



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

999 Whipple Road
Tewksbury, MA 01876

Robert Dugan, Chairman
Len Dunn, Vice Chair
Gerald Kutcher
Associate Members:
Jaime Doherty
Dianne Bartalamia

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES

August 27, 2015

The meeting was called to order by Rob Dugan, Chairman, at 6:30 p.m. at the Pike House (temporary town hall). Present at the meeting were Len Dunn, Gerald Kutcher, Diane Bartalamia, Jaime Doherty, and Melissa Johnson, Recording Secretary.

Approval of Meeting Minutes – July 30, 2015

MOTION: Mr. Dunn made the motion to approve the July 30, 2015 meeting minutes; seconded by Mr. Kutcher and the motion carried 5-0.

CONTINUED NEW HEARINGS

Marguerite J. Bradshaw/Chester Briggs as a party aggrieved for review of a decision made by the Building Inspector in a letter dated August 15, 2014 as filed with this Board. Said property is located at **967 Main Street**, Assessor's Map 47, Lot 75, zoned Commercial.

Mr. Dugan noted that the Board is in receipt of correspondence requesting to continue this matter to October 29, 2015.

MOTION: Mr. Kutcher made the motion to continue **Marguerite J. Bradshaw/Chester Briggs** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated August 15, 2014 as filed with this Board. Said property is located at **967 Main Street**, Assessor's Map 47, Lot 75, zoned Commercial to October 29, 2015 at 6:30 p.m.; seconded by Mr. Dunn and the motion carried 3-0.

DUGAN, DUNN, KUTCHER

GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC d/b/a Shawsheen Place for (a) a determination and confirmation pursuant to 760 CMR 56.05(11) that the affordability “lock in period” set forth in the Comprehensive Permit issued by the Board on My 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restrictions. Said property is located at **11 Old Boston Road**, Assessor’s Map 48, Lot 33, Multi-Family, Commercial and Village Mixed Use Overlay District.

Mr. Dugan noted that the Board is in receipt of correspondence from Attorney Ted Regnante requesting to withdraw without prejudice as the Board acted favorably on the amended comprehensive permit prepared by Attorney Bobrowski on July 30, 2015.

MOTION: Mr. Kutcher made the motion to withdraw GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC d/b/a Shawsheen Place for (a) a determination and confirmation pursuant to 760 CMR 56.05(11) that the affordability “lock in period” set forth in the Comprehensive Permit issued by the Board on My 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restrictions. Said property is located at 11 Old Boston Road, Assessor’s Map 48, Lot 33, Multi-Family, Commercial and Village Mixed Use Overlay District without prejudice; seconded by Mr. Dunn and the motion carried 3-0.

NEW HEARING

Scott and Taryn Leeds for a variance under Section 4130, Appendix B of the Tewksbury Zoning Bylaw for insufficient front yard setback to construct a farmer’s porch onto the existing structure as shown on plans filed with this Board. Said property is located at **6 Rhoda Street**, Assessor’s Map 70, Lot 23, zoned Residential.

Present was Taryn Leeds of 6 Rhoda Street. Ms. Leeds explained that she is proposing to put a farmer’s porch on the front of her home. Mr. Dugan asked if the porch will be 17 feet from Rhoda Street and Ms. Leeds confirmed this. Mr. Dugan asked how far the home is from the curb line and Ms. Leeds explained that she believes it is 25 feet. Mr. Dugan explained that the curb line is not the same as the property line. Ms. Leeds noted that is does not know for sure, but approximately a couple feet.

Mr. Dunn asked if there are any photographs of the home and Ms. Leeds provided this to the Board and explained that the current stairs are starting to be in need of replacing and they figured while replacing it would also be nice to have an overhang to sit and watch their kids play out front.

Mr. Dugan asked if the porch will be the full length of the front of the home and Ms. Leeds explained it does not extend to the bay windows and will be approximately 35 x 8.

Mr. Dugan asked if there is an iron rod as shown on the plan and Ms. Leeds confirmed this and explained that the iron road is approximately 1.5 feet from the street to the iron rod and is located at the end of the existing fence. Mr. Dugan explained that this would put the home 18 feet from the street.

Mr. Kutcher asked if any abutters have expressed concerns and Ms. Leeds explained that the neighbors were all properly notified and they have not received any comments.

Mr. Dugan asked what is located across the street and Ms. Leeds explained another home.

Mr. Dunn asked if there are any other homes on the street with a farmer's porch and Ms. Leeds noted that there is one other home that recently did a farmer's porch and may have come before the Board. Mr. Dunn asked if the home was recently sided and Ms. Leeds explained that they put on a second floor approximately 4 years ago, but they were not required to come before the Board. Mr. Dugan asked if the home was constructed in 1949 and Ms. Leeds noted she is not sure. Mr. Dugan noted that the deed states it was recorded November, 1949.

Mr. Dugan explained that this is an existing non conforming lot as there is only 100 feet of frontage, where 150 feet is required, and the home was constructed prior to the zoning bylaw.

Mr. Dugan opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Dunn made the motion to close both parts of the hearing; seconded by Ms. Doherty and the motion carried 3-0.

**MOTION: Ms. Doherty made the motion to approve Scott and Taryn Leeds for a variance under Section 4130, Appendix B of the Tewksbury Zoning Bylaw for insufficient front yard setback to construct a farmer's porch onto the existing structure as shown on plans filed with this Board. Said property is located at 6 Rhoda Street, Assessor's Map 70, Lot 23, zoned Residential; seconded by Mr. Dunn and the motion carried 3-0.
DUGAN, DUNN, DOHERTY**

New Business

There was no new business.

Old Business

There was no old business.

Adjourn.

MOTION: Ms. Bartalamia made the motion to adjourn; seconded by Mr. Kutcher and the motion carried 5-0.

Approved: 9/24/15

*List of documents for 8/27/15 Agenda
Documents can be located at the Community Development Office*

Approval of Minutes – July 30, 2015

CONTINUED NEW HEARINGS

6:30 P.M. **Marguerite J. Bradshaw/Chester Briggs** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated August 15, 2014 as filed with this Board. Said property is located at **967 Main Street**, Assessor's Map 47, Lot 75, zoned Commercial.
(Applicant requesting to be continued to October 29, 2015.)

- *Letter dated 8/19/15 fr Attorney O'Neill requesting continuance 10/29/15.*

6:30 P.M. **GRE Tewksbury Property, LLC and GRE Tewksbury Apartments, LLC, dba Shawsheen Place** for (a) a determination and confirmation pursuant to 760 CMR 56.05(11) that the affordability "lock in period" set forth in the Comprehensive Permit issued by the Board on May 26, 1988 regarding the subject property has expired; and (b) modification of the Comprehensive Permit to address the affordability restriction. Said property is located at **11 Old Boston Road**, Assessor's Map 48, Lot 33, zoned Multi-Family, Commercial and Village Mixed Use Overlay Districts.
(Applicant requesting to withdraw without prejudice.)

- *Email dated 8/20/15 fr Ted Regnante*

NEW HEARING

6:30 P.M. **Scott and Taryn Leeds** for a variance under Section 4130, Appendix B of the Tewksbury Zoning Bylaw for insufficient front yard setback to construct a farmer's porch onto the existing structure as shown on plans filed with this Board. Said property is located at **6 Rhoda Street**, Assessor's Map 70, Lot 23, zoned Residential.

- *Application packet dated 8/4/15.*