



# 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 July 28, 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, Daniel Teixeira, and Michael Farnum.

Joseph Cary was not in attendance.

### Approval of Meeting Minutes

There were no meeting minutes presented for approval.

**MOTION:** Mr. Farnum made the motion to table the approval of the meeting minutes; seconded by Mr. Teixeira and the motion carried 4-0.

### CONTINUED 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 Marcelo 109 Highland Avenue, Neeham.

Mr. noted that since the last meeting they met with the Building Commissioner regarding the two sections referenced in the denial letter. Mr. explained that the home is located in an R40 district and, according to the tables for dimensional requirements, the lot should have 1 acre and it is only .31, making it existing non-conforming.

Mr. Dugan noted that the Building Commissioner's letter states that the lot is zoned mixed use/business and does not discuss any issues with the lot. Mr. explained that he can provide the information from the assessor's office confirming it is an R40 district.

Mr. Dugan noted that the application requests a Variance and a Special Permit, and explained that at the previous meeting the Board was questioning why a Special Permit was being requested as the paperwork states it is zoned residential. Mr. Dugan explained that the reason for

the Special Permit is because the home is located in mixed use/business, which does not allow for residential use.

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 Tara Mistretta & Michael Butas, for 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 Mixed Use/Business; seconded Mr. Farnum and the motion carried 3-0.  
REGO, DUGAN, FARNUM

**MOTION:** Mr. Dugan made the motion to approve Tara Mistretta & Michael Butas, for a variance under Section 5.3.3A of the Tewksbury Zoning Bylaw, for side yard setbacks 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 Mixed Use/Business; seconded by Mr. Farnum and the motion carried 3-0.  
REGO, DUGAN, FARNUM

## **NEW HEARINGS**

**Adam & Heather Savage**, for a variance under Section 5.3.1 E3, Section 5.3.1 E4 and Section 5.3.2 of the Tewksbury Zoning Bylaw for front and side yard setbacks to install a 21' round above ground pool as shown on plans filed with this Board. Said property is located at **35 Euclid Road**, Assessor's Map 58, Lot 6, zoned Residential.

Present was Adam Savage, applicant.

Mr. Savage noted that he and his wife have resided in Tewksbury since 2009 and explained that they would like to install an above ground pool. Mr. Savage explained that their lot is a triangular shape that intersects Euclid Road and Boisvert Road. Mr. Savage noted that no part of Boisvert Road is developed behind his property, however, it is still considered a paper street resulting in frontage. Mr. Savage noted that they also reached out the neighbors and all were fine with the pool, and many have reached out in support. Mr. Savage provided photographs of the area to the Board.

Mr. Dugan asked how far the pool is from the deck and Mr. Savage noted approximately 10 feet. Mr. Dugan asked who owns the shed shown in the photographs provided and Mr. Savage noted that he does and explained that it was existing when he purchased the property.

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

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

**MOTION:** Mr. Teixeira made the motion to approve Adam & Heather Savage, for a variance under Section 5.3.1 E3, Section 5.3.1 E4 and Section 5.3.2 of the Tewksbury Zoning Bylaw for front and side yard setbacks to install a 21' round above ground pool as shown on plans filed with this Board. Said property is located at 35 Euclid Road, Assessor's Map 58, Lot 6, zoned Residential; seconded by Mr. Farnum and the motion carried 3-0.  
**REGO, TEIXEIRA, FARNUM**

**Tammy Chow** for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for a side yard setback to construct a 12' x 24' detached garage as shown on plans filed with this Board. Said property is located at **180 Sale Road**, Assessor's Map 95, Lot 150, zoned Residential.

It was noted that the applicant has requested to continue this matter to the next meeting.

**MOTION:** Mr. Dugan made the motion to continue Tammy Chow for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for a side yard setback to construct a 12' x 24' detached garage as shown on plans filed with this Board. Said property is located at 180 Sale Road, Assessor's Map 95, Lot 150, zoned Residential to August 25, 2022 at 6:30 p.m.; seconded by Mr. Farnum and the motion unanimously carried 3-0.  
**REGO, DUGAN, FARNUM**

#### **New Business**

Ms. Rego noted that the next meeting will be held on August 25, 2022

#### **Old Business**

There was no old business discussed.

#### **Adjourn.**

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

**Approved: August 25, 2022**

*List of documents for the 07.28.2022 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:

**CONTINUED 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. *(continued from 6/30/2020)*

**NEW HEARINGS**

6:30 **Adam & Heather Savage**, for a variance under Section 5.3.1 E3, 5.3.1 E4 & 5.3.2 of the Tewksbury Zoning Bylaw, for front & side yard setbacks to install a 21' round above ground pool as shown on plans filed with this Board. Said property is located at **35 Euclid Road** Assessor's Map 58, Lot 6 zoned Residential.

- **Application package dated 6/28/22**

6:30 **Tammy Chow**, for a variance under Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for a side yard setback to build a 12' x 24" detached garage as shown on plans filed with this Board. Said property is located at **180 Salem Road** Assessor's Map 95, Lot 150 zoned Residential. *(applicant requested continuance to August 25, 2022)*

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