

**COMMITTEE ON ORDINANCES, CHARTER AND RULES  
JUNE 24, 2019 AT 6:00 p.m.  
COMMITTEE ROOM  
WOBURN CITY HALL**

Voting Members:

Present: Chairman Lindsay Higgins, Alderman Mark Gaffney,  
and Alderman Darlene Mercer-Bruen  
Absent: Alderman Edward Tedesco and Alderman Michael Concannon

Non-Voting Members:

Present: President Michael Anderson, Alderman Joanne Campbell,  
and Alderman Robert Ferullo, and Alderman Richard Gately.

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**On the petition by Tidd Home LLC to amend the Woburn Zoning Ordinances by deleting from Section 29.5.4 Conversion of Significant Historic Building the first line “Twenty (20) units per acre” and replacing same with “Up to a maximum of Fifteen (15) units.”**

Appearing was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that addressing density through regulations rather than through an ordinance may be a good alternative, that density could be added to the table of dimensional regulations to give the City Council control over changes, that this petitioner’s property is only .5 acres, that the project cannot move forward as proposed under the current ordinance, that only seven units could be constructed based on the actual acreage of the property, and that the petitioner wants to install fifteen units which was in the original plan. John Flaherty of Tidd Home LLC stated that there would be fifteen units each with a kitchenette, a bathroom and a washer and dryer. Alderman Gately stated that other properties in the city would not have these amenities. Alderman Mercer-Bruen stated that there is a list of properties that could be affected by the ordinance. President Anderson stated that he drafted language with Alderman Higgins and Alderman Tedesco that any lot with less than one acre would require a special permit from the City Council and presented as document to the Committee for review as follows: “Maximum Permitted Residential Density: For any parcel consisting of one (1) acre or more, the maximum residential density shall be twenty (20) units per acre. For any parcel less than one acre, the number of units shall be in the discretion of the City Council but in no event shall the number of units exceed 15 units. 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.” Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 3 in favor, 0 opposed, 2 absent (Concannon, Tedesco absent). Alderman Campbell stated that the change is to take out the reference to units per acre, and that now it appears there could be a maximum of fifteen units regardless of the lot size. Attorney Tarby stated that what has been presented would work and meets the intentions of the Planning Board. Alderman Campbell stated that she is concerned about a property with an area of 15,000 square feet having fifteen residential units without a special permit. Alderman Mercer-Bruen stated that is correct. President Anderson stated that the building would have to be an existing structure and meet all

the conditions in the ordinance. Attorney Tarby stated that it could always be any size lot but the density was twenty units per acre. Alderman Campbell stated that the Tidd Home has kitchenettes and bathrooms, and that this ordinance appears to be moving towards spot zoning as the changes are for one lot. Alderman Gaffney stated that he has a 15,000 square foot lot but he could not develop his property under this ordinance. President Anderson stated that the property has to meet all the other conditions of the ordinance. Alderman Ferullo stated that a sober house could be put into the city without any control from the city, and that this proposal allows some control. Planning Board Director Tina Cassidy stated that her office did not prepare the list of seventy houses, that the list was generated by the Assessors office, that the Planning Board staff looked at properties randomly to see if the ordinance would apply, that using the Historic Commission list of historic structures she did not find a number of houses from that list on the Assessors list, that there were a number of houses on the Historic Commission register over 4,000 square feet in gross floor area and more than 100 years old that were not on the Assessors list, that the Assessors have a list with gross floor area and living floor area, that the Assessors did not use gross floor area as the term is used in the zoning ordinances, that the list provided last year did not include a number of properties that should have been included, that the Assessors did not include buildings of more than eight units, that based on this research the initial list of 77 buildings may be many more buildings, that she asked for an updated list from the Assessors but the office did not have enough time to prepare the list for this meeting, and that the Building Department and Assessors use different definitions of gross floor area. Alderman Mercer-Bruen stated that there are a lot of unknowns, and that she is concerned about moving forward with the proposal. Alderman Campbell stated that the proposed ordinance removes “per acre” from the ordinance. Director Cassidy stated that there should not be a problem for the Assessors to develop the report. Mr. Flaherty stated that if he cannot develop more than seven units he will not develop the property, that the buildings would have to have existing bathrooms and large rooms, that the church has a large property with eighteen bathrooms, that these will be suites not a rooming house, that each unit will have its own bathroom, that the sober house on the west side is comparable, that the Woburn Nursing Center would not apply because the building is not old enough, and that a large house alone is not enough as there has to be sufficient room for bathrooms. Alderman Mercer-Bruen stated that there is nothing simple about this proposal, and that she wants to confirm the information with the Assessors. Mr. Flaherty stated that the property has always been commercial although non-profit. President Anderson stated that there could be an amendment that the number of units on property under one acre in size would be at the discretion of the City Council but may not exceed fifteen units and must have the same number of units. Director Cassidy stated that such a change would not encourage development, and that the question would be why would the owner of a four-unit property come to the city for permission to convert to a four-unit property. President Anderson stated that the city does not want to see someone converting a four-unit property to a five-unit or six-unit property however this may affect converting a commercial property to a residential property and may not be an appropriate change. Motion made and 2<sup>nd</sup> that a communication be sent to the Board of Assessors requesting that the list of properties previously provided be revisited, to be certain the list is accurate and to provide a new list to the Committee on Ordinances by July 8, 2019, that a copy of the amendment submitted at this meeting by President Anderson be included in the communication, and advise whether any other buildings in the city are comparable to the Tidd Home in terms of the number of bathrooms, 3 in favor, 0 opposed, 2 absent (Concannon, Tedesco absent). Alderman Mercer-Bruen stated that the ordinance can be made restrictive but

the City Council must avoid spot zoning. President Anderson stated that the ordinance must apply to everyone but also has to work. Alderman Gaffney stated that there will be no other buildings in the city that meet this criteria. Mr. Flaherty stated that the St. Charles Church convent building could fit the definition and at some point will be sold. Motion made and 2<sup>nd</sup> that the matter be left in committee, 3 in favor, 0 opposed, 2 absent (Concannon, Tedesco absent).

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Motion made and 2<sup>nd</sup> to adjourn, 3 in favor, 0 opposed, 2 absent (Concannon, Tedesco absent).  
Chairman Higgins adjourned the meeting at 6:38 p.m.

A TRUE RECORD ATTEST

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William C. Campbell  
Clerk of Committees, Pro Tem