



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

MINUTES
February 18, 2010
APPROVED

Attachments:

1. Meeting Agenda
2. Citizen's Petition to Change Zoning from I1 to B2 (M22, P3)
3. Citizen's Petition to Change Zoning from R1 to B2 (204 Frost Rd.)
4. Land Engineering & Environmental Services, Inc.: Special Permit Application, 6 Progress Ave., dated 2/8/10.
5. David E. Ross Associates, Inc. Review: Special Permit Application, 6 Progress Ave., dated 2/17/10.

Members Present: Steve Nocco, Chairman
Tom Delmore, Vice Chairman
Caryn DeCarteret
Bill Gramer, Associate Member
Jesse Johnson, P.E.: David E. Ross Associates
Pamela Berman, Clerk

Members Absent: Steve O'Neill
Jim Miller

7:00pm - Meeting called to order by Chairman S. Nocco

7:05pm - **Tyngsborough Zoning Map Amendment Citizen's Petition (204 Frost Rd.)**

C.DeCarteret: Motion to waive the reading of the legal ad.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Attorney Peter Nicosia appeared before the Board to discuss the proposed zoning amendment for 204 Frost Road. The land is ~ .184 acres and is currently zoned R-1 (Residential 1). The property is located on the border of Hudson, New Hampshire, and across the street from Ayottes convenience store. The owner of the property wishes to build a convenience store in Hudson, NH with parking, however, the parking portion of the lot is located in Tyngsborough and would not be allowed under the current zoning classification. The petition requests to change the current zoning to a B2 (Business 2) zone. Atty. Nicosia explained that the property as it stands is

a pre-existing non-conforming condition and the proposed change would bring it into conformance. Atty. Nicosia went on to say that the area already contains similar businesses and the proposed zoning would not be detrimental to the character of the area. He also reported that the surrounding abutters have no objection to the proposed change. T. Delmore commented that the proposal would allow the area to be improved and that would be a great thing for the area as the lot is just a vacant space. Atty. Nicosia added that the surrounding dwellings are also petitioning to be re-zoned. Those petitions have been submitted and will be coming up at the next two Planning Board meetings in March.

C. DeCarteret: Motion to close the public portion of the hearing

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

C. DeCarteret: Motion to recommend for Annual Town Meeting to support the Citizen's petition to change the zoning classification from R1 to B2 a certain parcel of land in Tyngsborough, MA, containing .184 acres more or less, and identified as Tyngsborough Tax Assessor's Map 18, Block 48. Said land is situated on the westerly side of River Rd. (Hudson, NH) and is more specifically identified as 204 Frost Road, Tyngsborough, MA.

T. Delmore: 2nd the motion

Roll Call Vote:

Caryn DeCarteret: Yes

Steve Nocco: Yes

Tom Delmore: Yes

William Gramer: Abstain

Absent: Steve O'Neill, Jim Miller

In Favor: 3 Opposed: 0 Abstain: 1 Absent: 2

Passes: 3-0-1-2

7:15pm - Tyngsborough Zoning Map Amendment Citizen's Petition (M22, P3)

C. DeCarteret: Motion to waive the reading of the legal ad.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Attorney Nicosia appeared before the Board to discuss the proposed zoning amendment for the lot identified as Map 22, Lot 3. The lot is located on the corner of Westford Road and Dunstable Road, and contains ~.909 acres of land and is currently zoned I1 (Industrial 1). This parcel has been before the Board regarding a proposed ATM complex. Since the current zoning does not allow for that use, the proposed change would re-zone the lot to a B-2 (Business 2) which would allow an ATM complex, and would be consistent with the surrounding zoning districts (i.e. Flints Corner Plaza). J. Johnson reported that the proposal is acceptable with regards to the by-law.

C. DeCarteret: Motion to close the public portion of the hearing
T. Delmore: 2nd the motion
In Favor: 4 Opposed: 0 Absent: 2
Passes: 4-0-2

C. DeCarteret: Motion to recommend for Annual Town Meeting to support the Citizen's petition to change the zoning classification from I1 to B2 a certain parcel of land in Tyngsborough, MA, containing .909 acres more or less, and identified as Tyngsborough Tax Assessor's Map 22, Lot 3. Said land is situated on the northeasterly side of Dunstable Rd. and the southeasterly side of Westford Rd.

T. Delmore: 2nd the motion

Roll Call Vote:

Caryn DeCarteret: Yes

Steve Nocco: Yes

Tom Delmore: Yes

William Gramer: Abstain

Absent: Steve O'Neill, Jim Miller

In Favor: 3 Opposed: 0 Abstain: 1 Absent: 2

Passes: 3-0-1-2

7:30pm - 6 Progress Ave. Special Permit – Continued from 1/21/2010

Doug Lees of Land Engineering & Environmental Services, Inc., and Jim Patierno, contractor for the proposed building appeared before the Board to continue the site plan review for this project. J. Johnson reviewed the changes made by Mr. Lees and reported that there are still some major issues that need to be addressed. Mr. Lees noted that the stormwater management plan was updated per J. Johnson's comments, and that the architect reported that the building's placement was the best fit for that lot configuration. The Board still had major concerns with the additional access from Cummings Rd., and the parking layout. The Board expressed strong opposition to the Cummings Rd. access and asked Mr. Patierno if some compromise could be reached with this issue. Mr. Patierno and Mr. Lees discussed an alternative plan that would eliminate the Cummings Rd. access and widen some key areas around the building that would allow for better traffic flow for any large trucks. The Board approved of that idea and asked that the plans be revised to reflect these changes. In addition, the Board requested that Mr. Lees and Mr. Patierno address the remaining items in J. Johnson's report and work with the abutters to resolve their concerns about privacy fencing and lighting.

C. DeCartert: Motion to continue this hearing to March 4, 2010.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Administrative

T. Delmore: Motion to approve the minutes for 2/4/10.

S. Nocco: 2nd the Motion

In Favor: 3 Opposed: 0 Abstain: 1 Absent: 2

Passes: 3-0-1-2

8:25pm

C. DeCarteret: Motion to adjourn

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant