



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from May 8, 2008.

Place- 25 Bryants Lane, Tyngsborough. MA

Members Present: Robb Kydd, Chris Mechalides, Claire Cloutier and Cheryl Bradley.

Members Absent: Gary Ralls

Discussion-

Maple Ridge, Old Tyng Rd.,- Discussion of design change limited to modifying the interior layouts and exterior design of the currently approved multi-unit buildings, thus improving the overall appearance of the apartment component of the project and increasing the living area of the occupants. Applicant seeking to receive notification within 20 days from the ZBA confirming that the proposed change is insubstantial.

Walter Ericksen present to discuss the proposed changes.

Discussion by Atty. Bob Brobrowski that the proposed change is insubstantial. Appearance will be more modern. The copy of the new plan will be filed with Town Clerk with the change approval. Claire Cloutier-Member did not want to vote on this since she lives there. Atty. Bob Brobrowski stated that it was okay for three members to vote on this request.

It was stated from the applicant that the new owner Dakota will have the largest portion of these units at affordable, low income rates. They said the only way to get financing for this type of rental property now is to have it low income.

This did not need to be a public hearing on that because the original approval was under the older rules of housing. They can make this property low income for the entire 96 units if they chose to.

Motion to approve letter of April 20, 2008 with attached new plan by Chris Mechalides. Seconded by Robb Kydd. Vote 3-0. Unanimous.

1st Hearing-

Brad M. Pacheco, 71 Mascuppic Trail, Assessors Map 32B, Lot 33, appeal Building Commissioner decision on a deny for a building permit for the construction of a dwelling which applicant feels that this lot is a grandfathered lot under M.G.L. C/40A, section 6. R-2 Zone, section 2.15.11. This hearing continued from August 9, 2007, Sept. 13, 2007, Oct. 2007, December 13, 2007, and January 10, 2008. Received letter from Atty. Zaroulis requesting to continue this hearing to March 13, 2008. Received fax from Charles Zaroulis requesting to continue this hearing to May 8, 2008 at 6:30PM.
Motion to continued hearing to June 12, 2008 by Chris Mechalides, seconded by Robb Kydd. Vote 4-0.

Brian & Patricia Corey, 280 Massapoag Rd, Map 2, Lot 50 requesting variance on lot to build a single family dwelling. Original variance granted in April 1999 and has expired. Residential-1 Zone, section 2.12.50.

Legal notice read. Advertised in the Lowell Sun on April 24 & May 1, 2008. Town Boards notified. No challenges to the legal notice and abutter notification.

Application presented by Atty. Peter Nicosia.

No abutters were present to speak for or against the application.

Discussion of Geraldine Place lot was originally approved in 1999. They are requesting a variance difference of 4,733 sq. ft.

Motion by Chris Mechalides to approve variance difference of 4,733 sq. ft. Seconded by Claire Cloutier. Vote 4-0. Unanimous.

Makepeace Road, LLC, Map 22, Lot 24 Dunstable Rd., requesting a variance for an oversize sign that will be visible along US Route 3. The sign will be 65" high. Industrial -1 Zone sections 3.11.34 (1), 3.11.35, 3.11.46.

Legal notice read. Advertised in the Lowell Sun on April 24 & May 1, 2008. Town Boards notified. No challenges to the legal notice and abutter notification.

Application presented by Walter Ericksen, Atty. Doug Deschene, and Kevin Ericksen.

No abutters were present at this hearing to speak for or against.

Discussion of the sign. Applicant proposes to give the town 200K to be contributed to the Recreation Dept. over a period of 10 years @ 20K per year.

Atty. Mark Bobrowski is to draft the agreement including wording to protect the town from the types of advertisement that can go on the sign. This saves the town in the future, say if Walter sold the sign. Atty. Mark Bobrowski will be paid by Walter Ericksen.

Motion to continue this hearing to July 10, 2008 by Chris Mechalides. Seconded by Cheryl Bradley. Vote 3-0.

Village of Merrimac landing, LLC located at 91 Middlesex Rd., Map 27 Parcel 2 in I-1 Zone for modification to the Comprehensive Permit, which states that the Board agrees to change language in the Comprehensive Permit to allow the following changes in the proposed development of the 144- rental units currently provided under the original Comprehensive Permit. The developer is proposing at this time to keep 32 of the 144 town house units as rentals. Of these 32 units, 25 % would be “affordable” units and rental at a price set by DHCD. The developer is also proposing to convert 104 of the 144 rental units into “for sale” units. It is proposed that 25% of the 104 “for sale” units would be “affordable units”. Finally the developer is proposing to convert a currently proposed 8 unit building into a 20 unit building. The development rights of said building will be donated to the Tyngsborough Housing Authority so that the building may be used as senior rental units.

Legal notice read. Advertised in the Lowell Sun on April 24 & May 1, 2008. Town Boards notified. No challenges to the legal notice and abutter notification.

Application presented by Atty. Doug Deschene.

Discussion that this is an substantial change and will require the board to engage in the services (through an escrow) and the applicants to re-file the request for change of project. The escrow will be 10K. There was an hand written statement stating this as well as their approval for extending the time.

Motion to continue this hearing to June 12, 2008 by Chris Mechalides and seconded by Claire Cloutier. Vote 4-0.

Other Business- Approve Minutes from March 13, 2008
Motion to approve minutes – March 13, 2008 by Claire Cloutier and seconded by Cheryl Bradley. Vote 4-0.

Motion to adjourn by Cloutier. Seconded by Bradley. Vote 4-0.

