



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

MINUTES
August 19, 2010
APPROVED

Attachments:

1. Meeting Agenda
2. Deschenes & Farrell, P.C. Letter Requesting to Postpone the Opening of the Public Hearing for 180 Sherburne Ave. – 8/20/10
3. David E. Ross, Associates – 56 Coburn Rd. Cell Tower Co-Location Special Permit Application Review – 8/19/10
4. New Cingular Wireless PCS, LLC Request for Waivers Statement – 56 Coburn Rd. Cell Tower – 7/1/10
5. NMCOG Wind Energy Conversion Systems (WECS)/Solar Energy Conversion Systems (SECS) Regulation Information – 8/19/10
6. Tyngsborough Planning Board Memo regarding 72 Red Gate Rd. Concerns with Morgan Way Detention Basin – 8/12/10

Members Present: Steve Nocco, Chairman
Tom Delmore, Vice Chairman
Bill Gramer
Steve O'Neill
Jim Miller
Pamela Berman, Administrative Assistant

Members Absent: Jesse Johnson, P.E.: David E. Ross Associates

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

7:02pm **180 Sherburne Ave. – SBA Towers for T-Mobile, USA Special Permit Application for the proposed installation of a ~160 ft. monopole style cell tower.**

Attorney Kevin Eriksen representing the applicant, SBA Towers II, Inc. appeared before the Board regarding the above application. Atty. Eriksen presented the Board with a letter requesting that the opening of the public hearing be postponed due to one or more abutters being inadvertently omitted from the certified abutters list. The Board agreed to postpone the public hearing until September 16, 2010 at 7:00pm. It was also agreed that the applicant would re-notice the public hearing in the Lowell Sun prior to the meeting date.

The Board asked whether a balloon test would be performed for the proposed cell tower. Atty. Eriksen said that they were prepared to schedule the balloon test for Saturday September 11, 2010 from 8:00am to 4:00pm. In the event of inclement weather, the balloon test would take place on Sunday, September 12, 2010 at the same time. Atty. Eriksen indicated that he would include the balloon test schedule information on the new abutter notifications.

7:30pm 56 Coburn Rd. – New Cingular Wireless Special Permit Application for the proposed installation of 6 panel antennas concealed inside the existing internal mount monopole cell tower.

S. O'Neill: Motion to waive the reading of the abutters list.

J. Miller: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 0

Passes: 5-0-0

S. O'Neill: Motion to waive the reading of the legal ad.

J. Miller: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 0

Passes: 5-0-0

Gin Vilante, representing the applicant New Cingular Wireless, appeared before the Board regarding the above application. Ms. Vilante indicated that six panel antennas would be internally mounted on the monopole cell tower already existing at the 56 Coburn Rd. site. She went on to explain that there would be no expansion of the compound or the pole itself. However, they would be upgrading the compound's fencing structure with a full height stockade fence and building a shelter for a back-up generator within the fenced compound.

The Board requested that a \$10,000 performance bond be posted in order for the Board's engineer to perform his inspections during construction. The applicant did agree to that condition. There were no abutters present at the hearing.

S. O'Neill: Motion to close the public portion of the hearing

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 0

Passes: 5-0-0

S. O'Neill: Motion to approve a Special Permit for the co-location of six internally mounted antennas on the existing monopole cell tower at 56 Coburn Rd. with the condition of the posting of a \$10,000 performance bond. In addition, the waivers dated July 1, 2010 are granted pursuant to Section 1.16.00, 1.16.20, and 4.16.00 of the Town of Tyngsborough Zoning By-Laws.

In accordance with Section 1.16.14 of the Zoning By-Law, the Planning Board finds that this proposed use:

Is in harmony with the purpose and intent of this By-Law;
Will not be detrimental or injurious to the neighborhood in which it is to take place;
Is appropriate for the site in question;
Complies with all applicable requirements of this By-Law.

J. Miller: 2nd the motion

Roll Call Vote

Jim Miller: In Favor

William Gramer: In Favor

Tom Delmore: In Favor

Steve Nocco: In Favor

Steve O'Neill: In Favor

In Favor: 5 Opposed: 0 Absent: 0

Passes: 5-0-0

Discussion

NMCOG Presentation on Wind & Solar Energy Conversion Systems

NMCOG representative George Russell appeared before the Board to inquire whether the Board is considering the development of regulations for Wind Energy Conversion Systems (WECS) and Solar Energy Conversion Systems (SECS) structures that could be built in the Town of Tyngsborough. Currently these structures are not regulated. The purpose of developing new regulations is to provide standards for the placement, design, installation, monitoring, maintenance, and operation of these structures. NMCOG has the expertise in developing these regulations and would be willing to work with Tyngsborough to develop them here. The Board indicated that these structures should be regulated in order to avoid structures that are dangerous, and inappropriate for the different building zones in Town. The Board, therefore, requested that NMCOG work on developing a draft set of regulations and schedule a hearing when they are ready to present them.

72 Red Gate Road – Concern with Detention Basin on Morgan Way

Selectwoman Coughlin requested that the Planning Board investigate a stormwater run-off problem with the detention basin at the end of Morgan Way that is draining onto 72 Redgate Rd. and creating a problem. There does remain a significant performance bond on the subdivision which can be used to perform the engineer inspections.

S. O'Neill: Motion to assign Planning Board engineer, Jesse Johnson, to inspect the detention basin on Morgan Way and report his findings to the Board.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 0

Passes: 5-0-0

Administrative

The minutes from the August 5, 2010 meeting still require some amendments and therefore were not approved.

7:30pm

J. Miller: Motion to adjourn

B. Gramer: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 0

Passes: 5-0-0

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant