



March 1, 2011
Town Council Meeting Minutes
Harvey Room
7:00 P.M.

Under the Rules and Procedures of the Winthrop Town Council, President Turco called the meeting to order at 7:30 PM in the Joseph Harvey Hearing Room, Councilor Varone, Councilor DelVento, Councilor Powers Councilor Boncore, Councilor Sanford, Councilor Calla, Councilor Maggio, Vice President Letterie and President Turco were present.

The Town Manager, Mr. McKenna led the Council in the pledge of Allegiance and The Council President asked the Council Clerk to call the roll for the record.

Minutes

A motion was made by Councilor DelVento

2nd by Councilor Sanford to approve the minutes of the public session of the February 15, 2011 meeting.

Councilor Varone will not vote because he was not in attendance at the February 15, 2011 meeting.

The minutes of the Executive Session on February 15, 2011 will be approved in Executive Session.

Public Comment

None

Correspondence

The Town Council Clerk handed over a letter from Dr. Thomas Vasilos regarding the overlay District

Vice President Letterie read the letter for the record.

Committee Reports

Economic Development Committee met on February 24, 2011 in the Hazlett Room

Councilor Sanford read the minutes from the meeting.

Questions none

Rules & Ordinance Committee met posted a meeting on the February 28, 2011. They met on February 21, 2011 and ask that they be relieved of their duty regarding the four way traffic stop and that the Council take it up without recommendation. Will make a motion under new business.

Questions none

Town Manager's Report

National Grid update with progress on the Argyle Street substation.
Town Hall open on Suffolk County Holidays need to provide holiday pay to staff.
Received \$8000 in library assistance.
Proposed rental unit Ordinance would like to refer to the Rules & Ordinance Committee
Any objection seeing none - referred

Notice from MWRA that the sewer assessment is due to be increased.

Hired Hancock survey Co. to work on the potential access road for the Gorman Fort Banks School.
Need \$875.00 transferred from the Town Council reserve account. It was decided to hold this vote until new business.

Will be meeting with Speaker Deleo Thursday regarding Yirrell Beach and sea wall.
Will be developing a memo to be delivered prior to the meeting.
Questions for the Town Manager.

Councilor DelVento asked the Town Manager where the money was coming from for the work on the access road.

Vice President Letterie asked for an explanation on double poles. Chief Flanagan spoke about the poles across from CVS and across from LaSiesta on Woodside Ave.
Should have half the poles done by July first. Also, asked about potholes and if this was good conditions to fix them. Dave Hickey, DPW Director responded that it is not ideal conditions we still will be going through periods of freezing and thawing but is a good solution until more permanent work can be done.

President Turco recognized past Town Council President Thomas Reilly in attendance
Also, Todd Sacco from the School Committee.
Also, thanked everyone involved, the parents and the DPW for improvement in the traffic situation at the Gorman Fort Banks School.

Old Business

Public Hearing Re: Petition for designation of Overlay District from the planning Board without recommendation.

At this time the President asked the proponents present to make their presentation.
Attorney Richard Lynds representing the developer of 142 Pleasant Street Realty Trust and Beth Wittaker, Architect for the project.

142 Pleasant Street affidavit of notice provided to the Council. Also existing site plan was given to the Council.

The property is the former Governor Winthrop Nursing Home an existing building that is vacant.

The current owner purchased the property 2 years ago have not changed the use thus far.

In September 2006 The Town of Winthrop amended Chapter 145 and adopted the Special Development Overlay District. The intention is to encourage development that is compatible with the area also to encourage new uses for vacant buildings that are now obsolete properties. The Town Council scope this evening is to address if the development meets the requirements and would qualify for a designation of the special development overlay. Not here to rule about specifics of the development. That will be for the Planning Board to decide in the next step after the SDOD is granted. Not here to discuss how many units the size or parking. Residential use would be compatible because it is located in a residential neighborhood. The building design is now obsolete and if not developed it will continue to deteriorate. Multi-family dwellings under SDOD permit an expansion of the existing structure. Within the current by-law which requires that 20% of the land area be landscaped and there is a structure in the amount of parking spaces that will be required. The developer would not put in the resources needed to decide specifically what the development will look like until the Council votes in favor of the redesignation of the Special Overlay. Wants the public to know that this is site specific for the parcel at 142 Pleasant Street

Building Inspector James Soper, summarized the Building Commission viewpoint. History of the property. In 1949 was a nursing home. In 1966 changed to present structure that we see today. In 1986 there was a permit request to make the nursing home larger. In 2007 receivership was taken on the building by the State of Massachusetts. The residents left. We have an abandonment clause in our by-laws it states abandonment, continuous non use after two years reverts back to the residential A uses only. Regarding the Overlay District in approving the Town Council is providing regulatory flexibility to the Planning Board and certain rights that the developer has now to move forward with the property.

Questions for Mr. Soper

Councilor Powers asked if the project is not approved for special zoning what can be done with Residential A? The developer within residential zoning will have to go to the Planning Board to subdivide?

Councilor Letterie the current laws are 2500 ft per unit is 12 to 13 units. With the special zoning it goes to 1800 per square feet and 17.5 units. By special permit only issued by the Planning Board.

Councilor Boncore: Under Residential A can the property be reused or torn down and new construction built? If approved they will have a choice to reuse or do new construction. The developer can put as many units in the building for re-use but are limited to parking.

Councilor Sanford 12 to 13 units how many parking spaces per unit? New construction 2 parking spaces for 2 a bedroom unit. Also visitor spaces must be allowed.

Visitor parking 1 space per every 5

Councilor Maggio asked if the property remains Residential A what can happen can it stay empty indefinitely or will it need to be torn down? Existing would not make sense for the developer only 2 families in existing structure but can raze the property and reconstruct 3 2 family dwellings. Subdivided lots with 2 parking spaces.

Council President asked if there were any more questions for Mr. Soper?
Questions for Attorney Lynds or architect?

Attorney Lynds addressed the feasibility of developing a 2 family dwelling on a 10,000 ft. lot. With 100 feet of frontage. It is not feasible would not make economical sense within the reality of real estate development. Wants the Council to consider this.

Councilor Powers asked about the overlay for the hospital site. There were conditions set as part of the moa. Possible moa with the developer stay within negotiate with the town to limit the number of units. Can the town put this as any conditions of the overlay?

Council for the Town answered the question: Would not be appropriate to put conditions upon granting the Overlay. Cannot get specific that is for the planning board the two must remain separate. The councils job is limited. Up to the Planning Board to issue permits.

Attorney Lynds stated the developer will not given specific plans until it is known whether the development will go forward. Cannot come up with a number of units at this time. Not dealing with a number at this stage.

Councilor Sanford if the Planning Board had gone forward could they have come up with the number of units before they came before the Council?

President Turco discussed the presentation made by Attorney Lynds back a while ago at the Cummings School and a number of units was brought up at that time. Hard to put the Jeannie back in the bottle.

Attorney Lynds; A reevaluation was made. Resources will not be spent unless the project will move forward. Asking for the Town Council to take a leap of faith. Thought it was helpful to give ideas of what would be proposed.

President Turco asked for clarification on the result of a decision. Yes decision goes to the Planning Board. If a no decision to grant the SDOD the process is stopped for two years. This is correct.

The President asked if there were anyone else to speak in favor of the development. Hearing none the President moved on to opposition.

Mr. Dick Bangs of Woodside Ave spoke regarding the history of the property. Back in 1956 there was a large house on the property that was empty. The Baker Estate. In 1969 Mr. O'Grady acquired the property razed the estate and built a nursing home that was an asset to the neighborhood employing Winthrop people and most of the patients were also residents of Winthrop. Do to changes in regulations for nursing homes and the home relying on government money to stay in operation at this time the nursing home changed to include patients and employees not from the area and loud trucks and lots of activity that was not really conducive to a residential area. Forced to close now it is vacant and in disrepair neighbors have had to stop vandalism to the property. Mr. Bangs mentioned that we are here just for the SDOD but talked about how he and his neighbors became concerned when the process with the current buyer began 2 years ago when they went

before the Board of Appeals talked about 23 units. Many questions were raised at this point. The Board of Appeals had concerns and they withdrew. The planning board then had hearings 16 units in the area means 32 parking spaces. Dumpsters where to put snow? Currently there are 16 units on the whole block. The lot is too small for that many units. The neighborhood's problem is how do we separate the SDOD from the potential development of this site? Mr. Bangs went on to describe the neighborhood and how this does not fit in the current neighborhood.

Former Council President Thomas Reilly spoke whether it was appropriate to apply this SDOD to other properties in town. The SDOD was put into affect when they were dealing with the Dalrymple School. Wanted to have some flexibility to developers for this site. I don't think a multi unit development is appropriate for this property. It will be continually applied to other properties smaller properties this does not apply.

Stephanie Vasilos Bartlett Road. If goes back to Residential A how many units could fit in the existing property without tearing it down. Mr. Soper answered maximum 2 units Ms. Vasilos stated that it should be residential A.

Mr. Sacco stated if the council approves that it will start the ball rolling and feels there will be a lot of units that could be rented to the detriment of the neighborhood. Mr. Sacco encourages the council to vote against it.

Harriet Rosenberg 166 Woodside Ave. Spoke of the Nursing Home. Wants her neighborhood the way it was.

Ken Avery Woodside Avenue asks the Council to consider the overall good of the neighborhood when they make their decision. Agrees with Mr. Bangs. Been in the neighborhood a long time. Does not want congestion in the neighborhood.

Robert Dimento Cottage Avenue Once property is granted the rights of the neighbors are gone. Talks about other developments in town that neighbors are not happy with. Must stop this.

David Bombard Woodside Ave. Talked about the phrase "Leap of faith". Honesty with the residents would go a long way. Confusing process

President Turco asked former President Reilly if he would like his letter read? He mostly stated what was in the letter OK not to read.

Open meeting law that anyone recording the meeting must first inform the council that the meeting is being recorded. The press has a standing agreement with the council to tape the meeting.

Vice President Letterie reads Harrison letter into the record.

Attorney DiMento representing Richard and Emilie DiMento discussed measurements of frontage and how many units can go on that lot? Probably more like 6 units.

Second issue abandonment reason for if the property is abandoned The Town of Winthrop will still allow use variances. Can go before the zoning Board of Appeals can take up this issue.

Signatures on petition

20% of the neighbors need $\frac{3}{4}$ of the council to pass or 7 councilors to vote in favor to pass.

Mr. Hammond Woodside Ave.

Lives in neighborhood because it is nice place to raise a family. Sixteen units would suffocate the area. Take into consideration 16 trash barrels 16 different sets of xmas lights etc. We like a nice small community. That is why we live here.

Linda Rainville, Woodside Ave. once the laws are overturned it will be difficult to put back.

Dick Bangs the area is a stable neighborhood we buy a house to raise a family stay there until you die. Most of the neighborhood people are lifers with roots in the community.

A renter from 155 Woodside Ave. This is the best neighborhood she has lived in. Likes knowing everyone nice neighborhood the traffic would be really bad in the area. Too many people in a small space.

Vinny Gennaco 184 Woodside Ave. Has suffered damage to his property from trucks in the area. Does not want increased traffic. Buyers have the right to do whatever they want with their property, can rent out. How much is each unit going to cost? The area right now has homes with high values.

No other public comment

Attorney Lynds listened to the concerns of the neighbors. He lives close by on Cottage Park Rd. Must remind the council again that we are here just for the SDOD. He read the purposes of the special designation. Nothing that says it was adopted just for the Dalrymple School. The Council has chosen not to repeal. Is part of our ordinance. Owner can take advantage of this by law. It fits into by-law. Must meet the requirements of the neighborhood. Must take a realistic approach who has the resources to put just 2 or 3 units on the property. Have an existing structure that is deteriorating. Something needs to be done with it. The Turco compelled to wait to hear from the assessors. Is pro development but cant take back what was already put out practical side suggests re-use. That is the strongest argument why the Council should support the request to designate this property under the special development overlay district and allow the developer to proceed to site plan review and to hash out all of these issues with the Planning Board who has the discretion to decide whether or not a special permit should be issued or not.

New Business

The Town Manager requested a motion to transfer \$875 from the Town Council Reserve to the Town Manager's account for contract services

Motion by Councilor Sanford

2nd by Councilor Calla

Discussion

none

Transfer Approved

Councilor Boncore makes a motion to discharge the Rules & Ordinance Committee from two TSAC recommendations and send back to the Council regarding the four way stop and cab stand.

2nd by Councilor Maggio

Committee discharged

Councilor DelVento asked to table the 2 recommendations of TSAC because it was not on the agenda and have no public input. Will put under Old Business at the next meeting.

Public Comment

None

A Motion to adjourn was made by Councilor Calla

2nd by Vice President Letterie

Adjourned at 9:26pm

Documents on file in the Town Clerk's Office for this meeting are as follows:

1. Affidavit of Notice submitted by Attorney Lynds
2. Petition from neighbors submitted by Attorney DiMento
3. Site plan for the property 142 Pleasant Street Winthrop
4. Letter from Dr. Thomas Vasilos
5. Letter from Nancy Harrison