



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

Tyngsborough Planning Board Meeting minutes September 21, 2006

Attachments:

1-Meeting Agenda.

**Approved**

Members Present: Darryl Wickens, Vice Chairman  
Steve Nocco, Treasurer  
John Forti, Secretary  
Jesse Johnson (consulting Engineer)  
Joyce M. Harrington (clerk)

Members Absent: Caryn DeCarteret, Chairman  
Mark Pease, NMCOG Liaison

**7:04PM** – Meeting called to order by Vice Chairman Wickens

**7:05PM - Warrant Article Remove I-2**

Darryl Wickens read the legal notice that appeared in the Lowell Sun on September 7 and 14, 2006

**Motion: S.Nocco** to waive the reading of the abutter’s list

**Second: J.Forti**

**Carries 3 Yes, 0 No, 2 Absent**

Vice Chairman Wickens gave a brief overview of the proposed warrant article change to the Tyngsborough Zoning By-Laws. The warrant article removes the I-2 zone from the district classifications in Section 2.10.00 and modifies the permitted uses in the I-1 zone as follows:

Use	Current I-1	Proposed I-1
Motor Vehicle Service Station	Prohibited	Special Permit-Selectmen
Warehouse	Prohibited	Special Permit-PB
Mini-warehouse	Prohibited	Special Permit-PB
Heavy Manufacturing	Prohibited	Special Permit-Selectmen
Waste Recovery	Prohibited	Special Permit-Selectmen
Self-Storage Facility	N/A	Special Permit-PB

A brief discussion followed by board members and it was opened up for public input/discussion. There were no members of the audience that spoke.

**Motion: S.Nocco to close the public portion of the Hearing**

**Second: J.Forti**

**Carries 3 Yes, 0 No, 2 Absent**

**Motion: S.Nocco to recommend the change Warrant Article Section 2.10.00 to Town Meeting, as written in the Legal Notice.**

**Second: J.Forti**

**Carries 3 Yes, 0 No, 2 Absent**

**7:35PM Warrant Article – Modifies the Section 4.10.10**

**Motion: S.Nocco to waive the reading of the legal notice**

**Second: J.Forti**

**Carries 3 Yes, 0 No, 2 Absent**

**Motion: S.Nocco to waive the reading of the abutter's list**

**Second: J.Forti**

**Carries 3 Yes, 0 No, 2 Absent**

Vice Chairman Wickens gave a brief overview of the warrant article change:

**Section §4.10.10**

Delete in its entirety and replace with the following:

Any premises having more than 5,000 square feet gross floor area used as retail stores, personal and general services (including motor vehicle), restaurant, fast food establishment, bank, finance agency, indoor or outdoor commercial recreation, hotel, inn, motel, or funeral home shall be considered a Major Business Complex. Unless explicitly listed above, all other uses are not considered Major Business Complex. Construction or change of use resulting in such complex is allowable only if granted a Special Permit by the Special Granting Authority. The Special Permit Granting Authority shall be designated for the particular use in Section 2.11.30 of this By-law or the Planning Board if the principal use does not require a special permit.

The Board briefly discussed the change and opened the meeting up to the audience for questions. Mr. Walter Erikson spoke in favor of the change and believed it would be beneficial for business owners while protecting the town's interests in monitoring growth.

**Motion: S.Nocco to close the public portion of the Hearing**

**Second: J.Forti**

**Carries 3 Yes, 0 No, 2 Absent**

**Motion: S.Nocco to recommend the change to Town Meeting, Section 4.10.10 as written in the Legal Notice.**

**Second: J.Forti**

**Carries 3 Yes, 0 No, 2 Absent**

**8:05PM – Public Hearing – Special Permit for 50 Middlesex Road applicant Carol Aguair – Presented by Gerry Foley**

Mr. Foley said the following three open issues have been addressed:

1. Revision of the Drainage storm water management.
2. Letters from the Fire Chief.
3. Letter from Building Commissioner.

The Board received a letter from Jesse Johnson (Ross & Associates consulting Engineer) Mr. Johnson reviewed the latest plan revisions (dated 9/14/06) submitted for the Special Permit filing for the above referenced site in Tyngsborough. At the last public hearing, stormwater runoff from the site was still a concern. The applicant was asked to revisit their design and determine if any other measures were feasible to improve the proposed stormwater mitigation.

The latest design incorporates the use of high capacity infiltrators rather than perforated pipe for stormwater detention. This design change in conjunction with in an increase in infiltration area has increased the storage volume from 204 cubic feet to 1,027 cubic feet. The improved storage will not decrease post development runoff, but it is a significant improvement over the previous design. I would recommend one more edit to the design. The pipe from CB-2 to WQI-1 only has 6 inches of cover at the basin. Mr. Johnson would recommend allowing a 6 – inch pipe for this connection to obtain at least 1 foot of cover.

The stormwater volume increase for the 25-year storm for the proposed project is approximately 2,396 cubic feet over a 24-hour period. Not accounting for infiltration, the increased stormwater volume after storage is approximately 1,369 cubic feet. The rate of runoff increase is 0.44 cfs according to the calculations submitted to date. Mr. Foley will change the pipe from 12 inches to 6-inch pipe.

The latest drainage revisions appear to be the best design possible for the proposed development given the site constraints. Should a problem arise in the future due to increased runoff from the site, it is likely that a solution will only be viable offsite

The Board received a letter from Fire Chief Madden, dated September 19, 2006 stating that Mr. Madden received the revised plans (dated 9-18-06) for the proposed Mortgage Company building. All of the concerns have been met, and he is satisfied with the site plans as submitted. If any additional changes are to be made, please contact Mr. Madden.

The Board received a letter from Mark Dupell, Building Commissioner,(dated 9, 21, 2006) stating that Mr.Dupell did reviewed the latest submitted plan dated September 18, 2006 and it is his opinion that this proposal complies with Zoning By-law.

**Motion: S.Nocco** to close the public portion of the Hearing

**Second: J.Forti**

**Carries 3-0-2**

**Motion: S.Nocco** to take a vote of the proposed project on/or before October 5, 2006 due to the fact the Board needs super majority of the Planning Board members to be present.

**Second: J.Forti**

**Carries 3-0-2**

**Administrative 1 Bond Reduction – Walter Eriksen – Sleepy Hollow Lane**

After a brief review, the Board for made the following motion:

**Motion: S.Nocco** to reduce the bond by \$54,765.00 and set the new bond at \$117,950.00

**Second: J.Forti**

**Carries: 3-0-2**

**Administrative 3 Bond Reduction – Carter Scott – Lakeview Ave Subdivision**

After a brief review, the Board for made the following motion:

**Motion: S.Nocco** to reduce the bond by \$17,370.00 and set the new bond at \$23,615.00

**Second: J.Forti**

**Carries: 3-0-2**

**Administrative 5 Sign the Form G and Mylar for Beaver Run “South” Tim McCarron**

Mr. McCarron did not appear at the meeting.

**Administrative 2 Discussion Scott Connell**

The Board had a brief discussion with Mr. Connell for a proposed Subdivision off of Davis Road and Scribner Road.

**Administrative 6 Approval of Minutes**

There were no minutes to sign.

**Administrative 7 Bills**

There were no bills to sign

**Discussion: White Tail Estates request to allow change on the plans.**

On behalf of the applicant, Robert McCarthy and Polaris Engineering Corp submitted a written request to install high-density polyethylene pipe in place of the specified reinforced concrete pipe for Whitetail Estates subdivision. Drainage pipe manufactured by Advanced Drainage Associates (ADS) or an equal will be installed in accordance with the manufacturer's requirements for the storm water drains. The Board agreed to the change.

**Motion: S.Nocco** to adjourn at 9:15PM

**Second: J.Forti**

**Carries**

Minutes taken and respectfully taken by  
Joyce Harrington  
Planning Board Clerk