

**CITY OF WOBURN
WOBURN CITY COUNCIL
ORDINANCES, CHARTER & RULES COMMITTEE
COMMITTEE ROOM
WOBURN CITY HALL
WEDNESDAY, JULY 9, 2025 – 5:42 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, Councilor Joanne Campbell, and President Jeffrey Dillon

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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 June 4, 2025; approved, 5-0.

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CB Silva LLC proposed zoning amendment to amend Section 7.3 and Section 7.4 to give the special permit granting authority, for single family or two family dwelling subject to abandonment or not used to a period of two years, to the City Council: Representing the petitioner was Attorney Joseph Tarby, Rubin Rudman, 500 Unicorn Park, Woburn, MA. Attorney Tarby said his client could not be here. He said he has submitted a supplemental memorandum. He said if the petition needs another meeting, that is fine with his client. He said CB Silva obtained title to the property in May 2024. He said the applicant sought a building permit and was advised by Building Commissioner Thomas Quin to provide evidence the property and the structure were legally non-conforming. He said the petitioner met with Commissioner Quinn in September and was advised the only option available was renovation as a 2-family under Section 29 of the Woburn Zoning Ordinance. He said the applicant filed a request with the Woburn Historical Commission, which found that the property did not meet the criteria of historical significance. He said at that point the only option left was to seek an amendment to Sections 7.3 and 7.4 of the zoning ordinance. He said there are deficiencies in the existing zoning regulations. He said Section 7.4 bars reinstatement after two years of abandonment. He said Section 7.3 only applies to active non-conforming uses or structures and does not allow for a revival of a use deemed abandoned under Section 7.4. He said the City Council will act as the special permit granting authority. He said the Zoning Board of Appeals would retain jurisdiction where no lapse in the non-conforming status. He said any dimensional relief would require a variance from the ZBA prior to the filing of a special permit. Attorney Tarby went through a list of “anticipated concerns,” and the applicant’s responses, the first of which was “Will this open the floodgates to dense redevelopment?” Attorney Tarby responded the ordinance applies only to 1- and 2-family homes in residential zones, with full permit review. His second question was “Why didn’t the owner realize the 2-year rule applied?” Attorney Tarby responded the applicant had no zoning counsel and took title mid-project as a contractor recovering unpaid work. His third question was “Can’t the owner tear it down and start fresh?” Attorney Tarby replied the lot is undersized and new construction would require full ZBA relief and demolition. His fourth question was “Is this

just a workaround to our current zoning?” Attorney Tarby response was “It creates a transparent process for the council to evaluate reasonable proposals.” He asked rhetorically if there are any other properties that would fall under this zoning change. Attorney Tarby said there most likely are but there is no way to identify them. He said a building permit was issued in 2020 for a 2-family home at this site, but the building permit lapsed. He said this is an attempt for the property owner to ask for a special permit to reconfigure the existing home to a 2-family. Councilor Toro said the current zoning is if a non-conforming property it loses its non-conforming status. He asked if the petitioner redevelops it he will have to bring it up to current regulations. Attorney Tarby answered affirmatively. Councilor Toro said there is no way to bring it back to conforming status if the lot is undersized. Attorney Tarby said the property does not meet the minimum lot size and his client would need to get a variance, which he said is not easy to get. He said this would bypass the variance process. Councilor Toro asked if the existing foundation is going to stay. Attorney Tarby said the building permit is on the existing foundation. Councilor Toro asked if the ordinance is not adopted the applicant would have to go to the ZBA. Attorney Tarby answered affirmatively. Councilor Toro asked if this is the first scenario for something like this. Attorney Tarby said this is his first time representing a client in this situation. Councilor Toro asked if he sees something like this being detrimental to the city or any unintended consequences. Attorney Tarby said the way it was drafted it only applies to single and two family homes. Councilor DiMambro said he understands this situation and appreciates it. He said he can see where this is going. He said he supports it. He said land is a hot commodity. He said it hurts him to see abandoned buildings. He said he would like to see abandoned property re-built and re-worked. He said his concern is with ADUs. He said he is concerned if this ordinance change is passed, he would hate to see this apply to ADUs. Attorney Tarby said that is a legitimate concern. He said the ADU ordinance hasn’t been digested. Councilor DiMambro said the ADU always seems to be in flux, and there are a lot of crafty people out there. He said 43 Church Street is an eyesore. Councilor Viola arrived. Councilor Mercer-Bruen said there are many eyes on this. She said not knowing how many people may be impacted makes her concerned and she would vote no. She said it may benefit people who let their property get run down. She said without knowing how many people could take advantage is a concern. Attorney Tarby said the ordinance applies to single and two family homes only. He said no one would be able to increase the use. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to request an opinion from the City Solicitor about the potential impact of the proposed zoning change; approved, 5-0. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to suspend the City Council’s rules to allow any non-voting member of the council to address the proposed ordinance change; approved, 5-0. President Dillon said a number of years ago in the 160 area of Burlington Street there was a dilapidated home that went up for foreclosure. He said he attended the foreclosure. He said when the property was sold it was no longer a 2-family by right. He said the ZBA did not allow a 2-family and they ended up with a single-family home. He said this happened about 4-5 years ago. He asked how much the contractor was owed. Attorney Tarby said the amount owed is listed in the deed. He said it was \$365,000. President Dillon said the city needs apartments and houses. He said on the other side of the coin is the city needs responsible landlords. He said what will make his decision is how the ward councilor feels about it. Chair Demers said this is a blighted and troubled property. He said it’s been an issue. He said the previous property owner fell into arrears. He said the new owner has also recouped his legal fees. He said he is supportive of asking for a legal opinion from City Solicitor Salvati. He said in regard to the Planning Board’s opinion “Where’s the beef?” He said the Planning Board should

have let the City Council know why the board wants the council to deny it. He said he thinks the council needs to take a look at this. He said there are blighted properties in every ward. He asked if there could be a mechanism to give a property owner an extension. He said the council needs to cognizant of the impact of ADUs, if there is enough square footage for the property owner to add an ADU. Chair Demers asked anyone with questions for City Solicitor Salvati to submit them to the clerk by the end of the week. He said he would ask for the memorandum from the committee to be cc'd to Building Commissioner Quinn. He said he thinks input from Commissioner Quinn would be beneficial. Councilor DiMambro said he has noticed when structures aren't kept up they become hotels for little creatures. He said that contributes to an on-going problem in the city. Chair Demers said this ordinance could be beneficial for properties that sit there a long time. He asked everyone to keep an open mind. Councilor Mercer-Bruen said she has seen too many people try to take advantage of loopholes in the zoning code. She said there was an instance on Orange Street a few years ago. She said people like that still exist. She said she wants to see how many people can take advantage of this. She said her constituency is tired of 2, 3 or 4-bedroom apartment buildings. She said they want to know where the single-family homes are. She said she will try to keep an open mind. Councilor Campbell said she likes the idea of an extension. She said a 2-year deadline is important. She said so maybe an extension is the way to go. She said she thinks that's a good idea. Motion made by Councilor Mercer-Bruen and seconded by Councilor DiMambro to return to the regular order of business; approved, 5-0. Chair Demers said he would like to leave the matter in committee until City Solicitor Salvati responds. Councilor Mercer-Bruen asked if there is a date by which City Solicitor Salvati should respond. Chair Demers said the next committee meeting has not been scheduled but that is a good segue to scheduling because outside of the proposed zoning change he is looking to schedule another meeting to discuss the vacancy in the Asst. Supt. position in the Dept. of Public Works. He said that will mean going over the ordinance for the Asst. DPW Supt. He said he would like to schedule a date for a committee meeting between now and the council's August meeting. Councilor DiMambro suggested July 22. Councilor Campbell asked when the next committee and regular City Council meetings will occur. Chair Demers said the next City Council meeting is on August 5. Chair Demers asked if July 22 works for everyone on the Ordinance Committee at 6 p.m. Chair Demers said the primary objective of that meeting will be to discuss the municipal code relative to the Asst. Supt. of Public Works. Councilor Mercer-Bruen asked when the deadline will be for the City Solicitor's response to the committee's inquiry about the proposed zoning change. He said he would like a response to that before July 28. Motion made by Councilor Mercer-Bruen and seconded by Councilor Ferullo to request a response from City Solicitor Salvati by July 28.

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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 6:18 p.m.

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A TRUE RECORD ATTEST

Gordon Vincent

Clerk of Committees