



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

MINUTES
May 1, 2014

APPROVED

Attachments:

1. Meeting Agenda
2. David E. Ross Associates Report for 32 Progress Ave. - 4/14/14
3. Deschenes & Farrell letter regarding 4 Trader Circle – 4/15/14
4. Sewer Dept. Letter regarding 4 Trader Circle – 4/8/14
5. Land Engineering & Environmental Services response to David E. Ross comments dated 4/14/14 for 4 Trader Circle (aka, 32 Progress Ave.) – 4/14/14
6. Sewer Commission email regarding 32 Progress Ave. - 5/1/14
7. 23 Middlesex Rd. Special Permit Application – 4/4/14
8. David E. Ross Associates Report for 23 Middlesex Rd. - 4/30/14
9. Dept. Comments regarding 23 Middlesex Rd. Special Permit
10. Form B – Application for Approval of Preliminary Subdivision Plan for Ava Lane – 3/21/14
11. David E. Ross Associates Report for Ava Lane Preliminary Subdivision Plan – 4/30/14
12. Andover Consultants response to David E. Ross comments for Ava Lane Preliminary Subdivision Plan– 5/1/14

Members Present: William Gramer, Chairman
Kimberly O'Brien, Vice Chairman
Tom Delmore
Steve Nocco
Jesse Johnson, David E. Ross Associates

Members Absent: Steve O'Neill

7:00pm - Meeting called to order by Chairman William Gramer

7:02pm **23 Middlesex Rd. (M28, P111, L0)** – 7-23 Middlesex Rd., LLC applicant, for a Special Permit to operate a retail sales business in accordance with Tyngsborough Zoning By-Law Section 2.11.30 and 4.10.00. Said property is zoned I-1.

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

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Atty. Peter Nicosia appeared before the Board for the applicant Steve Caggiano. Atty. Nicosia explained that Mr. Caggiano is the current owner of Route 3A Motor Sports in North Chelmsford and wishes to expand his business into Tyngsborough to include Indian Motorcycles. The current I-1 zoning prohibits the sale of such vehicles, however the sale of retail items such as equipment and clothing is allowed. He added that they have already received the Board's support of a zoning re-classification to a B-3 which would allow the sale of the motorcycles. However, they still need Town Meeting approval and subsequently Attorney General approval before Mr. Caggiano could start selling the motorcycles. Finally, Atty. Nicosia noted that there would be no changes to the site as they will be utilizing the existing building previously occupied by Aquatime Pools.

Board engineer J. Johnson reviewed the application and noted that there is adequate parking and drainage. The Board of Health commented that a Title 5 Inspection will be required on the property, which Atty. Nicosia indicated would be done. There were no abutters present to speak for or against this project.

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

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to approve a Special Permit to operate a Retail Business at 23 Middlesex Rd. per plans dated 11/27/13 with the condition that all catch basins on site be cleaned prior to building occupancy. In accordance with section 1.16.14, 2.11.30, and 4.10.00 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.

T. Delmore: 2nd the motion

Roll Call Vote:

Steve Nocco: In Favor

Tom Delmore: In Favor

William Gramer: In Favor

Kimberly O'Brien: In Favor

Steve O'Neill: Absent

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:10pm **4 Trader Circle (M13, P42, L0)** – Logan Realty Trust, applicant, for a Special Permit application pursuant to Tyngsborough Zoning By-Laws Section 2.11.30 for a Site Plan Special Permit for the proposed construction of a 9,900 s.f. industrial building for purposes of operating a heavy vehicular sales or repair business. Said property is zoned I-1. **Continued from April 17, 2014.**

Atty. Kevin Eriksen appeared before the Board to explain that they met with the Sewer Commission to iron out the sewer easement issue on the plans. The plans were subsequently re-designed to relocate the retaining wall further from the sewer easement, and to relocate drain manhole #2 and #3 outside the sewer easement. The Sewer Commission issued an email that confirmed they are satisfied with these changes as proposed on the revised plans. There were no abutters present to speak for or against this project.

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

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to approve a Special Permit to construct a 9,900 sq. ft. Major Industrial Building at 32 Progress Ave. for the purposes of heavy vehicle repair per plans dated 2/12/14 and revised 4/14/14 with the conditions that an as-built plan be submitted and approved by the Planning Board's engineer prior to building occupancy, and that vehicle sales are NOT allowed. In accordance with Section 1.16.10, 2.12.30, and 4.11.00 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.

T. Delmore: 2nd the motion

Roll Call Vote:

Steve Nocco: In Favor

Tom Delmore: In Favor

William Gramer: In Favor

Kimberly O'Brien: In Favor

Steve O'Neill: Absent

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:15pm Preliminary Subdivision Plan for Ava Lane (a.k.a., Giguere Rd. & 37 Willowdale Rd.)

Atty. Peter Nicosia appeared before the Board for the applicant. Atty. Nicosia explained that this property is currently occupied by four abandoned shacks and contains approximately 140,000 sq. ft. of wetland near Lake Althea. The proposal is for a four-lot subdivision with a cul-de-sac which will be designed around the wetlands with an average lot size of approximately 80,000 s.f.

Atty. Nicosia went on to explain that at the same time, they are looking for a cluster zone, open space residential development at Town Meeting which proposes smaller lot sizes and be less of an impact to the land. Either way, they will be able to build something.

Board engineer J. Johnson reported that the preliminary subdivision process requires a formal approval/disapproval for the submitted plans and does not mean that it has to be designed exactly as submitted. Any approval does, however, “freeze” the Subdivision Rules & Regulations and Zoning Bylaws in effect at the time of the submission for seven months. This allows the applicant to get guidance regarding the number of lots, roadway design, and general layout of the project for the development of the Definitive Subdivision plans. He went on to report that the applicant has requested a few waivers from the Subdivision Rules & Regulations which the Board will need to consider.

The Board was happy that this once dilapidated property will be cleaned up and improved, bringing much needed revenue into town.

S. Nocco: Motion to approve the waiver of the requirements of Section 7.6.1.9 length of dead end street. To waive 500 foot max. length and allow a length of 595 feet.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to approve the waiver of the requirements of Section 7.7 curbing. To waive requirement of sloped granite curbing and allow the substitution of bituminous cape cod berm.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to approve the waiver of the requirements of Section 7.9 sidewalks. To waive requirement of a sidewalk on one side of the road to allow no sidewalk.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to approve the Preliminary Subdivision plans for Ava Lane, dated 2/6/14, and including the previously approved waivers.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

ADMINISTRATIVE

S. Nocco: Motion to approve the minutes as written from the 4/17/14 meeting.

K. O'Brien: 2nd the motion

In Favor: 3 Opposed: 0 Abstain: 1 Absent: 1

Passes: 3-0-1-1

7:30pm

S. Nocco: Motion to adjourn

K. O'Brien: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Minutes respectfully submitted by
Pamela Berman