



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

MINUTES
March 15, 2012
APPROVED

Attachments:

1. Meeting Agenda
2. Applewood Commercial Park Declaration of Protective Covenants - 9/18/98

Members Present: Steve Nocco
Tom Delmore
Bill Gramer
Caryn DeCarteret
Pamela Berman, Administrative Assistant
Jesse Johnson, David E. Ross Associates

Members Absent: Steve O'Neill

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

7:02pm **61 Progress Ave. (M13, P52, L0)** – Special Permit for the operation of a heavy duty truck repair shop in an existing building. Continued from 2/16/2012.

Applicant Ashton Bosch appeared before the Board with a copy of the Declaration of Protective Covenant which covers the businesses located on Progress Ave. This document does not indicate any restrictions or limitations regarding the operation of a heavy duty truck repair shop. In addition, it was noted that all of the Town departments had indicated “no issues” or problems with the operation of said business. Board engineer J. Johnson reported that the use would be consistent with what already exists in the building. Mr. Bosch confirmed that there would be no selling of cars or trucks on the premises, just “parts”, and that there would be no washing of vehicles within the repair bays themselves due to the lack of floor drains.

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

W. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

T. Delmore: Motion to approve a Special Permit for 61 Progress Ave. for the operation of a heavy duty truck repair shop. Such permit is conditioned on the following:

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

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

W. Gramer: 2nd the motion

Roll Call Vote:

William Gramer: In Favor

Tom Delmore: In Favor

Steve Nocco: In Favor

Caryn DeCarteret: In Favor

Steve O'Neill: Absent

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:15pm **166 & 168 Middlesex Rd. (M21, Parcels 21 & 42, L0)** – Special Permit and Site Plan Special Permit for the razing of an existing building and the construction of a ~9,870 s.f. building with associated parking and utilities. Continued from 2/16/12.

Atty. Peter Nicosia appeared to report that the necessary revisions have not been completed and asked for a continuance.

T. Delmore: Motion to continue this hearing until April 5, 2012.

W. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:20pm **Zoning By-Law Amendment Review** – 1 & 11 Pawtucket Blvd. (a.k.a. National Carpet) reclassify the existing R-1 Zone to an I1 Zone. Continued from January 26, 2012.

Atty. Peter Nicosia appeared before the Board to propose that the B-2 Zone would be a more appropriate zone for this address. He went on to say that he would withdraw this article and come back before the Board at a later date to re-submit the article under a different zoning classification request. The Board accepted Atty. Nicosia's withdrawal.

Discussion

Street Acceptance

Administrative Assistant Pam Berman reported that she was working with the Town Administrator and Selectmen Bob Jackson to identify some streets in Town that could be accepted at the Annual Town Meeting in May 2012. More information will be forthcoming.

Tyngsborough Zoning By-laws: Updates & Revisions

W. Gramer reported that he was in contact with NMCOG regarding the updates to the Zoning Bylaws. He went on to say that NMCOG finished and delivered to him the document which was updated to include all of the Town Meeting approved zoning changes/additions since 2006. It's important to stress, that the changes to the document have been approved by Town Meeting and are documented with the Town Clerk and the Massachusetts Attorney General. The next step would be for the Planning Board to adopt the amended document in order for NMCOG to officially deliver it to the Town Clerk and the Planning Board in order for publication.

C. DeCarteret: Motion to adopt the Zoning By-Laws as amended through June 7, 2011, and ask NMCOG to forward the amendment to the Town of Tyngsborough.

W. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Administrative

C. DeCarteret: Motion to give Administrative Assistant Pamela Berman Signature Authorization for the Bill Warrant and submit Bi-Weekly Reports to the Planning Board.

W. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

T. Delmore: Motion to approve as written the minutes dated February 2, 2012 and February 16, 2012.

W. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

8:00pm

C. DeCarteret: Motion to adjourn

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant