



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

MINUTES
June 6, 2013

APPROVED

Attachments:

1. Meeting Agenda
2. 5 Christine Ave. T.I.L.Q. Documents
3. Request for Insubstantial Modification to Special Permit for 30 Progress Ave. – 5/17/13
4. Letter of compliance from the building inspector for 30 Progress Ave. – 6/4/13

Members Present: Tom Delmore, Chairman
Bill Gramer, Vice Chairman
Steve O'Neill
Kimberly Obrien
Jesse Johnson, David E. Ross Associates

Members Absent: Steve Nocco

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

7:02pm - Planning Board Reorganization

S. O'Neill: Motion to postpone Board reorganization to the next meeting until there is a full Board present.

W. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:05pm - **5 Christine Ave. (M25, P81, L0)** – Special Permit application to construct a Temporary Independent Living Quarters in accordance with Tyngsborough Zoning By-Law Section 4.15.00. Continued from May 16, 2013.

Town Meeting approved the change in the bylaw that increases the maximum square footage from 700 to 1,200. All other concerns have been adequately addressed by the applicant. There were no abutters present to speak for or against this project.

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

W. Gramer: Motion to approve a Special Permit for a Temporary Independent Living Quarters (T.I.L.Q.) for 5 Christine Ave. per updated plans dated 4/29/13; with the condition that a Deed Restriction be recorded with the Registry of Deeds and submitted to the Building Inspector prior to occupancy. The Planning Board finds that the 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.

S. O'Neill: 2nd the motion

Roll Call Vote:

T. Delmore: Yes

W. Gramer: Yes

S. O'Neill: Yes

K. O'Brien: Yes

S. Nocco: Absent

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

Passes: 4-0-1

7:10pm - 30 Progress Ave. – Request for an Insubstantial Modification to the existing Special Permit.

Atty. Kevin Eriksen appeared before the Board for Logan Realty Trust and submitted a letter requesting to modify the existing Special Permit. Due to financial reasons, Mr. Logan is unable to meet the construction deadlines in the current Special Permit and is requesting a modification. The requested modification asks to eliminate the requirement that the project be completed by June 30, 2013. In addition, Mr. Logan requests that the Board apply an additional condition to the Special Permit that would provide that the existing landscape buffer located on the southerly portion of the existing parking lot be required to remain intact until such time as the land owner and/or his representative has had an initial preconstruction meeting with the Board's engineer and the Building Inspector. Finally, Atty. Eriksen noted that Mr. Logan did remove all of the asphalt that was stockpiled on the site per the Special Permit and building inspector Paul Welcome did inspect the site and provided the Board with photographic proof of compliance.

W. Gramer: Motion to modify the existing Special Permit for 30 Progress Ave. to eliminate Condition (2): “Project is to be completed by June 30, 2013”, and apply an additional condition that the existing landscape buffer located on the southerly portion of the existing parking lot remain intact until such time as the land owner and/or his representative has had an initial preconstruction meeting with the Board’s engineer and/or the Town’s Building Inspector, and that the Board find these modifications to be insubstantial in nature.

S. O’Neill: 2nd the motion

Roll Call Vote:

T. Delmore: Yes

W. Gramer: Yes

S. O’Neill: Yes

K. O’Brien: Yes

S. Nocco: Absent

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

ADMINISTRATIVE

S. O’Neill: Motion to approve the minutes from the May 2nd and May 16th, 2013 meetings as written.

W. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:15pm

S. O’Neill: Motion to adjourn

K. O’Brien: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Minutes respectfully submitted by
William Gramer
/pab