

**Zoning Board of Appeals
Woburn City Hall
City Council Chamber
January 17, 2018 – 7:00 p.m.**

Present: Chairman Margaret M. Pinkham, Member Daniel Parrish, Member John D. Ray, Member Edward S. Robertson, Member John J. Ryan III.

Absent: None

Meeting was convened by Chairman Pinkham at 7:00 p.m.

Petrogas Group New England Inc., 311 Main Street, Worcester, MA, seeking a variance from the provisions of Sections 13.10.2(8), 13.4.1, 6 and 13.2 (8) of the 1985 Woburn Zoning Ordinance, as amended, for the erection of a free-standing pylon sign and placement of directional signs at 325 Washington Street (continued from December 20, 2017 meeting): Chairman Pinkham acknowledged the receipt of a letter from Attorney Joshua Lee Smith, Bowditch & Dewey, 311 Main Street, Worcester, MA, requesting a leave of withdrawal without prejudice. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. There were no respondents. Motion made by Member Ryan and seconded by Member Ray to grant the petitioner leave to withdraw without prejudice; approved, 5-0.

Meng Wang, 18 Carlson Way Woburn, MA 01801, seeking a variance from the provisions of the 1985 Woburn Zoning Ordinance, as amended, for a reduction in the front yard setback to 13 feet for the installation of a storage shed at 18 Carlson Way, Woburn, MA 01801 (continued from December, 20, 2017 meeting): Chairman Pinkham acknowledged receipt of an email from Mr. Wang requesting a withdrawal and informing the Board he will move the shed to a location where it complies with the Zoning Ordinance. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. Yuzhang Guinn, 27 Lee Street, Cambridge, said she is appearing on behalf of the residents at 80 Wyman Street and asked if Mr. Wang is under any time constraints to move the shed. Chairman Pinkham said the Building Commissioner would be the enforcement agent and advised Ms. Guinn to direct her inquiry to him. Ms. Guinn asked what will happen if Mr. Wang does not move the shed. Chairman Pinkham again advised Ms. Guinn to reach out to the Building Commissioner. Ms. Guinn asked if Mr. Wang will indeed move the shed. Chairman Pinkham said Mr. Wang's email indicates his willingness to comply with the Zoning Ordinance. Motion made by Member Robertson and seconded by Member Parrish to allow Mr. Wang to withdraw his petition; approved, 5-0.

19 Stoddard Street LLC, 5 Robertson Way, Woburn, MA, 01801, seeking a Special Permit for relief from the provisions of Section 7.3, and a Variance pursuant to Section 11 from the 1985 Woburn Zoning Ordinance, as amended, from the side yard setback requirement of 20' to 12' to allow for the conversion of a single-family dwelling to a two-family dwelling at 19 Stoddard Street, Woburn, MA: Appearing on behalf the petitioner was Attorney Shaun Briere, Hackett Feinberg, 155 Federal Street, Boston. Attorney Briere told the Board his client

purchased the property in October 2017. He said the lot is 5,129-square-feet, containing a single-family dwelling, located in an R-2 zoning district. The lot was created in 1888 and the non-conforming structure has existed on the lot since approximately 1900, according to Attorney Briere. Historically, the dwelling has been used as a 2-family but most recently has been a single-family home, Attorney Briere said. Attorney Briere said his client intends to renovate the property so it can be used as a 2-family. There is parking for up to four cars, and all renovations will be interior, he said. Attorney Briere said a Special Permit is needed for the alteration of a non-conforming structure. He said the 2-family use is consistent with other homes in the neighborhood. He said the change in use requires a variance because the side setback for a 2-family is 20 feet, which creates a new non-conformity on the southerly side of the building. Attorney Briere said he submitted a legal memo indicating the relief being sought is minimal and there are very few homes in the neighborhood which comply with the zoning requirements for side yard setbacks. Member Robertson asked if there are any exterior modifications planned. Attorney Briere said none are planned. Chairman Pinkham asked if there is any evidence the home was previously used as a 2-family. Attorney Briere said the only evidence is anecdotal, from the previous owner of the property. Bryan Melanson, 5 Robertson Way, said the petitioners are his son and daughter and he is acting in an advisory role on their behalf. He said the home has two driveways, two chimneys, two sets of stairs to the basement, two sets of stairs to the second floor and two sets of stairs to the third floor, all of which he said is indicative of a 2-family use. He said an argument could be made a 2-family conversion is better than a single-family use. Mr. Melanson said the intent is to convert the dwelling to two townhouses that might attract multi-generational families as residents. Mr. Melanson said the neighborhood has a number of 2-family homes and it is clear 19 Stoddard Street was once a 2-family dwelling. Chairman Pinkham asked if the city has any records of the home being a 2-family. Attorney Briere said the best evidence is testimony from the previous owner. Chairman Pinkham said without documentation the 2-family use may have lapsed. Attorney Briere said both single and 2-family uses are allowed by right because the zoning district is R-2. Chairman Pinkham asked if the existing structure exceeds 25 percent lot coverage. Attorney Briere said he assumes it does but added the lot coverage will not change. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. There were no respondents. Member Ryan said he drove by the property and concurs there are a number of 2-family homes in the neighborhood, which makes him tend to look at the petition more favorably. He added he might feel differently if the request was for a property in another neighborhood with predominantly single-family homes. Member Parrish said he remembers the Board considering a similar petition in 2013 and requesting a legal opinion from the City Solicitor who indicated a variance is not needed. Member Ryan suggested this instance is much different. Member Parrish asked if the Deadrick vs. Chatham case applies, or if Gale vs. Gloucester applies. Attorney Briere said the Deadrick case indicates a variance is required in addition to a special permit. Chairman Pinkham said the city requires a minimum driveway width of 12 feet and the driveway on the northerly side appears to be narrower than 12 feet. Member Ray said the plans indicate the driveway is 11.3 feet wide and narrows to 10.9 feet. George Cail, 12 Buckman Street, requested permission to address the Board. Mr. Cail said he has no objection to converting the home to a 2-family dwelling. Attorney Briere said his client would be willing to provide more detail about the parking on-site. Chairman Pinkham said she recalls a similar petition on Winn Court with

discussion about there being no parking within 5 feet of a lot line. Chairman Pinkham said the lot is significantly undersized. She said back in the day there were homes that had no driveways at all. Attorney Briere said his client would be willing to look at creating parking in the back because there is room for four cars, and then the northerly driveway could be eliminated. Member Robertson asked if there is room to widen the driveway. Attorney Briere said he believes the entirety of the side yard is taken up by the driveway. Chairman Pinkham asked on what grounds a variance is being sought. Attorney Briere said the lot is not a perfect square. Member Robertson asked if the existing driveway is subject to a special permit. Attorney Briere said his client is not increasing the non-conformity since the driveway can already accommodate four cars. Member Robertson asked why the petitioner needs a variance. Attorney Briere said the requirement for a side yard setback for a 2-family homes increases to 20 feet. Member Robertson asked if Attorney Briere has spoken to the Building Commissioner. Attorney Briere said he has spoken to him at length and he agrees a special permit and a variance are required. Member Robertson said that is sort of counter-intuitive to him because there are no changes to the building. Chairman Pinkham said the setbacks only comply on one side of the building, but the change of use requires different standards. Member Ryan asked if each driveway can hold two cars. Attorney Briere said they can. Member Ryan said the home does look to him like a 2-family. Attorney Briere said it is classified as a 1-family and it was most recently occupied as a 1-family but agreed it does look more like a 2-family. Member Robertson asked Mr. Cail if he knew the last time the dwelling was occupied by two families. Mr. Cail responded he has been living there for 30 years and it has always been a single-family home, but agreed it does look like a 2-family. Member Ray asked if the Board will have to take two votes, one for the variance and another for a special permit. Chairman Pinkham said two votes would be required. Motion made by Member Ray and seconded by Member Robertson to grant the variance; approved, 4-1, with Chairman Pinkham opposed. Motion made by Member Ray and seconded by Member Robertson to grant the special permit; approved, 5-0.

Benchmark Senior Living, 201 Jones Road, Suite 300, West Waltham, MA 02451, seeking a Variance from the provisions of the 1985 Woburn Zoning Ordinance, as amended, to allow for more than one free-standing sign; to allow for a free-standing sign with an area greater than 20 square feet, and; for a reduction in the front yard setback from 25 feet to allow a free-standing sign to be located 4 feet from the property line at 1 Cedar Street, Woburn, MA 01801.: Appearing for the petitioner were Attorney Mark Vaughan, Riemer & Braunstein, 700 District Avenue, Burlington, MA., and Adam Manchester, Executive Director of Benchmark. Attorney Vaughan told the Board the Benchmark facility opened two years ago and has been extremely well-received by the Woburn community. The site is approximately four acres and is bounded by three roadways – Salem Street, Cedar Street and Washington Street, with the lone entrance off Cedar Street. Attorney Vaughan said one of the challenges of the site is the visibility from the site driveway because the only sign on the property is in the upper corner near Washington Street and there are no signs on the building. Attorney Vaughan said the addition of the proposed free-standing sign is appropriate given the advanced age of most of the visitors because it will be large enough for them to see. He said the sign will be subtle and tastefully done, and it will enhance safety because drivers will be able to see it well before they

turn into the facility without having to brake suddenly or making a dangerous turning moment. Attorney Vaughan said a variance is required because the sign is 4 feet from the property line and it is 25-square-feet, 5 feet more than the maximum. The hardship is the topography does not allow access to Salem Street, where there is also a waterway. The location of the sign was chosen as to not impact the sight distance of cars leaving the entrance/exit. Attorney Vaughan said placing the sign at least 25 feet from the property line would leave it in the middle of the travel aisle and it would not be visible from Cedar Street. The location of the sign will have no impact on residential neighbors and will enhance the public good by making the street safer. Attorney Vaughan said he asked Police Chief Robert Ferullo to write a letter to the board indicating the sign will not have a deleterious impact on public safety. Member Ryan asked if the sign will be located near where the vehicles stop before they exit. Attorney Vaughan said it will. Member Ryan said if the current conditions create confusion about where the entrance is. Member Parrish asked if the sign will be illuminated. Attorney Vaughan said it will be illuminated externally. Mr. Manchester said there will not be a lot of glare emanating from the sign. Member Ray said he has no problem at all with increasing the size of the sign, but he is concerned about Benchmark placing its website address on the sign, though he doesn't think people will be stopping to write down the URL. Member Ray said is concerned about the location of the sign if Salem Street is ever widened, but added that's not a good reason to deny the variance today. Attorney Vaughan said the letters are not very large, nor are they going to jump out at passersby or be obnoxious. Mr. Manchester said the placement of the web address is strictly for informational purposes. Member Ray said the inclusion of the web address dilutes the petitioner's argument that the sign is there to help drivers locate the driveway. Chairman Pinkham asked how much smaller the sign would be if the strip with the web address is eliminated. Member Ray estimated it would be only 2.5-3 feet smaller. Chairman Pinkham asked if the sign at the corner of Washington and Cedar streets has any information about the location of the entrance. Attorney Vaughan said the sign simply reads "Benchmark Woburn." Chairman Pinkham asked if there are any plans to add signs to the building. Mr. Manchester replied there are not. Chairman Pinkham said she would hate to allow a second free-standing sign and then have Benchmark put signs on the building. Chairman Pinkham asked Attorney Vaughan to reiterate his case for a hardship. Attorney Vaughan said the lot is irregularly shaped and the grade differential only allows for one entrance. Attorney Vaughan said the existing sign at Washington and Cedar street is only 10 square feet and displayed a photograph of the sign. Chairman Pinkham said she was expecting a more traditional sign. Member Ray asked if the new sign will be double-sided. Attorney Vaughan said it will be. Member Parrish said he believes there are topographical issues with the lot and he does not mind the sign displaying Benchmark's website as much as his colleagues. Motion made by Member Ray and seconded by Member Parrish to grant the three variances; approved, 4-1, with Chairman Pinkham opposed.

Anchor Auto Body, Peter Spinazola, Trustee, 3 Breed Avenue, Woburn, MA 01801, seeking to amend a Variance from the provisions of the 1985 Woburn Zoning Ordinance, as amended, granted on August 18, 2016, for a reduction in the front setback from 20 feet to 5 feet; for a reduction in the rear setback from 20 feet to 5 feet; and, to allow for parking within the front setback and allow for the construction of a new building to conform with the revised plan of record at 10 Breed Avenue, Woburn, MA 01801: Appearing for the

petitioner were applicant Peter Spinazola and Attorney Mark Vaughan, Riemer & Braunstein, 700 District Avenue, Burlington, MA. Attorney Vaughan said he was asked by Attorney Mark Salvati to represent the petitioner because Attorney Salvati is out-of-town. Attorney Vaughan said the request is rather straightforward in that his client is seeking to amend a variance issued in 2016 to accommodate revisions to the footprint of the building. Attorney Vaughan said the changes to the building are *de minimis*, but approval from the Board is required. Attorney Vaughan said the building will be no closer to Kensington Avenue nor will it further encroach on the setback. The alteration to the building is being undertaken to add a bathroom, Attorney Vaughan said. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. There were no respondents. Member Ray asked what the setback is going to be. Mr. Spinazola said it will be about 12 feet. Chairman Pinkham said it looks like the setback will be 10.9 feet. Member Ray agreed the plans indicate the setback is 10.9 feet. Motion made by Member Ray and seconded by Member Ryan to amend the Variance in accordance with the revised plans that were submitted to the Board; approved, 5-0.

Motion made by Member Parrish and seconded by Member Ray to approve the minutes of the Board's meeting on December 20, 2017, approved, 5-0.

Any other business that may be before the Board: Member Parrish asked if the Board's next meeting is on Thursday, February 22. Chairman Pinkham confirmed that is the date and thanked her colleagues for accommodating her schedule.

Motion made by Member Ryan and seconded by Member Ray to adjourn; approved, 5-0. Chairman Pinkham adjourned the meeting at 8:49 p.m.

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Gordon Vincent
Clerk of Committees