



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from Sept. 13, 2007.

Members Present: Robb Kydd, Chris Mechalides, Gary Ralls, Claire Cloutier, Eileen Farrell, and Cheryl Bradley.

Members Absent-None

6:30 PM

Brad M. Pacheco, 71 Mascuppic Trail, Assessors Map 32B, Lot 33, appeal Building Commissioner decision on a deny for a building permit for the construction of a dwelling which applicant feels that this lot is a grandfathered lot under M.G.L. C/40A, section 6. R-2 Zone, section 2.15.11. This hearing continued from August 9, 2007.
Received letter dated Sept. 14, 2007 requesting to continue this hearing to Oct. 11, 2007.

Motion to continue hearing to Oct. 11, 2007 by Chris Mechalides, seconded by Eileen Farrell.
Vote 5-0.

Salvatore Lupoli DBA Sal's Kitchen Realty LLC, Industrial Way and Westford Rd.,

Assessors Map 21, parcel 2F, request for variance for front yard, lot area, side yard for the construction of restaurant with storage basement and office. Also, lease-able retail space. I-1 Zone, section 2.12.50. This hearing continued from August 9, 2007.

Legal notice read. Advertised in the Lowell Sun on July 26 & August 2, 2007. Abutters notified. Town Boards notified. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list. Application read.

Application presented by Douglas Hausler, Esq.

General discussion of single tenants (instead of previous dual tenant), parking exceeds requirements, landscaping removed from easement, square footage corrected, lot size and required variance

Ed Duffy was just present at this hearing.

Motion to close the public portion of the hearing by Cloutier, and seconded by Ralls.

Cloutier and Kydd in favor of the application. Concern about the two business.

Motion by Claire Cloutier to approve variance for lot area and side lot area for construction of new restaurant, no retail space allowed, no wait staff service on the patio area, patio is not to be enclosed. Seconded by Gary Ralls. Vote 4-1. Four votes for and one against. Voting for the applicant is Claire Cloutier, Gary Ralls, Robb Kydd, and Chris Mechalides. Voting against is Eileen Farrell. Application approved.

Ominipont Communications, Inc., 56 Coburn Rd., Map 26, Lot 33, request for six (6) month extension of an expired variance that was granted by the board August 14, 2006 for use and dimensional variances to permit the installation, operation, and maintenance of a wireless communications facility including the construction of a 150 foot flagpole-style monopole. R zone, sections 4.16, B.3, 4.16, D.5, 2.12.50.

Legal notice read. Advertised in the Lowell Sun on July 26 & August 2, 2007. Abutters notified. Town Boards notified. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list. Application read.

Application presented by Jennifer Lewis, Esq. from Prince, Lovel, Glovsky & Tye LLP.

No abutters present to speak for or against the application.

Requesting a 6-month extension.

Motion to close the public portion by Ralls. Seconded by Mechalides, Vote 5-0.

Motion to approve application as presented by Gary Ralls, seconded by Mechalides. Vote 5-0, Unanimous.

Thomas & Christine Covert, 35 Maplewood Ave., Map 26A, parcel 110, request special permit for height and variance on the left and front yard set backs for addition. R-2 Zone, sections 2.12.50, 2.15.22, 2.15.24.

Legal notice read. Advertised in the Lowell Sun on July 26 & August 2, 2007. Abutters notified. Town Boards notified. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list. Application read.

No abutters present to speak for or against the application.

General discussion of the height of the addition.

Motion to close the public portion of the hearing by Mechalides, seconded by Farrell, Vote 5-0.

Motion by Gary Ralls with conditions-

The granting of this variance is conditioned upon the attic area is only for utilities, 2nd floor to be un-finished, no living space, roof height not to exceed 36 feet, and no exterior staircase.

Seconded by Eileen Farrell.

Vote 5-0. Approved.

Denise Foresteire, John & Michelle Rowbotham, 17 Willowdale Ave., Map 32 A, parcel 123. request for special permit for height only for 2nd level addition that will meet all set backs. R-2 Zone, section 2.15.24.

Legal notice read. Advertised in the Lowell Sun on July 26 & August 2, 2007. Abutters notified. Town Boards notified. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list. Application read.

No abutters present to speak for or against the application.

Motion to close the public portion of the hearing by Mechalides, seconded by Ralls. Vote 5-0.

Motion by Gary Ralls to approve application with conditions-
Addition must not be separated from the main house and will not become an apartment.
No new outside access doors are allowed.
No separate utilities are allowed.
Seconded by Chris Mechalides.
Vote 5-0. Unanimous.

Kevin & Renee Ronan, 108 Willowdale Rd., Map 32A, parcel 105/115, request for special permit for height only for 2nd level addition that will meet all set backs.
R-2 Zone, sections 2.15.24, 2.15.22.

Legal notice read. Advertised in the Lowell Sun on July 26 & August 2, 2007. Abutters notified. Town Boards notified. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list. Application read.

No abutters present to speak for or against the application.

Motion to close the public portion by Farrell, seconded by Ralls. Vote 5-0.

Motion by Gary Ralls to approve application with conditions-
Addition cannot be closed off from the existing house
Seconded by Eileen Farrell.
Vote 5-0. Unanimous.

Other Business;

Minutes from August 9, 2007

Motion to approve minutes from August 9, 2007 by Gary Ralls, seconded by Eileen Farrell. Vote 5-0.

Motion to close meeting by Ralls, seconded by Eileen Farrell. Vote 5-0.
8:40 PM.

