

**MEETING OF THE
CITY OF WOBURN
BOARD OF APPEALS
JUNE 15, 2016 – 7:00 P.M.
COUNCIL CHAMBER
WOBURN CITY HALL**

Attending: Chair Margaret Pinkham, Member Daniel Parrish, Member John Ryan, Member Edward Robertson and Alternate Member Sheila McElhiney (Absent: Member John Ray,

Agenda was taken out of order.

Petition of Briere Development LLC, 92 Merrimac Street, Woburn, MA 01801, Petitioner and Landowner, seeking a Variance to alter and reconstruct a single family dwelling house by razing the existing structure and replacing it with a newly constructed single family dwelling at 114 Eastern Avenue. Chair Pinkham stated that the petitioner’s attorney requested through the Clerk to continue the matter until the next meeting. PUBLIC: None. Motion was made and seconded to grant the request to continue the matter. The Vote was all in favor, 5-0.

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Petition of Seaver Properties, 215 Lexington Street, Woburn, MA 01801, Petitioner and Estate of Ralph Saviano c/o Krista A. Wilshusen, Esq., 105 Kenoza Avenue, Haverhill, MA 01830, Landowner, seeks: 1) a Variance for relief from Section 6.1 Table of Dimensional Regulations to allow for an adjustment in the minimum street frontage from 100 feet to 75 feet (existing street frontage) more or less to allow for two (2) Garden Apartments; and 2) in the alternative, appeals the decision of the Building Commissioner dated May 24, 2016 requiring a variance in addition to the Special Permit granted by the Board dated May 12, 2016 pertaining to the premises located at 602 Main Street. Chair Pinkham stated that the petitioner’s attorney requested through the Clerk to continue the matter until the next meeting. PUBLIC: None. Motion was made and seconded to grant the request to continue the matter. The Vote was all in favor, 5-0.

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Petition of Anchor Realty Trust, 3 Breed Avenue, Woburn, MA 01801, Petitioner and Landowner, seeking the following Variances: 1) from 20 feet to 5 feet for the front setback; 2) from 20 feet to 5 feet for the rear setback; and 3) to allow for parking within the front setback and allow for the construction of a new building at 3 Breed Avenue. (continuation from previous meeting) The Petitioner, Peter Spinazola with his attorney, Mark J. Salvati, Esquire, 10 Cedar Street, Suite 26, Woburn, MA were present. Attorney Salvati state that this is the third meeting; that they don’t have the stamped plan; that they would be happy to continue; that they would like to hear feedback; that they had requested a site visit but changed the plan for 10’ setback. Responding to the Board, Attorney Salvati stated that the footprint was 3000 SF

and now proposing 4400SF; that there will be no less than 50% lot coverage; that they are requesting to continue to allow them to supply the standard plan with lot coverage and larger front; and that they will also be requesting a special permit from the City Council. Motion was made and seconded to grant the request to continue the matter until the next meeting. The Vote was all in favor, 5-0.

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Petition of Kelly A. Fay, 7 Lawrence Street, Woburn, MA 01801, Petitioner and Landowner, seeking a Variance for relief for lot coverage to allow for the construction of a 24' x 24' one-story garage on the premises located at 7 Lawrence Street. (continuation from previous meeting) Representing the petitioner, Mark J. Salvati, Esquire, 10 Cedar Street, Woburn, MA 01801 stated that after the last hearing, he met with the petitioner and looked at the special permit option; that unfortunately it's still a Variance; that he recalls one member voiced that if it was the same as what was there; that they have reduced the garage to 22' x 22'; that it's a little more than the prior garage which was 22' x 18' before it was razed; and that the request is to ask for a Variance for 29.5% lot coverage. Responding to Chair Pinkham, Attorney Salvati stated that the shape and size of the lot is the hardship; that there is no way to attach (a garage) as it sits today. PUBLIC: None. Responding to Member Parrish that they hadn't asked of rebuilding the old garage because once it was torn down, it still impacts lot coverage. Motion was duly made and seconded that the Petition for VARIANCE be granted to allow the Petitioner to construct a 22' x 22' one-story garage in the rear of the lot conditioned upon the construction conforming in all respects and particulars to plan submitted on June 15, 2016, drawings and specifications submitted to and on file with the Board, and such plans, drawings and specifications are, by reference, incorporated herein and made part of this VARIANCE. The Vote was four in favor, one opposed (Pinkham).

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Petition of Shijie Qiu, 1 Lake Circle, Woburn, MA 01801, Petitioner and Landowner, seeking to amend Variance granted September 16, 2015 to allow for minor change to building plan and drawing relating to the construction of an attached one-car garage at 1 Lake Circle. The Petitioner, Shijie Qui stated that he is seeking to amend a Variance with a minor change; that when the contractor constructed (the garage) was built to the document but one number (dimension) was supposed to be 10" between the peak of the garage and existing window; that he told the contractor that all numbers had to be followed; and that now he's here to ask for one minor change. Motion was duly made and seconded based on the slope and grade of the property evidenced by the existing retaining walls and driveway, that the Petition to amend the current VARIANCE be granted to allow the Petitioner a minor change in the building plan and drawing reflecting 2" from the roof peak of the constructed attached one-car garage from the existing windows (rather than 10") as shown on elevation plan entitled "Proposed Addition to the Qui Resident 1 Lake Circle Woburn, MA Drawn by PPT Scale 1/8" – 1'-0" Date 01/23/16 Drawing Number 2" Drawn by Peter P. Tummino 978-808-4573, and conditioned upon the construction conforming in all other respects and particulars to specifications submitted to and on file with the Board, and such plans, drawings and specifications are, by reference, incorporated herein and made part of this VARIANCE. The Vote was all in favor, 5-0.

Petition of Mary Krol and Jed Krol, 44 Mishawum Road, Woburn, MA, Petitioners and Landowners, seeking a Special Permit to allow for the construction of a 16' x 15' two-story addition on the existing structure at 44 Mishawum Road. The Petitioners, Mary and Jed Krol were present. Mr. Krol stated that they would like to construct a 16x15 two-story garage and a roof over the existing deck; that the structure is a legal non-conforming; that it won't change the setback; and that it doesn't meet any setbacks now because of the small lot. Responding to Member Parrish, Mr. Krol stated that the roof will be 2' or so lower. PUBLIC: Dan Sullivan of 18 Mishawum Road stated that he is a lifelong resident; that he speaks in full support for his neighbors to improve their home; and that he strongly request the Board's approval. Chair Pinkham stated that she is very familiar with the property; that since it's not creating any new non-conformity, it meets the requirement for a Special Permit. Motion was duly made and seconded that the Petition for SPECIAL PERMIT be granted to allow the Petitioner to construct a two-story addition to the existing single family dwelling at 44 Mishawum Road conditioned that the proposed addition shall be constructed in compliance with drawings, plans and specifications submitted to and on file with the Board and the City Clerk's office, and such plans, along with drawings and specifications are, by reference, incorporated herein and made part of this SPECIAL PERMIT. The Vote was all in favor, 5-0.

Petition of Ryan Byrne and Tiffany Byrne, 6 Oak Street, Woburn, MA, Petitioners and Landowners, seeking a Special Permit for relief of the front setback requirement from 25' to 16.1' to allow for the construction of a two-story addition to the existing structure at 6 Oak Street. The Petitioners, Ryan and Tiffany Byrne were present. Mr. Byrne stated that they would like to put an addition on their home; that at the time the house was built, it was 15' (from the front) and now the requirement is 25'; and that the addition will be the same as the existing; that the height of the addition will comply with the current requirements. Assisting with the project, Mark Lalumiere of Hiawatha Road stated that it will comply with the current height requirement; and that the dimension was left of purposely because it will be adjusted for grade. Motion was duly made and seconded that the Petition for SPECIAL PERMIT be granted to allow the Petitioner to construct a two-story addition to the existing single family dwelling at 6 Oak Street conditioned: 1) that the proposed construction does not exceed the height requirements; and 2) that the proposed addition shall be constructed in compliance with drawings, plans and specifications submitted to and on file with the Board and the City Clerk's office, and such plans, along with drawings and specifications are, by reference, incorporated herein and made part of this SPECIAL PERMIT. The Vote was all in favor, 5-0.

Petition of David DiCicco and Lauren DiCicco, 1 Bronislaw Street, Woburn, MA, Petitioners and Landowners, seeking a Special Permit for relief, as follows: front setback requirement from 25' to 12.6'; and side setback requirement from 12' to 7' to allow for the construction of a second-story addition to the existing structure at 1 Bronislaw Street. The Petitioner, David DiCicco, stated that the house was built in the 1960's; that it is already non-conforming; reviewed the dimensions shown on the plot plan submitted with the filing; that the City's record stated the house was built in 1962. Chair Pinkham questioned if the house was built with the benefit of a Variance for frontage, noting that there is only 40' of frontage. Mr. DiCicco had no knowledge of any Variance to build but offered a copy of the Permit to Build which was in the Building Department's file. Chair Pinkham further stated that in 1962 the structure would have been constructed per the 1957 Zoning Ordinances; that she is concerned that if the proposed intrudes on the front setback, explaining that it now complies but a new non-conformity would require a Variance; referred to a recent case law (i.e. Deadrick); explained the difference of variance versus special permit; and questioned the front stairs. There was a discussion of the front stairs and foyer which resulted in that the foyer would be no closer to the side lot line than the existing non-conformity; that the foyer will comply with the front setback requirement; and that Mr. DiCicco will comply with zoning requirements pertaining to the front stairs. Motion was duly made and seconded that the Petition for SPECIAL PERMIT be granted to allow the Petitioner to construct a second story addition to the existing single family dwelling at 1 Bronislaw Street, conditioned: 1) that front foyer as shown on the plans shall comply with the current front setback requirements; and 2) that the proposed addition shall be constructed in compliance with drawings, plans and specifications submitted to and on file with the Board and the City Clerk's office, and such plans, along with drawings and specifications are, by reference, incorporated herein and made part of this SPECIAL PERMIT. The Vote was all in favor, 5-0.

Reading of Minutes of Meeting. Motion was made and seconded to approve the minutes as amended. The Vote was all in favor, 5-0.

The next regular meeting of the Board of Appeals will be held on July 20, 2016.

Motion made and 2nd to ADJOURN, all in favor, 5-0.

Meeting adjourned at 8:25 p.m.

Patricia Bergeron-George
Clerk of Committees