



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

1099 Main Street
Tewksbury, MA 01876

Nancy Rego, Chair
Rob Dugan, Vice-Chair
Daniel Teixeira, Clerk
Associate Members:
Michael Farnum
Joseph Cary

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES August 31, 2023

Call The Meeting To Order

Vice Chairman Robert Dugan called the meeting to order at 6:30 PM. Present at the start of the meeting were Daniel Teixeira, Michael Farnum & Joseph Cary. Nancy Rego was absent from the meeting.

Approval of Meeting Minutes – July 27, 2023

MOTION – Mr. Farnum made a motion to approve the July 27, 2023, meeting minutes. The motion was seconded by Mr. Cary and unanimously voted 4-0.

New Hearings

James Geary on behalf of Kerry Gear, for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw, for front yard setbacks & a Special Permit under Section 8.1.1.C to alter a previously existing non-conforming structure in order to construct a 23.4' x 13.5' 2-story addition as shown on plans filed with this Board. Said property is located at 3 Miles Road Assessor's Map 82, Lot 109 zoned Residential.

Voting Members: Robert Dugan, Michael Farnum & Joseph Cary

Mr. Dugan read the hearing notice aloud. James Geary appeared for the variance for 3 Miles Road. Mr. Geary stated he would be doing a 2-story addition on the left side of the house to expand the living room, add a bathroom & 2 bedrooms.

Mr. Dugan asked if this was a corner lot, Mr. Geary confirmed it was. Mr. Dugan confirmed the applicant also needed a special permit & was matching the existing setback. Mr. Dugan asked the size of the existing house; Mr. Geary stated it was roughly 28'x24'.

Mr. Cary asked if the addition was set back 3" from the front of the existing house, Mr. Geary stated he thinks that's just the way the plans were drawn up, he believes the addition is right in line with the house.

Mr. Dugan asked if the existing house was 2-stories, Mr. Geary stated it was 1.5 stories. Mr. Dugan then asked the direction of the roof; Mr. Geary stated the ridge goes left to right and the addition will go right with it.

Mr. Cary asked if the addition was going to have a full foundation, Mr. Geary confirmed it would.

There were not questions from the audience.

MOTION – Mr. Farnum made a motion to close both parts of the hearing. The motion was seconded by Mr. Cary and unanimously voted 3-0.

MOTION – Mr. Cary made a motion to approve James Geary on behalf of Kerry Gear for a Special Permit under Section 8.1.1.C to alter a previously existing non-conforming structure in order to construct a 23.4' x 13.5' 2-story addition as shown on plans filed with this Board. Said property is located at 3 Miles Road Assessor's Map 82, Lot 109 zoned Residential. The motion was seconded by Mr. Farnum and unanimously voted 3-0.

MOTION – Mr. Cary made a motion to approve James Geary on behalf of Kerry Gear for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw, for front yard setbacks in order to construct a 23.4' x 13.5' 2-story addition as shown on plans filed with this Board. Said property is located at 3 Miles Road Assessor's Map 82, Lot 109 zoned Residential. The motion was seconded by Mr. Farnum and unanimously voted 3-0.

13.5' 2-story addition as shown on plans filed with this Board. Said property is located at 3 Miles Road Assessor's Map 82, Lot 109 zoned Residential. The motion was seconded by Mr. Farnum and unanimously voted 3-0.

Elise & Kristopher Lee, for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw, for side yard setbacks to construct a 12' x 15' open deck as shown on plans filed with this Board. Said property is located at 28 Cleghorn Lane Assessor's Map 27, Lot 76 zoned Residential.

Voting Members: Robert Dugan, Daniel Teixeira & Joe Cary

Mr. Dugan read the hearing notice aloud. Elise & Kristopher Lee appeared for the variance for 28 Cleghorn Drive. Ms. Lee stated they would like to construct a deck extending from the main level of their house which has a 10.4' side setback & they would maintain this distance as they build the deck back.

Mr. Dugan confirmed they would be maintaining the same line as the house now, Ms. Lee stated that was correct. Mr. Dugan asked when the house was built, Ms. Lee stated she believed it was built in the 50s.

Mr. Teixeira confirmed that the existing house had a 10' setback from the property line currently and they were just going straight back from the house. Ms. Lee confirmed that was correct.

There were not questions from the audience.

MOTION – Mr. Teixeira made a motion to close both parts of the hearing. The motion was seconded by Mr. Cary and unanimously voted 3-0.

MOTION – Mr. Teixeira made a motion to approve Elise & Kristopher Lee, for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw, for side yard setbacks to construct a 12' x 15' open deck as shown on plans filed with this Board. Said property is located at 28 Cleghorn Lane Assessor's Map 27, Lot 76 zoned Residential. The motion was seconded by Mr. Cary and unanimously voted 3-0.

Daniel Rose c/o Mark Shea, for a variance under Section 5.3.3 of the Tewksbury Zoning Bylaw, for a front setback to build a 45' x 55' 1-Story commercial building as shown on plans filed with this Board. Said property is located at 592 Main Street Assessor's Map 34, Lot 34 zoned Mixed-Use Business.

Voting Members: Robert Dugan, Daniel Teixeira & Michael Farnum

Mr. Dugan read the hearing notice aloud. Mark & Kevin Shea appeared for the variance for 592 Main Street. Mr. M. Shea stated the existing property has a house and barn located on it, they are proposing to raise everything & put up a single-story building for their business. It is a non-conforming triangular shaped lot; they are asking for the 12' setback on Old Boston Rd. & the front setback on Main St will be 30'. Mr. M. Shea stated the barn that is currently there is only 2' off Old Boston Rd. so they would be bringing the lot further into compliance.

Mr. Dugan asked why they wouldn't bring the building closer to Main St. Mr. M. Shea stated the storm drains are going in the front for runoff water & the walkway will be in the front of the building plus being on Main St. more visible, they figured Old Boston would be the better place to ask for the setback. Mr. Dugan stated he liked the idea.

Mr. Cary confirmed they were the first lot on the road, Mr. M. Shea went into further detail to describe the location.

Mr. Dugan asked what type of business they planned to put in there. Mr. M. Shea stated they do granite monuments mostly cemetery work, headstones, granite engraving, signage. Mr. Dugan stated it wouldn't be a lot of cars in and out, Mr. M. Shea stated not at all, it's mostly by appointment. They currently have a business in Methuen & the traffic is very minimal. Mr. Dugan asked if the driveway would go out to Old Boston Rd. as well, Mr. M. Shea confirmed it would.

Mr. Teixeira asked if they part of Main Street had new sidewalks installed yet, Mr. M. Shea stated it did not. Mr. Teixeira asked what type of building it was going to be. Mr. K. Shea stated it would be brick & mortar, they're in the planning stages right now.

There were no questions from the audience.

MOTION – Mr. Farnum made a motion to close the public hearing, The motion was seconded by Mr. Teixeira and unanimously voted 3-0.

Mr. Dugan stated he would like to see it even on the property, but he thinks the applicants make a valid point, Old Boston isn't a very popular street, he'd rather see the extra 5' away from Main St. The other members agreed they liked it as well. Mr. Teixeira added he liked that the barn was going away.

MOTION – Mr. Farnum made a motion to approve Mark & Kevin Shea for a variance under Section 5.3.3 of the Tewksbury Zoning Bylaw, for a front setback to build a 45' x 55' 1-Story commercial building as shown on plans filed with this Board. Said property is located at 592 Main Street Assessor's Map 34, Lot 34 zoned Mixed-Use Business. The motion was seconded by Mr. Teixeira and unanimously voted 3-0.

Correspondence

Other Business Not Known at the Time of Posting this Agenda

Adjournment

MOTION – Mr. Farnum made a motion to adjourn the meeting at 6:49 PM. The motion was seconded by Mr. Cary and unanimously voted 4-0.

Approved: September 28, 2023

List of documents for the 08.31.2023 meeting

Documents can be found in the Community Development Office

- 6:30 P.M. Call meeting to order
- 6:30 P.M. Approval of Minutes: **July 27, 2023**
 - **July 27, 2023 Minutes**

NEW HEARINGS

- 6:30 **James Geary on behalf of Kerry Gear**, for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw, for front yard setbacks to construct a 23.4' x 13.5' 2-story addition as shown on plans filed with this Board. Said property is located at **3 Miles Road** Assessor's Map 82, Lot 109 zoned Residential.
 - **Application packet dated 7/11/23**
- 6:30 **Elise & Kristopher Lee**, for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw, for side yard setbacks to construct a 12' x 15' open deck as shown on plans filed with this Board. Said property is located at **28 Cleghorn Lane** Assessor's Map 27, Lot 76 zoned Residential.
 - **Application packet dated 7/25/23**
- 6:30 **Daniel Rose c/o Mark Shea**, for a variance under Section 5.3.3 of the Tewksbury Zoning Bylaw, for a front setback to build a 45' x 55' 1-Story commercial building as shown on plans filed with this Board. Said property is located at **592 Main Street** Assessor's Map 34, Lot 34 zoned Mixed-Use Business.
 - **Application packet dated 8/10/23**

Correspondence

Other Business Not Known at the Time of Posting this Agenda

Adjournment

