



**TOWN OF WINTHROP  
Planning Board  
Town Hall  
One Metcalf Square  
Winthrop, MA 02152**

Peter Roche, Chairman  
David Proctor  
Honor Merceret, AIA  
Vincent P. Zappulla  
David Stasio, Esq.  
Gina DiMento, Esq.  
Robert Carroll, AIA

**Minutes  
Planning Board Meeting  
May 12, 2014**

Chairman Roche opened the May 12, 2014 meeting of the Winthrop Planning Board at 7:05 pm. In attendance were Planning Board Chairman Peter Roche and Members Honor Merceret, Vincent Zappulla, Robert Carroll, David Stasio and David Proctor. Approximately 10 members of the general public, including Town Manager McKenna, Council President Gill, and Town Councilors Mael, Sanford, Varone, Boncore and Delvento. Also in attendance were Chamber Executive Director Betsy Shane, developer Robert Deeb, and Jim Robertson and Arthur Choo. Professional Planner Cynthia Wall, MAPC, was in attendance to provide technical support to the Board.

First order of business on the agenda was consideration of minutes from the April 14, 2014 meetings of the Board. After consideration by the Board, motion to approve the minutes as drafted was offered by Vincent Zappulla, second by David Stasio. Motion approved by acclamation, five votes in the affirmative.

Next item on the agenda was a discussion of reported non-compliance with the Conditions of a Special Permit issued to Winthrop Manor LP under the Special Development Overlay District. The question of non-compliance had been raised in general discussion by two abutters and a member of the Board in a prior meeting of the Board. The specific allegation is that the approved fenestration (windows) along the Pleasant Street facade deviate significantly from that approved by the Board, and the Applicant has introduced a number of irregular exterior air conditioning vents along the Lincoln Street elevation that were not approved as part of the Special Permit design review. Chairman Roche invited Mr. Robertson, representative of the Winthrop Manor LP, and Mr. Choo, Project Architect, to respond to the allegation of non-compliance.

Representing the Owner, Mr. Robertson indicated that the Owner decided during construction to change the mechanical heating and air conditioning system, including a change in the façade to allow for mechanical venting through the masonry exterior in an irregular pattern, rather than underneath the windows as originally approved. Mr. Robertson acknowledged that the Owner was fully aware of the Condition that any change in the building elevation was subject to amendment of the Special Permit, and expressed his apology for the Owner's neglect in

Proceeding without such amendment. In regard to the matter of the alterations to fenestration, Mr. Robertson indicated that during the course of construction the Owner had decided that the approved windows were not suitable for rehabilitation, and decided to substitute a new, smaller window in their place. Under direct questioning by the Chair, neither Mr. Robertson nor Mr. Choo were able to specify the change in the dimensions of the approved window, and neither member was clear about the nature of the material that was used to infill the resulting cavity. Mr. Choo use the terms cementitious and stucco to describe the material that replaced the former glazing, but neither description was clear or definitive. Upon query by the Chair, Mr. Robertson again indicated that the Owner was aware that any change in the building exterior are subject to the approval of an Amendment to the Special Permit by the Board but that the Owner decided to proceed because they thought the resulting elevation would be more residential looking and acceptable to the Board.

The Chair indicated that the Applicant is in clear and self-acknowledged violation of the terms of the Special Permit. Unless the building elevation is restored to the condition approved under the Special Permit, or the Special Permit is amended, no Occupancy Permit for the development can be lawfully issued. Chairman Roche directed the Applicant to return to the Board at their next regularly scheduled meeting in June for further discussion.

The next item on the agenda was the final review of proposed Central Business District Zoning Amendments with MAPC. Chairman Roche indicated that the Board had taken considerable public comment in prior months and was in the final stages of drafting a new Zoning bylaw for the CBD. This penultimate meeting of the Board on the draft bylaw will focus on Board review and discussion, but the Chair invited members of the audience to offer any final comments that Board consider in these closing deliberations. Councilor Russ Sanford expressed strong enthusiasm for the board's efforts to streamline the entitlement process for CBD businesses and his support for increased recognition of certain uses "by right" within the CB Zone. Town Manager McKenna applauded the Board's leadership and emphasized the need for business reinvestment in the CBD. McKenna indicated that every project requires good project management, no free pass. There should be a complete review of each project with clear guidance from the Town. Chamber Representative Shane expressed her organization's support for the effort, pending final review of the bylaw. Councilor Mael expressed his support for clear guidance and streamlined operations of the Town's public policy goals as expressed through the zoning bylaw. Councilor Varone raised a number of questions about specific requirements in the proposed bylaw, including the size limits for new developments that may be subject to design review, but expressed support for the proposed bylaw pending further review and discussion. Council President Peter Gill expressed his sincere thanks for the Board's good work and his strong support for a more efficient and transparent entitlement process, leading to a healthy and vibrant downtown.

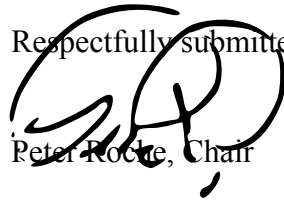
The Board next engaged in a line-by-line review of the new bylaw, with specific attention to proposed changes in the Table of use Regulation. Council Member Stasio made a number of constructive suggestions about the means for limiting uses that may be objectionable to the Town (e.g. adult themed entertainment) as an unintended consequence of limiting requirements for Special Permit through the inclusion of broad categories "by right". Board adviser Cynthia Wall agreed to consider amendments to the draft bylaw to minimize this risk, and Board member

Stasio offered to suggest edits as well. Other members of the Board expressed specific clarifications and edits to the final bylaw which were recorded by Ms. Wall and will be added to the final bylaw.

The Board then agreed to work with Council President Gill to explore the possibility of a joint Public Hearing of the proposed Amendment to the bylaw in early June. Ms. Wall will make the final edits to the proposed bylaw and circulate the final draft to the Board prior to the Public Hearing.

With no further business before the Board, Motion to adjourn was offered by Vincent Zappulla and seconded by Honor Merceret. The Motion was approved by acclamation and the meeting was adjourned at 8:40 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Peter Roche", written over the printed name.

Peter Roche, Chair