



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

MINUTES
December 20, 2012
APPROVED

Attachments:

1. Meeting Agenda
2. Ayoub Engineering Response to Comments for 95-97 Westford Rd. – 12/17/12
3. 95-97 Westford Rd. Special Permit/Site Improvement Plans – 12/17/12
4. David E. Ross Report for 95-97 Westford Rd. – 12/18/12
5. Sleepy Hollow Bond Emails – 12/20/12
6. Planning Board associate member letter of interest – Steve Berthiaume
7. Atty. Nicosia correspondence for 81 Westford Rd. – 12/17/12

Members Present: Steve Nocco
William Gramer
Tom Delmore
Steve O'Neill
Caryn DeCarteret
Jesse Johnson, David E. Ross Associates

7:00pm - Meeting called to order by Chairman Tom Delmore

7:07pm **95-97 Westford Rd. (dba Alltown Mobil)** – Application to amend existing Special Permit to allocate ~530 s.f. of the existing building to a Dunkin Donuts, and to add a by-pass lane for the existing drive-thru and car wash as part of the existing site plan.

S. Nocco: Motion to waive the reading of the abutters list and legal notice.

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Atty. Peter Nicosia appeared before the Board for the applicant regarding the above petition. Accompanying him were project engineer Tony Fruchtul, traffic engineer Jack Gillam, land owner Warren Allgrove, Dunkin Donuts franchiser Don Ady, and Dunkin Donuts Franchisee Dan Berry. Atty. Nicosia explained that the original drive-thru was permitted for this site in April 1996; however, the drive-thru has not been in use for several years. All original documents and site plans were considered with the re-design of this site. Atty. Nicosia stressed that the site and the accompanying design is quiet expansive and sprawling in land area compared to similar Dunkin Donuts establishments. He went on to note that there is no “drive-thru by-law” in Tyngsborough’s Zoning regulations.

Project engineer Tony Fruchtul explained the site design, emphasizing the added bypass lane which would keep the flow of traffic around the back of the building and be utilized by vehicles to pull out of the drive-thru line and exit the site. There would be room enough for 12 cars in the drive-thru queuing lane, with 5 cars between the order board and the pickup window. DThe Board felt that the additional side parking spaces to the right of the building would impede the flow of traffic and be tight for those parking in those spots. Don Ady noted that the service time for the drive-thru is between 30 seconds and one and a ½ half minutes. The proposed queuing line is actually one of the longest that he would own in his franchise lot. C. DeCarteret was very concerned with cars backing up throughout the site and causing problems. T. Delmore added that the recently permitted site plan for the abutting property at 81 Westford Rd. would add additional traffic and may cause additional traffic concerns. Traffic engineer Jack Gillam noted that the site is wide enough to accommodate the flow of traffic through the site. In addition, the traffic signal on Westford Rd. would help breakup the flow of traffic.

Atty. Nicosia noted that there is precedent on this site with the already permitted drive-thru lane. T. Delmore questioned where the snow would be stored on the site. Mr. Fruchtul noted that the whole perimeter of the site is utilized for snow storage. The Board maintained that the side parking spaces would make the site very difficult to navigate. Atty. Nicosia suggested that some of the spaces could be designated for employee parking only, thereby eliminating the possibility that cars would get trapped. Board engineer J. Johnson noted that he required additional signage and lot striping in order to direct cars through the lot. In addition, the site drainage would be updated.

W. Gramer felt that the existing use meets the current bylaw, and that all legal aspects have been met and felt that with the employee only parking spaces and the lot signs and striping, the site would be manageable. There were no abutters present to speak against this project.

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

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

W. Gramer: Motion to approve an amendment to the existing Special Permit at 95-97 Westford Rd. for site improvements to allow a drive-thru use as an accessory use 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.
5. The Board's Decision is conditioned on the following:
 - a. The Applicant will maintain the parking lot striping and signage
 - b. Designate 4 parking spots for employee parking as follows (1 = last spot on the N.E. side of the building closest to the drive-thru line; 3 = along the N.E. boundary of the lot) – See Site Plans for details.
 - c. Final engineer inspection prior to operation.

S. Nocco: 2nd the motion

Roll Call Vote:

S. Nocco: In Favor

W. Gramer: In Favor

T. Delmore: In Favor

S. O'Neill: In Favor

C. DeCarteret: Against

Passes: 4-0

8:00pm Sleepy Hollow Bond Reduction Request – Walter Eriksen

J. Johnson reported that Mr. Eriksen is still working on the documentation for the street acceptance. Therefore he would not recommend any bond releases. Mr. Eriksen was not present to speak, but sent the Board an email of acknowledgment.

8:05pm Planning Board Associate Member Appointment – Steve Berthiaume

Mr. Berthiaume sent in a letter of interest to the Board and appeared before the Board to express his interest in becoming more involved with Town government and felt that the Planning Board would offer him an excellent opportunity to do so. S. Nocco explained the process where the Board would meet jointly with the Board of Selectmen to vote on an appointment. P. Berman will work with the BOS to facilitate this action.

DISCUSSION

81 Westford Rd. Modification of Special Permit

Atty. for the applicant Peter Nicosia, and the applicant Frank Polak appeared before the Board to discuss this site. Mr. Polak explained that he has secured an agreement with a nationally recognized childcare facility to occupy the building designated on the site plan as Phase II. This building was originally proposed to be a ~9700 s.f. bank. Mr. Polak went on to explain that the building would need to be expanded 300 s.f. more to a total of 10,000 s.f. Atty. Nicosia added that the daycare use is an allowed use in all zones per Massachusetts statute. W. Gramer noted that the Board would have to vote on whether the proposed changes were substantial or insubstantial at a regularly scheduled meeting. Atty. Nicosia said that he would be in touch to be added to a future agenda.

ADMINISTRATIVE

S. O'Neill: Motion to approve the minutes for December 6, 2012

S. Nocco: 2nd the motion

In Favor: 5 Opposed: 0

Passes 5-0

8:30pm

S. O'Neill: Motion to adjourn

C. DeCarteret: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Minutes respectfully submitted by
Pamela Berman, Planning Board Administrative Assistant