



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

Held on Thursday, January 26, 2012
Town Hall – Joseph Harvey Hearing Room
WINTHROP, MA 02152

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Chairman Paul W. Marks, Jr. called the public meeting of the Board of Appeals to order at approximately 7:14 p.m. In attendance at the hearing were the following Board Members: Irene Dwyer, Brian Beattie, John Rich, Fred Gutierrez and David Ferreira. Also in attendance were Joanne M. DeMato, Board Secretary/Clerk, Fire Chief Paul Flanagan, and Fire Captain Richard Swartz.

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.

*** Continued from Dec. 1, 2011**

**** Continued from Dec. 29, 2011**

1.	#021-2011* **	55 Cliff Ave.	Jeffrey Werrick	PM/FG/JR
2.	#022-2011* **	205 Winthrop St.	Khalid Lahlali	PM/BB/ID
3.	#023-2011*	100 Sargent St.	Joan Roth	PM/BB/FG
4.	#026-2011	27-29 Ocean Ave.	Alberto Alcala	PM/BB/DF
5.	#001-2012	233 Shirley St. (93 Veterans Rd.)	Congregation Tifereth Israel	PM/FG/JR
6.	#002-2012	10-26 Somerset Ave.	East Boston Neighborhood Health Center	PM/BB/ID
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#021-2011 – 55 Cliff Ave., Jeffrey Werrick

In Attendance: Atty. James Cipoletta, Jeffrey Werrick
Sitting: PM/FG/JR

PM: This is a carry over from previous meeting.

JC: Good evening Mr. Chairman and members. I understand that there was a site visit today and the members got an opportunity to get inside the house and I also understand that testimony had been closed at the last hearing and would only be subject to the Board visiting the locus and I understand that's been done. If there are questions that arose during the site visit Jeff and I would like to answer them if not we would ask that the Board of appeals make a decision this evening.

PM: I was not able to make the site visit today, Mr. Gutierrez and Mr. Rich did so we'll open it up for questions from the Board. Mr. Gutierrez?

FG: The nature of the request is to validate the unit, as a 3 unit is that correct or are asking for any other variances other than a validation?

JC: Yes. No.

FG: I didn't have a chance to pull the file on that was a permit pulled for the third unit?

JC: I don't know. The unit had been in existence for long and the building jacket appeared to be a not in a total disarray but it wasn't completely organized, I did not see one in there to make the third unit so it's beyond us as to when that unit was established whether it was pre-zoning or post zoning or whether there was a permit or there wasn't. But there seemed to have been some pretty big gaps in the permit that were in the file so we just don't know.

PF: Excuse me; in the fire dept we have a permit that it 3 years old by ___ Electric to install a fire alarm.

PM: Mr. Rich anything?

JR: The parking is for how many cars? Six cars?

JC: Yes.

JR: And there is some excavating out back?

JC: I think if we moved the garage to do it then I don't think that the excavation is required.

FG: I believe the drawing calls for a retaining wall, the drawing?

JC: Yes.

FG: A minor excavation.

PM: Mr. ___ you reside at the premises?

JW: No I don't.

PM: Any other questions from the board?

BB: I have a couple. In July 14, 05 the BI has it as a 2 family and he granted it as a 2 family again, in 2011 it's a 2 family and what they did according to the jacket which I haven't seen they eliminated an illegal dwelling unit the prior owner engaged in providing an illegal unit for habitation. So at that time I think

they had to take that out in 2005 and it's a 2 family and in 2005 it's 2 family and 2011 it's a 2 family. When did it become a 3 family?

JC: Our contention is that it is a 3 family and because the - in order to close and sell that building one of the owners the fire dept ordered to remove the kitchen and they did it and they didn't appeal it and I think Ernie Gauthier did the first I don't know why he issued a CO for a 2 family and I think that may have been done that's generally when you these things come up.

BB: It's built as a family

JC: I don't know that's its built as a 2 family. That's why we asked for the site visit, there are 3 utilities for all the room as a matter of fact.

BB: The fire alarm was put in for a 2 family 3 years ago.

PF: What happened was a unique situation the Fire alarm the permit was filed and the fire dept went to do the final and when Ideal electric requested they were denied access to the 3rd floor when the permit filed.

JW: I think that it's obvious that it was built as a 3 family, you saw the layout of it there are 3 big apartments with a front and rear stairway, full stairway that access all three apartments.

BB: It's got 2 doors on the front entrance?

JW: Yes, 1 door goes into the first floor and the other door accesses the stairway to that has entrances to the 2nd and 3rd floors. It's not like an attic that was converted or it's obviously the layout it's a very large 2 bedroom on the 3rd floor with a walk in bathroom.

BB: Two BI's have said no, it's a 2 family, the electrical, and the fire dept. - 2 family so how could it become a 3 family? Did you buy it as 3 family or as a 2?

JW: I bought it from the bank the way it was and it is on the records as a 2 family but there's 3 separate heating systems, there's 3 separate gas, they're separate, everything is three and there's three apartments and there's egresses and parking, it's not a little apartment it's like a big.

BB: You can make apartment but it doesn't make it a legal 3 family, anybody could put an apartment in there. But you can't call it a 3 family.

JC: Can I just some clarity as to who is sitting on this?

PM: It's myself, Mr. Gutierrez, and Mr. Rich.

BB: I'm just asking some questions.

JR: I have a question from the Fire Inspector, if it changed from a 2 to a 3 what would be required fire alarm wise?

PF: It would have to brought up to today's code the bedrooms would all have to be hardwired common areas I think it has 3 meters which means it not on a public meter so you'd have to bring the entire building up to today's code.

JW: Which I would be willing to do. These two gentlemen saw it today, what did you think?

BB: Were you inside it?

FG: Ya, I toured the building. I guess the case that is presented to us to validate it as 3 family and I can't validate it without knowing the history

originally. I can see a case to make it a variance to make it a 3 family but that's not before us under what is submitted before us I'd like to make a motion To continue to review the jacket to confirm whether there is a history that it is a 3 family because everything that I have right now states that it is a 2 family and that makes me incline to deny the request.

MOTION: (FRED GUTIERREZ) – To continue to next month so I can review the building jacket.

SECONDED: (JOHN RICH)

VOTED: ALL IN FAVOR

JC: We'll assent to that and sign a waiver.

#002-2012 – 10-26 Somerset Ave. - East Boston Neighborhood Health Center

In Attendance: Attorney Richard Lynds

Sitting: PM/BB/ID

PM: Good evening Mr. Lynds.

RL: Good evening Mr. Chairman and members of the Board, I thank you for allowing me to step out of line on this and certainly Attys. DiMento and Cipoletta for allowing me to jumping in front of their presentation. I'm hopeful that this will be a very brief discussion as this Board has heard this matter a number of occasions previously and we're basically before the Board tonight more or less housekeeping to clarify a few items of the decision. We're before the Board this evening for two things, one to find a finding pursuant to GL of Chapter 40A section 6 in addition we've made a written request under the provision under the GL 40A section 10 to extend the rights that were grant by this Board back in January, 2011, as this Board is aware variances and the rights granted there under expire by operation of law if not exercised within a period of one year. Since we've been granted the variances we've been acting diligently in order to pursue a building permit to this location. There have been some changes the Board is aware we appeared before the Board in July of 2011 in which we announced that we would not be demolishing the building rather focusing on a historic renovation of the existing structure. This Board was presented with plans to show that the alteration of the change from the original plan was something that we found was in the interest of the neighborhood and the interest of the community and certainly in the interest of the EBNHC. We appear before you this evening there is a decision that was rendered by this Board to grant the variances necessary to allow us to proceed with the operation of the facilities and most importantly the for the perspective of the off street parking requirements. I have a copy of a lease that we ventured into with the Town of Winthrop concerning a parcel of land that is town owned for approximately 15 parking spaces that will satisfies one of the conditions that the Board originally imposed. I would point out with respect to the plans that were submitted to this

Board back in July that there are no further change nothing else is changing in respect to this. However the decision that was rendered back in July in our discussion with the BI and our due diligence as we get ready to finance this project it would be helpful if we clarified the section 6 finding. We went back and looked in the original petition and application that we had made and there was a request for a section 6 finding by this Board. I can't recall if Mr. Baird had made a motion, I can't find it in the minutes to make a specific determination that no section 6 finding was required however in order to address any deficiency any that we make determines the decision we're asking this Board to go ahead and make that finding to the extent that one already hasn't been made. So again I mention this is more of a housekeeping issue and as this Board is aware of the section 6 finding that we are asking the Board to make is much of lower standard of than that for a variance that has already been granted. Essentially were asking that Board to find the requested change, extension or alteration of the existing structure to include the Health Center and the physicians' offices and the 3 retail spaces shall not be more substantially more detrimental to the neighborhood than any existing nonconforming use. As I mentioned this Board has already made the determination that a variance was appropriate for the relief that was already granted and is already agreed to accept the modification of the plans we're simply asking that the Board adopt the finding under section 6 and to permit the extension of the variances that were granted in January 2011 thru July 25, 2012. We're prepared to proceed with the Building permit this was the one final issue that we needed to address according to the BI all plans and all materials have been submitted to the BI and I believe that this is the only thing that he was waiting for. I would be happy to answer any questions from the Board.

PM: Thank you. Closing that part of the hearing, anybody here that's in favor of this petition? Hearing none, anybody not in favor of the petition? Hearing none questions from the board?

BB: When do they think they are going to start?

RL: If I could say tomorrow that would be.

BB: Too soon?

RL: Ya, the contractor is hired we're just waiting for this paper work for the BI to release the permit. He's agreed to release a partial permit to start demolition, interior demolishing, they just prefer to have a full permit obviously for financing purposes to be able to proceed. So as soon as possible.

PM: Ms. Dwyer anything?

ID: No.

PM: So what's the pleasure of the Board.

MOTION: (IRENE DWYER) – To grant the relief to end the initial special permits for July 12.

RL: It's variance to July 25, 2012.

ID: To extend the variance to July 25, 2012.

SECOND: (BRIAN BEATTIE)

PM: There was also - you are looking for to clarify this section 6 finding.

ID: I was going to do this in two parts. The first one I move to grant the relief requested to extend the variance to July 25, 2012.

PM: OK, we'll do that first. We have a second on that by Mr. Beattie. Any discussion?

VOTED: ALL IN FAVOR

PM: So we've extended the permit time.

RL: Just for the record that would be under case #025-2010 I know there is two case numbers assigned because of the section six finding request which is under the current proposal #002-2012 just so the record is clear.

PM: OK, Ms. Dwyer?

MOTION: (IRENE DWYER) – Move to grant the second relief requested pursuant to GL 40A section 6 for the proposed use would not be more detrimental to the neighborhood.

SECOND: (BRIAN BEATTIE)

PM: Any discussion on it? Hearing none.

VOTED: ALL IN FAVOR

RL: Thank you Mr. Chairman.

PM: Mr. Lynds do you want to get a decision written up?

RL: Already done and already provided to Ms. DeMato seeing that this is urgent to moving quickly, I've already provided for review, I will say to the Board that it tracks the language in the two previous decisions, it simply adds in the language relatively to the section 6 finding and the Board should know that all the conditions that have been set forth as previously are contained in the draft decision now so if the Board wants to take the time to review that perhaps by Monday or Tuesday we can get that signed and filed with the Clerk's office I would appreciate that.

PM: OK.

RL: I guess the plans would be carried over for this as well. We filed initial set with a section 6 finding.

PM: This looks the same as what was done before? We have a set on file.

RL: Thank you very much.

#022-2011 – 205 Winthrop St. _ Khalid Lahlali

In Attendance: Khalid Lahlali

Sitting: PM/BB/ID

PM: Good evening.

KL: Good evening sir.

PM: This case was extended from the previous meeting. What we had requested was scaled drawing of the premises on 205 Winthrop St. I received a copy and the other members have received a copy. What we had requested was

a scaled layout so you could the placement of the equipment and the tables that you are looking for and I see that you have ten chairs at five tables correct?

KL: Yes.

PM: You're going to cook on the premises have people eat on the premise plus sell fish for take out correct?

KL: Yes.

PM: OK, do we have any questions from the Board?

BB: I have no questions.

ID: No I appreciate that you ___ to do the plan up.

KL: Thank you very much.

PM: Has the fire dep't been up there to take a look at this Chief?

PF: No both the building and his establishment is up to code there.

PM: So we got an answer of a hundred percent? Have you been to the Health Dept? So the Health Dept. is all set?

KL: Yes.

PM: I have no further questions what's the pleasure of the Board.

MOTION: (IRENE DWYER) – To give the applicant special permit to change the retail to a restaurant use to the premises as shown on the plan.

SECONDED: (BRIAN BEATTIE)

VOTED: ALL IN FAVOR

#023-2011 – 100 Sargent St. – Joan Roth

In Attendance: Joan Roth, Atty. William DiMento

Sitting: PM/BB/FG

WD: Just for the record, I am taping. Good evening, my name is Atty. William DiMento with offices on 25 Pittman Rd, Swampscott, I'm here this evening representing the Joan Roth, the petitioner and I'm told that this has hearing is already open and the Board has taken some testimony but the public hearing was not closed.

PM: We did an inspection of the premises, myself and Mr. Beattie. We had an inspection of the premises back in December we went through. Mr. Beattie do you have any questions?

WD: Having not been at the first hearing my tendency is to start at the beginning and review all the conditions of the bylaw please feel free to interrupt me and I know that this has already been heard and don't want to be repetitive. This 100 Sargent St. is it seems like when they wrote this ordinance and published last year they had 100 Sargent St. in mind because it meets every single criterion of both the B & B bylaw and the special permit conditions. Through the application that Ms. Roth prepared herself and she addressed every issue within the bylaw I cant imagine any better case for a B & B in this community. It's a very large house and very large lot considered that it has 7 bedrooms, 5 1.2 bathrooms, a full basement and plenty of room for parking in

the driveway. It meets every condition, Sargent St. is a very wide street and there is absolutely no access and it addresses the criteria of convenience on the bylaw for the town, its good for the business of the town to have people come in because its so close to Boston with the ferry running it gives a whole new wonderful access for new trade in town and I suspect this was the motive for the originators when they did it by special permit as an allowed use by special permit and not require any more stringent variances and anything like that. I understand the conditions and Ms. Roth understands the conditions no more than 4 bedrooms and no more than 14 consecutive days for a period of more than 45 days in any calendar year. And maintaining a guest register and going through those things she understands those fully and it meets all of the criteria and relative no more 45% with 4 bedrooms obviously it doesn't come close to that. The Health Dept has weighed in with simply providing Ms. Roth with the copies of the relevant health bylaws of the town and which she will fully abide by should this Board grant this special permit. She understands that that she can't transfer and that this permit is not transferable and of course condition 8 says she has to comply with the state building code and she has to comply with the state building code whether its in the bylaw or not but she knows that it. Breakfast may be served to overnight guests and yes she knows that she studied this and she's well aware of it. All of those conditions she has addressed as to the impact of the neighborhood the bylaw provision of B & B addressed that specifically and this meets the single-family residential exterior in appearance is not going to change. She has provided a floor plan and a sign plan for the Board to review all of them meeting the requirements of section 17.32 of the zoning code. So everything here she has address so if there is any questions we would be happy to address them she has provided detailed information in the application and anything that the two members that did view the premises if there are any questions that may arise we are prepared to address.

PM: Mr. Beattie?

BB: Looking in the jacket it has quite a history. It's been an illegal B & B for as far as I can see since 1977, where you had an ad in the airport paper Nov 3, 1997, you had a letter in there in the jacket to cease and desist and another ad in the Air Travel Journal Massport unsatisfactory, unsanitary, problems with the rent, police incident reports, airline personnel, telling the neighbors what they paid, I guess there was a another problem in court with Mrs. Kahoka, this is all in the jacket. We went, the Fire Dep't has been there, I guess you wouldn't let the Fire Inspector in for a while, back in operation, this is all in the jacket. We went there we found 24 – 26 beds in the house and your talking about your going to have, every room, the dining room, the living room, every bedroom, including beds, bunk beds, mattress, you name it was there, it wasn't the cleanest place in the world and I sure wouldn't want to stay there and its not even a B & B yet, you don't have a license to run a B & B but you've been running it since 1997. The whole neighborhood couldn't be wrong because there was 15 neighbors up here all complaining about it, complaining about drinking, complaining about

walking down at the beach, they work for the airlines and they are working all kinds of crazy hours. Just about everything. Your driveway can hold 3, its actually legal for 3 bedrooms but you can't go back to back you cant count that as a parking spot, tandem parking you can't count that as parking.

WD: Why not?

PM: It's not allowed in the bylaws.

BB: It's not allowed in the Bylaws.

WD: It is with the approval of this Board and it is in the bylaw as provided by tandem parking.

BB: You just can't have tandem parking.

WD: No it has to be part of this permit. That's right, there's no question about that and let me interrupt you relative to that you're not telling us anything that we don't know about the history of that I was involved with this and I was involved with the Building Inspector and Fire Depts. and all of those things a number of years ago.

BB: So you know it as an illegal B & B?

WD: No I don't call it an illegal B & B she ran a guest house which bumped up against the law and every time there was a problem she corrected it. If there was an illegal something,

BB: Well you must have done a lot of correcting there was about 15-18 things here in the building jacket that I just wrote down.

WD: And every one of them were corrected.

BB: If every building had 15-18 things we'd have a busy Health, Building and Fire depts, police dept.

WD: I understand the BI if it was Mr. Soper was involved when he was new, the Fire Inspector, there was every inspector the health inspector, the electrical inspector and there was no question that this is a very influential and aggressive neighborhood who wanted to protect their neighbor but this B & B bylaw is the perfect way of doing this. Everyone and anyone in this town can have someone stay over, I'm not defending the number of beds that she had and the number of people that she had stay over and she will tell you that I was very clear with her telling her that and that's why she came into compliance.

BB: 26 beds the last time we were there?

WD: I haven't been in there in a while but the number of beds doesn't mean that's the number of people staying there

BB: That has absolutely nothing to do with it?

WD: To do with what?

BB: The amount of beds.

WD: You can have 50 beds if there are 4 bedrooms being used, and there are beds in the dining room that has nothing to do with the law itself. If you're saying that it shouldn't be licensed as B & B because it was that goes directly against the B & B bylaw, it goes directly counter, this is exactly what she has a right to do under this brand new bylaw and she's trying to come into conformance and you might have noticed in the Winthrop Transcript which I

strongly suspect you have the house is under the in the middle of a foreclosure which has been advertised in the Winthrop Transcript.

PM: Yes we have.

WD: I am sure have and I sure that the other 19,000 people who have lived in the town have too. This woman is struggling to make and stay in this house which she's lived in since 1997 and I suggest to the Board that retaliation for her past sins is not the way to run the zoning or administer the zoning bylaw in the town. The way to do it is to say how can you get her under control? The way you get her under control is the B& B bylaw, which she has every right to do under this particular bylaw. She has every right to do it you past one and I read the decision and I read the conditions on Terrace Ave., the Harrington House, you past that, this qualifies ten times better than that house does and that the neighborhood that I grew up in and know well, you want to talk about cars going doing Shirley St. this house meets every criteria and I ask you not to be prejudice and penalize her for past sins, she's trying to make it and this B & B in this house is exactly what this bylaw was designed to do and I just ask you to treat this as a legal issue and not as a personal issue on her past sins.

PM: OK, thank you Mr. DiMento. We can take a look at that. Mr. Beattie anything else?

BB: Not right now.

PM: Mr. Gutierrez?

FG: No.

PM: I was one of the people who toured the house as well and looking at this application I have some concerns, a couple of concerns, number one the parking, you're showing 8 spaces 4 on one side and 4 on the other. That just won't work. Parking 4 cars on one side and 4 cars on the other side, if it was just 2 and 2 that would be one thing as far as the tandem goes but to have 8 cars in the driveway if you had a snow storm and you had to put them in there that would be one thing but I don't think we could do it based on the layout that's here. Number two looking at the house as the house sits right now I don't think it is set up top be a B & B and the reason that I say that is because there was no living room there, there were beds in the living rooms. There was a dining room there and there's no dining. There were beds in the dining room; there were bedrooms upstairs on the second floor and bedrooms on the third floor that had beds in them. You make reference to the house on Terrace Ave, which is a house where there is a living room, a dining room, there's a kitchen there's bathrooms and bedrooms set aside for specifically for the B & B and the owners. So it starts as a house and goes into a living room and a dining room and to be able to use those facilities as well as staying in a room up there. I didn't see this happening at the time we looked at it so I'll look at a condition to put on it if you're looking to do this I'd like to see the house cleaned up and set up as a house with a living room, dining room as such for us to go in and say yes this is set up as a residence for the guest could enjoy when they are there to use it.

WD: That's a very reasonable request and certainly could be done.

PM: The other thing I have would have to do with the Fire Dept. and requirements of theirs as to what would have to be done.

PF: We've had responses as early as three months ago and my fire fighters weren't very enthusiastic when they returned from that house as it appeared to be a flight attendant pajama party and the last time we were there there was thirteen cots right on the first floor with as many people in their pajamas. We were there to investigate a burning odor so I facilitated my force to enter on all three floors. The fire dept was elated when the Boarding house law passed because then we would may have the ability to get into 100 Sargent St without administrative warrant, which we'd gotten in the past. I'm not against it but on the same I do not want the Board House law to allow what's been going on to go on. In the search of the owner of that property there is a bedroom, which we believe to be the homeowners bedroom now constructed in the basement. That it self is illegal I don't know if in your house you can enter the basement but there is sleep facilities.

BB: We didn't see the basement.

PF: The basement also has a bedroom in it. We are not against this becoming Boarding house.

PM: Bed & Breakfast.

PF: B & B, if the B & B law will allow us to enter this house more often and freely to police what was going on in the past and no longer going to be camouflaged by the B & B law.

PM: I would agree with the Chief, we didn't get into the basement to look at it if there is something illegal in there I feel the same way that you do by entertaining this it would clear up the problem by the Building Inspector and the Fire Inspector to be on the premises and make sure the premises is safe for guests in there and that would be our biggest concern here a for that to happen. I'd like to have some discussions from the Board as far as the parking goes. They are showing 8 spaces in the driveway filling the whole thing up, I don't think that could happen,. You're looking to have 4 guest rooms? Is that correct?

JR: Correct.

PM: With 1 to 2 people per room?

JR: Yes.

PM: You have 4 bedrooms on the second floor. The third floor is going to be the owner's suite we were told.

JR: Yes.

PM: And I think the only thing before us to talk about is the parking. Atty. DiMento what do you think your client can do about the parking here? I don't think that's going to fly as shown with the 8 spaces.

JR: The two spaces are in the garage, which I don't use for parking which I said at the last meeting but I can use for parking if I need it but I don't really use that parking.

PM: Well if you're in the garage how are you going to get out if there are 6 others cars in the driveway?

JR: That's what I'm saying that I never used it I put it here because it exists.

WD: You'd be talking about 4.

PM: To get in and out of the driveway you could probably get 3 cars in there to maneuver around.

WD: We could actually

JR: We could get 4.

PM: Four would be tandem

WD: One would be tandem but there's certainly enough room to maneuver if there was a 4th car, there's an excess of parking that you can see on that plan, on the parking plan, you don't need the 8 spaces, you could certainly get along with eliminated spaces 6 & 8 that way the car in number 5 could certainly maneuver out.

JR: I don't anticipate every guest having a car.

PM: I know we don't need it but that's the way its set up you have to anticipate that somebody is going to go down and use it like that.

WD: Section paragraph 5 says the parking management plan rather than how many are required or not required, they wisely left that out of the bylaw in saying what's a reasonable parking plan d I think you addressed that also saying there's plenty public parking on Terrace in the lot if there was no parking they could go over and parking in the lot over there which is a reasonable solution to that.

BB: With three other cars what would you have visitors passes for these guest? If there is no parking on the street you have one visitor pass per house.

WD: You don't need it these are off street.

BB: You just said Tafts Ave. you can go someplace else and park the car.

PM: They are talking about the landing.

WD: Wait a minute do you understand do you understand that Terrace Ave. is the other case that this Board granted that with no parking because the availability of the public parking.

ID: That had parking.

WD: But not sufficient you mention in there that there was plenty of public parking.

BB: Can I ask the Chief, what do you think about the parking there if there was ever a fire and you had to get in there with a ladder or anything like that?

PF: The only thing I can say the parking around that house is every fire dept dream is a dream having a house on a corner lot. Ever since the residential parking law came into effect and the parking is sided. I live in that neighborhood, if there are 4 or 5 cars in aren't going to interfere and we could save it.

WD: Thank you Chief. We have no problem getting all those beds out of there and if there is a bed in the basement it'll come out of it.

JR: You came right before the holidays and there was nobody in those rooms and I didn't move the beds because I have to. I had holiday dinner parties there so my living room and my dining room is a living room and a dining room. But that's what you saw.

WD: I understand your point but also you show on your floor plan what your first floor will be and I don't disagree it isn't that now but it will be that way and you'll have the ability to regulate it.

JR: And it will be inspected before I open for business for sure.

WD: And as you know under this bylaw it's a two year special permit, anything that goes wrong and if there is a problem you don't renew it they have to reapply and come back to this Board again but in the mean time it is a way to control and it a reasonable plan, everything here is according to plan and we ask the Boards consideration to grant the permit.

PM: Anything else, Board members?

ID: A couple of questions. First floor the plan shows 4 bedrooms on the second floor and to also show two bedrooms or sitting rooms on the first floor.

JR: No that was revised immediately and you should have a copy of the revision. I took 10 copies up to the Town Clerk with the revision.

ID: I'm not happy with the plans for the first floor you need to put in an architectural scale of things, plans for putting __ and you have a plan here, I think its easier on the first floor, you've taken the outline of the first floor and drawn the lines of the walls that are already there.

JR: The walls are already there.

ID: It doesn't show me exactly.

WD: What would you like to make.

ID: Like that restaurant I'd like to know where the rear entrance is Id like to know where the egress is

WD: Done, done. We'll do it; it's a reasonable request and I am hearing what you are saying.

JR: But I put little marks where the doors are.

WD: Which is not sufficient, she's not satisfied with the scales and the professional way that you did it. She wants something for the record that actually she can see where the doors.

JR: I can do that.

WD: You can do that and have it done so that it's a scaled drawing, that's not a problem, the assessors have scaled plan of your first floor now.

JR: This is a first floor done by an architect this was all done and all I did was add the dimensions of the room.

PM: Atty. DiMento and Ms. Roth what I would like to propose is that we get the drawings up to speed on this and I'll make a proposal to the Board that looking at this we'd like to see the house be put together as a residence and additional condition on this so that we can view it again and to make sure that we are satisfied of what the conditions are and what this is going to be 100% granting or final approval of the B & B and that typical of the Board members to do that

I'd like to put that in a motion and lets get the plans squared away so lets do a motion to continue.

WD: That's fine with me. Le the record reflects that the petitioner accepts and agrees to it.

PM: OK, lets entertain a motion to extend this for another month to get the plans up to date and then we'll.

MOTION: (BRIAN BEATTIE) - Motion to continue this to our next meeting of February 23, 2012 meeting so we can review the plans.

SECOND: (FRED GUTERRIEZ)

VOTED: ALL IN FAVOR

#026-2011 – 27-29 Ocean Ave. – Alberto Alcala

In Attendance: Alberto Alcala

Sitting: PM/BB/DF

PM: Good evening. State your name for the record please.

AA: Alberto Alcala, 27 Ocean Ave.

PM: Why don't you tell us what you're looking to do.

AA: I'm here because I would like to have permission to have a third family in my house; I sent all my paperwork to you. I'm requesting this because I lost my job in 2009, November, to be exact October 30, 2009 and since then I have not been working like I used to work before so now I'm sporadic working 2-3 days per week and I've been working and because of my age I turned 50 and every time I apply they just say they are going to call me and they don't so I have a risk to loose my house so I now requested that, what I can say the paperwork I sent, basically is a three family but legally it's not, the only thing my third floor need is to have a legal kitchen that's it. All the repairs and modifications have been done the last one was done 5 years ago if I'm not mistaken 2005-06 and everything. I had the record apply all the fire, the smoke alarms the detectors on all three floors including the basement, The electrical has been updated, I just need another meter that's it, the gas meter is there it was there since I started living in the house. By the way I want to tell you that before I bought the house, before I had the opportunity to buy the house I was renting so the ex-owner passed away and I had a chance so I had a good reference from the owner that passed away that I was a good tenant so she gave to us the chance to buy the house and when I bought the house to tell the truth there was always a 3 family there so I expect that I was going to buy a 3 family which when and even the ex-owner the relative from the ex-owner they are living in Florida so they told me it was a 3 family and I put the money and offer and everything was going the Inspector showed up to my door and said if I going to buy the house it's a 2 family. So at that time I couldn't back out because I already money and paperwork with the bank because I have a good record with the economy today. So now since then my 3rd floor was empty for almost 3 years but before that my

daughter, I have a daughter and my son, my daughter decided to get married and she married a guy, she was in the service, she's a veteran now, so when she decide to get married, they moved out to North Carolina because he was a Cherry Point. So she moved out there so and after when my son in law when his 5 years to stay there were complete she called me and asked me if she could come house and I said that's fine the only thing I have to modify the 3rd floor, so I did that, everything is brand new since then but the only thing that I couldn't put was a kitchen but what happen is my daughter, we had our first grandson after when she moved into my house we ___out and she had a ___. I decide to put a counter top so she could have just in order so she could take care of my grandchildren. So she was living under my roof, it was my daughter and I was helping her but those they with my help they bought a house and they moved out in 2010 and by then I'd lost my job in 2009 so I said what are we going to do with the apartment and I got proof that I lost my job. So now what happen is we met a person and she had a friend and said they are looking for a place to live. The person she was knocking on the door and calling my wife to get inside to the place to live and I say my daughter was living here and my daughter left by the end of October so by November she was begging and calling us by phone and I can say that I made a mistake by the way I say Im sorry because I just make a simple piece of paper just between her and me we're going to do this agreement and I say just for one year and I got the paper and I can show it to you and I can prove so you know she was begging me and I say ok you go but just for one year we don't know about this is and if you're going to a problem for me but now what happen is she tried to bring a friend or boyfriend and he started living for free in the house and when I found out that I say you have to move I don't want people like this, you made an agreement with me, in writing you signed it and I signed it so now what happen is she is trying to sue me because she says that I rent her an illegal apartment and that's not fair and now I'm here because I'm really afraid to loose my house and I still have a son who is 13 years old and I still have to take care of him. I admit it I made a mistake by putting that person on my property and that shouldn't have been done but just because I tried to help her and if you see the agreement it's written in Spanish its not English its Spanish just saying that I was trying to help her. She knew what I've been through with my daughter and grandchild I told her now I just trying to lets help us. I'm going to help myself because I couldn't find a job and now the other thing I want to prove to you gentlemen and lady I tried by 2010 the next year my daughter moved out I tried for a modification on my mortgage that's right here and they denied for me you know why because they say insufficient. Denied to insufficient income so that when I make the decision to give the chance to this lady to live in my house not because the reason because that's my only property that I have and I can give it to my son when I pass away. So now Im reaching 50 years and Im probably not going to have more chances that a job that I have before just because Im not young enough.

PM: Is there anything else as far as the property it's a 2-½ story house right?
So you're looking

AA: It's a three-story sir.

PM: It's a 2 ½ it says on the plans here and you're looking to make it a 3 family right?

AA: Ya, I had a little diagram what it is. Like you say I live in a block where there is multifamily, half the block is multifamily and I have my parking garage there is always no more than 4 cars in there. What I'm here just to ask to you to give me the chance. You can see I have a parking garage and there is room for many people on my property and not for just a couple of people. That's where this lady and her daughter are living right now.

PM: Let me get into this and try to have some questions form the Board ok?

AA: OK sir.

PM: Anybody here that's in favor of this petition? Hearing none, anybody that is not in favor of the petition? Will the gentleman state your name for the record please?

William Wall: I own property adjacent to him at 33 & 35 Ocean Ave. The parking is a real problem there. That building, I've owned them since '91 that building was a 2 family and not a 3 family. My daughter and son lived in the 2 house when it converted to a 3 family I don't know its recent, very recent. The parking is a real problem, its so bad that in the last 2 months I've had to call Shamrock towing to tow cars from my driveway down there people that don't have stickers for the town and don't have it registered to the town whatever and I had to have it towed to get into my own driveway. I don't know what that's all about.

PM: OK, Thank you. Anybody else not in favor? Hearing none, Chief anything?

RS: Its up to current standards.

PM: No history of anything up there?

RS: No I don't have any records.

PM: Ok, questions from the Board? Mr. Beattie?

BB: Looking at your driveway here you have a garage?

AA: Yes sir.

BB: You really only have parking for 4 cars, you can't block a car in or have tandem parking, that does not count for a parking spot. So these 2 here, you've got less than 5000 sq. ft. in the total lot but you cant even put a single there today and you don't have the parking there and you can't have tandem and blocking the cars in that doesn't count as a parking spot, I went by the house and saw the house, it's definitely a 2 family, its built as a 2 family. It looks like the cellar is nice; the cellar windows are all done over.

AA: I did that sir, when I bought the house, it was not looking well.

BB: But it's really a 2 family and you're in a residential A where 3 families are not allowed.

AA: As you can see I'm pointing to all the multi-families on my street and the other thing

BB: They were there before the ruling came in they were all built all those 1900's or whatever most of those homes.

AA: But if there is any chance to take the garage down and probably.

BB: You don't have the parking space in the back; you don't have the space no matter how you put them in.

AA: My situation is not good because I don't want to loose my house and there has never been more than 4 cars parked at the house period even the second floor they don't use cars.

PM: You can't guarantee that.

BB: You could sell the house tomorrow and end up with 11 cars you don't know.

AA: I understand that. My car I can bring it to, I'm just asking if you can help me please I need to take care of my 13 yrs old, if I loose my house so what's going to happen with me. I came to Winthrop to buy a house in front of the beach and I got a chance to do it and I put all my savings in order to buy the house and I don't want to loose it because I lost my job in 2010 and I can prove to you that I'm working 2-3 days per week I have proof here with me, its not about that I trying to make more money here, I know pretty much that people that live here they got money cause they can afford it, I'm living next to the ocean I'm paying for flood insurance which I never had a record of my house being flooded but I still pay because it's the law and I understand that but now living so many years here.

PM: How long have you lived in the house?

AA: I lived here since 1997 so all these years.

PM: That's when you bought it?

AA: No I bought it in 2003, the ex-owner passed away and in Dec. 2001 so in 2002 we had to. I ask for your help please.

DF: Based on some questions I think we need to go and look at it and have a site visit.

PM: Has anybody seen the jacket? Maybe we can get the jacket Joanne to take a look at it? And maybe we can entertain a motion to continue?

MOTION: (BRIAN BEATIE) - To make a motion to take this up for further deliberation until we look at the jacket and maybe have a site visit

SECOND: (DAVID FERREIRA)

VOTED: ALL IN FAVOR

#001-2012 – 233 Shirley St., Congregational Tifereth Israel

In Attendance: Atty. James Cipoletta, David Ennis, and Tara Mizrahi
Sitting: PM/ FG/JR

JC: Good evening Mr. Chairman and Honorable members, James Cipoletta, 385 Broadway, Revere, on behalf of the petitioners David Ennis and Tara Mizrahi, they represent Affirmative Investments, this is as the application indicates as a joint petition among the Congregational Tifereth Israel and Affirmative

Investments and Chelsea Jewish Foundation. The property is presently owned by the temple and we are almost midway through the process that began with a petition to the Planning Board or actually with the Town Council which referred it to the planning Board to have this business A district to be included in the SDOD – Special Development Overlay District just as a very brief background to get it in to the record. The SDOD was adopted into our town bylaws then and ordinances now on Sept. 6, 2006 and was a product of the Winthrop Planning Board and a year or so study when Mr. Dimes was the Chairman of the Planning Board. The town had seen the need to somehow address buildings or specifically or commonly institutional buildings such as schools, churches, synagogues and other non-residential building whose usefulness in a residential; or by a residential neighborhood had outlived itself. So they looked first at the Dalrymple School when the new schools were built and said what are we going to do with these properties and so Mr. Dimes and other members on the Planning Board as in association with the Selectmen and the Council decided that we need to give a mechanism by which some of these buildings could be re-used as residential purposes so after months or a year or so of work they got it passed and the Town Council adopted in 2006 and it's made and designed to provide some flexibility for a developer or an owner or a buyer so they can reconfigure these institutional, educational or religious type building onto residential types uses that would be in more harmony in the surrounding neighborhoods and late last year we petitioned the Planning Board and the Town Council to have the SDOD applied to this Business A piece of property to houses the Temple and the Temple school. It was passed unanimously by the Planning Board and it was adopted unanimously by the TC and this plan has been in existence and known for 6-9 or more many months, David, I don't know how long that David's been walking this around town. But at least we have had the opportunity to let the entire town know and the entire town administration know what the proposal was and the proposal is this – in realization of two things, one that the temple has basically outlived its usefulness as a physical structure and also realizing a need for people in Winthrop when they get a an advanced age who want to stay here and don't want to burden relatives or are unable to burden relatives and don't want to go to nursing homes or can't go to nursing homes they need a a place to go and they need a place to go where they maintain their independence and remain a vital part of the community because two things that this town has that are its best assets one is its people and one is its shoreline and tonight we're dealing with the people and what is proposed by David and Tara and by association with the temple is to take down the temple and build 43 residential units age restricted units and my understanding is that you need to be of social security age.

TM: And rebuild the temple.

JC: Of course and that's the residential portion of it so we can accommodate those people who remain her and have the services that are provided by Chelsea Jewish who operates a fantastic place over in Chelsea and also to rebuild the

temple which is basically in deplorable conditions. And the plan that has been put forth and presented to the Planning Board and to the Site Plan Review Committee is the plan that you have here before you and so in order to get to the next step is the BOA and the Planning Board which is final approval we need relief from the BOA and I'll be working off the BI's December 20, 2011 letter because he has done as a result of the Site Planning Review Committee and the review of the plans in sitting with the Planning Board a zoning analysis and I have to say as many times as the BI and I have been in this room and been on different sides and disagreed on things this is probably the best zoning analysis that I've seen not only in this town but probably in most of the towns that I do business so I'm going to follow this and point out why we need to ask for relief. The first item of relief is density, density under the SDOD you need to build an apt or an unit that is no less one per 1800 square feet but this is a unique project, this is a project that is targeted to a very specific area of the population and these are all going to be smaller apartments in which the Social Security age individuals can operate. They are one bedroom except for 6 there are 6 - 2 bedrooms, 37 are 1 bedrooms, and in order to make these apartments manageable and enjoyable and habitable, now I can't make them too big, these are older people. So they violate or they don't comply with the density under the SDOD, now I know that it was probably the intent of the drafters to make this a one stop permit to go to the Planning Board but apparently and I agree with the BI the way that the ordinance is written the Planning Board can give relief for special permit for certain things but if its not specifically included in the ordinance they don't have the authority to do it therefore it is this board. The Zoning Board of Appeals that would need to deal with the 4 items that we are talking about this evening. With regard to that density in order to make these 43 small manageable, livable apartments we would need a variance from the density portion of the SDOD. The 2nd is height and the proposal is for a 4 story building and realizing that this is in a flood plan subject to the jurisdiction of the Cons. Comm. and the MA DEP they're not going to be able to construct any habitable space below grade and even probable some minimal excavation and building below grade because of the weapons protection act. So in order to do this Tara and David have asked the professional development team to go horizontal and that accomplished 2 things; 1 is that it prevents or eliminates the possibility from having to spread all over the lot and take up more green, open space more light per area. Another thing it does it allows for a more orderly position of the building on the lot and allows you to get those 43 units otherwise without a variance without the height you are not going to be allowed to do that. Its interesting because there are 3 different height requirements or restrictions that come into play because this is in a Business A zone if an owner or developer were to build a business or a commercial enterprise there they would be able to build to 40 ft if it was a residential it would be 30 ft but under the SDOD they're somewhere in the middle the SDOD caps it at 35 feet. So the SDOD requires us and the Planning Board requires us to come and get variances first before we

submit a plan for final approval. We are asking essentially for only 5 ft higher than what could be built there as a matter of right if it were a commercial building in a much more intensive use. And it makes the project work. The professional team will show you what they do will give you the overview and the engineering specifics as how this is going to take place and you all know the neighborhoods it's a mix of 3 family houses there's executive apartments that 4 stories high, there are some 3 family high, it's a pretty mixed bag, I don't think we can really say that its consistent but it is a business zone and this is a project that is much less intensive and much more benign than what actually could be built in a business zone we are not talking about business. The 3rd is front yard parking or parking between the face of the building and the public way - the street. The SDOD as written does not allow parking between the face of the building and the street on which the building faces however this is a parking lot that exists, parking is already up front to the temple and will be upfront in the proposed design that the Board will see today. The building is moved in position to be as far away to be as unobtrusive so its pushed back although there are designated parking spaces that actually are between the front of the building and the sidewalk they already exist there but these are people that are in this facility or in this residence because most of them can't, don't, or won't drive so parking isn't really going to be an issue if you're going to come by the front street and see just a massive parking lot, I think what you are going is pretty much what you see there it will be greenery and screening and all the rest but the plan is its not going to be a massive parking lot so that its going to make it look intrusive to the neighborhood but again it is in a business district and its not prohibited in the business district to the way that its laid out but under the SDOD the Planning Board does not have the authority specifically to give relief from this they do have specific authority however and curiously to give relief from the number of required spaces and they would be seeking relief from them when we ask for final plan approval but for purposes of this hearing we are picking up Mr. Soper's letter on page 2 as in paragraph section 17.48.10(G) prohibited off street parking between the façade of the building and the front property line and that's what we're asking for and the professional development team will walk you through that as well. There is one other and it seems to be a minor one and in discussion today we're not really sure that we need it, it pertains to 2 parking spaces that are adjacent to Veterans Rd and that is on page 2 next to last paragraph of Mr. Soper's letter and he's concerned about traffic visibility and driveways. I think there may be a way to correct that without relief and it may require taking down some vegetation and doing some other things but if they were to use this area for parking we would because the BI points it out we would be asking for relief from the BOA so as to allow those spaces to remain, certainly they would remain for the use of either people who work at the temple or the temple school or perhaps work at the facility I would suggest that based on all of the elements and prerequisites to granting of relief this project based on the topography, the positioning, the shape of the land, the flood plan situation meets

all the requirements to fulfill the granting of the variance. I would for purposes of giving a fuller and broader flavor of the proposal I ask permission, Mr. Chairman, if David Ennis give you sort of the overview and what's really going to be on the ground presentation.

DE: I'm President of Affirmative Investments and we're partnered with the temple and with the Chelsea Jewish Foundation to rebuild the temple on the site to build the 43 units of elder housing. We've been doing this for about 25 years Affirmative Investments has been involved in over 2000 units of elder housing a lot of assisted living, independent housing, we've worked with the Chelsea Jewish Foundation in Chelsea on 3 project, 2 on assisted living and a skilled nursing facility. So we have a lot of experience so what we want to do on this site is sort of create a new product. We want to create housing for people who are over the age of 62 and we want to offer in addition to the housing a service package that people can take if they wanted it's a voluntary thing, its not part of your rent the rent is separate, but we're trying to create a transition of independent living and assisted living which is too expensive for a lot of people and so with the Chelsea Jewish Foundation they have facility in Chelsea but they are developing their own health care divisions and that seems to be a direction that governments all want us to move in and having people stay in their homes but having care come in its cheaper but it keeps people more impendent. So what we are trying to do here is develop housing for people who are elder and you have to be 62 in order live there but we expect the average population will be in the low to mid 80's that has been our experience. People tend to move into these facilities, 30 years ago people would move into these facilities in their 50's and 60's they don't do that anymore so the tend to move on when they can't live independently so they need some assistance or they can't drive anymore so that's our experience building elderly housing, the population is getting older and older. They are somewhat frail and we are not going to restrict it to people who are frail we expect to have a range of people, we also expect to have a range of incomes and one of the things that Affirmative Investments is sort of a mission oriented firm and we work with non-profit groups and we are committed to building housing for all income levels. So there is going to a range of people who will live her and we've done a lot of marketing analysis in Winthrop and the surrounding area. The average income of people over the age of 75 in Winthrop is \$38,000 per year. And that is sort of a target where we need to be and because we're targeting this population we have access to public monies and that is sort of shaping our program to some extent. We will have units for people with no income restrictions and we will have some very low income but the bulk of people will be paying full rent - \$1,000 a single and \$1,200 for a 2 bedroom. But there will be a range, which is very important to both serving the population of Winthrop and what we are trying to do here. And one of the things in tying to the variances that we are seeking here tonight we're very sensitive to the neighbors and the neighborhood and the issues that are a concern to them. We want to build 43 units because we need a certain number

of units to build a program, when you use, and we're limited in our funds because we want to restrict the rent, we're using public monies so we have limitations on what we have access to and we have to live by their rules and we need to build housing we need a certain level of density in order to make it operationally work otherwise it doesn't work and we can't get the investors to finance this. And we can't build the kind of program that we want to build. So the density ties to our needs to build a certain number of people in units to make it work. In terms of the current regulations say that with this size lot we should only have 30 units but those could be family units and a family is designated as 3 people, 2 adults and 1 child, so if there were 30 units that would be 90 people and we're building 43 units, 37 are 1- bedrooms, mostly individuals and 6, 2 - bedroom let's say 2 people so roughly we expect our population to be roughly 50 versus the 90 that the SDOD would allow in the 30. The height is a challenging issue we're as far away from Shirley as we can be we are higher than the building next door but they have a basement, but we can't build a basement, we're going to work on drainage and are going to make the drainage in the neighborhood better. We're asking for a variance, Jim had said 45, we actually pushed the architects and we dropped it to 43 feet so that's 3 feet higher than we would be if we were a business we'd be allowed by right. By building the 4 stories we build a smarter building, its cheaper to operate, its closer when people take elevators, its closer walks down hallways, we create more green space, more porous space on the site. It's a smarter building and smarter growth and we feel it's the right way to approach it and we don't think we are going to impact anybody by being 3 feet above the 40 feet level. So we're seeking variances those 2 points tonight and we'd like to do is turn it over to Cliff Boehmer who is the architect and just show you a little bit how we're using this site of the building.

Cliff Boehmer: David had stated that most of the points including the architectural points but I want emphasis some a couple of things here. Our approach with the project overall is really about sustainability. Fundamentality it is critical for the temple to move into a new facility that can really fully assure their long term survival and that has been hugely important to us which is why after a lot of study we came with a plan that is building a right size temple which is very efficient and sustainable in the long time in the future. David pointed out the site plan is kind of our second big point is to make it better than site than what we have is through development of this site we really want to improve it and I think this is probably the image that makes that point the strongest you can see that the footprint of the existing temple complex and virtually the entire the site is a paved site so we really wanted to concentrate our building for all the reasons that David stated which is opening up the more space on the site creating more impervious surface on the site and using materials more economically and spending less money maintaining the building over the years through compact development. As you can see there is quite a large difference in the amount of open space and green space that we are able to achieve by this

type of plan. As David pointed out we moved the building as close to Veterans and as far away from Shirley as we could on the site in order to accommodate the parking. It's an irregular shape site I should point out one bit of information that the one variance on the parking that is in between the front of the building and main building is limited to the spaces here so if you drew a line here those are the spaces that are in that zone that require the variance. There are very briefly showing you other images showing similar a rendered site plan to help emphasis green space that we're trying to create on the site the standards that we are held to are very high as far as storm water management and the flooding because of the coastal proximity. We're looking to using sustainable materials throughout the building but we're using a lot of traditional period materials but sustainable materials clapboards that are cementitious clapboard and same type of materials that are panels and same type materials from panels this is a Veterans Rd elevation that you are looking at. As David pointed out we are down to 43 feet and very briefly we don't have where we're at as far as working with the temple it is very early in the process in designing what the building will look like we're very keen on taking on some of elements of the existing building retain their strong presence on Hadassah Way and Veterans to really give some continuity to the building that they'd be losing during this process. I think that's about it on the design side.

JC: We'll answer questions at the time designated by the chair.

Katy Enright, Project Civil Engineer: I've been working on the site plan with Affirmative Investments and the architect. To go back to the two phases this is the plan that you have before you right now. This is a rendering of the existing conditions on the site; one of the things that I want to point out is the increase of the green space on the proposed site versus what is here today. Two of the variances that are listed in the BI's letter as Cliff pointed out to you is the parking as in proximity to Veterans. The two spaces that are located between the façade are again at this area here.

BB: Do you want to turn that so everybody can see what you are talking about?

KE: Sure, the two spaces that we are talking about are here, the condition that it is currently much worse here and in speaking with your BI what we determined is actually a special permit not a variance because we're actually lessening the nonconformity that is there now by putting two spaces between the façade and Veterans Rd because the existing situation is much worse obviously with the parking that goes right up to the property line on the existing site. The second issue to do with the site is the traffic visibility on the corners and I want to clarify that, the corners actually that they are speaking of are the corners of the road at Hadassah and Shirley and Veterans, the 2 corners here and actually the current building does barely go through that because what we're doing is drawing a triangle with 2 sides at 25 and striking the line through them. In those areas we can't have a structure and we can't have shrubbery or trees that are going to block the view for cars that come to those corners. The proposed building does not actually violate so we're actually good there we do need to look at the

vegetation on these corners to see if we do comply by again we'd be happy to cut back that vegetation you're allowed to have shade trees only in that areas cause the structure does not go into that 25 ft triangle at those corners so I would like to clarify that with the BI also. So I believe that we're not going to need any relief on that section and if we do again it would just be a special permit and not a variance because we are lessening the nonconformity of what's at there today. So those are the 2 issues that relate to this site and if you have any questions related to that and civil engineering I would happy to relate to that.

PM: Thank you. Anybody else Mr. Cipoletta?

JC: No, Mr. Chairman just at the end when we ask the Board to make those findings for fact and conclusions those 2 things where a variance may not be required we just may be asking for a section 6 finding on those 2 parking spaces on the front face of the building near the roadway and the visibility. We may not need to get to the level of a variance just a finding but I think we can do that when we sort of wrap.

PM: OK, closing that part of the hearing is there anybody that's in favor of this petition? Do you all want to speak or just show your hands? Anyone who wants to speak please stand up state your name and address.

Sandy Pellegrino, 15 Maple Rd: I'm President of Temple Tifereth Israel in Winthrop and have been for the past 8 years. I appreciate everybody stating here so late and willing to contribute to this. This has been a long process; we've done everything in our power to see to it that what we decide to do would be in the best interest of the people of Winthrop. Our members for many years have been active people in the Town of Winthrop and continue to do so while our numbers are smaller we still have a very active Jewish community. We have a growing Hebrew school and it is very important that the temple remain in the Town of Winthrop, it is our obligation to the Jewish people of Winthrop. That is our concern as far as the temple. We went through many processes thinking what can we do what's best we know we had to do something there was absolutely no way that we could maintain the building as it is now it's too massive and we can't do it and we can't afford it even if we had the people it's still out of our reach to afford to touch such a big building. So we went through many people coming with different projects and then we spoke with Mr. Berman for the Chelsea Jewish Project who came and spoke to us, we hemmed and we hawed, we weren't sure what we wanted to do we went over and saw the facility over in Chelsea. We know the people over in Chelsea this is not a fly by night organization. This is one of the best organizations that we could possibly work with, that the Town could work with, they're reliable, and they've been very up front with us all along the way. Truthfully this is our only way of surviving and we thought that this is one way of serving the citizens of the Town of Winthrop we know people that live in Winthrop and want to stay in Winthrop and this would certainly help them. Our temple has to be there and the most important thing is to keep temple there and I think it would improve the property around

there and I think it would add to the area than what it is now and time has run out and we can only go without keeping the building open so we're hoping that we can get something going as I say our interest is not only in the temple but as members of the Winthrop community and all the people that are here tonight and are all active members in the community in one way or another in all different areas so our concern in no way the community would have an adverse affect to the community. The way we think it would be nothing but positive all around, the town would get taxes, the area would be improved quite a bit and I know all that area they are trying to improve, Shore Dr and Shirley St they are trying to improve that. That's all I have to say I appreciate your consideration. Thank you.

PM: Thank you, anybody else?

Barbara Survilas, 139 Bowdoin St: I have a question for if I may for all the legal minds, many churches, The Roman Catholic church that I can refer to is a government of itself so perhaps that it may not come under meeting exemptions and variances I don't know if that holds true for the temple. You've heard me say this before and I'll say it again and again our jails are full and our churches and our synagogues are empty. We as a community really need to stand behind a project like this to keep a faith base that is able to worship. Statistically speaking throughout the country when your faith based are vibrant are up and running you have less crime so I'm here to implore you to keep this faith based going in this way and also benefit our seniors. The attorney said that our people and our shorelines are our assets but our seniors have also been our assets historically in the Town of Winthrop so I'm just going to ask you as a friend of the temple to consider the positive impact that this would have on the community and we have seen the congregational church close we've seen the Baptist church go through many transitions and lets give respect and keep our Jewish community vibrant and I say that as a Roman Catholic.

PM: Anybody else wishing to speak in favor? State your name for the record please?

Amy Yorra, 524 Governors Dr: In looking at this as a member of the temple its not only being able to continue with the temple but to have a facility which would beneficial to both my husband and myself as housing and knowing if needed there is a package available but also knowing that we would able to continue living in Winthrop we've been here 10 years and have fallen in love with this community and want to continue living here and I think this would be benefit for everyone if it was approved tonight.

PM: Thank you, anybody else in favor that wants to speak? Your name sir and where do you reside?

George Kaiser, 23 Mermaid Ave: This will be the only building ever to be erected in this town that didn't affect the school system.

Scott Maibor, 18 Faun Bar Ave: My son attends Hebrew school and I was barmitzvah'd there and long member of the town as well as I work with the Chelsea Jewish Foundation they are a client of mine and if you look at any of

their facilities and really what I want to say is just is in favor of what they do in a community, their facilities they're cutting edge in terms of care for the elderly and working with them would be an asset for the Town and its ____.

PM: Thank you anybody else? Hearing none. Closing that part of the hearing is there anybody not in favor of this petition? I'll take them one at a time starting over here state your name for the record please.

Carol Facella, 248 Shirley St: I'm here tonight because the group of neighbors that just raised their hand asked me to speak on their behalf and present their concerns, which are different that the concerns you've heard on the other side. We have been neighbors to the temple in my own family for 85 years so it's been generational owning this house. We have been good neighbor and the temple and us and the neighborhood have coexisted in a very fine fashion. The neighbor to my left has been there for 42 years, the neighbor to my right has been there 21 years, and the neighbor behind me has been there 25 years. This is a stable family neighborhood and we've coexisted well and we want to continue to co exist with the temple. We like it and we want it. About the seniors, who would be against a senior citizen? I lived with my father until he died last year at 94. I cared for him I know every issue about seniors, the services and the needs that they have and I am in favor of seniors and I don't think we'd find anyone here that is opposed to the seniors. However I also care deeply about this neighborhood and these residents in that neighborhood and the quality of life that they are entitled to and deserve in this coexistence. The neighborhood may be seen by many of you on Maple St and Faun Bar and other sections of the town who don't live here many speak who spoke tonight do not live in this neighborhood. However when you look at the neighborhood many people would think its undesirable and they are partly correct we have suffered many problems in this neighborhood. We have flooding, we have dense population we have lack of parking and we have other issues to come with a lower income area. However that does not entitled us to bear additional burdens within this community these burdens will only add to the ones that we have and that seems unreasonable and unfair. Regarding SDOD we heard Mr. Cipoletta speak we know that SDOD has been accepted in this community and they have fine rules and regulations not only the requirements that I will address in a moment but they also have very clearly said that they encourage development and the neighborhood encourages this development but they also clearly state that this should be compatible and harmonious with the neighborhood. There are references repeatedly in the documents in front of you that say there will be no detrimental effects to the neighborhood and that it's harmonious and beneficial. We who are directly impacted do not agree with that statement we see the impact and how detriment and lack of beneficial that would be to all of us. I want to clarify two points of this project which I am not sure that is fully understood, one is this is a mixed income, this is not assisted living, it is independent living, it is not low income, it is mixed. It is private enterprise and housing this is not public housing that is an important point to keep in mind this

could be any other apartment building in Winthrop. They may offer senior services but I got them for my father. Any senior that lives in a private apartment can get service. This is an independent private project it is not public housing. The second point that I want to clarify is the tax base. We're making lots of assumptions about lots of taxes, went we first started this project; the reality is that there is tax protection because they are taking public monies. That means that we're going to be lucky to see \$25 – 30,000 derived from 43 units. That's not much money, that equivalent to 5-7 houses on average. So we're dealing with a huge complex that's bringing in relatively speaking very little money. So I want to clarify that we have the facts of those points. We have as a community as you have in front the Board, different documents and we have reviewed the request for variances the plan for projects and the BI report so the facts are clearly delineated there. The conclusions seems obvious from reviewing these document is the scale of this project is too large for this neighborhood. It doesn't mean that we oppose development but we oppose the scale of the project. You may ask how do I know this? The evidence is in front of you. The evidence is has to do with 6-7 variances that are being requested for this project. We're not asking for 1 or 2 exceptions there are 6 or 7 variances being requested. That tells me that we are violating the SDOD and we are violating the towns zoning laws that exist. Everything from the height of the building, to the density of the units, to the set back to the landscaping, to the trash dumpsters they are all variances addressing this project. Every major issue is requesting a variance that is beyond what seems reasonable from our perspective as neighbors. I would like briefly to address these variances and if you have a copy of this you can look at number 11 numbers 1-6 and these are the requested variances. The law of SDOD talks about them and I want to clarify this is residential it is not business. The first point on density there's suppose to be one unit per 1800 square feet that would I believe if my calculations are correct and I stand corrected if I'm wrong I thought I saw somewhere that that would be about 22 approved units. They're asking for double in 43 and that is not in keeping with the conformity of this law. The 2nd requirement is building height the residential it was mentioned on the SDOD it was 35 feet. The project as we saw it was 45 ft I would accept as truth that they brought it down to 43 its still in excess of the height requirement and its 4 stories high. That's only to the roofline and we're still dealing with all the equipment on top of the roof all the mechanical equipment of air conditions and heat brings the height ever higher. The 3rd point about traffic visability the driveway does not conform to the requirements and there's a reason to that. The traffic and safety visability were not going to have the same visability that is required. The 4th is the parking the extra parking spaces are probably not a big issue this is some compromise probably but the major thing is the parking for the residents. According to the SDOD they are supposed to have 1.5 parking spaces for every human. They are suppose to have parking for the congregation they are suppose to have 1 space for every 5 units additional; parking to

accommodate guests and visitors and they are suppose to have parking for the staff as well as caretakers that are coming over. There's a lot of people coming and going from that building and I think that is a huge assumption that is erroneous and I wont ask for a show of hands of how many of you expect to stop driving at 62? How many don't own cars at 62? Winthrop is a senior town we all have relatives that drive until 90 and we all know this. If we don't have friends and their are our relatives and we cannot assume that these people will not have cars and to have lack of parking that's going to impact this neighborhood severely is unacceptable and this is not even to discuss snow emergency. Veterans Rd. is the only relief for this entire community when there is a snow emergency and Mr. Cipoletta's letter for variance he acknowledges it his that letter that many of those houses in that neighborhood do not have off street parking and this is true so they have to park on the street so what do we do with these people living in these houses is it fair to displace them because we have a passion to talk about the temple and the residents the seniors? Yes we like the residents and seniors but we also like our neighbors we also want to protect our neighbors in this community. That was number 4, number 5 addresses minimum off street parking, right now they're proposing 55 -57 spots if we look at Mr. Soper's assessment and I agree with Mr. Cipoletta it was an excellent analysis for that neighborhood and the variances and he proposed that we should have at least parking spots and they only have 55-57 its not enough. Is it a hardship to the neighbors? You bet. And to presume in these documents that theses are not hardships to all of us is erroneous and lots of statements its beneficial, its harmonious, its compatible just not from our perspective and I can appreciate the other side but that's not our concern it's the neighbors. There are a couple of other concerns that are not listed in the variance which Jim Soper rose in his letter he talked issue of flooding. We have a flooding problem now I've talked to the architect and I've listened to Mr. Ennis and I believe that they are going to accommodate regarding that flood zone but its still scary for us and our property values about flooding. Will my property be worthless after this because now I'm impacted about possible flooding? Landscaping and open spaces it looks good here but Mr. Soper said that are expected to have open space 20% requirement is needed and its not verified in the documents that are provided. So we are taking on good faith that they meeting that requirement but there is no proof of that. Mr. Soper went onto say that lacking the sufficient detail in these plan that on the east side of that property which is Shirley St. we will not have sufficient trees fences or other buffer between the neighborhood and that property. This seems inadequate. There will be an adverse effect on all the neighborhood. Mr. Soper also addressed trash they have out door trash storage. Mr. Soper clearly said that it does not meet the requirements of distance from the street and there is a southeast wind blowing through and the trash will be dispersed and the odor will fill that community. Trash outdoor in a modern new building is unacceptable that should be indoors like other property have if they are new development. You can site old properties we know we've had past

violations. And lastly the driveway, the entrances and exits to the driveway issues of visibility and appropriate setbacks. The scale of the building is too big, if we cut back the scale some of these issues will disappear. The laws of our town and SDOD and the laws to respect our community there is a reason that these requirements exist, to protect the town its citizens the quality of life that we have come to expect in our community. These laws protect us from over development and preserve the quality in our neighborhoods. If we start to ignore these laws and make for all these exceptions, what is that quality of life and what does it mean to protect the citizens not only on Shirley St. and that surrounding neighborhood it impacts the entire community about the quality in other sections of our town. The purpose of these laws is to set standards to honor those standards. Are there exceptions? Yes. Occasional exceptions a few exceptions yes but not on every single point. Private citizens like myself and my neighbors should not have to stand here argue point for point, about what has already been decided in the rules and regulations especially when those variance are going to be negatively impact of detrimental to our community. We request to the board sitting here to uphold to the laws established and to protect the citizens when to the detriment and our quality of life within that community. If these laws are not upheld and we are going to end up with a situation and this may be a sore point for some but I'm going to say it the situation on Pleasant St in which that was too big for that neighborhood people driving by that building every day say its an eyesore because its out of proportion to that neighborhood. We don't want that happening to our neighborhood because it's our homes and our people. We request that this board take these concerns seriously and review each and every variance that's been proposed because there were erroneous assumptions listed next to that variances the erroneous assumption that 62 year olds and above don't drive its just not based in fact. There was an article in the Globe this past week that talks about living well and not only living but working well in their 70's so we don't have these frail decrepit 62 year olds it's just not accurate. Its frequently references that the documents that its not detrimental and I'm not just underscoring but the seem to be detrimental. We understand the motivation of the other side we can appreciate that the temple wants a new temple we can appreciate that the private developer wants an economically viable project. Mr. Ennis spoke to that it be an economical viable project but it cannot be that business is profiting over the backs of the residents in that community. Our job and this job of the Board is not to make sure that this is a profitable business its to ensure that there is quality of life with our citizen. We cannot bear the cost of this project as it is proposed now. I don't believe and my neighbors who have concurred this project nor the variance should be approved as they are proposed. Modifications need to reflect the concerns of our neighborhood and need to draw back the scale of this project in order to satisfy so we can continuously live harmoniously in neighborhood be in peace and co-exist with the temple and my father who lived at this property can habit for 85 years, you're calling it an old temple, I saw it when it was a new temple, it

didn't exist in that neighborhood, we were there before the temple was there and many of my neighbor were so I just ask a humble request that this Board please do not dismiss the concerns of our community. Thank you very much.

PM: Anybody who wishes to be heard?

Mike LaRossi, 204 Shirley St.: She said it eloquently so the only that I wanted mentioned was the straight issue of parking it seems like that people with smaller projects putting 2 family or 3 families I heard that you cant do it because you don't the parking and I know people that have been refused because of parking and I'm talking a couple of cars difference here we are talking 30 or more cars spaces and to me its just a straight issue of parking and beyond everything else she said and if we're going to hold smaller projects to parking regulations how can we bypass the large project that is going to possibly put 30 – 40 more cars than should be there. That's my statement.

PM: Thank you. Anybody else not in favor? Yes sir?

Omar Bandar, 232 Shirley St.: I wish there was a middle category to vote certain parts to it but taking err to the side of caution on the opposing stance we agree with the concerns of what Carolyn said were very well spoken, parking, green space, dumpster, __ and height. My wife and I bought our house in August this was our first home we had a nice picnic on our front yard even though the weather was not ideal for it. We have a partially finished basement. The notion or idea or concerning fear of having __ taking away our parking and basement, dumpster odor wafting over our front yard having the sun obstructed by a higher building and I know these things are currently concerning to me and I'm relatively new to this process but in the experience that I've had in similar cases __ there were representatives from the parking, the assessors office, urban development, in addition to __ authority (rest is in audible)_____.

PM: OK, thank you, anybody else not in favor? Yes ma'me?

Nina Watkins, 238 Shirley St.: I just want to go on record on saying this whole thing has gotten to be us against them and that's not how we're looking at this.. We welcome the improvements to the neighborhood, we really do. We just feel with what they proposed its too large, if they can go and modify and come to a happy medium and fit into the community as opposed to looming over the community I think what Carol say a lot of these issues would disappear if the bring down the scale, the height of the building, the number of units you take away some of the parking issues some of these things will automatically go away but unless they are willing to work then this project does absolutely not fir into this neighborhood. It is much too large.

PM: Thank you, anyone else? Closing that part of the hearing I'll entertain questions from the Board. I'm looking at the clock its 9:30 and I think theres is going to be several questions from the Board and things they want to look at ans digest this matter this is the first time that this was presented to us. Iread the packet and I know the site down there and I'm looking at this and I would like to say we'll continue on for another 15-20 minutes and then possible continue this

on to the next meeting. Let's continue and hear some questions from the Board and then we'll entertain a motion to continue this. We'll move forward.

JR: If we're not going to finish tonight I'd like to make a motion to table this till our last meeting now.

PM: Ok, do you have questions for the?

ID: I have one question for the engineer that would help me to evaluate, even though I'm not voting on it, it would still help. I know the property zoned for it but would there actually be more potential flooding in the neighborhood with this layout than already exists? It seems pretty impervious now.

KE: Right, actually what we're telling you as far as flooding is elevations of the site being changed to essentially we don't want to displace. The site is going to flood its within a flood plan elevation essentially what we need to do in engineering in the new site is make sure we're not displacing more water so we need to do an evaluation during the site plan process and should also review that to make sure that we're not taking away any flood ____ the site current has now so we'll have to do a balance of cut & fill out there to make sure we're not displacing any of the water and that would be submitted to the Planning Board and Conservation Commission. We'll have to include flow through foundation to make sure there is not any habitable space obviously below that elevation.

PM: And you've gone to Conservation? Have you made application to them yet?

KE: Yes, we have not. We've been before informally them to talk about the project and the rotations of the project and what they expect.

PM: So there's no hearing set up for hem yet?

KE: Not yet.

PM: How about the Planning Board?

KE: Not yet.

DE: Well, we've met with them twice.

KE: Oh right you've met with them already.

DE: We've had to meetings with the Planning Board.

PM: With the Planning Board, just informal?

JC: If I could just say I think this is probably the first SDOD that involved both the Planning Board and the BOS so just to clarify the process the Planning Board gets to review and have jurisdiction over the final plan approval so the plan however it is when it leaves here gets submitted to the Planning Board. They can approve it , they can order it modified or they can reject it. But all of those or most of those issues other than the Con. Comm. issues and the Flood Plain issues are going to be taken up by the Winthrop Planning Board. Mr. Soper's letter page 12 paragraph 1 does set up this is a Business A district and we understand that this project is very close to residential uses but the project as proposed is much less intensive as a business or a commercial that can done as a matter of right. Although every project brings with it a concern of whether or not your going to over burden the school system with the expenditures that are going to come along with it and whether or not it's going to increase the tax revenue to the town. Right now you're getting zero if you want every project

viewed as a revenue enhancement you should probably say no to all of this and have someone build a commercial project there and get built out at that rate but that's not what they to do so right now I don't know what the project is going to pay in taxes but it's going to be a hundred percent more than what you got right now which is nothing and albeit it's not going to be as much as if they had built a business or commercial enterprise on the property we're not asking for relief of setback, we're not asking for relief for landscaping, those landscape issues are going to be taken up with the Planning Board and my experience with the Planning Board and the other SDOD projects that I have done is what you come in with a landscape proposal or plan is generally not what you leave with. In terms of screening and types of plants and so on 'cause that's all and if the input that DPW also wants to know when you plow the lot where do you put the snow and that's something that the Planning Board is going to take up. They're also going to take up where the dumpster is going to go, its proposed to maybe be in positions A but by the time they get to modified plans it could be in position X, so this is not the final step, this is an intermediate step the real big happening comes when the plan is submitted for final approval to the Winthrop Planning Board and they have wide discretion and authority of what they can do to that plan. I know from the other ones that we've been involved in that they get down into the minutiae of snow retention areas, fire department turning radius and all of that is really not something that the BOA luckily has to deal with. Off street parking, that is a matter for the Planning Board if we don't meet the parking requirements and Jim Soper says that we don't that is a relief that is granted by the Planning board and the SDOD and not by the BOA. Everyone knows that that area down there is subject to flooding CON. COMM. is very aggressive and writing their orders of conditions how project's are built and they will have a very detailed look at it. There was a mention as well of a neighborhood impact study we don't necessarily and it's a good idea what's happened over the last 4 or 5 years is that the town managers and town council presidents have been moving towards something of that nature but the closest thing we have is a site plan review committee and this project has been vetted by the site plan review committee and they have submitted their report. The report is probably in the file and Mr. Soper's 3 page zoning analysis is a very good distillation of what shows in the site plan review report so that is the impact and site plan review committee is comprised of all of the dep't heads, the public safety chief's, the town manager, and the designated representatives, the towns professional staff so they have vetted the project and the report speaks for itself and finally again this is not the last stop, we need to come here to address those 2 issues the height and the position of the parking in the front yard of those spaces in order to get relief for and to put that on the plan that we give to the Planning Board and have them look at the entire project of both as a whole and with respect to its component parts. So this is not the end of the issues.

BB: I would like a quick question, there is a small temple down Shirley St. is that any affiliation with them?

SP: They're not in existence any longer.

JR: I have a question, that temple don't they own that corner lot also across the street? Maybe you should color that in for parking over there too?

PM: Have you addressed that how many cars can get in that lot?

DE: Yes, it's a 7 spot lot.

PM: It's that adjacent lot?

DE: Yes

PM: Was that figured in the total number of parking?

DE: Yes it is.

PM: Atty. Cipoletta I have questions, are there other lots around the are that you've looked at for parking that you looked at to obtain to relieve the parking?

JC: You mean private lots?

PM: Yes I assume that at one time was a house lot possibly that was maybe purchased for parking?

DE: The one across Hadassah Way?

PM: Yes. Have you looked at where parking is going to come up as an issue? One of the items that I looked at here, have you looked into other areas of parking here where the BI said in his analysis that you need 80 parking space you're bringing it down to 57?

JC: I just want to clarify that the number of parking spaces is going to be determined by the Planning Board.

PM: Right, I'm just bringing it up here.

DE: In terms of the parking we have a lot of experience with elder housing and in many municipalities around Winthrop the parking requirements is .5 not 1.5 so in this case for the housing component we'd need 22 spots and then the spots for the temple so we're well above that. We've done a number of elder housing projects and what happens it the parking ends up empty. In the interest dealing with community concerns we've not looked at it but we are pen to see is there are spots that can lease if necessary.

PM: Maybe what would help in looking at this and the several developments that you've done do an analysis and say how many units we've got and how many parking spaces we have and what the occupancy rate of those is on an average day and that would be a basis in the interest of moving forward.

DE: We'll do that for you.

JC: And the team had also begun to do when we addressed with regards to the Atlantis Marina and some of the Yacht clubs about parking per boats, Winthrop has 1 to 1, which is totally unworkable. David and his team are looking around at different towns to see what their requirements would be for projects like this.

TM: I would say that even Winthrop itself acknowledges says that you have a requirements having 1 space per unit for publicly assisted elder housing and this is elder housing and it's public but we're not sure what the intent was but there is some acknowledge in Winthrop itself that there are fewer requirements for

elder housing and for those of lower income. So we can provide something to you but there is certainly precedent.

PM: The green space issue was raised at the hearing question and I think I saw the requirement is 20% I think you're up to 30?

TM: We actually don't need 30.

PM: I have a reading on that and that's what it came out to be. Height wise comparing your building with the apartment building next door you're apartment building is 4 stories high.

DE: Right the one that's next door has a below grade level.

PM: Or practically below grade to get the 4 stories? So what is the height of that building?

DE: 36 feet.

PM: 36 feet?

CB: It's 35 feet right at the perimeter that closest to there and if you move out 6 or 7 feet it drops down another 2 ½ feet or so but it's a 35 foot tall structure is what they were trying to build.

PM: OK. How'd you come up with the 43 units? I know you have a formula and go through it and support it. What brought you to that point?

DE: It's basically driven by economics. We've agreed to lease the site from the temple for a certain sum of money so that's our acquisition cost and we know what we can get from public sources for funding and we know what our operating budgets will be and if we have a lower number of units then our costs per unit so it becomes cost prohibitive. We're trying to build the lowest number we can to make the thing operational.

PM: So you're backing into the density issue by saying you need 43 and dividing it out ____

DE: Yes. It also helps to build a better program in terms of providing services. You need a certain number of people to do that. And because it is elderly and there aren't children we think and understand the issue of density and the neighbors but we think it's a pretty benign use in terms of activity, noise and those kinds of things.

JC: Your acquisitions costs include building the new temple.

DE: Right we're paying the temple for the right to build on the site adjacent to them so that's our acquisitions costs.

PM: Are you leasing the land from them?

DE: It's a long-term lease.

TM: They won't sell it. It's 99 years.

DE: 99 years they'll own it but we'll have it for 99 years.

PM: When you get going will you be paying them a monthly fee?

DE: No we going to pay up front and they are going to use our up front lease payment to build a new temple so it's all tied together.

PM: Will the project all be built at once? One contractor out to build both buildings?

DE: Yes. They'll be 2 contracts, hopefully 1 contractor because we are doing one set of financing and they're doing another set.

PM: So it could be 2 contractors on the site?

DE: I think we are going to work together to simplify it.

TM: We don't envision 2 contractors; we envision 1 contractor one contract period for about a year from start to finish for both projects.

PM: But you'll have to separate.

DE: Legally there'll be 2 contracts because you can't use public financing to construct a temple.

PM: You talked about materials you'll use on your elevation, can talk about that a little bit?

CB: We are fully expecting a design review by the Planning Board so what's your seeing here is what we've use for a preliminary design and preliminary pricing. It's envisioned to be a wood framed building, its siding materials which are shown here are panels probably metal all wood windows clapboards that are cementious clapboards.

PM: Any brick on the building?

CB: Not as imagined yet. And then other areas that show the panel construction those would be cementious panels with metal fasting on them. We'll have balconies on the building but we haven't really started detailed designed development we want to get feedback from the Planning Board before we dig into deep.

TM: One of the other things that add to the construction cost are the soil that your geo-temperate report has been done that the soils under that are not very stable so we have to Geo-piers or piles so that adds a significant cost.

DE: I think it will be piles so it economizes pretty significantly by having a smaller foot.

PM: How deep are the piles?

DE: We don't know yet probably under 30-40 feet, probably wooden piles not sure yet we have a geo-technical report but we haven't really engaged the engineering beyond their civil engineer.

PM: On the elevation they're the light gray?

DE: Up top? That's a cementations panel.

PM: What's' in that?

DE: It's all occupied space. It's units all the way up.

PM: Where's your 40-foot height?

DE: That's a mechanical penthouse stair, it's the top of the stair, its not designed yet but I would imagine it would be another 9 feet or so.

PM: Where is your 45 foot on the elevation?

DE: We think it's going to be 43 feet and then it's going to be right up to the top of the roof structure and were required to have decorative parapet.

PM: There will be a parapet on there? Above the 43 feet?

DE: Were looking at 43 feet to the top of the structure.

DF: What's the mechanical system do you use?

DE: We don't really know at this point we haven't retained any engineers at this site.

TM: The concept is individually each unit will have a side pack unit in each. Kind of a sky pack unit.

DF: (inaudible question)?

DE: Each unit has its individually own heating and air-conditioning unit so the tenant can control its own.

DF: Where is that on the elevation - where is that shown?

DE: It's not shown.

DF: Fast-forward that building built I would see through __ through all that.

DE: You could very well see louvers. We may do heat pumps too though we really haven't designed the heating system yet.

BB: What's you're feeling on towers once that built you'll have Comcast after you Verizon after you.

TM: We don't envision having cell towers on top of our building.

PM: Anything else from the Board?

FG: How high to you expect the parapet to be?

CB: About 2 ½ feet.

DF: EPDM or TPO?

DE: TPO probably.

PM: Mr. Rich do you have anything else?

JR: What's the height of the new temple?

CB: It's un-designed, the existing temple is 27 feet and we weren't imagining going any taller than the existing temple.

CB: 27 is the top of the flight arch. Actually that's an older sketch.

PM: Can you show me how the new sketch 31 feet 6?

TM: That sketch is actually mistakenly included were proposing more of this type of design now that we've gotten further along with the temple.

PM: There's a summary here for the board were looking for the variance for the height for the density Atty. Cipoletta said that the parking would be dealt with by the Planning board and I agree with it's not an issue or an item that would be taken up here. The other concerns that I have that were some concerns that were registered from the audience as far as the questions that they had brought up Atty. Cipoletta had addressed some of them I think some of them have a lot of merit and should be looked at and addressed by the developer and come back and look at some of this and I'd like to be able to have them come back and look at a response on some of this on questions that were raised the questions by the neighborhood and before we move forward so I'd like to continue this on Feb 23rd. I'd likes to entertain a motion for that.

MOTION - (JOHN RICH): I make a motion to continue this to February 23rd

SECOND: (FRED GUTIERREZ)

VOTED: ALL IN FAVOR

PM: We'll continue it to February 23rd Atty. Cipoletta if we can address the issues that were brought up.

JC: I think I can notice it but I'll check with Joanne. Thank you.

MOTION:(FRED GUTIERREZ) -To accept the meeting minutes of January 26, 2012.

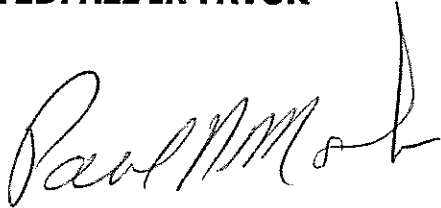
SECOND: (BRIAN BEATTIE)

VOTED: ALL IN FAVOR

MOTION: (BRIAN BEATTIE) - To adjourn at 9:58 pm.

SECONDED: (FRED GUTIERREZ)

VOTED: ALL IN FAVOR

A handwritten signature in cursive script, appearing to read "Paul M. Mohr".

2-23-12