



# 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 June 29, 2023

### Call The Meeting To Order

Chairman Nancy Rego called the meeting to order at 6:30 PM. Present at the start of the meeting were Daniel Teixeira, Michael Farnum & Joseph Cary. Robert Dugan was absent from the meeting.

Approval of Meeting Minutes – February 23, 2023, April 27, 2023 & May 25, 2023

MOTION – Mr. Farnum made a motion to approve the February 23, 2023, April 27, 2023 & May 25, 2023. The motion was seconded by Mr. Teixeira and unanimously voted 4-0.

### NEW HEARINGS

**Trevor Kelly on behalf of James & Melissa Dooley, for a variance under Section 5.3.2, of the Tewksbury Zoning Bylaw, for front setbacks and a Special Permit under Section 8.1.1.C to alter a previously existing nonconforming structure in order to construct a two-story addition and deck as shown on plans filed with this Board. Said property is located at 92 Tyler Road Assessor's Map 18, Lot 46, zoned Residential.**

**Voting members: Daniel Teixeira, Michael Farnum & Joseph Cary**

Ms. Rego read the hearing notice aloud. James Dooley & Trevor Kelly appeared for the variance & special permit for 92 Tyler Road. Mr. Kelly explained the home's foundation needs to be replaced. He plans to do this in the same footprint as well as go up a second story.

Mr. Teixeira confirmed the footprint of the foundation was not changing. Mr. Kelly stated it was, hes just replacing fieldstone with poured foundation. Mr. Teixeira then asked if the only change was going to be the second story. Mr. Kelly stated the second story & a porch on the Tyler Rd. side would be the only changes.

Mr. Cary confirmed that the encroachment shown on the plans was 16'. Mr. Kelly agreed and stated the existing foundation is currently 16' & would square out that side of the house on Tyler Rd.

Mr. Teixeira asked if the front of the house faced Tyler Rd, Mr. Kelly confirmed that was correct.

Mr. Cary asked if the driveway was being changed at all, Mr. Kelly stated it was not.

Mr. Teixeira asked what the current front setback was, Mr. Kelly stated 16' and it is staying the same.

Mr. Cary then referenced the plans and asked if one side was being squared up. Mr. Kelly answered that it's currently more of an L – shape so they are going to square it up so they can add a 2-car garage on that side, there is an existing garage, but Mr. Dooley would like to move it.

There were no questions from the audience.

MOTION – Mr. Farnum made a motion to close both parts of the hearing. The motion was seconded by Mr. Teixeira and unanimously voted 3-0.

MOTION – Mr. Cary made a motion to approve the special permit under Section 8.1.1.C to alter a previously existing nonconforming structure in order to construct a two-story addition and deck as shown

on plans filed with this Board. Said property is located at 92 Tyler Road Assessor's Map 18, Lot 46, zoned Residential. The motion was seconded by Mr. Teixeira and unanimously voted 3-0.

**MOTION** – Mr. Cary made a motion to approve the variance under Section 5.3.2, of the Tewksbury Zoning Bylaw, for front setbacks in order to construct a two-story addition and deck as shown on plans filed with this Board. Said property is located at 92 Tyler Road Assessor's Map 18, Lot 46, zoned Residential. The motion was seconded by Mr. Teixeira and unanimously voted 3-0.

**John Reitchel & Stephanie Borges, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for side setbacks for the existing foundation as shown on plans filed with this Board. Said property is located at 30 Carter Street Assessor's Map 103, Lot 4 zoned Residential.  
Voting members: Nancy Rego, Daniel Teixeira & Michael Farnum**

Ms. Rego read the hearing notice aloud. Mr. Reitchel appeared for the variance for 30 Carter St. Mr. Reitchel stated they bought the shed almost 2 years ago, got the okay to build it, submitted plans & when the foundation was poured and inspected they were asked for a certified plot plan which was different than the original submitted plans, the foundation is not less than 10' from the side setback when on the original plans it was 20'-25'.

Ms. Rego asked if it was already there and built, Mr. Reitchel stated it was.

Mr. Cary asked if the structure was not only 10' from the line, Mr. Reitchel stated it's a little less, 9.1' & 8.9' from the left side.

Mr. Teixeira asked if there was a fence around the property. Mr. Reitchel stated there used to be, but there is one going up on the commercial side. Mr. Teixeira then asked if the shed was lined up with the house, so the house is only 9' from the property line. Mr. Reitchel stated from the side of the house to the property line is 19'.

There were no questions from the audience.

**MOTION** – Mr. Teixeira made a motion to close both parts of the hearing. The motion was seconded by Mr. Farnum and unanimously voted 3-0.

**MOTION** – Mr. Farnum made a motion to approve John Reitchel & Stephanie Borges, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for side setbacks for the existing foundation as shown on plans filed with this Board. Said property is located at 30 Carter Street Assessor's Map 103, Lot 4 zoned Residential. The motion was seconded by Mr. Teixeira and unanimously voted 3-0.

**1775 Andover St. RI, LLC, for a Comprehensive Permit under Massachusetts General Law, Chapter 40B, Para. 20-23 of the MGL for the purpose of rehabilitating/ converting an existing hotel complex into a 130-unit housing complex. Said property is located at 1775 Andover Street Assessor's Map 53, Lot 38, zoned Office/Research.  
Voting members: Nancy Rego, Michael Farnum & Joseph Cary**

Ms. Rego read the hearing notice aloud. Jeff Tocchio & Dave Newhall appeared for the comprehensive permit for 1775 Andover Street. Mr. Tocchio stated the project eligibility letter was obtained in February for the existing Residence Inn extended stay facility. It's 130 room mix of 1 & 2 bedroom units, 96 1 bedroom & 34 2 bedroom, & there's a main building that's about 5,000 sqft of common space. What they are proposing to do is keep the same number & mix of units, under the comprehensive permit there is typically a required 10% of 3 bedrooms but because this is an existing facility, they went back into the Massachusetts Housing Partnership, and they issued them permission to go forward with retaining the same mix of 1 and 2 bedroom. There are currently 134 parking spaces at the site, they plan to up that to 164 to achieve a 1:1 bedroom to parking space ratio. Mr. Tocchio continued to go over the existing conditions and renovation plans for the units, adding that there will be 33 total affordable units, showing photos of how the rooms currently exist and sharing what they plan to do. Mr. Tocchio then went over the current layout of the site showing its orientation, entrances & discussing proposed changes & improvements. Mr. Newhall then went over the plans citing proposed changes and updates to the site including changes to the parking configuration, subsurface infiltration in the rear of the property & removal of the pool to add storage. Mr. Tocchio added anything currently at the site such as twisted fences will be refreshed & they will be using the existing dumpster.

Mr. Farnum asked how much of a bump in population they expect. Mr. Tocchio stated he believes right now its got a relatively high occupancy & they expect a continuation of what's currently there. Mr. Farnum asked if they were increasing the parking because they expected more people. Mr. Tocchio stated no, they are making the effort to meet the parking ratio that is out there based off the ITE manual. Right now, there are 134 spaces which are covering 130 units, Mr. Newhall went through squared it all off and the end result is less impervious all to get to that 1:1 ratio. Mr. Tocchio added that they are able to run the auto turn all the way through this. Mr. Farnum stated he would like to know how many people they anticipate; they are going to increase the traffic flow in that whole area. Mr. Tocchio stated he doesn't know, and the traffic generated by the residential will be equal to or less than people who come for vacation, he'll take a look at that and get the figures to the board but at a full capacity the numbers going out to 133 work.

Mr. Teixeira asked for the explanation of the changes they are going to make to the entrance & exit onto Andover Street one more time. Mr. Tocchio explained that currently they have a circle to direct those coming into the main building, this circle is hugely inefficient from a space perspective. Mr. Tocchio then referenced the ariel images to show the removal of the circle and sidewalk extension. Mr. Teixeira then clarified the entrance isn't changing they just expanded the area to make additional parking spots, Mr. Newhall & Tocchio stated that was correct.

Mr. Tocchio added that this project aligns with the town's affordable housing goals & a reuse strategy, it's within walking distance to the elementary school. There is also daycare, places of employment, retail & service uses are all within walking distance. Mr. Tocchio continued that the site has direct automobile access to 495, bike, pedestrian & the LRTA service goes along RT 133. They were required as part of the project eligibility letter to make all listings and findings.

Ms. Rego asked what the low-income ratio was. Mr. Tocchio stated it's the 80% AMI, 33 of the units would make the 25% 8 or 9 will be 2 bedrooms.

Mr. Teixeira asked if the storage units were for residents or for outside. Mr. Tocchio stated it would 100% be from residents, all amenities mentioned previously would be for the residents use only.

Ms. Rego asked if it was essentially just getting a facelift. Mr. Tocchio stated it is getting a deep facelift and the outdoor changes as well & the drainage improvements.

Mr. Tocchio then discussed possible waivers citing fence height, which he doesn't think they will need & accessory building height which they would need for the proposed storage area.

Mr. Rego stated her biggest concern was traffic in the area. Mr. Newhall stated they have hired Chapel to do a traffic study & expect a report in the next week or so.

Mr. Teixeira brought up the number of waivers for the project, clarifying nothing is changing its just to have them in the books, Mr. Tocchio stated that was correct. Mr. Teixeira expressed concern for granting all 27 waivers then the applicant going off and doing whatever they want. Mr. Tocchio explained all waivers would be tied to the comprehensive permit which would be stamped by the registry of deeds to prevent that from happening. Mr. Teixeira asked if there was a reason the entrance wasn't moved, Mr. Tocchio stated they are just going with what's there, the orientation, grading and parking counts, it just work well going out on 133.

Mr. Rego asked if there was currently an entrance from International Way. Mr. Tocchio answered not directly, there's a metal fence that wraps around the back & some elevation. Mr. Tocchio added the beauty of the is the reuse, since 1989 this property has been there, everything developed around it everyone's used to it, the traffic is there, the easements there, it coexists with the gas station, this allows them to keep a residential component in a way that gets it away from the commercial aspect while keeping the town's affordability on track. Reuse projects are rare so it's a nice opportunity.

Mr. Rego opened the hearing to the audience.

Joan Unger, 160 Cardigan Rd – Ms. Unger asked for the present and anticipated occupancy. Ms. Rego stated currently it sounds like everything is staying the same, they still have the 1 & 2-bedroom occupancies, how many people will rent, they don't know. Ms. Unger asked how many affordable units

will be 1 bedroom & how many will be 2 bedrooms. Mr. Tocchio stated of the 33 he has 8 or 9 being 2 bedrooms & the rest will be 1 bedroom. Ms. Unger asked if there would be an on-site management company, Mr. Tocchio stated there would be. Mr. Unger asked the expected completion date, Mr. Tocchio stated the Marriott badge will be gone at the end of the year so that's when they can begin. Mr. Newhall stated a rough estimate would be about a year for construction, give or take 6 months. Ms. Unger stated that in her 50 years as a resident this is the first project she's actually been excited about. Mr. Cary added that it would be 24 1-bedroom units.

Mr. Teixeira asked if construction would be phased, if once they finished a building, they would fill it up. Mr. Newhall stated it depends, sometimes it is tough to have people there while construction is going on, there is a liability that comes into that.

Ronald Schille, 90 Cardigan Rd. – Mr. Schille asked for the current occupancy rate at the current site. From what he heard they are adding a 1:1 parking ratio per bedroom which is an increase of 30 something parking spaces which from a traffic perspective will add. He assumes the studies are based off maximum occupancy. Mr. Newhall stated they didn't have the current occupancy, but they can certainly regroup and provide that number & as far as the traffic study they use the ITE traffic manual which will take a site with similar characteristics, they use a formula to figure out those statistics. In terms of parking spaces there is a formula that gets baked into it based off traffic studies that were formed at a similar site. Mr. Tocchio added an explanation from his experience of how these numbers are considered and how they fit. Mr. Schille asked who would review the traffic study from the town, Mr. Tocchio stated planning usually decides if it needs to be viewed by the town engineer who usually decides if it needs to be looked at further. Mr. Schille asked if they could request an increase in LRTA routes to accommodate a potential increase in public transportation use from the site. Mr. Tocchio stated that is something that is usually done based on demand at the state level, the Mass. Housing Partnership goes through and considers the demand. Mr. Schille asked if they would be doing anything to exterior, residing, windows, painting. Ms. Rego stated yes that is all part of it, Mr. Tocchio referenced the rendering on display.

Bob O'Brien, 110 Cardigan Rd. – Mr. O'Brien asked if there was a second egress coming from International Pl. Ms. Rego answered no, just the one, nothing's changing. Mr. O'Brien stated most of the industrial parks in the area are vacant, with people working from home there's a lot less cars in those lots so if they are worried about 30 extra parking spots bringing traffic there's probably 200- 500 empty parking spots on these commercial properties. Mr. O'Brien then addressed Mr. Teixeira stating his limited knowledge of 40B, DHCD & Mass Housing, with a comprehensive permit once they approve or endorse those waivers, they are built into the comprehensive permit they DHCD staffing strictly monitors their build and how they are going along. If those attributes are not maintained, they will never get an occupancy permit. Mr. O'Brien stated adding apartments and affordable housing without destroying whatever nice natural land they have left is a godsend they should welcome companies like this with open arms who want to add value and invest in the town, to him this is a win-win situation. Once it's turned into apartments people are going to be renting long term & investing more in the community bringing additional revenue, long term renters take more pride in the property. Mr. O'Brien explained why he feels this meets the master plan and asked the board to please endorse it. It not only meets a long-term need of the town, it meets the need of the most important assets, the residents.

Robert Wald, 97 Cardigan Rd. – Mr. Wald urged the installation of heat pump washers & dryers and heating & cooling systems. He also noted the opportunity to install induction stoves.

John Stanton, 130 Cardigan Rd – Mr. Stanton asked if there was a requirement to make some of them 3 bedrooms. Mr. Tocchio explained there is a policy requirement for 10% 3 bedrooms, they went to Mass. Housing Partnership and made the case that based on the renovation because it was currently all existing 1s & 2s, no 3s, that it made economic sense to be able to waive the policy requirement to the 3-bedroom and they did get that approval. Mr. Stanton stated he would still consider an International Dr entrance; he could foresee a bottleneck between 7-8 trying to reach 133 from that tiny exit. Instead of International you can go out and head to a set of lights, it's a little bit more controlled, he thinks it would be easier for everyone on 133 if that entrance was not there. Mr. Tocchio stated once they get more information from the traffic engineers, they'll say what makes sense and what works or what right so they will listen to that.

Steve Sadwick, Asst. Town Manager – Mr. Sadwick stated they have not gone through the comprehensive permit process in 13 years. They have an applicant before them with a project that is unique in that it's a reuse project, there's not a lot left on the table to discuss so what they have done in the

past is any outstanding items would be continued to the next meeting, it sounds like there's a few questions the applicant needs to respond to, there's the traffic study they've talked about. In the past they've worked it so that staff would prepare a draft decision so that at the next meeting if suits the board at that time to close the hearing a vote on the project it can occur, everything will be listed in that decision, all documents brought forward any studies, all of that will be part of that draft decision. The next meeting, they may have to make a few minor changes to it but at least they will be working off of the same document because it sounds like there was really not any opposition to the project from residents or the board. If the board would like, he's offering that staff would do that, himself and Alex Lowder would work on that to make sure it's ready at the next meeting.

**MOTION** – Mr. Farnum made a motion to continue the Comprehensive Permit for 1775 Andover Street to July 27, 2023. The motion was seconded by Mr. Teixeira and unanimously voted 4-0.

### Correspondence

### Other Business Not Known at the Time of Posting this Agenda

### Adjournment

**MOTION** – Mr. Farnum made a motion to adjourn the meeting at 7:55 PM. The motion was seconded by Mr. Cary and unanimously voted 4-0.

**Approved: July 27, 2023**

*List of documents for the 06.29.2023 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:** February 23,2023, April 27, 2023 & May 25,2023

- **February 23,2023 minutes**
- **April 27, 2023 minutes**
- **May 25, 2023 minutes**

### **NEW HEARINGS**

6:30 **Trevor Kelly on behalf of James & Melissa Dooley**, for a variance under Section 5.3.2, of the Tewksbury Zoning Bylaw, for front setbacks and a Special Permit under Section 8.1.1.C to alter a previously existing nonconforming structure in order to construct a two-story addition and deck as shown on plan filed with this Board. Said property is located at **92 Tyler Road** Assessor's Map 18, Lot 46, zoned Residential.

- **Application packet dated June 6, 2023**

6:30 **John Reitchel & Stephanie Borges**, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for side setbacks for the existing foundation as shown on plans filed with this Board. Said property is located at **30 Carter Street** Assessor's Map 103, Lot 4 zoned Residential.

- **Application packet dated May 23, 2023**

6:30 **1775 Andover St. RI, LLC**, for a Comprehensive Permit under Massachusetts General Law, Chapter 40B, Para. 20-23 of the MGL for the purpose of rehabilitating/ converting an existing hotel complex into a 130-unit housing complex. Said property is located at **1775 Andover Street** Assessor's Map 53, Lot 38, zoned Office/Research.

- **Application packet dated June 8, 2023**

- *Planner's comment letter dated June 28,2023*
- *Engineer's comment letter dated June 28, 2023*

**Correspondence**

**Other Business Not Known at the Time of Posting this Agenda**

**Adjournment**