

**Zoning Board of Appeals
Woburn City Hall
City Council Chambers
June 20, 2018 – 6 p.m.**

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

Meeting was convened by Chairman Pinkham at 6 p.m. Chairman Pinkham advised the audience the agenda is lengthy and she reserves the right to limit discussion on any item.

Correspondence from Attorney Mark Salvati regarding a Variance issued to Anchor Auto Body, Peter Spinazola, Trustee, 3 Breed Avenue, Woburn, Massachusetts 01801, Petitioner and Landowner, for the located at 10 Breed Avenue, Woburn, MA (continued from meeting of May 16, 2018): Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, MA. Attorney Salvati reminded the board that previously-submitted plan has the wrong date and a new plan with a date of June 1, 2018, has been submitted. Chairman Pinkham reminded the board the variance has already been granted on the condition that the building be set back 10 feet. She said there is an error on the previous plan that indicates the setback on the northeast side of the building was labeled 12.1 feet when it is actually 11.1 feet. Attorney Salvati said the scale on the new plan was adjusted to read 20-1, when the previous plan read 40-1. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. There were no respondents. Motion made by Member Parrish and seconded by Member Robertson to amend the variance, as stipulated in the plans dated June 1, 2018; approved, 5-0.

Chairman Pinkham advised the audience that Member Ray is eligible to vote on matters that were continued from the May meeting because he has signed the required affidavits indicating he has fulfilled the statutory requirement allowing him to participate.

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 (continued from meeting of May 16, 2018): Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, MA. Attorney Salvati said the plan has not changed, but it has been simplified to reflect his client's acquisition of a parcel of land by adverse possession. Chairman Pinkham said the revised plan is much easier to understand. Chairman Pinkham asked how parking will be accommodated. Attorney Salvati said there will be four garage spots. Chairman Pinkham asked if there will be no parking in the right-of-way. Attorney Salvati said that is correct. He said the garage will be located on a flat area of the parcel. Chairman Pinkham suggested the special permit ought to be conditioned on the garage being constructed as part of the occupancy permit. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. There were no respondents. Motion made by Member Parrish and seconded by Member Ryan that the special permit be approved with the condition that the garage be constructed for two vehicles. Chairman

Pinkham said the condition ought to read “at a minimum of two vehicles.” Motion made by Member Ray and seconded by Member Parrish that the special permit be approved with the condition that a 2-car garage be constructed and approved for use by the Building Commissioner; approved, 5-0.

John Nee and Susan Nee, 1 Ingalls Street, Woburn, MA 01801, for a Variance in the frontage requirement from 100 feet to 75 feet to create a new lot at 1 Ingalls Street, Woburn, MA (continued from meeting of May 16, 2018): Appearing on behalf of the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, MA. Attorney Salvati said his client has enough frontage on Montvale Lane for access, but there is about a 14-foot rise in elevation from Montvale Lane and only a 6-foot change in elevation from Ingalls Street. He said the grade on Ingalls Street is much safer and allows for much safer and easier access. He said the hardship is based on topography. He said he has talked to the City Solicitor and she opined the board can condition the variance upon approval of an ANR plan. Chairman Pinkham asked how the hardship on Montvale Lane relates to the frontage on Ingalls Street. Attorney Salvati said the slope would make access much more dangerous. Member Robertson asked if the petitioner could request an ANR. Attorney Salvati replied an ANR can't be conditioned upon approval of a variance, and his client would have to get the variance first and then go back for an ANR. He said the City Solicitor suggested the variance be conditioned upon the ANR. Member Robertson asked if the Planning Board won't approve an ANR without a variance. Attorney Salvati said the Planning Board would label the lot unbuildable. Member Robertson said there is not lot until the plan is approved. Attorney Salvati said that's why there would be a condition. He said this procedure has been done in the past, according to the City Solicitor. He said he does not personally know of an instance, however. Member Ray asked about the frontage on Montvale Lane and asked if a 4-foot strip was considered frontage. Attorney Salvati said his client hopes to convey that strip to a neighbor, which is another issue. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. Hugh O'Brien, 16 Ingalls Street, said he has lived on the street for more than 50 years and he is in favor of the board granting the variance. Attorney Salvati reminded the board there were three or four other neighbors who spoke in favor of the petition at the May meeting. Motion made by Member Ryan and seconded by Member Parrish to grant the variance; approved, 4-1, with Chairman Pinkham opposed.

Anthony Lisacki, 1 Dickie Road, Woburn, MA, 01801, Landowner and Petitioner, seeking a Variance from the provisions of Section 5.3.2, the 1985 Woburn Zoning Ordinance, as amended, to install a fence within the street setbacks at 1 Dickie Road, Woburn, MA (continued from May 16, 2018 meeting): Appearing was Anthony Lisacki, 1 Dickie Road, Woburn, MA. Mr. Lisacki said the plans were revised and the proposed fence is now six feet off Pearl Street, as opposed to the original plan, which had the fence on the lot line. Chairman Pinkham said the board received photographs that show the proposed fence simulated on the property. She asked if the new plan shows the fence being 16.4 feet off Dickie Road. Mr. Lisacki said it does. Member Ray said the board intended to have the traffic safety office look at the proposed fence. Chairman Pinkham said the board received a somewhat informal response from Woburn Police Officer Michael Pacheco. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. There were no respondents. Member Parrish asked if there are any other homes in the area that have a 6-foot fence within 25 feet of the

property line. Mr. Lisacki said there is a property on Pearl Street with a 6-foot fence. Chairman Pinkham asked Mr. Lisacki if he knows whether a building permit was issued for the fence on Pearl Street. Mr. Lisacki replied he does not. Chairman Pinkham asked Mr. Lisacki what his hardship is. Mr. Lisacki said his hardship is the topography of his lot. Chairman Pinkham said there appears to be a change in elevation of about one foot. Motion made by Member Ryan to grant the variance, based on Officer Pacheco's report that he is satisfied the fence will not create a safety hazard. Member Ray asked if there is an estimate on how high the fence will look from Pearl Street. Chairman Pinkham said about five feet of the fence will be visible from the Pearl Street side. Motion seconded by Member Ray; approved, 4-1, with Chairman Pinkham opposed. Chairman Pinkham advised Mr. Lisacki that no building permit can issue until the decision is finalized and the 20-day appeal period ends.

394 Washington Street Realty Trust, c/o Woburn Foreign Motors, 394 Washington St., Woburn, MA 01801, for the following Variances pursuant to Section 6.1, Table of Dimensional Regulations, and Section 13.9.1.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a freestanding pylon sign: 1.) Front yard setback from 25 feet or the rear yard setback of 30 feet to 11.3 feet, more or less; 2.) Height of the freestanding sign from 30 feet to 35 feet, more or less, and: 3.) Square footage of the freestanding sign from 100 square feet to 160.44 square feet, more or less, at 394 Washington St., Woburn, MA (continued from meeting on May 16, 2018): Appearing on behalf of the petitioner were Attorney Patricia DeAngelis, Murtha Cullina, 600 Unicorn Park, Woburn, MA; and Luc Duguay, Pattison Sign Group, 555 Ellesmere Road, Toronto, Ontario, Canada. Attorney DeAngelis said after consultation with the Building Commissioner it was determined the request for a variance for the area of the sign would be withdrawn because the area of the sign is 47.4 square feet and within the confines of what is allowed via ordinance. Chairman Pinkham said the copy of the plans she has do not appear to be marked up. Attorney DeAngelis said what she had done wrong was include the area of the panel in the area of the sign, and without that, the sign is less than the 100-square-foot maximum. She said the second variance is for the height, but her client conducted a visibility test and determined the height of only 30 feet is necessary. Member Ray referenced the area of the sign and said the rules say the entirety of the sign ought to be included in the calculation of the square footage. Chairman Pinkham said it is her understanding the block panels were not going to be included in the calculation of the area of the sign, but she allowed that does seem at odds with the way the board has typically addressed sign variances. Member Ray said using that method, the sign would count at three separate signs. He told Attorney DeAngelis she may not want to withdraw her request for the area variance if it turns out she needs it. Attorney DeAngelis said she thinks the Building Commissioner is of the opinion the sign complies with the ordinance. Chairman Pinkham said it is unfortunate the revised plans were just handed to the board because it would have been helpful to analyze the plans prior to the meeting. Chairman Pinkham said she tends to agree with Member Ray's opinion and that leaves the board with a conundrum. Attorney DeAngelis said her client has to put the entire sign and logo on the top panel to come within the 100-square-foot limit in the ordinance. Chairman Pinkham asked if the swoosh is a Toyota trademark. Mr. Duguay said the swoosh is in every Toyota location across the U.S. He said other than that the sign is a 3-dimensional panel other than that. He said the swoosh will not be anywhere else on the building. Member Parrish asked

how the sign will be lit. Mr. Duguay said there will be red LED lighting, and only the Toyota logo will be lit. He said all the panels will be aluminum. Chairman Pinkham asked about the variance for the front yard setback. Attorney DeAngelis said compliance with the setback requirement would result in the loss of 4-5 parking spaces and it would create a safety hazard. Mr. Duguay said the rest of the building will contain about 980-square-feet of signage. Attorney DeAngelis said there is a hardship based on the topography. Chairman Pinkham said the hardship is based on the highway, and that the hardship should be based on the lot itself. Attorney DeAngelis said the lot is a low lot. Chairman Pinkham asked how big the retaining walls are. Mr. Duguay said he isn't involved in that aspect of the project, but acknowledged the retaining walls are fair-sized. Chairman Pinkham asked how high the sign is on the main building. Mr. Duguay said the elevation of the building is 27 feet and the letter are 11 feet high. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. There were no respondents. Member Parrish asked if all three variances are on the table. Attorney DeAngelis said the request for the variance for the height of the sign has been withdrawn, and the two that are on the table are for the square footage of the sign and the setback reduction. Motion made by Member Ray and seconded by Member Parrish to grant the aforementioned two variances; approved, 4-1, with Chairman Pinkham opposed.

Philip Ciampa and Andrea Ciampa, 20 Plympton Street, Woburn, MA, Petitioners and Landowners, seeking a Variance from the provisions of Section 6.1 of the 1985 Woburn Zoning Ordinance, as amended, to allow for a reduction in a rear yard setback from 30 feet to 17.8 feet at 20 Plympton Street, Woburn, MA: Appearing were Philip Ciampa and Andrea Ciampa, 20 Plympton Street, Woburn, MA. Mr. Ciampa said he and his wife want to put in a patio roof that will be 17 feet from the property line. He said they have a very odd-shaped yard. He said they applied for a similar variance two years ago and but they were unable to move forward before the variance expired. Chairman Pinkham asked if they would be able to comply with the setback if the roof was less than 24 feet. Mr. Ciampa said they want as much space as possible for their family. Mrs. Ciampa said they want the space coming off the laundry room covered. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. There were no respondents. Chairman Pinkham asked how the patio roof is going to be supported. Mr. Ciampa said the roof will be supported by three posts. Chairman Pinkham said typically the board would like to see a set of plans. Mr. Ciampa said the Building Dept. won't review anything until he gets the variance and that he has nothing formal. Chairman Pinkham asked if Mr. Ciampa would be willing to allow any decision from the board contingent upon submission of plans. Mr. Ciampa said he would be willing to do that. He said the last time he obtained a variance he thought it would be sufficient. Member Ryan suggested making the variance conditional upon the Building Commissioner's approval of a set of plans prior to construction. Member Parrish agreed the board could approve the variance based on the review of the Building Commissioner. Chairman Pinkham said the Building Dept. is going to require a set of plans anyway. Motion made by Member Parrish and seconded by Member Robertson to grant the variance based on the plans and specifications submitted this evening. Mr. Ciampa said the patio roof is probably going to be less than 24 feet. Chairman Pinkham said the bottom line is the Building Dept. is going to have to approve a plan. Motion made to grant the variance; 4-1, Chairman Pinkham opposed.

Matadora Restaurant, 2 Forbes Road, Woburn, MA 01801, Petitioner, and Woburn Hotel Property Owner LLC, 125 High Street, Boston, MA 02110, Landowner, seeking to appeal the decision of the Building Commissioner denying a building permit to paint two murals on the side of a building, or; a Variance from the provisions of Sections 13.10.2.1 and 13.10.2.2 of the 1985 Woburn Zoning Ordinance, as amended, to allow for a wall sign at 2 Forbes Road, Woburn, MA: Appearing on behalf of the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, MA. Attorney Salvati asked the board to withdraw his request to appeal the decision of the Building Commissioner's denial of the building permit. Motion made by Member Parrish and seconded by Member Ray to grant the petitioner leave of withdrawal without prejudice for an appeal of the Building Commissioner's denial of a building permit; approved, 5-0. Attorney Salvati asked for the hearing to be tabled because his clients have not arrived yet from Boston. Motion made by Member Parrish and seconded by Member Ray to table the hearing; approved, 5-0.

Herby Duverne and Claire Boice, 3 Kenney Court, Woburn, MA 01801, Petitioners and Landowners, seeking a Variance from Section 6.1 of the provisions of the 1985 Woburn Zoning Ordinance, as amended, for a reduction in a rear yard setback from 30 feet to 8.1 feet to allow for an addition at 3 Kenney Court, Woburn, MA: Appearing was Claire Boice, 3 Kenney Court, Woburn, MA, and Edgar Rodrigues of Strong Hands Construction Pro Inc., 58 Pulaski Street, Peabody, MA. Ms. Boice submitted two letters signed by Rachel Willett, 23 Lake Avenue, and Pedro Vidinha, 17 Lake Avenue, stating they have no objection to the petition. Ms. Boice said she and her family would like more privacy afforded to them by a screened-in deck. Chairman Pinkham said the plans submitted to the board indicate there is an existing deck and she asked if the petitioners are going to expand and enclose part of it. She noted the house is on a corner lot. She said she is trying to figure out which is the side lot line and which is the rear lot line. Member Robertson asked how much larger the deck is going to be. Ms. Boice said the deck is currently 10 feet by 12 feet and she would like to expand it to 12 feet by 18 feet. Member Robertson asked what the current setback is. Ms. Boice said it is 10.1 feet. Member Robertson asked if the plan is to add approximately two feet to the deck. Ms. Boice said she would like two additional feet added to her deck. Member Robertson asked what the hardship is. Ms. Boice said there is a hill on her property. Member Robertson asked Ms. Boice if she owned the property when the original deck was built. Ms. Boice said the home was built in 1997 and they have lived there for about 11 years. Member Robertson asked if a variance was obtained for the original deck. Ms. Boice said she does not know. Member Pinkham said it looks like it was treated as a side lot, which would have required a 12-foot setback, not a 10-foot setback. Member Robertson said if the original deck was a legal structure, it is a 2-foot change, but if the original deck is not a lawful structure, he is not going to vote for it. He asked if Ms. Boice has any proof the deck was constructed legally. Chairman Pinkham asked Ms. Boice if rocks are on her property. Ms. Boice said there are rocks from blasting still in the yard, which she said is not level. Member Ray said he believes Ms. Boice's house is 15-20 feet higher than the road. Ms. Boice said it is. Chairman Pinkham said she thinks there is a side lot line involved and the request for a variance should be for a reduction from 12 feet, not 30, but because the house is on a corner lot, the definitions get a little funky. She said the standard for a variance is very high. She said it's very hard to tell if there's a predominance of ledge. Ms. Boice said the rocky part of her property is

along the Maria Court boundary. Chairman Pinkham asked how much of the deck will be enclosed. Ms. Boice said 12 feet by 18 feet will be enclosed and 8 feet by 17 feet will not be enclosed. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. There were no respondents. Motion made by Member Parrish to grant the variance based on the topography of the lot. Member Parrish asked Ms. Boice if she owns the retaining wall in the back portion of the property. Ms. Boice replied the retaining wall is her neighbor's. Motion seconded by Member Ray. Member Robertson asked what the topography has to do with encroaching on the setback, and asked if that is a hardship. Member Parrish said it would be more of a hardship to put the deck on the Lake Avenue side of the property. Member Robertson said he is prepared to overlook the questionable case for a hardship if there is proof the original deck is a lawful structure. Ms. Boice said she was told by a member of the Building Dept. that if they were only replacing the deck with one the same size, they would not need a variance. Member Robertson said that sounds like an acknowledgement that the deck is a legal structure. Member Ray said the options are to put the deck in front of the house or where they are proposing it to go. Vote to approve the variance was 5-0.

Motion made by Member Parrish and seconded by Member Ray to take from the table the petition of Matadora Restaurant, 2 Forbes Road, Woburn, MA 01801, Petitioner, and Woburn Hotel Property Owner LLC, 125 High Street, Boston, MA 02110, Landowner, seeking a Variance from the provisions of Sections 13.10.2.1 and 13.10.2.2 of the 1985 Woburn Zoning Ordinance, as amended, to allow for a wall sign at 2 Forbes Road, Woburn, MA; approved, 5-0: Also appearing for the petitioner were Marc Gordon and Robin Brown, of the Rubicon Companies, co-owners of the Hilton Boston-Woburn. Attorney Salvati said the property is located in an Office Park zoning district. He said the hardship is the topography and the shape of the property, which has vast amounts of wetlands. He said if the sign was the size allowed by the zoning ordinance, it would not be seen from Route 93. He said the sign does not face any roads in Woburn but instead faces the highway. Attorney Salvati said the road is a dead end, and that he had Woburn Police Patrolman Joseph Mantone visit the site and he determined there was no impact on traffic in the area. Mr. Gordon said he and his business partners are professional owners of hotels and when they bought the property in Woburn the hotel was badly deteriorating and occupancy rates were low. He said his company has poured \$18 million into renovations, including the new Matadora restaurant, for which they are looking to add a mural to attract business from beyond the realm of guests at the hotel. He said he hopes the restaurant can attract diners from Burlington and Lynnfield and other towns. Mr. Gordon said the primary problem is a lack of awareness and that the restaurant can't be successful unless people know it's there. Member Robertson asked what was the nature of the appeal of the Building Commissioner's decision, and if it was whether the murals constituted a sign. Attorney Salvati said there was two murals, one of which is a matador with a bull and the other is of a Spanish-looking lady. He said the definition of a sign in the zoning ordinance is very broad and just about anything would fit that definition. Member Robertson asked if the murals are going to be on two different walls. Attorney Salvati replied one will face Route 93 and the other will face Forbes Road. Member Robertson asked if the petitioner has a color rendering of the murals. Attorney Salvati said he only has one copy of the color rendering but he could

furnish the board with color renderings if needed. Member Robertson asked if the signs will be illuminated from the exterior. Attorney Salvati said they will be. Chairman Pinkham asked how big the mural with the image of the woman will be. Attorney Salvati said the mural with the image of the woman is 815-square-feet. Chairman Pinkham asked how big the mural of the matador and the bull will be. Attorney Salvati said the mural of the bull and matador is 1,740-square-feet, with a total of 1,840-square-feet of primary signage, including the 100-square-foot Hilton sign. He said his client is basically asking for two times the size of what is allowed. Chairman Pinkham asked why Attorney Salvati thinks the hardship is the presence of wetlands between the building and the highway. He said the location that was chosen for the murals will allow for greater visibility. Chairman Pinkham asked what authority the board has to grant a variance on the basis the signs can be seen from outside the property. Attorney Salvati replied the Woburn Zoning Ordinance was put in place for safety purposes, and the board can grant a variance if the proposed structure is not going to derogate public safety. Chairman Pinkham asked if the murals are the same as a billboard. Attorney Salvati replied he knows the Building Commissioner did not deny the application for a building permit based on the murals' resemblance to a billboard. Attorney Salvati said the Building Commissioner initially thought the murals were allowed by right, but then he changed his mind. Chairman Pinkham asked if the hardship was self-created. Attorney Salvati said the wetlands forced the building to be built the way it is. Member Parrish asked what would happen if the Hilton changes hands or the restaurant goes under. Attorney Salvati said any change to the sign would require a variance, and he would be OK with a condition that makes the variance specific to his client. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. Heather Maguire, Executive Director of the Woburn Business Association, 10 Tower Office Park, Woburn, MA, told the board the petitioners have spent a lot of money renovating the hotel, and that the restaurant fills a gap that exists in the city. She said it is hard for the Hilton to be seen from the highway, with the way the hotel is situated. Chairman Pinkham said Member Robertson's request for color images of the murals is fair because the black-and-white images submitted by the petitioner put the board in an unfair position because the members don't know what it will look like. She said she is concerned about the sizes of the murals. Attorney Salvati said he would be glad to agree to a continuance so he can present color images of the murals. Member Ray asked if the bottom of the larger sign will be seen from the highway. Attorney Salvati replied the entire sign can be seen during the winter but the vegetation during other seasons may cut off the bottom of the sign. Member Robertson said the petition has provided enough information for him to make up his mind. Motion made by Member Parrish to grant the variance. Attorney Salvati requested a continuance to provide the board with color images of the murals. Member Parrish withdrew his motion to grant the variance and made a subsequent motion that was seconded by Member Ray to continue the hearing until the board's meeting in July; approved, 5-0. Chairman Pinkham said the board's next meeting will be held on Wednesday, July 18, at 6 p.m. in City Council Chambers.

Local 103 IBEW, 256 Freeport Street, Dorchester, MA 02122, Petitioner, and Black Acre Realty Trust, c/o Richard M. Canzano, 36 Commerce Way, Woburn, MA 01801, seeking a Variance from the provisions of Section 13.7.2.2 of the 1985 Woburn Zoning Ordinance, as amended, to allow for a free-standing sign with an area greater than 20 square feet at 36

Commerce Way, Woburn, MA: Appearing for the petitioner was David O’Laughlin, Business Agent, Local 103 IBEW, 256 Freeport Street, Dorchester, MA. Chairman Pinkham said she is trying to figure out why a variance is required because the zoning ordinance allows a sign of up to 40-square-feet and that is the size the petitioner is asking for. Mr. O’Laughlin confirmed the sign will be 8 feet by 5 feet, and it will not be illuminated. Member Robertson asked if the sign is 2-sided. Mr. O’Laughlin said it is. Member Ray asked if a variance is needed because the sign will be located in an overlay district. Member Robertson asked if a variance is needed because the sign will be located within a setback. Chairman Pinkham said the proposed location of the sign is 9.9 feet from the lot line. She said the petitioner does need a variance but the board has been focused on the wrong thing. Member Robertson said the board does not want to grant relief the petitioner does not want or need. Chairman Pinkham asked if anyone in the audience wished to address the board regarding the petition. There were no respondents. Member Robertson asked if Local 103 IBEW is a tenant. Mr. O’Laughlin said it is. Member Robertson asked if the current owner of the building will continue to own the building. Mr. O’Laughlin said it will. Member Robertson said he thought there was a sign already there. Member Ray said a secondary sign is allowed in the IP zoning district within five feet of the street. Chairman Pinkham said this appears to be the main sign, which would be the most visible sign on the property. Mr. O’Laughlin said there is currently no sign on the land or the building. He said there may be one tenant space that is still open on the second floor. He said Local 103 IBEW has been a tenant for about nine months. He said the Commerce Way location is a satellite office for members who live north of Boston and it has been very successful. He said the main hall is located in Dorchester. Member Pinkham said an approval of a variance requires a hardship. She said the sign should be 25 feet from the lot line, and asked if there is a hardship that compels the sign to be placed 9.9 feet from the lot line. Mr. O’Laughlin said if the sign was 25 feet from the lot line, it would not be visible due to the vegetation in the area. Chairman Pinkham said it appears the lot line is curved, not square. Member Ray said the sign can’t be placed 25 feet from the roadway because it would be in the building. He said he doesn’t see any way the sign will obstruct anyone’s view from the street. He said he thinks it is important to have a sign in front of the building. Motion made by Member Ray and seconded by Member Parrish to grant the variance; approved, 4-1, with Chairman Pinkham opposed.

Benjamin Oven, 98 Cambridge Road, Woburn, MA 01801, Petitioner and Landowner, seeking Variances from the provisions of Section 5.3 and Section 6.1 of the 1985 Woburn Zoning Ordinance, as amended, to allow for a 6-foot fence, and a reduction of the front yard setback from 25 feet to 7 feet, at 98 Cambridge Road, Woburn, MA: Appearing was Benjamin Oven, 98 Cambridge Road, Woburn, MA: Mr. Oven said his hardship is the land has a significant decrease in front, abutting Cambridge Road. He said he is asking to put a 6-foot fence at the bottom of the hill, which he said would be less of an obstruction than a 3-foot fence at the top of the hill. Chairman Pinkham asked what the change in elevation is. Mr. Oven said he did not have his property surveyed but he believes it goes from 44 inches to 51 inches. He said the fence will be two inches above the guardrail. Chairman Pinkham asked if anyone in the audience wished to address the board regarding the petition. Edmund J. Sullivan, 90 Cambridge Road, said the fence will beautify Mr. Oven’s property and enhance the neighborhood. He said he has no objection to the board granting the variance. Anthony Mongelli, 94 Cambridge Road, said Mr.

Oven has a dog, and with the fence the dog will be able to go outside on its own. He said the Ovens also foster dogs and the fence will allow the Ovens to let the dogs go outside on their own. Member Parrish asked what type of fence Mr. Oven intends to install. Mr. Oven said the fence will be privacy vinyl, solid, with a white color. Motion made by Member Parrish and seconded by Member Ryan to grant the variance based on the topography of the lot; approved, 5-0.

Michael T. Roach, 2 Phillips Street, Woburn, MA 01801, Petitioner and Landowner, seeking Variances from the provisions of Section 5.3 and Section 6.1 of the 1985 Woburn Zoning Ordinance, as amended, to allow for a 6-foot fence, and a reduction of the front yard setback, at 2 Phillips Street, Woburn, MA: Appearing was Michael T. Roach, 2 Phillips Street, Woburn, MA. Mr. Roach submitted photos of his front yard. He said the fence he is proposing to build will meet up with an existing fence and the new fence will be 6-feet high and made of vinyl. Chairman Pinkham asked if the existing chain link fence is shown on the plot plan. Mr. Roach said it is. Chairman Pinkham asked what the hardship is. Mr. Roach said his rear yard slopes and offers zero privacy. He said he is in violation of the setback on Middle Street and that it is 17 feet from Middle Street to the sidewalk. He said the fence won't be in anyone's sight lines. He said the height of the chain link fence will be the same as the vinyl fence. Chairman Pinkham said Mr. Roach doesn't need a variance for that and asked Mr. Roach if he intends to replace the chain link fence with white vinyl. Mr. Roach said he does. Chairman Pinkham said the relief Mr. Roach has requested is for a vinyl fence. She said if the chain link fence is only 3 feet high it would comply with the zoning code, but he would need a variance to increase the height to 6 feet. She said the zoning code allows for only a 3-foot fence within the front setback. She said if any part of the fence along Middle Street requires a variance or it must be less than 3 feet. She said it looks like the fence is going to be a lot closer to the lot line than 8 feet. Mr. Roach said the distance narrows to 5 feet at that section and the first X marked on the plans is 5 feet from the property line. 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 original chain link fence was put there legally. Mr. Roach said it was. He said the chain link fence was included in a subdivision in the 1940s or early 1950s. Chairman Pinkham asked Mr. Roach if he has had a conversation with the Building Dept. about replacing the chain link fence. Mr. Roach said he has not. Chairman Pinkham said it might be a good idea for Mr. Roach to determine how the Building Dept. feels about replacing a chain link fence with a vinyl fence. She said that if the board approves something the Building Commissioner disagrees with, Mr. Roach is going to have to come back before the board anyway. She said the board also typically asks the Woburn Police Dept. to conduct a visibility survey for a corner lot. She said she is not prepared to vote on Mr. Roach's petition tonight because the 6-foot fence will run along the property line. She said if the Building Commissioner decides Mr. Roach needs a variance to construct a fence to do that, she will have to evaluate that request. She said she would also like to see a visibility survey from Woburn PD. Member Ray said the board has been fairly consistent with requesting visibility surveys for corner lots. Chairman Pinkham also advised Mr. Roach to show the plans to the Building Dept. to determine if it takes the position he can replace the fence if it is legal and pre-existing. Chairman Pinkham said at least two members think it is appropriate to get more information before they vote. Motion made by Member Ray and seconded by Member Parrish to

continue the hearing and ask the Woburn Police Dept. to conduct a visibility survey; approved, 5-0. Member Robertson said he thinks Mr. Roach may have to re-apply for a different variance if the Building Commissioner rules the existing fence is not grandfathered. Chairman Pinkham said she does not think Mr. Roach needs to re-apply and that the board can amend the variance depending upon the Building Commissioner's ruling.

Jeffrey Petty and Maura Petty, 1 Old Farm Road, Woburn, MA 01801, Petitioners and Landowners, seeking Variances from the provisions of Section 5.3 and Section 6.1 of the 1985 Woburn Zoning Ordinance, as amended, to allow for a 4-foot fence, and a reduction of the front yard setback, at 1 Old Farm Road, Woburn, MA: Appearing was Jeffrey Petty, 1 Old Farm Road, Woburn, MA. Mr. Petty said he is seeking a variance to install a 4-foot fence in front of his property. Mr. Petty submitted photos to show the sight lines won't be affected by the fence. Mr. Petty said he has a corner lot and there is a broken fence. He said his hardship is the topography. He said the photos indicate the slope of his property. Mr. Petty said he is seeking a 4-foot fence because his dog will be able to jump over a 3-foot fence. Chairman Pinkham asked if there is any actual change in elevation because she does not see any slope. Chairman Pinkham asked what the tree easement indicated on the plans is. Mr. Petty said he is not allowed to cut down any trees in the tree easement. He said the proposed fence would be on his side of the tree easement. Mr. Petty said the 4-foot fence would be facing Burlington Street. Chairman Pinkham said the setback distance is normally indicated on the plan. Chairman Pinkham asked if the fence will be made of white vinyl. Mr. Petty replied the fence in front will be white vinyl with a scalloped top. Chairman Pinkham asked what the 40-foot section of fence facing Burlington Street will be made of. Mr. Petty said it will be solid. Mr. Petty said he would like to place the fence as close as possible to the sidewalk. Chairman Pinkham said since there are no dimensions on the plans she has no idea if the fence will be 6 inches or 1 foot from the sidewalk. Mr. Petty said he would like to put the fence half a foot from the sidewalk. Chairman Pinkham asked Mr. Petty if he understands the sidewalk is not necessarily where his property line is. Mr. Petty said he understood. Member Ray said he usually likes to see some green space between the fence and the sidewalk. He said he also worries about putting a fence in proximity to a sidewalk that the city has the responsibility of clearing. He said he thinks he would be looking for a new plan that shows the dimensions from the lot line, and he encouraged Mr. Petty to move the proposed location from the fence at least six inches from the sidewalk. Mr. Petty asked if the board wants to see any particular dimension. Member Ray said he would like to know how far the lot line is from the sidewalk. Chairman Pinkham said typically the dimensions are reflected in the plan so the Building Dept. knows what has been approved. She said the plan that Mr. Petty submitted is a little too casual and not specific enough. She said she applauds Mr. Petty for seeking a 4-foot fence instead of a 6-foot fence but added she thinks the board needs a little more detail. She said Mr. Petty will in all likelihood not obtain the four affirmative votes he needs for a variance and that he should use the time until the July meeting to get more details on the plot plan. Member Ray said if the board approves the plan as it has been submitted, it would be doing a disservice to the Building Dept. Mr. Petty asked if he should have his property surveyed. Chairman Pinkham said it is important to Mr. Petty to know where his property lines lay. Member Robertson said he thinks Mr. Petty is going to have to have his lot surveyed. Chairman Pinkham suggested Mr. Petty reach out to an engineer or surveyor to help him indicate the appropriate measurements the

board is seeking. Chairman Pinkham said the lot is a corner lot and she does not know how the proposed fence is going to impact sight lines at the intersection of Burlington Street and Old Farm Road and she would want someone who is far more experienced in the public safety realm to render an opinion, though she allowed the distance from the street and the vegetation may be mitigating factors. Motion made by Member Ryan and seconded by Member Ray to continue the hearing until the board's meeting on July, 18, 2018; approved, 5-0. Mr. Petty asked if he should come back next month with specific measurements.

Approval of minutes from the Board's meeting on May 16, 2018: Chairman Pinkham said she has one correction, on page 4, as the word "site" should be changed to "sight." Motion made by member Parrish and seconded by Member Ryan to approve the minutes of the May 16, 2108 meeting, as amended, 5-0.

Motion made by Member Parrish and seconded by Member Ray to adjourn; approved, 5-0. Chairman Pinkham adjourned the meeting at 8:55 p.m.

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Gordon Vincent
Clerk of Committees