Zoning Board of Appeals
City Council Chambers
Woburn City Hall
Wednesday, June 18, 2025 – 6:00 p.m.

Present: Chair Margaret Pinkham, Member Daniel Parrish, Member John Ryan, Member Richard Clancy, and Member Anne Chatfield, and Alternate Member Mark Cavicchi

1. **Nicholas Michienzi, 5 Legacy Lane, Woburn, MA, Petitioner and Landowner, seeking a Variance from Section 5.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to build a fence higher than 3 feet within the 25-foot front yard setback at 5 Legacy Lane, Woburn, MA:** Representing the applicant were Nicholas Michienzi, 5 Legacy Lane, and Francis Michienzi, 87 Middle Street. Nicholas Michienzi said the fence was installed before he and his father realized they needed a variance. He said they obtained a variance in 2020, but life got in the way and they didn't realize the variance would expire. He said they are back for a fence that is 4-feet, 4-inches high. Chair Pinkham asked if the fence was installed without a permit. Nicholas Michienzi said the fence was installed in 2020, and then they were advised by the Building Dept. that a variance was required. Chair Pinkham asked if a cease and desist order was issued in 2020. Francis Michienzi said the fence had already been installed. He said the Board made a site visit before it granted the variances for 5 Legacy Lane and 87 Middle Street. Chair Pinkham asked if any members of the Board have questions. Member Parrish asked the Michienzis to go through the time line again. He asked if they built the fence, and then the Building Commissioner came out, and then got a variance. Nicholas Michienzi said it was an oversight on their part. Francis Michienzi said they did not realize a variance expired after one year. He said they never filed for a (building?) permit. He said that's why they are back. Member Parrish asked if the fence is the same one for which the Board approved a variance in 2020. Francis Michienzi said the fences at 5 Legacy Lane and 87 Middle Street are the same. Nicholas Michienzi said they are trying to install additional fencing around the pool. Chair Pinkham asked the applicants to tell her which parts of the fence have not been installed. Francis Michienzi pointed to some areas on a graphic he brought to the podium. Chair Pinkham asked Mr. Michienzi to refer to the plot plan instead of the graphic since the plot plan will be included in the permanent record and the graphic will not. She asked if the portion of the fence along the side lot line has not been installed. Nicholas Michienzi said that section has not been installed. He said the portion along the side lot line between 5 Legacy Lane and 87 Middle Street has also not been installed. Chair Pinkham asked if the portion of the fence outlined in orange on the plot plan has been installed. Nicholas Michienzi answered affirmatively. Chair Pinkham asked if the part that has not been installed is the part along Legacy Lane. Both Michienzis answered affirmatively in unison. Chair Pinkham asked if the area on the plot plan marked in yellow is to be installed. Francis Michienzi said some of the yellow markings denote existing fence. Member Ryan asked if the area shown in yellow is the part they want to install. Francis Michienzi said some of the yellow is existing fence. Nicholas Michienzi said the yellow and the orange markings were used to delineate which sections of the fence are at 5 Legacy Lane and which sections are at 87 Middle

Street. Member Ryan asked if the part shown at the top of the site plan was the subject of the variance that was granted in 2020, or if he is applying for a new variance. Nicholas Michienzi said that was the subject of the previous variance. Member Chatfield asked if the fence will be 4-feet, 4-inches all the way around. Nicholas Michienzi answered affirmatively. Member Parrish said the applicant needs to surround the pool with a 4-foot fence anyway. Member Chatfield asked if the fence will be a picket fence., Francis Michienzi said the fence will be a PVC picket fence. Member Chatfield asked if the previous variance was recorded. Nicholas Michienzi said they applied for a building permit and the Building Commissioner said they had to come back to the Board. 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 variances for 5 Legacy Lane and 87 Middle Street based on the drawings that were submitted to the Board. Chair Pinkham said she did not vote for these variances last time but she wants to be respectful of the Board's previous decisions, so she will vote in favor this time. Motion approved, 5-0.

2. **Francis Michienzi, 87 Middle St., Woburn, MA, Petitioner and Landowner, seeking a Variance from Section 5.3.2 of the 1985 Woburn Zoning Ordinances, as amended, to build a fence higher than 3 feet within the 25-foot front yard setback at 87 Middle St., Woburn, MA:** See preceding item.

3. **Discussion of Section 35 of the Woburn Zoning Ordinance: Protected Use Accessory Dwelling Units:** Chair Pinkham said she, Member Chatfield, and the clerk met with Building Commissioner Thomas Quinn and City Solicitor Mark Salvati on June 11 to discuss accessory dwelling units. She said the statute was created to build more housing and ease the housing crunch. She said the City Solicitor said most ADUs will be allowed by right. She said people who own a single-family home can apply for an ADU through the Building Dept. if it meets the other requirements. She said the ADU can be up to 50 percent of the footprint of the primary dwelling with a limit of 900-square-feet. She said if you have a really small house you only get half of the square footage. She said if a garage is at least five feet from the rear lot line and is less than 900-square-feet it can be converted into an ADU through the Building Dept. Member Parrish said his only question is about change of use, if a garage is converted into an ADU. Chair Pinkham said the statute allows the conversion of a garage into an ADU. Member Chatfield said the structure would still have to be no larger than half of the primary dwelling unit. Chair Pinkham said if you want to expand the original dwelling unit, you would have to finish the expansion first before moving on to the ADU. She said there was a lot of discussion in the June 11 meeting about accessory structures and sheds that are four feet from the rear lot line. She said the Building Commissioner said the structure has to be five feet from the rear lot line to comply with the state fire code. She said she anticipates a lot of these ADUs will be granted by right. She said if people disagree with the Building Commissioner, they can appeal to the Board. She said the Board may see some appeals. She said the only other time the Board will see applications for ADUs is for a second ADU associated with a 2-family structure. She said in that instance the applicant would have to seek relief via a special permit. Member Ryan asked if the owner of a single-

family structure could apply for a second ADU. Chair Pinkham said she supposes the property owner could appeal to the Board if the Building Commissioner denies the building permit application. Alternate Member Cavicchi asked if an ADU is capped at 500-square-feet because the primary dwelling is 1,000-square-feet, can the Board grant relief up to 900-square-feet for the ADU, if it is requested. Chair Pinkham said she does not think the Board can grant that relief. She said the property owner could ask for a variance if it does not meet the setback requirements. She said the Board may end up seeing more requests for variances than special permits. Member Ryan asked if a property owner wants a second ADU, would they apply for a variance or a special permit. Chair Pinkham said the appropriate form of relief is a special permit. She said she was going to reach out to Member Ryan about amending the application form to account for ADUs. Alternate Member Cavicchi asked if ADUs should have their own separate category on the application. Chair Pinkham asked if ADUs can be included in Section 4 of the application. Member Parrish said the Board will need to know if the primary dwelling is in an R-2 district. Member Ryan asked if someone has a 2-family home that they want to turn into a 3-family and if they can call the third unit an ADU and is that something the Board is going to come across. Chair Pinkham said she is not sure if that would be a 3-family or not. She said she would have to reach out to the City Solicitor with that question. Member Chatfield said the size of the ADU is governed by the size of one unit of a 2-family, not the entire structure. Alternate Member Cavicchi said that could result in a very small ADU when you think about it. Member Ryan said he sees that as a really sticky area. He said it could almost become a Boarding house. He said that would be difficult to enforce. The Clerk said the June 11 meeting also involved some discussion about the Building Dept. and the Board having to deal with things when they come across for the first time. He said one of the things that was discussed is a building that has two separate condos. He said the first ADU would be allowed by right, but the second unit would require a special permit. He said it was discussed which owner would be allowed the by-right unit. He said the Building Commissioner and the City Solicitor said that circumstance will just have to be dealt with when it happens. Member Ryan said he was reading something in the Boston Globe a while ago and he thought it was about condos and whether a condo association could somehow prohibit ADUs. Chair Pinkham said that could happen. She said one of the things that was discussed is who is policing the ADUs. She said it will have to be determined whether it is the Board that has the say about whether an ADU is allowed in, for instance, a common area. She asked if the Board is going to have to look at condo documents to figure that out. Member Chatfield said the deed usually has the percentage. Member Parrish said it appears the Board is not going to see a lot of these. Member Ryan said he'd like to think that but he suspects the Board is going to see a few. Member Parrish asked if the Board is going to see more straight variances than special permits. Chair Pinkham said the Board will learn as it goes. Alternate Member Cavicchi asked if the ADUs will be rental properties. Chair Pinkham said she thinks a lot of the ADUs will be occupied by families, for instance parents who move back in with their adult children. Member Parish said he can see that but he has also heard the property owners may end up renting out ADUs. He said he has heard they are pretty expensive, too. Member Chatfield said $300,000 is the quote she has heard. Member Clancy asked about lot coverage. Chair Pinkham said lot coverage requirements still apply. The Clerk said one of the things that the City Council discussed was that if

there was an owner-occupied component to it, there would be almost unanimous support. He said because it doesn't that's one of the things that's going to have to be worked out. Alternate Member Cavicchi said installing the utilities will not be cheap, especially to units in the back of the house that don't have plumbing or electrical.

4. **Any other matters that may be legally before the Board:** Member Clancy asked about the date of the next meeting. Chair Pinkham asked if anyone has conflicts with July 16. There were no objections. Member Chatfield said looking ahead she is unavailable for a meeting on August 20. Chair Pinkham and Member Clancy said they won't be here either. Member Parrish said he is unavailable on August 20. He said he is unavailable on August 13 as well. He said the Board may have to do without him in August. Member Chatfield said she is unavailable on the 20th. Alternate Member Cavicchi said he will contact the clerk about his availability in August. Member Ryan said the 13th is probably better than the end of the month.
5. **Approval of minutes from meeting of May 21, 2025:** Chair Pinkham said she reviewed the minutes as presented by the clerk and has no corrections or edits. She asked if any other members have corrections or edits. There were no respondents. Motion made by Member Parrish and seconded by Member Clancy to approve the minutes of May 21, 2025, as presented; all in favor, 5-0.
6. **Motion made by Member Parrish and seconded by Member Ryan to adjourn**; all in favor, 5-0. Chair Pinkham adjourned the meeting at 6:41 p.m.

ATTEST:

_____

Gordon Vincent
Clerk of the Zoning Board of Appeals