



***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**  
**May 14, 2015**  
**APPROVED**

Attachments:

1. Meeting Agenda
2. Westford Rd. & Westech Dr. (storage warehouse) Hearing Continuance Form – 5/14/15
3. 160 Pawtucket Blvd. Hearing Continuance Form – 5/14/15
4. 65 Tyng Road (Tyng Village) revised plan set – 5/7/15
5. 65 Tyng Road DRAFT Comprehensive Permit decision
6. Deschenes & Farrell letter requesting a modification to the Comprehensive Permit for Wynbrook – 5/4/15
7. Wynbrook Neighborhood Site Plan – 5/13/15
8. Wynbrook Lottery Agent Paula Stuart resume'
9. Ed Wallace letter requesting to be on 5/14/15 agenda – 5/11/15
10. Ed Wallace letter regarding Maple Ridge Gate – 4/21/15
11. Walter Eriksen email regarding Steinbeck St. Gate – 4/21/15
12. Walter Eriksen email regarding Maple Ridge – 5/14/15
13. Copy of ZBA Minutes from November 14, 2013

Members Present: Joe Polin  
Chris Mechalides  
Adriana Gioumbakis  
Chaz Doughty  
Pamela Berman, Administrative Assistant

Members Absent: Claire Cloutier  
Robb Kydd

**6:30pm** Meeting was called to order by Joe Polin

**Hearing #1**

**Westford Rd. & Westech Dr. (Map 22, Block 27A)** – Request by FMP Realty Trust, applicant, for a Variance from the requirements of Section 2.12.50 of the Tyngsborough Zoning By-Laws (lot area, maximum building height) for the proposed construction of a self-storage mini warehouse facility in an I-1 Zone. *Advertised in the Lowell Sun Thursday January 29, 2015 and Thursday February 5, 2015. Continued from April 9, 2015.*

The applicant notified the ZBA that they would not have the requested deliverables ready for submittal and asked for a continuance to the June 11, 2015 meeting.

**J. Giombakis:** Motion to continue the hearing until June 11, 2015.

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

**In Favor: 4 Opposed: 0 Absent: 2**

**Passes: 4-0-2**

### **Hearing #2**

**160 Pawtucket Blvd. (dba, Stonehedge Inn)** – Request by Boston East Tyngsboro Holdings, LLC, applicant, for a Variance from the requirements of Section 3.10.24 (Table of Off-Street Parking Requirements), and a Special Permit under Section 2.15.22 (Non-Conforming Structure: Changes, Extensions and Alterations) of the Tyngsborough Zoning By-Laws for the proposed construction of a 7,100 s.f. wedding banquet facility in an R-1 Zone. *Advertised in the Lowell Sun Thursday January 29, 2015 and Thursday February 5, 2015. Continued from April 9, 2015.*

The applicant notified the ZBA that they would not have the requested deliverables ready for submittal and asked for a continuance to the June 11, 2015 meeting.

**A. Giombakis:** Motion to continue the hearing until June 11, 2015

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

**In Favor: 4 Opposed: 0 Absent: 2**

**Passes: 4-0-2**

### **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 April 9, 2015.*

C. Mechalides sat out of this hearing.

Atty. Melissa Robbins appeared with developer Walter Eriksen. Atty. Robbins summarized the revisions made to the plans. The following items were addressed and revised on the plans:

- No parking signs were added around the inside of the loop roadway & the outside of the roadway at the curves.
- Units 23 through 26 were moved back from the roadway to allow for 20’ for parking.
- The pavement thickness was updated to 5”.

- Fraser fir trees were added as a buffer between the new roadway and the stormwater area.
- The chain link fence around the detention pond was removed per the Board.
- Sewer & drain manholes were relocated to maintain the 5' separation with the driveways.

The Board reviewed the draft decision with conditions. Board engineer Dave Sanderson confirmed that all of the outstanding issues have been addressed. The Board decided to review the DRAFT decision over the next month and take a vote on the project at the June 11, 2015 meeting.

**A. Giombakis:** Motion to continue the hearing until June 11, 2015

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

**In Favor: 3 Opposed: 0 Absent: 2 Abstain: 1**

**Passes: 3-0-2-1**

#### **Hearing #4**

**Wynbrook at Tyngsboro (169 Westford Rd.)** – Tyngsboro Partners, LLC request for modification to the existing Comprehensive Permit.

Atty. Melissa Robbins, and developer Jay Finnegan appeared before the Board to request a modification to the existing Comprehensive Permit issued in 2005. Atty. Robbins explained that the age restricted units are difficult to sell and they are seeking to change lottery agents in order to attempt to reinvigorate the market. Paula Stuart will be able to conduct a new lottery sooner rather than later in hopes of sparking the sale of the remaining units.

**C. Mechalides:** Motion to find this modification request as an “insignificant change” to the Comprehensive Permit.

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

**In Favor: 4 Opposed: 0 Absent: 2**

**Passes: 4-0-2**

Atty. Robbins submitted an additional modification request that would allow the applicant to continue to sell the market rate units within the development while giving the Board the security that the applicant will construct all of the affordable units prior to the sale of the final market rate unit. The following language was proposed: “prior to the issuance of the certificate of occupancy for the last market rate unit, the applicant shall have completed and obtained the certificates of occupancy for all affordable units.” An additional lottery will be held this summer in order to market the affordable units along with the market rate units for the development.

The Board worked with the applicant to amend the language of the modification to ensure that all of the affordable units are constructed and was amended it as follows: “Prior to the issuance of a Certificate of Occupancy (COC) for the 54<sup>th</sup> market rate unit, the applicant shall complete the construction and obtain COCs for at least 16 of the 20 affordable units; and provide the Board a bond in the amount of \$50,000 for each affordable unit for which a COC has yet to be obtained, (i.e. up to 4 affordable units or \$200,000), which shall be paid to the Town should the applicant not proceed with reasonable diligence to complete the construction of and obtain COCs for the affordable units. No COC shall be issued for the 60<sup>th</sup> market rate unit until all affordable units are constructed and COCs are issued.”

**J. Polin:** Motion to approve the amended language.

**A. Giombakis:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 2**

**Passes: 4-0-2**

**C. Mechalides:** Motion to find this modification request as amended as an “insignificant change” to the Comprehensive Permit.

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

**In Favor: 4 Opposed: 0 Absent: 2**

**Passes: 4-0-2**

## **DISCUSSION**

Villages of Maple Ridge Development Punch List – Ed Wallace

Ed Wallace of 17 Steinbeck St. appeared before the Board and submitted a letter summarizing concerns with the gate at the end of Steinbeck St. and Potash Hill Rd. Mr. Eriksen emailed the Board with an update, noting that he will be removing all of his equipment and installing a permanent gate as requested before he signs over the development to the Maple Ridge Homeowners Association. The Board will re-visit this issue at the June 11, 2015 meeting for an update.

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## **ADMINISTRATIVE**

**C. Doughty:** Motion to approve the minutes for April 9, 2015 as written.

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

**In Favor: 4 Opposed: 0 Absent: 2**

**Passes: 4-0-2**

**New Business:**

C. Doughty wanted to explore the possibility of changing the zoning classification of the Town Center from the current “Business District” into a “Historical District”. In addition, he asked if there was a comprehensive list of historical buildings in Tyngsborough. C. Mechalides noted that zoning district classification change are the jurisdiction of the Planning Board. P. Berman added that the Assistant Town Administrator has a current list of historical buildings, and she would forward a copy to him.

**9:10pm**

**J. Polin:** Motion to adjourn

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

**In Favor: 4 Opposed: 0 Absent: 2**

**Passes: 4-0-2**

Minutes respectfully submitted by  
Pamela Berman, ZBA Administrative Assistant