

**Zoning Board of Appeals  
City Council Chambers  
Woburn City Hall  
Wednesday, July 19, 2023 – 6:00 p.m.**

Present: Chair Margaret Pinkham, Member John Ryan, Member Daniel Parrish, Member Edward Robertson, Member Richard Clancy, and Alternate Member Mark Cavicchi.

- 1. Mill Street Development LLC, 43 Rear, 53, 57, 59 & 61 Mill Street, Woburn, MA, request for determination of insubstantial change (continued from meeting of June 21, 2023):** Representing Mill Street Development LLC was Attorney Jesse Schomer, Regnante Sterio LLP, 401 Edgewater Place, Wakefield, MA; Steve Weinig, President, Hamilton Construction Management Corp. 39, Brighton Ave. Boston, MA; and Chris Sparages, P.E., Williams & Sparages LLC, 189 North Main Street, Suite 101, Middleton, MA. Chair Pinkham said she exchanged draft versions of the conditions, most recently at 4:36 p.m. She said the City Solicitor has reviewed the draft. She said Councilor Darlene Mercer-Bruen has reviewed the draft. She said what remains is a review of the comments and suggestions the petitioner is proposing. Attorney Schomer said he has seen the draft and he would like a couple of minutes to review it. He said Mr. Weinig is stuck in traffic anyway. Motion made by Member Parrish and seconded by Member Ryan to table the matter; approved, 5-0.
  
- 2. Patricia Akrivoulis, 3 Pierce St., Woburn, MA, Petitioner and Landowner, seeking a Special Permit from Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, for an addition to a pre-existing, non-conforming structure at 3 Pierce St., Woburn, MA:** Representing the applicant were Patricia Akrivoulis and Athanasios Chalkiadakis, both of 3 Pierce St. Chair Pinkham said the board has received new plans that indicate the proposed addition has been redesigned. She said the proposed addition has been made smaller. She said it looks like the proposed addition now complies with the side and rear setbacks requirements, and therefore the applicant will not need a variance. She said the Building Commissioner also pointed out a variance was necessary for the open space requirement, but that issue has been addressed as well. Member Ryan asked if the applicant decided to keep the shed. Ms. Akrivoulis said they will be keeping the shed. She said the area of the shed is not included in the proposed building coverage calculations. Chair Pinkham said Alternate Member Cavicchi will be a voting member as he participated last month in Member Clancy's absence. Motion made by Member Parrish and seconded by Member Ryan to grant the special permit based on the revised plan; approved, 5-0.
  
- 3. Commonwealth Realty Foundation LLC, 200 West Cummings Park, Woburn, MA, Petitioner and Landowner, seeking Variances from Section 6.1 of the 1985 Woburn Zoning Ordinances, as amended, for a reduction in the minimum lot size from 12,000-square-feet to 8,370-square-feet and a reduction in the frontage requirement from 25 feet to 22 feet to construct a single-family home at no street number Marcy**

**Street, Woburn, MA (request to continue filed):** Chair Pinkham said the petitioner has requested a continuance until the board's meeting in August. Chair Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Member Robertson asked if all abutters should be notified of the continuance. Clerk said he can send another set of post cards to notify abutters if the board wishes. Clerk said one abutter came to the City Clerk's office to inquire about the petition. He said he took the abutter's contact information and told her he would contact her with the date of the meeting once it is set. He said this is one of the first things he will do tomorrow. Motion made by Member Parrish and seconded by Member Clancy to continue the matter until the board's hearing in August; approved, 5-0. Chair Pinkham said the board next meeting will be on August 16.

- 4. Maricel Dume, 55 Campbell St., 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 at 55 Campbell St., Woburn, MA:** Chair Pinkham said she is an abutter and will recuse herself. She said Member Robertson will serve as Chair pro tem. Chairman Pinkham left City Council Chambers. Representing the applicant was Attorney Thomas Lawton, 4 Bennett Street, Woburn, MA. Attorney Lawton said this is a simple petition. He said the applicant wants to raze the existing structure, which is more than 100 years old, and replace it with a modern house. He said this is a request to downsize. He said the existing house is currently a 2-story home. He said the proposed house is a 1-story home in an R2 zoning district. He said the present structure is not amenable to New England weather. He said there will be no increase in traffic or noise, and there will be two people living in the new home instead of three in the present home. He said he spoke to the city's Engineering Dept. and confirmed there will be no impact on water and sewer services. He said the character of 55 Campbell St. is unique. He said Campbell Street starts off with commercial property at the Main Street end, then transitions to multi-family homes and then culminates with a 6 or 7-story high rise apartment building near Montvale Avenue. He said there are a couple of nuances with the property. He said the new structure could not be situated where the current structure is now. He said they are looking for reductions in the rear and side setbacks. He said the rear of the house is unique. He said there is an elevation of about 12-14 feet in the back yard. He said he instructed his client to speak to neighbors and there were no negative comments. He said his client has lived in the street for about 50 years, and her intent is to live there for another 50 years. He said the use has always been residential. Chair pro tem Robertson said in order for the board to grant a special permit it has to make a determination based on two criteria. He said the first criterion is that the proposed house is not substantially more detrimental to the neighborhood. He said the other requirement is that the use is legally non-conforming. Attorney Lawton said the current structure was built in 1900, well before the implementation of the current zoning regulations. Chair pro tem Robertson 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 Ryan to grant the special permit; approved, 5-0.
- 5. Mill Street Development LLC, 43 Rear, 53, 57, 59 & 61 Mill Street, request for determination of insubstantial change (continued from meeting of June 21, 2023):** Motion made by Member Robertson and seconded by Member Parrish to take the matter

from the table; approved, 5-0. Chair Pinkham said the version she sent to Attorney Schomer has comments from City Solicitor Ellen Callahan Doucette and Councilor Darlene Mercer-Bruen. She said she thinks the most efficient method is to go over each item that has been altered. Chair Pinkham said the language in proposed condition #9 has been changed from “and estimated” to “stating the.” Attorney Schomer said the applicant has no issue with the change. Chair Pinkham said proposed condition #17 has been changed to read “The Board voted, 5-0, at its June 21, 2023, meeting that the proposed modification does not constitute a substantial change within the meaning of 760 CMR.” Attorney Schomer said the applicant has no issue with that change. Chair Pinkham said a final sentence has been added by the applicant to condition #18 that reads “The Applicant shall require the blasting contractor to carry CGL and/or umbrella coverage of no less than \$5,000,000.00 (five million dollars).” Chair Pinkham said there has been discussion about the applicant providing a separate \$500,000 bond. She said the applicant objected to this suggestion. She said the applicant is already required to obtain a \$5 million bond and any addition bond coverage would be a burden the applicant. She said Attorney Schomer has submitted the following comment: “This modification is requested because subcontractors vary in how they meet insurance coverage requirements, and CGL is typically \$2 million. Hamilton has no objection to the requirement of coverage in the aggregate of \$5 million. Chair Pinkham said the comment is fine. She asked if any other members of the board wish to comment on the amended language. There were no respondents. She said condition #18 would be accepted as amended. Chair Pinkham said proposed condition #19 includes a provision that requires pre-blast surveys to be conducted within 500 feet of the project site, at the applicant’s expense. Attorney Schomer added the following comment: “Notices to neighbors of their right to request a pre-blast survey shall be provided by mail and email (to any neighbors who have provided their email to the Applicant), as well as an option to opt-in to a mailing list for future consideration scheduling notices. The Applicant shall also post a copy of this notice (with a QR code) in a conspicuous place on the project site’s construction fence and keep paper copies of this notice in the site construction office.” Chair Pinkham said proposed condition #20 adds “and Fire” and pluralizes the word “department” with regard to the applicant’s compliance with blasting requirements, including public safety details. To the proposed condition, a sentence was added that reads “The Applicant shall guarantee payment of all invoices issued by the Woburn Fire and/or Police departments for such details in the event the Applicant’s contractors fail to make payment for police and fire details in a timely manner.” Chair Pinkham said the amended language was based on feedback from the Woburn Fire Dept. She said there are contractors who still owe money to the fire department. She said if the applicant will have to provide payment if any contractor fails to pay. Attorney Schomer said the amended condition is agreeable to his client. Chair Pinkham said proposed condition #23 has been amended to change the definition of a haul truck to any “Single, full or semi-trailer used in commerce that (has) a GVWR over 3,000 pounds or (a) commercial vehicle/trailer combination with a GVWR over 10,000 pounds” and “used on the property during blasting, site preparation, grading and construction.” The opening phrase of the second sentence of the proposed condition was amended to read “Those haul trucks used to remove material off-site” shall not be loaded beyond maximum capacity. A sentence was added that reads “Applicant’s employees, contractors and subcontractors shall be instructed to arrive and exit the

property via Salem Street.” Attorney Schomer suggested adding the phrase “to the maximum extent feasible.” He wrote in a note: “This is requested to allow for the possibility that there may be a vehicle (such as low-clearance trucks) that cannot use the haul route due to the grade.” Chair Pinkham said the applicant has agreed all of the construction vehicles are haul trucks and this is a way to define it. She said she tried to reach out to some department heads but she did not get any feedback. She asked if Alternate Member Cavicchi has any suggestions for further amendments. Alternate Member Cavicchi said he does not. Attorney Schomer said amended condition #23 is acceptable to the applicant. Chair Pinkham said the condition will ensure the applicant’s subcontractors and employees will use the most direct condition to the apartment building site on Mill Street. She said the applicant suggested clarification in case there are some vehicles that may not be able to use that road, due to the steep grade and sharp turns. She said the applicant offered an alternative and she added language that requires vehicles to enter from Salem Street. Attorney Schomer said the hill has a bit of a hump. He said there is concern vehicles could have issues getting through. He said it is the applicant’s intent to use the haul route as the primary access. Chair Pinkham said proposed condition #24 was split into two conditions and the phrase “on the property” was added to new condition #25 to prevent employees from parking on-site before 6:45 a.m., for work beginning at 7 a.m. Attorney Schomer said the amended condition is acceptable to the applicant. Chair Pinkham said the following sentence was added to proposed condition #26: “The haul trucks shall arrive and depart from the site via Salem Street only. The applicant shall not commence blasting or site preparation activities until it receives written approval from the Police and Fire chiefs and the DPW Supt. for a comprehensive interior traffic plan for proper traffic management to address signage, speed limits and safety measures relative to construction workers, pedestrians, and residents of Mill Street Gardens.” The last sentence was also amended to add the phrase “as set forth in Sheet 5 of 13 of the plans approved by the comprehensive permit.” Chair Pinkham said this condition was modified to include some ideas and recommendations from the DPW Supt. She said there are going to be a lot of vehicles traveling in a very dense area. She said Police Chief Robert Rufo wants to see an interior traffic management plan. She said there will be no blasting until the police department, the fire department and the DPW give approval to the interior traffic management plan. Attorney Schomer said the amended condition is acceptable. He said he had a conversation with the DPW Supt. and he feels like he has an understanding of what he wants. Chair Pinkham said the last sentence was amended because the applicant is going to have to reconfigure things on the ground and she inserted a reference to Sheet 5 of the plans. Chair Pinkham said proposed condition #31 has been amended by the applicant to read “Haul trucks are not allowed to queue within setback areas on abutting residential properties.” She said if that means trucks will be allowed to queue in the setback of I-93. Attorney Schomer the condition refers to the rear property line. Chair Pinkham said the plan she has does not completely show Salem Street. Mr. Sparages said he believes the board is trying to avoid trucks queuing where people live. Chair Pinkham asked if the queuing will be confined to the applicant’s property. Mr. Sparages answered affirmatively. Chair Pinkham said the parties should figure out a way to say that in the decision. Chair Pinkham said proposed condition #34 has been amended to read “The applicant shall install a rip rap buffer area between the property and Mill Street, with a tire washing station, to limit the amount of mud, dirt and

debris transferred from the property onto Mill Street, Mill Street Gardens and Salem Street.” Attorney Schomer said the amended condition is acceptable to the applicant. Chair Pinkham said the phrase “except as access to Salem Street” has been added to proposed condition #35, which limits the use of Mill Street. She said this phrase was added at the suggestion of Councilor Mercer-Bruen. She said Councilor Mercer-Bruen would also like to add Washington Circle to the list of streets that should not be used as cut through streets by the applicant’s vehicles. Attorney Schomer said there is no reason why trucks would use those roads. Member Parrish asked if condition #35 should be merged with condition #23. Attorney Schomer suggested adding the phrase “subject to condition #23” to condition #35. Member Parrish said that is acceptable. Chair Pinkham said the phrase “as necessary” has been suggested by the applicant as an addition to condition #39, which references the use of a street sweeper on a daily basis. Chair Pinkham said she thinks that is acceptable. She said if the street is a mess, city officials will be contacted. She said the applicant has also suggested an alternative to the requirement of the applicant offering power washing services to property owners within 500 feet of the site. She said the applicant would prefer the phrase “hose down service” rather than power washing, to anyone within 100 feet of the site. Attorney Schomer said the applicant’s concern is about liability, particularly the risk of building materials or siding being damaged. Chair Pinkham said such concerns could be rectified by a simple release, or the applicant could make arrangements with one of the local power washing companies. She said there are two in town. She said she is less than impressed with the hose down option. Attorney Schomer said the applicant does not mean to imply the service will be provided by a teenager with a hose. Member Ryan asked why the applicant wants to reduce the scope from 500 feet to 100 feet. Attorney Schomer said the plans show the 500-foot radius extends across the highway to an office park. He said the primary concern is the residences in proximity to the site and thought 100 feet is acceptable. He said dust starts to dissipate at 500 feet. He said the applicant does not want to include a condition requiring the applicant to power wash a hotel. Chair Pinkham suggested a compromise of 250 feet, so the applicant doesn’t have to worry about anything on the other side of the highway. Attorney Schomer said the compromise is acceptable to the applicant. Member Ryan said 250 feet makes more sense. Chair Pinkham said proposed condition #41 reads: “All project construction activities shall be conducted in strict compliance with the CMP [construction management plan] as well as conditions of the permit and this decision. Upon its issuance, the language of this decision shall be incorporated into the CMP where indicated.” Attorney Schomer said the applicant has suggested additional language that reads: “The within requirements shall be incorporated into the project’s construction mitigation plan as required by condition C.2 of the permit, which shall be consistent herewith and with the CMP.” Attorney Schomer said this is being suggested to make sure there is no confusion. Chair Pinkham said it will be clear that the comprehensive permit is the controlling document. Chair Pinkham said the term “Fire Department” has been added to proposed condition #42, which references the enforcement agencies in municipal government. Attorney Schomer said the addition of the term “Fire Department” is acceptable to the applicant. Chair Pinkham asked if anyone in the audience wished to address the board in regard to the petition. Sebastian Tardif, 1 Spartan Circle, asked about school bus routes during construction. Chair Pinkham said school bus routes have not been addressed. She said that is something the

police may be mindful of. Dean Iverson, 168 Washington Circle, asked where the exit is going to be for vehicles driven by residents. Chair Pinkham said the plans indicate Mill Street is going to be dead-ended and the egress for the apartment residents will be onto Salem Street. Mr. Iverson said the 4-way intersection at Washington Circle is dangerous. Councilor Mercer-Bruen thanked the board for all of its help. She said most of the neighborhood's concerns have been addressed. Motion made by Member Parrish and seconded by Member Robertson to approve the document entitled "Zoning Board of Appeals of the City of Woburn Decision of the Application of Mill Street Development, LLC for a Modification of a Comprehensive Permit for Property Located at 43 Rear, 53, 57, 59 & 61 Mill Street," as amended; approved, 5-0.

- 6. Maria Katsileros-Smith, 72 Mill St., 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 72 Mill St., Woburn, MA:** Ms. Katsileros-Smith said her backyard faces the Pento Road side of the property. She said she sought a permit for a fence to enclose her yard. She said the fence will be 6 feet high everywhere else but the property line along Pento Road is considered a front yard in the zoning code and only a 3-foot fence is allowed. Chair Pinkham said on a corner lot both property lines along the street are considered front yards, and fences are limited to 3 feet in height. She said in order to grant a variance, the board has to determine there is a hardship based on the topography, soil conditions or shape of the land. She asked what Ms. Katsileros-Smith is citing for a hardship. Ms. Katsileros-Smith cited topography as a hardship. She said there is about a 3-foot drop from one end of the property to the other. Chair Pinkham said she sees what appears to be a retaining wall along the driveway. She said she thought the fence was going on the other side. Ms. Katsileros-Smith said there is a stone marker that delineates where her property starts. She said there is a 3-foot grade that she cannot even out properly. She said she cannot bring in enough soil to level the yard. She said her property is also shaped like a trapezoid. She said the fence will be located 14 feet from the curb to the road. She said that leaves plenty of room for her neighbor to exit his driveway. Chair Pinkham asked if anyone in the audience wished to address the board in regard to the petition. Sebastian Tardif, 1 Spartan Circle, said the proposed 6-foot fence will be close to the street. He said he has concerns about visibility. Ms. Katsileros-Smith said she submitted a petition from other neighbors who are in favor of the variance. She said it is impractical to put a 3-foot fence along a busy road. She said she is trying to keep her daughter safe. Chair Pinkham said there does not appear to be a hardship in the portion of the yard where she wants to put the fence. She said the shape of the land is not significantly irregular to meet the legal standard. She said she is always concerned when someone wants to put a 6-foot fence next to a driveway. Ms. Katsileros-Smith said the neighbor across the street has a 6-foot fence. Chair Pinkham said she is sure she voted against that, as well. Member Clancy said there is already a fence on the portion of the property. Ms. Katsileros-Smith said they have a building permit for the portion of the fence that does not require a variance. Member Clancy asked if there will be a fence along the Mill Street boundary. Ms. Katsileros-Smith said there will be nothing along the Mill Street boundary. Member Parrish said he would be in favor of the variance. He said the proposed fence does not come any closer to Mill Street. He said he likes that the fence is

setback from the property line on Pento Road. Member Ryan asked if the fence along Pento Road is going to be made of solid white vinyl. Ms. Katsileros-Smith answered affirmatively. Member Ryan asked if the fence will go right up to the edge of the driveway. Ms. Katsileros-Smith replied the distance from the road to the property line is 12 feet and the fence will be set back an additional 1.5 feet. She referred Member Ryan to the second-to-last page of the set of photographs she submitted with the application. She said it shows the driveway and some crushed stone, and then the fence will start 4-feet inside the crushed stone. Chair Pinkham asked if the fence is going to connect to the house. Ms. Katsileros-Smith answered affirmatively. She said she wants to enclose the back deck. She said the fence will literally be against the house in that corner. Chair Pinkham said it appears the fence will block the first 22 feet of the driveway. Ms. Katsileros-Smith said there is still an additional 14 feet before you get to Pento Road. Chair Pinkham asked what will happen if the city wants to put a sidewalk in. Ms. Katsileros-Smith said there the clearance will still be 10 feet. Alternate Member Cavicchi asked if the petitioner would be willing to put the final piece of the fence at an angle to improve visibility. He said if that section of the fence was placed as a 45-degree or 50-degree angle, it would provide more visibility onto Pento Road. He said the applicant can put in a gate there. Damian Katsileros-Smith, 72 Mill Street, said he checked the visibility today and he could see in both directions backing out of his driveway. Chair Pinkham said the issue would be sight lines for everyone else. Alternate Member Cavicchi suggested the applicant may want to taper the fence down. Ms. Katsileros-Smith said if the fence was angled, they would have to move a fire pit area. Mr. Katsileros-Smith said they have a fire pit where Alternate Member Cavicchi is suggesting as the location of the angled section of the fence. Ms. Katsileros-Smith said that is the only place on their property where they can put the fire pit area. Motion made by Member Parrish and seconded by Member Robertson to grant the variance. Member Ryan asked if the motion includes Alternate Member Cavicchi's suggestion to angle the fence. Chair Pinkham said the motion is to approve the variance based on the plan that was submitted. Member Ryan said he is very familiar with the area. He said knows it is like a speedway. He said he is willing to be flexible. He asked if the applicant is willing to taper and angle the fence near the driveway to improve visibility. Ms. Katsileros-Smith said she would be willing to amend the plan as long as she doesn't have to dig up the area with crushed stone. She asked if the board is willing to compromise so the angled section of fence is one panel. Chair Pinkham said there does not appear to be four votes in favor. Ms. Katsileros-Smith said she is willing to agree to an amendment that also allows the final section of the fence to be tapered to three feet. Motion by Member Robertson and seconded by Member Parrish to withdraw the motion on the floor; approved, 5-0. Motion made by Member Ryan and seconded by Member Parrish to grant the variance with the changes suggested by Alternate Member Cavicchi to angle the fence and taper the final section before the driveway; approved, 4-1, with Chair Pinkham opposed.

7. **DR Dezines LLC, 254 Lynnway #315, Lynn, MA, Petitioner, and Michelle Metz, 15 Sunnyside Road, Woburn, MA, Landowner, seeking a Special Permit from Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, for an addition to a single-family home at 15 Sunnyside Road, Woburn, MA:** Representing the applicant was Diego Rivera, 254 Lynnway #315, Lynn, MA. Chair Pinkham asked if the current house is a Ranch style. Mr. Rivera answered affirmatively. Chair Pinkham asked if the plan is to

convert the house into a Colonial style house. Mr. Rivera answered affirmatively. Chair Pinkham asked whether the addition is staying within the existing footprint. Mr. Rivera answered affirmatively. Member Ryan asked if the house is going to remain a single-family. Mr. Rivera answered affirmatively. Member Clancy asked if the shed is going to remain. Mr. Rivera answered affirmatively. Member Parrish asked if the addition will meet all the zoning requirements for verticality. Mr. Rivera answered affirmatively. Chair Pinkham asked if the plan is to put on a second story with shed dormers on each side. Mr. Rivera answered affirmatively. Chair Pinkham said she does not see a basement plan. She asked if the house has a basement or it is on a slab. Mr. Rivera said the house has a basement. Chair Pinkham asked if there is a bulkhead. Mr. Rivera said the house does not have a bulkhead. Chair Pinkham asked how the basement is accessed. Mr. Rivera said there is a door in the back. Chair Pinkham asked if the style of the home is more appropriately described as a raised Ranch. Mr. Rivera said it is more like a half-raised Ranch. Chair Pinkham asked if there are any stairs to the basement. Patrick Cunniff, 15 Sunnyside Road, said there is a slight set of steps down when you walk into the basement. Chair Pinkham said the board has had concerns in the past about separate dwelling units and usually attaches a set of standard conditions that prevents a separate dwelling unit. Chair Pinkham asked if there is a walk-up attic. Mr. Rivera said there is not a set of stairs to the attic. He said there is not going to be enough space to walk around in the attic. Chair 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 Clancy to grant the special permit with the condition the dwelling remains a single-family home; approved, 5-0.

- 8. Lauree Dubois, 26 Naples Avenue, Woburn, MA, Petitioner and 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 reduction in a rear yard setback from 30 feet to 25.6 feet, for an addition to a single-family home at 26 Naples Avenue, Woburn, MA:** Representing the applicant was Attorney Mark Salvati, 57 Arlington Road, Woburn, MA. Attorney Salvati said Ms. Dubois has lived in this house for her entire life. He said now she wants to build an addition to accommodate her daughter and make the dwelling look like a 2-family. He said the problem is the lot is a corner lot and there are two front setbacks. He said the opposite side of Naples Avenue is considered a rear yard and the applicant wants to put in an addition that is 25.6 feet from the rear lot line. Chair Pinkham said the plan shows the rear setback is 30 feet. Attorney Salvati said that is the wrong plan. He said the house plans are correct. He asked the clerk if he has the correct plot plan. Clerk said he distributed the plot plan that was submitted with the application. Attorney Salvati said the applicant is looking for a variance from 30 feet to 25.6 feet. Chair Pinkham asked what the applicant is citing for a hardship. Attorney Salvati said the hardship is the shape of the lot and the position of the house. He said the addition would not require a variance of the lot were not a corner lot. He said he considers this to be a *di minimis* change. Chair Pinkham said the lot is slightly larger than 8,000-square-feet. She asked if the applicant can design an addition that does not require a variance. She said for a small lot, this is a substantial addition. She asked if an in-law apartment is intended. Attorney Salvati said in-law apartments are allowed by the Building Commissioner. He said they could not build the addition they are seeking to build for their daughter within the parameters of the zoning ordinance. He said he would



be seeking a continuance until the August meeting so he can furnish the correct plot plan. He said he does not think the board would have any issue with the special permit application, but he would like to know if the board would support the variance. Chair Pinkham asked if anyone else wants to offer comments. Member Ryan said he agrees the back yard is larger than most in that area. He said he has a question about a black chain link fence running along the rear property line that is obstructed by trees and bushes. He said he couldn't get a sense if the fence comes all the way across or if it stops where the trees are. Richard Dubois, 26 Naples Avenue, said the chain link fence does not extend all the way to the end of the property line. Member Clancy asked if the neighbor who lives to the rear of the locus has been contacted. Mr. Dubois said the neighbor in the back does not have a problem with the application. Member Clancy said the proposed addition fits within the character of the neighborhood. He asked where the property line in the back ends. Mr. Dubois said if the fence was extended, that would be the rear property line. Member Parrish said he would be in favor of a variance due to the shape of the lot. Member Ryan said he agrees the lot has an odd shape. Member Robertson said he does not see the shape of the lot constituting a hardship. He said the lot is square. Attorney Salvati said the lot is a corner lot and otherwise the addition would be allowed by right. Chair 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 Ryan and seconded by Member Parrish to continue the hearing until the board's meeting on August 16, 2023; approved, 5-0.

- 9. Woburn Stoneham BPOE #908, 295 Washington St., Woburn, MA, Petitioner and Landowner, seeking a Variance from Section 13.6.2.2 of the 1985 Woburn Zoning Ordinances, as amended, to allow for an increase in the allowable square footage from 10-square-feet to 20-square-feet for a wall sign at 295 Washington Street, Woburn, MA:** Representing the applicant was Attorney Mark Salvati, 57 Arlington Road, Woburn, MA. Attorney Salvati said the Elks lodge is in a residential zone, which limits the size of signs to 10-square-feet. He said if the building was about 100 feet down Washington Street, the Elks could have a sign as big as 400-square-feet. He said he believes this request for an increase in the size of the sign is *di minimis*. He said all the Elks want to do it put up a sign that reads "Legacy Hall," and clean it up a bit. He said if one were to measure the letters the sign might not get to 10-square-feet in the aggregate, but the Building Commissioner wanted the applicant to seek a variance. Member Ryan said when he first looked at the letters he thought they would have a rectangular backing. Attorney Salvati said there are just letters and a logo. Member Ryan asked if the Elks sign in front of the building is going away. Attorney Salvati said he believes the sign in front is staying. Member Robertson asked how the proposed sign will be lit. Attorney Salvati said there will be a small light above the letters that points down. Member Robertson asked what time the light will be turned off. Attorney Salvati said the light will be turned off at 11 p.m. Chair Pinkham asked what the applicant is citing as a hardship in his quest for a variance. Attorney Salvati said the hardship is the property is located in an R1 zoning district. He said the applicant is a non-profit organization with a long history of philanthropy in the city. Chair Pinkham asked if anyone in the audience wished to address the board in regard to the petition. There were no respondents. Member Clancy said he is in favor of the petition. Motion made by Member Robertson and seconded by Member Ryan to grant the variance; approved, 4-1, with Chair Pinkham opposed.

**10. Approval of minutes from meeting of June 21, 2023:** Chair Pinkham said she has corrections on pages 2 and 6 she will give to the clerk. She asked if any other members of the board have any corrections. There were no respondents. Motion made by Member Parrish and seconded by Member Ryan to approve the minutes as amended; all in favor, 5-0.

**11. Discussion of ZBA application requirements:** Chair Pinkham said the genesis of this discussion was a checklist that was forwarded to the board by a land court decision for an appeal. She said members of the board suggested incorporating a similar form with petitions so applicants will be better informed. Member Robertson said there are three questions on the special permit application and in most instances the applicant leaves at least two of the questions blank. Member Parrish said he is looking to make things easier to understand for both petitioners and uniform for the board. Member Ryan said the if the application process were made clearer and more uniform and having a checklist may help that process. Chair Pinkham said she thinks some aspects of the application were borrowed from other communities. Member Parrish said the board did something similar with fees a few years ago. Chair Pinkham said she thinks the current application was written many years ago. Alternate Member Cavicchi said the application for zoning relief can be very difficult for members of the public to understand. Clerk acknowledged that people do not understand the application process, or what a hardship entails under the statutory definition. Member Clancy said most petitioners would benefit from legal advice. Chair Pinkham said most people don't want to incur the expense. Chair Pinkham asked if it would be helpful for the clerk to circulate the existing Variance and Special Permit applications. Member Ryan said it would be helpful if the clerk sent the applications via email. Clerk said the applications are also available on the Zoning Board of Appeals' page on the city's website. He said there is other information on the ZBA page that he hopes the public would find useful.

**12. Motion made by Member Parrish and seconded by Member Ryan to adjourn;** approved, 5-0. Chair Pinkham adjourned the meeting at 8:06 p.m.

ATTEST:

Gordon Vincent

Clerk of the Zoning Board of Appeals

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