

**CITY OF WOBURN
WOBURN CITY COUNCIL
ORDINANCES, CHARTER & RULES COMMITTEE
COMMITTEE ROOM
WOBURN CITY HALL
MONDAY, MAY 12, 2025 – 6:25 p.m.**

Voting members present: Chair Joseph Demers, Councilor Robert Toro, Councilor Darlene Mercer-Bruen, Councilor Robert Ferullo and Councilor Lou DiMambro

Non-voting members present: Councilor Charles Viola, Councilor William Pappalardo, and Councilor Joanne Campbell. Absent: President Jeffrey Dillon

Also present: Mayor Michael Concannon, Building Commissioner Thomas C. Quinn Jr., Planning Director John Cashell, and City Solicitor Mark Salvati

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Reading and approval of previous meeting minutes: Motion made by Councilor Toro and seconded by Councilor DiMambro to waive the reading of and approve the minutes of the meeting of April 7, 2025; approved, 5-0.

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President Dillon, per request of the Mayor, proposed zoning amendments adding new Section 36, entitled “Protected Use Accessory Dwelling Units” and adding (1a) and (1b) to Section 5.1, Table of Use Regulations related to accessory dwelling units: City Solicitor Mark Salvati stated he sent a package to the Council that should in his view be the final version. Solicitor Salvati stated the main change is the redefined setback for attached and detached ADUS. City Solicitor Salvati stated looking at the state requirements there is no way around the fact the if you have a two family each unit can have an ADU, but you can restrict a second one to a special permit, so we put that provision in there. Board of Appeals would have jurisdiction over that particular special permit. City Solicitor Salvati stated we did put in a prohibition for anything over two units, so if you have a three unit under this provision you can’t have three ADUS. Hopefully that passes muster if it is challenged. Councilor Mercer-Bruen asked will it stick. City Solicitor Salvati stated the thinks it might, he thinks because it says you need a special permit for the two and not really discussing the three it could be prohibited. Councilor Toro asked City Solicitor Salvati what the final discussion on the setback requirements. City Solicitor Salvati stated if it was an attached same as the zoning requirements or if it is a legally pre-existing non-conforming same as that setback, a detached we use the same as an accessory structure. Councilor Toro asked would that be the same as a detached garage or detached like a shed. Building Commissioner Thomas Quinn stated the set backs are the same, but detached accessory structures will require a 4ft rear setback, 12ft side setback and 25ft front setback. Building Commissioner Quinn stated the other issue we are going to have to address is if you already have a legal nonconforming detached structure that may not be 12ft side lot line or 4ft from the rear lot line. There are circumstances out there that people have legal conforming

accessory structures that were built prior to the 1985 zoning ordinances. Building Commissioner thinks those should be treated the same as if it was a non-conforming structure. City Solicitor Salvati stated you would need a special permit on any alteration of an existing non-conforming structure, there would still be some oversight. Councilor Toro stated they wouldn't be able to take that structure by right and convert it to an ADU, you would have to go through the Board of Appeals process to convert it because it is non-conforming. City Solicitor state correct, and asked Building Commissioner Quinn if that was how we are looking at it. Building Commissioner Quinn stated that is one of the ways we could look at. But also have a non-conforming single-family home and you have a 20ft rear setback instead of a 30ft setback, my view you will be allowed to maintain the 20ft setback by right, as long as you are not creating any new non-conformity, such as go to 10ft on the side property line compared to 12ft. Councilor Toro stated if the structure was a non-conforming 500 sqft single story and the ADU can go up to 900 sqft, and they go up you are intensifying the non-conformity, they would have to go to the Board of Appeals. Building Commissioner Quinn stated as a synopsis you have a non-conforming single-family home, with 24ft on the front, 20ft on the rear and complies with 12ft side setbacks, building ground coverage is still limited to 25% maximum for the lot. So, if it was a 10,000 sqft non-conforming lot that would be 2500 sqft footprint 25%. If an applicant came in wanted to do a full basement that was to the principal unit, an accessory unit on the first level up to the 900 sqft if the math worked out, but 900 sqft is the maximum. If you have a single-family dwelling and the gross square footage is 1,000 sqft you're not going to be able to do 900 sqft. You are going to be allowed to do 50% of that, which is 500 sqft. So, you could do a 900 sqft. basement, to the principal use, and 900 sqft accessory dwelling and then you could do a master bedroom suite on the third floor. Building Commissioner Quinn stated he believes you would have to go to the Board of Appeals for that particular scenario. Councilor Toro stated that the finish basement was almost a way to circumvent the zoning and get more space. Building Commissioner Quinn stated upon review he would say it would require a finding from the Board of Appeals, because it is an accessory dwelling unit, which is allowed by right, but you are also intensifying the non-conformity. It is no different if you took the ADU out of the equation, you would still need a finding from the Board of Appeals. City Solicitor Salvati state it would be the Building Commissioner's call, he would send them to the Board of Appeals. Building Commissioner Quinn stated if they claim it was going to be used for an ADU unit the plans have to be clearly identified. Councilor DiMambro stated in regard to setbacks, they would still have to meet the fire code setbacks as well on these non-conforming lots. That would supersede any type of plan when the Board of Appeals issue their decision, because they have to stay in compliance with the fire code. Building Commissioner Quinn stated once the regulations are finalized they will be putting together a Q&A sheet. It will cover revised plot plan requirements, who is going to be required to sign off, building code issues. The proper separations between accessory dwelling units in the principal residence, utility services and electrical services. Building Commissioner Quinn stated there is a lot to it other than just the zoning, will put the packet together to assist the residents. Motion made by Councilor Toro and seconded by Councilor Ferullo to allow for non-voting members to speak, approved 5-0. Councilor Campbell asked if a garage meet the setbacks can it be turned into a unit? Building Commissioner Quinn stated there is no restrictions to allow accessory water or sewer to a by right garage. Special permits for garages over 900 sqft the council has limited and disallowed this. If the setbacks aren't meet, you would need a finding to alter the non-conforming structure through the Board of Appeals. City Solicitor Salvati stated to prove it is a legally non-conforming structure. City

Solicitor Salvati stated one parking space would have to be added on site for ADU that is greater than a half mile from a train station. City Solicitor Salvati stated the water bill would be all on one bill, there wouldn't be a second meter. City Solicitor Salvati stated he believes any restriction on any previous garages would be superseded. Building Commissioner Quinn stated last August when it first came out they had a lot of inquiries, about 10% would be solid inquiries. Out of the 10%, 5% of those will be serious, and right now maybe 2 1/2 to 3% in the current economy may take advantage. Building Commissioner Quinn stated in the future he sees more people taking advantage of ADUs. Councilor Demers stated they are going to be required to provide water service from their current property tie in, they're not going to be tying into the street. Building Commissioner Quinn stated there may be unique circumstance that you would have to go to the street. Building Commissioner Quinn stated it is the same with the electrical, you would run it all with the current service. If it is a detached structure it may require a separate service. City Solicitor Salvati stated he believes this is the final revision on the regulations to the ADU's, you might see a revision if there's a lot of appeals and things aren't clear to everyone and land court gets inundated. City Solicitor Salvati stated he thinks the assessor's office is going to be burdened as well. Councilor Demers stated people that are seeking to put up an ADU the valuation of their property is going to go up. City Solicitor Salvati stated it would be called a plus one or something like that, it's not a true two family so it can't be valued as a two family. Councilor DiMambro stated he is almost encouraging a pre-inspection before so residence will understand what is needed. Building Commissioner Quinn stated they could but it is a staffing issue, and unfortunately, they can't provide perpetual care. Building Commissioner Quinn stated now if someone applies for a building permit he has the right to go on to that property as part of his review process. Building Commissioner Quinn stated on a detached accessory structure now it is a 4ft rear setback, and that will be the setback on the detached structures, you could have a 900sqft accessory dwelling unit that could be as high as the existing dwelling for the attached principal use, which could go up to 35ft. Councilor Toro stated that the pre-inspection sounds good, but the staffing issue would be a problem. It really falls on the home owner to have the design team determine if they have the proper power, and the contractor to double check that stuff. That shouldn't fall on the city, we have limited resources. If the homeowner wants to put the structure up they have to take the burden of it all financial. City Solicitor Salvati stated assessing an ADU as a two family to slow down the amount of people applying for ADU would probably be considered as an unreasonable regulation, that is the guidance we don't have yet. Building Commissioner Quinn stated if people are going to try to do this without going through our office, it will catch up with them. If there is an insurance issue a fire or something the insurance adjuster pulls the file, also, the utility companies also catch up with them. There is a lot of oversight from everybody in the City team. Motion made by Councilor DiMambro and seconded by Councilor Demers to send back "ought to pass," approved 5-0.

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Councilor Mercer-Bruen and Councilor Demers proposed zoning amendment to Section 11.3 to add that special permit petitions be sent to the Building Commissioner for review and comment: Building Commissioner Quinn stated most of the special permits are in Ward 5 and Ward 6 and receive numerous calls asking questions that he doesn't have the answers to. Building Commissioner Quinn stated he would have to go look and find the plans and get back

to them, some days it would be on a Tuesday at 10:00 am, with a council meeting at 7:00 p.m. that night. Building Commissioner Quinn stated he thinks it would help in the process, there would be more familiarity with these special permit projects. Building Commissioner Quinn stated some of the special permit projects are complicated some of them are little easier. Building Commissioner Quinn stated one of the projects he picked up the plan and just by looking at it noticed a big problem, was able to talk to the Councilor of Ward 5 and it was addressed in a relatively quick fashion. Building Commissioner Quinn stated that there wouldn't be comments on everything. Building Commissioner Quinn stated he thinks it is better service for everyone, we aren't delaying things longer than we have to. Councilor Mercer-Bruen stated if just made sense that the Building Commissioner get a copy of the plan; and for us to do it efficiently. Motion made by Councilor DiMambro and seconded by Councilor Mercer-Bruen to send it back "Ought to Pass," approved, 5-0.

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Motion made by Councilor Toro and seconded by Councilor DiMambro to adjourn; all in favor, 5-0, Chair Demers adjourned the meeting at 6:53 p.m.

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A TRUE RECORD ATTEST

Diane J. Stiffler
Asst. City Clerk

