



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

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Held on Thursday, January 31, 2013
Town Hall – Museum Room, Winthrop Public Library
WINTHROP, MA 02152

Chairman Brian Beattie called the public meeting of the Board of Appeals to order at approximately 7:00 p.m. In attendance at the hearing were the following Board Members: Fred Gutierrez, Irene Dwyer, John Rich, Darren Baird, and Joanne M. DeMato.

Absent: David Ferreira, Member due to work commitment.

The following matter was heard:

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

1.	Case No.	Applicant	Address	Type of Appeal	Voting Members
2.	#001-2013	Alexander L. Cohen	37 Trident Ave.	Variance – Chapter 17.16.020 General Regulations	BB/FG/ID
3.	Approval of meeting minutes				
4.	Adjournment				

#001-2013 – 37 Trident Ave., Alexander L. Cohen

In Attendance: Alexander L. Cohen, owner and Diego Rivera, Contractor

Sitting: BB/FG/ID

BB: Please fill us in and tell us what you're trying to do?

AC: There currently is a third floor that is enclosed, a second floor porch and our intention is to enclose the second floor porch area that is beneath the 3rd fl enclosure to make a living space. In the proposed plans from our civil engineer give a visual demonstration of what we were going to do. The 2nd fl porch area currently is just a porch and this exhibit has two bedrooms that would come out to nothing over that what is currently underneath the third floor. There shouldn't be no further extension of what the current building is at this point there not extending it any further to the street. In addition to that we'll also put some microlams to re-support this structure underneath to satisfy the weight capacity of the new completion of that addition. We have that available to view.

FG: Are these steel ___?

DR: No those are temporary brackets just until we can reconfigure whether or not this is going to be feasible and if this is not obviously a new deck we what would be adjusting in to that new space.

FG: Do you know the elevations in the front?

DR: No.

AC: What we are trying to do is match what's currently on the third floor so the windows set up on the third floor we try to match that and on the left we would obviously put a window and on the right hand side we would have a window. So it would conform to what is already on the third floor. Nothing extravagant.

BB: That's pretty much ripped apart right now. isn't it?

DR: Right now, yes. Right now its pretty much held up into it is structural form.

AC: There were some issues that needed to be addressed in that respect and in that wood area there was some rot.

DR: The tops and bottoms of the columns were basically rotted out so based on the drawings that I initially brought to the Inspector he said it needed to get supported immediately because that was obviously something that wasn't secure so that's why we had the brackets fabricated and installed the brackets and now we are basically re-supporting the entire front house because it was basically 2x4 bridge construction and definitely not enough to support the third story look.

BB: Anybody in support of this petition?

Richard Sweet, 31 Trident Ave: I am here in place of my father who is in Florida.

BB: You're in favor of the construction?

RS: Yes.

Alicia Sweet: I am also in favor. Thank you.

BB: Do we have any questions from the Board?

FG: Do you know the history of the foundation in supporting the existing ____?

AC: We do, the Inspector actually wanted us to dig down to the supporting columns the concrete columns that support the actual structure that works its way up to the 3rd floor then he requested that we dig down 4 feet which we will do and measure that out and provide demonstration to that to satisfy him.

FG: Is there evidence that the building was always enclosed on the 3rd floor?

AC: I dig pull the (ticket) folder and looked through it all the way back to the 1800's and there is no indication there was a permit pulled for an addition.

BB: It's in the Building Jacket it was a porch there.

AC: It was a porch?

BB: There was never a permit pulled to enclose it.

AC: I couldn't find it in the jacket.

JD: I'm sorry to interrupt could you ask if anyone is opposition for the record?

BB: I thought I did.

JD: You said in favor.

BB: Is there anyone in opposition? Hearing none.

JD: Ok so you pulled the ticket?

AC: Yes the jacket and I couldn't find any evidence that there was ever a permit pulled for an enclosure or there was a picture of the original home so I wasn't able to identify if that was original porch or not I'm not sure. I don't know when that was enclosed. I purchased the property in that condition.

FG: In your application you state the nature of your appeal is to enclose the second floor porch and condo proposal you need for approval. Id like to clarify are you looking for a variance on the setback?

DR: We are looking for a variance on the setback.

AC: Actually I did kind of have some questions in regards to that on that given some information on the condo approval process is and they told me that coming to this Board is not something that you guys do is that accurate?

DB: We don't have a bylaw for condo approval.

DR: That was the information that we were given.

ID: The variance is existing, the nature of the variance is existing you're talking about the footprint of the building is not going to change, its increase a nonconforming use because you've got a smaller set back than what we are requiring today.

DR: Correct.

FG: This is currently a two family?

AC: A three family.

FG: Can you identify the three different units?

AC: This a better part of that plan, here you are going to have the basement and this would be the first floor, this is going to be the proposed second floor with the living expansion, and this is the third floor which is already currently bedrooms so this two bedrooms will sit beneath these two existing bedrooms.

FG: So each floor is a separate unit?

AC: Yes.

FG: And they have two stairs?

SC: Yes, sir. This is back stairs over here and here and in the front this first floor unit has its own entrance and the second and third floor share an entrance.

FG: Does it have a hard-wired smoke alarm system?

AC: It does.

FG: So if the fire alarm goes off on the third floor will?

AC: Yes we all wake up together.

BB: Any other questions? Irene?

ID: I'm just a little troubled by two things in the plan, the first is the living room is reduced to the size of a walk in closet but its also says that the final partition is to be located by the owner - I just question how we calculate that. For us to say alright go ahead as per plans the variance you are requiring isn't related to this plan particularly, this is really the footprint that is already there and I understand that the structural plans are going to be followed by the Building Dept. I'm just a little troubled by having the plan say that in essence you can put the walls wherever you want.

AC: To be honest where you mentioned that cutting down that living room space would be a small walk-in closet you actually see where the door hinge would be opening and I would more than likely have that brought back to that point

ID: I'm sorry I am not following? Which door hinge?

AC: Yes, I'd pulling that down to the very point where that door swings just because I don't want that living room to be that small. I think the engineer put it together in a hurry and I will follow through with that and I want the living room to be spacious and that bedroom and isn't in need to be of great size considering that the 14x10 bedroom over there is considered a master bedroom and the two bedrooms would be in essence smaller. The space quality isn't really set in stone but I would cut back a little further to have a bigger living room area.

DB: Isn't that more of a marketing issue than a BOA issue? Where they set that internal partition?

BB: The Building Dept. I would say, the Building Inspector.

DR: Just to make sure that the support and the structure is.

DB: If they put the partition here and they have a problem marketing the unit they're going to go back to the Building Commissioner to have it moved and we will never hear about it. Which is ok because we don't have to hear about it its just something to consider.

AC: Exactly and obviously we want to have the BC thumbs up.

DR: Every step of the process thus far I've been meeting with him to make sure that everything is right to what his expectations are.

BB: You'll be asking for a structural analysis on the door especially the front?

DR: He's driven by and he asked me about the footings, he wanted to know and be sure because that was one of his concerns he wanted to be sure if we were going to be putting all this additional weight and load carrying beams he wanted to make sure that it could be carried. So he did ask me to dig up the holes, I dug up the holes and he reviewed that.

FG: Are there currently 3 kitchens?

DR: Yes.

BB: John do you have any questions?

JR: You didn't put the closet location that is required.

AC: It's to be determined to make sure that the BI is satisfied.

JR: What so you have on the exterior currently?

AC: Vinyl siding.

JR: Are you going to match it?

DR: Yes.

JR: Are you doing any work to the first floor porch?

DR: We are.

JR: What are you going to do with that?

DR: New decking, new rails.

JR: What are you going to use for that?

DR: The decking will probably be like a trek decking the rails will probably be some kind of composite. The idea of it is that we want to be the pride of the neighborhood. Its near the beach and its something we definitely feel will make the neighborhood will look nicer.

AC: I think that Trident, historically that street hasn't been the best in Winthrop and there are condos on that street and I think that owner occupied condos have more pride in ownership and it can obviously increase the value in the neighborhood and improve the neighborhood as well.

BB: The people who buy them will live in them?

AC: Absolutely.

DB: So there will be no exposed pressure treated, that would be a condition.

DR: No, all the columns will be wrapped, everything underneath will have lattice, nice white trim.

JR: Do you live there?

AC: I do, yes sir.

BB: What you're looking for is actually 3.8?

DR: 3.8'- its 11.4' to the porch.

FG: So you're looking for a greater set back?

DR: The 3.8' number that we got was what the Inspector told us.

DB: I see what he's trying to say – Pre-existing lots – one and two family on lots ____of prior to 1982 shall be greater as follows, prior to 1955 (inaudible)....

FG: So there's a plus or minus here.

DB: Is the point in tenths of a foot or is it units of 12, if not then its 3.6

ID: It says 3.8 I think your right

DB: It says 3.6 – the 3.6 is a tenth not 6 inches.

DR: So the reality is actually less than what we are asking for?

DB: That is correct. Yes.

BB: So any other questions? What is the pleasure of the Board?

MOTION: (FRED GUTIERREZ) – To grant the variance for front yard relief of 3.6 feet with the allowing to conditions especially affecting this parcel but not affecting generally the zoning district, a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial or otherwise, to the Applicant; and such hardship is caused by the unique soil, shape, and topography of the Property; and the granting of the requested relief will not

result in an addition to the neighborhood that causes an excess of that particular use that could be detrimental to the character of the neighborhood. Conditions that we would like added are no exposed pressure treated wood on the exterior and the second condition is to use the same finished material as the others.

SECOND: (IRENE DWYER)

VOTED: ALL IN FAVOR

MOTION: (DARREN BAIRD) – To accept the minutes of November 29, 2012 as submitted.

SECOND: (BRIAN BEATTIE)

VOTED: ALL IN FAVOR

MOTION: (FRED GUTIERREZ) – To accept the minutes of December 6, 2012 as submitted.

SECOND: (BRIAN BEATTIE)

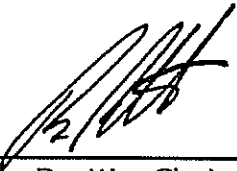
VOTED: ALL IN FAVOR

MOTION: (DARREN BAIRD) – To adjourn.

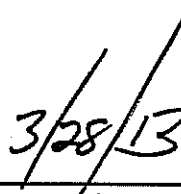
SECOND: (FRED GUTIERREZ)

VOTED: ALL IN FAVOR

Meeting adjourned: 7:32 p.m.



Brian Beattie, Chairman



Dated:

Respectfully submitted by: Joanne M. DeMato, Board of Appeals Clerk