

**Zoning Board of Appeals  
City Council Chambers  
Woburn City Hall  
Wednesday, August 18, 2021 – 6:00 p.m.**

Present: Chairman Margaret M. Pinkham, Member John Ryan, Member Daniel Parrish, Member John Ray, Member Edward Robertson, and Alternate Member Richard Clancy

- 1. Rajwinder Kaur, 1 Frank Street, Woburn, MA, 01801, Petitioner and Landowner, seeking a Variance from Section 5.3.2 of the 1985 Woburn Zoning Ordinances, as amended, for a retaining wall higher than 3 feet within the 25-foot front yard setback at 1 Frank Street, Woburn, MA:** Chairman Pinkham said the board has received from the petitioner letters with signatures from neighbors who support the issuance of a variance, along with photos of the property. She asked Ms. Kaur if she is claiming the slope of her property creates a hardship. Ms. Kaur answered affirmatively. She also said over time the soil has degraded. She said the soil is so soft in some spots it has a spongy texture. She said the soil is pretty much gone in other spots. She said she has also noticed cracks in the retaining wall that have developed over time. She said she was concerned the wall would fall into the street. She said the plan is to fill in where the soil has degraded or is missing. Chairman Pinkham asked if Ms. Kaur is planning to bring in any additional fill. Ms. Kaur answered she is not. Chairman Pinkham asked if there are weep holes for the water. Ms. Kaur said there is no internal drainage system in the wall. Chairman Pinkham asked Ms. Kaur if her intent is to increase the height of the retaining wall to 3 feet, 8 inches. Ms. Kaur answered affirmatively. Member Ryan asked Ms. Kaur how long she has owned the property. Ms. Kaur said she has owned the property for 14 years. Member Ryan asked if the project was halted. Ms. Kaur answered affirmatively. She said she hired a contractor. She said it was her understanding a height of four feet was allowed, but she later learned the maximum height was three feet. Member Ryan asked if the current height is three feet or 3.7 feet. He said he is looking at the plot plan and it appears to indicate the height of the wall is 3.7 feet. He asked Ms. Kaur to indicate again whether there are drainage holes in the wall. Ms. Kaur said there was no drainage system. Member Ryan said there appear to be white PVC piping in the retaining wall. Ms. Kaur said the PVC pipes were just installed. Member Ryan asked about the height of the retaining wall to the west of Ms. Kaur's property on Green Street and if she knows whether the wall was installed legally. Ms. Kaur said the wall on the neighboring property was built before she moved there. Member Ryan said his guess is the adjacent wall is five feet high. Member Ray asked if Ms. Kaur is asking to increase the retaining wall by eight inches or if it will be a specific height. Ms. Kaur said she is asking to increase the height of the wall by eight inches. Chairman Pinkham said the height of the retaining wall on the plot plan appears to vary. Ms. Kaur said the plot plan was reassessed to include the newest dimensions of the wall. Chairman Pinkham asked if one reference to the height indicated on the plan is 3 feet, 4 inches or 3.4 feet. Member Ray said it appears to be 3.4 feet. Ms. Kaur said the increase is not going to exceed eight inches. Member Ray said the plot plan indicates the wall is already at 3.8 feet. Chairman Pinkham asked if the highest point of the wall is going to be 3.8 feet. Ms. Kaur answered affirmatively. Member Ryan said that does not appear to be what is happening, based on

the plan. He said there is a string showing where the increase of eight inches will be. He said it appears eight inches will be added to the existing wall. Chairman Pinkham said that would make the wall 4 feet, 5 inches in height. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. Robert Toro, 12 Frank Street Court, said it appears Member Ryan has visited the property. He said he bought his house five years ago. He said there is a wall on the opposite side of the property that is approximately 5 feet high that makes it dangerous to turn left. He said it is almost impossible to see traffic. He said he is not trying to cause a problem but if the retaining wall at 1 Frank Street is raised to 4 feet there may also be visibility issues on that side. He said there are other ways to make drainage better without raising the retaining wall. He said there will be blind spots on both sides of the wall. He said he has two younger children and there is a safety concern. Chairman Pinkham asked how long the retaining wall at 157 Green St. has been there. Mr. Toro said that wall has been there longer than he has been living in his home. John Sawyer, 14 Frank Street Court, said he has lived in his home for 30 years and the wall at 157 Green St. predates his residency. He said visibility is difficult while driving. He said his other concern is the condition of the sidewalk. He said the sidewalk has deteriorated, possibly due to the drainage situation. He said it is like the sidewalk has sinkholes. He said the sidewalk needs to be re-paved. He said there are children who use that sidewalk to walk to school. He said the safety issues are exacerbated when there is even an inch of snow. Ms. Kaur said there is a little bit of confusion she would like to clarify. She said she is seeking to increase the height of her retaining wall to 3 feet, 8 inches, and nothing beyond that. She said the wall is going to taper slowly, but it will not exceed 3 feet, 8 inches. Chairman Pinkham said she cannot reconcile the different heights that are marked on the plan. She said she has no idea where the wall will taper and not taper. She asked if any parts of the wall have been removed. Ms. Kaur said no parts of the wall have been removed. She said there have been drainage pipes added to the wall. Chairman Pinkham said she needs to see a plan so she understands what the maximum height of the wall is. Ms. Kaur said the maximum height of the wall will be 3.8 feet. Member Ryan said it would be helpful if Ms. Kaur provided the board with a set of plans that indicate the dimensions of the wall she wants to build. Chairman Pinkham acknowledged there is a slope to Ms. Kaur's property. She said the board granted a variance for a fence at 237 Montvale Ave. due to the slope. She said she wants to be cautious in this instance. She said the reason there is a 3-foot limit on fences is because of what the neighbors explained about sight lines. She said if the board is inclined to grant relief, the decision will reference a plan. She said the plan that has been provided by the applicant would put the Building Commissioner in a position of not being able to enforce it. She said there have instances when people have come back to the board to clarify dimensions on a plan. She said the more detailed the plan is, the better it is for everyone. She said there was a previous petition for a retaining wall on Waltham Street that involved a similar situation with a tapering wall and it was a nightmare for the board. Member Parrish agreed the plan should be more detailed. He asked if the as-built plans would be sufficient. He also asked if the board should inquire with the Traffic Safety Officer about the sight lines. Member Ray said in the absence of a revised plan the TSO could assume the retaining wall has a 4-foot height. Chairman Pinkham said she likes the idea of a review by the TSO. She said if Ms. Kaur's position is the height of the retaining wall will not exceed 3 feet, 8 inches, that is what the board will ask the TSO to

look at. Member Ryan said the board needs clarification the easterly end of the fence will increase no more than eight inches. Member Robertson asked if the board usually requires a plot plan from a surveyor or an engineer rather than a contractor. Chairman Pinkham said a land surveyor is not going to determine the height of the wall, and that's what the board needs to confirm. Member Robertson said he does not see any indication on the plan that the wall will be 3 feet, 8 inches. Chairman Pinkham said the height is noted on the first page of the petition. She said she is not prepared to vote on the petition without knowing what the applicant wants. She suggested the applicant could request a continuance until the board's meeting on Sept. 22. She said Ms. Kaur's petition will be the first hearing on the agenda. She said as long as the applicant gets a plan to the clerk in a timely manner, the clerk can furnish the plan to the Traffic Safety Officer for review. She said the board usually gets an email response from the Traffic Safety Officer in quick fashion. She asked Ms. Kaur if she agrees to ask for a continuance. Ms. Kaur answered affirmatively. Motion made by Member Ray and seconded by Member Ryan to continue the hearing until the board's meeting on Sept. 22, at 6 p.m.; approved, 5-0. Member Ray suggested the plot plan should include a profile of the entire wall with height dimensions every 10 feet.

2. **Approval of minutes from meeting of July 21, 2021:** Chairman Pinkham said she made two minor corrections that she will submit to the clerk. Member Ryan said there is no vote recorded on agenda item #7 on page 6. Motion made by Member Ryan and seconded by Member Parrish to approve the minutes as amended; approved, 5-0.
3. **Any other matter that may be legally before the Board:** None
4. **Motion made by Member Robertson and seconded by Member Parrish to adjourn;** all in favor, 5-0. Chairman Pinkham adjourned the meeting at 6:35 p.m.

ATTEST:

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Gordon Vincent  
Clerk of the Zoning Board of Appeals