

**Zoning Board of Appeals
City Council Chambers
Woburn City Hall
Wednesday, May 19, 2021 – 6:00 p.m.**

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

- 1. William Pappalardo and Jane Pappalardo, 10 Fieldstone Drive, Woburn, MA, Petitioners and Landowners, seeking a Variance from Section 6.1 of the 1985 Woburn Zoning Ordinances, as amended, for a reduction in a side yard setback from 12 feet to 5 feet to construct an addition at 10 Fieldstone Drive, Woburn, MA (continued from meeting of April 21, 2021):** Chairman Pinkham said Mr. and Mrs. Pappalardo originally applied for a variance and converted their request to one for a special permit. She said the special permit request requires the submission of building plans, which she said were furnished by the applicants and sent via email to the board. Mr. Pappalardo said the board last month requested the submission of building plans with dimensions. Chairman Pinkham asked if anyone on the board has comments or questions. There were no respondents. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Member Ray asked if the neighbor who lives closest to the addition spoke last month and is okay with the board granting the special permit. Mrs. Pappalardo said the neighbor submitted a letter in support to the board. Member Ryan asked if the applicants requested a change from a variance to a special permit. Chairman Pinkham said the applicants requested the change last month. Motion made by Member Parrish and seconded by Member Ryan to grant the special permit; approved, 5-0.
- 2. Samantha Levine and Eric Levine, 5 Elm Avenue, Woburn, MA, Petitioners and Landowners, seeking a Variance from Section 5.3.2 of the 1985 Woburn Zoning Ordinances, as amended, for a fence in excess of 3 feet in height within the 25-foot front setback at 5 Elm Avenue, Woburn, MA (continued from meeting of April 21, 2021):** Chairman Pinkham asked if the applicants have submitted an updated plot plan that shows a portion of the fence will be 2 feet from the front lot line. Mrs. Levine said that is correct. Chairman Pinkham said she asked the clerk and the Building Commissioner to provide information about the fences in the photos that the applicants provided to the board. She said there were no variances granted for any of the fences for which she requested information but there were special permits granted at 23 Dale Street and 66 Montvale Road. She said in those instances the fences align with the setbacks of a pre-existing, non-conforming structure. She said for the remainder of the properties there was only one building permit obtained, for a fence at 105 Montvale Road. Mrs. Levine said there was a variance issued for 2 Felton Street. Chairman Pinkham said the Building Commissioner put in a zoning enforcement request at 2 Felton Street because the fence does not appear to be in compliance with the variance. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Member Ryan said it appears the applicants are still proposing a 6-foot

fence and asked how far back it will be from the property line. Mr. Levine said the fence will be set back two feet from the property line on one side, and that he would like to go right up to the property line on the other side. Member Ryan said the neighbor the Levines referenced has an illegal fence. He said it sounds like most of the other fences in the neighborhood are also illegal. He said he does not think he can support the fence as it is laid out on the plan. Mr. Levine said the board gave a variance for a fence to their neighbors and they just want the same thing. He said the people who put up illegal fences did not follow the rules, and they are following the rules. Member Ryan said each petition is treated separately. Mr. Levine asked how far back they need to put the fence. Chairman Pinkham said the City Council has determined no fence higher than 3 feet can be located within the 25-foot front yard setback. She said if there was something on the Levines' property that constituted a hardship, she would be more inclined to vote in favor. She said that while the other members of the board tend to be more solicitous toward variances for fences, she has voted in favor of granting a variance for a fence maybe four times. Mr. Levine said their hardship is they do not have a backyard. He said they would like privacy. Mrs. Levine said they are also considering putting in a pool and it would seem redundant to put up a 4-foot fence. Member Ryan said some people opt to start with a 6-foot fence and taper it down as the fence gets closer to the property line. He said some people also offer to supplement the fence with bushes. Mr. Levine asked what the difference between a fence and bushes is. Mrs. Levine said they want the same thing as their neighbors. Mr. Levine said they came to the board to do the right thing. He said the addition of a fence will be consistent with other properties in the neighborhood. Motion made by Member Robertson that the variance be granted. There was no second. Motion made by Member Ray and seconded by Member Ryan to deny the variance request. Member Parrish asked if the petitioner will be given the opportunity to leave to withdraw without prejudice in case they want to submit another application down the road. Mr. Levine said they are happy to discuss moving the fence 3 feet from the property line. Chairman Pinkham said the Levines can opt for a vote or ask to withdraw. She said her sense is the variance is going to be denied. Mr. Levine said they would like to withdraw and go back to the drawing board. Member Robertson asked if the board requires something in writing from the applicant regarding a request to withdraw. He said the board has had this discussion in the past. Motion made by Member Ryan and seconded by Member Parrish to grant leave of withdrawal without prejudice; approved, 5-0. Member Robertson reiterated the board should request something in writing regarding a withdrawal. He said he recalls a situation when he was on the City Council when the board granted leave of withdrawal and the council ended up in court because there was no documentation.

3. **Krystle Kelley, 7 Pine Grove Avenue, Woburn, MA, Petitioner and Landowner, seeking a Variance from Section 5.3.2 of the 1985 Woburn Zoning Ordinances, as amended, for a fence in excess of 3 feet in height within the 25-foot front setback at 7 Pine Grove Avenue, Woburn (continued from meeting of April 21, 2021):** Ms. Kelley said the plan has been revised to reduce the height of the fence along Rumford Park Avenue to 4-feet and move it back 10 feet. Chairman Pinkham said there are no measurements on the plan. Ms. Kelley said the plan is to move the fence 10 feet back from the rear property line to Rumford Park Avenue. Chairman Pinkham asked if the

portion of the fence in the drainage easement will be 6 feet high. Ms. Kelley said that section of the fence will be 6 feet high. Chairman Pinkham asked what the height of the fence will be along Rumford Park Avenue. Ms. Kelley said the fence will be 4 feet high and set back 10 feet from the property line. Chairman Pinkham asked what the height of the fence will be along Pine Grove Avenue. Ms. Kelley said the fence along Pine Grove Avenue will be 6 feet high. Chairman Pinkham asked if there will be a transitional panel between the 4-foot section and the 6-foot section. Ms. Kelley answered affirmatively. Chairman Pinkham asked if the transitional panel will be in the easement area. Ms. Kelley answered affirmatively. Chairman Pinkham asked how high the section with the gate will be. Ms. Kelley said the section with the gate will be 6 feet high. Member Ray asked about the height of the first panel off the back of the house. Ms. Kelley said the first panel will be 6 feet high and then taper to 4 feet. Member Ryan said the blue line on the plan that Ms. Kelley submitted seems to be 10 feet back from the property line. Ms. Kelley said the plan is not drawn to scale. Member Ryan asked if the fence will be parallel to Rumford Park Avenue. Ms. Kelley said the fence will be 10 feet from the property line. Member Ray asked if the new fence will tie in with an existing fence. Ms. Kelley said there is an existing wooden fence. Member Ray said is it worrisome that he can barely read the small text on the plan. Chairman Pinkham asked if anyone in the audience wished to address the board about the petition. There were no respondents. Member Ray said he is amenable to approving the variance but is having a hard time figuring out what the board is approving because there is an absence of a good plan. He said he wants to make sure the board is doing this correctly. Chairman Pinkham said the applicant would typically provide the measurements. She said each section should have a measurement. She said an approval usually references a plan and the Building Commissioner relies on that. She said she thinks the board should determine if there is enough support for the variance before proceeding further. Member Ryan said he agrees with Member Ray. He said if the drawings were polished up a bit he would tend to support the variance based on the shape of the lot and the substantial changes that were made to the plan from its original version. Member Parrish said he agrees with both Member Ray and Member Ryan. Chairman Pinkham said it seems like there is support for the variance and maybe the board can figure out how to address the ambiguity of the plan. She said she is not going to be able to write a decision without a legible plan. Member Ray said he can take a shot at crafting a motion that bases the location and height of the fence on the text on the plan that was submitted. Motion made by Member Ray and seconded by Member Parrish to grant the variance in accordance with a plan that will be submitted that depicts the text on the plan. Member Parrish asked if the applicant will be submitting a revised drawing, and if so how that would work. Chairman Pinkham suggested continuing the hearing until the next meeting so the petitioner can revise the plan to depict the measurements of the proposed fence. Member Ray said the submission of full-size plans would be great. Chairman Pinkham said the board has a standard form for requesting a continuance. She said if the hearing will be continued until June, if the petitioner wishes, to give her time to submit an amended plan. Ms. Kelley asked if the board could arrange a special meeting. Chairman Pinkham said the board will not schedule a special meeting. Ms. Kelley said she wants to build the fence before the summer is over. Ms. Kelley asked what will happen if she asks for a decision tonight. Chairman Pinkham said it does not make sense for the board to vote if there is no plan.

Ms. Kelley requested a continuance until the June meeting. Member Ryan asked if the date of the June meeting will be June 16. Chairman Pinkham answered affirmatively. Motion made by Member Parrish and seconded by Member Ryan to continue the hearing until the board's meeting in June; approved, 5-0.

- 4. Dipti B. Patel, 63 Richard Circle, Woburn, MA, Petitioner and Landowner, seeking a Special Permit from Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to raze and replace a single-family home on a non-conforming lot of +/- 10,000-square-feet at 63 Richard Circle, Woburn, MA:** Also appearing with Ms. Patel was Angelo Scippa, who said he is Ms. Patel's contractor. Chairman Pinkham said there are no dimensions on the plan. She said Ms. Patel's lot appears to be undersized, but she cannot tell if that is the only non-conformity. Mr. Scippa said the proposed structure will meet all the setbacks. He said the only non-conformity is the lot size. Chairman Pinkham said there is no basement or attic on the plan. Mr. Scippa said the basement will be unfinished, as depicted on Page A101 of the building plans. Chairman Pinkham asked if a 10-foot strip in back of the house is a full basement and crawl space. Mr. Scippa said that does depict a deck with a new set of stairs. Chairman Pinkham asked if the new part of the basement will connect with the original part of the basement. Mr. Scippa answered affirmatively. He said they will install Lally columns. Chairman Pinkham asked about attic space. Mr. Scippa said the attic will be walkup but not finished. He said the attic will be used for storage. Chairman Pinkham asked if there is a bulkhead entrance. Mr. Scippa said there is a little doghouse depicted on the plan. Chairman Pinkham said there is a discrepancy on pages A101 and A107 regarding a window on the foundation. Mr. Scippa said there will be two windows on the foundation. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Chairman Pinkham asked how many bedrooms there will be. Ms. Patel said the new house will have five bedrooms, and the existing house has four. Mr. Scippa said Ms. Patel has paid a fee to the DPW for water and sewer connections. Chairman Pinkham asked how many bathrooms will be in the new home. Ms. Patel said there is one bathroom in the current home and there will be three in the new home. Chairman Pinkham asked if the water and sewer lines will be sufficient. Mr. Scippa said the plan is to cut and cap the existing lines. He said they will install new water and sewer lines. Chairman Pinkham asked about the height of the new home. Mr. Scippa said the height is depicted on page A103 of the building plans. Member Ray said the height of the structure appears to be really close to 35 feet. Chairman Pinkham said a limitation of 35 feet to the height will be a condition of approval. Member Parrish asked if the attic will be unfinished. Mr. Scippa answered affirmatively. Member Parrish asked if the applicants are willing to make that a condition of approval of the special permit. Ms. Patel said she does not know if she wants to use the attic for living space in the future. She said she may make it a playroom. Chairman Pinkham said the proposed home is a really large structure with a separate entrance in the basement. She said there have been issues in the past with finished basements being used as a separate dwelling unit. She said the board has developed standard language that prevents such dwellings from becoming 2-family structures. Member Parrish said he was going to bring up the possibility of the basement being used as a separate dwelling unit as well. Motion made by Member Parrish and seconded by Member Ray to grant the special permit with the following conditions: 1.)

the new dwelling must meet the zoning requirement for maximum height of 35 feet; 2.) That the standard language limiting the new dwelling to a single-family home be incorporated into the decision, and 3.) That the new dwelling must be compliant with all setback requirements; the only non-conformity will be lot size; approved, 5-0.

- 5. P. Catalano Construction LLC, 9 Graniteville Road, Westford, MA, 01886, Petitioner, and David Diccico and Lauren Diccico, 1 Bronislaw Street, Landowner, seeking a Special Permit from Section 7.3 and a Variance from Section 6.1 of the 1985 Woburn Zoning Ordinances, as amended, for a second-story addition and a reduction in the front yard setback from 30 feet to 28.5 feet at 1 Bronislaw Street, Woburn, MA:** Representing the petitioner were David and Lauren Diccico. Chairman Pinkham asked if the Diccicos obtained a special permit in 2016 but did not build. Mr. Diccico said their project fell through. He said they are downsizing this version of the addition. He said in 2016 their hardship was the existence of an easement on their land. Chairman Pinkham said she could not figure out the cantilever cited on the plans. She said she does not see how that was reflected in the building plans. Mr. Diccico asked Chairman Pinkham to which page she was referring. Chairman Pinkham said the plot plan shows a cantilever but she does not see anything on the building plans that looks like a cantilever. She said she found it on page 8. She asked what is there now. Mr. Diccico said they currently have a Ranch style home and they would like to build a second floor and a bump out to go upstairs. Chairman Pinkham asked if the petitioners are planning to convert a Ranch style home to a Colonial style home. Mr. Diccico answered affirmatively. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Chairman Pinkham asked how many bedrooms there are in the existing house and how many there will be with the proposed addition. Mr. Diccico said there are currently three bedrooms. Mrs. Diccico said there will be five bedrooms – four upstairs and one downstairs. Chairman Pinkham asked how many bathrooms there are. Mrs. Diccico said there are two bathrooms currently and they will be adding a third. Chairman Pinkham said the board has jurisdiction to grant a special permit. Chairman Pinkham said everything in front is at least 25 feet back. She said the Building Commissioner looked at the plot plan and indicated the cantilever is 28.5 feet from the back lot line, but the actual measurement is 30 feet and the difference is the cantilever. Member Ray asked if the applicants are doing anything to the dining room. Mrs. Diccico said they are going straight up. Member Parrish asked if a special permit is required instead of a variance. Chairman Pinkham said there is no new non-conformity being created. Motion made by Member Ray and seconded by Member Ryan to grant the special permit; approved, 5-0. Chairman Pinkham said she does not think the applicant needs a variance, but she is not the one who issues building permits. Motion made by Member Robertson and seconded by Member Ray to grant the variance; approved, 5-0.
- 6. Seco Properties LLC, 215 Lexington Street, Woburn, MA, Petitioner, and Landowner, seeking Variances from Section 6.1 of the 1985 Woburn Zoning Ordinances, as amended, for a reduction in required frontage from 100 feet to 58 feet; a reduction in the rear setback from 30 feet to 20.3 feet, and; a reduction of the minimum lot width from 60 feet to 58 feet to raze and replace a 2-family dwelling at**

750 Main Street, Woburn, MA: Representing the petitioner were Attorney Joseph Tarby, Ruben Rudman, 600 Unicorn Park Drive, Suite 7, Woburn, MA; and Scott Seaver, Seco Properties LLC, 215 Lexington Street, Woburn, MA. Attorney Tarby said his client is looking for modify a variance that was granted to Mr. Seaver on May 19, 2000. He said his client intends to demolish the existing 2-family structure. He said the Historical Commission has approved the demolition. He said the new structure will meet all the zoning requirements except for frontage. He said the property is located in an R-2 zoning district. He said the Building Commissioner's interpretation is there is only 58 feet of frontage. He said the applicant has provided photos of the existing dwelling. He said the Building Commissioner marked up a version of the plot plan that indicates what appears to be a side yard lot line is actually a rear lot line. He said the Building Commissioner has explained his rationale to him three or four times and he still does not understand it. He said if the frontage on True Place and Main Street are combined it would be 147 feet. He said the Building Commissioner considers this to be a corner lot. He said the lot has more than 52,000-square-feet. Chairman Pinkham said this appears to be a classic pork chop shaped lot. Attorney Tarby said his client is being required to obtain a variance for the rear lot line. He said the new structure will eliminate a lot that is deficient to zoning and makes it compliant with zoning. Chairman Pinkham asked what the frontage is on True Place. Attorney Tarby said the frontage on True Place is 91.57 feet. Mr. Seaver said if you add the frontage on Main Street and the frontage on True Place, there is more than 140 feet. Chairman Pinkham said she when she looked at the plot plan, it seemed like there was more than 100 feet of frontage. Mr. Seaver said he could not understand why the Building Commissioner called the right-hand side the rear yard. He said he was surprised. He said he thought the proposed house complies with the zoning code. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Chairman Pinkham asked what is in the back of the lot. Mr. Seaver said there are wetlands 30 feet behind the house. Chairman Pinkham said she thinks the aerial photo shows the wetlands. She said she has no issue with amending the variance because there is a good argument there is 100 feet of frontage. She said there is a unique set of facts here. Member Ryan said at the corner next to True Place is overgrown with trees and asked if the applicant intends to move any of those. Mr. Seaver said he plans on cleaning up the lot. He said the whole lot needs to be cleaned up. Member Ryan said he thinks removing the overgrown trees will improve the sight lines. Chairman Pinkham said she recalls the board being involved with another issue about the definition of a rear lot line. She said she thinks the Building Commissioner reads "or" as "and" in relation to the rear lot line. She asked if the lot line on the abutting property is also considered a rear lot line by the Building Commissioner. Mr. Seaver said he does not own the abutting property. Chairman Pinkham said she believes that is a side lot line. Motion made by Member Ray and seconded by Member Ryan to grant the variances; approved, 5-0.

7. **Alexander Ngunu, 2 Sullivan Street aka 2 Sullivan Place, Woburn, MA, Petitioner, and Landowner, seeking a Variance from Section 5.3.2 of the 1985 Woburn Zoning Ordinances, as amended, for a fence higher than 3 feet within the 25-foot front yard setback at 2 Sullivan Street aka 2 Sullivan Place, Woburn, MA:** Chairman Pinkham asked if the fence has already been installed. Mr. Ngunu said he installed the fence in

March. Chairman Pinkham said she assumes Mr. Ngunu was told he cannot have a fence higher than 3 feet within 25 feet of the front property line. She said she assumes Mr. Ngunu is asking the board to bless the fence he installed in March. Chairman Pinkham said there is a law that requires the board to find there is a hardship for granting a variance. She said this is the third or fourth petition for a fence this evening. She asked Mr. Ngunu if his fence is 4-feet high. Mr. Ngunu answered affirmatively. Chairman Pinkham asked what Mr. Ngunu is claiming for a hardship. Mr. Ngunu said in 2019 he got a permit and the plan was to install a 6-foot fence with 3 feet in front. He said this year he changed the front part of the fence to add a cosmetic element. He said the fence will not create an obstruction to neighboring driveways. Chairman Pinkham asked if the solid part of the 4-foot section of the fence is 3 feet high and the last foot is see-through. Mr. Ngunu said the solid part of the fence is 34 inches high and the upper 14 inches is a spindle fence. Member Ryan asked how far back from the property line the fence is. Mr. Ngunu said the said the fence is probably 6 feet from Sullivan Street. Member Ryan referenced picture #6 that was submitted by the petitioner and said it does not look like 6 feet from the manhole cover. Mr. Ngunu said there is an orange dot in picture #6 that indicates the property line. Member Ryan said it looks like that distance is 2-3 feet. Member Ryan asked how difficult it would be to remove the spindles from the end panels of the fence that lead to the street. Mr. Ngunu said he is not sure. He said he does not think it will be that difficult. Chairman Pinkham referenced picture #1 submitted by the petitioner and asked if the panels are 8 feet wide. Mr. Ngunu answered affirmatively. Chairman Pinkham said she thinks the transitional panel is also in violation of the setback requirements, but she cannot be sure because she is estimating the distance. She said she cannot tell for sure because the board has not been provided with measurements. Member Ryan asked if Mr. Ngunu obtained a building permit for his fence. Mr. Ngunu said he did. He said he intended to install a fence that complied with the zoning code, but then the front part of the fence was changed. He said he did not intend to violate the zoning ordinance. Member Ryan said the fence appears to be 3 feet of solid and then a foot of spindle. He asked if the 6-foot section will be 5 feet and a foot of spindle or 6 feet and a foot of spindle. Mr. Ngunu said the total height of the fence is 6 feet. Member Robertson asked what the top part of the fence is called. Chairman Pinkham said it is being referred to as a spindle, but she is not sure if that is correct. Mr. Ngunu said he thinks that is what the top part of the fence is called. Member Robertson asked if there was a complaint about the fence. Mr. Ngunu said someone called the Building Dept. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. Attorney Steven Grant, 200 Walnut Street, Saugus, MA, said he represents Lillian Long, the property owner of 4 Sullivan Street/Place. Attorney Grant said Ms. Long vehemently objects to approval of the variance. He said the fence was originally erected without a permit. He said the height of the fence is closer to 6 feet than 4 feet. Attorney Grant said state law Ch. 40A is pretty stringent. He said the fence will create a hardship for his client. He said the fence creates an obstruction. He said it is an eyesore. He said when Mr. Ngunu installed the fence, Mr. Ngunu also removed his client's shed. Attorney Grant said the fence was installed halfway into his client's driveway. He said Mr. Ngunu had a survey done that showed his client's fence and the shed were on Ms. Ngunu's property. He said Ms. Long has a claim of adverse possession. Chairman Pinkham said the board cannot make a ruling on adverse possession. Attorney Grant said approval of the variance

would be a bad precedent. He suggested holding off a vote until the adverse possession lawsuit is resolved. Chairman Pinkham said the board is required to act on the variance petition in a timely manner. Member Robertson asked if there is any evidence the value of Ms. Long's property would be diminished by the fence. Attorney Grant said his client feels the fence speaks for itself. He said the fence is 6 feet tall and obstructs his client's view. Member Robertson asked Attorney Grant where his client's property is located. Attorney Grant replied Ms. Long's property is to the right of the petitioner's property. Member Ryan said he went to the property. He said the fence in the front of the petitioner's property is not 6 feet high. He said the majority of the fence is 6 feet high, but the front sections are not as high. He said he thinks the issue is the height of the two sections closest to the street. He said the property line dispute is a separate issue. He said he trying to determine what kind of solution the board can come up with. He said the board could ask the petitioner to remove the spindles so the fence will be 3 feet high. He said it seems to him that will be an easy thing to do. He said he wishes the applicant had supplied a drawing that shows the lot line. He asked who painted the orange dot shown in picture #6. Mr. Ngunu said 4 Sullivan Street/Place is a rental property. He said he has never met Ms. Long. He said the fence was staked out on the property line. He said Attorney Grant is talking about property values, but his other neighbors all like the fence. He said he has done a lot of improvements to his property to enhance the property values in the neighborhood. Member Robertson asked if Mr. Ngunu removed the neighbor's chain link fence. Mr. Ngunu said he removed Ms. Long's fence. He said he does not think the Board of Appeals is the right venue to adjudicate an adverse possession dispute. Member Robertson asked Mr. Ngunu if Attorney Grant's client is a landlord. Mr. Ngunu said 4 Sullivan Street/Place is a rental property. Member Ray asked where the chain link fence was. He asked if it was near Ms. Long's driveway. Mr. Ngunu answered affirmatively. He said the city has no record of a permit for a chain link fence. Member Ray said the neighbor may not have needed a permit if the fence was built a long time ago. Member Robertson asked Attorney Grant whether 4 Sullivan Street/Place is a rental property. Attorney Grant said the property owner rents the property. Member Robertson asked if Ms. Long is an absentee landlord. Attorney Grant replied Ms. Long has a vested interest in the property, but she does not live there. Motion made by Member Robertson to grant the variance. Member Parrish said he agrees with Member Ryan about reducing the height of the fence near the property line. Member Ryan said he would be in favor of reducing the height of the fence by removing the spindle from at least the first panel off the street. Mr. Ngunu asked which side. Member Ryan said both sides. Mr. Ngunu said picture #8 indicates there is almost a full car length between the fence and the street without a fence. He said there are no sight lines that are being obstructed. Motion to grant the variance seconded by Member Ray. Motion made by Member Ryan and seconded by Member Ray to amend the motion to grant the variance by adding a condition that the spindles be removed from the outermost panels of the fence on the left and right sides. Vote to grant the variance was approved, 4-1, with Chairman Pinkham opposed. Chairman Pinkham said Mr. Ngunu needs to remove the spindles on the section of the fence closest to the street on both sides of the property. She said Mr. Ngunu can keep the rest of the fence.

- 8. Erik Hill, 4 Whispering Hill Road, Woburn, MA, Petitioner and Landowner, seeking Variances from Section 6.1 of the 1985 Woburn Zoning Ordinances, as amended, for a reduction in the front yard setback from 25 feet to 19.2 feet and for a reduction the rear yard setback from 30 feet to 5.6 feet for an addition at 4**

Whispering Hill Road, Woburn, MA: Mr. Hill said he was granted a variance in 2016. Chairman Pinkham asked if the plan that was submitted is exactly the same as it was in 2016. Mr. Hill said the present version of the proposed addition includes a narrower porch. He said they are not planning to extend the bump out in the back of the home and the garage. He said they have an oddly shaped lot with a lot of ledge. He said their home in on a slab. Chairman Pinkham asked when the house was built. Mr. Hill said the house was built in 1966. He said the neighbor to the rear on Dawes Circle is very far back and would not be impacted by the proposed addition. Member Parrish said Mr. Hill's property is located in an R-1 zoning district and asked if it will remain a single-family home. Mr. Hill said he is not looking to add a second entrance. He said they are seeking more room for their two young children. Member Ray asked why Mr. Hill is seeking at add another 6 feet. Mr. Hill said he is not sure they will be able to do that due to the slope of the land. Member Ray asked if there are any other houses on the street that are similar to Mr. Hill's. Mr. Hill said the house at 8 Whispering Hill Road is new construction, and a neighbor on Freedom Road got a variance. He said the addition of the top portion of the house would really help because they will be installing a laundry room. Chairman Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Motion made by Member Parrish and seconded by Member Ray to grant the variance; approved, 4-1, with Chairman Pinkham opposed.

- 9. Approval of minutes from meeting of April 21, 2021:** Chairman Pinkham said she has made corrections she has submitted to the clerk. Motion made by Member Parrish and seconded by Member Ray to approve the minutes as amended by the Chairman; approved, 5-0.

- 10. Any other matter that may be legally before the Board:** None

- 11. Motion made by Member Ray and seconded by Member Parrish to adjourn;** all in favor, 5-0. Chairman Pinkham adjourned the meeting at 8:39 p.m.

ATTEST:

Gordon Vincent
Clerk of the Zoning Board of Appeals