



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

Held on Thursday, August 25, 2011
Town Hall – Joseph Harvey Hearing Room
WINTHROP, MA 02152

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TOWN CLERK
WINTHROP, MASS.

Chairman Paul W. Marks, Jr. called the public meeting of the Board of Appeals to order at approximately 7:07 p.m. In attendance at the hearing were the following Board Members, Brian Beattie, Irene Dwyer, John Rich, and Fred Gutierrez. 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.

1.	#014-2011	248 Shirley St	Carol Facella	PM/DB/JR
2.	#016-2011	82 Faun Bar Ave.	Clearwireless, LLC	
3.	#017-2011	26 Tewksbury St.	Paul Ferrara, FJP, LLC	PM/DB/ BB
4.		Approval of meeting minutes		

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

In Attendance: Attorney James Cipoletta

Sitting: PM/BB/JR

PM: Good evening. First case is a continuation from last month.

JC: Good evening, James Cipoletta, 385 Broadway, Revere. Carol Facella made some travel plans based on scheduling that had been preliminary set by the Board however, we did have a site visit this evening at 6:00 and met down at the property. Based on what the members saw in the course of that site visit if

there are any questions or any issues that need to be elaborated upon beyond what our presentation was last month otherwise for the sake of brevity, I won't be inclined to repeat everything that was said last month it's all in the application anyway, just to point out we are asking that the Board validate the use of a 2 family in a 1 and 2 family zone, it's a legal use, if in fact based on the site visit the members are not convinced that it is a grandfathered legal use, we have asked for a variance for parking for one space which I believe would have been the only deficiency that may have existed. There are other variances that the Board see we would amend our application to included those as well. Our original appeal as far as the determination of the BI is that it's not a 2 family.

PM: OK, as a continuation of our last hearing I took the building jacket and went through and made a summary of the what I could find in the jacket and just to go down through and summarize it for the benefit the first one is not 2022 it's year 1922. There was permit then to make certain alterations and that's all it stated on that. 1949 there was a permit to convert a piazza to a room and it said it was a 1 story single-family 18 ft above the sidewalk. There were several electrical permits starting in 1946, 50, 55, 55, & 61 so what I was looking for in here is to look to see a permit to do work beyond what the house was built as and pretty sure looking at it it was built as a single family house consistent with the other houses down that area. By looking at I think there were some additions added to it to the second floor that don't show here that a permit was granted for doing that. There's a permit to add siding back in 1989, in 1991 there was a new boiler put it, 1991 there was some plumbing work done and 2006 there was a new roof. I open up the questions to the other members of the board here to look at it and see if they have any questions.

BB: The only thing I can say is that this is the second time that this house has been in 1995 it was denied and there was a court complaint it went against the BOA decision and they must of upheld it and there's nothing in the permit that says it was a two family and was built as a two family.

PM: I just was to interject something that I brought up to Atty. Cipoletta, at our last meeting here, one of our other members Mr. Baird was sitting on this and as of right now he is not a member and I've asked Mr. Beattie to sit in on it and Atty. Cipoletta concurred with that. I just want to have that for the record.

JC: That's correct. If I may respond briefly to Mr. Beatties' observation of the 1995 application. We are of the opinion that the application for a variance was not required and whoever advised the owner at the time to file for either a multifamily special permit which has expired or a variance was in error because as we set out in our application the 1995 variance sought relief that wasn't required and the only one possible area of relief that could be addressed was the parking on the right hand side and on the left hand side there's plenty of parking area but here's a fence that has been fabricated by the owner's grandfather who owned that land and obviously we can put parking in there need be. Even if in 1995 they did need a variance and it was denied and it was an appropriate application for variance they are not barred from coming back unless it's within 2

years so its been far beyond the 2 years and now our argument is different than what it was made in 1995. I don't know what that 1922 make shift alterations allowed in the building jacket, it was fairly Spartan in its description thru 1949 thru the 70's into 2006 permits were issued on the basis of a 2 family house being indicative that the Town had accepted it as a 2 family. A 2 family is an allowed use in that district, on the right hand side there is a 3 family behind it is a another 3 family and all the way the street to the left of it are 2's and 3's. Alternatively if the Board is not of the mind to reverse the decision of the BI who potential said its not grandfathered and was not built as a 2 and we've asked for the appropriate variance. The only variance that I can see is for parking and we've asked for that to be granted. Also understand there maybe a debatable point on whether or not that the lot is an inadequate lot having been subdivided prior to 1955 a 1 and 2 family would only need 5,000 sq. feet if it was built as a 2 family prior to the institution of zoning of 1926 then you're grandfathered and you don't need it but there is a we do concede there's a debatable point of whether or not of adequate sq. footage and the sq. footage that shows on the plan is 4, 567 to the extent if the Board is willing to accept that or again I'll oral motion to amend the application and we would ask for a variance for 400 sq. odd feet to meet the 5,000 sq. foot minimum for the 1 or 2 family house on the lot subdivided prior to 1955 and leave it to the Board's discretion to determine if there can be 4 cars fit in the driveway on the right hand side and if not then we would ask for a variance for one spot on the left hand side. Clearly its in the neighborhood that has many multifamily houses with parking on street and this is one the very few in that block that has off street parking.

PM: You're saying that you think it can fit the 3 spaces on the side?

JC: I think the plan already showed, I know that we can probably get 6 of them on the right hand side and I know how the town feels about tandem parking. If we put 3 side by side on the right hand side we would either put the 4th one on the street or need to take down the fence on the left hand side and make another parking space there, or ask for a variance provision that prohibits tandem parking and allow just if there were 2 driveways to have there would be car A & B in front and behind each other and cards C & D in front and behind each other on the right hand side and have them proportioned to the apartments that exists in the house just as if there were 2 driveways, even a 1 family house with a 2 car driveway by definition is tandem parking. So we're really not a big fan of tearing up the fabricated fence its rather ornate and fills in the corner on the left hand side but clearly we can get 4-6 cars in 3 & 3 on the right hand side and 3 side by side without problem. A variance for 1 parking space or a variance for one tandem space. That might be a solution.

PM: You're looking for a variance to make extra parking for a two family saying you can get 3 on one side and then you need a variance for 1 spot.

JC: For one spot and we can either put that one spot tandem which we would need a variance on the provision prohibiting tandem parking or provision on the

variance that requires 4 parking spaces so we could do that. That gate that we saw chained we can remove that.

PM: Anything Mr. Rich? Mr. Beattie? We're voting on the denial of the BI. The BI showed a letter denying that.

JC: May I direct the Boards attention to section 12 of the application where it says describe a third request to the extent where the Board finds any other relief in the form of a variance as the Board sees fit.

PM: Before us is the letter from the BI and whether you go along and say yes you agree with him or you don't agree with him.

JC: And then he claims the alternative and points out the special permit or the variance, so I think if the board votes to uphold the BI on the first one then you get to vote again whether or not you issue the variance. If you overturn the BI on the first you don't need to.

PM: Right.

MOTION: (BRIAN BEATTIE) – To uphold the decision of the Building Inspector and to go along with his denial on making this a two family dwelling.

SECOND: (JOHN RICH)

PM: Any discussion from the Board, any questions on it, Ms. Dwyer anything you want to add to this?

ID: No.

VOTED: ALL IN FAVOR

PM: That being said upholding the BI, there is another item before us to grant the special permit from the Zoning Board in compliance for MGL for this to be a two family. We have two choices here to either grant a two family or to grant a variance for parking for a single parking space. What this is showing is enough space for tandem parking and to do a variance against the tandem and to allow the tandem parking in this situation, which we have done in the past on special conditions.

BB: Will that make it a 2 family?

PM: No if you had a single-family residence and you had a driveway with cars parked back to back that would be tandem parking even though a single is requiring two parking spaces. So those are the two items before us to go for that.

JR: I have a question, if we do grant the variance doesn't that the fire upgrade on that have to be hardwired?

NH: To be honest with you we had met with the owner of the property at the time and she had agreed upon and it stopped because someone had filed information for the case in land court.

PM: In 1995? Is that still pending?

NH: Correct. I don't know and I have no idea and that's part of the problem was it also got denied because we don't know the decision of the land court if it had gone to land court.

PM: There's been nothing in the building jacket that said what the decision was.

NH: At that point I had met with the owner of the property and with the Chief and she was willing to do a _____ so if you do allow this to go through just all we would ask is that you make as a condition is to bring it up to hardwired smokes.

PM: OK, just to review with Mr. Rich of our site visit tonight looking at it I think that there's a egress problem with the stairway that goes up to the second floor in the front and that's an awful small stairway and doesn't meet the code that you have now as an egress. I think the back way would meet the code. I'm not sure, I'd have to look it up, but I think the back one would have to be enclosed. I know had some cases that they need to be enclosed, the second means of egress couldn't be open like that it had to be closed up.

JC: I think that's on a conversion.

BB: This was a conversion wasn't it?

JC: No we're not asking for a conversion.

BB: I don't think it's a two family.

JC: I think when you look at the pictures and those from the site visit today. It's clearing a two family. Now I don't know how long its been a two family I don't know but when you look at the kitchen, bathrooms, and the electrical systems and boxes that still have 100 amp screw in fusers put in by the Penacchio Bros. Who had a phone number of Revere8-4546, that's older than you Brian and that's certainly older than me so it's been a 2 family forever and ever.

BB: But not a legal 2 family.

JC: Well yes it is, it's a legal use, and a 2 family is an allowed use as a matter of right in that District.

BB: From what I can see it was built as a single family, that second egress off the top?

JC: They have an absolute right in that building district to have a one family and a two family, the only things that are implicated are parking. Parking and height, I know that in the 35 ft. its under 2 1/2 stories, but as a matter of right and in the RB itself, just take a look at your table of uses there, and a 2 family can exist without a variance and without a special permit. The house next door to it is a 3 family and the house next door to that is a 3 family. The only relief she would need now that you determined that it was not built as a 2 family, she would need relief of the parking requirement which requires 2 parking spaces off street for each unit. Now she can go and put them in there tomorrow if she wants to put a 4th one in but that's not what we're asking for, that would make a real mess. But as matter of use a 2 family is a matter of right, this is a little different than from validating a 3 family which is allow no where as a matter of right in a RA or a RB but a 2 family is allowed as a mater of right in both of those zones.

PM: On Cutler we granted a single to be used a two and they had sufficient off street parking and the lot size was smaller. Atty. Cipoletta says to tear up the front lawn and it's a corner lot and that's not allowed in the bylaws to be able to put parking in the front, this parking here is on the side and you consider that as the front even though the address is on Shirley St. the whole thing is part of the front they shouldn't be allowed to tear that up.

JC: I'm not suggesting we are there but in case we do the minimum lot size is 4,600 being the lot subdivided prior to 1955 we might need 5,000 sq. feet because it wasn't built as a two, just to clean up the possible relief hat we might need, but the parking obviously is a big one. We might need minimum lot size.

MOTION: (BRIAN BEATTIE) – To grant variance on tandem parking and also on the lot size going from 4567 to 5,000 square feet, also with conditions of the fire alarms, existing codes, and electrical and that will all be in there.

JC: I'll send to Joanne the proposed decision.

SECOND: (JOHN RICH)

VOTED: ALL IN FAVOR

#016-2011 – 82 Faun Bar Ave. – Clearwireless, LLC.

In attendance: Scott Lacy, Attorney from Prince, Lobel representing Clear Wireless

SITTING: PM/BB/ID

PM: This is not a continuation but they had appeared before us and withdrew their application and had re-filed it. Good evening.

SL: Good evening my name is Scott Lacy from the law firm of Prince Lobel representing the applicant Clear Wireless. As you mentioned we had been here before. This is a matter where Clearwireless can respond to a request for proposal from the town collocated on the water tower on Faun Bar Ave. They issued a building permit, abutters appealed that permit and subsequently the Board overturned the BI determination that he should just issue a building permit and no other zoning relief is required. The applicant Clear Wireless submitted an application in response to the determination, for a special permit and design review additionally according to the BI he mentioned the need for variance review both use and dimensional. With respect for latter form of relief this Board in its latter this board in its original decision determined this was not an accessory use under the Winthrop zoning code as such those provisions referred to antennas within certain districts or antenna heights under the subsection accessory codes those would not apply. The Board has already determined not an accessory use. There are existing carriers located on the water tower what was required for those carriers from a permitting standpoint was that they require a special permit from this Board for a telephone exchange and then the environmental _____. That was done for Cingular/AT&T that entity. They are currently operating at the water tank that facility in terms of panel antennas and dishes they are similar to Clearwireless facilities. Clearwireless' application was to install 3 dish antennas on the railing and 3-panel antenna on the railing that circle the water tank. The dish antennas would be at 102 ft. centerline height and the panel antennas would be at 101 ft. centerline height. The water tank itself is 105 ft. so the top of all the antennas would be below the

top of the water tank. It would be ancillary equipment that there would be in an existing building located at the base of the water tank. Clearwireless equipment would be within the 6x8 ft area.

BB: In the same building?

SL: In the same building. That building has both municipal equipment in it as well as AT&T and Cingular equipment in it. It would all be contained within the building. Currently Cingular has 3 additional antennas and 6 panel antennas. In terms of both state and federal law as an FCC licensed carrier, the Board has certainly read the Telecommunication Act. One of the provisions of the TCA is that the municipalities cannot unreasonably discriminate among providers, telecommunication providers. So in that sense what we think is the appropriate form of relief is to be treated the same as the zoning by-law hasn't change from the time that ____ in terms of usage, there isn't a specific section for a wireless communication facilities. From our perspective the appropriate course of action is to treat it with a special permit for telephone exchange, which is allowed, by special permit in the zoning district and with prior decisions _____. As part of prior hearing there were concerns raised about the structural integrity of the tank and whether or not it could accommodate the Clearwireless as part of filling the there was a structural report confirming that the railing on the tank could accommodate that. Additionally there were coverage maps showing that Clearwireless doesn't have or wouldn't have coverage in the Town of Winthrop and this site helps it fill out this coverage to providing from no service-to-service in this part of Winthrop. And this coverage map also show on the pictures what would be necessary to build out that side. The white coverage, the blue coverage – Clearwireless is slightly different, it's a newer to the marketplace unlike Verizon so they're building up their network, similar to Metro PCS. The application outlines how we complied with the by-laws. I can answer any questions.

PM: Are you finished and closing that part of the hearing is there anyone here in favor of this application, hearing none. Is there anyone here not in favor of the application? Anybody want to speak or just observe?

RG: Rachel Gray, 70 Faun Bar Ave.: A lot of our neighbors couldn't come tonight due to vacations so I have a petition of over 100 signatures from the neighborhood opposing the telecommunications equipment on the tower. This says that we the undersigned do hereby petition the Zoning Board of Appeals of the Town of Winthrop to take such action as may be necessary to prohibit, prevent, forbid, bar, ban, or otherwise stop the mounting of telecommunications equipment including, but not limited to, antennas, cabling, radio heads, surge arrestors, appurtenant equipment, and cabinets on the Water Tower, located at 82 Faun Bar Avenue, Winthrop, Massachusetts. People in the neighborhood say when's it going to stop? 3 more panel antennas here, 3 more dish antennas there, enough is enough. The water tower is now saturated with telecommunication equipment and the neighbors don't want anything else up there. The antennas and the equipment adversely affect the character and the

esthetics of the neighborhood, they're big ugly black cables the run along the side of the tower right next to the houses in view of many of the neighbors. There's a generator that goes off at least 2xs a week and its very loud as it is now. It's loud enough that we have to go inside if we are outside even going inside its still very loud. I'm a nurse and I sometimes have to work the nightshift and come home and try to get some sleep and the generator goes off on in an hour when I'm sleeping and then I'm up for the rest of the day, its not fair. My sister got married this summer and we had a pre-wedding BBQ in my back yard and sure enough the generator went off for 30-45 minutes, you couldn't hear people talking, there were people from out of town, it was embarrassing, I can't even enjoy my backyard in the summertime. More antennas going up is going to equal more noise and the possibility of the generator going off more, noise pollution up on the hill. Having a cell phone tower that close to out property is definitely decreases the value of out property when I bought my house 5 years ago there weren't any cell phone equipment generators next door and I honestly would never have bought my house if I knew I would be living next to this ugly horror. Just ask yourself if you were to move into a house that you would be hearing this all day. There are other places that they can go, how about Deer Island? There are already tanks there just like the water tower they can put up there, there are the windmills, they can attached them up on the windmills, maybe that's a possibility? There also needs to be a buffer zone between the neighborhood and the antennas and the equipment. Many other towns have bylaws set in place that protect neighborhoods and ensure public safety. Saugus, Marblehead, Swampscott, Ashland, Framingham, and North Andover are just some of the towns that have setback requirements of 500-600 ft. in place for wireless equipment. I'll read you one of North Andover's by-laws on the issue, 'In order to ensure public safety the minimum distance from the base of any mounted wireless service facility to any property line shall be 2 times the height of the facility mount and including any antennas or any apparatuses. This set back is considered the following rule; a minimum setback of 600 ft is required for all wireless devices their antennas and their mounting structures, whether attached to a new or existing structure as measured from the adjacent property line of the property as zoned for residential or educational use of any type, we need a buffer or fall zone up on the hill, it is extremely windy on the hill, the railing that the antennas are mounted to are old and rusty, when Clearwire was there installing antennas last year at this time the workers even said that it all rusted up there and they were nervous up there. It's not a joke, if one of the bolts or wires lets go it's a real danger if it falls right now its on my house or my neighbors house. The Telecommunication Act of 1996 states that you cant consider health effects as long as the cell tower is compliant of FCC regulations. No company has given any proof that they meet the FCC RF standards especially when combined with the other antennas of the other companies that are up there now. We've asked the Town Manager for this data and he won't give it to us. He says he doesn't have it. Even a sign on the water tower itself that stated

'You are entering an area where RF admissions exceed the general population exposure limit', the sign is telling us that limits were exceeded and when asked the Town Manager and the DPW Director about it it was taken down in just a few days. My husband has a picture of the sign what it said and when they took it down and when he talks I'm sure he'll show you. These companies that are in our neighborhood, they should be required to take measurements of the RF frequency often and make the information available to all the residents on the hill. The Board OF Appeals should and can deny this permit based on the fact that the cell phone antennas and equipment are adversely affecting the character and esthetics of the neighborhood. The new ones will only increase the noise pollution and decrease our property value. These antennas can go other places, there needs to be a buffer or fall zones and they will not be compliant to the FCC RF regulations.

PM: Thank you. Anybody else to speak. I'd ask you to speak and add some new information, we'd like to have that, if you're going to repeat what's already been said, it'll be redundant, we've already have this suit before, the same group, I'll ask you to be brief and some new information.

James Clark: My name is Jimmy Clark, I'm an abutter to the water tower, I just want to make a few comments, in addition to everything my wife just said, I want to address one of the points brought up by Clearwire and that was why should they be treated any different from the existing providers that are already on the tower. I am an electrical engineer and I've been many years doing these RF calculations for the government so I am familiar with these sorts of antennas installations. The fact is, what makes Clearwire any different is that they are adding 6 new additional antennas on the water tower and that is an intensification of the use of the facility you are increase the electromagnetic radiation from the tower and the fact is they haven't proven one way or the other that they meet FCC requirements in any way. In fact if you look at the Code of Federal Regulations Chapter 47 Section 1.1305 they make reference that 'Any commission action deemed to have a specific effect upon the quality of human environment required the separation of a graphic environmental impact statement and a final impact statement. And it goes on in section 1.1307 what those conditions are and if you go and read that section that says is environmental accessory reports are required if the site location will result in human exposure to radio frequencies in excess of the applicable safety standards testified in section 1.1307B. Fortunately the FCC provides a very simple prediction method for the term to be in compliance with those. I refer to the FCC guideline itself in the reference section at the top of the document. Reference 1 provides a prediction method for determining whether given site would be in compliance with the FCC guidelines for human exposure. The exposure limit and the predicted exposure level in the vicinity of the antenna are required for making this determination. The exposure limit is given in table 1 of the bulletin of the cellular operating frequencies. It is limited to one kilowatt per Centimeter Square and then they provide an equation that predicts the exposure levels

based on the transmitted power from the cell site as well as the distance from the cell site. You can do the math and plug in the exposure limit and the maximum permitted ERP the FCC permits and come with a radius of 17 meters or 55 ft. from the tower. So anything within 55 ft is non-compliant with the FCC requirements and therefore they are required to provide an environmental assessment impact report, which as far as I know they have not done. It's also worth noting that this is not the worst-case analysis from my point of view. It time average calculation and it doesn't really consider the effect of the peak power of the antenna.

PM: Ok, thank you very much. Anybody else wish to be heard? If not closing that part of the hearing.

Sean Donahue: I'm an attorney representing James and Rachel Clark, as well as Harry and Carol Benson who aren't here this evening, all who are abutters to the property on Faun Bar Ave, Carol Benson is my sister. She lives up there with her 4 children and her husband as do Jimmy and Rachel Clark live next door to this facility. Last time we were before the Board as I remember as we were leaving Mr. Baird who was then sitting on that case had asked the applicant to come back with information regarding alternate sites I didn't hear one comment about any alternate site in their presentation this evening. The reason is I would suggest is that they don't care about any other site but this site and this particular site is not conducive for the use they want to use the tower as because that's a public safety hazard. I know that there was a report filed here regarding the structural integrity of the tower I would ask if Clearwire guarantees what's in that report. I would submit in my research on the Internet that Clearwire is on the verge of filing for bankruptcy. It's a company that is insolvent or near insolvent, negotiations that are be taken over by another company in an article 6 days came out there was discussion with Sprint. So essentially what's going to happen here is that you have an applicant who I question their ability to carry out their proposal what they're proposing here. It'll likely be sold off to another company and whom that company may be we don't know. That would like me coming before the board asking for a special permit to open a restaurant and I can make all the promises in the world and I can tell you that I intend to file for bankruptcy soon, how would you view my application in those circumstance. That's essentially what we're dealing with here. I have 3 copies of various articles found on the Internet and they go in reverse chronological order. Sprint reportedly talks with Clearwire take over 2 weeks ago. Aug. 9th, an article Clearwire doubts about survival and merge shares to 50 cents. It goes back further to the troubles that the company encountering. Now that might not necessarily be a basis to reject their application but they state that State and Federal law prohibit the Town from unreasonably discriminate against them and I suggest that this Board wouldn't be unreasonably discriminating against them. When you consider also that the antennas that are placed up there, what they are asking this Board to do is to validate the antennas that were previously put up there some time ago. You may remember 2 months ago, in the other case, I

provided a historical perspective I submitted in that particular hearing, I would ask that a copy of that submission submitted and be marked as an exhibit for the purposes for this hearing. Correct me if I'm wrong the wording in the applicant presentation that there was no need for zoning requirements when they contracted with the town when they put these antennas up there. I submit that clearly in the RFP, which is contained in that exhibit, on page 6, it states in other parts of the RFP as well, the proposal, which is the proposal to the telecommunication area, must comply with the applicable sections of Winthrop's Zoning By law. Can't be anymore clear. It puts the carrier on notice that it's their responsibility to comply with applicable section of the Winthrop Zoning Bylaw. The Winthrop Zoning Bylaw requires them to get a special permit and to seek appropriate variances but despite our zoning bylaw they want to put them up there. We had asked last meeting on the previous case if the antennas were operational and the response that we got was "we don't know". I've written to the BI and subsequent to that I asked that could check into this and I didn't get a response. I would ask the Board once again if these antennas have been operational because the building permit as I understand it was revoked by the Town several weeks ago and they're still conducting business as usual without a building permit clearly without the requisite zoning relief I guess that this is what the town should expect from this company from this applicant in the years to come. I would asked the Board to reject and deny their application and if they wish to pursue further remedies in State or Federal Court that is there right but this Board shouldn't be intimidated by such representations as what they intend to do.

PM: Thank you, anybody else?

Nick DeVento, Councilor Precinct Three: The story of how and why these antennas got there. They had a permit application and in order to be fair to all vendors for the telecommunications act there should be no antennas up there. A police or Fire antenna or the ground radar detection for Logan that should be all that's up there on that water tower. It's a water accessory use and the antennas shouldn't be there the ones that are up should be coming down. These folks got sold a bill of good, Ray Collins on the Council whom I have great respect for as well as the town officials put this lease forward had a very convoluted opinion of the zoning laws. We were unable to get a unanimous decision before we took the vote to honor this 10-year lease from the town council that the zoning board accepts exempt. The argument was spot zoning by granting the lease and several councilors as well as the town manager at the time saw dollar signs opposed to reading the bylaws that we have in place. So they shouldn't be there. The opinion of the neighborhood and many of us is seeking to have all the antennas come down so it's a level playing field.

PM: Thank you, anybody else? Hearing none closing that part of the hearing questions from the Board?

BB: I've got a few questions I did ask last time if these antennas are operating right now? 2 months ago you didn't know, do you know now?

SL: I can find out.

BB: I asked 2 months ago. You came back in here.

SL: I didn't make an inquiry as far as whether or not.

BB: The other thing I have here about the structural. On number 8 here the structural, it says right here based on structural calculations completed for this project under the existing conditions is concluded the existing structure is adequate to support the loads and poles by the proposed Clearwire equipment. Did anyone climb up there and take a look or do you just do calculations from below? Did anyone actually climb up the tower?

SL: I would have to have the actual engineer who signed it and stamped it and is representing according to the huge qualification of the code. I personally don't know whether or not that he did that, I know that he put his engineering stamp.

BB: He calculated it but that doesn't mean that he actually went up top and took a look at this with everything up there.

SL: I would need to ask that person, I don't know whether or not it speaks for itself or he did stamp it as a licensed engineer.

BB: And you don't know if it's working or not?

SL: I would have to find out if the antennas are operational.

BB: Have you paid the town any money?

SL: I believe that the town is getting rent.

BB: They're getting rent? But you don't know if the antennas are working or not?

SL: I personally do not know.

BB: Do you know? So nobody knows?

PM: Who would know that?

SL: I would have to contact Clearwireless to find out if it's operational. But to be honest with you if that was not unusual a lease on a structure sometimes the lease payments start before the site is operational but I can confirm whether it is operation or not. If you wish I can confirm whether or not the adjusted calculations or if the engineer was actually at the site and climbed the ladder.

BB: Did someone look at every one of these structures up there and look at the all railings?

SL: I can confirm if he did a site inspection. Can I entertain the other issues raised by the abutter?

PM: You can.

SL: With respect to noise there is a new generator in this proposal the generator operating at the site I don't know if it's just Cingular or ATT or whether the town uses that as well but there is no generator being proposed or part of this application. With respect.

PM: You're putting equipment in a house that's up there, that house is being supplied power by a generator so you would be using that as well as other wireless.

SL: I don't know if that is a backup generator but the equipment itself is in a self-contained cabinet that goes into the facility. There are fans to keep the

equipment cool but there's actual generator on a cycle. That sounds like that's a back up generator that's not part of this application. With respect with compliance to the FCC report we've demonstrated that both cumulatively and the Clearwireless facility it complies with the FCC standards and its less than 1/10 of the 1% of the FCC standard. Again that's not something that was presented because that's how its affected is outside the scope as well. With respect to the antennas themselves whether this is an appropriate location again from our perspective the town issued an RFP asking carriers to come and locate antennas on this water tower. They're inviting them to come and see if this is an appropriate site. It's a 105-foot water tank, which is a tall existing structure, which allows the RF signal to propagate over trees and existing buildings and spread out the signal. This is at the invitation of the town. The carrier in this case responded and there are other carriers operating at this facility and this Board has already determined that this was an appropriate location for this wireless communication and granted those permits. So with respect to whether or not this is an appropriate location bylaw encourages the use of existing tall structures. It eliminated the need to actually build monopoles, tall towers to actually locate the carrier equipment on them. It's the ability to actually take advantage of this tall structure In this case it was an opportunity of the town to generate revenue as well. In terms of impact for the neighbors the antennas aren't any higher than the existing finger antennas they're similar size similar shape. They're all located on the same levels in terms of impacts on the neighborhood, the additional antennas; they're not changing the look of this tank. Are there more of the antennas? Yes, but they're all in the same area. Its similar to if you have an existing 150 ft monopole, you have 2 carriers on it and the 3rd underneath, are there more antennas? Yes, but its not changing the dimensions of the tower, it's not changing it's a water tower that has existing telecommunications antennas on it. Theoretically you could have more on it. The antennas aren't changing the height of it, the ancillary ground equipment isn't going outside the shelter building, and it's going to be concealed. In this case it's not going to affect the noise that's being generators at the site there is no generator. In terms of whether its an appropriate location for wireless communication facilities, from our perspective it is an appropriate location, it is a tall structure it does allow for propagation of the signal and it eliminates the need to build another tall structure. In terms of permit analysis generally the process is to identify the adapters and in this case there are adapters throughout the town of Winthrop and yore identifying tall structures.

PM: Because we are getting into more of it just answer the question that was presented.

SL: They were talking about fall zones and the process I've actually zoned sites in the North Andover that are located within those fall zones, there are existing towers. There are existing towers within those fall zones so these fall zones are used to keep out new towers but there are existing structures, church steeples and towers that exist within those fall zones and the town has utilized them

ID: I don't that anybody is negative on this because of the looks of this tower, you're right another 6 is not going to change the view of it and if you are keeping your equipment inside the power housing building then you're not changing the look of that. I don't think that's the problem with it is its not like you're adding trim to something, these antennas may be doing something right now for all we know already that nobody actually knows. If they are permitted and turned on are they going to do something which creates... my biggest problem with this is, the monopoles they can go down too, but they're modern structures and they're built to put things on them.. This is not the case here, I am really troubled when I go up top that area, not only by the equipment on the walkway, but also the cable coming down the side and yes there are installations that are within fall zones in other towns, there aren't many places where you can putting in a footprint that is this tight as this one and already as saturated as this on a structure that wasn't built originally to carry it and on it which we don't really know what the condition that it is. There is no way that I would vote on this I want to read all this stuff and absorb it but my major concern here is physical structure and the wires that are only 25 ft from some of these houses.

MOTION: (BRIAN BEATTIE) – To continue this to our next meeting Thursday, Sept. 22, until we do some homework ourselves to find out.

SECOND: (IRENE DWYER)

VOTED: ALL IN FAVOR

SL: Just to clarify our ___ additional information regarding structural analysis that was the concern as well, Site inspection, how it was compiled, if the engineers available to address that concern Ill have him come, and whether or not the antennas are operational.

BB: Has anybody ever done a test like an outside company on whether it exceeds the radiation limits? There are companies out there that do this? Maybe you might want to have that done because it's up to you to prove to us.

SL: In terms of that particular piece in the report that we just submitted offers respective sides satisfies our obligation. I'll ask my client but the person who drafted that report is on the committee that actually set the FCC limits.

BB: That's fine but we would like to have an outside company come in.

SL: I can't agree to that for my client.

BB: That's fine.

SL: But I'll ask my client; but that issue in terms of the health analysis is not something that is suppose to be under the Telecommunication Acts.

PM: We voted on this to continue this to the next hearing so we can discuss the info that you presented tonight and you can come back to us with answers to the questions. Thank you.

SD: Is the applicant going to be given the opportunity and the opponents given the opportunity to add additional information to what the attorney just said?

PM: Well we asked some questions we want to digest the information that's been just given to us so those parts of the hearing have been closed.

SD: No more?

PM: No more testimony, we want to get some answers back to questions and to go over the information as been presented to us here.

#017-2011 – 26 Tewksbury St. – Paul Ferrara

Sitting: BB/ID/JR

In Attendance: Paul Ferrara, Attorney James Cipoletta

PM: Sitting on this case Mr. Beattie will be the Chairman, as I am recusing myself.

JC: Mr. Chairman, members, good evening, James Cipoletta. 385 Broadway, Revere on behalf of Paul Ferrara who is here, he is the managing member of FJC, LLP, owner of the property. The LLC and MR Ferrara purchased the Congregational church, the lot we are here to discuss is the lot that contains the building which is the former church which Mr. Ferrara made application to the BI for a building permit to convert the former church to a side by side two unit dwelling within the existing footprint. The BI denied the application for a building permit citing non-compliance with 17.20.060 'Required off street parking'. The plan presented to the BI showed 2 off street parking spaces and the proposed conversion of the church to a duplex would require 4 off street parking spaces therefore a variance is sought for a relief of the table of parking requirements as to allow Mr. Ferrara to convert the existing former church building to a 2 unit residential condo dwelling. The plan that was attached is a plot plan showing the location of the building as you can see the building sits with very tight set backs thereby making it impossible to put parking to the left and right of the building or to install additional parking beyond the 2 spaces proposed. What shows in the exhibit just marked for this hearing is a 2 page document and it shows a reduction of size in scope of the building by removing the steeple which would be demo'd that shows the front elevation the building height will be reduced and also the shaded part would be removed making the footprint substantially smaller than the existing building. Any additions or conversions or remodeled and upgrades to be done on the building would be done therefore totally within the modified footprint but a reduced footprint of the building.

ID: I have a few questions before we get too far and get confused. Are you actually going to take down the sides of this building and bring it in or are you talking reducing the footprint by taking off the addition off the back?

JC: The addition in the back and also the height will be reduced by taking down the steeple. So the on the ground footprint is going to be reduced and any activity that would be taking place would be taking place within that reduced footprint. The building obviously does not lend itself to very much. This is a residential area, it's a 1 & 2 family area and in keeping with the purposes and zoning ordinance. Mr. Ferrara wants to make these 2 units of owner occupied

condo units. It's impossible to get on this 5,000 sq. ft lot, more parking than what we show. Currently there is a yellow stripe painted along that 5,000 ft marked 50 ft in the front which signifies no parking and that we presume was done for the benefit of the church however we don't think that we would have the benefit of that nor would we want the benefit of no parking on front of the house so in terms of exchanging on/off street parking spaces you would have 2 spaces that would be off street on the plan and then be moving that no parking in front in the church and lend itself to additional to on street parking. I would suggest that given the topography of the lot, the placement of that building on the lot and the existing conditions then it would be impossible to make use of an as right use of a 2 family dwelling with the adequate parking. I suggest further, that the impact of those relief requests for the 2 parking spaces for residential use would be in harmony with the neighborhood and would not create pedestrian problems or vehicular hazards. Most of what we have in the neighborhood is 1,2, & 3's and this is a street that lends itself generally to on street parking and what Mr. Ferrara could do with that in terms of a myriad of other things that would be asked before. Zoning suggested that we rezone and ask for a special development district overlay district as it is qualified in the terms of meeting the criteria of an SDOD in that it's a building which was an institutional building which was a religious building that has outlived units usefulness and would lend itself to a residential use. We chose not to do that and chose to keep it simple and in harmony with the surrounding neighborhood so a straight up 2 unit condo in consideration of the neighborhood which is generally owner occupied and would be better to have owner occupied facility than making it into 2-4 units or a rental property. That would be more in harmony that Mr. Ferrara thought. I suggest that this proposal meets all the criteria for issues of a variance of parking relief. If there is an additional measure of relief that is required in order to install 2 owner-occupied residential units with 2 parking spaces in this building within this reduced footprint we have asked for in the alternative the additional relief whatever the Board finds would be required. The BI denied it on the basis of a deficiency of 2 parking spaces and we have made the application on that basis. We ask for the consideration of all of the evidence and the testimony and the circumstance that the board of appeals grant the relief requested for the relief from the parking requirements set out in the table of parking dimensions. Thank you.

BB: Anybody want to speak in favor of this? No? Would anybody would like to speak in the opposed?

William Rykman, 44 Winthrop Shore Drive: I'm sure that many of my neighbors are going to speak of the parking difficulties that exist from Tewksbury and Perkins. It's composed, as town residents know if densely packed homes many of which are 2-family. And many of the residents in that area park on the street. The petitioner has asked for a variance and the requirements of a variance are very familiar to this board who for probably hundreds of such applications. The first requirement is the requirements of substantial hardship

financial or otherwise and as a long string of supreme judicial and appeals court decisions have indicated financial hardship does not include the petitioner making more money that is financial advantage to the petitioner that is not the point. The Supreme Court has been very clear about that so what is the financial hardship here in terms of applied with the off street requirements of the ordinance. The background is the petitioner has purchase not only the church but the parking lot behind the church at least is the accounts in the newspaper are correct and I am sure that their concerns are magnified her by what will happen not in respect to this piece of property but obviously to the large parking lot behind. The parking requirements were well met by the church by the off street-parking requirement behind it. They produced no increase traffic nor parking concerns for this neighborhood that will change dramatically obviously as this development goes forward. The petitioner has many alternatives to in creating a resident structure on the site that he has chosen to make his first application here. He could turn it into a single family, he could relive a portion of the church to provide adequate off street parking or maybe provide off street parking inside the church as sometimes the _____. And he certainly could provide off street parking in a common parking lot, which is a subsequent development on the parking lot. The church indeed because its 2 different plots has done that for many years and its an alternative under our zoning bylaw which is readily available to him. And the 2nd point is that this variance must be granted without substantial detriment to the public and could without nullifying or substantial derogation from the intent and purposes of this chapter. Now that surely includes that off street requirements of this chapter which were crafted clearly with an understanding of the parking problems of a community like this that is so densely populated. So many of the homes here not even having the minimum 5,000 sq ft. My home does not have the minimum 5,000 sq ft. Therefore it's hard for me to understand how the petitioner could claim that not complying with the off street-parking requirement is not in derogation of the provision of our zoning bylaw that related to parking. So it seems to me this a pretty easy case, there is no hardship that exist under the case law, indeed I don't think that granting this variance would survive a motion for summary judgment but on top of that and I think more importantly is that this application does not meet the other prong of the analysis. It imposes additional off street parking requirements on this situation that are completely unnecessary in order for applicable use to be made in this structure. Thank you.

BB: Would anybody else like to say anything to oppose it but not repeating what he said?

Paul Turner, 532 Shirley St.: Parking down there on Shore Dr. and Shirley St. is horrible, come snow time forget about it. 28 years ago when community development was down around the plan at that time was to bring my house up to code so I had to take out my front yard on one side of the house to allow for additional parking to bring my place up top to code and standard of that time which I did because I wanted the parking. Why should you bend the rules and

do the math as how many cars are in the area and how many parking spaces are available. You have the boatyard across the street on Shirley and in the summer hardly any of them park in the lot they're all on Shirley St. That's my biggest concern, do what's right.

Joe Bower, 36 Tewksbury St: I know that at the outset you mentioned that the first construction phase was the church building so even though the person that spoke mentioned that it was a parking lot it's a separate issue. Our concerns if they grant this variance will it have a precedent in the next project for the parking lot and will that also give them a variance of one space per unit.

BB: No, two total different things.

JB: My other question was how does creating 2 space in front of that building relieve any parking issues that we have now or does that create parking on the street because right now we have no parking in front of the church we had driveway cuts for those two spaces in front of the church wouldn't that eliminate parking in front of the church?

JC: Parking spaces by our code say you need at least 9 ft probably 12 ft on each side so you have 50 linear ft in front take away 24 -25 ft you still have 24-25 other ft remaining in front of the building which we're assuming is not going to be a restricted parking area as the restriction there was for the church. I don't think it would be a benefit to be there.

BB: This would be one parking spot in front of the building?

JC: Yes, it would be more than one.

BB: You have 50 ft. so the most its going to be is maybe 25 ft on both sides so you'll have a 25 ft. spot in front in front.

JC: Only if we get 2 cars.

BB: It sounds like 2.

JC: A 9 x 18 is what they figured so it could be a 2 or 3 depending on how big the cars are.

JB: So you'll be left with one spot?

BB: You'll still have one spot in front of the house.

JC: No, you have 50 ft. across the front.

JR: If you have 50 ft. and take 24 ft you'll have 26 ft. left and if you can't park now so there would be one additional spot out front in between the 2 parking spots.

BB: Is there anybody who's opposed?

Christine Vecchia, 29 Perkins St.: I'll make it brief, my husband I own a home, which is two doors down from the parking lot. We've been there 20 years and parking has always been an issue. Today I counted just to get an idea we have 12 houses on Perkins St. if everybody parks in consideration for everyone else there are 13 parking spots on Perkins St. that is it. Talking about who owns cars, my husband I have one and we have 2 sons that live with us and that's 3 cars in our house alone. Parking is an absolutely nightmare and its just been getting worse so that's why you see everybody here and we're very concerned with this. We have the problem with Shore Dr. with the halfway house on the

corner so whenever there are the street sweeping they are on Perkins, they're on our street. We went for a family outing on Wednesday,, came home, my son and I parked our cars went to bed and in the morning found out that we'd been towed completely forgetting that it's the 3rd Thursday of the month on the beach because we already had the 3rd Thursday of the month on our street so we were towed so it is a concern and hope that you take the residents into considerations. We're all long time residents and we've owned our homes for a long, long time and I hope that you are hearing us loud and clear.

BB: Is there anyone else that wants to add to this and not repeating what's been said?

Marcia Finklestein, 24 Perkins St: Every day is a terrible day for parking. My concern is if you give them this variance now when he wants to build on the other side on the Perkins St side he's going to have one advantage that you've already given him the variance and now he'll do the same thing. Parking is very bad and now that I am retired and have a little trouble walking I can't limit my independence I won't be able to go out and have to worry about where am I going to park when I come home. I cant park 2-3 blocks always and you cant park on the beach because you don't know what's going to happen there and you cant park on Shirley St, the parking is very limited and if he's going to build it should be in accordance to the law that he has to provide 2 parking spaces per unit. If you give him this variance now we're all afraid that he's going to do the same thing on the other side.

BB: Thank you.

JC: I just to address a couple of things for information. First of all we don't know what he's going to do with that other lot.

BB: It doesn't have anything to do with this.

JC: No it has nothing to do with this and we're confined to the issue of Tewksbury St lot. Is it in harmony of the general neighborhood and the surroundings? Yes it is, yes this is a parking stressed neighborhood, and all of the streets off of Shore Dr. are parking stressed. What these good people have just said, we don't doubt, there are many homes that don't have driveways and there are many people who have to go out and look for the parking spaces. This does have driveways, it has 2 of them. What is the hardship? This building is what it is, he bought what he bought, he bought a church and the church is built close to the lot line and it's a preexisting nonconforming building and structure. He cant put parking to the right or the left of it ,if he could he would. That's a hardship, it's the shape, topography and it has to do with the lot and the layout. Its impossible to get cars up the side of this side setbacks,. He's doing the one and a half best thing and that's putting the driveways to the left and right of those doors. Does this lend itself to a one family, of course it doesn't, but that would be a massive undertaking and unreasonable and any one family at would move into there I assure you if there's questions about who has one car cause if your going to fill up 12 rooms in a one family you can bet there's going to be 4 or 5 or 6 cars. This is something that Paul didn't jump into haphazardly, it

comes at the expense of much deliberation and at the expense, and much consideration of the neighborhood when he bought the property he knew it was going to a sensitive issue and he decided to put what was the least or minimally invasive intrusive use into that large building which was a 2 family house just like everyone else street and many of them have a 2 family house. This one has the advantage of something else it has off street parking. It does not lend itself to necessarily, because it's a side-by-side townhouse/condo, to lend itself to people with families and teenagers. Its something more conducive to a one or two working couple that's what these townhouses generally occupy, teenagers or kids that have cars, other people who have a high intensity use. If he could put 4 spaces he would do it. He just can't.

ID: I know that the natural design that you're going to do is to split this down the middle and have that double door thing, but is it possible to have a single entrance and a foyer and give yourself a slightly smaller porch to get that off street spaces. I know it's tight but I've seen it in a couple of other places around town. Instead of having a Duxbury doorway like that to have one door and the foyer. Obviously your not _ the plans at this point could you re-calculate that because you do have 50 ft. and you take out 36 that leaves you 14 which isn't an inconsiderable amount could you try that?

PF: To answer that question my intention here is to when I look at this building to buy it I see an architectural gems and my intention is to create something that the neighborhood would be proud of, something that would bring up property values, something that would enhance the area ns I appreciate your concerns I really do, all I can say is that once the ultimate project is completed I think that you'll be very, very pleased with it. I'm not looking to create 4-6 units. It's going to be a simple 2 family dwelling, I'm reducing the size of the building considerably and esthetically to design it this way in my opinion is more pleasing to the eye and to the neighborhood. I hope that this answers the question.

Denise Robertson, 24 Perkins St.: I just have a question talking about the sides, you can't park up the sides of the building why can't you come around the rear entrance like the church has been doing and use the lot, he just purchased the lot along with the building, they have the huge parking lot behind it which they purchased together, right now when the church was used the people pulled in from Perkins St. and used that lot so I don't understand why the front church unit wants this changed and they still can't use the lot behind like the church has been doing and the people get out of their cars and go into the building. I'm not saying you can fit cars up the side I realize you can't. I live directly behind the back of the building that's where my house is I stare at the lot all day long. So I don't understand I'm just confused when you say that you can't fit them up the side I realize that you definitely can't do that without taking the building down so why can't they just pull around from behind it's a huge parking lot, I don't know how many cars they fit in there on Sundays when there was church and the AA meetings its packed so if you're going to put 2 cards per unit and you're going to build another unit and there is 2 cars per unit so I don't see why there is not

enough for 2,4,6,8 cars in that lot along with another structure as well. Thank you.

JC: Just to put a tail end on that, that other lot is owned by a different entity and on a different street it's a conforming lot and to make a driveway to conserve this 5,000 sq. lot on Tewksbury St would then make that other lot non conforming and be creating other problems with that lot.

JR: How many bedroom units?

JC: 3 bedrooms.

BB: How many sq. ft in each unit?

PF: Presently there are 3,000 sq. ft per floor 4,000 sq. ft. and to turn that into a single family would be huge single family and not desirable to anybody, I don't think anybody could afford to heat it. So a single family is not an alternative and the other point that I would make is it's an old wooden structure I would be concerned with the fire hazards that the empty building, it's a building that's been used once a week for many years now. I would be concerned that it's not a healthy situation the way it sits now or has for many years. The point is well taken in regards to the parking issue but ultimately if you grant me this opportunity you will be very pleased it will increase property value and your value will go up.

ID: This is more of an observation than a question if you built this way that you have it planned and I agree with you it's making good use of a structure that has no other use right now, given what things are like in this town meaning when drop of snow falls I think your prospective buyers would at least like enough paved area they're going to want to pull their cars in 2 cars to each unit we see this all over town anything to get off the street and I doubt it would be an enormous change in your outlay, with pavers and concrete or asphalt and get your 4 spaces. You got enough footage there to do it, it would be tight, but could be done. I'm not asking for a commitment I'm just pointing out only the neighbors are forced to get cars off the street at least in bad weather.

BB: I'm looking at this and I would like to say something. It's an old church, what are you going to do with it? This thing is in disrepair, I was in there for the first time of my life about 4-5 months ago and it looks like it should have fallen down 5 years ago. Somebody can come in and put a gas station, I'm looking at it this way someone is going to buy this as 2 condos and they're going to buy this knowing that they have one parking spot, you're going to gain, I'm not going to say they're not going to have 1 car or 50 cars I don't know but if you're going to buy a condo and know you're going to have a problem you're probably not going to buy it if you know you're having a problem going into it. It could be a family with one baby or whatever, it does have 3 bedrooms, you're gaining one spot out front that the street never had that was painted yellow, it was probably not a registered line and it was probably someone just painted it yellow 20 years ago and they just kept it there and everybody kind of parked there. It's going to enhance the neighborhood and you got an old church up there that is very dangerous. Capt. Hazlett can I get an opinion from you of this church?

NH: The church as it stands now there is no fire detections or suppression because of the age of the building so obviously it's a lumberyard on the verge. That doesn't satisfy the neighbor but and obviously it would be better knowing for the neighbors knowing than what they have now. There is a potential for a fire in an unoccupied building.

BB: You've had an abandoned building for about 5 or 6 years right?

JC: No.

BB: So its been used twice a week?

DR: They have AA meetings twice a week and they have Saturday a rummage sale thing and then on Sunday the church.

BB: Now you've got a vacant big old building? We've closed this section of the opposed section of the meeting.

JB: I just want clarification on this do they automatically get 2 spots no matter what, on the left and the right?

ID: If they had it they would not need a variance.

JB: OK.

BB: They get 2 spots one on the left and one on the right

JB: No matter what?

BB: No matter what and there's one in the middle. So there are 3 spots. That's part of the street. That's something that hasn't been use, if yore going to buy this you're not going to have 5 cars, all right? Anybody with half an ounce of brains is not going to buy this with 5 cars.

JB: I have a 3-bedroom house and have 3 cars.

BB: Ya, but I could rent an apartment across the street and come in with 11 cars.

JB: I'm just saying that that is a possibility.

BB: That's a possibility.

JB: I got a question if the building is that bad why not just tear it down and build a new one?

BB: Because nobody wants to buy a church.

Philip Marks, 39 Johnson Ave.: This is a church and churches do not pay taxes to the town or the Commonwealth of Massachusetts, if Mr. Ferrara is going to build something he's going to generate taxes for the town right? We're not getting anything for this piece of property right now he's going to do something that going to generate taxes right now.

JR: I've worked for the town for 26 years on the fire dept. and I've been to this building with small fires. This gentleman here did that across from the Marketplace, that big development, he does things first class, we have to make a decision it's a vacant fire hazard, he just said it, we are over thinking the parking.

MOTION: (JOHN RICH) – To grant the variance for the relief of parking to get this project going.

BB: All right we'll do that but there will be with conditions and these plans have to be stamped, there will be no deviations from the plans. Irene do I hear a second?

ID: What are the conditions?

BB: Jimmy will put them together.

ID: Stamped plans.

SECOND: (IRENE DWYER)

VOTED: ALL IN FAVOR

PM: What we have here Fred is the meeting minutes that we go through the minutes and sign them off so it's official – 25 pages.

MOTION: (IRENE DWYER) –Move to accept the minutes of the previous meeting as presented.

SECOND: (BRIAN BEATTIE)

PM: Any discussion?

VOTED: ALL IN FAVOR

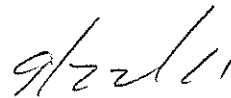
MOTION: (IRENE DWYER) - To adjourn the meeting at 9:10 p.m.

SECOND: (BRIAN BEATTIE)

VOTED: ALL IN FAVOR



Paul W. Marks, Jr.



Date

IRENE K. DWYER

