



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

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Held on Thursday, November 7, 2013
Town Hall – Joseph Harvey Hearing Room
WINTHROP, MA 02152

TOWN CLERK
JOSEPH HARVEY

Chairman Brian Beattie called the public meeting of the Board of Appeals to order at approximately 7:10 p.m. In attendance at the hearing were the following Board Members: Fred Gutierrez, Irene Dwyer, Michael Power, and Joanne M. DeMato, BOA Clerk.

Absent: Darren Baird, Thomas Chiudina due to other commitments.

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.

	Case No.	Applicant	Address	Type of Appeal	Voting Members
1.	#015-2013	Brian Rich	69 Birch Rd.	Variance – General Regulations Section 17.16.020 (C) 1	FG/ID/MP
2.					
3.	Approval of meeting minutes				
Adjournment					

#015-2013 – Brian Rich, 69 Birch Road

In attendance: Brian Rich, Attorney James Cipoletta

Sitting: FG/ID/MP

BB: Recusing himself due to the fact that applicant is his neighbor.

FG: I would like to start the meeting by asking if anyone here is in support of this application. Hearing none, I would ask if there is anyone not in support of this application, hearing none, please continue.

JC: Thank you. I am counsel for Mr. Rich. Brian's plans have been updated by his architect in more detail. Right now this is a house in part of the town where some people have driveways some don't so parking is at a premium and what Brian has worked out on paper is one car off the street on Birch Rd. into a driveway on the right hand side of his house as its set up on the plan, it would be consistent with the area in sense of style and is a fairly well thought and laid out plan. Because of the restriction in our ordinance the BI was required to deny him the right to have a curb cut as part of the car would be parked in what would be essentially part of the front yard whereas generally the driveway would be on the side yard. The way that the house was built when Brian bought it there's some living space on that right hand side as to prevent that car from going all the way down. So his purpose is to obviously get a car off the street and create a more orderly traffic and pedestrian flow. Its not the usual front yard parking that you would see on the grass in front of the house, this is nicely laid out with a walkway on the right of the driveway and a existing walkway that goes up to the stairs and for all purposes that this meets the criteria for a variance and would be a vast improvement not only for Brian's property but for all the residents in the area. Thank you.

FG: Thank you any questions?

ID: One of your things says that in a snow emergency that this would take 2 cars off the street, how tight are we dealing with?

JC: It would be tight.

ID: So there would be no barriers between the driveway and the walkway?

JC: You could probably do it at a 45-degree angle.

MP: This is a single-family home correct?

JC: Yes, in fact a requirement of the zoning would necessitate us coming to get a zero so it would be more compliant.

FG: I'm not familiar with the grading in that area as you drive into the driveway do you go up or down or is it relatively flat?

JC: Flat.

ID: Its quite flat.

FG: Ok, the concerns I have are with garages and habitable space is elevations proximity to car to the livable space in front to be concerned with carbon monoxide.

ID: Assuming that there were more room on that side yard, the land then drops off behind the house so there is no place else, if you look at the photo you can see on the plans you can see that the windows are actually pretty high off the he's got a foundation is higher off the ground than many so you're not - the headlights of the car aren't right outside the window.

MP: How much space is in between - 3 feet between the exit of the driveway and the neighbor's right?

JC: Yes. Essentially that walkway would be 3.5 feet.

FG: A gate is shown there now is there a fence?

BR: There used to be hedges up and the gate went up to the edge of the fence and now it's by itself but coming down.

MP: There's a gate by itself is there hedges too?

BR: No the hedges have been removed.

MP: The only thing that really bothers me is the snow ban because you brought it up parking into the side facing the others people's property but other than that I don't care.

ID: I'm not following you.

MP: If you put 2 cars in that's the only other thing that is essentially defeating the law, which is to not park on your front lawn, otherwise it seems perfectly honest and straightforward to take a car off the road. It's such a minor point.

ID: We're approving a one car space and the dimension are 9x18 if the use were made or overburdened it would be room for penalty whatever the sanctions are but I personally don't see it as being done unless they are in the middle of a snow emergency.

MOTION: (IRENE DWYER) – I move that the relief sought be granted to with approval of the construction of a paved driveway and curb cut in the front yard at the property located 69 Birch Rd., in accordance with plans submitted along with the application to the Board of Appeals showing a paved area to the right side of 69 Birch Rd. front entrance finding that lack of parking in the entire area is very tight and taking even one car off the street is beneficial to the neighborhood and with regard to the specific property no other relief will be available because of the dimensions and the lay out of the lot.

SECOND: (MICHAEL POWER)

VOTED: ALL IN FAVOR

MOTION: (FRED GUTIERREZ) – To accept the minutes of the September 19, 2013 meeting.

SECOND: (IRENE DWYER)

VOTED: ALL APPROVED

MOTION: (FRED GUTIERREZ) – To accept the minutes of the September 26, 2013 meeting.

SECOND: (IRENE DWYER)

VOTED: ALL APPROVED

MOTION: (FRED GUTIERREZ) – To accept the 2014 Board meeting calendar.

SECOND: (IRENE DWYER)

VOTED: ALL APPROVED

MOTION: (BRIAN BEATTIE) – To adjourn meeting.

SECOND: (MICHAEL POWER)

VOTED: ALL APPROVED

MEETING ADJOURNED AT 7:25 P.M.



Brian Beattie, Chairman



Dated:

Respectfully submitted by: Joanne M. DeMato, Clerk