



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

MINUTES
January 15, 2015
APPROVED

Attachments:

1. Meeting Agenda
2. David E. Ross Associates Report for 347 Middlesex Rd. - 1/7/15
3. 347 Middlesex Rd. Site Plans – Revised 12/30/14
4. On-Site Acoustic Testing noise study report – Revised 1/15/15
5. Tyngsborough Dept. Comments for 347 Middlesex Rd.
6. David E. Ross Associates Report for Heritage Hill Subdivision – 1/15/15
7. Heritage Hill Subdivision Plans – Revised 1/19/15
8. Tyngsborough Dept. Comments for Heritage Hill Subdivision

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

7:05pm - Meeting called to order by Chairman Steve Nocco

7:07pm **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 12/4/14.

Engineer Brian Milisci appeared before the Board regarding this project. Mr. Milisci submitted revised plans that eliminated the two back storage buildings that were previously proposed to be built in the future. In addition, an updated noise study was submitted and concluded that the operations of the proposed Top Line Granite shop would not have a detrimental effect on adjoining property owners with respect to noise emissions from traffic or business operations. Mr. Milisci reiterated that there would be ample sound-proofing used on the doors and windows in order to cut down on any potential shop noise.

Mr. Milisci met with abutter Robert Provencher of 19 Highland St. as requested by the Board in order to review the revised plans and field any additional concerns. He went on to say that although Mr. Provencher had some lingering concerns with the noise potential, retaining wall design, and property ownership, he had expressed his satisfaction with the final plans. Chairman S. Nocco also spoke with Mr. Provencher about those same concerns. Board engineer J. Johnson reported that the landscape issues have been resolved, and all other Board concerns have been adequately addressed. There were no abutters present to speak for or against this project.

S. O'Neill: Motion to close the public portion of the hearing.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

S. O'Neill: Motion to approve a Special Permit for 347 Middlesex Rd. to construct a Major Business Complex consisting of a 7,000 Sq. Ft. retail/office building and a 28,000 sq. ft. ancillary storage building to be known as Top Line Granite per plans dated 9/2/14, and revised 12/30/14 with the following conditions:

1. Subject to the receipt of a statement(s) demonstrating compliance with the water, air, and noise requirements listed in Section 3.14.00 of the Tyngsborough Zoning By-Laws with final review and approval of the Planning Board's engineer consultant;
2. Confirmation from the Tyngsborough Fire Department that the site is designed with adequate access for emergency vehicles;
3. Submission of retaining wall design with final review and approval of the Planning Board's engineer consultant;
4. An as-built plan must be submitted, and a final inspection done by the Planning Board's engineer prior to issuance of an Occupancy Permit;
5. And is in harmony with the purpose and intent of the Bylaws;
6. Will not be detrimental or injurious to the neighborhood in which it is to take place;
7. Is appropriate for the site in question; and,
8. Complies with all applicable requirements of the Bylaws.

C. DeCarteret: 2nd the motion

Roll Call Vote:

Tom Delmore: In Favor

Steve Nocco: In Favor

Kimberly O'Brien: In Favor

Steve O'Neill: In Favor

Caryn DeCarteret: In Favor

In Favor: 5 Opposed: 0

Passes: 5-0

7:30pm 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 12/4/14.

Engineer Jeff Rider appeared before the Board with applicants Scott Connell and Mike Schena. Board engineer J. Johnson reported that most of the Board's concerns have been addressed, but there still remains a couple of stormwater issues relative to future infrastructure maintenance by the Town once the road has been accepted. The system would require a vector truck to be utilized, and the Highway Dept. should be notified of this requirement. In addition, the open space parcels are still indicated on the plans. Mr. Connell said that he met with the Conservation Commission per request of the Board concerning taking over those parcels. However, they declined to accept them. Therefore, these parcels will be incorporated into the lots they abut. J. Johnson added that they plans should be updated to reflect that change.

Abutters from 32 and 34 Groton Rd. were present and continued to voice their extreme opposition to this project noting serious concerns with how this subdivision would affect the value of their property, as well as road alignments, drainage, traffic, wetlands, stormwater, well integrity, blasting, and head-light glare. The Board emphasized that the plans have been thoroughly reviewed by their engineer and other Town departments have issued their comments which have also been addressed by the applicant. All issues have been addressed and the Board is satisfied that the project complies with State statutes, the Town's Subdivision Rules and Regulations, and the Zoning By-Laws. The Board added that the Conservation Commission is currently reviewing the stormwater and wetland issues and have not indicated any adverse comments regarding these plans. In addition, any property value questions should be directed to the Board of Assessors. Mr. Connell added that he expects to list the homes for sales at or around the \$450,000 to \$500,000 range. There were no other abutters present to speak for or against this project.

S. O'Neill: Motion to close the public portion of the hearing.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0

Passed: 5-0

The Board reviewed the applicant's requested waivers.

K. O'Brien: Motion to waive Subdivision Rules & Regulations, Section 7.6.1.9 – Length of Street. To waive 500 foot max. length and allow a length of 1,450 linear feet.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

K. O'Brien: Motion to waive Subdivision Rules & Regulations, Section 7.12.1 - Storm and Surface Water Drainage. To waive the MassDEP Stormwater Management Policy Standards and Best Management Practices, where the Stormwater Management Handbook requires a 15 foot wide maintenance access to the drainage basins, and allow a 10 foot wide access to each drainage basin.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

K. O'Brien: Motion to waive Subdivision Rules & Regulations, Section 7.12.10 – Detention Areas. To waive the MassDEP Stormwater Management Policy Standards that require fencing of all or part of such detention areas.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

K. O'Brien: Motion to waive Subdivision Rules & Regulations, Section 7.19 – Street Tree Plantings. To waive the requirement of street trees planting along roads.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

The Board voted on the Definitive Subdivision Plan

K. O'Brien: Motion to approve a Definitive Residential Subdivision located at Assessor's Map 3, Lot 14 (Groton Rd., Scribner Rd. & Davis Rd.) to be known as Heritage Hill with the following waivers and conditions:

- a. Waive Subdivision Rules & Regulations, Section 7.6.1.9. Length of street. To waive 500 foot max. length and allow a length of 1,450 linear feet.
- b. Waive Subdivision Rules & Regulations, Section 7.12.1 Storm & Surface Water Drainage. To waive the MassDEP Stormwater Management Policy Standards and Best Management Practices, where the Stormwater Management Handbook requires a 15 foot wide maintenance access to the drainage basins, and allow a 10 foot wide access to each drainage basin.
- c. Waive Subdivision Rules & Regulations, Section 7.12.10 Detention Areas. To waive MassDEP Stormwater Management Policy Standards that require fencing of all or part of such detention areas.
- d. Waive Subdivision Rules & Regulations, Section 7.19 Street Tree Plantings. To waive the requirement of street trees of plantings along roads.
- e. Prior to final grading and loaming of any proposed stormwater basins, groundwater test holes shall be verified in the field by the Planning Board's engineer.
- f. Road bonding requirements must be set and reviewed by the Planning Board's engineer prior to the issuance of building permits.
- g. No Building Permits shall be issued until road is bonded and the binder coat is installed and an interim as-built is reviewed and approved by the Planning Board engineer.

S. O'Neill: 2nd the motion
In Favor: 5 Opposed: 0
Passes: 5-0

ADMINISTRATIVE

The December 4, 2014 minutes were tabled until the next meeting.

8:50pm

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