



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

MINUTES
March 19, 2015
APPROVED

Attachments:

1. Meeting Agenda
2. David E. Ross Associates, Inc. Report for Potash Hill Rd. Lot B (Mass Crane & Hoist) – 3/18/15
3. Perkins & Anctil Title Survey Letter for Potash Hill Rd. – 3/5/15
4. Tyngsborough Dept. Comments for Mass Crane & Hoist
5. Revised Plan for Potash Hill Rd., Lot B (Mass Crane & Hoist) – 3/12/15
6. Draft Master Deed Condo Documents for Potash Hill Rd., Lot B (Mass Crane & Hoist)
7. Franklin Equities Letter to Robert Jackson regarding Potash Hill Rd., Lot (Mass Crane & Hoist) – 3/4/15
8. Shirley Burchfield email regarding Potash Hill Rd., Lot B (Mass Crane & Hoist) – 2/28/15

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

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

7:07pm **50 Westford Rd. at Potash Hill Rd. Lot B (M21, P23-1, Lot B)** – Potash Properties, LLC, applicant, request for a Special Permit under the provisions of Section 4.11.00 of the Tyngsborough Zoning By-Laws to construct a 45,500 s.f. major industrial complex to be known as Mass Crane & Hoist. *Advertised in the Lowell Sun on Thursday February 5, 2015 & Thursday February 12, 2015.*
Continued from February 19, 2015.

Atty. Peter Nicosia, engineer Doug Lees, applicant Darryl Wickens, and Mass Crane & Hoist owner George Frost appeared before the Board. Atty. Nicosia updated the Board with the progress of addressing the Board's concerns and those of the abutters. He went on to say that his clients met with the abutters from the Maple Ridge development to discuss their concerns. In addition, a draft version of the proposed condominium documents were submitted to the Board along with the revised site plans.

Board engineer Jesse Johnson reviewed the revised plans and noted some outstanding items which include, landscaping, buffering & screening, utility locations, lighting and noise levels. The Board suggested that a noise study be conducted at the site in order to better address the abutters' concerns with this issue.

Mass Crane & Hoist owner George Frost clarified that the types of cranes he manufactures are all completely contained within the facility. There is no outdoor assembly or manufacturing done on site.

Abutters from 11, 21, 32, 36, 38 & 42 Steinbeck St.; 9, 14 & 26 Dickens Ln.; and 4 Thoreau Ln. all spoke in opposition to the project and asked questions relative to water flow, noise, traffic, pollution, buffer zone integrity, tree clearing, blasting, water access, lighting, construction times, and wildlife. In addition, the owners of 100 & 300 Potash Hill Rd., Mark Reardon and Eli Levine voiced major concerns with the project, most notably, public safety, use inconsistencies, and legal access to use Potash Hill Rd. Atty. Nicosia submitted a title survey for Potash Hill Rd. which addressed the issue of legal access to Potash Hill Rd. The Board noted that this issue, along with road maintenance should be taken care of between the business owners on the street as Potash Hill Rd. is a private way. Regarding the air quality issue, Doug Lees noted that the Mass DEP, and the EPA both have guidelines that regulate air quality standards.

Questions remained from the abutters concerning the ownership of the water line infrastructure at Maple Ridge, and whether the applicant has legal access to tap in to that line for water. The Board urged all parties involved to work out these issues before the next meeting. Additionally, the Board noted that any issues relative to wildlife will be addressed by the Conservation Commission.

The Board went on to emphasize that all of these issues were flagged by the Board's engineer and have been or will be addressed by the applicant. They went on to note that the Board is bound by the Tyngsborough Zoning By-Laws, and must ensure that the applicant adheres to all components of the by-law. Going forward, the Building Commissioner is the Zoning Enforcement Agent in Town, and it his responsibility along with the Board's own engineer, to police this project.

Atty. Nicosia agreed to have the applicant conduct a noise study, and work on the lighting and any other issues flagged in J. Johnson's March 18, 2015 report, as well as those mentioned at tonight's meeting.

T. Delmore: Motion to continue this hearing to April 2, 2015 at 7:00pm.

K. O'Brien: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

8:35pm

T. Delmore: Motion for a ten minute recess

K. O'Brien: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

ADMINISTRATIVE

New Business:

1. C. DeCarteret briefed the Board regarding her talks with a Real Estate agent inquiring about the potential for Southern New Hampshire Medical to come to Tyngsborough in a new building to be built on one of the industrial zoned parcels carved out of the Sycamore property. They are proposing to build a smaller facility that wouldn't meet the zoning requirements noted in the Table of Uses. However, since the Board has discussed revising this table, now would be a good time to think about it for inclusion in the Annual Town Meeting in May. The Board will discuss this further at a future meeting.
2. Engineer Doug Lees appeared before the Board regarding the previously approved ANR plan for 50 Westford Rd. A scrivener's error was noted on the plan that references the Registry of Deeds plan number for one of the lots. Two of the numbers were transposed, and Mr. Lees was required to revise it in order for the property closing to be completed. J. Johnson reviewed and confirmed the revisions.

T. Delmore: Motion to approve the corrected scrivener's error on the ANR plan for 50 Westford Rd. dated 2/14/15.

K. O'Brien: 2nd the motion

In Favor: 5 Opposed: 0 Abstain: 1

Passes: 5-0-1

Minutes:

T. Delmore: Motion to approve the minutes as written for December 4, 2014

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0 Abstain: 1

Passes: 5-0-1

T. Delmore: Motion to approve the minutes as written for January 15, 2015

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0 Abstain: 1

Passes: 5-0-1

T. Delmore: Motion to approve the minutes as written for January 26, 2015

K. O'Brien: 2nd the motion

In Favor: 5 Opposed: 0 Abstain: 1

Passes: 5-0-1

T. Delmore: Motion to approve the minutes as written for February 5, 2015

S. O'Neill: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

T. Delmore: Motion to approve the minutes as written for February 19, 2015

S. O'Neill: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

9:00pm

T. Delmore: Motion to adjourn

C. DeCarteret: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Minutes respectfully submitted by,
Pamela Berman
Planning Board Administrative Assistant