



# 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 30, 2022

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

Daniel Teixeira was not in attendance.

### Approval of Meeting Minutes – April 28, 2022 and May 26, 2022

**MOTION:** Mr. Farnum made the motion to approve the April 28, 2022 and May 26, 2022 meeting minutes; seconded by Mr. Cary and the motion unanimously carried 4-0.

### NEW HEARINGS

**Tara Mistretta & Michael Butas**, for a variance under Section 5.3.3A of the Tewksbury Zoning Bylaw, for side yard setbacks and a Special Permit under Section 8.1.1B to construct a 20' x 19'9" 2-story addition as shown on plans filed with this Board. Said property is located at **27 Old Boston Road**, Assessors Map 48, Lot 32, zoned Residential.

Present was Tara Mistretta and Marcel Fa 109 Highland Ave, Needham, MA

Mr. Marcel explained that the applicant is proposing to construct an addition to the rear of the home, and noted that because of the shape of the lot, they are too close to the property line on one of the sides. Mr. Marcel noted that the abutting property is a condominium complex.

Ms. Rego asked if the addition would be 3 feet rather than the required 15 feet and Mr. Marcel confirmed this and noted just the addition. Ms. Rego asked what is located to the right of the property and Mr. Marcel reviewed a plan with the Board.

Mr. Cary asked what happened to the railroad tracks and Ms. Mistretta explained that the tracks just cut off and they do not go into this area of the yard.

Mr. Dugan asked what makes the property existing non-conforming and Mr. Marcel explained that the lot is very narrow and noted that he does not recall stating it was existing non-conforming. Mr. Dugan read Section 8.1.1B aloud and asked what the addition will be used for. Ms. Mistretta explained that the addition will be to add a bedroom so that all of the bedrooms would then be on the second level.

Ms. Rego noted that the Building Inspector's denial letter references Section 8.1.1B. Mr. Marcel explained that according to the contractor the stairs inside the home are non-conforming and Mr. Dugan explained that this would not require a special permit.

Mr. Cary noted that the application references an office on the first floor and asked what type of office this would be. Ms. Mistretta explained that it is a home office for when she works from home and is not a business.

Mr. Dugan requested photographs of what will be constructed, and Mr. Marcel provided same to the Board. Mr. Dugan asked if something different was shown to the Building Inspector as the denial letter also references a deck. Mr. Dugan asked if a deck is also being constructed as part of the addition. Ms. Mistretta noted that there is an existing deck that will not be changed. Mr. Dugan asked if it is a home office on the first floor and bedroom on the second floor and Ms. Mistretta confirmed this.

Mr. Dugan suggested continuing this matter to request additional information from the Building Inspector to help determine why a Special Permit is being required.

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

**MOTION: Mr. Dugan made the motion to continue Tara Mistretta & Michael Butas, for a variance under Section 5.3.3A of the Tewksbury Zoning Bylaw, for side yard setbacks and a Special Permit under Section 8.1.1B to construct a 20' x 19'9" 2-story addition as shown on plans filed with this Board. Said property is located at 27 Old Boston Road, Assessors Map 48, Lot 32, zoned Residential to July 28, 2022 at 6:30 p.m.; seconded by Mr. Cary and the motion unanimously carried 3-0.  
DUGAN, FARNUM, CARY**

**Frederick McKinnon**, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw for side yard setbacks to construct a 10' x 20' carport to the attached garage as shown on plans filed with this Board. Said property is located at **1501 Whipple Road**, Assessor's Map 56, Lot 196, zoned Residential.

Present was Frederick McKinnon, applicant.

Mr. McKinnon explained that he would like to construct a car port onto the existing garage. Mr. McKinnon noted that he frequently parks his vehicle in this area and would like to keep it out of the elements.

Ms. Rego asked if the fence is existing, and Mr. McKinnon confirmed this.

Mr. Dugan asked if the car port will be 20 feet long and 6.5 feet tall and Mr. McKinnon confirmed this. Mr. Dugan asked if sonar tube footing is being used rather than a foundation and Mr. McKinnon confirmed this.

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

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

**MOTION: Mr. Dugan made the motion to approve Frederick McKinnon, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw for side yard setbacks to construct a 10' x 20' carport to the attached garage as shown on plans filed with this Board. Said property is located at 1501 Whipple Road, Assessor's Map 56, Lot 196, zoned Residential; seconded Mr. Farnum and the motion unanimously carried 3-0.  
REGO, DUGAN, FARNUM**

**Maureen Hawkins**, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw for rear yard setbacks for a previously installed above ground pool as shown on plans filed with this Board. Said property is located at **107 Tyler Road**, Assessor's Map 18, Lot 54, zoned Residential.

Present was Maureen Hawkins, applicant.

Ms. Hawkins explained that she had a pool installed last year and she had requested the installer put the pool 10 feet from the fence. Ms. Hawkins noted that the electrical inspection and everything was signed off on, and she thought she was all set. Ms. Hawkins explained that this year she came forward to construct a deck onto the pool and the building commissioner brought it to her attention that the pool is not 10 feet from the property line.

Mr. Cary asked if the pool is 8 feet 7 inches from the property line and Ms. Hawkins confirmed this.

Mr. Dugan asked if a building permit was obtained for the pool and if it was signed off on. Ms. Hawkins confirmed this and provided same to the Board. Mr. Dugan confirmed the final building and electrical permits were received.

Mr. Cary asked if the applicant is present for the pool being too close and not the deck, and Ms. Hawkins confirmed this.

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 Maureen Hawkins, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw for rear yard setbacks for a previously installed above ground pool as shown on plans filed with this Board. Said property is located at 107 Tyler Road, Assessor's Map 18, Lot 54, zoned Residential; seconded Mr. Dugan and the motion unanimously carried 3-0.  
DUGAN, FARNUM, CARY**

**Daniel Bailey on behalf of Airig USA Acquisitions**, for a Special Permit under Section 3130, Appendix B, Table of Uses, Section C, Commercial Uses, 14 of the Tewksbury Zoning Bylaw to construct and operate a drive-thru car wash on the property as shown on plans filed with this Board. Said property is located at **1879 Main Street**, Assessor's Map 84, Lot 18, zoned Commercial.

Present was Attorney Dan Bailey of Pierce Atwood, Boston, MA and Jake Odessa of Stonefield Engineering.

Attorney Bailey noted that they represent Airig USA Acquisitions, which is a Michigan based real estate developer. Attorney Bailey explained that Airig has the property located at 1879 Main Street under agreement and submitted an application for a Special Permit for a proposed carwash. Attorney Bailey noted that Alex Lowder, Town Planner, has provided a memo that this application is submitted in part under the Zoning Bylaw in effect prior to the May town meeting, at which time the bylaw was completely revamped. Attorney Bailey explained that they filed a plan prior to town meeting, which was endorsed by the Planning Board and provides this property with a three-year Use freeze. Attorney Bailey noted that a Special Permit can no longer be obtained for a carwash in this district under the 2022 bylaw, however, you can obtain one under the 2021 bylaw. As a result, it is a Use freeze only, and they are subject to all of the dimensional and other requirements of the 2022 bylaw. Attorney Bailey noted that the property is located in the Highway District in the front and Heavy Industrial in the rear and explained that there is the availability to obtain a Special Permit in the Highway District.

Mr. Odessa showed the Google Maps rendering of the property and explained that the parcel is currently vacant and located on Main Street at the intersection of the Airport and Main Streets with a signalized intersection. Mr. Odessa explained that historically the property was a "sports complex" but has been vacant for some time now. The property is approximately 2.3 acres total with approximately 1.5 acres of impervious coverage. Mr. Odessa noted that this includes what is left over from the previous user. Mr. Odessa explained that there is a flood plain associated with Heath Brook that extends onto this property. Improvements are being made to ensure that there are no detrimental impacts to Heath Brook. Mr. Odessa noted that currently there are two access points: one in an unconventional access point close to the northeast corner of the property at the Airport and Main Street intersection, a pedestrian crossing that that acts as a fifth access point to the right of way, and there is a shared driveway to the right at the Domino's property. Mr. Odessa explained that it is important to note that even though the Special Permit request before the Board is for a carwash, approximately 7 parcels to the east there is a zone that would allow for this use, making it in line with the current uses in the area. Mr. Odessa noted that they have had extensive conversations with the town professionals and Mass DOT and have done a lot of work on their end to ensure everything is in order.

Mr. Odessa explained that the applicant is seeking to raise everything on site and install a new automated, express car wash facility. Mr. Odessa noted that they are expecting most of the traffic to enter off Main Street and that it is a full movement driveway. Mr. Odessa explained that his office conducted traffic studies with the full movement driveway and also had conversations with DOT. DOT is on board with the full movement driveway at this location and the traffic study conducted also supports same. Mr. Odessa explained that vehicles would enter the facility off Main Street where they would then take an immediate right into the property and pass into the car queuing facility where there will be three pay stations. The customer then enters into the 21car que. Mr. Odessa noted that they are anticipating this to be plenty of queuing capacity and that they have the ability to speed and slow down the processing ability of the facility itself. Mr. Odessa noted that there will be three pay lanes with the outside pay lane being reserved for members only. Mr. Odessa explained that this is a subscription-based Icon Express model, and they are hoping that they will have plenty of members who have quick and easy access to the outside lane. Mr. Odessa noted that there is an overhead license plate reader at the pay station to help process vehicles as fast as possible. Mr. Odessa explained that the building itself will have a pay station and managers office. Mr. Odessa noted that there will be a manager and customer service person on site and that they are expecting between two and six employees on site at any given time.

Mr. Odessa explained that this will be an entirely enclosed automated express carwash with the intent being that you enter dry and leave dry. Mr. Odessa noted that operation hours are seven days a week from 8:00 a.m. to 8:00 p.m. with all operations occurring inside the building. It will take approximately 2½ minutes to go through the carwash with approximately 5 vehicles inside the tunnel at one time. All chemicals being used are biodegradable and OSHA approved. Mr. Odessa explained that they have provided appropriate slopes in and out of the building to ensure drivers have the ability to exit and that everything is being collected. Mr. Odessa explained that the water will go through three reclaim tanks that are 2,000 gallons in size. Mr. Odessa noted that often times people think of a carwash as a high-end water user, however, they are only using a 2-inch water line and will be reclaiming some of that water that is being processed through the carwash back in.

Mr. Odessa explained that after leaving the facility there will be a heated concrete pad to ensure that there is no icing over. It is expected that most customers will then enter the vacuum area. Mr. Odessa noted that there are 30 total parking spaces on the site; 23 of which will be for vacuum and 6 employee parking spaces. Mr. Odessa noted that each vacuum space is oversized, being approximately 12 feet in width with 18 feet in depth, which is larger than a typical parking spaces to ensure that customers have the ability to open their doors and access their vehicles when they are cleaning them. Mr. Odessa noted that over each parking space is an 11-foot overhead boom with an LED light that will illuminate from dusk until hours of closing. Mr. Odessa noted that there will also be trash receptacles, microfiber towels, and other amenities for the customers. Mr. Odessa explained that the vacuums are enclosed to ensure visual aesthetics and to also damper the sound from the vacuum producers. Mr. Odessa noted that there is a trash enclosure for the facility located in the front yard and that trash pickup is approximately once a week, as needed. Trash collection would occur prior to “peak hours” of the facility.

Mr. Odessa explained that from a stormwater perspective they are increasing the amount of green space on site, a majority of which is currently impervious coverage, and are mitigating for

the flood in this area as well. Mr. Odessa explained that there are riverfront development setbacks associated with Heath Brook and noted that they will be revegetating the first 25 feet, ensuring that there is no spill from the stormwater into that facility. Mr. Odessa explained that before the stormwater leaves the site it will be at a reduced rate and will clean through a water quality measure located at the rear of the facility. Mr. Odessa noted that they have also designated an area for snow storage at the rear. Mr. Odessa reviewed the landscaping plan and noted that they have concentrated all the landscaping for the proposed development around the facility and will include ten trees located around the parcel and approximately 166 shrubs scattered around the perimeter.

Attorney Bailey explained that have also applied for site plan review with the Planning Board and have a hearing coming up in 2-3 weeks. Attorney Baily reviewed the criteria the Board is to consider under Section 3.5.3 of the Zoning Bylaw including social, economic, and community needs that are served by the proposal, traffic flow and safety; including parking and loading, adequacy of utilities and other public services, neighborhood character and social structures, consistency with the purposes of the district, impacts on the natural environment, and potential fiscal impact including impact on cloud services, tax base and employment. Attorney Bailey noted that they feel they have met these criteria.

Mr. Dugan asked if the access on Airport Road is something that is in the works at it is a private way and Mr. Odessa explained that they are in the process of requesting access to Airport Road. Mr. Dugan asked if DOT was satisfied with the traffic study and Mr. Odessa explained that they are still in the process of working with DOT.

Ms. Rego opened the hearing to the public.

John Caramaris came forward and noted that he is present on behalf of his father who is the owner of 1899 Main St, which is the parcel directly to the northeast of this parcel. Mr. Caramaris explained that they have a number of issues with this plan and noted that he did not see the plan until Wednesday. Mr. Caramaris explained that the first issue is the proposed cross access that the applicant has indicated goes over the 1899 Main Street parcel onto the parking lot. Mr. Caramaris asked what the basis is for proposing cross access through a private parcel and Mr. Odessa explained that this is an existing condition as it is today; however, he is not privy to the actual easement agreement in place.

Mr. Dugan explained that the applicant is before the Zoning Board for a Special Permit just to operate a car wash and plans and site access issues would be Planning Board matters.

Mr. Caramaris noted that the second issue they have is the actual plot plan and explained that they would like the opportunity to do their own survey as they feel there is an issue on the corner of the lot. Mr. Caramaris requested a continuance to allow them time to survey their lot. Attorney Bailey explained that they have certified stamped plans and the abutter was notified of the meeting two weeks ago. As a result, they feel it is disingenuous to come to the hearing and say they only had two days to review the plan.

It was noted that the applicant will be before the Planning Board on July 18, 2022.

Mr. Dugan explained that the Zoning Board is only voting on whether to allow a car wash at this location or not and noted that the Planning Board would conduct the site review.

Mr. Caramaris noted that he would like it on record that he did not receive sufficient notice.

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

**MOTION: Mr. Farnum made the motion to approve Daniel Bailey on behalf of Airig USA Acquisitions, for a Special Permit under Section 3130, Appendix B, Table of Uses, Section C, Commercial Uses, 14 of the Tewksbury Zoning Bylaw to construct and operate a drive-thru car wash on the property as shown on plans filed with this Board. Said property is located at 1879 Main Street, Assessor's Map 84, Lot 18, zoned Commercial; seconded Mr. Dugan and the motion carried 3-0.  
REGO, DUGAN, FARNUM**

### **New Business**

Ms. Rego noted that the next meeting will be held on July 28, 2022.

### **Old Business**

There was no old business discussed.

### **Adjourn.**

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

**Approved: August 25, 2022**

*List of documents for the 06.30.2022 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: **April 28, 2022 & May 26, 2022**

### **NEW HEARINGS**

6:30 **Tara Mistretta & Michael Butas**, for a variance under Section 5.3.3 A of the Tewksbury Zoning Bylaw, for side yard setbacks and a Special Permit under Section 8.1.1. B to

construct a 20' x 19'9" 2-story addition as shown on plans filed with this Board. Said property is located at **27 Old Boston Road** Assessor's Map 48, Lot 32 zoned Residential.

- **Application Package dated 5/26/22**

6:30 **Frederick McKinnon**, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for a side yard setback to construct a 10' x 20' carport to the attached garage as shown on plans filed with this Board. Said property is located at **1501 Whipple Road** Assessor's Map 56, Lot 196 zoned Residential.

- **Application Package dated 5/27/22**

6:30 **Maureen Hawkins**, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for a rear yard setback for a previously installed above ground pool as shown on plans filed with this Board. Said property is located at **107 Tyler Road** Assessor's Map 18, Lot 54 zoned Residential.

- **Application package dated 6/9/22**

6:30 **Daniel Bailey on behalf of Alrig USA Acquisitions**, for a special permit under Section 3130, Appendix A, Table of Uses, Section C, Commercial Uses, 14 of the Tewksbury Zoning Bylaw to construct and operate a drive-through carwash on the property as shown on plans filed with this Board. Said property is located at **1879 Main Street** Assessor's Map 84, Lot 18 zoned Commercial

- **Application package dated 6/9/22**
- **Memo from Town Planner**

**Old Business**  
**New Business**  
**Correspondence**  
**Adjournment**