



**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**

**October 8, 2015**

**APPROVED**

Attachments:

1. Meeting Agenda
2. 7-23 Middlesex Rd. ZBA Application – 9/15/15
3. Tyngsborough Town Dept. Comments for 7-23 Middlesex Rd.
4. 62 Willowdale Ave. ZBA Application – 9/15/15
5. Tyngsborough Town Dept. Comments for 62 Willowdale Ave.
6. Hearing Continuance Form for 111 & 115 Middlesex Rd. and 125-135 Middlesex Rd. – 10/13/15
7. Construction Observation Reports for Tyng Village – 9/3,4,8,10,14,16,18,22,24,28,29/2015 & 10/5/2015
8. Tyng Village Development, LLC Construction Progress Letter – 10/7/15
9. Atty. Adam Costa Tyng Village Regulatory Agreement Rvw. – 10/8/15

Members Present: Robb Kydd  
Adriana Gioumbakis  
Chaz Doughty  
Harvey Miller  
Pamela Berman, Administrative Assistant

Members Absent: Joe Polin  
Chris Mechalides

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

**Hearing #1**

**7-23 Middlesex Rd. (M28, P111, L0)** – Request by 7-23 Middlesex Rd., LLC, applicant for a Special Permit under Tyngsborough Zoning By-Laws, Sections 3.11.30, 3.11.34, and 3.11.44 to install two additional flat-panel building signs on an existing commercial building in a B-3 Zone. *Advertised in the Lowell Sun Thursday September 24, 2015 and Thursday October 1, 2015.*

Abutters list present and complete

**H. Miller:** Motion to waive the reading of the abutters list.

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

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

No Challenges to Legal Notice

Atty. Peter Nicosia and applicant Steve Caggiano appeared before the Board. Atty. Nicosia explained that Mr. Caggiano had received a variance from this Board in September 2014 to install multiple dealer vendor signs on the existing building. The Board of Selectmen appealed the decision thinking that the signage was more like a “billboard”. Over the past year there has been discussion and a recent settlement was proposed where the misinterpretation of our initial application was clarified and a resolution was agreed upon.

Subsequently a new application was filed with updated plans requesting a “Special Permit” under Sections 3.11.30, 3.11.34, and 3.11.44. All parties were in favor of this permitting mechanism and this eliminates the confusion. Atty. Nicosia went on to explain that the signs (Victory, Slingshot and Indian) will be flat panel, internally lit and mounted on the building itself. There were no abutters present to speak for or against this project.

**A. Giombakis:** Motion to close the public portion of the hearing.

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

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

Review Notes/Comments on Application from other Tyngsborough Departments

Conservation Commission: None

Building: No Comments

Sewer: None

Board of Health: No Issues

Assessor: No adverse comments

Tax Collector: No delinquent taxes

Fire Dept: Ok

Highway: No Comment

**C. Doughty:** Motion to approve a Special Permit to 7-23 Middlesex Rd. to allow two flat-panel signs to be attached to the building per design plans dated 9/10/15 with the following dimensions:

1. Sign Title: VICTORY, Dimensions: 24” victory letters; 35 sq. ft. total; 40’ logo; 15 sq. ft. total

2. Sign Title: SLINGSHOT, Dimensions: 30” slingshot letters; 85 sq. ft. total; 80” logo; 29 sq. ft. total.

**H. Miller:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

**Hearing #2**

**4 Cassaway Dr. (M20, P119, L0)** - Request by Roland Martin, applicant for a Variance from the Tyngsborough Zoning By-Laws Section 3.10.40 and 3.13.00 for the construction of 5,832 s.f. funeral home in a B-2 Zone. *Advertised in the Lowell Sun Thursday September 24, 2015 and Thursday October 1, 2015.*

Atty. Nicosia appeared before the Board and requested a continuance before any evidence is presented since a full Board is not in attendance tonight.

**A. Gioumbakis:** Motion to continue this hearing until November 12, 2015

**H. Miller:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

**Hearing #3**

**62 Willowdale Ave. (M32, P57, L0)** – Zachary Trearchis, applicant for a Variance from the Tyngsborough Zoning By-Laws Section 2.12.50, and a Special Permit under Section 2.15.24 to raze an existing structure and build a new 46’x 50’ 2,916 s.f. single family dwelling in an R-2 Zone. *Advertised in the Lowell Sun Thursday September 24, 2015 and Thursday October 1, 2015.*

Abutters list present and complete

**C. Doughty:** Motion to waive the reading of the abutters list.

**H. Miller:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

No Challenges to Legal Notice

Engineer Brian Milisci appeared before the Board for the applicant. Mr. Milisci explained that the existing home was built in 1930 and is in rough shape. The applicant wishes to raze the home and re-build it on the same footprint. Since the home was built prior to current zoning, they are considered pre-existing non-conforming. There were no abutters present to speak for or against this project.

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

**H. Miller:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

Review Notes/Comments on Application from other Tyngsborough Departments

Conservation Commission: An Order of Conditions was granted by the Conservation Commission on 9/8/15.

Building: No adverse comments at this time

Sewer: Cut & Cap sewer

Board of Health: No Issues

Planning Board: No issues

Assessor: No adverse comments

Tax Collector: No delinquent taxes

Fire Dept: Ok

Highway: No Comment

**A. Giombakis:** Motion to approve a variance for 62 Willowdale Ave. from the requirements of Zoning By-Laws for square footage in an R-2 Zone, from required 20,000 sq. ft. to 11,760 sq. ft. (8,240 s.f. of relief); front yard setback from required 30 ft. to 27.9 ft. (2.1 ft. of relief); and side yard setback from the required 20 ft. to 10 ft. (10 ft. of relief) as shown on plans dated 8/24/15 and 9/11/15.

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

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

**A. Giombakis:** Motion to approve a special permit for 62 Willowdale Ave. under Section 2.15.24 to raze existing structure, clear lot, hall out buildings and construct new 46' x 50' 2,916 sq. ft. 2-story single family dwelling with approved setbacks not to exceed a maximum building height of 36' as shown on plans dated 8/24/15 & 9/11/15.

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

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

Hearing #4

**111 & 115 Middlesex Rd.** - Request by Middlesex Land Holdings, LLC & Tyngsboro Crossing, 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 120 townhouse style duplex units in 60 buildings on 14.1 acres of land, to be known as "Tyngsborough Crossing". *Advertised in the Lowell Sun Thursday August 27, 2015 and Thursday September 3, 2015.* **Continued from September 10, 2015.**

The applicant submitted a letter requesting a continuance to the next meeting due to the fact that the traffic study and the plan revisions have not been completed.

**A. Giombakis:** Motion to continue this hearing until November 12, 2015.

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

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

**Hearing #5**

**125-135 Middlesex Rd.** – Request by Middlesex Land Holdings, LLC & Tyngsboro Crossing, LLC, applicant for the modification to the approved “Tyngsborough Crossing” (to now be known as Merrimac Commons) Comprehensive Permit, dated February 25, 2015 to convert 60 homeownership units to rental units. **Continued from September 10, 2015.**

The applicant submitted a letter requesting a continuance to the next meeting due to the fact that the traffic study and the plan revisions have not been completed.

**A. Gioubakis:** Motion to continue this hearing until November 12, 2015.

**H. Miller:** 2<sup>nd</sup> the motion

**In Favor:** 4 **Opposed:** 0

**Passes:** 4-0

**ENGINEER REPORTS**

Tyng Village: Engineer David Sanderson briefed the Board on his construction observation reports dated: 9/3, 4, 8, 10, 14, 16, 18, 22, 24, 28, 29/2015 and 10/5/2015. The site work is progressing rapidly with the sewer and utility infrastructure installation ongoing.

**REQUEST FOR COMMENTS**

4 Cassaway Dr. – Planning Board

ZBA issued the following comments: The Board reserves comment until the November 12, 2015 ZBA meeting, as this hearing was continued from the October 8<sup>th</sup> meeting.

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**ADMINISTRATIVE**

**Minutes**

**C. Doughty:** Motion to approve the minutes from the September 10, 2015 meeting as written

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

**In Favor:** 4 **Opposed:** 0

**Passes:** 4-0

Old Business/New Business

Tyng Village Pre-Construction Meeting Update: Walter Eriksen submitted a letter updating the Board on the roadway progress at Tyng Village.

Tyng Village Regulatory Agreement: Board Atty. Adam Costa reviewed the agreement and issued his approval as it is the standard document that the Board has signed for the other 40B projects in Town.

**7:35pm**

**A. Gioubakis:** Motion to adjourn

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

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

Minutes respectfully submitted by  
Pamela Berman, ZBA Administrative Assistant