



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

Tyngsborough Planning Board Meeting minutes September 7, 2006

Attachments:

1-Meeting Agenda.

Members Present:

Approved
Darryl Wickens, Vice Chairman
Mark Pease, Secretary
Steve Nocco, Treasurer
John Forti, NMCOG Liaison
John Boardman (consulting Engineer)
Joyce M. Harrington (clerk)

Members Absent: Caryn DeCarteret, Chairman

7:00PM – Meeting called to order by Vice Chairman D.Wickens

7:05PM – Public Hearing – Special Permit for 50 Middlesex Road / Applicant Carol Aguir / Presented by Gerry Foley

Vice Chairman Wickens opened the Public Hearing

Present: Gerry Foley (Sewer Commissioner) representing the applicant.

The applicant seeks to operate a financial service business in a B2 zone. The Board reviewed the following open items with the applicant and received the following responses from the applicant.

1. The Summary did not provide modeling for the 25-Year storm event as required in the Tyngsborough Planning Board Rules & Regulations for Special Permits Section IV.3. (1). Mr. Foley replied the drainage calculations have been revised to include the 25-year storm.
2. The Tyngsborough Planning Board Rules & Regulations requires that the 25-Year storm event be modeled with 5.5 inches of rain and the 100-Year storm event be modeled with 7.0 inches of rain. The 100-Year storm event was modeled with 6.5 inches. Mr. Foley replied the prescribed rainfall amounts for the 25 and 100 year storms have been revised as requested.
3. The Tyngsborough Planning Board Rules & Regulations Section 7.24.5 requires a minimum pipe size of 12 inches for all drainage piping. 6 inch piping has been proposed for the catch basin leaders. Mr. Foley requests a waiver from the 12-inch pipe size due to the minor nature of this project.
4. The Drainage Summary states a small increase in runoff for the 10-Year and 100-Year storm events is proposed. The Tyngsborough Planning Board Rules & Regulations for Special Permits Section IV.3.(1) states that the proposed drainage system will maintain or decrease the runoff rate for the 25-Year storm event. I would also recommend maintaining or decreasing the runoff for all storm events. Mr. Foley replied the projected increase in flow for the 25-year storm is 0.44 cfs.

5. The CN calculations for Subcatchments DA-1, DA-2, DA-A, and DA-B should be modified to reflect actual existing and proposed site conditions. The area of woods, lawn, and impervious surfaces with associated CN's could be substituted in for Pre- and Post- conditions. The general description used does not accurately calculate the change from Pre- to Post- conditions. Mr. Foley replied The CN values have been revised as requested.

6. The capacity of the proposed infiltration system is 204 cubic feet. This appears undersized considering the amount of runoff it is proposed to handle, installation in slow-percolating soils, and probable proximity to groundwater. The calculations submitted show that during a 2-Year storm event approximately 4,007 cubic feet of stormwater will be directed to the system. This indicates that system will be surcharged quickly and will likely create local flooding issues. Mr. Foley replied This property presents some significant hardships with respect to stormwater management:
 - *Limited land area
 - *Poor soils
 - *Shallow depth to ledge
 - *Unusable upland areas
 - *No drainage system or watercourse for routing

7. The Stormwater Management Form submitted with the Summary indicates that the project is to be classified as a "Redevelopment Project" (Standard 7). The Massachusetts Stormwater Management Guidelines states that:
 - "Redevelopment" projects are defined as follows:
 - (2) Development, rehabilitation, expansion, and phased projects on previously developed sites, provided the redevelopment results in no net increase in impervious area.
 Components of redevelopment projects, which included development of previously undeveloped sites, do not fall under Standard 7.

The project as proposed should not be classified as a "Redevelopment Project" due to the net increase in impervious area. Mr. Foley agrees that this project does not meet the Stormwater Standards definition of a redevelopment project. However, it is not a vacant site and is currently occupied with a building and pavement.

Also addressed at the meeting were the following open items:

Parking Turnout – Mr. Foley elimination of a parking space, this will cut down on the length of the retaining wall required. This revision allows for more snow storage.

Shed and Gazebo – The shed has been relocated to the upper portion of the site approximately thirty feet from the northerly sideline. The gazebo has been removed

Landscaping – The applicant has obtained permission from the owner of Lot 3, to plant twelve arborvitae along the property line as shown on the attached plan. The plantings near the existing dwelling have been reconfigured to allow for more snow storage next to the paved areas.

Sewer Connection- The plan has been revised to show the as-built location and depth of the existing sewer stub. There will be no conflict with the propose drainage.

Fire Chief review – Mr. Foley met with Chief Madden on August 23 to review the plan. The Chief approved the layout as designed. The Board requests a letter of this decision from Chief Madden.

Building Inspector review – Mr. Foley spoke to Mark Dupell on August 29. The requirement of a 20 foot landscaped buffer and the location of the shed and gazebo. MR. Dupell confirmed that the lack of an existing 20-foot landscaped buffer constitutes an existing nonconforming dimensional condition. Since the proposed site plan does not make that condition more nonconforming, it can be allowed. Mr. Dupell also confirmed that the gazebo and shed must be relocated a minimum of 10 feet from the property line. Mr. Foley stated the gazebo will be removed and the shed will be relocated approximately thirty feet from the northerly sideline. The Board requests a letter of this decision from Mark Dupell.

Motion: M.Pease to continue the Public Portion of the Hearing to September 21 16,2006 @ 8:05PM
Second: S.Nocco
Carries: 4-Yes, 1-Absent

7:35PM Beaver Run "South" Modifications to the plan / Tim McCarron

The applicant seeks Re-alignment of the roadway intersection to Westford Road. The reasons for the re-alignment were specific to providing an improved line of sight to Westford Road. The Board recommenced verifying all modifications with the Conservation Commission. The Board reviewed the following open items with the applicant and received the following responses from the applicant

On September 18, Jesse Johnson received a copy of the original drainage report for the Beaver Run Subdivision dated August 23, 2002. This was submitted as a reference to compare the originally approved detention basin located near the entrance to Beaver Run South to the as-built detention basin. After reviewing the original drainage report, Plan and Profile – Diaz Drive dated August 23, 2002, Detention Basin Summary dated June 27, 2006, and Interim As-Built Plan & Profile and Improvement Plan dated August 8, 2006, Jesse offer the following comments and concerns:

1. The detention basin in question in the original drainage report lists a contributory drainage area from roadway STA 24+00 to STA 33+53.84. Currently, the as-built detention basin only handles runoff from roadway STA 29+50 to STA 33+53.84. The contractor or their engineer should clarify if the additional 550 feet of roadway will be graded to runoff toward the as-built basin. If the flow is to be directed to another basin, that basin will need to be analyzed to ensure it can handle the additional runoff.
Polaris Engineering Corp and TimCo are currently working with vendors to finalize the span design for the wetland crossing. The final design may alter the drainage pattern; they understand that any changes in the drainage pattern will require analyzing how those changes affect the detention ponds. They will inform the Board of significant changes that affect the drainage pattern.
2. The volume listed for the approved detention basin was 33,431 cubic feet at elevation 206.00 feet. During a 100-year storm event the peak water level was listed as 204.77 feet with 1.57 cfs of runoff exiting through a 6" orifice at elevation 201.77 feet.

The as-built detention basin lists a volume of 28,563 cubic feet at elevation 204.96 feet. The volume calculation submitted does not indicate how the boulder located in the middle of the basin was accounted for. The size is significant enough to be considered in the volume calculations. It should be conservatively estimated and subtracted from the volume calculation.

The shortage in constructed volume may be an issue. The contributing runoff and as-built conditions should be modeled to show how the basin would perform. There is a potential for greater than 1.57 cfs of runoff leaving the basin.

Polaris only included up to the highest elevation of the pond, elevation 204.96. TimCo increased the height of the pond to elevation 206 for the entire length of the berm, then Polaris recalculated the volume of the pond up to elevation 206. The resulting volume is 36,600 cubic feet:

Should modifications be required at the detention basin, it appears there is room available for expansion. Any required modifications should be completed and documented before bond money is released on associated drainage infrastructure.

Motion: M.Pease to close the Public Portion of the Hearing
Second: S.Nocco
Carries 4-Yes, 1-Absent

Motion: M.Pease to approve changes for Beaver Run "South" As-built plan dated August 8, 2006 with final modifications. Provide a recorded copy of the plans and record Form G.

Second: S.Nocco

Carries: 4-Yes, 1-Absent

Administrative 1 D.C.U Steve Auger – Water tie-in

The applicant discussed their water supply. Mr. Auger is requesting to use the existing on-site well for D.C.U. water supply for the first few months after the branch opens (approximately late January/early February 2007). The reason being is due to a private agreement between the Town Water District and the Dream Diner owners, which would require Digital to pay an exorbitant connection fee to the Dream Diner. This agreement was expired when Mr. Auger received his approvals and was extended for an additional year after Mr. Auger approvals were in place. When the agreement expires (May 7, 2007), Digital fully intends to connect to the water line as the Town will take ownership of the line and they will pay the Town the appropriate connection fee. The Board requested an approval letter from Fire Department and BOH.

Administrative 3 Discussion 0 River Road – Rick Tabor

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 told the applicant that he should seek consultation from a Land court Attorney.

Administrative 2 Bond Release Deer Ridge Estates Phase I & II – Scott Connell

After a short review the Board made the following motions

Motion: M.Pease Not to release the Bond for Deer Ridge Estates Phase I

Second: S.Nocco

Carries: 4-Yes, 1-Absent

Motion: M.Pease to reduce the Bond for Deer Ridge Phase II Alpine Way (sta 21+00-34+00) by 51,703.00 and setting the new bond at \$70,285.40

Second: S.Nocco

Carries: 4-Yes, 1-Absent

Administrative 4 Warrant Article Prior year bills

The Board signed the Warrant Article.

Administrative 5 Approval of Minutes

Motion: M.Pease to approve the July 20, 2006 Minutes as written

Second: S.Nocco

Carries: 4-Yes, 1-Absent

Motion: M.Pease to approve the August 17, 2006 Minutes as written

Second: S.Nocco

Carries 4-Yes, 1-Absent

Administrative 6 Bills

The Board signed the following bills

David E. Ross and Associations
NMCOG
Earth Tech
Motion: J.Forti to adjourn at 9:40PM
Second: S.Nocco
Carries4-Yes, 1-Absent

Minutes taken and respectfully taken by
Joyce Harrington
Planning Board Clerk