



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

MINUTES
December 18, 2008
APPROVED

Attachments:

1. Meeting Agenda
2. David E. Ross Associates, Inc. Site Inspection Report for Tyng Crossing – 28 Farwell Road: 12/1/08
3. David E. Ross Associates, Inc. Site Inspection Report for 94 Middlesex Rd.: 11/17/08, 12/1/08
4. David E. Ross Associates, Inc. Site Inspection Report for St. Mary's Subdivision – St. Mary Lane: 12/1/08.
5. David E. Ross Associates, Inc. Bond Calculation Worksheet for Deer Ridge Estates Phase 2: 1300 feet (Sta 21+00 – 34+00): 12/18/2008
6. David E. Ross Associates, Inc. Bond Calculation Worksheet for Alpine Phase 3: 400 feet: 12/18/2008
7. David E. Ross Associates, Inc. Bond Calculation Worksheet for Skyline Phase 3: 500 feet: 12/18/2008
8. David E. Ross Associates, Inc. Street Acceptance and As-Built Review: 12/18/2008
9. David E. Ross Associates, Inc. Bond Calculation Worksheet for Beaver Run North Phase 2: 1350±: 12/18/2008
10. David E. Ross Associates, Inc. Bond Calculation Worksheet for Beaver Run Subdivision: 500' + temp. cul de sac: 12/18/2008

Members Present: Caryn DeCarteret, Chairman
Steve Nocco, Vice Chairman
John Forti, Secretary
Steve O'Neill, Treasurer
Jim Miller, Clerk
Pamela Berman, Clerk
Jesse Johnson, P.E.: David E. Ross Associates

7:00pm - Meeting called to order by Chairman DeCarteret

7:05pm - Special permit application for "General Services" located at 92 Middlesex Rd., SE Properties, LLC, Tyngsborough, MA.

Applicant Walter Eriksen appeared before the Board to amend the existing Special Permit that would add "General Services" ,and therefore, would include the Dance Studio that is operating

in this building. C. DeCartert asked if the parking spaces currently in place for this site are enough to accommodate the dance studio clientele. Mr. Eriksen reported that the parking spaces are in compliance with the requirements and would be sufficient for all tenant clientele.

S. Nocco: Motion to close the public portion of the hearing.

J. Forti: 2nd the motion

Unanimous: 5 – 0

S. O'Neill: Motion to accept a Special Permit amendment to add "General Services" at 92 Middlesex Rd.

S. Nocco: 2nd the motion

Unanimous: 5 – 0

7:20pm – ANR application for lot at 28 Westford Rd. (Map 21, Parcel 23-1)

Attorney Douglas Hausler representing the applicant appeared before the Board to present an ANR application for a parcel located at 28 Westford Road. The parcel stands alone as a non-buildable lot, however, would eventually be merged with a lot on either side of it that would allow for the legal setbacks if an addition were to be built to one of the existing buildings. The Board was concerned that the plans do not reflect enough information regarding the abutting properties. Therefore, the Board requested that the applicant revise the plans to include these details and resubmit the application at the next scheduled Board meeting on January 15, 2009.

7:25pm – Special permit application for law office located at 10 Middlesex Rd.

Applicant Nicole Choate presented the Board with an application for a Special Permit for a law office to operate at this address. C. DeCarteret suggested that the applicant amend the application to be a mixed-use permit. In addition, the Board requested that the plans be revised to reflect the following items: exterior parking plans, existing conditions, and a plot plan that includes the all of the units in the building, not just the one occupied by Ms. Choate. The Board requested these revisions and any application fees and 53G monies to be submitted at the next scheduled Board meeting on January 15, 2009.

8:05pm – Chairman DeCarteret dismissed herself from the meeting.

8:06pm – Beaver Run and Deer Ridge Estates bond release.

S. O'Neill expressed dissatisfaction with the outcome of the roads in this subdivision, specifically, Alpine Way. His concerns encompass safety and appearance issues, which in his opinion have not been adequately addressed by the developer. He went on to suggest that Town Counsel be consulted with regards to the town's liability concerning the bond releases and the way the road has been finished.

S. O'Neill: Motion to postpone all of the bond release votes for 1 month until town legal counsel is consulted concerning liability issues.

J. Miller: 2nd the motion

In Favor: 2 Opposed: 2 Absent: 1

Does Not Pass

J. Miller: Motion to postpone Deer Ridge Phase 1 bond release vote for 1 month until town counsel is consulted concerning liability issues.

J. Forti: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4 - 0

J. Miller: Motion to release bond funds in the amount of \$16,310.30 and set the new bond amount at \$22,809.70 for Deer Ridge Phase 2 1300' (Sta 21+00 – 34+00)

J. Forti: 2nd the motion

In Favor: 3 Opposed: 1 Absent: 1

Passes: 3 - 1

J. Miller: Motion to release bond funds in the amount of \$4,990.50 and set the new bond amount at \$9,107.50 for Alpine Phase 3 (400')

J. Forti: 2nd the motion

In Favor: 3 Opposed: 1 Absent: 1

Passes: 3 - 1

J. Miller: Motion to release bond funds in the amount of \$6,188.25 and set the new bond amount at \$11,193.75 for Skyline Phase 3 (500 feet)

J. Forti: 2nd the motion

In Favor: 3 Opposed: 1 Absent: 1

Passes: 3 - 1

J. Miller: Motion to release bond funds in the amount of \$11,733 and set the new bond amount at \$20,727 for Beaver Run North Phase 2 (1350±)

J. Forti: 2nd the motion

In Favor: 3 Opposed: 1 Absent: 1

Passes: 3 - 1

J. Miller: Motion to release bond funds in the amount of \$2,822 and set the new bond amount at \$7,735 for Beaver run Subdivision 500' + temp. cul de sac

J. Forti: 2nd the motion

In Favor: 3 Opposed: 1 Absent: 1

Passes: 3 - 1

Engineer Reports

- ✚ 28 Farwell Road (Tyngs Crossing) – 12/1/08
- ✚ 94 Middlesex Road (Site Plan) – 11/17/08, 12/1/08
- ✚ St. Mary Lane – 12/1/08

10:10pm

J. Forti: Motion to adjourn

J. Miller: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 1

Passes: 4 - 0

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant