



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 27, 2022

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

Rob Dugan was not in attendance.

Approval of Meeting Minutes – December 16, 2021

MOTION: Mr. Farnum made the motion to approve the December 16, 2021 meeting minutes; seconded by Mr. Cary and the motion unanimously carried 4-0.

NEW HEARINGS

Francesca Land, LLC, for a variance from Section 4130, Appendix B for rear yard setback, and a Special Permit under Section 3651, to increase an existing non-conforming structure, of the Tewksbury Zoning Bylaws to construct a 6,950 square foot addition to the existing concrete, block garage as shown on plans filed with this Board. Said property is located at **913 East Street**, Assessors Map 102, Lot 52, zoned Heavy Industrial

Present was Dick Cuoco of Woodland Design.

Mr. Cuoco noted that they have previously been before the Board twice on this matter and explained that there is an existing concrete block building located at 913 East Street. Mr. Cuoco showed the building and lot on the plan and explained that they are proposing to expand the building. Mr. Cuoco explained that they are seeking a variance for the rear yard setback as well as a special permit as they are expanding a nonconforming use. Mr. Cuoco noted that the property is unique in that there is a power line that runs through most of the property as well as a railroad located to the rear. At the time they obtained the variance and special permit, and because of COVID, they were under WebEx meetings, and it took well over one year to obtain approval between planning and conservation. Mr. Cuoco explained that one of the owners of the property, Mrs. Germano, then passed away, putting it in another holding pattern. A contractor was finally obtained and when he brought his plan to the building department, the deadline had been missed by two days. Mr. Cuoco explained that because the period had expired, they could

not come to the Board for an extension. As a result, they are requesting the same relief be granted from May, 2021.

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. Teixeira and the motion unanimously carried 3-0.

MOTION: Mr. Teixeira made the motion to approve Francesca Land, LLC, for a Special Permit under Section 3651, to increase an existing non-conforming structure, of the Tewksbury Zoning Bylaws to construct a 6,950 square foot addition to the existing concrete, block garage as shown on plans filed with this Board. Said property is located at 913 East Street, Assessors Map 102, Lot 52, zoned Heavy Industrial; seconded by Mr. Farnum and the motion unanimously carried 3-0.
REGO, TEIXEIRA, FARNUM

MOTION: Mr. Teixeira made the motion to approve Francesca Land, LLC, for a variance from Section 4130, Appendix B for rear yard setback, of the Tewksbury Zoning Bylaws to construct a 6,950 square foot addition to the existing concrete, block garage as shown on plans filed with this Board. Said property is located at 913 East Street, Assessors Map 102, Lot 52, zoned Heavy Industrial; seconded by Mr. Farnum and the motion unanimously carried 3-0.
REGO, TEIXEIRA, FARNUM

RCJ Properties, LLC, for a Special Permit under Section 3231 of the Tewksbury Zoning Bylaws to allow storage of more than one unregistered vehicle on the property as shown on plans filed with this Board. Said property is located on plan filed with this Board. Said property is located at **2532 Main Street**, Assessors Map 94, Lot 66, zoned Commercial.

Present was Carlos Sagastume, owner of RCJ Properties, LLC, and Claudio Sena, tenant

Mr. Sagastume explained that the current building is for the repair of motor vehicles, and they are requesting an extension to the provisions of Section 3231 to allow unregistered vehicles. Mr. Sagastume noted that currently four registered vehicles are allowed. Mr. Sagastume explained that they spoke with the Building Commissioner and were told that there could be a possibility to allow for the provisions given that the tenant has a current dealers license in the town of Tewksbury.

Mr. Sena noted that he owns and operates dealerships in Revere and Tewksbury and explained that they would like to provide extra mechanical services at this location. Mr. Sena explained that the purpose of the project with RCJ properties is to have the ability to get the cars ready to be sold at the dealership that he owns. Mr. Sena noted that this particular location will not sell any vehicles and will be a great tool for them with the two locations being so close. Mr. Sena noted that there are six bays at this location.

Mr. Farnum asked if there is a denial letter from the Building Commissioner and Mr. Sena explained that the Building Commissioner did not deny the proposal but said it would not be allowed with a Special Permit.

Mr. Sena explained that all of the vehicles at Sena Motors are newer with low mileage so that they do not require a lot of work and can be sold to customers. Mr. Sena noted that there are no scrap vehicles, trailers, damaged vehicles, etc. at his dealership.

Ms. Rego asked how many cars would be unregistered and Mr. Sena explained that because they own the Tewksbury location, he would estimate 20-30 cars. Mr. Sena explained that vehicles would just be maintained at this new location and noted that the vehicles can be arranged however the Board wishes.

Discussion took place on the impact this would have on traffic and Mr. Sagastume noted that there has always been traffic at this location as it was previously a Midas. It was noted that the vehicles would be driven from one location to the other with dealer plates.

Mr. Sagastume discussed the condition of his property when he purchased it and explained that the town had been in court with the previous owner for years. Mr. Sagastume noted that he removed 84 vehicle parts when he purchased the property and explained that he plans to continue to improve the site.

Ms. Rego opened the hearing to the public.

John Berube of 2543 Main Street came forward. Mr. Berube noted that he is across the street from this location and explained that the owner of this location has done a good job with the property as it was in bad shape from the prior owner. Mr. Berube explained that his concern is the number of vehicles that will be allowed as there is only one unregistered vehicle allowed and also inquired about the hours of operation. Mr. Sena invited Mr. Berube to his dealership to see the types of vehicles they sell and how it will look. Mr. Sena noted that it will not look like a junkyard.

Mr. Sagastume explained that one of the things they discussed with the Building Commissioner was the possibility of putting up a fence to the rear of the property so the vehicles stored in the back could not be seen. Mr. Sagastume noted that they could easily put 30 vehicles. Mr. Sagastume noted that he has spent a lot of money improving the property.

Ms. Rego asked what the hours of operation would be, and Mr. Sena explained that the dealership currently operates Monday – Friday from 9:00 a.m. – 7:00 p.m. and Saturdays from 10:00 a.m. – 7:00 p.m.

Mr. Teixeira asked if vehicles will be sold at the new location and Mr. Sena noted that they will not and explained that they will only be servicing vehicles and there will be no customers.

Ms. Rego explained that the number allowed by the Board would be for unregistered vehicles.

Mr. Berube noted that he likes the idea of fence and gate so that the gates can be closed on the weekends. Mr. Berube suggested the vehicles only be parked to the right and the left of the area, leaving the middle open, for fire trucks, etc. and noted that this could also help determine the number of allowed vehicles. Mr. Berube noted that he has no issues otherwise.

Mr. Farnum noted that it was first stated that they would only be storing vehicles at this location and then it stated that they will be repaired there. Ms. Rego explained the vehicles would be purchased at auction and delivered to this location to be repaired, etc. and then brought to the other location to be sold. Mr. Sena explained that the vehicles typically get delivered to the dealership and noted that they do have their own smaller truck that can carry three cars. Ms. Rego asked if vehicles are currently repaired at the current dealership location and Mr. Sena confirmed this.

John Berube came forward again and expressed concerns with the delivery of vehicles. Mr. Berube explained the typically the truck pulls over on the side of Route 38 and unloads. Mr. Berube expressed concerns with this same truck coming in and out of the parking lot at this location. Mr. Berube explained that he thought the vehicles would be driven from one location to the other, not trucking them. Mr. Sena explained that his transportation truck is not large and that the large trucks go to the dealership. Mr. Sena noted that given the distance between the two locations, they would likely be driving the vehicles back and forth. Mr. Berube requested his concerns be considered as conditions.

Ms. Rego noted that she would feel more comfortable setting the number of vehicles once she sees the site and suggested continuing to allow the Board to conduct a site visit.

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

**MOTION: Mr. Farnum made the motion to continue RCJ Properties, LLC, for a Special Permit under Section 3231 of the Tewksbury Zoning Bylaws to allow storage of more than one unregistered vehicle on the property as shown on plans filed with this Board. Said property is located won on plan filed with this Board. Said property is located at 2532 Main Street, Assessors Map 94, Lot 66, zoned Commercial, to February 24, 2022 meeting at 6:30 p.m.; seconded by Mr. Teixeira and the motion unanimously carried 3-0.
REGO, TEIXEIRA, FARNUM**

Highland View Realty Trust, for a variance under Section 4130, Appendix B, of the Tewksbury Zoning Bylaw, for side yard setbacks to construct a greenhouse as shown on plans filed with this Board. Said property is located at **60 Highland View Road**, Assessors Map 23, Lot 53, zoned Heavy Industrial.

Present was Matt Hammer of LandPlex Engineering, 10 George Street, Lowell, MA.

Mr. Hammer requested to telephone call the applicant, Tony Beams, so he can be available via speakerphone.

Present via speakerphone was Donald “Tony” Beams, CEO, Zordi Corporation.

Mr. Beams explained that Zordi Company is approximately one year old and is a Delaware company that develops technologies related to the production of produce in greenhouses. Mr. Beams explained that they aim to make robotics and software technologies for strawberries, initially, and then later crops, to be determined. Mr. Beams explained that the company essentially stems from the doctoral work of a woman named Gilwoo Lee, who is the founder and CEO. Ms. Beams noted that Ms. Lee attended MIT as an undergrad and Carnegie Mellon. Halfway through Ms. Lee’s work, her advisor moved to the University of Washington and Ms. Lee followed along to complete her work, which is in recursive learning of robotics. Mr. Beams noted that they are 13 people strong today with the expectation of being around 30 people in a year. Mr. Beams explained that they are a remote company and are currently represented in 8 U.S. states with one gentleman, located in the Netherlands, overseeing site development. Mr. Beams explained that they currently lease greenhouse space in Tennessee near Memphis and plan continue this through the remainder of 2022. If all goes well, including this hearings, they would like to complete construction of their first R&D greenhouse around June and hope to be producing strawberries in August. Mr. Beams explained that for the financing side, they completed the first round of significant funding, Series A, in October, 2021 and plan to begin the Series B funding as soon as this facility launches and close by December 2022. Mr. Beams noted that the primary investor from the Series A round is Coastal Ventures, which is a very well-known name in venture capital.

Mr. Hammar explained that they are requesting a variance for the side lot line for the property located at 60 Highland View Road. Mr. Hammar noted that the property is narrow in width and is located within a heavy industrial district, which requires 50 feet from all sides of the lot line. Mr. Hammer reviewed the plan and footprint and noted that this is a dead-end street and is located adjacent to a parking are for another business in this area. Mr. Hammer noted that they feel the right side of the property is the least intrusive to the neighboring residential properties and explained that Zordi Corporation has gone around to the residences in the area and introduced themselves to inform them that there would be going before multiple town boards for permitting, and to also allow them the opportunity to express any of their concerns or special requests. Mr. Hammer noted that they have also informally presented to the Planning Board, which was favorably received, and have since made a formal submission for a special permit. Mr. Hammer noted that they also had an Interdepartmental Department Review (IDR) meeting with the town and received some comments specific to the fire department turn arounds, etc., which they feel they will be able to overcome. In addition, they will also need to file with Conservation due to a wetland located across the street being within 100 feet. Mr. Hammar explained that the reason they need to make this building wide into the setback is growing involves rows of plants. Gaining the extra width in the building means a lot to this facility in terms of having that extra space to conduct their activities. Mr. Hammer explained that the 11 feet essentially means an additional row of planting, which is significant for the operation. Mr. Hammer explained that this will be a robotics greenhouse and will be a research and development facility for a much builder bigger facility that they will be doing later on. There is a need for a lot of internal space for the robotics portion of this facility in order to have this be a successful facility. Mr. Hammer noted that the facility will have very few employees and they expect somewhere between six and eight employees over the over the life of this facility. As a result, eight parking spots are being proposed along the left-hand side. Mr. Hammer noted that

there is also space if additional parking should be needed in the future. Mr. Hammer explained that the facility will be low intensity and there will not be a tremendous number of vehicles going back and forth from the facility. Mr. Hammer noted that it would be a pickup truck, or something slightly larger, to transport the strawberries out of the facility and bring them to the end user. Mr. Hammer noted that there will be no loud manufacturing noises that you may typically see in a heavy industrial building.

Mr. Teixeira asked if there is 39 feet on the side and Mr. Hammar confirmed this and explained that they are requesting 11 feet.

Mr. Cary asked how long this facility plans to be at this location and Mr. Hammar explained that there is a 5-year lease with the option to extend the lease every 5 years. Mr. Hammer explained that this facility would likely be at this location for 10-15 years as Zordi Corporation will be developing the property and are fully invested in the property.

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. Teixeira and the motion unanimously carried 3-0.

**MOTION: Mr. Teixeira made the motion to approve Highland View Realty Trust, for a variance under Section 4130, Appendix B, of the Tewksbury Zoning Bylaw, for side yard setbacks to construct a greenhouse as shown on plans filed with this Board. Said property is located at 60 Highland View Road, Assessors Map 23, Lot 53, zoned Heavy Industrial; seconded by Mr. Cary and the motion unanimously carried 3-0.
REGO, TEIXEIRA, CARY**

New Business

There was no new business discussed.

Old Business

There was no old business discussed.

Adjourn.

MOTION: Mr. Farnum made the motion to adjourn; seconded by Mr. Teixeira and the motion unanimously carried 3-0.

Approved: February 24, 2022

List of documents for the 01.27.2022 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: December 16, 2021
• **Meeting Minutes December 16, 2021**

NEW HEARINGS

6:30 **Francesca Land, LLC**, for a variance from Section 4130, Appendix B for rear yard setback, and a special permit under Section 3651, to increase an existent non-confirming structure, of the Tewksbury Zoning Bylaw to construct a 6,950 SF addition to the existing concrete block garage as shown on plans filed with this Board. Said property is located at **913 East Street** Assessor's Map 102, Lot 52 zoned Heavy Industrial.

- **Application package dated 12/27/2021**

6:30 **RCJ Properties, LLC**, for a special permit under Section 3231 of the Tewksbury Zoning Bylaw to allow storage of more than one unregistered vehicle on the property as shown on plans filed with this Board. Said property is located at **2532 Main Street** Assessor's Map 94, Lot 66 zoned Commercial.

- **Application package dated 01/03/2022**
- **Letter from Steve Sadwick to the Board dated 01/24/2022**
- **Letter from the Building Commissioner to the Board dated 01/24/2022**

6:30 **Highland View Realty Trust**, for a variance under Section 4130, Appendix B, of the Tewksbury Zoning Bylaw, for side yard setbacks to construct a greenhouse as shown on plans filed with this Board. Said property is located at **60 Highland View Road** Assessor's Map 23, Lot 53 zoned Heavy Industrial.

- **Application package dated 01/06/2022**

Old Business
New Business
Correspondence
Adjournment