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2012 JAN 10 P 1:42

TOWN CLERK

Peter Roche, Chairman
David Proctor, Associate Member
John Crosby
Joe Dow
Vincent P. Zappulla
David Stasio, Esq.
Gina DiMento, Esq.
Robert Carroll
Tanji Daigneault, Secretary

TOWN OF WINTHROP
Planning Board

2012 JAN 10 P 1:41
Town Hall
One Metcalf Square
Winthrop, MA 02152

TOWN CLERK
WINTHROP, MA

Handwritten signatures and notes:
Dave A. Stasio
PA call
1/10/12
[Several other illegible signatures]

Planning Board Meeting
November 14, 2011
Harvey Hearing Room

Chairman Roche opened the meeting at 7:00 pm. In attendance were Planning Board Members Dave Proctor (Associate), John Crosby, David Stasio, Gina DiMento, Robert Carroll and Vincent Zappulla.

Chairman Roche opened the meeting by reviewing the agenda and requesting review and approval of minutes from the September 19th meeting of the Board. After discussion, motion to approve minutes of the September 19, 2011 meeting was offered by David Stasio and seconded by Vincent Zappulla. Motion approved by acclamation.

The next item on the agenda was a presentation by Sam Cleaves from the Metropolitan Area Planning Commission regarding the drafting and adoption of a Disaster Preparedness Plan for the Town of Winthrop. Mr. Cleaves indicated that the Plan is required as a prerequisite for applications to various state and federal emergency management and disaster preparedness activities, and that consultation with the general public (including Town Planning Board) is required part of that planning process. MAPC is midway through the planning process, and will return to the Planning Board with a final draft. Members of the Board expressed willingness to comment on drafts as they are prepared. The Chairman agreed to forward Mr. Cleaves the name and email address of all Board members and asked Mr. Cleaves to circulate drafts as they are completed.

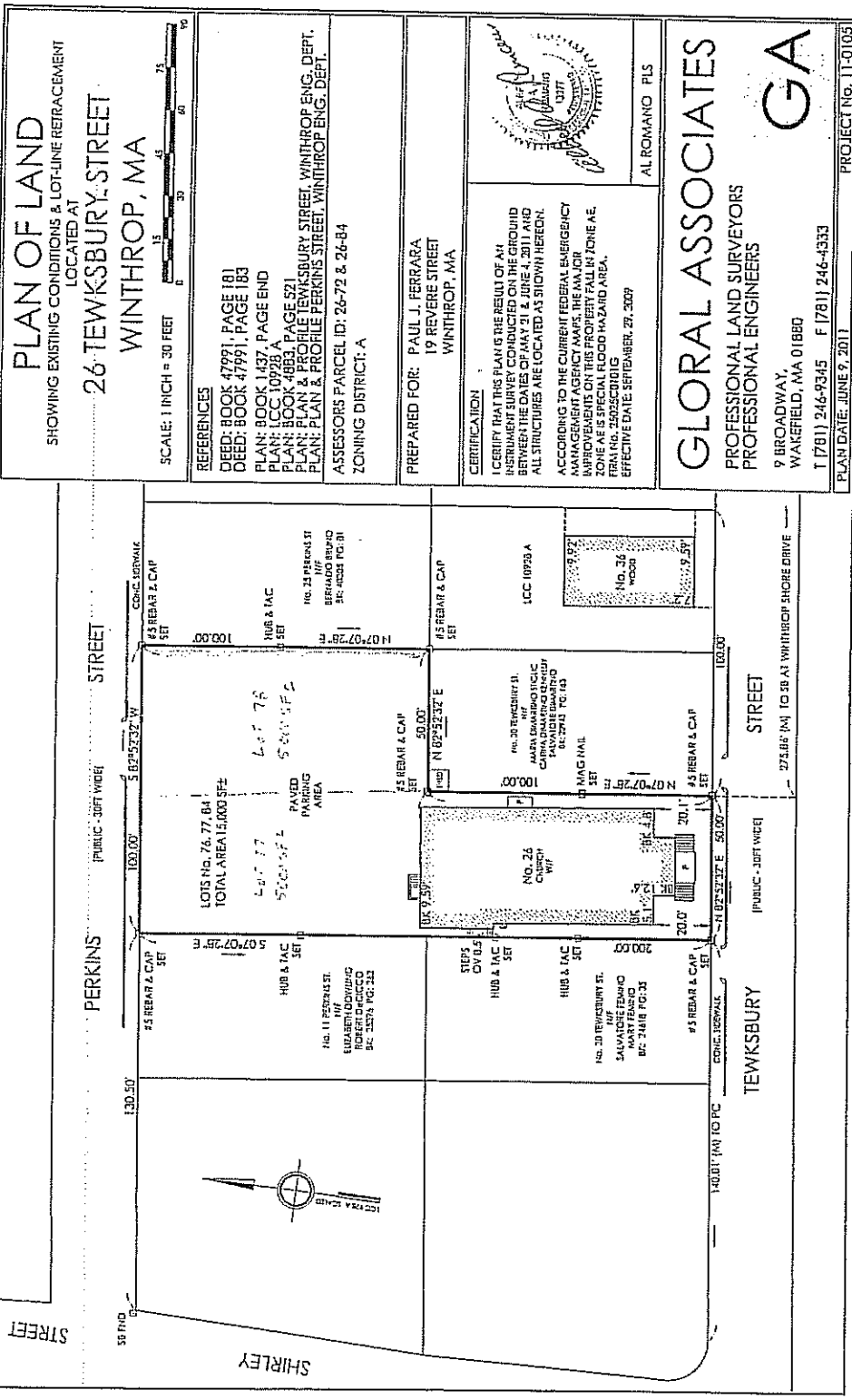
Chairman Roche next expressed his interest in having the Board adopt a set of general development principles to help guide future actions by the Board in response to land use development proposals. The Chari will invite the in coming Council President to attend a future meeting of the Board to discuss current and future activities of the Board.

With no further business before the Board, the meeting was adjourned at 8:00PM.

RECEIVED

Town of Winthrop Department of Planning 1 Metcalf Square Winthrop, MA 02153 Tel: (617) 846-1077 Fax: (617) 846-5458	<div style="text-align: center;"> Preliminary Subdivision Plan Application Form B </div> <div style="text-align: center;"> Received by Town Clerk: _____ Town Use Only _____ Date Stamped Received by Planning Board _____ </div> <div style="text-align: center; margin-top: 20px;"> Application Number _____ </div>
1	Location
No. 15-21 PERKINS STREET Parcel LOTS 76, 77 Map _____ PAUL FERRARA Owner(s): PJF, LLC SAME Applicant: PAUL FERRARA; PJF, LLC	
2	Zoning Information
Zoning District: Residence B (RB) Total Site Area (acres or sq.ft.): 10,000 SF. Frontage 100 linear feet Present Use: Vacant Property located in area Historic sig. <input type="checkbox"/> Yes NO WETLANDS NO Flood Plain? NO Is any zoning relief being requested? YES If Yes, please explain: MINIMUM LOT SIZE, MINIMUM FRONTAGE	
Is the property identified in the Open Space Plan? <input type="checkbox"/> Yes NO Does the property contain any former or abandoned railroad right-of-way? <input type="checkbox"/> Yes NO	

3	Proposed Project	
Provide	SUBDIVISION OF 10,000 SF TO CONSTRUCT TWO SINGLE FAMILY HOMES EACH ON 5000 SF LOT	
Total area to be subdivided (acres or s.f.): 10000 Area of all lots: 10000		
Will the project require the removal of soils from the site? o Yes NO		
If Yes, how many cubic yards and where is soil being relocated:		
In a general manner, describe the proposed system of drainage.		
Does the project affect: Important wildlife habitats and/or outstanding botanical features? <input type="checkbox"/> Yes NO		
A scenic site? o Yes NO Historic sites or buildings? <input type="checkbox"/> Yes NO		
Historic sites/buildings eligible or listed on the Federal/State Historic Register? a Yes NO		
Is the proposed work located within o 25 ft. or 01 00 ft. of a wetland and/or 0 200 ft. of a ocean, stream or river? NO		
4	Owner Certification	
The undersigned hereby certifies that he/she has read and examined this application and that the proposed project is accurately represented in the statements made in this application		
Owner(s):	<u>Paul Horan</u> (Signature)	Date: <u>11/29/11</u>
		Date:
		Date:
Applicant:	(Signature)	
The signature of the property owner(s) is required for the application to be accepted.		



From: "Tanji M. Daigneault" <tdaigneault@town.winthrop.ma.us>
Subject: FW: Re: WHS handicap ramp & EBNHC legal advice
Date: ThursdayDecember 8, 2011 9:55:23 AM EST
To: <planningboard@town.winthrop.ma.us>
Reply-To: tdaigneault@town.winthrop.ma.us

FYI

Tanji Daigneault
Administrative Secretary
Winthrop Town Hall
Winthrop, MA 02152
617-846-1077

— Original Message —

From: James Soper <jsoper@town.winthrop.ma.us>
To: James McKenna <jmckenna@town.winthrop.ma.us>
Cc: "Tanji M. Daigneault" <tdaigneault@town.winthrop.ma.us> , Elizabeth Lane <elane@k-plaw.com>
Date: Wednesday, December 7 2011 04:48 PM
Subject: Re: WHS handicap ramp & EBNHC legal advice

Jim,

I spoke with Attorney Lane (Betsy) yesterday regarding the issue of substantive modification of the EBNHC site plan and use. Betsy concurs that EBNHC has made a substantive change in the project by modifying its originally approved plan of new construction, slab on grade, 9200 sf Health Care facility to; reuse of the existing 11000sf structure with Health Care and retail use. Betsy also concurs that such a modification would require ZBA and Planning Boards to hold a hearings with proper public notice.

Betsy advised me to go over the plans for the revised project carefully to determine if there is a need for any additional variances connected with the proposed modifications (especially parking).

I received an e-mail and a phone call from Attorney Richard Lynds on this issue today. He requested that I accept only the minutes of the Planning Boards hearing on the modifications along with the Boards prior decision on the 9200 sf new construction as a valid Special Permit. I told him that acting on the advise of the Town Attorney I was requesting that hearings (ZBA & Planning) be held after proper notice to discuss the substantive modifications. As you can imagine he was not pleased.

I intend on reviewing the modifications for any additional zoning relief and notify Mr. Lynds in writing of my decision to deny the permit based on the improper procedure for zoning relief.

Please let me know if you have any issues you would like to discuss.

Thanks
Jim

James Soper cbo
Building Commissioner

Town of Winthrop

Phone: 617-846-1341

Email jsoper@town.winthrop.ma.us

Web: <http://www.town.winthrop.ma.us>

— Original Message —

From: James McKenna <jmckenna@town.winthrop.ma.us>
To: <jsoper@town.winthrop.ma.us>
Cc: "Tanji M. Daigneault" <tdaigneault@town.winthrop.ma.us> , Elizabeth Lane <elane@k-plaw.com>
Date: Thursday, December 1 2011 04:47 PM
Subject: Re: WHS handicap ramp & EBNHC legal advice

Jim:

Thanks for your update. You have my permission to call Betsy and get some guidance on this. Let me know how it goes.

Thanks,
Jim

James M. McKenna
Town Manager

Town of Winthrop
One Metcalf Square
Winthrop, MA 02152

email: jmckenna@town.winthrop.ma.us
phone: 617-846-1077/1078
fax: 617-846-5458

----- Original Message -----

From: James Soper <jsoper@town.winthrop.ma.us>
To: James McKenna <jmckenna@town.winthrop.ma.us> , Tanji M. Daigneault <tdaigneault@town.winthrop.ma.us>
Cc: Elizabeth Lane <elane@k-plaw.com>
Date: Thursday, December 1 2011 11:22 AM
Subject: WHS handicap ramp & EBNHC legal advice

Jim:

I have a couple of issues that I need to let you know about. One involves the new handicap access ramp at the WHS and the other is regarding the EBNHC (Health Center) permitting process.

On Tuesday a handicap ramp was installed at the WHS without a permit or review of the plan. The ramp was designed and installed in such a way that it effectively reduces the egress capacity of that exit. By installing the ramp over the 8' stairs it forces all occupants to egress the building by use of the 4' ramp. In a case of emergency when occupants egress the building at this location they will be forced to either wait behind the handicapped individuals or possibly push them aside. There is a possible solution that would incorporate stairs into the design (more \$) which would allow for safer egress.

The EBNHC permitting process has not been completed. As you know, the project was approved by both the Planning Board and ZBA with conditions based on the raze and reconstruction of a 9200 sf health care facility. The project has since been redesigned as an alteration of the 10000 sf+ existing structure with health care and three retail units. The redesign and use change is substantive in nature and requires a modification of both Planning and ZBA decisions. Attorney Lynds requested that he submit only minutes of the Planning Board hearing on the change and a written modification of the ZBA decision.

After learning this I decided to do some research on the zoning process regarding modifications to decisions and have found that both boards should have conducted a hearing which should have included public notice requirements, re-issued modified decisions that have been certified by the Town Clerk as exhausted 20 day appeal period and registration with the deed. I realize this could set the start date back on the project but I am trying to avoid a procedural error arising during the construction period.

I'm looking for legal guidance on this issue and requesting permission to contact Town Counsel.

Thanks
Jim

James Soper cbo
Building Commissioner

Town of Winthrop

Phone: 617-846-1341