



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

Tyngsborough Planning Board Meeting Minutes March 1, 2007

Attachments: I-Meeting Agenda Approved

Members Present: Caryn DeCarteret, Chairman  
Darryl Wickens, Vice Chairman  
John Forti, Secretary  
Steve Nocco, Treasurer  
Mark Pease, NMCOG Liaison  
Joyce M. Harrington (Clerk)  
Jesse Johnson (Consulting Engineer)

**7:05 PM Temporary Independent Living Quarters 14 Baystate Road**

Motion: Vice Chairman D. Wickens made a motion to waive the reading of the legal notice that was printed in the Lowell Sun February 8<sup>h</sup> and 15<sup>th</sup>, 2007 and the abutter's list.

Second: J. Forti

Carries:

Ms. St. John came in front of the Board per order of Mark Dupell; Building Commissioner. Mr. Dupell inspected the premises in response to a complaint of an apartment in the basement of the house. Ms. St. John did not have the complete filing in hand, the Board made a motion to continue the hearing to March 15 at 7:35PM

Attorney Peter Nicosia, spoke on behalf of his client Doreen and Michael Stannard of 31 Willowdale Ave requesting not to grant the special permit.

An abutter spoke in favor of the applicant as well.

Motion: D.W. To continue the T.I.L.Q. for 14 Baystate Road, applicant Doreen St. John to March 15, 2007 @ 7:35PM

Second: J.F.

Carries:

**Administrative ANR filing Long Pond Road Peter Nicosia**

The Board approved & signed the ANR plan for the lot line adjustment plan for tax map 30 lot 14.

Motion: D.W. To approve the ANR Plan dated 2-7-07 submitted by Mike Farris titled Lot line adjustment plan.

Second: J.F.

Carries

7:35 PM

**Preliminary Subdivision Plan 37 Willowdale Road –Lake Althea Subdivision –  
Nicholas Rabias. Presented by Richard Harrington P.E.**

CONTENTS OF PRELIMINARY PLAN (Section 5.3 of the Subdivision Rules and Regulations)

1. Section 5.3.9 requires that proposed as well as existing topography be shown at ten foot intervals. Only existing topography has been shown on the plan view. **R.H. will add to revised plans.**
2. Section 5.3.13 requires that hydrological calculations be submitted for the proposed drainage system. The applicant has asked for a waiver from this submission requirement. Given the size of the proposed development, I would not object to waiving this requirement. **R.H. will provide in Definitive plan.**

DIMENSIONAL REQUIREMENTS (Section 2.12.00 of the Zoning By-Laws)

1. The frontage listed for Lot 5 (+/-352') appears incorrect. It scales off the plan more closely to 200'. **R.H. the frontage is 209 ft.**
2. The applicant should complete the wetland limit delineation within Lot 4 in the area of Wetland Flag 51. The effective area listed for the lot is currently +/-65,384 sq.ft. That area could potentially be reduced below the minimum required (65,000 sq.ft.) after the wetland delineation is completed **R.H. this is accurate.**
3. The applicant should verify that Lot 4 meets the Lot Perimeter requirements listed in Section 2.12.30 of the Zoning By-Laws. The lot configuration used to obtain the minimum frontage required (200 ft.) adds a significant amount of perimeter with minimal area. **R.H. in compliance with that by-law**

DESIGN STANDARDS (Section 7 of the Subdivision Rules and Regulations)

1. The applicant has asked for a waiver to allow the existing roadway with a grade of less than 1% to be maintained. I would not support this waiver given the existing condition of the roadway and the ability to upgrade its deficiencies. The roadway is currently in fair condition with less than 1% grade, no curbing, and only 20 foot width. A new roadway addressing those issues should be installed from the intersection with Willowdale Road. **R.H. will make that change.**
2. The applicant has asked for a waiver to install the new subdivision roadway at width of 20 feet rather than the 28 foot requirement. I would not support this waiver due to the fact that maintaining proper emergency vehicle access in the winter is difficult at a 20 foot width. Snow accumulations and the potential for a visitors vehicle blocking one of the traffic lanes make it difficult to ensure safe access. **R.H. will provide 24 ft.**
3. The applicant has asked for a waiver to install a 608 foot dead end cul-de-sac road rather than the maximum 500 feet allowed. The applicant asked for this waiver to be considered because the existing roadway is approximately 713 feet long. I would not support granting this waiver based on only this reason. **R.H. will revise the plan.**
4. The applicant has asked to have the granite curbing requirement waived. They propose to install cape cod berm on only the new section of roadway and none on the existing. I would not support this waiver request because of the durability of cape cod berm versus granite curbing. Plowing operations shorten the lifespan of cape cod berm considerably. Also, I would require curbing for the entire length of roadway in order to capture and treat all the stormwater runoff. **R.H. will provide.**
5. The applicant has asked to have the sidewalk requirement waived. Even though there are no sidewalks present in the neighborhood, sidewalks should be installed within new subdivisions to help ensure safe pedestrian traffic. This is especially true with the proposed stream crossing. A sidewalk will be necessary at the crossing. **R.H. will provide**
6. The applicant has asked to only provide catch basins on the proposed bermed portion of the new roadway. I would not support this waiver. As suggested before, the applicant should improve the entire length of roadway and install granite curbing. This will require catch basins to be installed at maximum 400 foot lengths. Doing this provides the best level of stormwater management. **R.H. this waiver is longer required.**

7. The applicant has asked for a waiver to allow the existing intermittent stream to remain in its current condition. I would support this waiver. Reshaping a stream is typically not allowed under current wetland regulations. **R.H. agreed.**

**Concerns from the Fire Department:**

- \*Road width is recommended to be not less than 24' the applicant said it will be no less than 24'.
- \*Need clarification for adequate turning radius and clearance for fire apparatus. The applicant will provide clarification for adequate turning radius and clearance for fire apparatus.
- \*Because of the proposed length of the cul de sac, without municipal water in excess of 500', the plan must comply with NFPA 1231 (standard guidelines for suburban, and rural firefighting), and ISO specifications. The applicant agreed to a 10,000 gal. Cistern will be installed (maintained by the drainage system).
- \*The name of the Road will stay the same (Giguere).

Motion: M.P to continue to April 5, 2007 @ 7:05PM

Second: J.F.

Carries

**8:05 PM Preliminary Subdivison 93 Lakeview Ave – St. Mary Lane – Pat Flaherty Surveyors and Civil Engineer.**

The Board reviewed the following comments and concerns from Jesse Johnson from Ross and Associates:

CONTENTS OF PRELIMINARY PLAN (Section 5.3 of the Subdivision Rules and Regulations)

3. Section 5.3.13 requires that hydrological calculations be submitted for the proposed drainage system. The applicant will need to submit the calculations or ask for a waiver from this requirement. **P.F. a waiver will not be necessary.**

DESIGN STANDARDS (Section 7 of the Subdivision Rules and Regulations)

8. Section 7.18.4.5 states that streets shall be laid out so as to intersect as nearly as possible at right angles. The proposed roadway appears able to be designed to intersect at a right angle to Lakeview Avenue. Please explain/justify why the proposed roadway is designed at an angle less than 90° and why the irregular right-of-way near the entrance is required. **P.F. enclosed a sketch showing the proposed S. Mary Lane. The Planning Board regulation specifies that a right-of way radius of 20 feet. Strict compliance with this requirement can be accomplished by would result in a long strip of land of doubtful value to anyone. The angle of the proposed road is approximately 80 degrees.**
9. The catch basin proposed at the end of the cul-de-sac should be moved southerly, away from the proposed snow storage area, to prevent potential clogging during snow maintenance. **P.F. agreed.**
10. The processed gravel proposed for roadway base should not have stones larger than 3 inches. The proposed roadway profile showed 4 inches. **P.F. agreed.**
11. There is no proposed shoulder along the northern edge of the roadway. Proposed grading should reflect a shoulder and/or guard rail installation for safety considerations. **P.F. agreed.**
12. A hydrant should be located at the end of the proposed water line. The hydrant proposed at STA 1+90 may be omitted if the Water Department and Fire Department deem acceptable. **P.F. The intention is to end the water line at the hydrant at STA 1+90 and have a water service extend to the house at the end of the lane. The applicant will contact the Water Department and discuss the issue with them.**
13. The roadway profile shows PVC for proposed drainage pipe material. Only ADS or RCP will be acceptable. **P.F. agreed.**
14. Approximately 95 feet of roadway is proposed to direct stormwater runoff toward Lakeview Avenue. Proposed roadways should not direct new runoff toward existing town roads. The proposed roadway grade should be modified or stormwater controls provided that will mitigate the increased runoff near the entrance. **P.F. agreed, the runoff is minimal but will redesign to mitigate its effect.**

Motion: D.W. to continue to March 15, 2007 @ 7:05PM

Second: S.N.

Carries

Administrative Special Permit application 2 Bridgeview Circle-James Andrews Limousine &Coach Service.

Mr. Andrews did not appear before the Board

Administrative ANR filing Mike Schena 33 Ingalls Road

Mr. Schena will come back with revised plans.

Administrative Sign Form I Tyngs Crossing

The Board signed the Form I, but will hold until receipt of the Covenant

Administrative 4 Notice of Decision –T.I.L.O. 7 Cormier Ave

The Board signed the Form 4

Administrative ANR Sequoia Drive & Coburn Ave Steven and Angela Caggiano

Motion S.N. To not endorse the ANR plan as presented.

Second: JF

The Board found that the plan does not meet the requirements set forth in Section 4.2 of the Tyngsborough Subdivision Rules and Regulations.

The basis for this decision is the Planning Board has found that the plan does not specifically comply with:

*Section 4.2.1.6 Boundary lines, dimensions and areas of all lots to which the plan relates.*

*Section 4.2.1.10 A statement of whether or not all streets and ways shown or referred to are public or private ways, indicating the same as to each street or way so shown.*

Additionally, the Board will require the following six (6) items on future resubmittals

1. Parcel A, Lot 2 and “Remaining Parcel 1,104,245 sf” be stamped “**Not a Building Lot**” with a notation, “**Subject to Conservation Covenants**”.
2. A legend must be added to the plan that states:

***“Endorsement of this plan does not infer that the Plan complies with the Zoning By-Laws, and the Board makes no determination as to zoning or that the owner is entitled to building permits or any other rights. Lot 2, Parcel A and the “Remaining Parcel 1,104,245 sf” are subject to condition #5 “Conservation Covenants shall be recorded with the plan for the open space area (80acres of conservation land).” See Definitive Subdivision Plan, Evergreen Estates, Willowdale Road, Tyngsborough, Mass., Prepared for Keith Caples, May 3, 1989, and recorded with the Middlesex North District Registry of Deeds, Plan Book 172, Plan 97, Sheet 3 of 4.”***

3. All existing easements must be labeled on the plan.
4. All lots, to which the plan relates, must be labeled with dimensions.
5. A statement of whether or not all streets and ways shown or referenced to are public or private must be added to the plan.

6. All abutter's lots must be labeled with Assessor's Map & Block number.

Second: J.F.  
Carries

Administrative Bills

The Board signed the following bills:  
David E. Ross and Associates  
W.B. Mason

Motion: D. Wickens to adjourn at 9:10pm  
Second: J. Forti  
Carries:

Minutes taken and respectfully submitted by  
Joyce Harrington, Clerk