



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

Held on Thursday, April 3, 2014

Town Hall – Joseph Harvey Hearing Room
WINTHROP, MA 02152

RECEIVED

APR 28 A 9:18

TOWN CLERK

Chairman Brian Beattie called the public meeting of the Board of Appeals to order at approximately 7:05 p.m. In attendance at the hearing were the following Board Members: Darren Baird, Thomas Chiudina, Michael Power, and Joanne M. DeMato, BOA Clerk.

Absent: Fred Gutierrez and Irene Dwyer.

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.	#003-2014	Linda Brassard	550 Pleasant St. Unit 109	Special Permit Chapter 17.12.040 Restaurant Use in WF District	BB/MP/TC
2.					
3.	Old business or previous cases T/B/A				
4.	Approval of meeting minutes				
Adjournment					

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#003-2014 – Linda Brassard, 550 Pleasant St., #109

In Attendance: Linda Brassard, Attorney James Cipoletta

JC: The last time we were in front of the Board it was requested that we provide a layout of the seating plan that we provided. This one is the easiest to read and most comprehensive for a fairly small space and I think it's self-explanatory. If there are any questions we would be happy to answer them with regard to seating and we have signed an agreement with the Condo Association regarding the water and the insurance and its being handled privately and you can speak to the Condo Association about that.

MP: You are in agreement to the dumpster, the parking spaces that you are going to use that belong to unit 109 and you've agreed on deliveries and pest control, insurance, have you agreed on what your general line of business is?

JC: Yes. That's an open ended one.

MP: OK, is it your belief that your general line of business is not within the purview of this Board?

JC: At this time we are not seeking anything that would require a license or permit that would extend beyond a common victual's license.

MP: And then, so I'm clear, on the plans, the bottom of the page, is I'm assuming is Pleasant St. where the windows, and the doors will open up onto Pleasant St. refresh my memory, the room to the south facing corner, on this picture the upper left box, what is in that room?

LB: The upper left where there is a door? We are going to have another exit.

MP: So people are going to be able to go through there, to go into the building?

LB: No.

BB: Is there anybody that's in favor of this project?

David Kelston, 550 Pleasant St, #307: On behalf of the trustee of the Condo we have reached an agreement, the condition on insurance we have reached a private agreement on that, the only condition that we have not reached an agreement on is the items for sale and we would ask the Board to come down on this decision. On page 2 of the conditions we had the Condo conditions and the proposed language of the applicants and the condo proposed language.

BB: Is there anybody else that's in favor? Do we have anybody that's against this? With that part being closed, are there questions from the Board?

MP: All my questions have been answered.

BB: OK, Tom?

TC: So the total number of seats is 16 for the restaurant portion and we've come to an agreement on how many dedicated spaces there are for this establishment? Is it 3 or 4?

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JC: I believe there are 6 spaces that are dedicated and the rest that's outside are controls by the Marina and the Condo.

TC: So there are 6 and the Condo Assoc. agrees with that?

DK: We did check at the Registry and I'm only aware of 3 spaces that are deeded to this unit. This is a regular condo unit and no spaces go with the Condo documents, what was purchased or deeded.

JC: That may be correct and what they show when we talked about covered parking being assigned to the use for the Condo association it is not accessible, you drive into it a different way, this is covered parking although its open on at least 2 sides and the is general parking for both the Marina and over here. Is that right David?

DK: Most of the uncovered parking is for general use of the Marina and condo residents and residents within 1,000 yards of the – for various uses.

TC: The 3 that are designated to this unit are actually below in the private garages?

DK: No they are outside covered, as are others, I have one outside covered space and they go with those units.

Andrew Bausk, 550 Pleasant St, #402: I'm on the Board of the Marina as well, there is one, I don't know how they work the handicapped spaces, but there is where the restaurant will be located so I believe that goes with the restaurant as well.

MOTION: MICHAEL POWER: To grant a Special Permit for the establishment of a restaurant at 550 Pleasant St, Unit #109 in accordance with the revised plans submitted to the Board Thursday April 4m, 2014.

DB: A question, are there any conditions on that?

MP: No.

SECOND: (THOMAS CHIUDINA) – I would like to see the conditions that the Condo Association laid out.

DB: So you're moving to amend his first motion?

TC: Yes and those conditions laid out with regards to the dumpster location, the convenient sales prohibiting the sales of cigarettes & alcoholic beverages, conditional for the retail sale of those as long as the restaurant is in use and it's a mixed use, should they terminate the restaurant use those conditions should also be terminated.

DB: For clarification they have the right as a matter of zoning to use it as a retail store?

TC: Yes.

DB: As amended is there a second?

SECOND: MICHAEL POWER

VOTED: ALL IN FAVOR

DB: From a clarification standpoint as from Rules of Order that we have this right that vote was to approve the amendment now you have to go back and

approve the original motion as amended. Someone has to second his original motion as amended. You know have to second his motion as amended.

SECOND: THOMAS CHIUDINA

VOTED: ALL IN FAVOR

MOTION: (MICHAEL POWER) – To approve the minutes of the meeting held on February 27, 2014.

SECOND: (THOMAS CHIUDINA)


VOTED: ALL IN FAVOR

MOTION: (DARREN BAIRD) – To adjourn meeting.

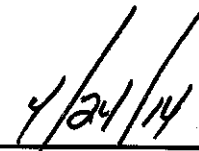
SECOND: (MICHAEL POWER)

VOTED: ALL IN FAVOR

MEETING ADJOURNED AT 7:23 PM



Brian Beattie, Chairman



Dated

Respectfully submitted by Joanne M. DeMato, Clerk