

ADDENDA #1

Released July 6, 2016

**TOWN OF TYNGSBOROUGH
REQUEST FOR PROPOSALS
LEASE OF ONE PARCEL OF TOWN-OWNED LAND
FOR OUTDOOR ADVERTISING
RFP Release Date: June 22, 2016**

**Please see the attached additional information for this RFP, including maps and measurements.
This information must still be verified by bidders.**

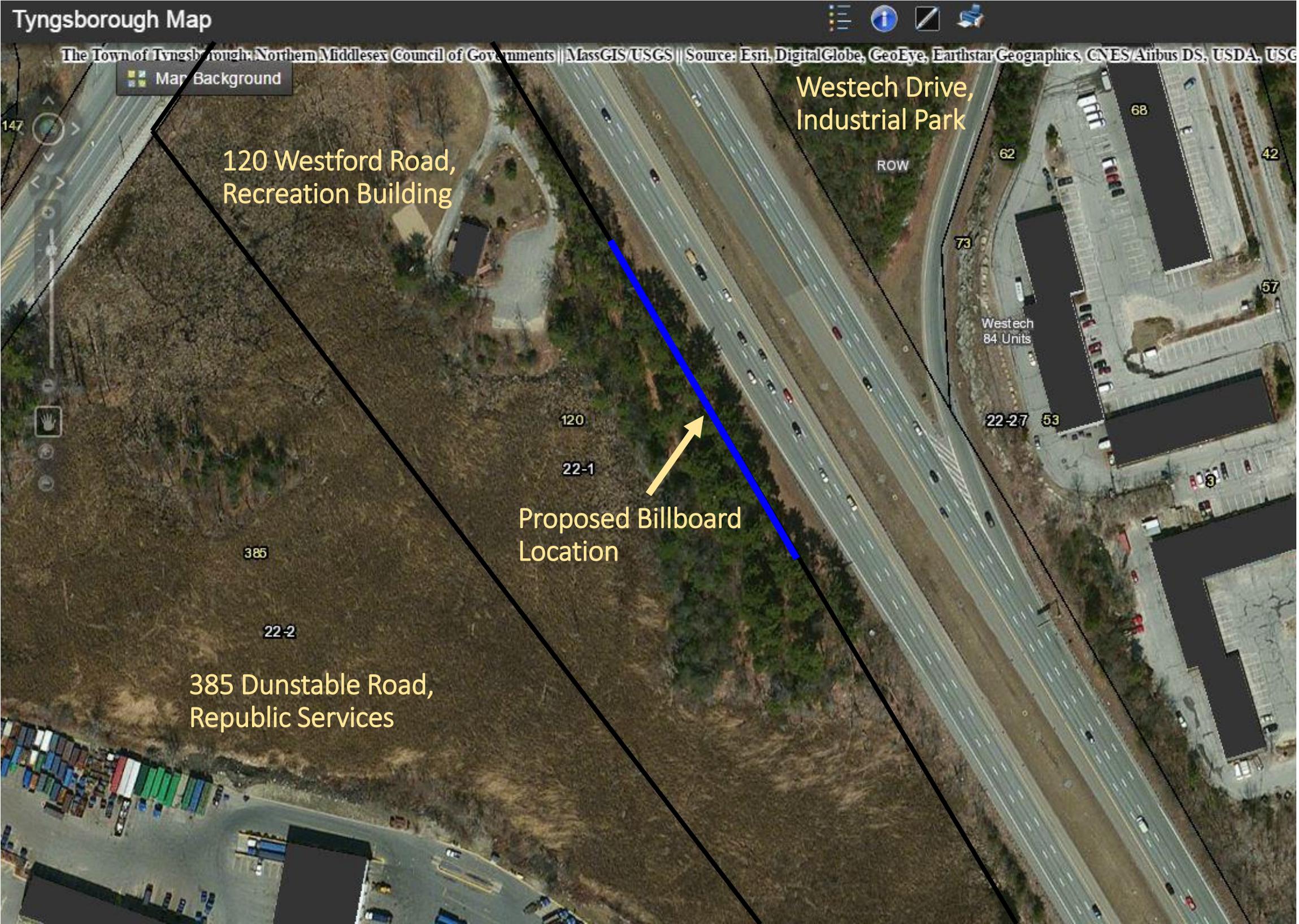
Tyngsborough Billboard Site 120 Westford Road

History of Billboards in Tyngsborough

- Currently one billboard in Tyngsborough, located on Route 3 between exits 33 and 34, owned by Makepeace Road LLC, approved by ZBA and ConsCom in 2008.
- Makepeace Road Billboard is privately owned.
- Tyngsborough began exploring possible billboard locations on municipal land in 2012. The Recreation Department in particular was seeking alternative revenue streams to support field maintenance. After careful review of multiple town-owned parcels along heavily traveled roadways, 120 Westford Road was identified as the only town-owned parcel that meets the strict standards outlined in MassDOT regulations Section 700 CMR 3.
- No additional town-owned parcels are being considered as potential future billboard locations.

Tyngsborough Billboard Site 120 Westford Road

Tyngsborough GIS Maps



Tyngsborough Billboard Site 120 Westford Road

- **Makepeace Road LLC Billboard- Assessor Map 22 Lot 24**
- **Approximately 2,000 ft. away from 120 Westford Road**
- **Far exceeds the State requirement for minimum 500 ft. from other billboards**
- **120 Westford Road has similar commercial abutters and no residential abutters**



Tyngsborough Map

Enter address

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Map Background

Map Layers

(Click "+" to view legend symbols)

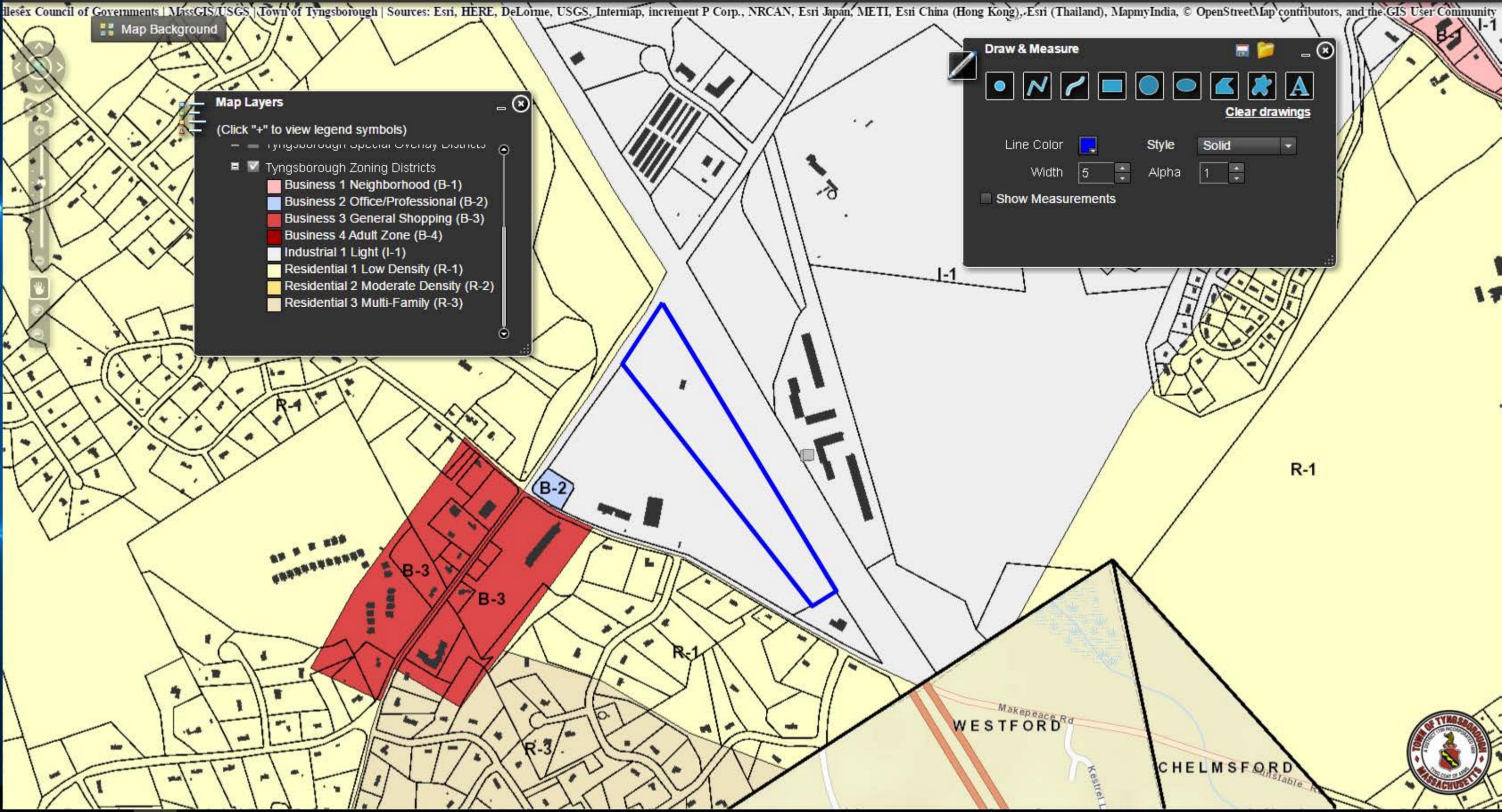
- Tyngsborough Special Overlay Districts
- Tyngsborough Zoning Districts
 - Business 1 Neighborhood (B-1)
 - Business 2 Office/Professional (B-2)
 - Business 3 General Shopping (B-3)
 - Business 4 Adult Zone (B-4)
 - Industrial 1 Light (I-1)
 - Residential 1 Low Density (R-1)
 - Residential 2 Moderate Density (R-2)
 - Residential 3 Multi-Family (R-3)

Draw & Measure

Point Line Polyline Rectangle Circle Ellipse Polygon Star Text

Clear drawings

Line Color: █ Style: Solid
 Width: 5 Alpha: 1
 Show Measurements



**DECISION
MAKEPEACE ROAD LLC
PETITION FOR A VARIANCE**

SEP 20 2008
TOWN OF TYNSBOROUGH
CLERK

The Tynsborough Zoning Board of Appeals, hereby certifies that the following is a detailed record of its proceedings relative to the Petition of Makepeace Road, LLC ("Petitioner"), 262 Westford Road, Tynsborough, MA 01879.

Subject Property: Tynsborough Assessors Map at Map 22, Lot 24 (the "Property").
Zoning District: Industrial

Petitioner seeks a variance from the following provisions of the Zoning By-law of the Town of Tynsborough:

Section 3.11.34 (1)
Section 3.11.35
Section 3.11.46

Findings

1. On May 8, 2008, a petition was presented to the Zoning Board of Appeals.
2. Thereupon, an advertisement was published in the Lowell Sun on April 24 & May 1, 2008.
3. Made part of this record is the Notice of Public Hearing. Notices were mailed postpaid to the petitioner, abutters, and owners of land within 300 feet of the property line (being the same persons named in the Assessors' Certificate, which was a part of the application).
4. An opportunity was given to all those interested to be heard in favor or opposition to said petition at the initial public hearing on May 8, 2008, as well as for the continued public hearings of July 10, 2008 and August 14, 2008.
5. The Zoning Board of Appeals closed the public hearing on August 14, 2008.
6. The Petitioner has standing to bring the Petition; and
7. The subject property is located in the Town of Tynsborough and depicted on the Tynsborough Assessors Map at Map 22, Lot 24 and consists of 7.17 +/- acres located within the Industrial (I-1) District; and

8. Makepeace Road, LLC, the "Applicant", proposes to construct an oversized sign on the property. The sign would be a back-to-back, "V"-shaped sign that would stand approximately 65 feet high and would have two faces, one facing Rte.3 North and another facing Rte. 3 South. Each sign face would be approximately 720 square feet in size. The advertisements posted on each sign face will consist of printed paper or vinyl sheets. Each sign face may have the potential to rotate in order to display multiple advertisements. (Hereinafter the "Project").
9. The following relief is requested from the Tyngsborough Zoning By-law:
 - a. a variance from Section 3.11.34 (1), "Prohibitions" - the proposed oversized sign will have an lighted "Amber Alert" sign and may result in light that is not "directed solely at or internal to the sign";
 - b. a variance from Section 3.11.35, "Off-Premises Signs" - the proposed oversized sign will advertise "products, accommodations, services, or activities" located off the premises and will not meet the exceptions provided within the by-law;
 - c. a variance from Section 3.11.46, "Industrial (I-1) District – Industrial Uses"- the oversized sign will be a freestanding sign, "V" shaped so as to advertise to both the North and Southbound sides of Route 3, will be in excess of twenty-five (25) square feet, and will stand higher than eight (8) feet above ground level. Furthermore, the sign will advertise "firms or goods or services" available or produced off site of the Property.
10. Statutory Findings. In accordance with G.L. c. 40A, s. 10, the Board specifically finds:
 - a. This Property is unique in town because of its shape, location, topography and physical characteristics. The Property is a 7.17 +/- acre site that has over 400 feet of frontage along Route 3. The Property formerly had frontage along Dunstable Road that was cut off by the construction of Route 3. The Property has approximately 1.5 acres of upland surrounded by wetlands. The surrounding wetlands and the lack of frontage on an existing way make this site an "island" that is only accessible through Makepeace Road in Westford. In addition, the uplands area has a steep slope, running from the highway (Route 3) and sloping drastically downhill towards the wetlands.
 - b. As such, due to considerations relating to the shape, topography and soil conditions of the lot, potential uses are extremely limited. Literal enforcement of the Bylaws would eliminate one of the few uses for the site. As mentioned, this site has extremely limited access and lacks

frontage on an existing way. Furthermore, the proposed location of the billboard, as well as the general nature of the Project, is such that the Project, as conditioned, will have no impact on abutters.

- c. Relief may be granted without derogating from the intent and purpose of the Town of Tyngsborough Zoning By-Laws due to the facts and hardships particular to this site, as discussed above, as well as the conditions provided herein.

Conditions

The relief sought is hereby granted subject to the following conditions:

1. The Petitioner has offered, and the Town has accepted, a gift in the amount of \$200,000.00 to be paid to the Town of Tyngsboro in ten (10) equal installment payments of \$20,000.00, which money is to be used by the Town of Tyngsboro for recreational, public safety, or other valid public purposes. The Board of Selectmen or their designee shall be the monitoring agent for this agreement. Payments shall be made in accordance with G.L. c. 44, s. 53A, and the following terms:

- * The first installment payment of \$20,000.00 shall be due on January 31st of the year following the first full calendar year during which year the Petitioner has maintained the above mentioned oversized sign with an average occupancy rate of at least eighty percent (80%). For purposes of this decision, an average occupancy rate of 80% shall be deemed to exist in any calendar year in which at least 80% of the square footage available for advertisement has been leased for at least 80% of the calendar year.
- * Each subsequent installment payment of \$20,000.00 shall be due on January 31st of the year following the next calendar year during which the Petitioner has maintained the above mentioned oversized sign with an average occupancy rate of at least eighty percent (80%).
- * Notwithstanding the above, no installment payment shall be due or paid for any time period less than a full calendar year, nor shall any installment payment be due or paid for any full calendar year during which year the Petitioner has maintained the above mentioned oversized sign with an average occupancy rate of less than eighty percent (80%). Furthermore, no installment payment shall be due or paid in any calendar year where the Billboard has not received the requisite licensing and permitting from the state.
- * Subsequent to the tenth and final installment payment of \$20,000.00 pursuant to the terms described above, the Petitioner shall pay to the Town of Tyngsboro, 25 Bryants Lane, an annual payment equivalent to 2% of the gross receipts from the

has been initiated. The contractor shall request such conference at least one week prior to commencing construction by contacting the Board in writing. At the conference, a schedule of inspections shall be agreed upon by the Petitioner, the Board, and other municipal officials or boards.

7. The Board or its agents may enter onto and view and inspect the Property during regular business hours, without notice, to ensure compliance with the terms of this Decision, subject to applicable safety requirements.

8. The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00, or any order of the Department of Environmental Protection (DEP), if applicable, regarding this property, shall be made a part of this variance. If there is any inconsistency between the plan of record for this variance and the plans as may be approved by the Conservation Commission or the DEP, the Petitioner shall submit an amended plan to the Zoning Board of Appeals and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another. Such submittal shall be made by certified mail or in hand at a regular meeting. Said amended plan submitted to the Board shall be accompanied by a letter setting forth any and all changes from the submitted plan of record and shall include revised drainage calculations, if applicable.

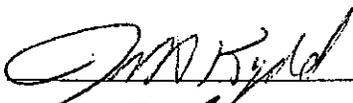
9. The construction site shall be secured in a manner approved by the Building Department so as to prevent injury or property damage to the residents of the Town.

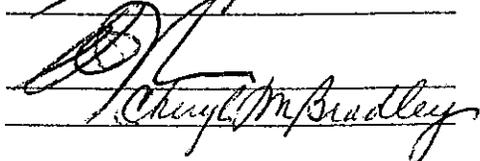
10. Prior to the issuance of any certificate of use and occupancy, the Petitioner and the Town shall enter into a written agreement specifying the terms of use of the electronic message board on the billboard. Such agreement shall be approved as to form by Town Counsel.

11. Prior to the issuance of a building permit, the Petitioner shall provide another executed covenant with an additional non-government organization in Tyngsboro.

RECORD OF VOTE

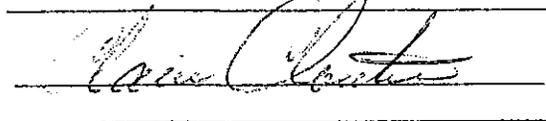
The following members of the Zoning Board of Appeals vote to grant the three (3) requested variances subject to the above-stated terms:





Cheryl M. Bradley





Maria Cloutier

The following members of the Zoning Board of Appeals are in opposition to the grant of the three (3) variances:

Filed with the Town Clerk on _____, 2008.

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and a copy of the appeal shall be filed in the Town Clerk's office within twenty(20) days after the date of filing the Decision in the office of the Town Clerk.

Per Massachusetts General Laws, Chapter 40A, Section 11, this decision shall not take effect until a copy certified by the Town Clerk has been recorded at the Registry of Deeds.

Makepeace Road LLC
315 Middlesex Road
Tyngsboro Ma 01879

August 15, 2008

Linda Drane
Building Department
Town Offices
Bryants Lane
Tyngsboro Ma.

RE: Makepeace Road LLC

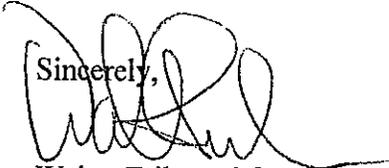
Dear Linda,

Attached is an original decision that the Board voted on at their meeting last night. It has been amended to reflect the vote, and the changes have been highlighted in yellow.

Please call me if you have any questions.

Thanks again!

Sincerely,



Walter Eriksen, Manager

22 1 0
Map Block Lot

1 of 1 RESIDENTIAL
CARD

TOTAL ASSESSED: 494,900
!1825!

Town of Tyngsborough



Patriot Properties Inc.

PROPERTY LOCATION

No	Alt No	Direction/Street/City
120		WESTFORD RD, TYNGSBOROUGH

OWNERSHIP

Owner 1:	TOWN OF TYNGSBOROUGH
Owner 2:	
Owner 3:	
Street 1:	25 BRYANTS LN
Street 2:	
Twn/City:	TYNGSBOROUGH
St/Prov:	MA Cntry
Postal:	01879
Own Occ:	N
Type:	

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	Cntry
Postal:	

NARRATIVE DESCRIPTION

This Parcel contains 14.61 ACRES of land mainly classified as MUNICPL with a(n) LODGE Building Built about 1985, Having Primarily VINYL Exterior and ASPHALT Roof Cover, with 1 Units, 0 Baths, 4 HalfBaths, 0 3/4 Baths, 0 Rooms, and 0 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Descp	%	Item	Code	Descp
Z	l1	l1	100	U	1	TYPCL
o				t		
n				I		
Census:				Exmpt		
Flood Haz:						
D				Topo		
s				Street		
t				Traffic		

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
903	MUNICPL		43560		SQUARE FESITE			0	2.25	1.000	IF									98,010						98,000	
905	CHARITY		13.61		ACRES EXCESS			0	25,000.	0.737	IF									250,728						250,700	

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
903	145,900		1.000	98,000	243,900
905		300	13.610	250,700	251,000
Total Card			14.610	348,700	494,900
Total Parcel		300	14.610	348,700	494,900
Source:	Market Adj Cost	Total Value per SQ unit /Card:		108.53	/Parcel: 108.53

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2013	903	FV	150,300	400	14.61	346,500	497,200	497,200	Year End	12/13/2012
2012	903	FV	150,300	400	14.61	346,500	497,200	497,200	Year End	12/22/2011
2011	903	FV	150,300	400	14.61	346,500	497,200	497,200		12/28/2010
2010	903	FV	150,300	400	14.61	346,500	497,200	497,200		12/29/2009
2009	903	FV	160,500	400	14.61	323,700	484,600	484,600		1/12/2009
2008	903	FV	160,500	400	14.61	323,700	484,600	484,600		3/4/2008
2007	903	FV	160,500	400	14.61	323,700	484,600	484,600	GROWTH	11/14/2007
2007	903	PR	160,500	400	14.61	323,700	484,600	484,600	2007 PRELIMINARY	11/21/2006

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
	02652 0722		9/19/1983			0	No	No		

BUILDING PERMITS

Date	Number	Descp	Amount	C/O	Last Visit	Fed Code	F. Descp	Comment
7/21/2005	05-207	SIGN		C			4 X 6	
8/2/2004	04-262	WDK		C			REPLACE 12X16 WDK	
6/22/2004	211	ALT		C			NEW UNISEX RESTROO	
4/1/1990	42	MANUAL					SHED 8X10	

ACTIVITY INFORMATION

Date	Result	By	Name
3/28/1988	MMC INFO	999	CONVERSION

Sign: VERIFICATION OF VISIT NOT DATA

Total AC/HA: 14.61000 Total SF/SM: 636411.56 Parcel LUC: 903 MUNICPL Prime NB Desc: IND FR

Total: 348,738 Spl Credit Total: 348,700

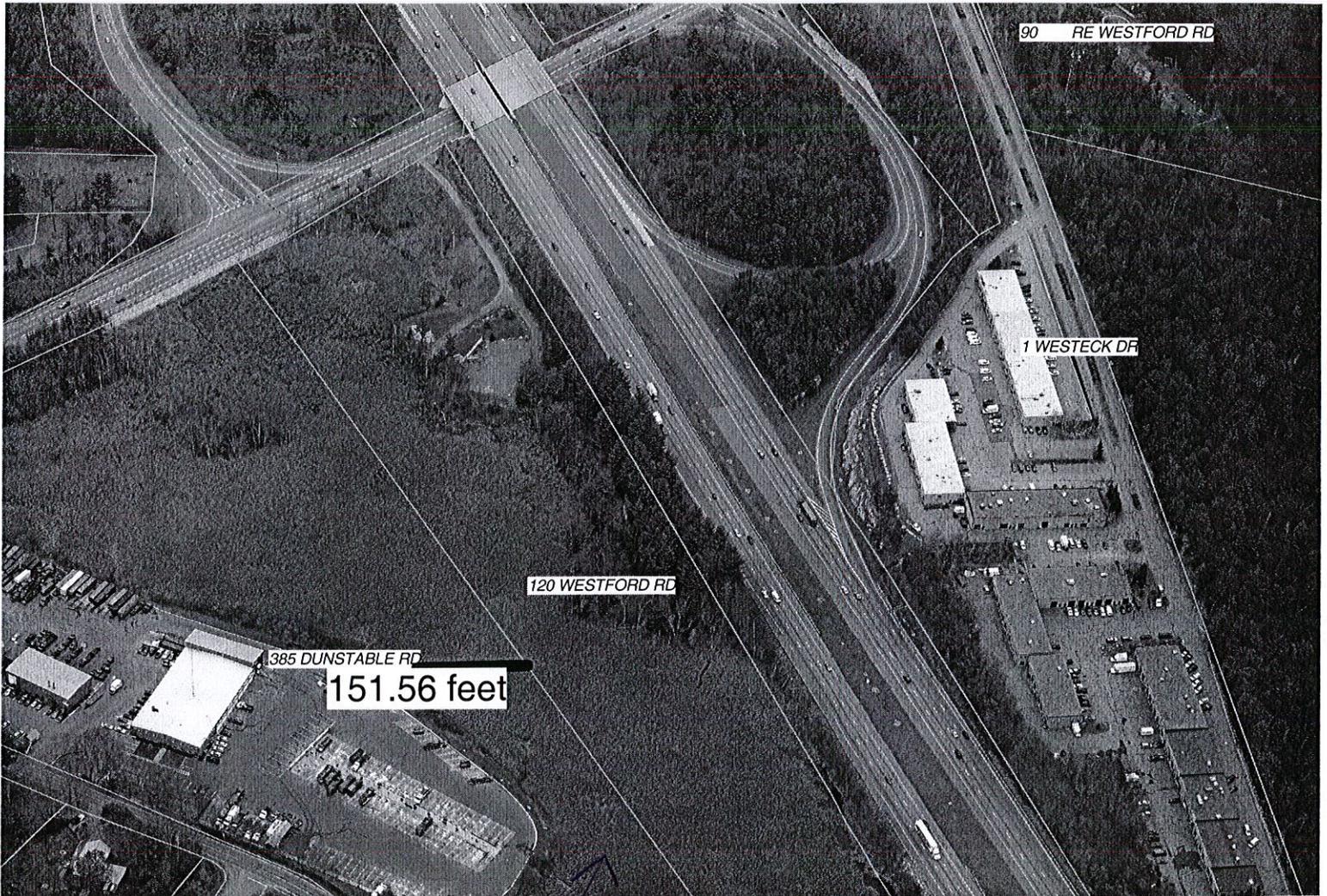
Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: AssessPro

lauren

2014

#99 Westford



90 RE WESTFORD RD

1 WESTECK DR

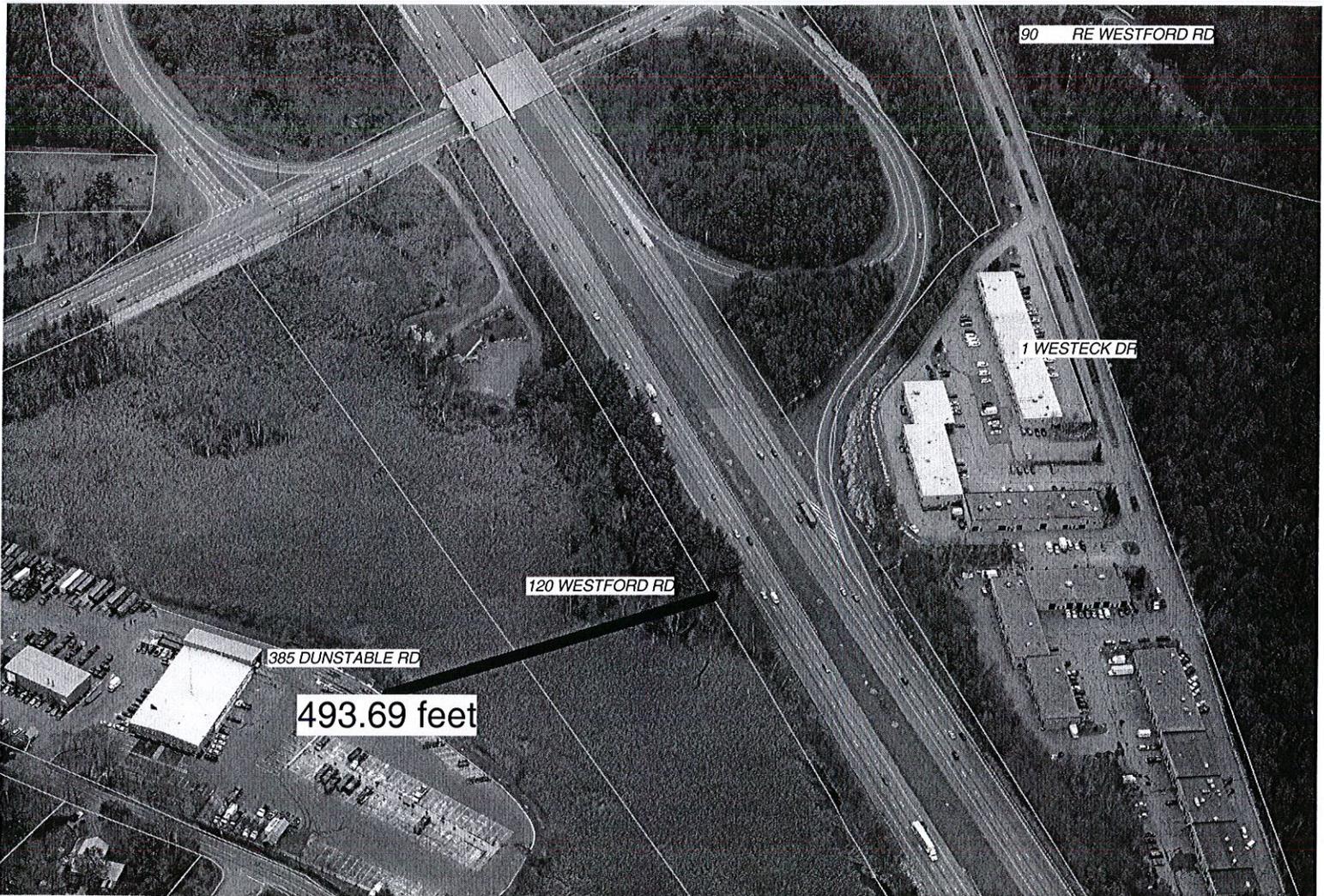
120 WESTFORD RD

385 DUNSTABLE RD

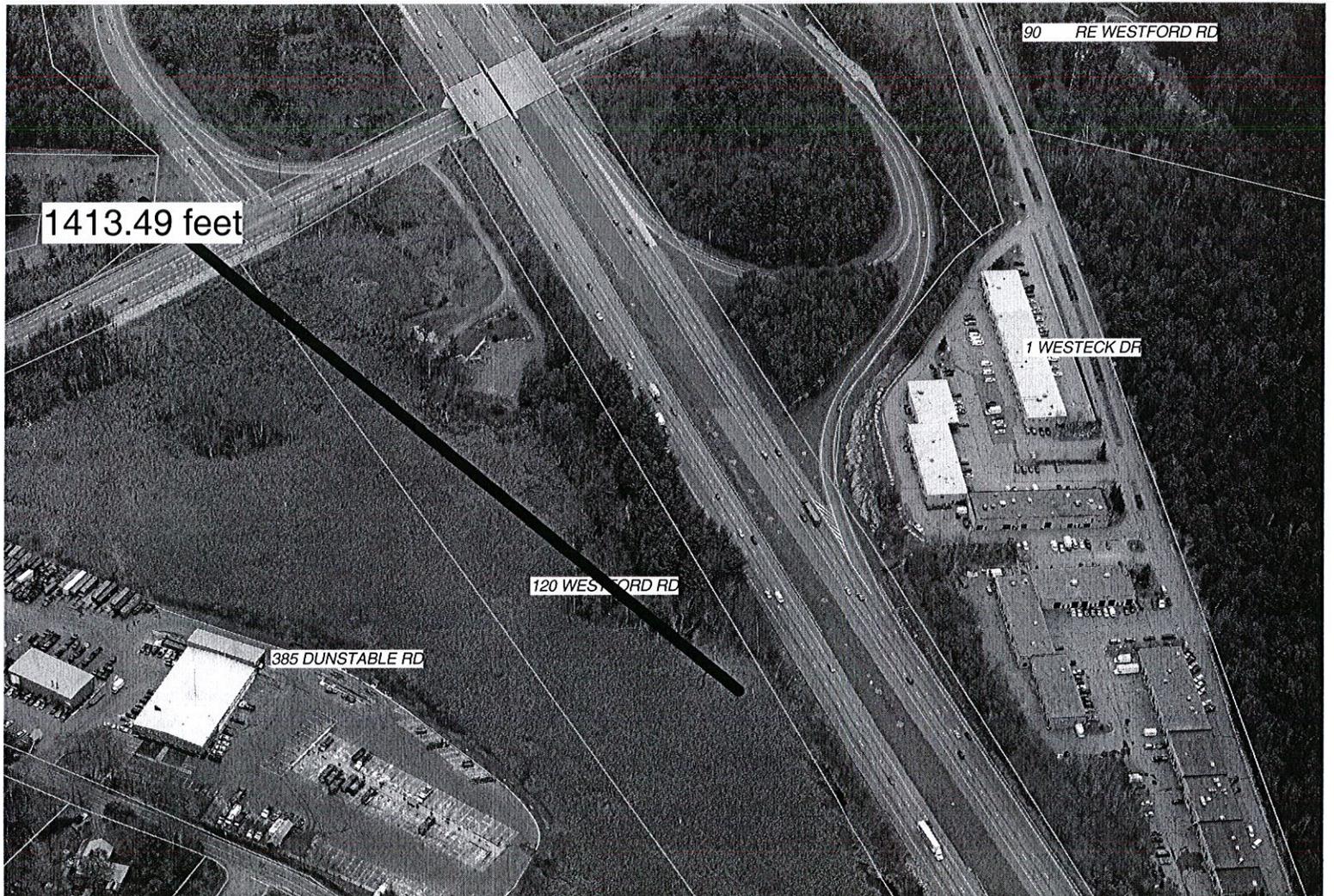
151.56 feet

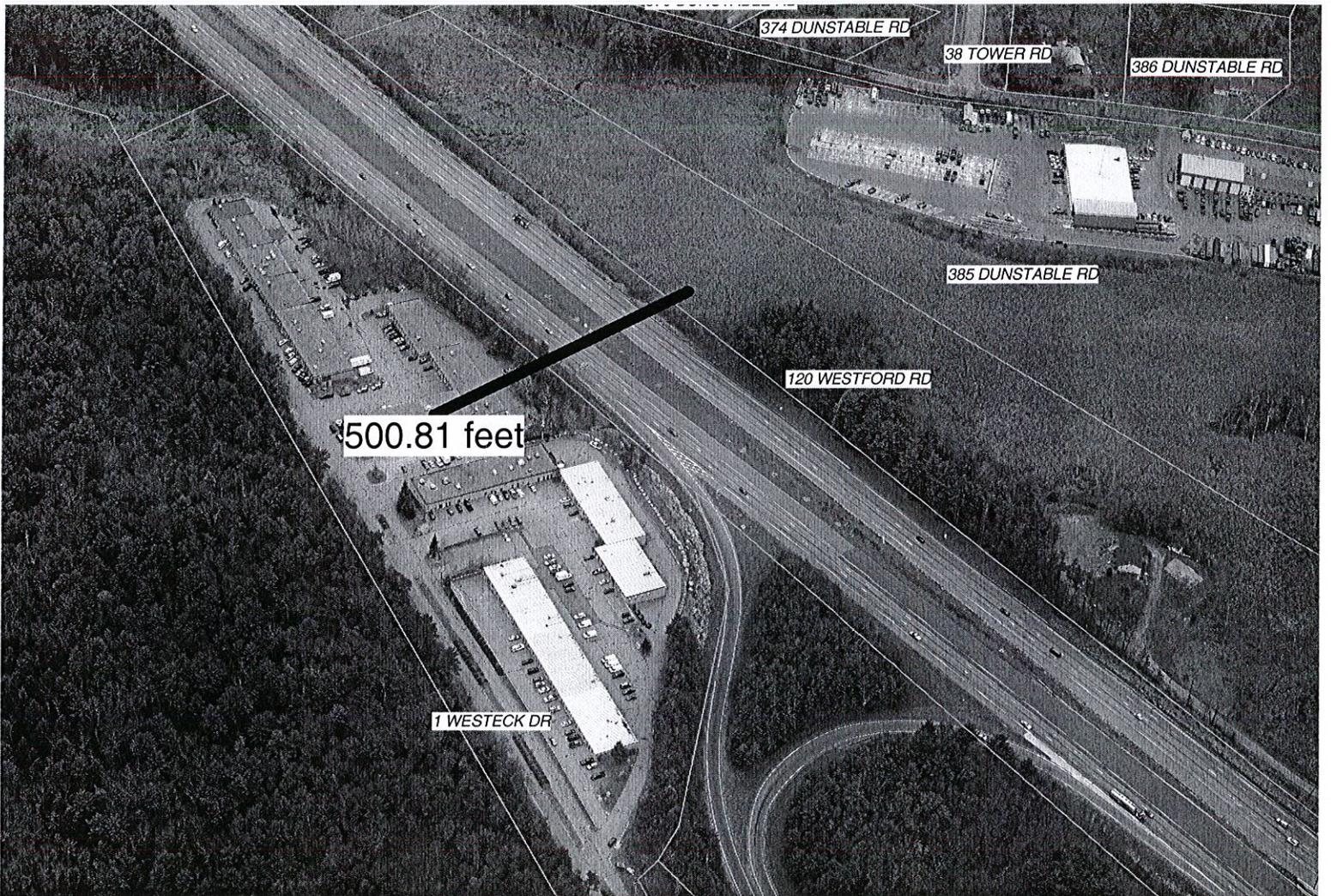
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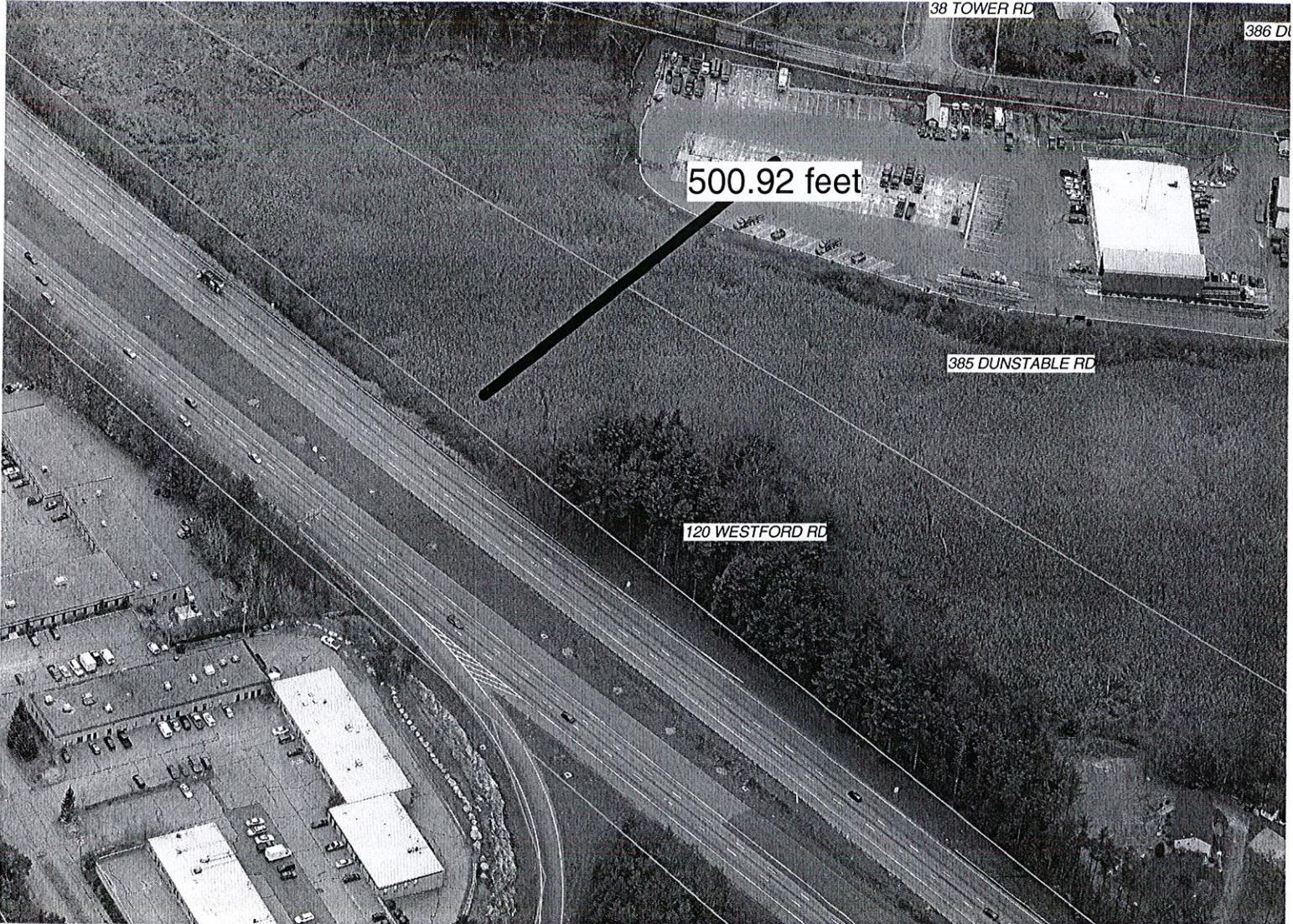
Direct
Abutter

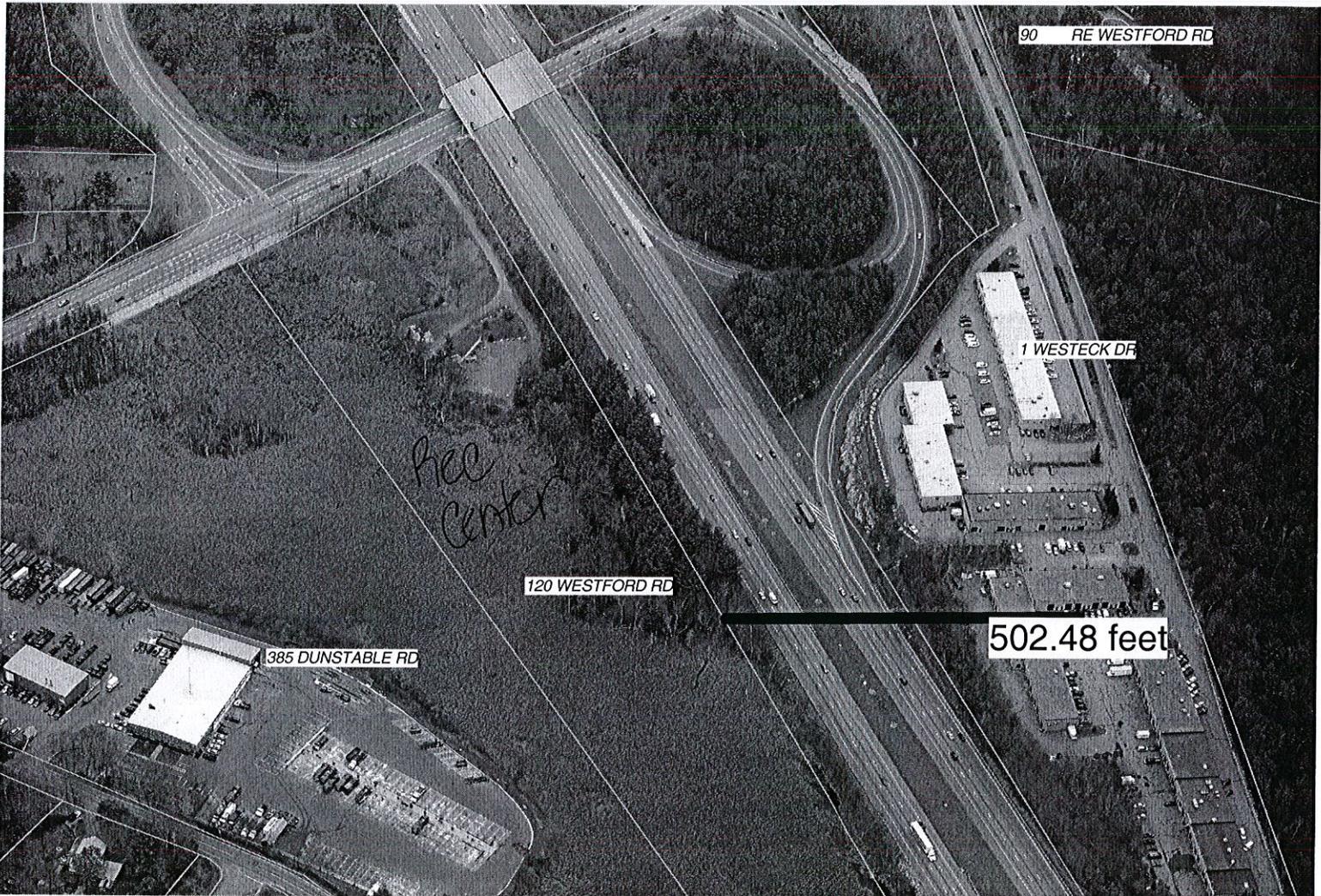


Feet to nearest Ramp









90 RE WESTFORD RD

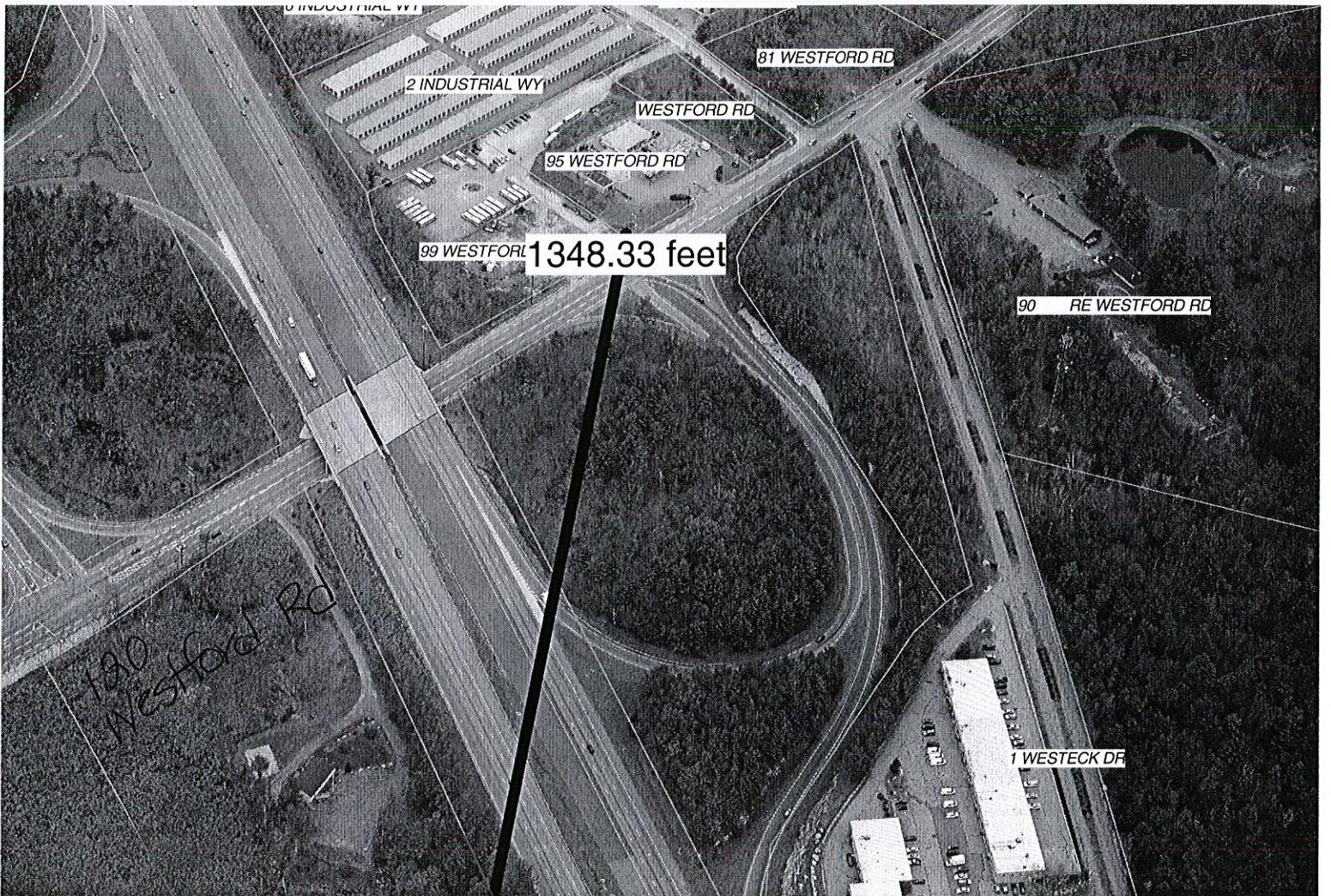
1 WESTECK DR

Rec Center

120 WESTFORD RD

385 DUNSTABLE RD

502.48 feet



1348.33 feet

2 INDUSTRIAL WY

WESTFORD RD

95 WESTFORD RD

99 WESTFORD

81 WESTFORD RD

90 RE WESTFORD RD

1 WESTECK DR

180 Westford Rd

#99 Westford

90 RE WESTFORD RD

1 WESTECK DR

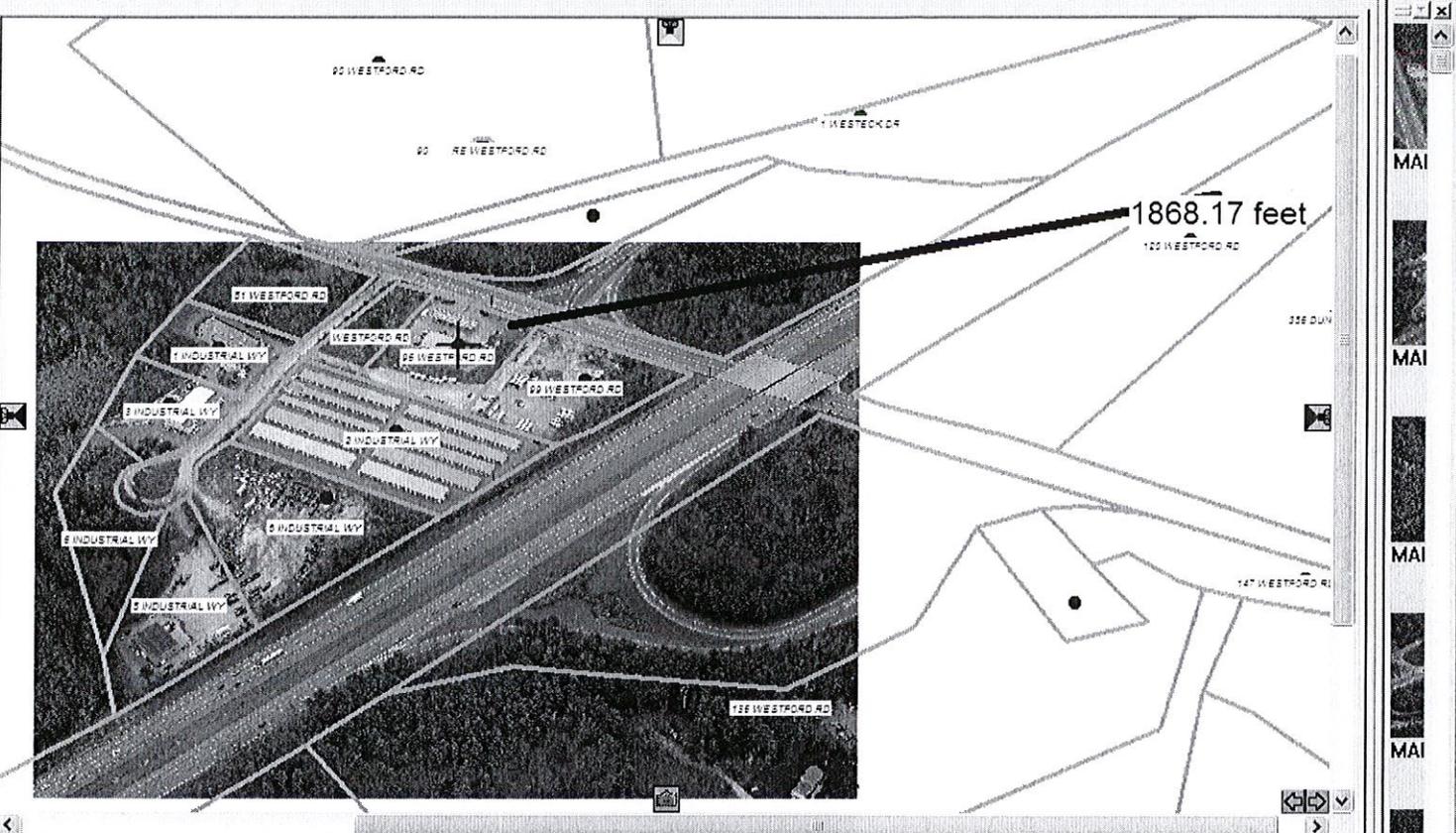
120 WESTFORD RD

296.96 feet

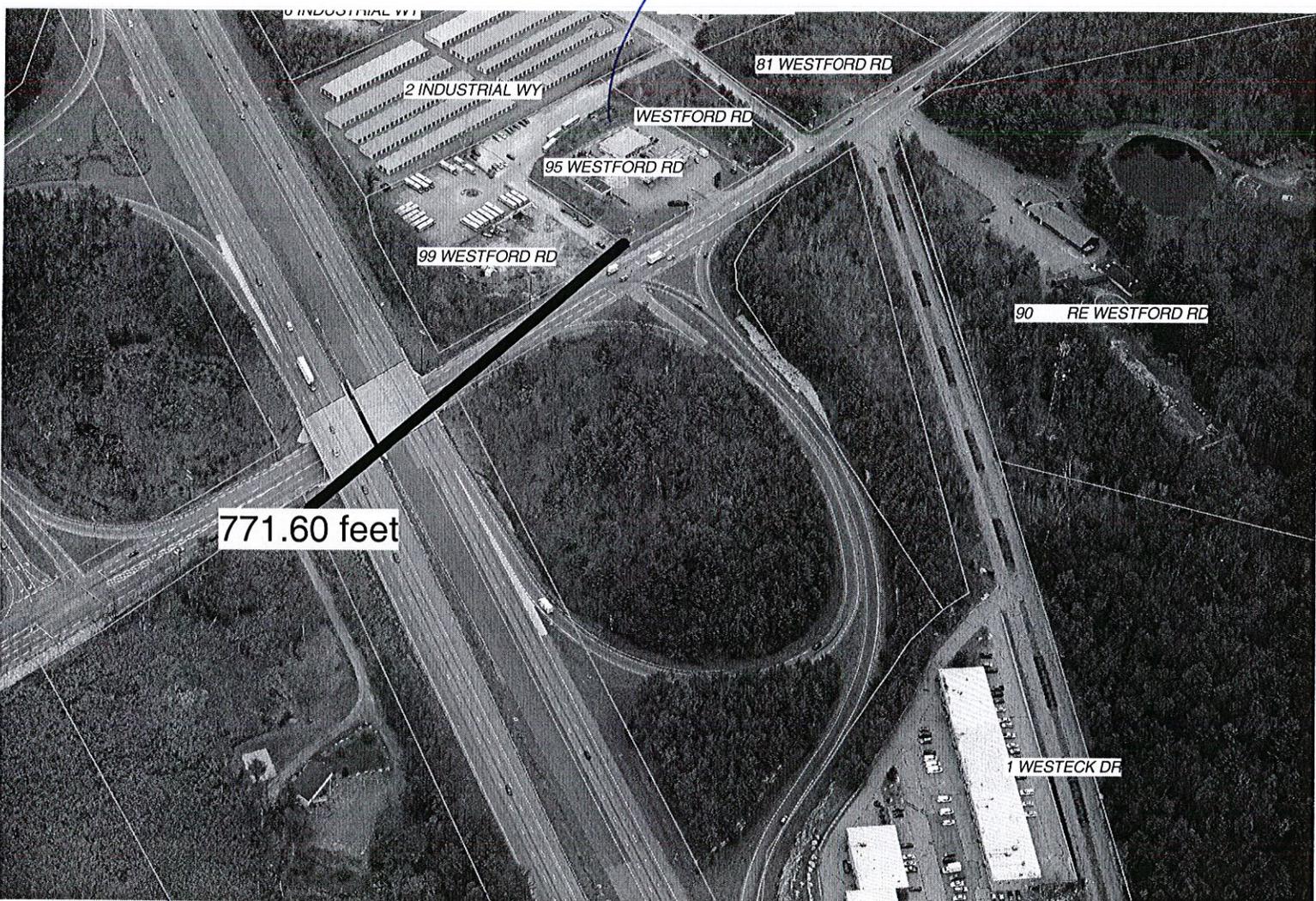
385 DUNSTABLE RD

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R+3



Mobil



771.60 feet

120 Westford