



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

MINUTES
November 6, 2014
APPROVED

Attachments:

1. Meeting Agenda
2. 347 Middlesex Rd. Revised Proposed Site Development Plan – 10/9/14
3. Whitman & Bingham response letter for 347 Middlesex Rd. – 10/27/14
4. David E. Ross Associates review for 347 Middlesex Rd. – 11/5/14
5. Town of Tyngsborough Department Comments for 347 Middlesex Rd.
6. 347 Middlesex Rd. Building rendering – November 2014
7. 347 Middlesex Rd. Landscape Plan – 11/5/14
8. Ava Lane Special Permit Application for an Open Space Subdivision – 8/25/14
9. Ava Lane Form D Application for Approval of Definitive Subdivision – 9/5/14
10. David E. Ross Associates review for Ava Lane – 10/16/14
11. Andover Consultants response for Ava Lane – 10/28/14
12. David E. Ross Associates review for Ava Lane – 11/6/14
13. Town of Tyngsborough Department Comments for Ava Lane
14. Heritage Hill Form D Application for Approval of Definitive Plan – 9/5/14
15. David E. Ross Associates review for Heritage Hill – 10/15/14
16. Town of Tyngsborough Department Comments for Heritage Hill
17. Cuoco & Cormier Waiver Request for Heritage Hill – 10/30/14
18. Cuoco & Cormier response for Heritage Hill – 10/31/14
19. Westford Rd. Development Special Permit Modification Request – 11/3/14
20. 50 Westford Rd. Tyngsborough Commons Special Permit – 12/2/11

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

7:10pm - Meeting called to order by Chairman Steve Nocco

7:12pm **347 Middlesex Rd. (M19, P9, L0)** – Site Plan and Major Business use Special Permit application for the proposed construction of a 7,000 s.f. retail/office building, and a 35,000 s.f. storage building with associated utilities. Continued from 10/16/14.

Applicant Ed Ramos and engineer Brian Milisci appeared before the Board regarding this project. Mr. Milisci summarized responses to engineer J. Johnson's review letter dated 10/1/14. In addition, a building design rendering was submitted as well as a landscape architect plan. These documents will be reviewed by J. Johnson and reported at the next meeting. After

reviewing the most recent plan revisions, J. Johnson issued his comments which include but are not limited to outstanding issues related to the Zoning By-Laws, traffic, Fire Department concerns, noise, drainage, lighting, signage, and landscaping. The Board went over some additional concerns regarding noise, wastewater, additional storage buildings, signage, blasting during construction, fencing, driveway access, and the tree line buffer. Mr. Milisci reported that he will work with owner Ed Ramos to have all of the issues addressed and the required revisions ready for the next meeting.

Abutter Robert Provencher from 19 Highland St. voiced his serious concerns with the entire project which included the recent tree removal, noise from wet saw usage, lighting, signage, and the building's aesthetics, citing that the rendering submitted tonight was not sufficient enough to really know what the building will actually look like. The Board asked the applicant to submit a detailed rendering of the building design at the next meeting. Additionally, the Board reiterated that the applicant is still working on addressing the Board's concerns on the plans, and they will not make a decision until all issues are addressed.

S. O'Neill: Motion to continue this hearing to November 20, 2014 at 7pm

C. DeCarteret: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

8:00pm

T. Delmore: Motion for a five minute recess.

K. O'Brien: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

8:05pm

37 Willowdale Rd., a.k.a. Giguere Rd. (M22, P1, L0) – Southern End Realty, applicant, request for a Special Permit for an Open Space Residential Development under the provisions of Section 4-14.00 of the Tyngsborough Zoning By-Laws for the development of a 12.8 acre parcel of land for a four lot residential open space subdivision. Continued from 10/16/14.

37 Willowdale Rd., a.k.a. Giguere Rd. (M22, P1, L0) – Southern End Realty, applicant, request for an approval of a Definitive Subdivision Plan under the provisions of the Tyngsborough Subdivision Rules & Regulations for a four lot open space residential development to be known as Ava Lane. Continued from 10/16/14.

Applicant Frank Gorman, Atty. Peter Nicosia, and engineer Bill McLoud appeared before the Board. Atty. Nicosia explained that this project is proposed to be an Open Space Residential subdivision with four lots. All homes will have individual wells for water and tied in to the municipal sewer system. Town Meeting has already approved the project per the by-law, and requires a Special Permit and subdivision approvals.

J. Johnson reported that most of the issues have been addressed through two rounds of review. However, there still remains some issues including but not limited to construction details, granite curbing, snow storage, cistern requirements, drainage, grading, fencing, easements, and covenants.

The Board requested that the plans be revised, and that a letter from the Fire Dept. be obtained regarding the need for fire suppression cisterns. In addition, the Board requested to review the proposed Restrictive Covenant which will be discussed at the next meeting.

T. Delmore: Motion to continue this hearing to November 20, 2014 at 7:30pm

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

8:35pm

K. O'Brien: Motion for a five minute recess.

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

8:45pm **Groton Rd. & Davis Rd. (M3, P14 & 14-1)** – Scott Connell, applicant, request for approval of a Definitive Subdivision Plan under the provisions of the Tyngsborough Subdivision Rules & Regulations for a nine lot residential development to be known as Heritage Hill. Continued from 10/16/14.

Applicants Scott Connell and Mike Schena, and engineer Jeffrey Rider appeared before the Board. Mr. Connell is proposing a nine lot subdivision. Mr. Rider submitted plan revisions based on comments from J. Johnson in his review dated 10/15/14. J. Johnson hasn't reviewed the revisions but has met with the applicant's team in order to work out some of the more difficult issues. New test pits will need to be done, and J. Johnson will inspect those. The Board still had questions regarding the open space parcels, as the Town would be reluctant to accept them. The Board will ask the Conservation Commission if they have any interest in them.

Abutters from 26, 32, 33 Groton Rd., and 2 and 10 Davis Rd. expressed concern with this project citing well water supply concerns, line of sight at the new road entrance, noise and traffic. Mr. Rider noted that the width of the new road would be up to 50 feet which would improve the existing line of sight. Additionally, they will need to file with Conservation where stormwater and drainage issues will be addressed as well. J. Johnson added that homeowners might consider doing a baseline well water test in order to have some data relative to their concerns about the well water quality and supply.

T. Delmore: Motion to continue this hearing to November 20, 2014 at 8pm

K. O'Brien: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

DISCUSSION

50 Westford Rd. Tyngsboro Commons – Walter Eriksen

Tyngsboro Commons developer Walter Eriksen appeared before the Board to request two modifications to the existing Special Permit which was granted 11/17/11. They are requesting that the 192 two-bedroom condominiums be amended to include the word “apartments” in the decision. This will have no impact on the project other than clearing up a language issue. The second request would be to consolidate the commercial and retail space into one building and consolidate the residential space into buildings 3 & 4 which were originally in building one. None of these buildings are moving from the original permitted location. The building locations will remain the same. In addition, they want to avoid building something that remains empty. The result would have no impact on the number of residential units, at 192. Mr. Eriksen went on to explain that the market research on this type of project yielded that a residential/commercial building mix doesn’t sell well as people do not want to live above a store or restaurant.

The Board discussed the substantial and insubstantial impact the requested modifications would have on the entire project and felt that they may or may not be enough of a change to warrant a public hearing. The Board would need to vote on whether the request is substantial or not.

S. O’Neill: Motion that the following requests for modifications to the Special Permit for 50 Westford Road: **are “Substantial” changes.**

1. Change the language of Condition II, PROPERTY AND PROJECT DESCRIPTION, Paragraph Three, which currently reads: “Tyngsborough Commons will be accessible by a new roadway to be located off Westford Rd. and will consist of approximately 80,000 square feet of office and retail space and 192 two-bedroom condominiums.” To be replaced by “Tyngsborough Commons will be accessible by a new roadway to be located off Westford Rd. and will consist of approximately 80,000 square feet of office and retail space and 192 two-bedroom condominiums or apartments.”

2. Consolidate all of the commercial space into building 1 and the pad site, with a total of 66,000 square feet, and consolidate the residential units into buildings 3 & 4 that were originally in building 1, resulting in the same amount of total residential units – 192.

T. Delmore: 2nd the motion

In Favor: 2 Opposed: 3

Does Not Pass: 2-3

C. DeCarteret: Motion that the two requests for modifications to the Special permit for 50 Westford Rd. **are “Insubstantial” changes.**

1. Change the language of Condition II, PROPERTY AND PROJECT DESCRIPTION, Paragraph Three, which currently reads: “Tyngsborough Commons will be accessible by a new roadway to be located off Westford Rd. and will consist of approximately 80,000 square feet of office and retail space and 192 two-bedroom condominiums.” To be replaced by “Tyngsborough Commons will be accessible by a new roadway to be located off Westford Rd. and will consist of approximately 80,000 square feet of office and retail space and 192 two-bedroom condominiums or apartments.”

2. Consolidate all of the commercial space into building 1 and the pad site, with a total of 66,000 square feet, and consolidate the residential units into buildings 3 & 4 that were originally in building 1, resulting in the same amount of total residential units – 192.

T. Delmore: 2nd the motion

In Favor: 3 Opposed: 2

Passes: 3-2

ADMINISTRATIVE

The October 2nd & 16th, 2014 meeting minutes were pushed to the November 20, 2014 meeting for approval.

10:25pm

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