



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

MINUTES
May 7, 2015
APPROVED

Attachments:

1. Meeting Agenda
2. 194 Frost Rd. Pictometry Photo – 4/14/15
3. Application for Zoning By-Law Amendment Review – 1/15/15
4. Revised Site Plans for Potash Hill Rd. (Mass Crane & Hoist) – 4/28/15
5. Bousquet Technologies HVAC equipment report for Potash Hill Rd. (Mass Crane & Hoist) – 4/30/15
6. Tyngsborough Town Dept. Comments for Potash Hill Rd. (Mass Crane & Hoist)
7. Draft Master Deed for Potash Hill Rd. (Mass Crane & Hoist)

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

Members Absent: Caryn DeCarteret

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

7:12pm **Relative to Proposed Zoning By-Law Amendments, Pursuant to M.G.L. c. 40A, § 5**

The Tyngsborough Planning Board will hold a public hearing to discuss the proposed amendment to the Town's zoning map, where it will act as the Special Permit granting authority as specified in paragraph 1.16.00 of the Tyngsborough Zoning By-Law.

The subject matter of the proposed amendment is indicated below. The complete text and maps relative to the proposed amendment are available for inspection during regular business hours in the office of the Planning Board, 25 Bryants Lane Tyngsborough, MA.

The purpose of the hearing is to consider a Citizen's Petition regarding an amendment to the Tyngsborough Zoning Map. The applicant seeks to change the zoning classification from B2 to B3 a certain parcel of land containing 1 acre more or less with improvements thereon, located at **194 Frost Road**, Tyngsborough, Massachusetts 01879, and identified as Tyngsborough Tax Assessor's Map 18, Block 46A. Said land is more specifically identified in a deed dated April 12, 2012 and recorded at Book 25873, Page 040 in the Middlesex North District Registry of Deeds.

Atty. Peter Nicosia appeared before the Board for the applicants, the Chareas Family. Atty. Nicosia explained that this property is located at 194 Frost Rd. and is more popularly known as The Pines Restaurant and is on the Hudson, New Hampshire line. Currently it is zoned B-2 which was changed in 2010. The Chareas Family intends to put in a Dunkin Donuts with a drive-thru which requires the B-3 Zone. He went on to say that they are seeking the Planning Board's recommendation as Town Meeting still needs to approve the proposed zoning change. There were no residents present to speak for or against this zoning change.

T. Delmore: Motion to recommend that the zoning classification for 194 Frost Rd. and identified as Tyngsborough Tax Assessor's Map 18, Block 46A be changed from B-2 to B3.

S. O'Neill: 2nd the motion

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

7:30pm **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 April 16, 2015.

Applicant Darryl Wickens appeared with engineer Doug Lees, and Mass Crane & Hoist owner George Frost. Mr. Lees updated the Board with plans that note the limit of tree clearing on the lot which will be 163' at the closest point to the lot line abutting Dickens Lane. In addition, the limits are proposed to be delineated in the field and inspected by the Planning Board engineer,

Additional questions/clarifications regarding the fence installation, traffic, and public safety on the roadway were discussed. The Board recognized the abutters concerns regarding traffic on Potash Hill Rd., and added that safety on a roadway is related to the number of vehicle trips on a road and not the type of vehicle travelling on the roadway. 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 Absent: 1

Passes: 5-0-1

K. O'Brien: Motion to approve a Special Permit for Potash Hill Rd., (Map 21, Parcel 23-1, Lot B) to construct a 45,500 ± s.f. major industrial complex to be known as Mass Crane & Hoist per plans dated 1/15/15, and revised 4/28/15 with the following conditions:

1. Site plans must be updated to show where the HVAC units and the emergency generator will be located on the site.
2. Limit of trees to be cleared must be staked in the field and approved by the Planning Board engineer prior to tree clearing activities.
3. Proof of filing the Industrial Wastewater Holding Tanks (IWHT) formwork with the MassDEP should be provided to the Board of Health prior to building occupancy.
4. Soil testing in areas proposed for infiltration shall be witnessed by the Planning Board engineer prior to construction.
5. NPDES permit application package shall be submitted prior to any tree clearing.
6. A gate will be installed in accordance with the Tyngsborough Fire Department regulations at the Potash Hill Rd. fire access road prior to the issuance of an Occupancy Permit.
7. 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.

Such use is in harmony with their 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; and, complies with all applicable requirements of this By-Law.

S. O'Neill: 2nd the motion

Roll Call Vote:

Patrick Sands: In Favor

Tom Delmore: In Favor

Steve Nocco: In Favor

Kimberly O'Brien: In Favor

Steve O'Neill: In Favor

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

ADMINISTRATIVE

T. Delmore: Motion to approve the minutes as written for April 2, 2015

K. O'Brien: 2nd the motion

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

Passes: 4-0-1-1

T. Delmore: Motion to approve the minutes as written for April 16, 2015

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

New Business: 31 Alden St. T.I.L.Q. transfer

The owner of this property is transferring ownership to his daughter and called to inquire what he must do about his T.I.L.Q. Special Permit since the By-Law doesn't allow permit transfers. The Board decided to have the homeowner come to the Board after the transfer and ask for a modification to the Special Permit.

7:50pm

T. Delmore: Motion to adjourn

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Minutes respectfully submitted by,
Pamela Berman
Planning Board Administrative Assistant