

## SECTION 29

### CONVERSION OF SIGNIFICANT HISTORIC BUILDING

#### 29.1 Purpose of District

The purpose of this overlay district shall be to promote the preservation of significant historic buildings that are neighborhood and/or city landmarks that have outlived the purpose for which they were initially constructed, and which are at risk for deterioration or loss, thereby enhancing the community's appearance and extending its common architectural legacy for future generations. The intent of this overlay district shall be to enable such buildings to be adapted to new use(s) while exerting strict control over the preservation of exterior building and site features. This provision is designed to encourage the adaptive reuse of such buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would demolition of these landmark buildings and subsequent redevelopment of the site using the provisions of the underlying zoning district building.

#### 29.2 Scope of Authority

1. In all residential and mixed-use districts, any existing building as of December 4, 2018 containing gross floor area of 4,000 sq. ft. or greater of which at least fifty percent (50%) of the gross floor area was constructed prior to 1918 and which has been deemed to be a Significant Historic Building by the Woburn Historical Commission using the criteria listed in Title 15, Article V, Section 15-16 of the Woburn Municipal Code may, together with the original detached accessory structures, be altered so as to contain two (2) or more dwelling units by special permit granted by the City Council provided the conditions set forth herein are met the entire building, original and any additions, must be deemed to be a historically significant building by the Woburn Historical Commission. If in a Historic District as provided in Title 19 of the Municipal Code, a Certificate of Appropriateness shall be obtained from the Historic District Commission. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings were sold for the purpose of development in accordance with this Section 29, shall be exempt from the minimum gross floor area requirement.

### 29.3 Uses Allowed by Right

1. Those uses permitted by right in the underlying zoning district.

### 29.4 Uses Allowed by Special Permit

1. Dwelling units located entirely within the building that has been deemed to be a Significant Historic Building by the Woburn Historical Commission as provided herein.
2. An office use located entirely within the building that has been deemed to be a Significant Historic Building by the Woburn Historical Commission as provided herein that legally exists, even if nonconforming, as of the date of the Petition may be allowed to continue provided all of the following conditions are met (1) it is a preexisting legal use; (2) such preexisting legal use does not exceed 25% of the net floor area as defined in Section 2 of the Woburn Zoning Ordinances; (3) it is in existence as of December 4, 2018; (4) the space allocated to the office use is reduced as part of the Special Permit; and (5) the continued office use together with the additional residential use shall not substantially impact the comfort, privacy, quiet enjoyment, and standard of living of residents in the property and neighborhood. (added 4/2/2019)

### 29.5 Dimensional and Density Regulations

Dimensional regulations for the “Conversion of Significant Historic Building ” shall be as follows provided, however, that the City Council may grant a Special Permit to authorize relief from some of the Dimensional Regulations set forth below so long as such relief does not allow an increase in the Maximum Building Height of the existing building or the footprint except to address ADA compliance; the addition of an exterior elevator shaft; or the addition of exterior stairwells; and porches/decks.

1. Dimensional Regulations: For purposes of this Section 29, the existing Significant Historic Building may be converted to a multi-family dwelling using the dimensions reflected in existing site conditions as of the date of adoption of this provision (December 4, 2018) including setbacks (building and parking); ground coverage; height; lot size; lot width; and landscaped useable open space. The City Council may grant relief from the setbacks, landscaped usable open space and building ground coverage regulations/requirements but may not grant additional relief for height, lot size or lot width. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-

owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from this requirement.

2. Existing buildings on lots which are lots of record as of the date of adoption of this amendment (December 4, 2018) that are deficient in frontage, area, or lot width may be converted under the terms of this Section without a variance, but existing buildings on lots which meet or exceed the minimum required frontage, area, or lot width may not be subdivided in a manner that creates additional building lot(s) or dwelling unit(s). For purposes of this section, "lots of record" are those as shown on the most recently recorded subdivision or so-called ANR plan filed at the Middlesex South Registry of Deeds. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from this requirement.
3. Maximum Building Height
  - a. For purposes of this Section 29, the Maximum Building Height is as is existing at each location of the building's roof, it being the intent of this section to prohibit the upward expansion of certain portions of the building to match the highest point.
  - b. The maximum building height shall be no greater than the existing Building, as set forth in subparagraph (a) supra, not including appurtenant roof structures such as chimneys, service equipment, elevator machinery, spires, flag poles and the like.
4. Maximum Permitted Residential Density: Twenty (20) units per acre. For any parcel less than one acre with a building that was used as a legal pre-existing nonconforming use as of December 4, 2018, the number of residential units shall be determined based upon the gross floor area of the building, and the ability to comply with the parking requirements set forth in Section 29.6, but in no event shall the number of residential units exceed fifteen (15) and there shall be at least 550 square feet of gross floor area per unit. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from the maximum permitted density restriction. (amended 7/18/2019)

## 29.6 Off-Street Parking Requirements

1. For residential uses, off street parking shall be provided in accordance with the table below. When non-residential uses are permitted in the underlying district, off-street parking for non-residential uses shall be provided in accordance with Section 8.2.5. In all other respects, the provisions of Section 8 will apply to all parking spaces.

| Type of Unit         | Minimum number of parking spaces per unit |
|----------------------|---|
| Studio and 1 Bedroom | 2 spaces per unit                         |
| 2 Bedroom            | 2 spaces per unit                         |
| 3+ Bedroom           | 1 space per bedroom                       |

2. The City Council may require additional parking spaces to accommodate residents and/or guests on the site to minimize impact upon the neighborhood especially if there is sufficient area to accommodate additional parking spaces on site.
3. The City Council may grant a special permit to reduce the minimum number of required parking spaces per dwelling unit if (a) all proposed parking spaces on site are designed such that each vehicle may proceed to and from each parking space without requiring the moving of any other vehicle; (b) the City Council finds that the proposed project will not detract from the health, safety, and welfare of the occupants and owners of surrounding properties; and (c) the City Council finds that the reduced amount of on-site parking will accommodate the projected parking demands of the site, including employees, residents, visitors and deliveries.
4. Except as provided herein, all design and screening requirements for parking spaces and parking lots in Section 8 of the Woburn Zoning Ordinance apply. Relief from those requirements may be provided at the discretion of the City Council after consideration of all relevant factors including pre-existing conditions such as setbacks and alternative screening and landscaping.

## 29.7 Conditions

1. The exterior façade and design shall be maintained to the maximum extent possible and maintained in perpetuity by the execution and recordation of a Façade Preservation Restriction.
2. Except as otherwise provided herein, the original building area is not increased except for minor additions and alterations made to comply with the requirements of the Americans with Disabilities Act.

## 29.8 Required Additional Findings for Conversion of Significant Historic Building

In granting a Special Permit under Section 29, and in addition to the required findings set forth in Section 11.5 of the Woburn Zoning Ordinance, the City Council must make the following additional findings and conditions with respect to any Special Permit for Conversion of an Historic Building:

1. That the building proposed for conversion to residential use (or, in cases where non-residential is also permitted, to mixed-use) has been deemed by the Woburn Historical Commission to be a "Significant Historic Building". In making this finding, the Woburn Historical Commission shall use the criteria outlined in Title 15, Article V, Section 15-16 of the Woburn Municipal Code;
2. That there is community value to retaining the building and history that it represents;
3. That the amount of usable open space existing on the site as of the date of adoption of this provision (December 4, 2018) shall remain the same unless the City Council specifically authorizes an exemption;
4. That the building proposed for conversion to residential (or to mixed use, in cases where non-residential uses are also permitted) shall be restored to its' original historic character and preserved from a historic or architectural perspective in perpetuity via the execution and recordation of a Façade Preservation Restriction;
5. That conversion of the historic building to residential use or mixed use facilitates preservation or improvement of the existing character of the subject property, abutting properties and the district generally;
6. That the exterior design of the building shall not be substantially altered so as to change the character and architecture of the original design; and
7. There shall be adequate provision for screening of and container(s) for collection and disposal of refuse.

## 29.9 Procedure

1. Special Permit Applications pursuant to this section shall be subject to the procedures and conditions set forth in Section 11 of the Woburn Zoning Ordinance.

## 29.10 Application Requirements

1. An application package for Special Permit in accordance with this Section shall contain all of the material listed in 29.10 and 29.11 and shall be delivered to the office of the City Clerk at City Hall during regular business hours.
2. A complete application package for a Special Permit for Conversion of an Historic Building shall contain all of the following:
  1. Thirteen (13) copies of a Special Permit application;
  2. Two (2) copies of a deed certifying ownership and, where applicable, a statement certifying prospective ownership of the premises involved as well as evidence that the applicant has permission of the owner to make such application if the applicant is not the owner;
  3. Legal description, street address(es) and/or other description of the location of the premises involved;
  4. Two (2) sets of mailing labels showing the names and addresses of all "parties in interest" as defined by M.G.L. Chapter 40A Section 11 (this list must be certified by the Woburn Assessors' Office);
  5. Thirteen (13) copies of plans meeting all of the requirements of Section 29.11, at a minimum size of 24" x 36", drawn to scale and dimensionally correct. Required plans are all those applicable to the establishment of the findings and conditions specified in this Section. Such plans shall include building floor and façade plans, plot plans showing existing conditions and lot lines, traffic circulation, landscaping and topographical plans and shall be drawn by registered professionals in the respective trades.
  6. Evidence as required to show the effects of the proposed project upon traffic, drainage, road capacity, and city utilities including studies such as traffic generation and parking utilization analyses;
  7. Evidence as to the status of all permit applications to and decisions from other City, State, or Federal agencies concerning the project including the Woburn Board of Appeals, Woburn Conservation Commission, and MassDEP;

8. Any information not listed herein but which is required in order to properly consider all of the requested special permit(s) and any waiver(s);
9. A draft Façade Preservation Restriction in recordable form and which will be binding upon the developer/property owner as a condition of the Special Permit;
10. A filing fee of five hundred dollars (\$500.00) of which two hundred dollars (\$200.00) will be for advertising and three hundred dollars (\$300.00) will be for an application fee;
11. An electronic copy of the entire application package (including all documents and plans) in Word and pdf format; and
12. Satisfactory evidence that at least fifty percent (50%) of the building's gross floor area was constructed prior to 1918.

29.11 Plan Content Requirements. Plans submitted as part of an application pursuant to this section shall contain the following information:

1. A locus map drawn at a scale of 1" = 800' that shows the subject property and all zoning and historic district boundary lines that lie within the locus;
2. The location and name of all streets in the immediate vicinity of the proposed project with a notation as to whether the street is a public or privately-owned right-of-way;
3. The location and dimensions of all existing buildings on the site and the general location of buildings on abutting properties;
4. Existing and proposed setbacks of all existing buildings;
5. Existing and proposed contour elevations in two foot increments;
6. A table calculating the amount of parking required for all existing and proposed uses, and the location, size and type of parking spaces, parking areas, loading and unloading and service areas;
7. Information sufficient to demonstrate that satisfactory arrangements will be made to facilitate vehicular and pedestrian movement to, from and within the site including information on driveways, parking lot aisles, walkways, and sidewalks;

8. Information on the location, size, and capacity of existing and proposed utilities which will service the project (water and sewer service, hydrant locations, drainage, electrical, cable, etc.);
9. Information on the method of surface and subsurface drainage disposal;
10. Location, size, type and number of existing and proposed landscaping features, including trees to be retained or removed;
11. Information on the type, number, and intensity of lighting;
12. A table displaying all applicable use and dimensional regulations and corresponding specifications of the proposal;
13. Provisions for refuse removal and snow removal/storage;
14. Architectural details of all existing building facades as well as any proposed changes/additions to the building facades; and including manufacturers' color codes for all exterior features; and
15. Any additional information the Special Permit Granting Authority deems necessary to evaluate the proposed project as it relates to any of the special permit or waiver requests, surrounding areas, anticipated traffic and public safety issues and the intent of the Zoning Ordinance.

(Added 12/6/2018)

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