



Winthrop Planning Board

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2017 FEB -1 A 10: 55

**TOWN CLERK
WINTHROP, MASS.**

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Honor Merceret, AIA
Davis Proctor
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January 30, 2017

**Planning Board Notice of Decision
Special Development Overlay District
Development Plan Approval and Special Permit**

Applicant: Tay's Realty, LLC
Project: Former Nursing Home
Location: 142 Pleasant Street, Winthrop, MA
Hearing Date: January 9, 2017

I. Procedure:

The Applicant is Tay's Realty, LLC, the owner of a former nursing facility located at 142 Pleasant Street, Winthrop. The Applicant filed plans and an "Application for Final Plan Approval, Special Permit, and Request for Relief for Property Located in the Special Development Overlay District (SDOD)" with the Winthrop Planning Board pursuant to the provisions of Section 17.48.50.A.1(a) of the Code of the Town of Winthrop. The submission proposes the reuse of the existing building as a 16-unit residential condominium. The plans submitted designate no increase in the footprint of the existing building or a change in the building height.

The Applicant seeks approval of the plan and relief from five provisions of the zoning regulations pertinent to the SDOD. They are:

1. Relief from the prohibition from front side parking in order to maintain the existing four parking spaces on the Pleasant Street (front) side of the building;
2. Relief from the 24' two-way traffic aisle to 20' in the rear parking area on-site;
3. Relief from the 15' rear buffer area in order to utilize the existing rear parking area and

layout;

4. Relief from the prohibition against parking within 10 feet of a first level window in order to utilize the existing parking lot; and,
5. Relief from the minimum off-street parking requirement.

After due notice and publication as required by the mandates of Section 17 of the Code and Chapter 40A of the General Laws, the Winthrop Planning Board conducted a public hearing on January 9, 2017 to act upon the Application. The Applicant and all interested abutters and others in attendance were provided with the opportunity to make a presentation and to register their comments both in favor and opposed to the Application.

Discussion:

The principal purposes of the SDOD is, "to encourage the redevelopment and reuse of existing nonresidential properties in a manner compatible with surrounding neighborhoods or commercial areas; to prevent disinvestment and deterioration of nonresidential buildings that have become obsolete for their original purposes by enhancing the value of real property; and to provide regulatory flexibility to achieve the foregoing." See, Section 17.48.010

As a result of action by the Town Council to amend the town zoning map and to designate the property as part of the Special Development Overlay District (SDOD), the property for which the Application is made is subject to the provisions of the SDOD.

The Lot upon which the project is proposed contains approximately 31, 532 square feet of land. The building on the Lot is a two level brick structure that formerly housed a nursing home with more than 30 resident rooms. The interior of the building consists of two finished levels and a split finished basement. The plans presented indicate the development of the building to accommodate a reuse as 16 market-rate condominium units with associated off-street parking.

The project plans were reviewed and commented upon by the Site Plan Review Committee

at its meeting on November 29, 2016. The Committee issued its report and Recommendations on December 6, 2016. A copy of the Report was received by the Board and made a part of the official record of proceedings in this matter.

II. Findings and Conclusions:

After a full public hearing on the Application, the Winthrop Planning Board makes the following findings with respect to the use within the SDOD:

The requested use of the building for the purpose of developing 16 condominium units is a permissible use within the SDOD and is desirable to the public convenience and welfare.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety upon inclusion of the proposed improvements.

The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare.¹

The requested use will not cause an excess of that particular (residential) uses that could be detrimental to the character of the neighborhood.

Pursuant to the SDOD ordinance and the regulatory flexibility contained therein, the Planning Board may authorize a variance from, or waiver of, the regulations governing the reuse of a structure within the SDOD.

Further, with respect to the waivers requested, the Planning Board makes the following findings:

A. Relief from the provisions of Section 17.48.110.GG, Location of Parking Areas.

The Applicant requests relief from the provision of the SDOD that states, "No off-street

¹ Chairman Stasio spoke with Department of Public Works Director Steven R. Calla on January 26, 2017 who confirmed the project would not overload the system.

parking shall be located between the front facade of the building and the front property line, except that the planning board may waive this requirement for an existing parking lot serving a building reuse project.

The Board finds that the front spaces currently exist in the circular driveway on the Pleasant Street side of the building; that the spaces and the driveway have existed for more than twenty years² and that a continuation of the use of these spaces will not nullify or substantially derogate from the intent or the purpose of the SDOD ordinance. Therefore, the Board grants the relief requested.

B. Relief from the required 24' two-way traffic aisle to a 20' traffic aisle in the rear parking area.

The Board finds that the reduction of circulation within the off-street parking area will not create a pedestrian or vehicular hazard, and that the reduction in the existing space between parking aisles will allow for additional buffer area in the rear of the parking area adjacent to the neighboring home in the rear. The Board further finds that the relief may be granted without derogating from the intent of the SDOD or the purpose of the ordinance. Therefore, the Board grants the relief requested.

C. Relief from the 15 foot buffer zone in the rear of the existing parking lot.

The Applicant has requested relief from the required 15' buffer between the parking area and the lot line. According to the plans submitted, the existing parking area encroaches into the 15' setback. However, the plans also show plantings, screening, and a solid fence to be utilized as a buffer. Additionally, the Applicant has been granted permission to reduce the width of the internal traffic aisles by four feet, from 24' to 20', thereby enabling the Applicant to decrease the nonconformity of the existing conditions. Therefore, the Board finds that granting relief from the required setback will not nullify or derogate from the intent of purpose of the ordinance and that the

² Chairman Stasio verified the length of time for the parking spaces by researching the Public Records at the Town of Winthrop Building Department, speaking with Chief Building Inspector John L. Barrett and confirmation through telephone conferences with previous property owners made at the Building Department.

relief granted will reduce the existing nonconformity. Therefore the Board grants the relief requested.

D. Relief from the ten foot parking distance from the first floor window in order to utilize the existing parking lot.

The Applicant requests the Board to grant relief from the SDOD regulation that does not permit parking within 10' of a first floor window. The position of parking spaces in relation to the first floor windows are the result of the existing layout of the paved parking area. The Board finds that allowing the existing spaces to remain will not cause any pedestrian or vehicular hazard nor will it nullify or substantially derogate from the intent or purpose of the SDOD ordinance. The Board therefore grants the relief requested.

E. Relief from the minimum off-street parking requirements.

During the course of the hearing, the Applicant requested permission to amend its application for relief from the minimum off-street parking requirements in order to increase the amount of green space on the Lot. The Board granted permission to amend the application to include this request for relief from the required number of off-street parking spaces from 32 to 27 parking spaces in order to eliminate the Woodside Avenue parking area and to install in its place a green space with plantings, shrubbery, and additional screening. The Board finds that granting relief from the off-street parking regulations set out in the SDOD will not nullify or substantially derogate from the intent of purposes of the SDOD and will not negatively affect the surrounding neighborhood. Therefore, the Board grants the relief requested.

III. Grant of Special Permit and Relief Requested:

Based upon the foregoing, the Winthrop Planning Board hereby GRANTS The Special Permit as requested and GRANTS the five requests for relief from the SDOD regulations; and further, APPROVES the Applicant's plan for reuse of the land and building located

at 142 Pleasant Street, Winthrop upon the following conditions:

IV. Conditions:

1. **Final plans:** The Applicant shall submit its final plan subject to the provisions of Section 17.48.090 of the Code of the Town of Winthrop to the Planning Board for review and approval and the applicant shall provide a snow removal plan for review and approval prior to the issuance of a building permit;
2. **Recording:** The Applicant shall record the certified Decision with the Suffolk County Registry of Deeds and shall file a copy of the recorded Decision with the Office of the Planning Board and the Office of the Town Clerk prior to the issuance of a Building Permit.
3. **Landscape:** Landscape improvements shall be installed in conformance with the amended plan approved by the Planning Board.

VOTED AND APPROVED this 9th day of January 2017

Winthrop Planning Board
Voting Members in the Affirmative:

David A. Stasio, Esq.-Chair
Robert Carroll, AIA
Gina DiMento, Esq.
Honor Merceret, AIA
Vincent P. Zappulla
Davis Proctor
Christopher Boyce

Respectfully Submitted,



David A. Stasio, Esq. - Chair
January 30, 2017