



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
January 8, 2015
APPROVED

Attachments:

1. Meeting Agenda
2. Remote Participation Announcement
3. Merrimac Landing Comprehensive Permit Modification Request – 10/3/14
4. 125 & 135 Middlesex Rd. (Tyngsboro Crossing) Landscaping & Lighting Plan – 8/8/14
5. Blatman, Bobrowski & Mead, LLC letter of potential conditions for the Tyngsboro Crossing comprehensive permit – 1/8/15
6. 65 Tyng Rd. (Tyng Village) Landscape Plan – 1/8/15
7. Innovation Academy letter regarding 65 Tyng Rd. (Tyng Village) – 1/8/15

Members Present: Robb Kydd – Vice Chairman
Joe Polin
Christine Mechalides
Adriana Gioumbakis
Chaz Doughty
Pamela Berman, Administrative Assistant

Members Absent: Claire Cloutier

6:30pm Meeting was called to order by Vice Chairman R. Kydd

Public Hearing #1

Merrimac Landing, Middlesex Rd. – Request by Merrimac Landing Realty Trust, applicant for a modification to the September 30, 2002 Comprehensive Permit for the Merrimac Landing housing development as amended, made in accordance with 760 CMR (56.05(11), for the construction of 10 units of rental housing on a 0.55-acre parcel in the development known as Parcel 4A of Merrimac Way, which parcel was previously designated for conveyance to and development by the Town. *Advertised in the Lowell Sun Thursday December 25, 2014, and Thursday January 1, 2015.*

C. Mechalides: Motion to waive the reading of the abutters list.

C. Doughty: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Atty. Melissa Robbins appeared before the Board for Merrimac Landing Realty Trust requesting a modification to the existing Comprehensive Special Permit for the Merrimac Landing Development. Currently they have completed three out of the four phases of the project. The final component included the conveyance of a .55 acre parcel to the Town of Tyngsborough who would be developing it for senior housing. It was determined that the Town is not in a position to undertake building on this property and heard from the Tyngsborough Housing Authority that the property would not be a good fit for seniors.

The modification would affect Phase 4 of the Merrimac Landing project and reduce the number of townhouse style units from the original 20 rental units to 10 rental units. These units would be put back on the Town's affordable housing inventory, and establish a veterans preference for all 10 units. However, a designation of 3 units would be for rent at prices affordable to a family earning less than 80% of the Lowell median family income. In addition, \$95,400 would be paid to the Town (Tyngsborough Housing Authority) as part of receiving the first building permit for the construction of the units. Payment of which would be in exchange for the reduction in the number of units and removal of the age restriction, top provide for the creation and preservation of affordable housing for the benefit of low and moderate income households. Atty. Robbins indicated that the \$95,400 would be paid to the Town when the first building permit is pulled.

Residents from 13 Merrimac Way and 17 Merrimac Way raised several ongoing issues within the development which may get worse with this additional building. Issues such as trash removal, parking, sewer pump station capacity, and dumpsters were all discussed. Merrimac Landing representative Dave Trahan noted that these are ongoing issues that the management company is working on.

C. Mechalides: Motion to approve a modification to the comprehensive permit for Merrimac Landing with the following conditions:

1. Plans will show 10 units and 22 parking spaces.
2. \$95,400 will be paid to the Tyngsborough Housing Authority upon issuance of the first building permit.
3. Veterans housing preference.
4. 30% affordable no more/no less; 3 affordable units.
5. Trash issue must be resolved to the satisfaction of the Board prior to the issuance of an occupancy permit with the Board's review and approval of a trash management plan.

C. Doughty: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Public Hearing #2

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 December 11, 2014**

Atty. Melissa Robbins appeared before the Board for the applicants Dennis Page and Dave Trahan. Board Atty. Adam Costa submitted a draft list of conditions and waivers to be included in any decision. The Board felt ready to render a decision, but wished to review the list of waivers and conditions and have Board engineer David Sanderson do so as well before voting. A vote could be taken at a meeting prior to the February 12th meeting. There were no other abutters present to speak for or against this project.

C. Mechalides: Motion for Board Atty. Adam Costa to draft a decision for Tyngsboro Crossing for review by the Board.

A. Giombakis: 2nd the motion

In Favor: 3 Opposed: 0 Abstain: 2

Passes: 3-0-2

C. Mechalides: Motion to close the public portion of the hearing.

J. Polin: 2nd the motion

In Favor: 3 Opposed: 0 Abstain: 2

Passes: 3-0-2

Public Hearing #3

65 Tyng Road (M27, P4, L0) – Request by Tyng Road Development, LLC, applicant 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 28 units of residential housing on a 4.22 acre site to be named “Tyng Village”. *Advertised in the Lowell Sun Thursday November 27, 2014 and Thursday December 4, 2014.* **Continued from December 11, 2014.**

Atty. Melissa Robbins appeared before the Board and reported that the engineers are still working on extensive changes to the original plans based on some of the abutter and Town Dept. feedback. Abutters from Old Tyng Rd. and Middlesex Rd. were concerned with the proximity of the development to the school, traffic, building architecture, snow removal, and trash pick-up, and the seemingly tight fit of so many homes on such a small lot. Developer Walter Erisken noted that they are working on re-configuring the homes on the lot, and improving privacy.

A. Giombakis: Motion to continue this hearing to February 12, 2015 at 6:30pm

C. Mechalides: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

ADMINISTRATIVE

J. Polin: Motion to approve the minutes from November 13, 2014 as written.

A. Giombakis: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

C. Mechalides: Motion to approve the minutes from December 11, 2014 as written.

J. Polin: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

1. New Business:

- Next meeting is scheduled for February 12, 2015

9:00pm

R. Kydd: Motion to adjourn

C. Mechalides: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Minutes respectfully submitted by
Pamela Berman, ZBA Administrative Assistant