



*Town of Tyngsborough*  
*Zoning Board of Appeals*  
Town Hall-25 Bryants Lane  
Tyngsborough, MA 01879-1003  
(978) 649-2300, Ext. 115

**TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES**  
**August 14, 2014**  
**APPROVED**

Attachments:

1. Meeting Agenda
2. Joe Polin Request for Remote Participation – 8/9/14
3. Remote Participation Announcement – 8/14/14
4. Tyngsboro Partners, LLC letter requesting insubstantial modification to Wyndbrook Comprehensive Permit– 6/25/14
5. 53 Willowdale Rd. ZBA Application – 7/11/14
6. 53 Willowdale Rd. Plot Plan – 8/1/14
7. 53 Willowdale Rd. Building Plans – 7/22/14
8. 125-135 Middlesex Rd. Revised Project Plans & Response to Comments – 8/11/14
9. Town Administrator letter regarding Tyngsboro Crossing Meeting from 8/5/14 – 8/8/14
10. Conservation Commission letter regarding Tyngsboro Crossing – 7/24/14
11. PSC Services Corp. Tyngsboro Crossing Peer Review – 7/9/14

Members Present: Claire Cloutier - Chairman  
Robb Kydd  
Christine Mechalides  
Joe Polin (Remote Participation)  
Scott Bordeleau  
Pamela Berman, Administrative Assistant

**6:30pm** Meeting was called to order by Chairman C. Cloutier

C. Cloutier announced that ZBA member J. Polin requested that he be able to participate in the meeting remotely as defined under Massachusetts 940 CMR 29.10(5). Consequently, due to his Geographic Location outside of Massachusetts, J. Polin participated in tonight's meeting via telephone.

**Public Hearing #1**

Tyngsboro Partners representatives Jay Finnegan and Hancock Associates engineer Joe Pezznola appeared before the Board to request a modification to the existing Comprehensive Permit for the Wyndbrook project to remove the sidewalk requirement

on Windmere Circle. Mr. Finnegan explained that the Wyndbrook Homeowners Association voted to approve the request to remove the requirement of the sidewalks and to contact him to facilitate this request. Mr. Finnegan went on to say that due to the low traffic volume within the community, and the close proximity of driveways between units, make the need for the sidewalk unnecessary. The design change will create more green space and allow an additional 120 sq. feet of lawn space for each unit affected.

Homeowner Frank Germain spoke in favor of the project and conveyed the Homeowner's Association opinion that the residents do not want the sidewalk. In addition, seven residents from Wyndbrook were present in support of the request. The Board felt that this would not be a hardship and saw no problems with the request.

**S. Bordeleau:** Motion that the requested change to the Comprehensive Permit for Wyndbrook is an insubstantial change.

**C. Mechalides:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**C. Mechlides:** AYE

**C. Cloutier:** AYE

**Robb Kydd:** AYE

**S. Bordeleau:** AYE

**J. Polin:** AYE

**Passes:** 5-0

**S. Bordeleau:** Motion to approve a modification to the existing Comprehensive Permit for Wyndbrook that removes the requirement for sidewalks to be placed along the loop of Windmere Circle.

**R. Kydd:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**C. Mechlides:** AYE

**C. Cloutier:** AYE

**Robb Kydd:** AYE

**S. Bordeleau:** AYE

**J. Polin:** AYE

**Passes:** 5-0

## **Public Hearing #2**

**53 Willowdale Rd. (M33, P8, L0)** – Andrea Leaver applicant, request for a variance from the requirements of Section 2.12.50 (lot size & side yard setbacks), and a special permit under Section 2.15.22 & 2.15.24 of the Tyngsborough Zoning By-Laws to raze an existing home and build a new 3,000 s.f. dwelling. *Advertised in the Lowell Sun Thursday July 31, 2014 and Thursday August 7, 2014.*

**Abutters List Present and Complete**

**R. Kydd:** Motion to waive the reading of the abutters list.

**C. Mechelides:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**C. Mechlides:** AYE

**C. Cloutier:** AYE

**Robb Kydd:** AYE

**S. Bordeleau:** AYE

**J. Polin:** AYE

**Passes:** 5-0

### Application Presentation by Application/Designee

Property owner Andrea Leaver appeared before the Board and submitted a revised plot plan dated 8/1/14 that adjusted the front setback to 31'. Ms. Leaver explained that she had demolished the old home in May of 2013, and she plans on building the new home in a different location on the lot that is more compliant with the zoning bylaws. The Board was concerned that the home was demolished before the applicant came to the ZBA and asked for additional proof that there was a building on the now vacant lot. Dave Croce from 17 Spruce Ave. spoke in favor of the project since the old home had been only 2 feet from his lot line. Ms. Leaver will work on additional documentation and asked for a continuance to the next ZBA meeting.

**S. Bordeleau:** Motion to continue this hearing until Sept. 11, 2014 at 6:30pm

**C. Mechelides:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**C. Mechlides:** AYE

**C. Cloutier:** AYE

**Robb Kydd:** AYE

**S. Bordeleau:** AYE

**J. Polin:** AYE

**Passes:** 5-0

### Public Hearing #3

**125-135 Middlesex Rd. (M21, P14, L0 & L1)** – Request for a Comprehensive Permit pursuant to Chapter 40B of the Massachusetts General Law, and the Tyngsborough Zoning By-Laws Section 1.13.23 for the development of a residential housing community that will contain 66 units of residential housing on an 8.3 acre site to be named “Tyngsboro Crossing”. *Advertised in the Lowell Sun Thursday February 27, 2014 and Thursday March 6, 2014.* **Continued from July 10, 2014**

Atty. Melissa Robbins appeared before the Board for the applicants Dennis Page and Dave Trahan. Atty. Robbins briefed the Board on the revised plans dated 8/8/14. The revisions specifically addressed the concerns from the Board’s engineer report dated 7/9/14, and the results from a meeting on August 5, 2014 with a representative from the Board of Selectmen and, the Police and Fire departments. The revisions include the following:

- Snow storage areas have been updated by deleting three buildings (6 units), which allows more open space to use for snow storage. This brings the total number of units down to 60 from 66.
- The curbing proposed to be used for the project will be type-3 bituminous concrete which meets MassDOT standards.
- An infiltration pond is being proposed for stormwater control.
- The mail area has been relocated and be designed so as to provide a bus stop area for school children.
- The second entrance has been removed.
- The fire hydrants were marked on the plans
- The plans were updated to indicate the placement of a sewer pump station.

In addition, Atty. Robbins noted that a traffic study is being conducted and will be presented once complete. She went on to add that the following comments:

- The complex will have private trash pickup, no dumpsters.
- All units will be two bedroom units.
- They will not be seeking any waivers from the Stormwater requirements and will obtain the necessary approvals from the Mass. Endangered Species Act (MESA).

**C. Mechalides:** Motion to continue this hearing until September 11, 2014 at 6:30pm

**R. Kydd:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**C. Mechlides:** AYE

**C. Cloutier:** AYE

**Robb Kydd:** AYE

**S. Bordeleau:** AYE

**J. Polin:** AYE

**Passes:** 5-0

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## **ADMINISTRATIVE**

### 1. Minutes

**C. Mechalides:** Motion to approve the amendment to the minutes for March 13, 2014.

**R. Kydd:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**C. Mechlides:** AYE

**C. Cloutier:** AYE

**Robb Kydd:** AYE

**S. Bordeleau:** AYE

**J. Polin:** AYE

**Passes:** 5-0

2. New Business:

- Board member Cheryl Bradley submitted her letter of resignation effective immediately.
- Next meeting is scheduled for September 11, 2014

**7:35pm**

**R. Kydd:** Motion to adjourn

**J. Polin:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**C. Mechlides:** AYE

**C. Cloutier:** AYE

**Robb Kydd:** AYE

**S. Bordeleau:** AYE

**J. Polin:** AYE

**Passes:** 5-0

Minutes respectfully submitted by  
Pamela Berman, ZBA Administrative Assistant