

BB: "Personal clothing, mail, cars, do you understand that there is plenty of street parking I still must limit the amount of cars, please let me know if you are planning on having a car, no car drivers etc. may be registered to this address ever".

JR: Correct.

BB: Now you have you cell phones and you have \$550 check.

JR: That was the check.

BB: She gave you and then you went to court with her. You got a lengthy records I could keep going for 3 pages and it doesn't seem like your running, if this was a business I mean its not a.

JR: I'm a flight attendant with US Airways so naturally most of my friends who are coming/going are airline personnel.

BB: Your friends pay you?

JR: They donate.

BB: They pay you to stay there?

JR: Correct.

BB: They pay you to stay there? Do you put this on your Internal Revenue, do you file all this?

JR: No because it goes directly towards the upkeep of the house.

BB: I'd like to hear from the BI please?

JS: I can see that you've gone thru the file quite a bit and I can tell you that the Building Dept and the Fire Dept has worked long and hard on this over the last 4 or 5 years that I've been here. I can tell you that I've interviewed Stewardess/Stewards coming down the street, stopped them in the street, asked them where they were going, they were going inside the house, you've got to understand I can't enter a house unless I've been invited into a house, I just don't have authority to go so when I was denied the authority to go in the health dept and I (Mr. Frazier) back in 2008-09 and got an administrative warrant we enter the home with a police officer and we went through the home and snapped a few pictures we saw all the bed it looks like a boarding house we asked them to voluntarily stop the use this use of the property. She hired an attorney; the attorney accused me of harassment. The Fire Inspector was in as well, we eventually got her to take the beds and moved them out of the rooms the beds were moved into the basement stacked in the basement, the Fire Inspector called it a condition likely to cause fire, the Fire Inspector Mr. Hazlett was able to get those removed. We were allowed to go in and make sure they were removed, we get subsequent complaints, we showed up at the door, I was met by Atty. DiMento asking us to cease the harassment or we'd be taken up on charges of harassing her so one of the things you have to understand the way that we can enforce this as I got 2 options I can give her tickets she can not pay the tickets we go to the court and she appeals the tickets or I can file what's called an application for criminal complaint. If I file an application for criminal complaint, I sit in front of the magistrate he finds probable cause, which means he issues the criminal complaint we sit in front of the judge, in order for me to

prosecute this effectively when you go to criminal court, I need to show this I need to have a witness so beyond reasonable doubt, I need to have someone from in that house sit with me in front of the judge as a witness and say this is what's happening in the house otherwise its hearsay evidence and I can't get a conviction. I know this from other actions that I've taken on Taylor street on a similar situation so this takes years for this to happen to gain this evidence and to get somebody what I need typically what you need is a disgruntled tenant who will come to me and act as an asset other than that all we can do is continue to monitor what happened in that house is that if this becomes a B & B then we're allowed entry, she's required to have a guest book, that guest book has to be signed. No guest can spend more than 14 days a year in that house, so one of the reasons for this B & B enactment as an ordinance is to take some of these conditions that we have and make them something that we can watch and make sure that they're safe. So what I'm telling you is that it's a long uphill climb to get a situation like this taken care of in the past I've received a lot of anonymous complaints for me to get a warrant I need someone to sign their name stand up and say this is what I saw and make an affidavit statement for me to get a warrant so it's a long uphill climb versus someone who is licensed in our community to do this then we have right of entry as soon as we issue a permit I right to enter that, she cant keep me out at that point or if she does she looses her B & B license. So that's the Catch 22 here that we're all debating. Thank you.

BB: Capt. Hazlet?

NH: I'll just reiterate what Jim said its been a long battle unfortunately without the documentation we can't go to court, if we go to court they'll throw it out. The only thing that I wish and I'm going to put this on the record and its got nothing to do with the ordinance but I think it was poorly written and I'll just say that, but as far as this case its been a long haul I even talked to somebody on LA but unfortunately they didn't want to put it in writing and didn't want to give the documentation so needless to say we are where we are today.

BB: I'd like to ask both of you a question what will they have to do to this building and what the maximum amount of people what will they actually have to so to the building to update it to keep it safe.

NH: Nothing according to your ordinance, nothing.

JS: Let me just expand on that a little bit I think that Capt. Hazlett and I both feel were both left out of the ordinance is the fact we wanted to have a hardwired smoke detecting system in the building, these single families that are big and have someone in the attic and a fire in the basement and those alarms don't communicate under the current code they just need battery operated. So we have somebody that doesn't know the house living in the 3rd floor the lights are out they have a fire in the basement they don't know how to get out of that house because they're not familiar they don't have the proper lighting that a hotel would if you weren't familiar with the house so it's a dangerous situation and we were unable to get that passed so that's where we feel we lost some

stuff but let me tell you what I can do when I get in and what I do we already had one B & B passed and get their occupancy permit. Basically it's safety at the egress so I'm making sure the stairs are not cluttered with obstructions that we have handrails that can be grabbed and held on we can have lighting in all the halls and all the landings when we get outside the building we have our proper egresses they're not obstructed and have they illumination in the driveway, that is about the extent that I can take this. The next step up in the Building Code says that as long as it's primarily a residence once these residence start being occupied by more than 50% of the sq. footage of that then it's primary no longer primarily just a residence it become transient in nature which means I don't where I am when it's dark out it is unsafe, once you become transient, you need to have sprinklers, you need to have handicapped accessibility you need to have proper illuminations and emergency lights that's really required in this situation that was a step the planning board wasn't really willing to take so we feel that we've been somewhat slighted in our ability to get some of the safety pushed into this bylaw.

DR: Just a question for clarification, so you're suggesting that we legitimize this request in order to get the enforcement that is so sorely needed at the property otherwise we have no recourse whatsoever by bylaw or ordinance at all to do anything about this illegal boarding house?

JS: I would say it – No – we can continue to enforce what we can, make it difficult to do what's she's doing.

DR: I don't believe that there's no ordinance or bylaw in this town.

PM: Where not going to go back and forth and debate this, that's not what we are here for anything else Mr. Beattie?

BB: No I have no other questions.

ID: I have a question what is the requirement for parking, the issue here it is a big driveway but that would be tandem parking so they should prove the parking spaces all separate from the house and wouldn't have one car behind the others I see its four spaces on the side lot is it in the ordinance how many cars and whether they can be tandem?

JS: There is no exclusion for being tandem as elsewhere in the bylaw under multi family dwellings so the tandem isn't really an issue so one car parking for each bedroom that is rented plus 2 for the residents themselves.

ID: Thank you.

PM: Mr. Gutierrez?

FG: Do either of you reside at the residence?

JR: Yes I do.

FG: You do? No I don't have any questions.

PM: You wanted to speak and certainly rebut some of this.

JR: I don't know if its to rebut, yes, my friends come and go, yes, no they don't go to the beach and drink beer and smoke pot because airline people are all fingerprinted, drug tested, and back ground checked. That's the comment. As far as the safety of the neighborhood is concerned, again, I'm a flight attendant

for 41 years, flight attendants and airline personnel are trained in safety exists, escapes, help, they would save a child long before they would hurt one so to relay that fear of their children I hardly see that that would be a fear. Not that that has anything to do what I am requesting now, what I am requesting now as Mr. Soper said is to make it a legal B & B with control with him telling me what I can and cannot do and he's aware that I am more than willing to do what's required. Safety wise, health wise and escape wise I would like this to go through because I would like it to be a controlled environment It's actually in my favor to do so and that's what I would like to do so to answer everybody's question I would like to reiterate what Mr. Soper said is the exact reason I would like to get a legal B & B.

PM: OK, a couple questions that I have and I know from living in the area, there is a pool in the house, would that pool be available to your guest?

JR: Yes.

PM: The bedrooms that you're talking about occupying for B & B where would they be what floor?

JR: There are 4 bedrooms and 2 baths on the 2nd floor and my plan is to convert the entire 2nd floor - TAPE CHANGE - And also I don't know who said it a gentlemen here said that there was not way my house was 5,000 sq ft I have a public record and the public record show that the living area in my house is 5,278 sq ft.

PM: Do you have a 3rd floor in the house?

JR: Yes.

PM: And what are you going to do with that 3rd floor.

JR: The third floor will be residence.

PM: You're rooms, your use? OK.

FG: The drawing calls it a guest bedroom, identifies it as a guest bedroom.

PM: The plan here for the 3rd floor says it's a guest bath.

JR: No that that the first floor, I revised that I gave copies to Joanne, I first was going to put a guest room on the 3rd floor and 3 on the 2nd then I decided it would be better to have that whole floor as a B & B so they would have 4 bedrooms and 2 baths.

PM: So, you're talking about occupying the 3rd floor for yourself.

JR: Yes that resident.

PM: And the second floor for the guest and the first floor you would use your living room and dining room for guests is that correct?

JR: I have a living room, a dining room kitchen, and a TV or family room. The kitchen would of course be used in the morning for serving breakfast but then I would like to use the dining room myself in the evenings if I have guests or something, I don't have a separate dining area. There are two dining areas by my pool, which I can use as well but I wanted to allow the guests to use the TV room and the pool area if they wanted to eat dinner or relax.

PM: A question for the Capt. and the BI as far as a building like this in using a pool with guests?

JS: I can tell you that I've research the file the pool went in under a permit several years ago a prior owner I believe speaking what I know a little bit about health ordinances 105 CMR this might become a semi – if it become a B & B and the pool is used by your guests then the Health Inspector would be looking at how you take care of chemicals in the pool and do you have safety equipment around that pool there would be an inspection by the HI as well.

JR: I have also already spoken with the HI in regarding what my requirements are and what changes I'd need to make before operation of the B & B.

PM: OK, the BI alluded and the Fire Capt. alluded to safety to smoke detectors and alarms. Not being part of the ordinance that created the B & B with granting permission to do this would you be amendable to have this type of an upgrade looked at and put in here where it is such a large shoes and with the in door facilities that are here like the BI said if there was someone on here and there was a fire someplace and knock the power out and not know how to get out of the house if a resident was in there there'd be a serious situation.

JR: There again, being a flight attendant I have fire extinguishers on every floor.

PM: I'm not talking about fire extinguishers; I'm talking about life safety where there would be a fire alarm, and emergency lighting type.

JR: I keep light on anyway.

PM: Yes but you had a fire and the lights went out you would have means to have

JR: I keep flashlights and electric candles; I keep battery-operated candles and flash lights.

PM: But that's not going to go on if there was a fire in the building and knocked out the electricity right away.

BB: You need battery operated exit signs.

PM: What I'm saying is these professionals look at this and are looking to the safety of this and with this ordinance we're trying to incorporate some of the safety into this, not for our benefit, for your benefit, for guest benefit and I would think you would want to go a little bit more towards fixing that

JR: I have no problem with whatever he would like me to do.

BB: Is this building insured a B & B?

JR: Pardon me?

BB: Is it insured as a B & B?

JR: Not now. Insurance would have to change?

JS: I don't know much about the insurance laws.

JR: I'd have to talk to my insurance agent.

PM: That would be an insurance issue.

FG: How many guest do you intend to have as a maximum?

JR: Well I plan to set the rooms up with one queen size bed, one king size bed, two twins in each room. I would stretch it at 3 maybe if someone came in with a child and they wanted to stay.

FG: And the maximum guests for one night would be three?

JR: You mean for the whole house?

FG: For the whole house?

PM: You got four bedrooms.

PM: Eight?

JR: Eight, tops.

CD: Well if each room was going to have the maximum of three people and there's four rooms allocated for the B & B the maximum at any time could potentially be twelve. But if that is within the ordinance, I don't what it says the maximum number of people, I think it just said the maximum number of bedrooms.

FG: Would you be employing somebody full time to do breakfast service or would there be somebody, do you work still or are you there full time?

JR: I'm retired I there full time. Am I going to hire somebody? I hope it gets busy enough that I need to but if not I can take care of it myself because I am home all the time. I'm not allowed to cook, its continental breakfast strictly, muffins and rolls, so that I will talk to the Health Inspector as well as to exactly what I can and cant do.

PM: To take up the issue of parking. The bylaws, we don't allow tandem parking in the bylaws we have had it if there was a townhouse where one side there was parking for one side of the building we allowed tandem parking to do that and the other side the same thing, where its for the same family to have tandem parking,. Normally tandem, you're showing four cars in a row here.

JR: For the garage the first ____ cause that's garage.

PM: Right but you've got a garage and a driveway here and if what's you're showing here and you put four cars in here

BB: It won't take four cars it'll take three.

JR: Two in the garage.

PM: OK, two in the garage so if somebody wanted to go out that would be a problem here, that's – you say you have parking you don't if somebody wants to come in and go out here it presents the problem its not within the bylaws we have and again I look to the BI and FI as a safety item on this if there were a fire at the house at night, you've got eight cars in the driveway, 2 in the garage 6 in the driveway, what is that and saying there was a fire in the back of the house and they wanted to get to the cars.

NH: Obviously and unfortunately because the ordinance doesn't state these things if we were allowed to have or if the ordinance had provided for hardwired smokes because the garage is attached to the house if I can remember.

JR: Yes.

NH: then the fire alarms would have incorporated everything at that point we would have early warning as I said because the way the ordinance is written there is really nothing we can do unless it's a condition. The question yore asking yes it would making it difficult if we had a fire in anyone of those cars next to the house, it would make it difficult for the fire dept. Not only to that house but the

PM: I was asking the house next door how close is the house next door to your driveway? I don't think it shows here in the picture.

JR: I don't know 15-20 feet maybe? I never measured it.

PM: There seems to be a fence and maybe a side yard.

JR: Right.

PM: That would be a concern that I might have is the number of cars how you want to put cars in here and park them.

JR: I have two cars and one of my cars stays parked, I only drive if maybe once a month if that.

PM: You keep it in the garage?

JR: Yes the garage.

PM: And your other car where do you keep that in the street?

JR: I would keep it in the street.

PM: Any questions from the Board, anything else? I myself would like to ponder this more with some of the conditions we have here and with the testimony again were looking at the granting of a B & B special permit and I would like more time.

MOTION: (BRIAN BEATTIE) – to take this under review and come back at the next meeting with an answer on December 29th.

FG: Can I amend that motion to have a site visit?

BB: Sure.

JR: The thing about it is my daughter and her family lives in France and is coming and visiting the whole month of December.

BB: When are they coming in?

JR: Monday.

BB: Well we can do it Saturday morning. We won't bother. Are you going to have other people in and out so we'll just make believe we're just other people?

JR: What would you be looking for?

FG: It's a big decision we want to make.

BB: It's a big decision and we have to try and make the correct decision. So if you don't have anything to hide you should let anybody go in there anytime they want.

PM: If you're going to be busy and tied up for the month of December we could do it in January and continued to.

JR: You just tell me.

BB: We'll get back to you.

PM: Do you have the phone number?

BB: It's right on the sign and it's on the ads.

PM: Ok, a motion on the floor and it's been amended by Mr. Gutierrez for a site visit.

SECOND: (BRIAN BEATTIE)

PM: Any more discussion?

VOTED: ALL IN FAVOR

PM: We'll get in touch with you Joan and set up a site visit.

JR: OK.

#024-2011 – 1 Baker Square, Cottage Park Yacht Club

In Attendance: Attorney James Cipoletta, Paul Clauss, and Ernie Hardy

Sitting: PM/FG/JR

ID: Before we begin, I should recused myself from this I don't live and am not an abutters any longer but the list of abutters that they sent the notice to sent it to me at my old address which was down the street from the yacht club so the records is going to look like I've been notice of this and I'm sitting on the Board so I don't think I should.

PM: It's up to you whether you want to.

ID: I just think I should vote on this.

JC: I have no problem on this disclosure I am sure that Atty. Dwyer has been in my experience here fair and impartial on all of the cases and even given that disclosure I don't think the yacht club have any objection but obviously leaving that to the member.

ID: Id rather not be asked to vote on that.

PM: So you want to recuse yourself from it?

ID: Yes.

PM: So Mr. Gutierrez you'll sit on it.

JC: Mr. Chairman, James Cipoletta, 385 Broadway, Revere, on behalf of the Cottage Park Yacht Club with me is Paul Clauss and Ernie Hardy. Both of who are past commandants. This Yacht club was established in 1902 and has for the amount of time and continuously promoted and contributed to boating, primarily sailing. The yacht club itself has not sought to be altered or extended in anyway. This particular expansion is contemplated to be waterside. As some of you on the Board may know. All of the yacht clubs around marinas in Winthrop have undergone an expansion of some degree or another in the past 10 or so years. That may attributed to our waterfront personality and also the robust sailing and boating activities that are promoted to these non-profit organizations such as this yacht club which currently has 72 slips and about 70+ moorings out on the mooring field. There has been some dredging up and down the Winthrop Harbor and maybe some coming later but a little bit in advance of that and probably the last yacht club to apply for an expansion would be the Cottage Park Yacht Club by a request to add 27 slips to its current marina. The expansion has been referred to the BI in his reason of denial the current use is a pre-existing nonconforming grandfathered use as a marina or a yacht club particularly the marina part of the yacht club is not allowed in this zone. This is one of the few yacht clubs that is not in the waterfront zone, there are others. So in order to do this the BI and correctly so referred us to the Board of Appeals

to seek a Chapter 40A Section 6 finding. And the finding that the BOA must make based on facts and application of the law to the facts is that this expansion shall be not more substantially detrimental than the existing nonconforming use to the neighborhood. Well, the nonconforming use is the marina, the slips, and the docks. The expansion of that is the same use we're not changing the use we just want to expand it and Rick Salvo from Engineering Alliance in Saugus is the engineer on this project will give a quick overview to the Board and will answer technical questions. At first glance it looks like more boats and maybe more people and maybe more cars, that's not true. What you have out there at this yacht club as we do at many of the marinas and yacht clubs and maybe more so here we have this mooring field where there's sometimes an up to 10 year wait to get a slip if you want to get into the yacht club. You could go buy a slip and go down to Atlantis and Crystal Cove but if you're a member of the yacht club as I did in the past and many, many members, they sit out on a mooring and they wait, and they wait, for a slip to become available. In the case of the Winthrop Yacht club and Pleasant Park Yacht club most recently they have been able to raise the money through different means and sources to invest in the expansion in the marina so those people who are sitting out there in the mooring field can bring their boats in a little sooner, and the mooring which are out there and they are laced by GPS and authorized by the Harbormaster and the town would be used for store moorings as you've seen by the hurricane warnings that we had during the summer of 2011 we had 2 of them. Many of the marinas and yacht clubs require the boats to be off the slips and off the docks for safety so they go out to the store moorings and that's where they are saved so that's what those moorings would serve as. For example, if I were to cut down my wait from 5 years to a year and I'm out on the mooring I would come into the slip and I would be required to have a store mooring, that would be my store mooring, I would leave there. So that in inclement weather or some other reason the marina shut down I would have a place to go. So essentially it for the good of the existing members who are waiting and eager to have their chance at a slip and it will also free up for a navigable vessel passage, some of that cluttered mooring field by getting some of those boats back off of them I may also note that some members may not be aware, this club and I represent the other two clubs, I think one of the other clubs does cap their membership Cottage Park does cap their membership its capped at 40 so this is not going to cause any influx of people coming over the bridge to buy some cheap slips that's not the purpose of this, it's to accommodate the members who are there, people who are waiting, but for this expansion may never have a chance to see a slip and their kids may never have a chance. So, that would be the reason and the explanation for it and I would suggest that the use being the same at staying the same expanded by 27 slip is not substantially more detrimental to the current existing nonconforming use. With the chairs permission may I ask Mr. Salvo to just sort of point out how the marina construction would happen?

PM: Sure.

Rick Salvo, Engineering Alliance – Thank you, with your permission I have some other hand outs that just take the plan and put it into a little more perspective. I don't know if these made it into the package or not just in terms of the actual materials. The yacht club is comprised of 2 parcels of land, one parcel of land retains the yacht club and they also the parcel directly adjacent to the east. Currently the main configuration is obvious is the main gangway that comes down and splits on to a fixed pier that heads into multiple directions to a series of finger floats that vary in size they are all about 3-4 ft wide and range in length to 18-36ft long. These ones and twos that are showing the various subet that house whether one vessel or two vessels. The proposed expansion is show in the brown color here is comprised of a series kind of an L shape fixed pier which would be an 8 ft wide pier that would be pile supported separated by several finger floats. Finger floats vary in sizes, there are 9 4x 36 finger floats, there's 5 4x30 finger floats, there's 3 4x24 finger floats. There's an under portion over here which is slightly expanded. We did do an actual field survey over here and we even did soundings to determine the water depth so we could be sure that this particular expansion would not require any dredging. Even though the yacht club does a have a separate current ___ before the army corp. to dredge in other areas of the marina this particular marina with the expansion proposed would-be be requiring any dredging. As far as permitting goes this is just the first step along the permitting process form here we'll head to the Cons. Comm. and the DEP and the Army Corp of Engineers and at those particular levels we'll get into Chapter 91 license and that's where the thing that really controls the ability to navigate the impact this expansion on others to be able to navigate the waters so those particular issues would be taken with great detail with the folks at DEP for the waterways program was well as the Army Corp of Engineers. Lastly there is one set of floats over here that we decided to rotate 90 degrees just to allow for easier access into the existing the marina area over here. That is essentially the layout of that.

Paul Clauss: I would just like agree with Atty. Cipoletta that it takes a long time for some members to get a slip, I've been at the club 40 years as Commodore and we did an expansion when I was Commodore, you could never get a slip sometimes that's why I did an expansion too and we're looking for an expansions now so we can accommodate these members are out on the mooring. It's a lot more convenient having a boat in a slip where you can just walk down and get on it and the mooring that they would come off would be storm mooring in the event of a storm so we're just trying to accommodate current membership that is there we're not trying to bring any new people in just accommodate the ones that are there with boats.

Ernie Hardy, 47 Bartlett Pkwy: Years ago the original marina just continued and existed of this section here back in 1982 we added the westerly section now I've been a member of the yacht club sine 1962 and resident of Winthrop for many years and the only way I could get a slip is to buy in when we did this expansion. Now as a long term resident you don't get any priorities, all by

seniority membership of the yacht club that's the only way you get in. I think it was the only way to help clearing the mooring fields, which are getting crowded especially when we get hurricanes and we have boats drag. Dragged at moorings one boat broke loose and at one point went out to the airport. The best thing is to bring the expansion to the easterly side and a little bit to the southerly side. This is the state channel here, which was dredged a few years ago by the COM and also shows the anchorage that was dredged here down to the Winthrop Yacht club. Basically as they say the only way to expand the marina is to the easterly side which is where our property line was, our property line is at both section here this is the westerly side here this is the easterly property line and this is the only place we can go, we cannot go further then we would be in the state channel. So this is in effect the maximum for all practical purposes the maximum that it would ever be in reality but here again it's a convenience for the members there is no intent bringing in additional members, this is to take care the present members that we have.

PM: Hearing that, closing that part of the hearing is there anyone here that's in favor of this petition?

Marty Klim, 91 Sargent St.: I've been a member for quite a few years now I also have a boat and I also occupy a current slip there and I also service as dock master. I've done that for one year and get a number of requests for slips. We have a member for example that has gone on vacation for a couple of weeks and taking his boat out, I'll get 30 people that want that slip for those 2 weeks. One of the other reasons for having a boat in the slip you don't get assaulted by all the birds that seem to attack the sailboats and all the boats that are sitting out in the moorings. We have members that wait a decade.

PM: Thank you. Anybody else in favor? Not hearing any closing that part of the hearing anybody that is not in favor of this petition? I hear some, the lady back here?

Miriam Reagan-Fiore, 15 Frances St.: I don't know if I am in favor or not I am here to get the information. This looks pretty big and I went down to the bottom of Woodside Pk. last night just to get some perspective and it'll go right across the whole end of Woodside Pk. to the Reed's House. I'm here and want to understand the process and how it will impact my property and how will it impact the neighborhood at Woodside Pk. because it does appear very large.

Bob Fiore, 15 Frances St.: I echo my wife's opinion, it's encroaching on the neighborhood and I think it will reduce the values of the properties in the area. Looking at it from the Woodside Pk. area it's going to be in your face, you're losing that view and I think we'll lose valuable water views with a building going on it. The convenience of 27 boats I think it's a big project and its not necessary. I'll be more than happy to tie my boat in a mooring just to be – its not an asset to the neighborhood.

PM: Anybody else? Yes, sir?

Charles Iappini, 7 Frances St.: I'm an abutter to the abutters I guess. On numerous evenings, the first questions I would ask the yacht club why are there

so many boats that never leave the slip, number one. That's becoming a resident space for people who want to moor their boat out here for the summer and spend their summer on the boat. I don't see a lot of empty slips during the day. I'm 100 ft from the yacht club, this expansion is going to put my property roughly 80 ft. from the end and on numerous occasions the yacht club maintains a lot of functions which go on until sometimes 1-2 in the morning as well people party on their own boats. I don't see a lot people sitting on their boats in moorings ____ so everything that is moored is empty about 95%. What ever they're planning on doing here is going to hinder the neighborhood, cause more noise, cause more traffic because there maybe empty moorings out there and I don't know if they'll stay. If I had a mooring and I wanted a friend to come and moor at my marina they are welcome to do so, so although they may hire a mooring for weather conditions that doesn't prohibit them from being used for other issues. As they did when they put the float out this past summer now most of the mooring that are in that are at the yacht club are small training sailboats. So why are the moorings overloaded? If they get rid of the sailboats and put them back on the yacht club where they were originally then they would have mooring for more space.

PM: OK, thank you, anybody else? Yes, ma'me?

Linda Cargill, 7 Frances St.: The yacht club has already chosen unilaterally and I assume it has the right to do so to expand its territory to install a floating float on which of the sailboats are docked pulled out when they are not being used. We've already seen an expansion of the reach of the yacht club. I'm not here to argue the merits of a nonconforming use but it seems to me listening to Mr. Cipoletto that to exacerbate the nonconforming use by allowing an expansion of the nonconforming use it to the detriment of the community and doesn't make any sense to me.

PM: Thank you, anybody else?

Lynne Bradley, 26 Woodside Pk.: I think more directly more than anybody else here, from my house I would basically look out at all these boats from my property and there would be no view anymore I still think there would be more traffic a lot of people that go to the Cottage Pk. Yacht club park on Woodside Pk. and late at night when they are partying they come out and they are drunk and they're parking in our neighborhood so we're already impinged by that so I think its detrimental to any more slips and what is preventing them from when they do get these additional slips from increasing the ceiling on their membership and then they are going to have more slip, more moorings, and I think its encroaching on the whole community and we don't need that extra mooring. It seems to me that they are only for personal revenue for the benefit of the club. You'd have to look at those mooring, those slips instead of looking at a nicer view of the water, and what's going to prevent them from expanding more toward the shore? I don't know if there is any expansion that they could do to come more into shore I don't know if there is any law against it.

PM: OK, thank you. Anybody else? Hearing none, closing that part of the hearing. Questions from the Board?

FG: I'm not a boater so I've got a lot questions. How is the mooring owned, and numbers of them, and how are they managed?

JC: The moorings are individually owned and the way you get to them is through the lodge that is operated by the Cottage Pk. Yacht club. So if you were to buy a boat and join the any club around the marina and you were out there in the mooring you would be responsible for purchasing and maintaining the mooring. The Harbormaster designated where the mooring should go and that basically for safety reason to accommodate for the swing of the vessels during wind shifts and all of that and also to make sure the navigable waterways are not cluttered. That's the way it is in every town and it's designated by ordinance or statue.

FG: Its numbers, has that every grown?

JC: It think there is a formula that's regulated by the town not regulated by the club its either through the auspices of the Harbormaster or whoever got the waterways, so that's.

FG: So historically say for the last 10 years has that grown?

JC: I don't think so, I really don't. At least within the property line of the club there is no where to put any more moorings, because some of those boats out there are 30-34 ft. motorboats next a 30 ft. sailboat and they were to swing in opposite directions because they are configured differently they could crash so there has to be proper spacing and it looks like they're probably maxed it and I think the harbor authorities would now like that better but I don't think that new mooring have been dropped at Cottage Pk. for.

FG: For a member of the club on the other side of Winthrop?

JC: I guess he could, ya. But how would you get to it. Ernie is a better boater than I am so he could probably answer that.

PM: Let's just go through the questions first and then.

FG: I'm trying to get a better understanding because of the traffic impacted because that seems like the obvious concern that people have and I guess I'm looking for more solid data on that impact. People using mooring frequent their boats less than people less than people with slips, whether not being from that culture it seems obvious that there would be more traffic and you're saying that its not so I'm looking for that as a stronger case.

JC: I would say this that if we were looking to add to it by adding mooring then that would be a concern because we'd be adding potentially new boats but what happened is you go to the mooring and your work your way in and that's your mooring that's it and non-members can't use the facilities.

FG: Why couldn't you sell that mooring to someone else?

PC: You'd had to have a permit and be a member.

PM: So what you're saying basically that people on mooring if this expansion is granted people from the mooring are going to come in use the slips and the moorings are going to stay the way they are and you're not going to fill them up with more boats?

PC: No they would be storm moorings.

JC: Storm moorings, now somebody did mention what if somebody's friend came and they wanted them to use the mooring, if they came they would be coming by boat and they wouldn't be coming by car, sometimes people travel up and down the coast, you go to marina to marina and you can't find a slip for the night well they would put you out in the mooring but that's boat traffic that's not car traffic.

FG: What would keep them from not staying a couple of weeks?

JC: Just to draw the distinction between marinas to yacht clubs. Marinas are in that for the money so if they can roll that mooring over 3 times in a week they're going to do it. Yacht clubs are different to the extent that they are not in the business of hiring those mooring, they don't rent moorings, and they can't be in business because they're non-profit. Yet if you go down to Crystal Cove or Atlantis if they have a mooring out there and you have a sailboat they'll rent it to you.

FG: In this situation, what restricts somebody for loaning that for a week since its vacant?

JC: It's against the marina regs, right? It's against the marina bylaws.

FG: Ok and that's something that would be enforced?

PK: Absolutely.

JC: The last thing you want in a yacht club is a transient and unknown.

PK: The members are going to say I pay dues here that person does not, get them out. That's what's going to happen.

FG: From a safety issue?

NH: The only issue that the Fire Dep't has is really and we've talked about it and we've done it in other yacht clubs is because they are expanding out and what I would to see the yacht club to do is to put a dry standpipe on there fixed here. That allows us to go right now from running a line from the street this way by having a dry standpipe like we did at the Winthrop Yacht Club alike we've had them do at the pier it gets us a little bit closer because obviously to lay a line, it would get us closer that is something that the Fire Dep't would be asking for. The other thing the Fire Dep't if so granted at some point in time would be when they lay out the way they have been laid out to give us the distance on each of ___individual so I don't know what you want to call them not the fingers which I think are the individual but your?

EH: Main floats.

NH: Main floats, footage wise, so they know when the Fire Dep't is doing their pre-fire planning they know the distance from the dry pipe on your fixed pier and so many feet down to the left to the right I mean that's just measurements, ok, so, that's really it.

JS: I have no life safety concerns here.

FG: It seems like the dock has a dead-end corridor you're going out and then back I don't know if that's an issue.

PC: It is what it is.

FG: I can see you get a couple of more slips in there that's probably why it's done that way.

PM: One question while we are talking to the chief and he didn't bring it up the fire dep't has a fireboat?

NH: Yes.

PM: And if there were a problem that would be put into service I would assume.

NH: Well it would be the advantage though for the dry standpipe is obviously in order to use the fire boat they either make a commitment to got to the fire boat or initially they are going to get a call for a fire at the yacht club so they are going to send their resources there first then if need be they'd have to with extra man power go to the fire boat so that's the delay. So that's why the request for the dry standpipe is an issue that really should be addressed.

PC: So you'd have to run less hose?

NH: Correct.

PM: My other question if there were a problem at any of the other yacht clubs a fire called in would the apparatus would go down first you wouldn't initiate the fire boat unless.

NH: Unless we knew in advance and most times somebody would activate the pull station in the yacht club that is probably what most people would do so that's going to send all the equipment there unless unfortunately and somebody makes a phone call and says, we have a boat fire in progress at the slip so that you mediate a?

NH: Well it would depend upon the manning that another issue.

PM: OK, Fred go ahead.

FG: I'm ok, I don't know if anybody has any questions.

PM: OK, Mr. Rich?

JR: You're the engineer? You didn't design this. Did you design this?

RS: Yes.

JR: How come we couldn't reverse that? Have the boats out in the deeper part, you know what I'm saying so its less affect on the neighbors?

RS: It's the channel.

JR: On your drawing there extend that float over on an angle?

RD: This one here?

JR: No, the existing float, you couldn't extend that out on an angle add a couple of slips on the westerly side?

RS: This is the channel right here.

PM: Are you talking the other side John?

JR: I'm just trying to get to 27-slips by eliminating the ones closes to the neighbors. You couldn't do that? This is the only design that would work?

RS: Correct. And there were 2 theories to that design one was to come over this way and this way or to come this way and over. As far as the location it still puts in the same place but that was the only place.

JR: You know what I'm saying?

RS: Ya, if you come closer in you don't have the water if you go further out you go into the channel this was the only area that was available for expansion.

PM: Do the floats at some point going down thru there have fire extinguishers?

JC: I think by regulation you'd need to by statue you do to.

PC: There are fire extinguishers on the marina.

PM: With the expansion how many fire extinguishers would you add to cover that expansion would you know?

PC: 6 or 7.

EH: We presently have extinguisher all along here.

PC: A minimum of 6 or 7 unless the code requires us to.

MK: water supply?

PM: When is this expansion looking to take place, you said you had to go thru the Con. Comm. and the Army Corp?

JC: The Con. Comm. wont entertain us unless such time we have all other permits in place it would be simultaneously work on the Chapter 91 license which is navigable waterways and the Army Corp of Engineers. We've already pinged the ACOE so we have them on line they have a copy of the proposed expansion as they do of all the other yacht clubs in the area. Their role is minimal they are more concerned federal laws and so forth. We can get thru it this winter with DEP and so forth because we have now all the chapter 91 licenses the Cons. Order of conditions that were assembled and accumulated over the years. Ernie was successful this summer getting the most squared away and getting recorded so we are up to date with those so we need one order of condition make sure the DEP doesn't have any negative comments that the Chapter 91 waterway license would be a new license to DEP and concurrent with the AC so the sooner we got thru the zoning permitting process the sooner we'd be able to move on to the Con. Comm. which could accommodate us this winter, so, we could be out the permitting end by the end of spring.

PM: Where you're going to expand on the easterly side over there there's going to be mooring that are going to be eliminated from that expansion?

EH: They'll be moved this line is a turn about.

PM: How many are in there that would have to be moved right now and where would they be moved to?

EH: These boats in questions are 9 1.2 training boats and they don't take up much room they all swing together so just moving out to the southeast is not a problem.

PM: Ok but how many of them?

EH: about 15.

PM: So how many mooring spaces would it be?

EH: In my opinion about 15.

PM: So you're going to have to relocate 15 moorings from where they are there to another area in order to do the expansion? And I think the question would be where would those moorings go? Do you have to stay within your property line that is shown there?

EH: They're not on the property line no.

PM: So they're out going farther to the east?

EH: Further to the east but more to the southeast towards Snake Island, not directly east south from the Cottage Pk. yacht club Snake Island is more southeast'ish. If I could help to clarify based on the comments made of the permitting process I am the former chairman of the Winthrop Harbor Management Committee so I have full knowledge of how the process works in town meeting, which is incorporated with the Town's waterways and regulations. The Town of Winthrop specifies what the rates will be, the size of chain, the anchors; all moorings are places only with the sole authority of the Harbormaster. Individuals have no authority to put a mooring out, and in case of the Cottage Pk. Y.C. we own one mooring, that one mooring is for the launch. All other moorings are owned by individuals. Those individuals get permission from the harbormaster and frankly the harbormaster delegates to Joe Houghton of Houghton Marine because he's got that big barge with the crane on it. So the mooring are all the Harbor Management Committee has a mooring plan of the mooring field as to how they lay out the mooring based on what kind of boat, whether it's a motorboat or a sailboat if its a sailboat does it have keel or does it have ___ it all affects the swing whether it wind or the current. Just to answer some of you brought up that float by Woodside Pk., that float was for the WHS sailing team that was put out there by the Harbormaster, The Harbormaster procured that float, the yacht club offered to take care of that float but that float was put out there by the Harbormaster. The yacht club offered to take care of it for them. That float was put there by the Harbormaster, when winter came the yacht club disconnected that ___ as it is now in order to preserve it and form breaking loose. A lot of the boats you saw out there was from the High school sailing team. During the summer when the HS wasn't using it the yacht club did have permission to use it but in reality the town may not talk much about it. The other issue is about the scaffolding issue there is presently on the pier of the club running all the way out the very end and there is a 2-1/2 in. galvanized pipe for fire fighting with a hose on presently.

NH: Can we pump into it?

EH: Frankly I don't know you'll have to check.

NH: I know your sprinkler guy.

EH: Right now I think the only way you can pump into the system is the sprinkler system is _____. I believe this is to the water system what I don't think there's a pumping connection to it.

NH: And that would be that advantage it wouldn't be going thru the sprinkler system if it gets dry all the time unless it was needed by the fire dept. And again, if you contact your sprinkler gentleman, I know we can work that out very nicely, as long as you approved it.

EH: Every mooring has to have a permit and that permit is granted by the Town of Winthrop because it also covers your excise tax bill so the Town thru the Board of Assessors and thru the Treasurer's office issues a 2 part sticker one

goes on the mooring and one goes on the bow of the boat and it tell the Harbormaster or anybody in authority the Town has collected the fees for that boat whether it's the boat excise tax based on the value of the boat or town of Winthrop owns each and every mooring out there so there is money, and the town does control every one of those mooring out there. Not the individual floats not the individual ____.

PM: Thank you, any other questions?

FG: I've got more questions, is it safe to say is it logical to say for 90 slips, there are 90 boats there? Or are there 110 boats?

PC: One boat per slip.

FG: OK then the other boats are on moorings or on floats?

PC: There are probably 2 boat slips.

FG: And then you say your membership is capped at 400 what restricts that from changing and what is a membership mean does that mean you can bring a boat in, just for clarification what's a membership means?

BB: You have to change the charter.

PC: You wouldn't have to change the charter you would have to change the bylaws. It would have to be voted on by the membership I don't see that happening I really don't. I think the cap is going to stay that way most of the members of the club probably 90% are Winthrop people that belong to the club and use the club on a regular basis.

FG: Is it possible for someone to have a slip and not a mooring?

PC: No you would have to have a storm mooring.

FG: The 90 people here have a storm mooring somewhere?

PC: Correct in the event of a storm or hurricane.

FG: Thank you.

PM: You raised your hand do you have a question on something?

Lady: I have a comment on something I heard Mr. Hardy say that seemed to conflict something that I heard Mr. Cipoletta say. It has to do with the number of moorings I thought what I had understood the moorings were controlled by the yacht club, I believe what Mr. Hardy say the yacht club has one mooring for the launch and the mooring that are out there in the channel are owned by individuals and they have to get a permit and the Harbormaster places the moorings, and they are taxed on the mooring, so if I'm a member of the Cottage Park Yacht Club and I have a mooring now and you build 27 slips and I get to have a slip I'm hearing that I have to have a storm mooring, that's not lost on me but I'm a little confused because if I own my mooring and now I have a slip in the new space what's to stop me from selling my mooring to the guy from Revere who really wants to have a mooring in Winthrop?

JC: Two ways, one is the moorings aren't owned by the club launch and the other is if you move in from the mooring to the slip you still need a place to move your boat in case of a storm so you can't sell that mooring as you wouldn't have a storm mooring. You'd have to have that available all the time.

PM: OK we're going to have to close this up any more questions from the Board?

FG: Do you ever service anyone that is not a member?

PC: No because the members pay for that launch.

PM: What's the pleasure of the board?

FG: I hate to continue another one I'm just looking for more information on the impact with parking and I think I've gotten some good information tonight but if I'm to make a determination I think I need some more solid numbers in the request in terms of the parking, the impact on parking and usage.

JC: I'm not sure there are any studies, they tried this with Atlantis when we came to the Board and they're all over the Board but we can tell you is that we're not increasing the number of boats, the number of boats will remain static, so it doesn't convert to increasing parking so if your coming and your bringing 27 more boats in then you have to start thinking is this going to be coming by car these are the same people that are coming to the club. So it's not increasing the use, what you're doing is shifting the location of the boats, there are the same people, the same boats, and they're in the same place.

PC: There's no expansion of people.

JC: And no expansion of boats either. So those factors that would translate to cars just aren't there. Not increasing people not increasing cars. The same thing with Winthrop and Pleasant Park all the same people.

PM: Anything else?

FG: Not in terms of questions.

PM: So again what is the pleasure of the Board, do you still have questions Fred, do you need more time to think about this?

FG: I do need more time.

MOTION: (FRED GUTERIEZ): To get more information on the impact of the relocation of the moorings if the Harbormaster can address that previous to our ruling.

EH: We're not relocating moorings.

FG: I thought we talked about mooring would be relocated when.

JC: The mooring stay vacant.

EH: The mooring get pulls out the small boat moorings, they're out of the water already so during the winter time would be no issue the only problem right now is the harbormaster is not available, the Assistant harbormaster is in Florida, if I could get you a designee ____ and the barge that sets the moorings I could get something to you as where the Harbormaster is not available?

JC: The moorings that we're talking about the boats that members use, in our presentation were talking about those 70 or so moorings that actually boaters use, I think what Ernie had referred to in those 15 moorings that's the sailing school and the HS sailing program those small boat moorings you're talking about, those aren't the boaters moorings, these are the recreational ones that service the kids, those are the mooring that are.

CI: May I suggest that maybe the Board take a visit down the area to get a better look not only from their standpoint but also from the neighbors' standpoint?

MOTION: (FRED GUTTIEREZ): To continue this to the December 29th hearing.

JC: I won't be here. We can do the site visit anytime.

PM: We can just take a look at it and come back in December, do you need to be here for that? We're done with the testimony and everything.

JC: Probably not, I can make submissions.

SECOND: (JOHN RICH)

VOTED: ALL IN FAVOR

MOTION: (IRENE DWYER): To accept the minutes of previous meeting

SECOND: (BRIAN BEATTIE)

VOTED: ALL IN FAVOR

MOTION: (BRIAN BEATTIE): To accept the meeting schedule for 2012.

SECOND: (FRED GUTTIEREZ)

VOTED: ALL IN FAVOR

MOTION: (BRIAN BEATTIE): To adjourn meeting at 9:57 p.m.

SECOND: (IRENE DWYER)

VOTED: ALL IN FAVOR

Paul W. Marks, Jr., Chairman

Dated

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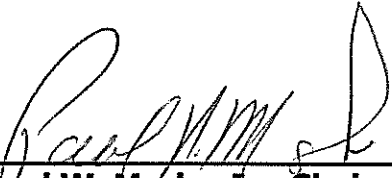
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VOTED: ALL IN FAVOR

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VOTED: ALL IN FAVOR



Paul W. Marks, Jr., Chairman

12-29-11

Dated