



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

Tyngsborough Planning Board Meeting Minutes May 17, 2007

Attachments: 1-Meeting Agenda **APPROVED**

Members Present:
Caryn DeCarteret, Chairman
Steve Nocco, Treasurer
John Forti, Secretary
Joyce M. Harrington (Clerk)
Jesse Johnson (Consulting Engineer)

Members Absent: Steven O'Neill

To take action on agenda items (see attached agenda) and any other business brought before the Board.

7:05PM Meeting called to order by Chairman C.DeCarteret

7:05PM Definitive Subdivision Plan Heritage Hill Estates presented by Jeffrey Rider Engineer for Cuoco & Cormier, Inc - applicant Scott Connell.

Motion: J.Forti made a motion to waive the reading of the legal notice that was printed in the Lowell Sun on May 2 & May 9, 2007 and the abutter's list

Second: S.Nocco

Carries

Chairman DeCarteret turned the floor over to Mr. Rider he gave a brief preview of the project to the Board and the audience. The Board's Engineer Jesse Johnson had many request changes (total of 63) instead of going over each item the Board request Mr. Rider and Mr. Johnson to address each item before the next scheduled meeting of June 7 after the presentation, the Board opened the floor for comments and questions from abutters and concern citizens.

Many concerns were expressed by abutters and residents. The following list of individuals spoke at the Hearing.

Person:	Address
John & Ann Conant,	2 Davis Road
Frank Lentine,	3 Davis Road
Paul Geary,	4 Davis Road
Richard Brown,	6 Davis Road
William Flaherty,	10 Davis Road
Stephen Broadlent,	12 Davis Road
Thomas Hudzik,	26 Groton Road
Joseph Plasky,	32 Groton Road
Vincent Locicero,	70 Scribner Road
Karl Hildebrand,	77 Scribner Road
Nancy Clark,	78 Scribner Road
Michael Johnson,	88 Scribner Road
Joseph .Beaudin,	92 Scribner Road

The following list summarized abutters concerns:

- 1) Will there be blasting and will it disturb the ground water? *Yes very minimal blasting and no it should not disturb ground water.*
- 2) What are the plan with the land that abutters Davis Road? *S.C. explained this is family land and will build later for grandchildren.*
- 3) Will the excess Road be wider? *S.C. this is still in the review process.*
- 4) How large is the open lot on Davis Road? *S.C. said 12 to 14 acres.*
- 5) What will happen to the stone wall on Groton Road? *S.C. if the wall is disturbed it will be rebuild.*
- 6) Will you be demolishing any homes? *S.C. no*
- 7) Safety concerns of traffic coming out of the Subdivision.. and coming on to Groton Road
- 8) Concerns of the driveway across from the Subdivision
- 9) Property abuts entrance Road concerns of safety.
- 10) Traffic, water and well concerns.
- 11) When do we find out about blasting? *S.C. will notify the abutters.*
- 12) What happens if well water problem arise after the S.D. was approved?
- 13) Will there be a bond in place? *Yes a bond is always in place with each Subdivision.*
- 14) Will there be street light? *The Board will like to see lights.*
- 15) If it didn't pass perks test 20 yrs ago how can it past now?
- 16) Are you leaving most lots wooded? *S.C. yes*
- 17) Who will maintain the Roads?

In addition, many residents wanted to know if the Board had scheduled a site walk. While no official visit had been planned, all Board members were interested in visiting the area. Ms. Coughlin submitted a package containing the following items, the quitclaim Deed for the property of 70 Scribner Road, owners, Mr. & Mrs. John Curley, a letter from the Department of Environmental Protection stating that their sewage disposal system passed. Also a letter from the Director of Conservation stating that Mr. Connell at this time has not filed a Notice of Intent because the site work does fall within the buffer zone, the letter also stated that Mr. Connell must comply with the 50 foot no build zone and 30 foot no touch zone as defined under local wetlands protection by law. It is also noted that the applicant intends to convey open space with this subdivision. The Commission has expressed interest in this open space. These are the primary issues that the Commission would be considering once the applicant files his Notice of Intent.

Motion: S.Nocco to continue the Hearing to June 7, 2007 @ 7:05PM

Second J.Forti

Carries 3-Yes, 1-Absent

9:00PM 440 Middlesex Definitive plans TJ Maxx Plaza presented by Attorney Peter Nicosia

After a brief discussion the Board made the following motion

Motion: S.Nocco to approve the Definitive plan for 440 Middlesex Road TJ Maxx Plaza dated January 30, 2007 with the following conditions

IN ACCORDANCE WITH SECTION 1.16.14 OF THE ZONING BY-LAW, THE PLANNING BOARD FINDS THAT THE PROPOSED USE;

1. Is in harmony with the purpose and intent of this By-law.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place.
3. Is appropriate for the site in question.
4. Complies with all applicable requirements of this By-Law.

THE APPROVAL IS CONDITIONED ON THE FOLLOWING ITEMS:

This Certificate of Approval is granted with the following qualifications and specifications.

Sub-division plan dated and signed January 30, 2007.

1. Copy of the Variance Decision from the Zoning Board of Appeals.
2. May 10, 2007 Correspondence of the DEP regarding septic/well approval status
3. The revised REA.
4. Revised Definitive Subdivision Plan incorporating all of the changes requested by Jesse Johnson (Planning Board Consulting Engineer) pursuant to his May 3, 2007 correspondent to the Board

Second: J.Forti
Carries 3-Yes, 1Absent

Administrative: Bills

The Board signed the following bills.
David E. Ross

9:30PM Temporary Independent Living Quarters 14 Baystate Road Doreen St.John presented by Matt Hamor of Polaris Engineering Corporation.

The Board received a letter of request to continue the public hearing until the next regularly scheduled meeting.

Motion: J.Forti to continue the hearing to June 7 @ 8:35PM.
Second: S.Nocco
Motion Carries

Administrative Approval of Minutes

Motion: J.Forti to approve the March 15, 2007 and April 5, 2007, & May 3, 2007 Minutes as written.
Second: S.Nocco
Motion Carries

Motion: J.Forti: to adjourn at 9:40PM
Second: S.Nocco
Motion Carries

Minutes taken and respectfully submitted by
Joyce Harrington, Clerk