



# ***Town of Tyngsborough Planning Board***

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

MINUTES  
May 5, 2016

## **APPROVED**

### Attachments:

1. Meeting Agenda
2. Special Permit Application for 236 Pawtucket Blvd. & 222 Sherburne Ave. – 4/19/16
3. Tyngsborough Town Dept. Comments for 236 Pawtucket Blvd. & 222 Sherburne Ave.
4. Hancock Associates Response to Comments for 14 Worden Rd. (Braemar Circle) – 5/4/16
5. David E. Ross Associates Review of 14 Worden Rd. Subdivision (Braemar Circle) – 5/5/16
6. Definitive Subdivision Plans for 14 Worden Rd. (Braemar Circle) – Revised 5/3/16
7. LandPlex Response to Comments & Traffic Analysis for 324 Middlesex Rd. Storage Facility – 4/21/16
8. Permit Plan Set for 324 Middlesex Rd. Storage Facility – Revised 4/27/16
9. David E. Ross Associates Review for 324 Middlesex Rd. Storage Facility – 4/12/16
10. David E. Ross Associates Review for 324 Middlesex Rd. Storage Facility – 5/5/16
11. Tyngsborough Town Dept. Comments for 324 Middlesex Rd. Storage Facility
12. Application for Zoning By-Law Amendment Review for 324 Middlesex Rd. – 4/7/16
13. Tyngsborough Town Dept. Comments for 324 Middlesex Rd. Zoning Amendment
14. Zoning District Extension Plan for 324 Middlesex Rd. – 4/5/16
15. Conceptual Plan of Land for Paddock Rd. Extension Subdivision – 4/4/16
16. Certified Plot Plan for 384 Middlesex Rd. – 4/12/16
17. Planning Board engineer email comments for 384 Middlesex Rd. – 5/5/16

Members Present: Tom Delmore, Chairman  
Kimberly O'Brien, Vice Chairman  
Steve Nocco  
Corliss Lambert  
Steve O'Neill  
Rob Oliva, David E. Ross Associates  
Pamela Berman, Administrative Assistant

Members Absent: Pat Sands, Associate Member

**7:00pm** Meeting called to order by Chairman Tom Delmore

**7:03pm** **236 Pawtucket Blvd. & 222 Sherburne Ave.** – Verizon Wireless, applicant, request for a Special Permit under Section 4.15.00 of the Tyngsborough Zoning By-Laws for the installation of a Centralized Radio Access Network (CRAN) antenna with a fiber-optic infrastructure station on existing utility poles.  
*Advertised in the Lowell Sun Thursday April 21, 2016, and Thursday April 28, 2016.*

Member C. Lambert recused himself from this hearing.

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

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor:** 4 **Opposed:** 0

**Passes:** 4-0

Atty. Joshua Lanzetta, and Radio Frequency engineer Dan Brown appeared before the Board for the applicant, Verizon Wireless. Atty. Lanzetta briefed the Board on the application which requests a Special Permit to install a Centralized Radio Access Network (CRAN) system on two existing utility poles. One site is located at 236 Pawtucket Blvd. (front entrance to Greater Lowell Technical High School), and the other site is located at 222 Sherburne Ave. (rear entrance to Greater Lowell Technical High School). Mr. Brown reported that these CRAN antenna systems are mounted to existing utility poles and contain fiber optic infrastructure and remote processing stations. These systems would be utilized to boost network capacity where it is rapidly increasing near the Vesper County Club & Greater Lowell Technical High School. Currently there is evidence of signal drain in the area and this technology will address the problem without the need for large towers.

Tyngsborough's telecommunication Zoning By-law is rather vague concerning the technology as it does not specifically address CRAN antennas. It should be noted that the Federal Communications Commission (FCC) has language that specifically addresses wireless communications, and this technology is FCC compliant. In addition, the proposed installation of these CRAN antennas do require a special permit under the extension in height provision. There is an increased need for these types of signal boosters, and there are some of these antennas currently located in Lowell.

There were several abutters present with questions regarding the safety of the technology, internal and external specifications of the antennas, alternative resolutions, power density exposure, and the need for an independent review of this proposal by the Town. The Board was in favor of further scrutiny of the technology and felt an independent analysis would be prudent.

**S. Nocco:** Motion to have this application be reviewed by an independent consultant for the Planning Board, and continue this hearing until June 2, 2016.

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor:** 4 **Opposed:** 0

**Passes:** 4-0

**8:00pm**      **14 Worden Rd. (M28, P10, L0)** – Mill Falls Development, LLC, applicant, application for approval of a **Definitive Subdivision Plan** under the provisions of the Tyngsborough Subdivision Rules & Regulations for a two lot residential development to be known as Braemar Circle. *Advertised in the Lowell Sun Thursday April 7, 2016 and Thursday April 14, 2016.* **Continued from April 21, 2016.**

Engineer Brian Geaudreau appeared before the Board with revised plans dated 5/3/16 based on Planning Board engineer R. Oliva's comments. An additional review of the revised plans yielded no additional issues other than the lack of the Fire Department's approval of the common driveway design. There were no other abutters present to speak for or against this project.

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

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**S. Nocco:** Motion to waive the following Sections of the Tyngsborough Subdivision Rules & Regulations:

- Section 6.3: Contents (Plan Scale); (Coordinate System)
- Section 6.3.10 (Monuments)
- Section 6.3.19.4 (Sidewalks)
- Section 6.11 (Performance Guarantee)
- Section 7.1 Design Standards & Specifications (Basic Requirements)
- Section 7.6 (Streets)
- Section 7.7 (Curbing)
- Section 7.9 (Sidewalks)
- Section 7.13 (Street Construction)
- Section 7.13.4 (Gravel Base)
- Section 7.16 (Stone Monuments)
- Section 7.17 (Street Signs)
- Section 7.18 (Street Lights)
- Section 7.19 (Street Tree Plantings)
- Section 7.22 (Easements)

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**Roll Call Vote:**

**C. Lambert:** In Favor

**S. Nocco:** In Favor

**T. Delmore:** In Favor

**K. O'Brien:** In Favor

**S. O'Neill:** In Favor

**Passes: 5-0**

**S. Nocco:** Motion to approve a Definitive Subdivision for Braemar Circle per plans dated 3/28/16 and revised 5/3/16 with the following conditions: The plans must be approved by the Tyngsborough Fire Dept. prior to the issuance of a Certificate of Subdivision Approval. No Occupancy Permits shall be issued until an interim as-built is reviewed and approved by the Planning Board engineer.

**C. Lambert:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**8:30pm**      **324 Middlesex Rd. (M19, P5, L0)** – Tyngsboro DJD, LLC, applicant, request for a Site Plan and Major Industrial Complex Special Permit for the construction of a new 2-story 40,000 s.f.± self-storage building, and 12 separate self-storage units totaling 58,000 s.f.± with associated utilities in I-1 and B-3 zoning districts, to be known as Tyngsboro Self Storage. *Advertised in the Lowell Sun Thursday April 7, 2016 and Thursday April 14, 2016.* **Continued from April 21, 2016.**

Atty. Peter Nicosia, engineer Matt Hamor, and applicant Joseph DiCarlo appeared before the Board. Atty. Nicosia explained that Mr. DiCarlo is proposing to build a 2-story climate controlled building and 12 separate single story self-storage units on this site to be known as Tyngsboro Self Storage which will be built in 3 phases. Mr. Hamor explained that this is a large vacant 15.86 acre site that has a generally flat topography and excellent sandy soils. There is a lot of odd debris scattered throughout the property that will be removed. The site will be equipped with a septic system and a private well with center drainage swales between each one-story storage unit. In addition, a retaining wall will be built at the right rear of the property along with a white vinyl fence surrounding the perimeter of the site.

Board engineer Rob Oliva reviewed the plans and issued comments in his letter dated 4/12/16. Most of those comments were addressed with the revised plan set dated 4/27/16, and there remains a few more issues, relative to lighting, and stormwater. Mr. Hamor noted that the Conservation Commission is also reviewing the project for stormwater management. He went on to say that he is working on revising the plans based on these latest comments. However, he proposed that the lighting plan be submitted to the Board for approval at a later date once they have a decided on the type of lighting to be used in the design. In addition, a traffic impact analysis was done on this project and yielded an insignificant impact to traffic with only 197 annual average daily trips added to Middlesex Rd.

An abutter from 257 Dunstable Rd. voiced concerns with the wetlands on site, and the types of items that would be stored at the facility. The Board cautioned the applicant with storing any vehicles on the site, as they are not allowed to be parked around the site on any green space. Since additional revisions are required on the plans, Atty. Nicosia requested to continue to the June 2<sup>nd</sup> meeting.

**S. Nocco:** Motion to continue this hearing until June 2, 2016

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**8:55pm**      **Relative to Proposed Zoning By-Law Amendments Pursuant to M.G.L. c. 40A, § 5** Citizen's Petition regarding an amendment to the Tyngsborough Zoning Map. The applicant seeks to change the zoning map for a portion of the property known as **324 Middlesex Road**, Tyngsborough, Massachusetts 01879, and identified as Tyngsborough Tax Assessor's Map 19, Lot 5 from Business Three (B3) to Industrial 1 (I-1). Said land is more specifically identified in a deed dated December 19, 2015 and recorded at Book 29698, Page 69 in the Middlesex North District Registry of Deeds. *Advertised in the Lowell Sun Thursday April 14, 2016, and Thursday April 21, 2016.*

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

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

Atty. Peter Nicosia appeared before the Board. This site is split-zoned, Industrial 1 (I-1), and Business 3 (B-3). The proposed self-storage facility is only allowed in an I-1 zone, therefore they are proposing to relocate the zoning district line to extend the I-1 zone to make the storage facility compliant with zoning. The remaining B-3 lot will still be able to support future development of an allowed business use. There were no abutters present to speak for or against this proposal.

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

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**S. Nocco:** Motion to recommend the following Zoning Map Amendment to be voted on at town meeting: Change the zoning map for a portion of the property known as 324 Middlesex Road, Tyngsborough, Massachusetts 01879, and identified as Tyngsborough Tax Assessor's Map 19, Lot 5 from Business Three (B3) to Industrial 1 (I-1). Said land is more specifically identified in a deed dated December 19, 2015 and recorded at Book 29698, Page 69 in the Middlesex North District Registry of Deeds.

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

## **DISCUSSION**

### Paddock Rd. Extension Subdivision Conceptual Plan

Engineer Jeff Brem appeared before the Board to discuss a conceptual plan for a 8 lot subdivision on 36 acres of land located at the end of Paddock Rd. The site has considerable challenges relative to wetlands which would require significant oversight from the State as well as the Town. They are proposing a 1,530' cul-de sac and the Board urged the applicant to work with the Fire Dept. on this design to ensure that fire access and safety are addressed to the Fire Department's satisfaction.

**DEPARTMENT REQUEST FOR COMMENT**

ZBA – 384 Middlesex Rd.: R. Oliva looked at the proposed plan for an addition to the existing Dream Diner, and had a couple of comments relative to parking. The Board will issue these comments to the ZBA for their review.

**ADMINISTRATIVE**

**Minutes:**

**S. Nocco:** Motion to approve the minutes for April 21, 2016 as written

**K. O'Brien:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

**9:20pm**

**K. O'Brien:** Motion to adjourn

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

Minutes respectfully submitted by,  
Pamela Berman  
Planning Board Administrative Assistant