



**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 13, 2015**

**APPROVED**

Attachments:

1. Meeting Agenda
2. 10 Poitras Ave. ZBA Application – 6/16/15
3. Tyngsborough Town Dept. Comments for 10 Poitras Ave.

Members Present: Joe Polin, Chairman  
Chris Mechalides, Vice Chairman  
Robb Kydd  
Adriana Gioumbakis  
Chaz Doughty  
Harvey Miller  
Pamela Berman, Administrative Assistant

**6:30pm** Meeting was called to order by Chairman J. Polin

**Hearing #1**

**10 Poitras Ave. (Map 20, Parcel 96, L0)** – Request by Steven Nocco, applicant for a Variance from the requirements of Section 2.12.50 (lot area), and a Special Permit under Section 2.15.24 of the Tyngsborough Zoning By-Laws to raze the existing structures and construct a 30' x 68', 2,400 s.f.± single family dwelling in an R-1 Zone. *Advertised in the Lowell Sun Thursday July 30, 2015 and Thursday August 6, 2015.*

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

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

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

Applicant Steve Nocco appeared before the Board. Mr. Nocco explained that he is under agreement with the homeowner to purchase the home which will close in a couple of days. He intends to build the new single family dwelling on the lot in a different location while living in the current structure. Once complete, he will move into the new home and raze the old structure. All of the zoning setbacks will be met with the placement of the new structure, and he is seeking a variance for the lot size as it is a pre-existing non-conforming lot. Mr. Nocco went on to say that the home will be a ranch style and not exceed any of the height restrictions.

The new septic design is in front of the Board of Health now, and he anticipates construction to take up to six months to complete. There were no abutters were present to speak for or against this project.

**C. Doughty:** Motion to close the public portion of the hearing.

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

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

Open Discussion by the Board and Q&A to Applicant with Applicant responses

- The Board felt that the hardship is viable, and that this project would be an improvement for that lot.
- The Board also considered a temporary occupancy of the new structure before the old one is removed since the applicant intends to live in the old structure while building the new home and can't remove it until the new home is completed.

Review Notes/Comments on Application from other Tyngsborough Departments

Conservation: No issues.

Building Dept.: No adverse comments at this time

Assessor: No adverse comments

Planning Board: No issues

Fire Dept.: OK

Sewer: No Sewer is available

Highway Dept.: No comment

Board of Health: Requires septic plan prior to the issuance of a demolition/building permit.

Tax Collector: 3<sup>rd</sup> & 4<sup>th</sup> Qtr. FY 2015 RE taxes are outstanding (applicant reported to the Board that the taxes will be paid at the closing)

**R. Kydd:** Motion to approve a **Variance** for lot size in an R-1 Zone, from required 65,000 sq. ft. to 19,988 sq. ft. (45,012 sq. ft. of relief) on plot plan dated 7/14/15.

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

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

**C. Mechalides:** Motion to approve a **Special Permit** under Section 2.15.24 to raze existing structures and construct a 30' x 68', 2,400 s.f.± single family home with approved setbacks as shown on plot plan view dated 7/14/15 with the condition that a 90 day temporary occupancy permit be issued following the construction of the new dwelling in order for the old structures (garage & single family dwelling) to be razed and removed.

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

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

## **DISCUSSION**

1. **Tyng Village Pre-Construction Meeting** – Administrative Assistant P. Berman notified the Board that the Atty. Robbins reached out to her to work on scheduling the pre-construction meeting for this site. Developer Walter Eriksen reported that he has already met with several departments individually and asked if it was necessary to have another group meeting. The Board requested Mr. Eriksen to provide a summary of those meetings and work on setting up the pre-construction meeting. Board member H. Miller said that he could act as the Board's liaison for this meeting. An update will be discussed at the next meeting.
2. **Tyngsborough's Affordable Housing Inventory** – The Board discussed Tyngsborough's inventory status and whether they would qualify for a reprieve from the State law. An update will be reported to the Board at the next meeting.

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## **ADMINISTRATIVE**

### Minutes

**R. Kydd:** Motion to approve the minutes from June 11, 2015 as written

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

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

**R. Kydd:** Motion to approve the minutes from July 9, 2015 as written

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

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

### **7:20pm**

**C. Mechalides:** Motion to adjourn

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

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

Minutes respectfully submitted by  
Pamela Berman, ZBA Administrative Assistant