



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

MINUTES  
December 16, 2010  
**APPROVED**

Attachments:

1. Meeting Agenda
2. TFM Project Narrative Report/Site Plan Application Letter for Frost Road Parking Area – November 17, 2010
3. TFM Retail Development Letter for Frost Road Parking Area – November 17, 2010
4. TFM Waiver Request Letter for Frost Road Parking Area – November 17, 2010
5. TFM Drainage Memorandum Letter for Frost Road Parking Area – November 17, 2010
6. TFM Conceptual Site Plan Layout Map for Frost Road Parking Area – September 13, 2010
7. David E. Ross Associates, Inc. Engineering Review for Frost Road Parking Area – December 14, 2010
8. Tyngsborough Town Department Comments Regarding Frost Road Parking Area (BOH, Fire Dept., ConCom, Building Dept., Sewer, Highway, Police Dept., Tax Collector, Assessor)
9. Roger Coutu letter regarding Frost Road Parking Area – December 11, 2010
10. Northeastern Consulting Forestry Services Alternative Tower Location Wetlands Letter – December 7, 2010
11. SBA Towers Site Plan for Alternative Tower Locations – 12/13/2010 (Map)

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

**7:05pm** - Meeting called to order by Chairman S. Nocco

**7:06pm** - Special Permit Application – 77 Middlesex Road Belley Limousine & Spartan Realty & Management, Inc.

Applicant Michael Ivos appeared before the Board to submit an application for a special permit. All of the necessary information was included, and all fees were submitted. A hearing date of January 20, 2011 was set.

**7:10pm** - Special permit hearing for a 5,216 s.f. parking area located on a parcel of land known as Map 18, Parcel 48, Lot 0 Frost Rd.

**S. O'Neill:** Motion to appoint Caryn DeCarteret as an Associate member on Special Permit hearings.

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0**

**Passes: 4-0**

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

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

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

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

Engineer Chris Rice from TF Moran appeared before the Board for the applicant regarding the above special permit application. Mr. Rice addressed the comments from the various town departments and indicated that there would be no Tyngsborough public services utilized with this proposed building. Any and all public services will be obtained from the town of Hudson, New Hampshire. In addition, a letter received by abutter Roger Coutu was addressed by Mr. Rice. The Board indicated that the concerns raised by Mr. Coutu were mostly those that would and should be addressed by the town of Hudson, New Hampshire as the permitting authority for the proposed building. The Board noted that its authority only extends to the 5,216 s.f. parking area located in Tyngsborough. S. O'Neill recommended that the application fee reduction waiver requested by the applicant be refused due to the current economic difficulties, and the costs involved in facilitating these types of applications. Mr. Rice said that he would forward the remainder of the application fee to the Planning Board office. There were no abutters present to speak on this hearing.

**T. Delmore:** Motion to close the public portion of the hearing

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**S. O'Neill:** Motion to approve a Special Permit for a 5,216 s.f parking area located at Frost Road Map 18, Parcel 48-0) as part of a retail development at 99 River Road Hudson, New Hampshire. 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.

The Special Permit is conditioned on the following: an “as-built” plan shall be submitted to the Board’s engineer for review and approval prior to building occupancy; propane storage permit must be obtained from the Tyngsborough Fire Dept.; proof from the town of Hudson, New Hampshire that the old septic system has been abandoned and crushed per Massachusetts Title 5 and Town of Tyngsborough regulations; appropriate buffering and screening shrubbery be placed around the propane storage tank. In addition, the following permit application waivers were approved: Section 3.13.22; Application Checklist Item 15; Application Checklist Item 23; and Application Checklist Item 30.

**T. Delmore:** 2<sup>nd</sup> the motion

**Roll Call Vote:**

**Bill Gramer:** Yes

**Tom Delmore:** Yes

**Steve Nocco:** Yes

**Steve O’Neill:** Yes

**Caryn DeCarteret:** Yes

**Passes:** 5-0

**7:30pm -** 180 Sherburne Ave. – SBA Towers for T-Mobile, USA Special Permit  
Application for the proposed installation of a ~160ft. monopole style cell tower –  
Continued from December 2, 2010.

Board member Tom Delmore recused himself from this hearing, as he is an abutter to this project.

Attorney Kevin Eriksen representing the applicant appeared before the Board to report that a meeting took place with all of the interested parties regarding the possibility of re-locating the proposed tower to a more easterly location on the site. Atty. Eriksen indicated that with input from the neighbors, land owners, and applicant, two alternate sites were chosen. Both sites are 250 to 400 feet east of the initially proposed site. He went on to say that a wetland scientist would be consulted if any of the newly proposed locations are within the wetlands buffer zones. Also, both alternate sites exist in an area that is already cleared and flat, thereby eliminating the need to clear any more vegetation. Some of the residents from Derby Lane and Bridle Path Way were present and voiced their continued concerns over the height and visibility of the tower. The residents inquired, since the new location information, and the lack of leaves on the trees, could another balloon test be conducted. Atty. Eriksen agreed that another balloon float test could be conducted and informed the gallery that this Saturday December 18, 2010 would yield ideal conditions for such a test. S. Nocco agreed that an additional balloon float test would be needed to gather as much data as possible. Therefore, a balloon float test was scheduled for Saturday December 18, 2010 from 8:30am to 12:30pm. Notices will be posted on the town’s website and on Channel 8 regarding the test. Land owner Bruce Lambert stated that if abutting neighbors want to be on his property to see the test, they must first sign a waiver of release of liability, as it is hunting season, and hunting is allowed on his property.

Further abutter discussion was heard regarding the alleged radiation emissions from cell towers. The Board noted that the applicant has stated that 1,000 cell towers located in the same spot would still emit less than the U.S. government’s threshold limits on cell tower emissions. Land

owner Bruce Lambert spoke to the Board of his concerns regarding the abutting residents opposition to the project. Mr. Lambert strongly stated that the land is owned by him and his family, and any plans for the property are a decision to be made by them. It's been a wooded lot for as long as he's been alive and they plan to keep it that way. Mr. Lambert went on to say that his family could very well sell the land to a developer for other uses which would decimate the woodland characteristics of the land.

**8:10pm**

**S. O'Neill:** Motion to continue the hearing until January 6, 2011

**B. Gramer:** 2<sup>nd</sup> the motion

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

**Passes: 4-0-1**

**S. O'Neill:** Motion for a 5 minute recess

**B. Gramer:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**8:15pm** Back in session

#### **Administrative**

**T. Delmore:** Motion to approve the minutes from December 2, 2010.

**S. O'Neill:** 2<sup>nd</sup> the motion

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

**Passes: 4-0-1**

**8:30pm**

**S. O'Neill:** Motion to adjourn

**T. Delmore:** 2<sup>nd</sup> the motion

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

**Passes: 4-0-1**

Minutes respectfully submitted by  
Pamela Berman  
Planning Board Administrative Assistant