



# 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 August 25, 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, Michael Farnum, and Joseph Cary.

### Approval of Meeting Minutes – June 30, 2022 and July 28, 2022

**MOTION:** Mr. Farnum made the motion to approve the June 30, 2022 and July 28, 2022 meeting minutes as presented; seconded by Mr. Dugan and the motion unanimously carried 5-0.

### CONTINUED HEARINGS

**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 Salem Road**, Assessor's Map 95, Lot 150, zoned Residential.

Present was Tammy Chow, applicant.

Ms. Chow explained that she would like to construct a detached garage for storing her car.

Mr. Dugan asked what the distance is to the neighboring property line and Ms. Chow noted that it is at least 10 feet and explained that she has 5 feet, and the neighbor has 5 feet. Mr. Dugan asked how close the neighbors closest structure is to the line and Ms. Chow noted approximately 10-15 feet. Mr. Dugan asked what the reason is for not putting the garage on the left-hand side of the home and Ms. Chow noted that it is lawned area with trees, and explained that it is more conducive to having it on the right-hand side as that is where the driveway is. Ms. Chow explained that it is a semi-circular driveway in the front and the area where the garage is located is currently driveway.

Mr. Farnum asked on which side the side door opens towards, and Ms. Chow noted towards her home.

Mr. Dugan asked why it cannot be moved closer to the house and Ms. Chow explained that due to the location and design of the driveway and existing home.

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 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. Cary and the motion unanimously carried 3-0.  
REGO, FARNUM, CARY**

## **NEW HEARINGS**

**Ambassador Pools on behalf of Peter & Melissa Gagnon** for a variance from Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for a front yard setback for a previously installed above ground pool as shown on plans filed with this Board. Said property is located at **1042 East Street**, Assessor's Map 103, Lot 79, zoned Residential.

Present was Jennifer Abate, Permit Coordinator at Ambassador Pools, Canton, MA, and Peter and Melissa Gagnon.

Ms. Abate explained that they are seeking a variance for a 16' x 24' above ground pool installed by Ambassador Pools last season without a permit. Ms. Abate noted that the pool was installed in the front set back of this home, and there is a town bylaw that states it needs to be behind the structure. Ms. Abate explained that they hope the variance can be granted due to the very odd, shape of this parcel, and noted that this parcel is a triangle where all of the properties on the street are square or rectangular. Ms. Abate explained that there was a huge disconnect with this matter and Ambassador Pools "dropped the ball big time" as they proceeded with the installation of the pool without a permit. Ms. Abate explained that the residents reached out to them as they were issued a code violation.

Mr. Dugan asked how long ago the pool was installed and Ms. Abate noted last October.

Ms. Gagnon explained that they had applied for the permit and it was their understanding that it was all set. They were not aware at that time that the permit had been denied and the contractor proceeded with the work. When the electrician went for the electrical permit, they were informed that the pool was in violation.

Mr. Dugan asked if they homeowners are currently using the pool and Ms. Gagnon confirmed this.

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 the motion unanimously carried 3-0.**

**MOTION: Mr. Teixeira made the motion to approve Ambassador Pools on behalf of Peter & Melissa Gagnon for a variance from Section 5.3.1 E3 of the Tewksbury Zoning Bylaw, for a front yard setback for a previously installed above ground pool as shown on plans filed with this Board. Said property is located at 1042 East Street, Assessor's Map 103, Lot 79, zoned Residential; seconded by Mr. Farnum and motion unanimously carried 3-0.  
DUGAN, TEIXEIRA, FARNUM**

**Joseph Boucher** for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw for side yard setbacks and lot coverage, and a Special Permit under Section 8.1.1C to alter a previously nonconforming structure in order to construct a 24' x 22' garage with an 8' x 10' breezeway addition as shown on plans filed with this Board. Said property is located at **6 Memorial Drive**, Map 39, Lot 34, zoned Residential.

Present was Joseph and Linda Boucher of 6 Memorial Drive.

Mr. Boucher explained that they would like to construct a garage to store their cars in the winter and noted that he has fallen trying to clear the snow off. Mr. Boucher noted that they are getting older and unable to remove the snow.

Mr. Dugan asked if they are 4.84 feet from the sideline and 38 feet off the front line and Mr. Boucher confirmed this. Mr. Dugan asked how close the neighbors' home, David Joyce, is to the property and Mr. Boucher noted approximately 18 feet. Mr. Dugan noted that there would be 22 feet between the two structures and Mr. Boucher confirmed this. Mr. Dugan asked if the proposal is for a single-story garage with no bathroom and Mr. Boucher confirmed this.

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

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

**MOTION:** Mr. Cary made the motion to approve Joseph Boucher for a Special Permit under Section 8.1.1C to alter a previously nonconforming structure in order to construct a 24' x 22' garage with an 8' x 10' breezeway addition as shown on plans filed with this Board. Said property is located at 6 Memorial Drive, Map 39, Lot 34, zoned Residential; seconded by Mr. Teixeira and the motion unanimously carried 3-0.  
**REGO, CARY, TEIXEIRA**

**MOTION:** Mr. Cary made the motion to approve Joseph Boucher for a variance under Section 5.3.2 of the Tewksbury Zoning Bylaw for side yard setbacks and lot coverage, in order to construct a 24' x 22' garage with an 8' x 10' breezeway addition as shown on plans filed with this Board. Said property is located at 6 Memorial Drive, Map 39, Lot 34, zoned Residential; seconded by Mr. Teixeira and the motion unanimously carried 3-0.  
**REGO, CARY, TEIXEIRA**

**Carl Jones Rosland** for a variance under Section 5.3.3 of the Tewksbury Zoning Bylaw for side setbacks and a Special Permit under Section 8.1.1.C to alter a previously nonconforming structure in order to construct a 21'9" x 12' deck as shown on plans filed with this Board. Said property is located at **5 Tanager Road**, Assessor's Map 110, Lot 22, zoned Residential.

Present was Carl Jonas Rosland, applicant.

Mr. Rosland provided some clarification documents to the Board and explained that when they purchased their home four years ago, they were made aware through the home inspection that the deck would soon be in need of replacement. Mr. Rosland explained that this past spring, they noticed the deck was falling apart and was becoming dangerous for his family. As a result, a contractor come out and saw that the fasteners were rusted through, and the wood is starting to deteriorate. Mr. Rosland noted that they have been using this contractor for a few other jobs as well and figured they did not need a permit as it was a replacement. Mr. Rosland explained that when they purchased the home in 2018, an incorrect plot plan was included with the mortgage application, compared to the new plot plan provided this evening. Mr. Rosland noted that the old plot plan shows that the entire deck was within the lot and the new plot plan shows that it is not. As a result, they are requesting to be able to build up to the lot line.

Mr. Dugan asked how close the house is to the property line and Mr. Rosland noted 4 feet at the closest point and that the home was constructed in 1984. Mr. Dugan asked if the town owns the land next to this and Mr. Rosland confirmed this and explained that it is approximately 100 feet from his lot line to the abutting lot. Mr. Rosland explained that they are in the process of trying to purchase that parcel of land from the town and have been talking to Steve Sadwick and the Engineering Department.

Mr. Teixeira asked if the deck has already been completed and Mr. Rosland noted that it is half done as they were not aware a permit was required due to it being a replacement.

Mr. Cary asked if the deck was constructed originally with the home and Mr. Rosland noted that he is not sure, but he believes it was not.

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. Teixeira and the motion unanimously carried 3-0.

**MOTION:** Mr. Dugan made the motion to approve Carl Jones Rosland for a Special Permit under Section 8.1.1.C to alter a previously nonconforming structure in order to construct a 21'9" x 12' deck as shown on plans filed with this Board. Said property is located at 5 Tanager Road, Assessor's Map 110, Lot 22, zoned Residential; seconded by Mr. Teixeira and the motion unanimously carried 3-0.  
DUGAN, FARNUM, TEIXEIRA

**MOTION:** Mr. Dugan made the motion to approve Carl Jones Rosland for a variance under Section 5.3.3 of the Tewksbury Zoning Bylaw for side setbacks in order to construct a 21'9" x 12' deck as shown on plans filed with this Board. Said property is located at 5 Tanager Road, Assessor's Map 110, Lot 22, zoned Residential; seconded by Mr. Teixeira and the motion unanimously carried 3-0.  
DUGAN, FARNUM, TEIXEIRA

**Tewksbury Home Build on behalf of the Town of Tewksbury** for a Special Permit under Section 8.1.1.C of the Tewksbury Zoning Bylaw to reconstruct a previously existing nonconforming structure in order to construct a single-family home as shown on plans filed with this Board. Said property is located at **97 Florence Avenue**, Assessor's Map 94, Lot 102, zoned Residential.

Present was Bruce Panilaitis, President of Tewksbury Home Build.

Mr. Panilaitis explained that this lot was voted on at town meeting to be used for affordable housing back in 2017. The town put out an RFP and they were awarded the RFP. Mr. Panilaitis noted that the Select Board just transferred and they are awaiting the paperwork. Mr. Panilaitis explained that the goal is to demolish the existing home and construct a new home in the same footprint and noted that the Shawsheen Tech students assist with the construction. As a result, they are hoping to begin work soon so that the students this year are able to complete some of the work.

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. Cary and the motion unanimously carried 3-0.

**MOTION:** Mr. Dugan made the motion to approve Tewksbury Home Build on behalf of the Town of Tewksbury for a Special Permit under Section 8.1.1.C of the Tewksbury Zoning Bylaw to reconstruct a previously existing nonconforming structure in order to construct a single-family home as shown on plans filed with this Board. Said property is located at 97 Florence Avenue, Assessor's Map 94, Lot 102, zoned Residential; seconded by Mr. Cary and the motion unanimously carried 3-0.  
**REGO, DUGAN, CARY**

### **New Business**

Ms. Rego noted that the next meeting will be held on September 29, 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 5-0.

**Approved: November 17, 2022**

*List of documents for the 08.25.2022 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: **June 30, 2022 & July 28, 2022**

### **CONTINUED HEARINGS**

**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. (*continued from 7/28/2022*)

- **Application package dated 7/7/22**

### **NEW HEARINGS**

**6:30** **Ambassador Pools on behalf of Peter & Melissa Gagnon** for a variance under Section 5.3.1 E 3 of the Tewksbury Zoning Bylaw, for a front yard setback for a previously installed above ground pool as shown on plans filed with this Board. Said property is located at **1042 East Street** Assessor's Map 103, Lot 79 zoned Residential.

- **Application package dated 7/19/22**
- **Violation notice dated 6/1/22**

- 6:30        **Joseph Boucher** for a variance under Section 5.3.2, of the Tewksbury Zoning Bylaw, for side setbacks & lot coverage and a Special Permit under Section 8.1.1.C to alter a previously nonconforming structure in order to construct a 24' x 22' garage with an 8'x 10' breezeway addition as shown on plans filed with this Board. Said property is located at **6 Memorial Drive** Assessor's Map 99, Lot 34 zoned Residential.
- **Application package dated 8/4/22**
- 6:30        **Carl Jonas Rosland** for a variance under Section 5.3.2, of the Tewksbury Zoning Bylaw, for side setbacks and a Special Permit under Section 8.1.1.C to alter a previously nonconforming structure in order to construct a 21' 9" x 12' deck as shown on plans filed with this Board. Said property is located at **5 Tanager Road** Assessor's Map 110, Lot 22 zoned Residential.
- **Application package dated 8/4/22**
  - **Violation Notice dated 7/28/22**
- 6:30        **Tewksbury Home Build on behalf of the Town of Tewksbury** for a Special Permit under Section 8.1.1.C of the Tewksbury Zoning Bylaw to reconstruct a previously existing nonconforming structure in order to construct a single-family home as shown on plans filed with the Board. Said property is located at **97 Florence Avenue**, Assessor's Map 94, Lot 102 zoned Residential.
- **Application package dated 8/5/22**
  - **Town planner memo dated 8/23/22**
  - **Town planner memo dated 8/25/22**

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