



***Town of Tyngsborough
Planning Board***
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 115

Tyngsborough Planning Board Meeting Minutes April 6, 2006

Attachments:
Meeting Agenda

Approved

Members Present: Caryn DeCarteret, Vice Chairman
Mark Pease, Secretary
Steve Nocco, Treasurer
John Forti, NMCOG Liaison
Joyce Harrington, Clerk
John Boardman, Consulting Engineer

Members Absent Darryl Wickens, Chairman

Meeting Purpose: To take action on agenda items (see attach agenda) and any other business brought before the Board.

7:00PM – Meeting called to order by Mark Pease. Members present at the opening of the Meeting: C. DeCarteret, M. Pease, S. Nocco

7:04PM – T.I.L.Q. 103 Clover Hill Circle – Gerald and Kristen Burns

The Board received a letter from the applicant to withdraw their application. The Board made the following motions.

Motion: S.Nocco to close the Public Portion of the Hearing for a T.I.L.Q. at 103 Clover Hill Road

Second: C.DeCarteret
Motion Carries 3-Yes, 2-Absent

Motion: S.Nocco to accept the letter of withdrawal from Gerald and Kristen Burns without prejudice.

Second: C.DeCarteret
Motion Carries: 3-Yes, 2-Absent

7:05PM Zoning Change 401 Dunstable Road from R-1 to B-3 Presented by Attorney Peter Nicosia

Mark Pease opened the Public Hearing and read the Legal Notice that appeared in the Lowell Sun on March 16, and March 23, 2006.

Motion: S.Nocco to waive the reading of the abutter's list
Second: C.DeCarteret
Motion Carries 3-Yes, 2-Absent

7:08PM Member, John Forti arrived.

The applicant seeks to change the zoning classification for the property at 401 Dunstable Road from Residential 1 (R-1) to Business 3 (B-3).

Motion: C.DeCarteret to close the Public Portion of the Hearing
Second: S.Nocco
Motion Carries

Motion: S.Nocco to recommend to the Town for Special Town Meeting, {May 14, 2006} Zoning change for 401 Dunstable Road from R-1 to B-3
Second: C.DeCarteret
Motion Carries 4-Yes, 1-Absent

Administrative 7 Bills

The following bills were signed
1. W.B.Mason

Administrative 6 Approval of Minutes

Motion: C.DeCarteret to approve the March 16, 2006 Minutes as written
Second: S.Nocco
Motion Carries 4-Yes, 1-Absent

7:35PM Zoning Classification section 2:15:11 Presented by Attny Molonis for Mr. Garmon.

Mark Pease opened the Public Hearing and read the Legal Notice that appeared in the Lowell Sun on March 16, and March 23, 2006.

Motion: C.DeCarteret to waive the reading of the abutter's list
Second: S. Nocco
Motion Carries 4-Yes, 1-Absent

The Petition seeks to change the Zoning Classification for Section 2.15.11 nonconforming Lots.

2.15.10 Nonconforming Lots

2.15.11 Existing Lots – Any lot which complied with the minimum area, frontage, and lot width requirements, if any, in effect at the time the boundaries of the lot were

defined by recorded deed or plan, may be built upon or used for single family residential use, notwithstanding the adoption of new or increased lot area, frontage, or lot width requirements, provided that:

1. At the time of the adoption of such new or increased requirements or while building on such lot was otherwise permitted, whichever occurs later, such lot was held, and has contained to be held, in ownership separate from that of adjoining land; and
2. The lot has at least 5,000 square feet of area and 50 feet of frontage at the time the boundaries of the lot were defined.

Add: Notwithstanding the above, the separate ownership requirements identified in Paragraph 1. Which reads "such lot was held, and has continued to be held, in ownership separate from that of adjoining land" and the requirement of 50 feet of frontage identified in Paragraph 2., shall not be applicable to any lot shown on a plan entitled "Breezy Crest, Tyngsboro, Mass. Surveyed April 1, 1946 by M.G. Ferry, C.E." as recorded with the Middlesex North District Registry of Deeds Book of Plans 69, Plan 28, which has not been built upon and has been held continuously by an individual or by a trust controlled by said individual, on or before the adoption of the Tyngsboro Zoning Bylaw, May 20, 1955; and

3. Any proposed structure is situated on the lot so as to conform with the minimum yard requirements, if any, in effect at the time the boundaries of such lot were defined. In the case where no minimum yard requirements were in effect at the time the boundaries of such lot were defined, the minimum front yard shall be 20 feet and the minimum side and rear yards shall be 10 feet.

Motion: S.Nocco to close the Public Portion of the Hearing

Second: C. DeCarteret

Motion Carries: 4-Yes, 1-Absent

Motion: S.Nocco to recommend to the Town to adopt changes of the By-Law Section 2.15.11 for Special Town Meeting, {May 14, 2006}.

Second: C.DeCarteret

Motion Carries: 3-Yes, 1-No, 1-Absent

8:05PM Definitive Subdivision Plan "Tyngs Crossing" 28 Farwell Road. Presented by Land Tech, and Melissa Robbins from Hall, Finnegan and Deschenes, Attorneys at Law.

The Board reviewed the following open items with the applicant and received the following responses from the applicant's Engineer.

1. Lot 3 should be labeled to demonstrate compliance with Zoning 2.12.30.

- Has been revised to comply.*
2. In accordance with 6.3.23 the applicant should provide written evidence that the proposed retention pond overflow will not impact the Town or neighbor.
Submitted tonight.
 3. The applicant should provide closure calculations, Section 6.3.24
Will provide.
 4. The applicant should provide a written statement regarding street acceptance, Section 6.3.28.
Will supply a letter.
 5. The applicant should provide a list of other required permits, Section 6.3.29.
Will include in a letter, to be submitted.
 6. The Board typically requires fencing around the detention basin, none is proposed.
Will provide fencing.
 7. The applicant should provide information on how the fire cistern will be maintained full, and filled after use.
Will review with the Fire Chief.
 8. The applicant needs to provide sizing, soils, and groundwater data for the proposed roof drywells and stormwater leaching areas.
Will include in the revised plans.
 9. The drainage system is proposed to be constructed within Farwell Ave. The applicant should indicate how this would be constructed without damage to Farwell Road, and what permits will be necessary to work within the public right of way.
The side of Farwell Road will address drainage and get permits.
 10. The house on Lot 4 is shown in violation of the front yard setback.
Changed that location is in appliance of the revised plans.
 11. The wetlands and associated buffer zones at the existing culvert in Farwell Ave should be shown on the plans. It is likely that the connection to the existing drainage system will require Conservation Commission approval.
Will review with the Board's Engineer J.Boardman.

John Boardman did receive a set of revised plans.
M.Pease opened the hearing to the Public.
Concern Citizens:

Warren Allgrove from the Historical Commission was present and spoke about his concerns; Trees, and the Stonewall. The Board recommended the applicant to meet with the Historical Commission and Board of Selectmen to discussion these items. A letter will be addressed to the Highway Department as well.

A letter requesting an extension of time for the Public Hearing was submitted by the Applicant.

Motion: M.Pease to continue the Hearing to April 20 @ 9:05PM
Second: S.Nocco
Carries: 4-Yes, 1-Absent

Administrative 1 Informal Discussion 51 Kendall Road – James Vernadakis
There was a brief discussion.

Administrative 2 Special Permit Application 269 Middlesex Road, Fran Glavin

Administrative 3 ANR Plan Wynbrook – David Spear
The Board reviewed the ANR plan and the following motion was made.

Motion: C.DeCarteret to approve the ANR plan prepared by Hancock Associates
Entitled " WYNBROOK at Tyngsborough" dated 16, January 2006

Second: S.Nocco

Carries 4-Yes, 1-Absent

Administrative 4 Bond Release discussion for Danforth Woods, Navin Patel

Mr. Patel did not show.

Administrative 5 Informal Discussion Farwell Road – Colin Spence

There was a brief discussion for a proposed construction of one family dwelling located at 0 River Road. Currently the property consists of 6.25 acres of undeveloped land, this land is located on the banks of the Merrimack River. The property does not have frontage on Farwell Road. The access to the property is gained by using a twenty-foot wide right of way, which begins at Farwell Road and continues to fifteen-foot wide right of way crossing the railroad tracks, which then continues to the property. The Board suggested that Mr. Spence go in front of the Z.B.A. first for the zoning issues at hand.

Motion: C.DeCarteret to adjourn at 9:45PM

Second: J.Forti

Carries 4-Yes, 1-Absent

Minutes Taken and respectfully submitted by
Joyce M.Harrington – Planning Board Clerk