

**MEETING OF THE  
CITY OF WOBURN  
BOARD OF APPEALS  
APRIL 27, 2016 – 7:00 P.M.  
COMMITTEE ROOM  
WOBURN CITY HALL**

Attending: Chair Margaret Pinkham, Member Daniel Parrish, Member John Ray, Member John Ryan, Member Edward Robertson and Alternate Member Sheila McElhiney

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**Petition of Mill Street Property Group, LLC, 57 Mill Street, Woburn, MA 01801, applicant, and James T. Lichoulas, Jr., 57 Mill Street, Woburn, MA 01801, landowner relative to an application for Comprehensive Permit (pursuant to M.G.L. Chapter 40B) for purposes of a public hearing pertaining to the property located at Mill Street.** Chair Pinkham gives an overview, namely: that we are here for an application for 40B; that the applicant, engineer and architect are here tonight; that we are not going to hear from the traffic engineer; that the next meeting is May 25, 2016 where we anticipate discussion traffic; that she suggests we hear from the applicant; that the Board ask their questions; that she has no idea how long that will take; that if anyone in the audience has questions on traffic if they could save those for the May 25<sup>th</sup> hearing; that they have received a number of communications from the Woburn residents; that 40B is a State Statute that was created to produce affordable housing; that State Law requirements cannot be waived; that State supersedes local; that the requirement is 10% and Woburn is approximately at 8%.

Representing the applicant, Ted Regnante, Esquire, Regnante, Sterio & Osborne, LLP, 401 Edgewater Place, Suite 630, Wakefield, MA 01880, stated that he concentrates on 40B projects; that he has done 75-100 over the last 15 years; and introduced the members of team, namely: Tom Lichoulas, manager of the LLC and owner; Ed Marchant, 40B Advisor and Financial Consultant; Chris Sparages, Civil Engineer; David O’Sullivan, Architect; and David Giangrande, Design Consultant who relates to traffic and who they have asked to come and listen. Attorney Regnante stated that his client and applicant, Mill Street Property Group LLC is a Limited Dividend Corporation (hereafter LDC) which means that the applicant has agreed to limit its profits to the parameters of regulations; that the City of Woburn is subject to 40B because it is under 10%; that if approved, 113 units would bring the City over 8%; that because of rental projects, all will count on inventory; that the properties equal six parcels encompassing 3.26 acres which equals 142,164 SF located in an R-1 District; that the entities are controlled by the Lichoulas family; that the site has 75.5% of upland and 24% of wetland; reviewed what is required versus proposed, i.e. two stories, proposing four; three separate buildings, consisting of 39 units/46 units/28 units; 42 one-bedrooms; 59 two-bedrooms and 66 three-bedroom units; that the State requires 10% to be three-bedroom units; that there will be 44 garage spaces and 111 parking spaces which equals 155 spaces/1.4 spaces per unit; that the Wetlands have been flagged and approved; that Mr. Sparages has applied with the Conservation Commission (hereafter ConCom) which process will run parallel; that ConCom will review for compliance with the Wetland Act; that the City has local by-law but because of 40B, the Zoning Board of Appeals

has jurisdiction under the by-law; that there 25' of 'No Disturb' Zone which they have sought a waiver which is within the Board's determination, which Chair Pinkham questioned and Mr. Sparages stated they requested in the waivers.

Attorney Regnante further stated reviewed the handout of rents (copy in file), as follows:

Average Rents for Market Rate Units: 1-bedroom \$1879; 2-Bedroom \$2360 3-Bedroom \$2911  
Rent Rates for Affordable Units: 1-Bedroom \$1370 max. after utility allowance \$1271  
2-Bedroom \$1643 max. after utility allowance \$1520  
3-Bedroom \$1899 max. after utility allowance \$1753

Chris Sparages, Registered Profession Engineer, Williams & Sparages, 189 North Main Street, Suite 101, Middleton, MA reviewed the presentation (copy on file by paper and electronic); stated that 75% is upland with 25 % wetland; that seven pieces (of land) comprise the parcel; that the front is on Mill Street (reviewed each parcel), noting that there are two easement areas/25' easement that runs out to Mill Street through abutting properties; that Mill Street is an old public way laid out many \_\_\_ years with varying widths: That then Route 93 was done in the last 1950s is cut off/dead-ended Mill Street; that there is a right of way on Mill Street for turn around across the street (from locus) where there are 180+ units in the Lichoulas family since the 1960s; that there is access out to Salem Street; that there is wetland to the rear of the property with a low elevation of 40 to a high of 90; that in June of last year, the wetland was identified (BVW) which the ConCom issue in September; that it drains downstream to the Aberjona River; that they propose to access through a new driveway on Mill Street; that under Building 1 there will be a drive-in garage; that they propose an emergency access through the 25' Easement out to Mill Street; that there will be 155 parking spaces, 6 handicapped with access, and 33 parking under the building; and that they used the AutoTurn Program to verify emergency access. Responding to Member Parrish, Mr. Sparages confirmed that there will be parking on Mill Street in front of Building 2 along Mill Street having 22 parking spaces. Member Ryan questioned 155 total with 6 handicap spaces, to which Mr. Sparages confirmed and stated that it falls within ADA compliance. Responding to Member Robertson's questions of how they arrived at 155 spaces and if there are any outside studies that the 155 spaces are realistic and requested a written submittal of parking studies, Mr. Sparages stated that they can provide studies. Attorney Regnante added that it will be part of the Traffic presentation. Mr. Sparages spoke of Stormwater in that because of the 100' of wetland, they are requested to file with ConCom and DEP; that there are Stormwater ten regulations and this meets all standards; that they did the series of test holes and soils; that they found the soils sandy and gravelly; that there are two primary stormwater plans; that there are a series of chambers; reviews the ten standards; that they had to add a second treatment device because the soil is so good; that #7 allows for the redevelopment but not taking credit; that anything more than one acre applies; that they filed with the EPA which includes Stormwater Infiltration plan/system; that they are held to the ten standards and meet them; that there is water/sewer to support; that they both exist; that they propose to tie into the existing water main; that each building will have its own fire suppression line; that the City Engineer would like to have them perform a 'fire flow analysis'; that a 4" line can be sufficient but it depends on the pressure; that they would have to access to the City's distributor system but would have to prove to the City Engineer that it can support; that they

used Title V to calculate the sewer flow rates; that they proposed a lighting plan ) Photo Metric Plan explaining that light designs are very complex.

Responding to questions from the Board, Mr. Sparages explained that there is an access easement; that they are proposing to create access through the Country Club Garden Apartments; that he doesn't believe there is water line in the area but can ask the question of the City Engineer; that they are the apartments across the street are not currently using the office parking spaces on locus, they are being used for the operation of office and maintenance vehicles; that several residents use the turnaround parking which has 17 spaces; that the buildings will have elevators; that the curb along Mill Street will be removed; that there will be a new curb and new sidewalk, not a public sidewalk and striped access way; that there are options for Stormwater is for open area; that there is a 20' x 40' play area; that the roof drains directly to ground; that Building 3 is to underground; that the play area will be grass; that there will be lighting on the emergency access road; that the lighting will be closer to the buildings and not shine on the existing homes. Chair Pinkham expressed some concerns from other departments, such as: that 4" water line will not service hydrants; that three departments stated that there is not enough fire hydrants and will defer to the Fire Chief; Water department wants a looped system; that there is not enough parking spaces; and that the sidewalk is being removed. In response to Member Robertson, Mr. Sparages confirmed that the 155 parking spaces are entirety on site; that there is drainage and they are not proposing to use the existing drain line; that they are not aware of any off-site stormwater problems; that they have to make sure they meet Standard 1; that there may be existing problems but their changes will not exacerbate; that there are common problems in older neighborhoods; that their charge is to evaluate existing conditions and come up with a plan that matches the current; that they are not proposing off-site improvements. Attorney Regnante stated that they have received the comments from the Engineer and DPW today and need and intend to address with the Department and anticipated responding in writing.

Architect David O'Sullivan explained that they looked at the frontage along Route 93 and take advantage of the topography; that the existing apartments stay similar; that they lower the impact and the play area downhill; reviewed the buildings' layouts; that each building will have an elevator; that they will be handicapped accessible and handicapped adaptable; that they will have baths, 8'6" ceilings and high-end finishes; that part of the buildings will be open with covered parking but not enclosed, Chair Pinkham stated that they will be sending an RFP to start the peer review process.

PUBLIC: Tom O'Brien of 4 Mill Terrace stated that Mill Street is not how he presented; that it is topped off with a dumpster; that the sewer line flows down Mill Street and has been a problem; that he is concerned with the increase with the Wetland area; that 155 vehicles reminder of 'five pounds in a two-pound bag'; questions the sandy soil and where the specimens were taken; and that he can't imagine that it was near the wetland area, to which Mr. Sparages explained that the tests were done throughout the site; that they do not dig inside the wetland area as it's a protected area; explained how the systems work, i.e. pipes in/out; connected by a piping system and collected in an area (see Details Plan on file). Matthew Morino of 1 Mill Street stated the he understands the catch basin system; questions that when there's a 10/50/100 year storms, who will back it up when the systems fails, to which Mr. Sparages stated that he understands the question; that they have certain systems designed; that they're in the DEP

Wetland Stormwater standards; that they can't design for every storm; that they look at 2/10/100 year storms; that it's a common engineering practice and what they design for has to meet ten standards; that a lot goes into it, namely 7 inches of rainfall within 24 hours; that they've done a lot of legwork on site. Mr. Morino referred to the architectural designs and questions the horizontal and materials and questions what residential homes resemble the homes in the area; that he didn't see in the slides; that there is lifestyle impact; impact on views; asked of the waivers, stating the apartments that are there have dumpsters, screens hanging out windows,...; that there will be impact on the people who live there; noting the 20' x 40' grass area, questions the percentage of green useable space; questioned adequate parking and what is useable. Mr. Sparages noted the landscape plan with trees and bushes; that 25% s wetland; that the proposed put them at 48%; that half the site is open; that they looked at impervious at 72,665; that he hasn't calculated the green area on the plan. Mr. Morino stated that it is convenient to use the ConCom area to make up the numbers; that the actual useable area has a poor life-to-business balance; that if you look around Woburn, it should have balance; and asked of the calculation of low income and if elderly is factored, to which Chair Pinkham explained that it is calculated by the Planning Board. Mary Hart of 43 Mill Street stated that she has a two-story expanded cape; that they enjoy their home; that the easement goes through her front yard; that there is no way in an emergency; that Mill Street is busy with school buses and dogs have been killed; that she will look out her kitchen window and see parking spaces; that there one spot for two dumpsters; that there isn't enough room for snow; that they will lose their whole back and side yard; that there will be no safe place for them; that they were under the impression that it was ConCom wetland; that there's lots of wildlife; that there will be no quality of life with lights shining in their windows; that it doesn't go with the neighborhood; and more kids, there'll be more buses. Gail Page of 8 Washington Terrace stated that she agrees fully; made the point that the apartment building is there; that our neighborhood carries the fair share of the affordable housing. Stacy Morino of 1 Mill Street stated that she wants to address the congestion; that not taking into consideration of how many people are coming into the neighborhood, that there are no sidewalks, not infrastructure to support all these people; that now there will be a bigger problem with 114 apartments full of families; that it will add more kids to the Goodyear; that she supports affordable housing, but they carry a fair share; that it's not what their neighborhood needs; that the Board needs to take the whole picture into account; and asks when they will hear answers. Chair Pinkham explained that the Board will present questions and the Department Heads; that the applicant has and may need to meet with the Department Heads; that each meeting will have questions; and that it may take many meetings; that the ZBA is the authority but that they rely on other departments; that the City can hire a team of professionals funded by the developer as part of a process; and that the Board has until they feel that they have their questions answered. Mr. Morino adds that this project is not going to enhance our neighborhood or community. Lawrence Caranfa of 5 Mill Street stated that their backyards get flooded; asked where are the guaranties; that 5-10 years down the road; that we have existing problems; asked where are the .4 spaces; and that we know where they'll park, they will park on Mill Terrace; that the streets are narrow; how will the emergency vehicles get there; and that it is not considering spaces for guests. Responding to Member Robertson, Mr. Caranfa stated that he 200-300' down the road; that this is a horrible idea; that it will not enhance the neighborhood; and that he hopes it is not a done deal. Nancy Jordan (daughter of Mr. and Mrs. Hart) of 25 Mill Street thinks that there's a lot of misinformation put out there; that the footage along the edge belongs to the State; that she questions the strip of land; that that are misleading about parking spaces; that the turnaround is

regularly used by tenants; that it is misleading of the existing parking on site; that the maintenance vehicles will be displaced; referring to the easement: that it will be a paved walkway for walkers, bikes and everyday walkway that the area is a hill; that a fire truck could not drive down the road; that it is suitable for vehicles; asked how they will maintain; that her parents are paying taxes on the land; and asked if the easement is being used for Open Space.

In response to Member Robertson's inquiries, Mr. Sparages explained that both the applicant and owner has rights to the easement; referred to Tab 4 of the application, that the previous owner has language in the Deed; that the DEP has a policy on how the wetlands is delineated; that they have a wetlands scientists who identifies, i.e. 1) vegetation (plants) and 2) hydrant soil; and that the ConCom has done a site walk. Attorney Regnante added that the last document in Tab 4 of the Application created the easement, to which Chair Pinkham stated is a Restrictive Covenant which may expires by operation of law (noted Chapter 184 §3).

PUBLIC (continued): Richard Dodge of 29 Mill Street stated that two years ago he decided to move; that he had an appraisal done; that in 2005 is was \$445,000 and March 15, 2016 it is \$358,000; that when he questioned, he was told to check the records at City Hall and that there was an adverse effect; that eight homes are owner-occupied by senior citizens living on Social Security; that they are paying property taxes; that now this proposal is ruining people's investments; that people have spent big money on their homes; asked what they will do; they spent \$445,000 to buy lot, tear down and build an elaborate home; that senior citizens will be hurt really bad; that there will be no sidewalks; asked of the buffer zone. Mr. Sparages stated that Building C will be 16' from the buffer zone. Chair Pinkham stated that the applicant is requesting ConCom and ZBA to waive the requirement. Mr. Dodge asks if someone from Mr. Lichoulas' company is going around and trying to buy homes, to which Mr. Lichoulas responded 'no'. Ed Marchant stated that he is a 40B Advisor; that the State requirement under 40B is for moderate income housing; that the max rents on household size assumes 1.5 people; that in FY2016 release that a one-bedroom household income has to be \$54,800; that it is designed for a working household; that this is not Section 8 housing; that 40B is State; that HUD establishes the annual rate; and that this must comply with the Fair Housing Act. Ward 5 Alderman Darlene Mercer-Bruen of 22 Richard Circle states that this is not for people, that this is for profit; that Woburn is diverse and is affordable; that 40B is an atrocity; that this is not about helping people; that we know that you (ZBA) are bound by certain parameters; that the parking, the water and the 4" pipe that go to that neighborhood; that ask that they look and tell her that this works; that you have reasons to say 'no'; that she is hoping we have someone equally informed; that she holds no ill-will to the petitioner; that she has a duty to the neighbors; that it's your (ZBA) job and her job; that asked of when they were before the ConCom; and that we shouldn't throw one part of the City for another. Richard Jensen of 23 Mill Street stated that his mother and father built the house; that he has lived there on and off for 52 years; that the Mill Street apartments have air conditioners falling off windows; that he has a friend at 33 Mill Street who was turned away by the EPA; that we don't need more people on the street; and that he sees people speeding by. Chair Pinkham explains that 40B trumps local Ordinance. Heather Carlson of 230 Washington Street asked of the schools; that if 113 units have children, what happens; and if anyone has looked into what happens to the schools. Steve Gattuso of Pernokas Drive asked if there is anyone to protect us; that if 40B trumps local and wetlands, is there anyway to educate them. Chair Pinkham stated that 40B has no impact on state and federal; that the petitioner

states it is requesting a waiver; and that ZBA makes the decision on the project. Xingtao Wu of 229 Washington Street stated that he is concerned with the traffic; that there will be 200 cars added to a small community; that he bought in 2004; that there was a two-car accident that destroyed his fence; and that more people will be more cars. Alderman Mercer-Bruen asked if interested parties could be reminded. Nancy Jordan asked of the access road and who would maintain it. Mr. Sparages stated that it is an emergency road which will be gated; that it will be maintained by the apartment project; and they will be using grass pavers. Attorney Regnante suggested the one condition would be for signage of "Emergency Access Only" to be enforced by the Building Inspector. Responding to Mr. Morino's question of emergency rights, Chair Pinkham stated that there are extensive rights by Easement. Mr. Jensen asked of the dumpsters; ad that two dumpsters at the end of Mill Street block off the street, to which Chair Pinkham stated that it is the understanding that they will be removed for access; and suggests that the dumpsters be discussed at the next meeting. Member Parrish notes that the Board has received some letters this day. Motion was made and seconded to take them in collectively and make part of the permanent record. The Vote was all in favor, 5-0. Attorney Regnante suggests a motion to continue to a definite date and time and suggests a site visit. Member Parrish asked Ms. Hart and Mr. Wu to e-mail the clerk. Motion was made and seconded to continue the matter to May 25, 2016 at 7:00 pm. The Vote was all in favor, 5-0.

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The next regular meeting of the Board of Appeals will be held on April 20, 2016.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 5-0.

Meeting adjourned at 10:27 p.m.

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Patricia Bergeron-George  
Clerk of Committees