



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

1099 Main Street
Tewksbury, MA 01876

Nancy Rego, Chair
Rob Dugan, Vice-Chair
Daniel Teixeira, Clerk
Associate Members:
Michael Farnum
Joseph Cary

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES January 26, 2023

The meeting was called to order by Rob Dugan, Vice-Chair, at 6:30 p.m. at the Tewksbury Town Hall. In attendance were Rob Dugan, Vice-Chairman, Daniel Teixeira, Michael Farnum, and Joseph Cary.

Nancy Rego was not in attendance.

Approval of Meeting Minutes

There were no meeting minutes presented for approval.

NEW HEARINGS

Jennifer & Nathalie Balch-Kenney for a variance under Section 5.3.1 E2 and 5.3.1 E3 of the Tewksbury Zoning Bylaw for an accessory structure within front setbacks, to construct a 28'x28' detached garage and 10'x20' attached workout room as shown on plans filed with this Board. Said property is located at **6 School Street**, Assessor's Map 94, Lot 294, zoned Residential.

Present was Jennifer Balch-Kenney.

Ms. Kenney explained that they are proposing to demolish the existing garage and put in new garage for their cars with a storage room and workout room to the side.

Mr. Dugan noted that it sounds like it is two buildings and asked if it is just one building. Ms. Balch-Kenney confirmed it is just one building. Mr. Dugan requested more detail on the workout room and Ms. Balch-Kenney explained that it is just a small room attached to the side of the garage, so there will be a wall, that will be used for workout equipment. Ms. Balch-Kenney explained that since COVID struck they started working out at home and the workout equipment is everywhere. This would allow them to add a little extra space to store and utilize the equipment.

Mr. Dugan asked what the reason is for keeping it so far away from the existing house and Ms. Balch-Kenney noted that she thought it had to be at least 15 or 18 feet away from the existing

house. Ms. Balch-Kenney explained that they also did not want to attach it to the home as they would then lose the porch.

Mr. Teixeira asked if the driveway is also being relocated and Ms. Balch-Kenney confirmed this and explained that the driveway will be moved to in front of the garage. Currently the driveway is to the right of the porch. Ms. Balch-Kenney explained that they would like to convert a portion of that area into a flower garden. Mr. Dugan noted that he is concerned about the 18 feet and noted that he had 10 feet in mind. Mr. Dugan asked how tall it is and Ms. Balch-Kenney noted less than 20 feet.

Mr. Teixeira requested a copy of the drawings for the garage and a copy was provided.

Mr. Dugan asked how heating will be addressed and Ms. Balch-Kenney explained that the garage will not be heated and will have electric heat in the gym area. Ms. Balch-Kenney noted that they will not be in there for long periods of times and will be working out so heat may not be needed.

Ms. Rego opened the hearing to the public and no one came forward to comment.

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

**MOTION: Mr. Farnum made the motion to approve Jennifer & Nathalie Balch-Kenney for a variance under Section 5.3.1 E2 and 5.3.1 E3 of the Tewksbury Zoning Bylaw for an accessory structure within front setbacks, to construct a 28'x28' detached garage and 10'x20' attached workout room as shown on plans filed with this Board. Said property is located at 6 School Street, Assessor's Map 94, Lot 294, zoned Residential; seconded by Mr. Cary and the motion unanimously carried 3-0.
DUGAN, FARNUM, CARY**

Margaret S. O'Brien c/o Johnson & Borenstein, LLC under MA General Laws, Chapter 40A, Section 8 as a party aggrieved by a decision made by the Building Inspector in a letter dated December 9, 2022, to construct a 40'x60' single-family dwelling within a 30'x60' garage. Said property is located at **Foster Lane**, Assessor's Map 24, Lot 26, zoned Residential.

Ms. Rego noted that the applicant has requested to continue this matter to February 23, 2023.

MOTION: Mr. Farnum made the motion to continue Margaret S. O'Brien c/o Johnson & Borenstein, LLC under MA General Laws, Chapter 40A, Section 8 as a party aggrieved by a decision made by the Building Inspector in a letter dated December 9, 2022, to construct a 40'x60' single-family dwelling within a 30'x60' garage. Said property is located at Foster Lane, Assessor's Map 24, Lot 26, zoned Residential to February 23, 2023 at 6:30 p.m.; seconded by Mr. Dugan and the motion unanimously carried 3-0.

New Business

Variance & Special Permit Extension Request – 913 East Street

Present was Dick Cuoco of Woodland Design.

Mr. Cuoco noted that this matter was before the Commission last year. Mr. Cuoco explained that they had a contract with Charles Construction; however, they were unable to get the project started due to surgeries, illnesses, shortages in materials, etc. As a result, a six-month extension is being requested so that they can obtain the building permit, which will solidify the variance. Mr. Cuoco noted that the Commission may recall that the contractor had previously missed the deadline by two days as he was traveling.

MOTION: Mr. Dugan made the motion to approve Variance and Special Permit Extension Request – 913 East Street for a period of six months; seconded by Mr. Cary and the motion unanimously carried 4-0.

Correspondence

There was no correspondence presented to discuss.

New Business

The next meeting will be held on February 23, 2023.

Old Business

There was no old business discussed.

Adjourn.

MOTION: Mr. Dugan made the motion to adjourn; seconded by Mr. Teixeira and the motion unanimously carried 4-0.

Approved: February 23, 2023

List of documents for the 01.26.2023 meeting

Documents can be found in the Community Development Office

6:30 P.M. Call meeting to order

6:30 P.M. Approval of Minutes: None

NEW HEARINGS

6:30 **Jennifer & Nathalie Balch-Kenney**, for a variance under Section 5.3.1 E 2 & 5.3.1 E 3 of the Tewksbury Zoning Bylaw, for an accessory structure within front setbacks, to construct a 28' x 28' detached garage & 10'x 20' attached workout room as shown on plans filed with this Board. Said property is located at **6 School Street** Assessor's Map 94, Lot 294 zoned Residential.

- **Application Packet dated December 29, 2022**

6:30 **Margaret S. O'Brien c/o Johnson & Borenstein, LLC** under MA General Laws, Chapter 40A, Section 8 as a party aggrieved by a decision made by the Building Inspector in a letter dated December 9, 2022, to construct a 40' x 60' single-family dwelling with a 30' x 60' garage. Said property is located at **Foster Lane**, Assessor's Map 24, Lot 26, zoned Residential.
(continued to 2/23/23)

Old Business

New Business

- **Variance & Special Permit Request – 913 East Street**
 - **Board of Appeals Decision dated February 9, 2022**
 - **Extension Request Letter dated January 20, 2023**

Correspondence

Adjournment