



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

999 Whipple Road
Tewksbury, MA 01876

Robert Dugan, Chairman
Marc DiFruscia, Clerk
Leonard Dunn
Associate Members:
Gerald Kutcher
Jaime Doherty

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES January 30, 2014

The meeting was called to order at 6:30 p.m. by Robert Dugan, Chairman, at the Tewksbury Town Hall. Present at the meeting were Marc DiFruscia, Len Dunn, Gerald Kutcher, and Jaime Doherty. Also in attendance was Melissa Johnson, Recording Secretary.

Approval of Minutes – November 21, 2013

MOTION: Mr. DiFruscia made the motion to approve the November 21, 2013 meeting minutes as presented; seconded by Mr. Dunn and the motion carried 5-0.

Reorganization

MOTION: Mr. DiFruscia made the motion to nominate Rob Dugan as Chairman of the Zoning Board of Appeals; seconded by Mr. Dunn and the motion carried 4-0-1. Mr. Dugan did not take part in this vote.

MOTION: Mr. DiFruscia made the motion to nominate Len Dunn as the Vice Chairman of the Zoning Board of Appeals; seconded by Mr. Dugan and the motion carried 4-0-1. Mr. Dunn did not take part in this vote.

MOTION: Mr. Dunn made the motion to nominate Marc DiFruscia as Clerk of the Zoning Board of Appeals; seconded by Mr. Dugan and the motion carried 4-0-1. Mr. DiFruscia did not take part in this vote.

1091 Main Street, Duane Smith Trustee, Route 38/Smith Realty Trust (*request to withdraw without prejudice*).

Mr. Dugan noted that the Board is in receipt of correspondence dated January 23, 2014 requesting to withdraw this matter without prejudice.

MOTION: Mr. DiFruscia made the motion to withdraw 1091 Main Street, Duane Smith Trustee, Route 38/Smith Realty Trust without prejudice; seconded by Mr. Dunn and the motion carried 5-0.

NEW HEARING

Niamh (Brady) Sheehan for a variance from Section 4130, Appendix B for front setbacks and a Special Permit from Section 3651 of the Tewksbury Zoning Bylaw to increase the existing nonconforming structure as shown on plans filed with this Board. Said property is located at **23 Euclid Road**, Assessor's Map 58, Lot 9, zoned Residential.

Present was Niamh Sheehan and Rob Sheehan of 23 Euclid Road. Mr. Sheehan explained that they have a cape style home and they would like to put on a second floor. The home is currently 24 feet deep and the applicants are proposing to candelabra the second floor two feet off the back, two feet off the front, and 1.6 feet off part of the front; in order to expand the square footage. Since they began this process, they found out that the house is currently nonconforming as it is crooked on the lot. Mr. Sheehan provided the members with a copy of the plan.

Mr. Dugan asked when the home was constructed and Mr. Sheehan noted 1955. Mr. Dugan noted that there have been many updates as the home looks fairly new. Mr. Sheehan explained that since they purchased the property in 2010 they have redone the siding, windows, doors, and landscaping.

Mr. Sheehan explained that the neighbor to the right has done something similar to their home and it is larger than what they are proposing.

Mr. Dugan asked if there will be a porch, garage, and a deck. Mr. Sheehan explained that the garage and breezeway are both existing; it is just the second floor with the front gable area and porch.

Mr. Dunn asked if the farmer's porch will extend out to the front steps. Mr. Sheehan explained the farmer's porch will extend out 6 feet from the foundation; 16.6 feet to the roof overhang and 17.4 feet from the actual porch corner to the street.

Mr. Kutcher asked if any of the abutters have expressed concerns. Mr. Sheehan noted that none of the abutters have expressed any concerns to them. Mr. Dugan explained that all of the abutters were properly notified of the hearing. Mrs. Sheehan explained they have received a lot of compliments on the work they have done to date.

Mr. Dugan opened the hearing to the public and no one came forward to comment.

MOTION: Mr. DiFruscia made the motion to close both parts of the hearing; seconded by Mr. Kutcher and the motion carried 3-0.

MOTION: Mr. Kutcher made the motion to approve Niamh (Brady) Sheehan for a Special Permit from Section 3651 of the Tewksbury Zoning Bylaw to increase the existing nonconforming structure as shown on plans filed with this Board. Said property is located at 23 Euclid Road, Assessor's Map 58, Lot 9, zoned Residential; seconded by Mr. DiFruscia and the motion carried 3-0.

DUGAN, KUTCHER, DIFRUSCIA

MOTION: Mr. Kutcher made the motion to approve Niamh (Brady) Sheehan for a Variance from Section 4130, Appendix B of the Tewksbury Zoning Bylaw to increase the existing nonconforming structure as shown on plans filed with this Board. Said property is located at 23 Euclid Road, Assessor's Map 58, Lot 9, zoned Residential; seconded by Mr. Kutcher and the motion carried 3-0.

DUGAN, KUTCHER, DIFRUSCIA

Christa S. Gillis and Sabrina M. Gillis for a variance from Section 4130, Appendix B for lot area and Special Permit under MGL 40A, Section 6 as shown on plans filed with this Board. Said property is located at **279 Astle Street**, Assessor's Map 10, Lot 13, zoned Residential.

Present was Dick Cuoco from Woodland Designs, 73 Emerald Court, Tewksbury, MA. Mr. Cuoco explained that the property is shown on Assessor's Map 10, Lot 13 and is listed in the tax rolls and assessment card as being taxed for one acre. The Gillis' recently had a survey of the land done as they wanted to do some drainage improvements, etc. to the backyard. During that time, they determined that the lot is less than an acre and is actually approximately 26,000 square feet. Mr. Cuoco explained that this has perpetuated since 1911 when the property was surveyed; some of the land used to belong to the Street car railroad that ran along Astle Street. The applicants have compromised with the abutter next door and have negotiated a land swap to pick up enough of the land in the back to do the drainage improvements and construct a play yard. Mr. Cuoco explained that a Section 6 finding is needed as well as the lot is less than an acre. The land swap would increase the lot from 26,000 to 30,000 square feet.

Mr. Dunn asked how long the Gillis' have owned the home and Mr. Cuoco explained two years.

Mr. Dugan asked what prompted the applicants to have the land surveyed. Mr. Cuoco explained that the company that did the work for the town when sewer was installed said that they made a taking; however, they only made a taking from the abutting property and the Gillis' did not know why as they thought it went through their backyard, but, as it turns out, it was not their backyard. The applicant's are proposing construct a play area for their small child.

Mr. Dunn asked if this will cause any problems down the road when the home is sold. Mr. Cuoco explained that it will not as a plan will be recorded at the Registry of Deeds.

Mr. Dugan opened the hearing to the public and no one came forward to comment.

MOTION: Mr. DiFruscia made the motion to close both parts of the hearing; seconded by Mr. Dunn and the motion carried 3-0.

MOTION: Mr. DiFruscia made the motion to approve Christa S. Gillis and Sabrina M. Gillis for a Special Permit under MGL 40A, Section 6 as shown on plans filed with this Board. Said property is located at 279 Astle Street, Assessor's Map 10, Lot 13, zoned Residential; seconded by Mr. Dunn and the motion carried 3-0.

DUGAN, DUNN, DIFRUSCIA

MOTION: Mr. DiFruscia made the motion to approve Christa S. Gillis and Sabrina M. Gillis for a variance from Section 4130, Appendix B for lot area as shown on plans filed with this Board. Said property is located at 279 Astle Street, Assessor's Map 10, Lot 13, zoned Residential; seconded by Mr. Dunn and the motion carried 3-0.
DUGAN, DUNN, DIFRUSCIA

Old Business

There was no old business.

New Business

There was no new business.

Adjournment

MOTION: Mr. Dunn made the motion to adjourn; seconded by Mr. Kutcher and the motion carried 5-0.

Respectfully Submitted,

Approved: 2/27/14

TOWN OF TEWKSBURY

ZONING BOARD OF APPEALS

List of documents for 1/30/14 Agenda
Documents can be located at the Community Development Office

Approval of Minutes – November 21, 2013

1091 Main Street, Duane Smith Trustee, Route 38/Smith Realty
Trust (*Request to withdraw without prejudice.*)

- *Letter dated 1/23/14 from Attorney O'Neill*

NEW HEARING

- 6:30 P.M.** **Niamh (Brady) Sheehan** for a variance from Section 4130, Appendix B for front setbacks and a Special Permit from Section 3651 of the Tewksbury Zoning Bylaw to increase the existing non-conforming structure as shown on plans filed with this Board. Said property is located at **23 Euclid Road**, Assessor's Map 58, Lot 9, zoned Residential.
- *Application packet dated 1/8/14.*
- 6:30 P.M.** **Christa S. Gillis and Sabrina M. Gillis** for a variance from Section 4130, Appendix B for lot area and Special Permit under Section MGL 40A, Section 6 as shown on plans filed with this Board. Said property is located at **279 Astle Street**, Assessor's Map 10, Lot 13, zoned Residential.
- *Application packet dated 12/16/13.*