%. I've also included the proposed signage plan in accordance to the signage bylaws that already exist and being the size is 2 x 3 sq. ft. and being 15 ft back on one side of the property so that's all there. I've also included a parking plan which shows you the parking space, I am requesting tandem parking, I have 5 spots available now, as a residence we'll use the side spot for one of the front ones so the guests will always be in the back or in the front I don't expect all of out guests will have cars but this is required so we do have ample parking 2 for the residence 1 for each guest room. And I've also included the 2nd half, which shows you the square footage of the property so when your looking at the percentage of the property that's being used for dedicated space its all in there. We've also included a business plan that just talks about our review of the home, our facility, parking, Location, and how we will be marketing. We'll be basically doing that thru the Chamber of Commerce, the ferry, the local yacht clubs, the Elks for people that stay, and we also have a lot of airport personnel that live here so we'll be doing that. We'll be having a website and Face book site and I would like to advertise on New England and North Shore Bed & Breakfast and the North Shore Tourism Board.

PM: Anything else? In closing that part of the hearing is there anyone here in favor of this petition that would like to speak?

Joe McCarthy, 59 Park Ave.: I've known Maggie & Joe for 3 years and they're great people. I know they have a business town I've been there and she's a good businesswoman so you can rely on her work.

William Champitto, 66 Park Ave.: Go evening, I live across the street and are here to support them and great neighbors, they take care of the property, and we don't see any issues and just want to give a thumbs up.

Cindy Levins, 59 Faun Bar Ave.: I'm actually speaking on behalf of the Chamber of Commerce tonight as well as myself. The Chamber fully supports having bed & breakfasts in town. Personally I do live on the other side of the hill on the other side of the neighborhood. I have been a friend of Maggie's for about 9 years, we've been business partners for about 7 and she is good business owner. She's been dreaming of having this for all these for years, It's what she was planning when she bought the house, so obviously its one of her things. I think it's going to add to the neighborhood and work out.

Stephanie Vamos, Sandy Paw Pet Spa: I am the owner and also a neighbor of Maggie & Joe, I live one house away, and I can speak to them on two different levels one on a professional level of working with Maggie thru the chamber and for supporting my business which has helped us thrive and the economy. And two as a neighbor I have found her to be extremely conscientious her house is always immaculate and I have never had any problems or issues with her. My issues have always been with Winthrop Yacht club in Disco night. I have found Joe & Maggie to be exemplary neighbors and I think they've brought everything up to standard and I think it would be an absolute ace to the neighborhood which I live in and as a small business owner who is struggling like every other business owner especially in this small town I think it would be an absolute asset. I know she didn't mention it but it would also be pet friendly, which for my store I find to be an asset.

George Panagakos: I support Maggie for doing this; I have known Maggie several years. I get coffee there many mornings, she's been fabulous networking and keeping business people in the town together, me being a pharmacist, she has helped me directly on several occasions and ____.

Ron Sturges, 20 Terrace Ave.: There's not much I can add to this, I've known Maggie & Joe when they moved across the street on Terrace, and we reciprocate and take care of each other, they are very friendly.

Nick DeVento, Councilor Precinct 3: I live several house houses away, their integrity and character I can speak to. I've known them for several years since they moved to Winthrop, this is something that is really going to help a lot of other people in town, a 6 bedroom home, there are a lot of other properties in town and as you know some of those property may be used currently for rooming houses or rentals or whatever. Maggie was the driving force to get this bylaw on the books so it's something we really want to start leaning on the town to get these properties properly inspected and certified above board.

PM: Thank you, anybody else. Closing that part of the hearing is there anybody not in favor of this petition? Hearing none, questions from the Board?

DB: I've looked at the materials and thought they were great. The only thing that I had and was wrestling with a little bit of it was the floor plan, from the standpoint not being scaled but looking at it visually while normally I would require something more done by an architect showing the floor plan I don't think that I would push for that here and get a pretty good sense of the layout and how limited the guest areas are and you're not going to exceed the 45%.

MM: And that is why I did include the official floor plan I just didn't break out the rooms, so I did that so you could actually get a picture of the sq. footage that was being dedicated.

DB: And as far as this is going to be 12 months a year – all year? OK.

PM: Any from Captain Hazlett?

NH: My only question is at this location now what kind of smoke and CO detectors are there now? Are they hardwired or are they battery operated?

JC: It's all battery operated.

PM: I assume they'll have to file a building permit and go down and get something from that, you're raising questions here, you're going to have occupants, a brand new ordinance and I'm not sure that this has come up in the course of discussion.

MM: It's a residence and an accessory use to a residence and although I would love to have hardwired smokes, it's not required. It's required for us to have battery operated CO2 and all in the right places outside the bedrooms and we would be subjected to an inspection and they will all be working and operating.

NH: This is not the place and we're not asking you to change. The only concern that the fire dept and the chief has was the fact that yes it is considered a residence and it's considered under the building code a single family the concern that it has always been for me and the Chief in which battery operated you have to get the smoke to that location in order for it to go off. So you are obviously bringing people into a building that they do not know. But again, it wasn't put in the ordinance so the only thing that can be enforced is the battery operated carbon and so.

PM: I suspect this being new it'll come into existence and it'll be something that will have to be looked at and revised, what we are doing with the existing zoning right now after we get a feel for it and see what is in there. I think you're right you go by the original code is right now. And again this could change in the future.

NH: Correct.

PM: You have a 3rd floor and that's a resident bedroom up there?

MM: I have 2 bedrooms up there.

PM: 2 bedrooms, no bathrooms?

MM: No bathrooms. You have to go to the 2nd floor to use the bathrooms.

PM: Where there are 2 bathrooms. Both existing?

MM: Both existing. 1st floor is the half bath; the 2nd floor is 2 full, so one will be the resident bath, the other the guest bath.

PM: And the bathroom downstairs, that'll be used by everyone?

MM: Half bath. It'll be accessible to the guest.

PM: Access from the house to the parking area? Parking will be to the left?

MM: Correct.

PM: Is there entrance on that side of the building?

MM: There is not. You must walk over in front of the house and over to the side. Parking is here and the entrance is here so you need to walk along the driveway there is no entrance on the side of the house, sidewalk access.

PM: Where it indicates parking on this plan is that the parking lot? Do you have to build that or existing? You mentioned

MM: It was actually on file when that was done it was done by the building dept about 12-15 years ago when they actually put that driveway in.

PM: Ok, there was something indicated on the plan that talked about a curb cut.

MM: Already there. I'm just showing you where that is the distance.

PM: So that's not a new curb cut?

MM: Existing. The distance is 16 feet.

PM: Presently in use at your use do you have 1 car or 2 cars. And do you use this lot to park here?

MM: 2 cars. Yes.

PM: Is part of your plan if you have overflow to use the landing?

MM: Ya or landing or street parking. But again we have one for each bedroom and we only have one bed in each room.

PM: Street parking is limited in that area.

MM: Correct we are across from the landing but again they would never be there more than a couple nights anyway and they are limited to 14 and again we have an existing spot for all 3 rooms and there's only 1 bed in each room so I don't see them having 2 cars.

PM: But if someone parks in the street in the wintertime they are going to have to get their car off the street.

MM: Absolutely.

PM: The signage you proposed.

MM: The signage allows for one for sign fixed to the house which we'll have above the porch and one free standing sign that will be posted and can be lit from both sides but has no exposure to count for the light reflection and anybody's eyes and it must be 15 feet back from the street.

PM: What is the free standing sign going to be made of?

MM: I'm hoping that it's going to be made of wood. So you can see the posts and the sign in metal I'll probably be talking to Mr. Honan about that.

PM: And the sign you're going to have something on the building itself.

MM: Yes right above the porch because people will be coming from this direction also so on the porch it will be attached to the property flat to the wall will be 2 Terrace Ave so you can identify the street.

PM: So you're going to have that sign as you show it here. Will that be lit?

MM: I didn't plan to have it lit, no but there is lighting on the front porch so, existing. Again any lighting is required by the town not be reflected into the street or other property so it'll just be lighting the sign at night.

PM: I don't think I have any further questions. What's the pleasure of the Board?

MOTION: (DARREN BAIRD) – To grant the relief requested and grant the special permit pursuant to section 17.49 Town of Winthrop Zoning By-Law subject to the special permit conditions listed in the By-law 17.49.40 with one change the limitation on the number of bedrooms that may be rented as guestrooms be reduced from four to three but otherwise this be operated and consistent with the special permit conditions contained in the by-laws as written.

SECOND: (IRENE DWYER)

PM: Any discussion? I'm not sure in going thru with this would be any special conditions we talked about this and we would list all those down in that conditions.

DB: Most of the conditions are already listed as special permit conditions and we just read them into the special permit Mr. Chairman as contained in the bylaws.

PM: Right, ok. And with a couple of things that we said about the sign and about your parking what they have for that.

DH: They have limitations not internally illuminating the signs and not obstructing visibility to street corners all that is in here for the special permit condition for the bylaw and the parking is also we would have to say we talked about the parking layout plan because they have provided that and they have sufficient management procedures in place and they have 5, 2 for the owners and 3 for the guests.

PM: Anybody else from anybody?

VOTED: ALL IN FAVOR

#025-2010 – 10-26 Somerset Ave., East Boston Neighborhood Health Center

Sitting: PM/DB/BB

In Attendance: Attorney Richard C. Lynds, Steve Fraser

PM: Good evening.

RL: Good evening Mr.. Chairman, and members of the Board. For the record my name is Richard Lynds, 1216 Bennington St., East Boston, on behalf of the EBNHC. With me is Steve Fraser with the ___ records on the contract. By way of brief background the HC was before this board back in Oct. 2010 and Jan 2011 at which time the Board granted certain relief for our request at concerning property at 10-26 Somerset St. to demolish the building and construct a new Health Center facility for the Winthrop Community. In the addition to the relief granted by this board we also had a special permit granted by the planning board for the type of proposed use in the Winthrop Center District. The reason we are back before the Board this evening, in the decision from the Board, conditions 4,5, 6 & 7 of the conditions imposed by this board granted the relief requested. I'll read them for the record, indicate the signage must conform for the center business district and the requirement the building plans which have been stamped by the Board as approved shall be adopted by the Board unless a modified hearing shall be the final plans for located orientation and right inside of the proposed structure dwellings. The roofline of the proposed structure shall be no greater than those indicated in the plans. No additional construction other than that presented to the Board shall be undertaken on the property and any change concerning the structure to be erected as it relates to size, design, dimensions, or orientation shall be deemed that members of the plans require further approval of the Board. Mostly importantly the board's decision wisely states that if these conditions are not complied with the decision is rendered null and void. Clearly a protection instituted by this Board in its infinite wisdom

insuring that people build exactly what it is approved. Based upon, since the approval rendered by this board he planning board, the HC has undertaken significant analysis engineering and study of the existing structure and has made a number of determinations concern the feasibility of the complete demolition and reconstruction. In addition they looked at the opportunity to explore tax credits for which I was just information today that we received accreditation today from the COM that we were awarded historic designation for this location. What is significant about that is although the original building involved demolishing the existing building the new plan for the historic tax credits required us to make a significant investment to the existing façade to try to restore it or make significant attempts back to what it was the First National or the A & P.

PM: The First National.

RL: I think we have photos for the Board to take a look at. More importantly it means that we will not be demolishing the entire building, preserving the existing structure doing most of the renovations to the interior which will preserves pretty much the existing footprint of what is there. While we originally proposed to as part of the deconstruction to use the entire footprint of the HC that plan has changed as well a smaller portion of this building will be used as the HC and the remaining 3 smaller retail spaces located closer to Cottage Park Rd are intended to remain. It allows us to add one additional parking space on site and allows us to meet the spirit of intent of the historic renovation that has not only been approved by the COM but also by the Winthrop Historic Commission. Two weeks ago we appeared before the Planning Board to present this plan as well and to request their continued support recommendations this Board as required by the Winthrop Town Bylaw. The Board did unanimously did vote to support provided that we continue in spirit with the conditions that were imposed by this special permit and certainly with the conditions that were imposed as part of the zoning relief granted by this Board earlier this year. With respect to the relief that's been granted as with the case of the Planning Boards opposition there is not any impact whatsoever on the conditions we have no inability to meet those conditions under this new plan in fact we believe it is somewhat of an improvement included the additional parking space located on site. As this Board may also recall we are required to proved offsite parking for its employees as part of the variance that was granted. That effort continued, we have a ___ in concepts with the Town of Winthrop concerning the property located at the corner of Walden and Pauline the terms of that arrangement are being finalized that we will have a shared arrangement of exclusive use during regular business hours of the HC for a total of 12 spaces. That commitment will have to last for 5 years if we are unable to secure a location, which is of similar proximity, and location within those 5 years we are automatically required that for an additional 5 years. So there's at least a 10 years commitment for parking located within a 1,000 feet of the center. Those commitment obligations will continue as required by conditions imposed on the special permit. I passed out a handout

which shows the detail and I have a larger version well that helps showing what the historic renovation will include. As you note there's additional windows in the original plan.

PM: It shows the First National.

RL: In file of the original plan that this Board approved. Just to note the changes that we proposed. So with that we are asking the Board there is no addition zoning relief being requested, there no additional set back requirement being requested in fact if anything we are continuing with all of the conditions that are being imposed I suspect that we would need the Board consent to modify the plans as submitted for this Board to update its approval of the plan and incorporate it within the file. So that we can meet with the spirit of intent of the decision that's been rendered by this Board I would be happy to answer any questions.

PM: Hearing that. Is there anybody here in favor of this petition? Hearing none, is there anybody here not in favor of this petition? Hearing none, questions from the Board?

DB: To be clear the historic tax credit on the renovations that you guys are going to do pursuant to the tax credit and the overall project it will be a rehabilitation of the entirety structure façade not just and your not going to stop at the retail piece and have that remaining eyesore where those stores are either vacant or should be condemned are?

RL: The entire structure, correct. I would point out that one of the benefits that goes along with preserving the existing structure a number of the concerns that we originally heard by some local businesses and abutters with the impact on the center of a complete demolition of that building the impact will be a fraction of what would have been had we done that. The renovation versus demolition would have a violent impact on the center. The work that needs to be done that requires us to condone off the sidewalk but the length of time barricading it if you had the complete take down.

DB: Are you still, I know the previous plans shows street trees and a couple of pits. No street trees?

RL: All the conditions originally imposed again this is more of a rendering and not necessarily constitute the site plan, we've already been back before the site plan review for an initial meeting. I'm suspecting that provided that we get them the information that they wanted they will be satisfied with our submittal s well. If you recall there are a number of conditions that still require us to have site plan review and give a final sign off to Public Works to make any determinations concerning drainage and water planting and improvements to public waste. All that will continue as if this were a complete demolition as originally approved.

DB: I'm all for preservation of architecture, its an interesting pierce to lose in the center if it can be preserved and rehabilitated.

PM: Ok. We'll look for input from Mr. Rich and Ms. Dwyer.

JR: Are there 3 empty storefronts? What type of tenant are you looking to putting in?

RL: Not being incompatible with a use of the medical facility. Probably no tobacco, liquor stores, maybe a nail salon. Any compatible users.

DB: Yoga, Pilates?

RL: It would be driven by the market and the Chamber of Commerce; local realtors would try to find an appropriate type of business for that location.

PM: OK, Captain Hazlett?

NH: No we had met at Site Review the other day and there were some questions that were asked and they are going to get back to us with some information.

RL: We're still obligated to that if there is a change in plan and that is a process that we consider ongoing parallel to this Board's approval as well as the approval of the Planning Board.

PM: Have you got your approval from the Planning Board yet?

RL: We do, I don't know that the decision has been filed with the Town Clerk as of yet but they did vote unanimously to support. I should say that their obligation at this point is not to issue any special permit they've already done that their obligation under the bylaw is to continue their recommendation to the extent that we need any recommendation of the planning board is changes. But there should be a record of that.

BB: You would still keep 3 small stores at the far end?

PM: That's the plan. Site plan review have you seen anything from them?

RL: Site planning review, we started the process we had a meeting last Thursday they are they have an ongoing dialogue. But again the Site Plan Review and the Planning Board that is a continuing process even under the original approvals and that would be a condition.

PM: I thought that was settled before you had a final approval from the Planning Board? That you had a site plan review they did it made a recommendation.

RL: If in fact we were asking for a new permit then yes, the site plan review can conclude its process. When we went to the original special permit and the approvals from this board the Site plan review had concluded its process, there were no recommendations made however there were a number of suggestions that we clearly incorporated in our proposal that was approved originally by the planning board. That included mitigation for the town including drainage improvements at the corner of Somerset and Cottage Park Rd that all continues. A number of site plan improvements including improvements to the sidewalks that include plantings, lighting, the Chief of Police had suggested some security cameras. All those items continue to be part of the proposal and more importantly subject to site plan review and DPW before any building permit can be issued. So again this approval here will continue to be conditional upon us meeting those conditions anyhow regardless of whether or not we were doing a demolition or a rebuild location. Our purpose to be here tonight is simply to address those conditions and changes to the decision requiring any change to the plan and having the consent of this Board to do so.

ID: The original plan call for a space at the end of Cottage Park for the van on page C1.

RL: I think that came up is part of.

ID: The reason I said this is that you have to leave the 3 small shops then the space for the van is going to be getting off no longer ___ to the building.

RL: The space for the van will continue on Cottage Park Rd and spaces for the retail up here on Somerset. So it's really not going to be that much of an impact.

ID: It's not; I actually question how convenient it's going to be for people in that van?

RL: There's an entranceway in the rear as well as up front.

DR: That isn't shown on this.

RL: There might be an additional version.

PM: I don't see it either Darren. A 1.4.

DB: So it doesn't have that dedicated van spot.

RL: I was just informed by Mr. Fraser that this was a recommendation that was incorporated since the Site Plan Review, so this is the plan I can provide this Board with an updated version of that as well.

DB: It's switched around the locations of the HP spaces and some other stuff so that's the plan that we want to approve.

RL: I can leave this with the Board for purposes of clarity.

PM: I don't think I need that we just have to have that version.

RL: Sure we can do that.

PM: And we're calling that C-1 for the purposes of, it's not on there, this site plan?

DB: We'd want a replacement of A-1.

RL: It's dated July 2011 proposed site plan prepared by Ingenuity. We can incorporate that into our updated and file it with the Town Clerk.

PM: You have a plan here C-1.

DB: Now that's changed.

PM: That's a layout plan, A-1 is usually the first floor the layout plan and its showing the parking in the rear so what your recommending Mr. Baird is that have.

DB: That we substitute for A-1-4 that proposed site plan. This get changed out in the plan set, you just have to deliver one that's consistent with the one you just identified with the same as everything else in 11x17 be consistent with this for the Building permit filing and the Town Clerk.

RL: How many copies?

JD: Six.

DB: We'll just stamp that one that way eventually when you get down the road and assuming that we approve this you go to the BI with this and with plans with your constructing pursuant to it.

PM: I have a couple of questions. The square footage the EBNHC is going to occupy and the existing building lay out that you have now, how does that

compare to what you have in the new building where you are going to occupy the whole thing?

RL: I think it was about 10,000 sq. feet originally.

SF: The existing building footprint is about 10,000 sq. ft. About 3,000 is for the retail space about 6,000. The new building was 9,000 sq. ft. so its about 1,000 sq. ft. less.

PM: Ok so you're going to have a smaller operation?

SF: Yes.

PM: I assume that you would do lease for the retail people to say that if your operation expanded that you could take over their spaces at some point it time?

SF: Yes.

PM: My concern is that I bring up here is that we have control somewhat on the parking for your spaces we don't have it for the tenants. So how do we have some control on the tenants and their parking and the use of those spaces?

RL: Well the parking this came up not only at site plan but at planning board as well, so, the 3 existing retail spaces our position is that they're grandfathered and have no requirements for parking, there's been no for those spaces historically. That rear of the property if anything was used for Family Dollar may have had parking..

PM: Nobody ever had parking back there.

RL: SO out position is that they do use is the only use that requires parking, so patient parking will be the area will be restricted for patient parking

PM: In the back?

RL: In the back.

PM: How do you propose to control the parking for your new tenants? Your saying you're not required to do that?

RL: We don't have any obligation to provide, as there are existing spaces already with no parking. SO we are not adding any additional new uses other than the health center use which does requires parking that's what's we received the zoning board relief is for.

PM: Hypothetical case what if someone came in and said they wanted to take all 3 spaces combine it and make a doctors office? You're going then have people going to come and visit the same as you have here for parking whether it is a dentist, or whether it be some other use. I'm concerned that you're going to introduce a lot of parking a lot of cars then for that type of use. Were before you took the whole space you were controlling it with the van coming in and doing that and you're off street.

DB: Just as a point if someone came in for that sort of use and wanted to do a dentist office they'd have to come back here because that's not a retail use that's medical office use and they'd have to come here and come to the Board and ask us for relief from the zoning bylaw and we would impose parking on them. If it was purely retail there's nothing we can do because they're grandfathered they haven't ever had parking they not going to have parking but its always worked. But as long as if it's a medical office which is really a new use to provide parking

somewhere that is really all we can do and just know that if someone comes in if they were to have other doctors offices or expand they would have to come in for more or they'd have to find a way to park.

PM: But what we are doing here we are taking a building and your converting it and having medical use on one side, we don't know what the other use is going to be so we're going to say its business use.

DB: But right now what I understand Atty. Lynds to be saying is that they're comfortable at leaving it at retail now. We going to assume its retail and we don't have to park it, because its grandfathered but if they come in for other sort of use they going to have to come back to us if they try to put a dentist office in there they're going to have to come and see us or a restaurant.

PM: I want to be sure that we cover that provision there so that's a business so if something happened in the future that's going to come through us

DB: You guys are not going to put competing doctors offices in there anyways?

RL: That's highly doubtful. I think that we addressed that and I understand the concerns of Mr. Chairman are at. IF this Board were to approve the change of plans to allow the 3 retail and the smaller HC my guess is the condition would continue and if there are any subsequent change in the future say to expand the HC into these retail that's going to require further amendment of this decision and further amendment review by this board as well as the planning board. By use going in the direction of having the change made and having the Board dock it is exactly the wisdom of putting these in these types of decisions. The change can't happen overnight in the middle of the night if we decide to get bigger and take over one of the retail spaces. I think wed have to come back and present that and present a compelling case as to why. Who knows in 5 years if that were the questions and if parking issues were somewhat more of a problems and not working out as intended you'd have to consideration this board is going to make I'm sure we'll heard from abutters and other people in this town saying gee they want to get bigger and how to we address the parking issues that's existing here. I guess there is enough of a safety net build into your decision that would required us to come back if this board were to adopt the modification as proposed.

PM: I think in our decision we have to do it that we are adopting 3 separate retail and the HC versus what we had before, all one.

DB: We can clarify it in our decisions to approve the plans if that's how we end up.

ID: Have you a schedule yet for construction?

RL: We were think fall, late September into October.

PM: to start and how long?

RL: 4 – 6 months.

DB: What are you doing for pest control?

RL: Whatever the requirements are. Those conditions are on the site plans as well

DB: Obviously this is less destructive than if you were dong a full demo.

RL: True, I'm sure required baiting and trapping as those necessarily points.

DB: I'm sure there's stuff living there.

RL: I'm sure there is.

PM: I suspect you're going to have 4 separate heating systems one for each of the retail stores plus one for the HC?

SF: That's correct. Heating and cooling systems, separate condensers.

PM: Separate electric service?

SF: That's right.

BB: Now that its cut down how many people will you actually be see on a daily basis?

SF: We actually get 9 exam rooms in this space. Depending on sort of the ramp up of the use of the facility starting off with 5.3 full time employees and basically scheduling 20 mins. – ½ hour appointments with the exam rooms, I don't have an exact number for you.

BB: Roughly during a busy day, very well booked, you can do 3 an hour per room?

SF: Well you usually do them 2 rooms per provider that's how it's laid out. Say with the 9 exam rooms if you have a full day say 8 per hour in a 6 hour period there'd be that many patients a day.

PM: I know where Mr. Beattie is coming from, my wife is a nurse and she works at the clinic and they schedule 3-4 at one time for one exam room and they probably have 2 exam rooms and people wait, wait, wait and it's a real horror show sometimes. So I guess where he is coming from knowing how doctors do things these days when they do it to maximize whatever they want to do its going to bring an awful lot of people there at one time so we cant dictate how you're going to do your business but we're just saying that you got to be aware of the situation down here and parking down here.

SF: Actually what we had talked about before at the planning board because of that scheduling nature it'll actually be kind of spread out during the day because of rush hour in the morning and at night.

RL: As originally stated there will be no emergency urgent care so walk in or a room full of patients waiting to see somebody is not the model here.

BB: You're not going to have ambulances going in the back door?

RL: We can't control if somebody requires an ambulance to leave the facility but no deliveries.

PM: No deliveries. Any questions from the board?

JR: I have no questions.

MOTION: (DARREN BAIRD) – To approve the revised plans pursuant to the requirements the decision to grant variance issued by this Board on case #025-2010 dated January 25, 2011 to replace the plans said that is marked as Exhibit 1 in this case that was submitted the plans sent from Ingenuity dated June 1, 2011. With the exception of Plan A 1.4 which will be replaced by the proposed site plan by Ingenuity dated July 7, 2011 showing the reconfigured parking and the van space on the street and the interior layout and also subject to

construction and a finish that is consistent with the Ingenuity Plan dated May 4, 2011, entitled *Perspective Rendering* subject to the applicant submitting the revised the proposed site plans substitute A1.4 and otherwise completing site plan review any other things that they have to complete here in the town in accordance with this plan change that has been approved by this Board.

SECOND: (BRIAN BEATTIE)

PM: Any discussion? I would like to amend the motion that it would be with conditions. I have a couple of questions for you on this, on your plan your rendering, Mr. Lynds, you've got some colors shown there, are those proposed colors are you going to have those awnings out there? There's no center business district review like there used to be before that would make decisions on that so signage, I don't see any signage.

RL: It's on the glazing. Again, they're trying to remain as true to the historic ____.

DB: The historic tax credit and what they going to be allowed to do in connection with the issue, they're going to be a heck of more restrictive than what we would tell them they could do or couldn't do.

SF: Actually the awning is a historic feature of that. The cap and molding, the molding they would roll up the awning into that. It provided protection for the water not coming down inside the awning. We're replicating that.

PM: So, my question is, you've got the wood trim around the windows.

RL: No it's a copper like.

PM: And the awning color, is that what your looking to do?

SF: That's what they came up with I'm not so sure that's going to be the final color, but it will have awnings on all the windows.

RL: It won't be purple or yellow. I can assure you that.

DB: Or pink and white.

SF: But the awning is a definite a common feature down there, there's a lot of awnings down there, there's a lot of writing on awnings is what we didn't want to do. We'll be replacing a lot of the granite facing and sort of rebuilding the left hand side.

PM: That's where the entrance is now.

SF: The entrance is currently on the far left hand side and what we'll do there are actually 2 entrances there. We wanted to have 2 entrances on our side so we were able to get clearance from the historic folks to just do one recessed entrance to finish off the front in a similar fashion. Were thrilled that we are doing renovations opposed to demolition on this.

PM: So with that, modifications, conditions to?

DB: So amended.

PM: Any further discussion.

VOTED: ALL IN FAVOR

MOTION: (DARREN BAIRD) – To approve the minutes of June 30, 2011.

SECOND: (BRIAN BEATTIE)

PM: Any discussion on the meeting minutes? While that's pending we have a letter here from Kopelman & Paige and we are urged to discuss this in executive session so after the meeting minutes are approved I'll take a vote on to do that.

VOTED: ALL IN FAVOR

MOTION: (DARREN BAIRD) – To ask for a roll call to go into executive session and upon assuming we go into executive session to come back out onto the record when executive session is over.

SECOND: (IRENE DWYER)

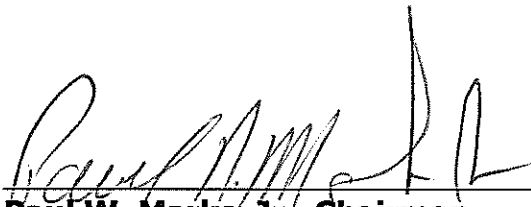
ROLL CALL: Darren Baird, Paul Marks, Brian Beattie, Irene Dwyer, and John Rich.


PM: If there is nothing else pending we're going to have a site visit on the 11th on Shirley St., myself, Darren and John. You're welcome Irene and Brian if you want to come by and then on the 11th we'll come back on that.

MOTION: (DARREN BAIRD) – Move to adjourn at 9:17 p.m.

SECOND: (BRIAN BEATTIE)

VOTED: ALL IN FAVOR



Paul W. Marks, Jr., Chairman

Date