

**Zoning Board of Appeals
Woburn City Hall
City Council Chambers
March 21, 2018 – 7 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 p.m.

Seaver Construction, 215 Lexington Street, Woburn, MA, seeking a Variance from the provisions of Sections 6.1 and 13.6.2.2 of the 1985 Woburn Zoning Ordinance, as amended, to locate a sign in excess of 10 square feet and within the 25-foot front yard setback at 100 Baldwin Avenue, Woburn: Appearing for the petitioner was Sy Wrenn, project manager, Seaver Construction, 100 Baldwin Avenue. Chairman Pinkham asked Mr. Wrenn if he had anything else to add to the application. Mr. Wrenn distributed to the Board two sets of drawings of the proposed sign. Chairman Pinkham said the application for a Variance has to meet a legal standard for a hardship and asked Mr. Wrenn what that hardship is. Mr. Wrenn said the topography is very sloped and does not practicably allow for the sign to be located anywhere else on the property. Mr. Wrenn added the location was picked so emergency vehicles and visitors will be able to identify the entrance to the residential housing complex. Chairman Pinkham asked what the legal address of the property is since it appears to be off Dexter Avenue. Mr. Wrenn said the legal address is 100 Baldwin Avenue. Chairman Pinkham asked if the street address is 100 Baldwin Avenue on the special permit approved by the City Council. Mr. Wrenn replied he believes it is. Chairman Pinkham asked if anyone on the Board had any questions. Member Robertson asked if the petitioner is seeking a variance for the setback or the size of the sign of both. Mr. Wrenn said the petition is for both. Mr. Wrenn said relief for the size of the sign is needed so it can be read from the street. Chairman Pinkham asked about the dimensions of the sign. Mr. Wrenn said the sign will be 72 inches by 36 inches. Chairman Pinkham asked about a notation of 25 inches on the plan. Mr. Wrenn replied the sign will be 25 inches off the ground. Chairman Pinkham asked how much area of the sign will have the address of the residential development. She said she thinks the lettering would fit on a 5-foot by 2-foot sign that would be allowed under the zoning ordinance. Chairman Pinkham said a good portion of the sign appears to be taken up by the image of a tree and if the sign might comply with the zoning ordinance if the tree is removed. Mr. Wrenn said they are trying to put up an attractive sign that blends with the rest of the property. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. There were no respondents. Member Ray asked if the sign will be illuminated. Mr. Wrenn said there is a small light in front of the sign that will allow people to see it at night. Member Robertson asked what the primary use of the property is. Mr. Wrenn said there are 41 townhouse condominiums, 21 of which are currently occupied, with the rest under various stages of construction. Chairman Pinkham said she understands why people would be confused when they are looking to find 100 Baldwin Avenue since the main entrance is off

Dexter Avenue. Mr. Wrenn said there are a lot of paper streets in the area and that had led to confusion. Chairman Pinkham said she thought the issue of paper street was cleared up years ago. Chairman Pinkham said she does not believe the statutory requirements for the issuance of a variance have been met. Motion made by Member Parrish and seconded by Member Ray to grant the Variance based on the topography of the lot; approved, 4-1, Chairman Pinkham opposed.

Surianello Family Trust, Ralph Surianello, Trustee, 22 James Terrace, Woburn, MA, seeking a Special Permit from the provisions of Section 7.3 of the 1985 Woburn Zoning Ordinance, as amended, to raze and reconstruct an existing, non-conforming 2-family dwelling at 93 Green Street, Woburn, MA: Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, MA. Attorney Salvati said the existing home was built well before 1900 and is a 2-family located in an R-2 zoning district. Attorney Salvati said there is an adverse possession agreement for one of the parcels involved. Chairman Pinkham asked if the proposed new home will create a non-conformity. Attorney Salvati said the new lot will be 13,962-square-feet. Chairman Pinkham asked if there will end up being two houses on one lot. Chairman Pinkham asked about the significance of a 30-foot right-of-way on the plans. Attorney Salvati said the right-of-way services the portion of the parcel off Green Street. Chairman Pinkham asked if there will be a garage on Lot A. Attorney Salvati said there is a proposed detached garage on the lot but it complies with the setback requirements. Chairman Pinkham asked if the proposed garage is going to serve the proposed duplex. Attorney Salvati said there will be two spaces in the garage for the duplex. Chairman Pinkham said the slope from Green Street is very significant. Attorney Salvati agreed it is, from the garage to Green Street. Chairman Pinkham asked if there are any elevations shown on the plans. Attorney Salvati said his client has not yet done a topographical survey but added that can be prepared if the Board wishes. Member Ray asked if there will be access to the duplex via the 30-foot right-of-way. Attorney Salvati said there will be access, as there is no curb cut on Green Street. Member Robertson asked where the 30-foot right-of-way begins. Attorney Salvati said the right-of-way starts at the corner of Allen and Green streets. Member Robertson asked if the lot exists now. Attorney Salvati said the petitioner has not yet filed an ANR plan. Member Robertson said he's not sure why the petitioner is here if the lot does not exist, and the petition is like a hanging chad on a Florida election ballot. Attorney Salvati allowed it might be prudent for the petitioner to get an ANR endorsement and return to the Board for the variance and suggested his client would seek a continuance. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. Charles Puopolo, 20 James Terrace, asked if the new building would be constructed along the same footprint. Chairman Pinkham said the new building will be longer. She said the plan does not show the dimensions of the existing structure but the new home will be 60-feet by 32-feet. Mr. Puopolo asked if the new building will be the same height as the old. Attorney Salvati said it will be the same height. Mr. Puopolo asked about hours of construction. Chairman Pinkham said construction hours are governed by city ordinance. Attorney Salvati said the hours of construction will like be from 7 a.m. to 8 p.m. Mr. Puopolo asked how many access routes there will be to the property. Chairman Pinkham said there will be access from Allen Street and James Terrace. Attorney Salvati said the property will only be accessed via the right-of-way. Joseph Surianello, 22 James Terrace, said the intent is to put up a no trespassing sign by the easement from 93 Green Street. Mark Puopolo, 20 James Terrace, asked how the access off James Terrace will be configured. Chairman Pinkham said there will be no trespassing signs.

Member Robertson asked why 22 James Terrace can't be accessed from James Terrace. Mr. Surienello said because it is too steep. Chairman Pinkham said the third story of the proposed structure appears to be of significant size and asked how many bedrooms will be in each unit. Attorney Salvati said there will be four bedrooms in each unit and a total of eight bedrooms in the duplex. Chairman Pinkham said information from the city's Assessors Dept. indicates there are six bedrooms. Attorney Salvati said his client intends to increase the number of bedrooms to eight. Chairman Pinkham said she will be interested to see if there is any overflow parking available. Member Parrish asked what the height of the building will be. Attorney Salvati said he will provide that information at the next meeting. Member Ray said the driveway is labeled incorrectly on the plans. Attorney Salvati said the plans incorporate the highest point and the lowest point and take the average. Member Ray said the main height of the roof has to be higher than 34' 10" and if it is significantly higher that is going to be a problem. Member Robertson asked Charles Puopolo if he is opposed to the petition. Charles Puopolo replied he wants to see the dimensions before he takes a position on the petition. Motion made by Member Parrish and seconded by Member Ray to continue the public hearing until the Board's next meeting; approved, 5-0. Chairman Pinkham announced the next meeting will be held on Wednesday, April 18.

Connor Shaw, 11 White Avenue, Wakefield, MA, seeking a Special Permit from the provisions of Section 7.3 of the 1985 Woburn Zoning Ordinance, as amended, to raze and reconstruct an existing, 2-family dwelling on a pre-existing, non-conforming lot at 156 Burlington Street, Woburn, MA: Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, MA. Attorney Salvati said the existing home is a 2-family that was built prior to 1900, with a footprint of approximately 1,400-square feet. He said the new house will have approximately 3,500-square-feet of living space. Attorney Salvati said the existing building is dilapidated and it would be advantageous to the neighbors to have it removed. He said one neighbor has expressed concerns about parking, and his client is willing to move the four parking spaces to the front of the lot so they do not impede the neighbor. Chairman Pinkham asked if the current use is as a 2-family home. Attorney Salvati said the use has traditionally been a 2-family. Chairman Pinkham said she would like to see evidence the property has been used as a 2-family, because she does not want to be a member of the Board that grants a 2-family use on a property that was used for a single-family home. Attorney Salvati said the neighbor has asked his client to move the two parking spaces in back of the building to the front of the lot. Member Robertson asked if there is parking available in the back now. Attorney Salvati said there is. Member Robertson asked if the petitioner is prepared to accommodate the neighbor's request to move the parking spots to the front of the lot. Attorney Salvati said they will. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. David Hilbrunner, 154 Burlington Street, Woburn, MA, told the Board his biggest concerns are someone going over the right-of-way and someone using the right-of-way for parking, and he won't be able to get out of his driveway. Mr. Hilbrunner said if the parking spaces are moved to the front of the lot, he will not have a problem with the petition. Mr. Hilbrunner said a new structure on the property would be ideal since the present structure is rundown. Robert Callahan, 155 Burlington Street, Woburn, MA, said he lives diagonally across the street and asked if the units will be condominiums or for rent. Connor Shaw, 11 White Avenue, Wakefield, MA, replied he intends to live in one of the units and rent out the other. Mr.

Callahan suggested the Board make a site visit. Mr. Callahan said he would like to see the property cleaned up. Mr. Callahan said as long as he has lived in his home, the house at 156 Burlington Street has been used as a 2-family. Patrick Dillon, 161 Burlington Street, Woburn, MA, said the existing structure is an eyesore on a small lot and has been vacant as long as he can remember. Patrick Dillon said he is concerned because the new structure will be 30 percent bigger than the old one. Patrick Dillon said he is also concerned about parking on the lot. Chairman Pinkham asked whose name is on the deed. Attorney Salvati said Mr. Shaw is the deeded owner and that he bought the property from another party would bought the property at an auction. Jeffrey Dillon, 63 Sheridan Street, Woburn, MA, told the Board there has been just one family living there and even if there are two units there were not two different families there. Jeffrey Dillon said the lot size may be too small for the structure Mr. Shaw wants to build. Chairman Pinkham said under the current zoning regulations Mr. Shaw can only cover 25 percent of the lot. Jeffrey Dillon said a single-family home would be a much better fit for the lot. Member Robertson said he has concerns the 2-family use may be abandoned. Attorney Salvati said the property was always kept as a 2-family and taxes were paid as a 2-family. Chairman Pinkham said she shares Member Robertson's concern the 2-family use has lapsed. Member Ray asked what the line with small Xs on the plans indicate. Attorney Salvati said it is a fence. Member Ray asked whose fence it is. Mr. Shaw said he would have to check. Attorney Salvati said he hopes it is the neighbor's fence. Member Ray said it appears the fence is a little more than an inch off the property line. Chairman Pinkham said there are a lot of questions that need to be addressed before the Board can vote on the special permit. She said she would like to see revised plans that show the parking spaces in the front of the lot. Member Ray asked how wide the driveway can be. He said the maximum width of a driveway is 24 feet in an R-1 zone, but he's not sure what the standard is in an R-2 zone. Attorney Salvati replied he will ask the Building Dept. Attorney Salvati said he will request a continuance until the Board's meeting in April. Member Robertson suggested inquiring with the City Solicitor to determine if the 2-family use has been abandoned. Chairman Pinkham agreed asking the City Solicitor about the abandonment issue is a good idea and told Attorney Salvati if there is any evidence the home has been maintained as a 2-family use all along, he ought to present that to the Board. Mr. Callahan asked if a list of voters could be used to determine whether the 2-family use was maintained. Member Roberson said it is up to the petitioner to establish a legal non-conforming use. Jeffrey Dillon said he has spoken with a member of the Building Dept. who said the current use is no longer available. Patrick Dillon said he doesn't understand why it would be a 2-family house at this point but he would rather keep his neighbors happy so his driveway isn't blocked. Member Ryan asked who is living there now. Attorney Salvati said the house is empty. Member Ryan said he drove by the property and there were two vehicles in the driveway, including a blue pickup truck with a plow. Mr. Hilbrunner said the blue truck is his. Mr. Hilbrunner said he recalls the timeline for 2-family use because it happened while his daughter was away at school. Motion made by Member Ray and seconded by Member Ryan to continue the public hearing until the Board's meeting on Wednesday, April 18; approved, 5-0.

Philip Ciampa, 20 Plympton St., Woburn, MA, seeking a Variance from the provisions of the 1985 Woburn Zoning Ordinance, as amended, to construct a 6-foot fence and for a reduction of a side yard setback from 12 feet to 5 feet to install a pool at 20 Plympton Street, Woburn, MA: Appearing for the petitioner were Philip and Andrea Ciampa, 20

Plympton St., Woburn, MA. Mr. Ciampa said he is requesting relief to put up and fence and for a reduction in the side yard setback to put a pool in his backyard. He said his lot is oddly-shaped. He said he would like to erect a 6-foot fence on top of a 4-foot retaining wall. Mrs. Ciampa said they are trying to level off the entire yard. Member Parish asked if the pool will be in-ground or above-ground. Mr. Ciampa said the pool will be in-ground. Mr. Ciampa said all his neighbors support what he is trying to do. Mrs. Ciampa said all the abutters also have fenced in yards. Member Ray asked how high the fence will be. Mr. Ciampa replied it will be six feet. Chairman Pinkham asked if anyone in the audience wished to address the Board about the petition. There were no respondents. Motion made by Member Robertson and seconded by Member Parrish to grant the Variance. Chairman Pinkham asked what the hardship is. Member Ray replied the hardship lies with the topography because the slope does not allow a pool to be put within the setback requirement. Variance approved, 4-1, Chairman Pinkham opposed.

Approval of minutes from the Board's meeting on February 22, 2018: Chairman Pinkham said there is an error on page 3 and that the word "she" should be removed. Motion made by Member Ray and seconded by Member Parrish to approve the minutes of the February 22, 2108 meeting, as amended, approved, 5-0.

Any other business that may be before the Board: Member Ray asked if the Board wished to conduct a site visit to 156 Burlington St. Chairman Pinkham suggested waiting to see what happens.

Motion made by Member Parrish and seconded by Member Ray to adjourn; approved, 5-0. Chairman Pinkham adjourned the meeting at 8:29 p.m.

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Gordon Vincent
Clerk of Committees