

Rules and Ordinance  
August ~~30~~, 2011

Present: Phil Boncore, Chairman  
Paul Varone  
Jeanne Maggio

Meeting called to order 6:35pm

Agenda:

Terrace Ave Parking  
Number of Planning Board Members  
Changing Rules of Town Council

Terrace Ave.

Resident of Terrace Ave., Ron Sturgis, presented petition signed by residents in that area to re-instate parking on Terrace Ave. on even side (opposite guardrail) between Cottage Ave. and Park Ave.

Presented information on other street widths with parking on one side.

Presented map, and description information.

Fire Chief and Steve Calla did a practice run by parking a DPW truck on one side of street to make sure Fire Apparatus could get through.

Test went with a positive outcome.

Residents Joe Carroll and Tim O'Brien were also there to support parking spaces. Councilor Nick DelVento was also present and was in favor of the parking spaces. He felt it would prevent employees of Deer Island from using the street as a short cut.

Other emails received on this petition were from Bill Ciampito and Dave Hickey. These emails were read into the record.

Public Comment was then closed.

TSAC recommends the addition of 4 more parking spaces on Terrace Ave.

Motion by Councilor Paul Varone to amend 10.16.090 (page 107) to add 4 parking spaces on Terrace Ave.

Seconded by Councilor Jeanne Maggio

Unanimous vote.

This amendment will be advertised.

Rules of Council:

To change Rule 2 by adding Schedule of Meeting and Agenda and to add Rule 2B to read 4pm to 6pm.

Motion by Jeanne Maggio  
Seconded by Paul Varone  
Unanimous

Planning Board Numbers:

It was determined that more research was necessary before any decision could be recommended. The item was tabled for further discussion.

Motion to adjourn at 7:50pm  
Unanimous

Respectfully Submitted,  
Jeanne Maggio, acting secretary

Documents attached to this record:

Recommendation by TSAC  
Petition by Residents  
Map of Location of Terrace Ave. area  
Comparable measured streets  
Copy of emails submitted  
Copy of Rule 2



## MEMORANDUM

TO: James M. McKenna, Town Manager

FROM: Traffic Safety Advisory Committee (TSAC)

DATE: February 17, 2011

SUBJECT: **Terrace Avenue Parking**

In accordance with motions made at public hearing of the TSAC on November 17, 2010 we are forwarding this recommendation related to the referenced subject. The recommendation is to increase on-street parking on Terrace Ave, to assure safe turning movements on Terrace, Park and Cottage and to improve safe flow of vehicles in the same area. Specifically the motion made by TSAC was to create 4 spaces along Terrace Avenue on the east side, to assure 40' no parking areas from the intersections with Cottage and Park, and to make Cottage Ave a one-way for it entirety.

### Recommendation:

That the Town Manager make a request to the Town Council to modify two sections of the Town Ordinance as follows:

Modify section 10.16.090 "Parking prohibited upon certain streets" by editing:

Name of Street	Side	Location
Terrace Avenue	change "both" to "West" "East"	From Shirley Street to Cottage Avenue" From the intersection of Park Avenue to a point 30' southerly, and from the intersection with Cottage Avenue to a point 30' northerly"

Modify section 10.24.010 "Schedule of one-way streets" by editing:

Name of Street	Location
Cottage Avenue	Change "From Hillside Avenue to Faun Bar Avenue" to Terrace Avenue to Faun Bar Avenue

If favorably acted upon this request will require changes, as outlined, to the Town Ordinance.

We the undersigned would like to petition the town of Winthrop to re-instate the parking on Terrace Avenue on the even side (opposite the guard rail) between Cottage Avenue and Park Avenue. We feel that this would alleviate some of the parking issues on Park and Terrace Avenues. There are a number of streets in the town that are the same width as Terrace Avenue, have two way traffic, and parking is also allowed. Two of the streets that come to mind, are Grandview Avenue and Court Road. The reason for using the even numbered side is to afford the ability of the emergency equipment to make the swing onto Cottage Ave. and to exit Park Avenue with little or no hindrance.

Secondly, we would like to have a stop sign where Park Avenue intersects Terrace Avenue. There was a stop sign there at one time. The people working at the Deer Island plant are using Park Avenue as a short cut from Shore Drive to Shirley Street.

We would like to thank you in advance for this consideration.

Name	Initial	Address	Date
Sturges Ronald	RS	20 Terrace Ave	4-3-2010
Judith Sturges	JS	20 Terrace Ave	4-3-2010
Bill Champitt	BC	66 Park Ave	4-3-2010
Nicholas Champitt MC	NC	66 Park Ave	4-3-2010
John J. DeGiovio	JD	53 Park Ave	4-3-2010
James Smith	JS	12 Park Ave	4-3-2010
DENISE BISHOP	DB	4 Atlantic Street	4-4-2010
Ronald W. Byrnes Jr	RB	20 TERRACE Ave	4-4-2010
Tim O'Brien	TO	20 Terrace Ave	4-5-2010
CHRISTIE O'Brien	CO	20 Terrace Ave	4-5-10
Charles Cull	CC	2 Terrace Ave	4-6-2010
Mary Ann	MA	2 Terrace Ave	4-6-2010
John J. A. Crofts	JAC	70 Park Ave	4-11-10
Jim [Signature]		15 CRYSTAL COOP	4-11-10

Terrace Avenue should be one way up the hill if parking

We the undersigned would like to petition the town of Winthrop to re-instate the parking on Terrace Avenue on the even side (opposite the guard rail) between Cottage Avenue and Park Avenue. We feel that this would alleviate some of the parking issues on Park and Terrace Avenues. There are a number of streets in the town that are the same width as Terrace Avenue, have two way traffic, and parking is also allowed. Two of the streets that come to mind, are Grandview Avenue and Court Road. The reason for using the even numbered side is to afford the ability of the emergency equipment to make the swing onto Cottage Ave. and to exit Park Avenue with little or no hindrance.

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We would like to thank you in advance for this consideration.

Belinda River  
Robert Cole

Rene Niles - 200 OK 105 COTTAGE AVE



### Information on Hurricane Irene

General maps related to the hurricane

Maps specific to the NYC area

### Measured Streets

- At 150 Court Rd. 23 Feet wide 2 way parking
  - At 94 Bay view 21 feet wide 2 way parking
  - At 65 Johnson Ave 26 feet wide 2 way parking on both sides
  - At 70 Grand view 24.5 feet wide 2 way parking
  - At 105 Cottage Ave 18.5 feet wide 2 way parking
- 
- Cliff Ave from Quincy to Nahant Ave. is a one way with parking on the left side ( drivers side to the curb)
  - Circuit Rd. from Maple to Lowell Rd. is a one way and parking on the left side ( divers side to the curb)

**Phil Boncore**

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**From:** dave hickey <wildcard96@hotmail.com>  
**To:** <pboncore@town.winthrop.ma.us>  
**Cc:** <pvarone@town.winthrop.ma.us> , <jmaggio@town.winthrop.ma.us> ,  
<ndelvento@town.winthrop.ma.us> , <tsac@town.winthrop.ma.us>  
**Date:** 08/25/11 7:53 AM  
**Subject:** <no subject found>

Dear Chairman Boncore;

I am writing to support a recent positive recommendation to add on-street parking and to improve traffic circulation in a neighborhood where my wife and I own property, in fact for which there is no other larger affected direct abutter. This item is on you docket for Aug 30 and I request your support and inclusion of this document in the proceedings as I will be unable to attend.

In the way of background, the "cottage hill" neighborhood is as starved for on-street parking as most in Town, maybe more so as the majority of the streets are less than 24' paved width and are often one-way. Around 2003/4 an ordinance to eliminate parking on both sides of Terrace Ave was enacted, I believe in to response to concerns with the nearby Winthrop Yacht Club and its impact on the area. There was little public input to those proceedings. It resulted in a loss of 5-6 on-street spaces abutting our frontage. It did not, and still does not effect me or my tenants as we have ample off-street capacity, however it caused a burden for those along Park and Terrace Ave's and to a smaller extent on Cottage Ave. Since that time the issue has been raised to TSCA twice, once with a non-action and most recently with a careful consideration of fire truck turning movements and more detailed analysis of circulation. During these proceedings my input was silenced, by proper ethical restraints due to my position with the Town.

With the ability to now speak openly, I must state that my Park Ave and Terrace Ave neighbors struggle, particularly in inclement weather with current parking situation. I also feel that speeding and noise (the unexplainable urge that most drivers have to "launch" up the hill) can be abated by adding a few parking spaces, as almost all traffic studies now indicate that narrowing of available driving lanes causes a instinctual reaction to slow down. I can personally attest to property damage associated with this launching (as well as a presumed OUI) phenomenon. I feel it is also worth mentioning that much has changed since '03 as we now have an overnight parking program that has some regular enforcement and we have substantially improved the landing to increase parking and to make the connection to the Winthrop YC more usable. I ask you you or your committee members to walk Park Ave and consider the tightness of the housing and the lack of driveways and to consider that many elderly live there and are often forced to park on Cottage Ave, and occasionally at the Town landing due to a rather unfortunate "turf control" issue on Cottage Ave.

I thank you for any and all consideration and extend an invitation to call (hm 846 8220) or email with any questions or comments.

Sincerely,  
Dave Hickey



**Phil Boncore**

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**From:** Bill Champitto <billc@creativeboston.com>  
**To:** <pboncore@town.winthrop.ma.us>  
**Cc:**  
**Date:** 08/24/11 7:45 PM  
**Subject:** Town meeting next Tuesday.

Phillip,

I was told by a neighbor that this coming Tuesday there will be a meeting regarding parking regulations for Terrace Ave just near my home. My wife Michelle and I live at 66 Park Ave, right near the intersection with Terrace. We may not be available to attend Tuesday's meeting but wanted to be certain our opinion and voices were heard and considered at the meeting. I was told you are heading the committee addressing this matter.

Our neighborhood is burdened with parking challenges. On my block alone there are 17 units in the single and multi-family homes on the street, with many of the families having multiple cars. There are 6 off street parking spaces on the block and 11 street spaces. This leaves more than a handful of cars looking for parking spaces outside of our neighborhood. The surrounding areas are just as congested with limited parking and of course we get additional cars from activities at the Yacht Club.

Michelle and I are very much in support of parking on one side of Terrace Ave between the streets of Park and Cottage. The few spaces will go a long way to alleviate parking congestion on our street and our opinion poses no safety threat. It may be best if the two way exception on the one block of Cottage Ave that abuts Terrace be removed making the entire street one way. The exception does not provide any significant convenience to the few homes on that street and that street is not wide enough for two way traffic. This may alleviate any concerns about traffic issues on that block of Terrace Ave as it will render that portion of Terrace Ave one way as well.

Please let me know if you need any additional information from me or if there is anything else I need to do in order for this input to be included in the boards consideration. Thank you.

Bill and Michelle Champitto  
66 Park Ave  
Winthrop, MA 02152

**Bill Champitto**

Executive Director

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Council Rules Amendments proposed by Councilor DelVento:

*Agenda  
Session*  
↑

< Motion: That the Council revise and rewrite Rule 7 – Open Meeting Law to reflect the current State Open meeting Laws. This revision shall be completed by October 5, 2011.

< Motion: To amend Council Rules, to change Rule 2 to be titled "Schedule of Meetings and Agenda".

< Motion: That a new Council Rule 2 (B) be established to read: "Matters to be placed on the Agenda for the Town Council, including but not limited to any ordinance, order, appointment, or other matters of business to be presented to the members for action at a regular meeting of the Town Council shall be submitted to both the Council Clerk and Council President, in paper or electronic format, by ~~1:00 PM~~ 4pm on the Thursday preceding the regular meeting at which such matter is to be considered. All matters requiring a vote shall be submitted in full and in the form of a motion. Every effort shall be made to have all matters that are submitted for placement on the agenda accompanied by materials sufficient to inform Council members of the nature and purpose of the agenda item. The Council President or the Council Clerk shall submit the Agenda, in paper or electronic format, complete with all motions and attachments to the Town Clerk no later than ~~1:00 PM~~ 6pm on the Thursday preceding the regular meeting at which such matter is to be considered. "



**TOWN OF WINTHROP**  
**OFFICE OF THE BOARD OF APPEALS**

Town Hall – One Metcalf Square, Winthrop, Massachusetts 02152  
Telephone (617) 846-1742 Fax (617) 539-5814

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TOWN CLERK  
WINTHROP, MASS

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**NOTICE OF DECISION**

**DECISION TO GRANT VARIANCE and SPECIAL PERMIT WITH  
CONDITIONS**

Petitioner/Applicant/Appellant: Robert Dello Russo/Michael Dello Russo

Property Address: 395 Shirley St., Winthrop, MA 02152  
Case Number: #011-2011

**PROCEDURE:**

In the application filed with the Town of Winthrop on June 9, 2011, Applicant, Robert and Michael Dello Russo, are seeking approval for permit to convert the existing single family dwelling to a two family dwelling. The structure and land is in a Business "A" District. A two family residence is allowed in a Business "A" District by right. The existing lot and structure are non-conforming. The existing lot contains 4292 square feet and the structure is within the required front and side yard. A two family dwelling in a Business "A" District requires a lot size containing 7500 square feet. A variance of 3,208 square feet is required as relief to Chapter 17.16 "Table of Dimensional Regulations" to convert the structure to a two family dwelling.

As part of this project the applicant has proposed an addition to the rear of the structure. The existing structure is nonconforming and the addition at the rear of the structure will increase the nonconformity of the structure. A Special Permit in the form of finding under M.G.L. 40A section 6 that the proposed construction of the addition shall "not be more substantially detrimental than the existing non-conforming use to the neighborhood".

On June 8, 2011, permit was denied in accordance to the Town of Winthrop By-Laws Chapter 17.16 "Table of Dimensional Regulations" and M.G.L. 40A section 6.

On June 30, 2011, in accordance with the provisions of Massachusetts General Laws, Chapter 40A, § 11 and Chapter 13 of the Code of the Town of Winthrop, the Board of Appeals (hereafter referred to as "the Board") held a public hearing upon the petition of Applicant Robert and Michael Dello Russo for a variance at the above property. Notice of said hearing was mailed to all parties-in-interest as defined by G.L. c 40A, Section 11 and was advertised in a paper of general circulation, namely, the Winthrop Sun Transcript, on June 16, 2011 and, once again, on June 23, 2011.

At public hearing on June 30, 2011, applicant Michael Dello Russo appeared to request a variance for a building permit to convert the existing single family dwelling to a two family dwelling at the property located at 395 Shirley Street, Winthrop, MA. Also requested was a special permit in the form of a finding under M.G.L. 40A section that the proposed construction of the addition shall "not be more substantially detrimental than the existing non-conforming use to the neighborhood".

At the hearing, all those wishing to be recorded in favor of, or opposed to, were given the opportunity to address the Board. The Board determined that complete plans for this project had not been submitted; specifically the parking plans to show the two parking spaces for each apartment and plans for the addition to show exactly where the rear addition will be located. The Board voted to continue the hearing to the next meeting in order for the appellants to meet with private consultants in furtherance of developing a plan that will be acceptable to the Board. The appellant at that meeting signed a continuance.

On Thursday, July 28, 2011, the Board of Appeals reconvened to further discuss this matter. After the development of the plan the appellants preceded to submit (Exhibits 1-10) prepared by Choo & Company, Inc., One Billings Road, Quincy, MA 02171, their proposed house addition plans showing the parking plans as well as the placement of the addition to the rear of the property to the Board. After a short discussion regarding tandem parking and finished materials the Board vote on the application.

#### **FINDINGS:**

After considering all of the testimony, evidence, and submissions, the Board finds as follows:

1. Requested relief may be granted without nullifying or substantially derogating from the intent or purpose of Zoning By-Laws; and

2. Granting of the variance relief requested would not create a condition that is more substantially detrimental than the existing non-conforming use to the neighborhood would and be in harmony with the neighborhood; and
3. Pursuant to the provisions of MGL code § 145-26 (b) allowing tandem parking; and
4. That granting of variance would be allowable by right in a Business "A" District with conditions as listed below;

### **CONCLUSION:**

Based upon all of the foregoing, including, but not limited to, evidence and testimony presented to the Board at public hearing, the Board by a unanimous vote of 3-0 **GRANTS** the variance relief and special permit, as discussed above, with the following conditions.

### **CONDITIONS:**

1. Relief is granted based on plans, documentation, exhibits on file and testimony provided by Applicant at public hearing.
2. Any deviation from the Plans reviewed and approved by the Board at public hearing on July 28, 2011 shall be presented to and approved by the Board prior to issuance of a building permit and construction.
3. Construction shall be subject to the following requirements:
  - (a) Finish-grade materials shall include, but not be limited to, quality-finish grade lumber (i.e., pine, fir, oak, mahogany, poplar, etc.) or composite/vinyl-type materials, where appropriate (i.e. Weather Best, Trex, Fiberon, etc.), or other architecturally-similar materials (i.e., painted aluminum balusters, etc.; and
  - (b) There shall not be any exposed pressure-treated wood on any decks or porches; which shall include appurtenant stairways, handrails, posts, and balusters, except for floor joist framing members and ledgers boards. Pressure-treated materials may also be used for rim joists, and support posts, provided they are

wrapped or covered with quality-finish grade materials as described below; and

- (c) Proper screening in form of a solid fence and plant materials forming a buffer to visually prevent automobile headlights from impeding neighbors' yard.
  - (d) Exterior finish materials used for roofing, trim, sidewalls, windows, railings shall be in good taste and in harmony with other structures in the neighborhood
4. A copy of this decision shall be recorded with the appropriate section or division of the Suffolk County Registry of Deeds and evidence of such recording shall be presented to the Building Inspector of the Town of Winthrop before the issuance of a building permit.

**BY: Winthrop Board of Appeals:**

**Voting Members: Paul W. Marks, Jr., Irene Dwyer, and Brian Beattie**

  
Paul W. Marks, Jr., Chairman

8-9-11  
Dated