



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices | 25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

APPROVED

Monday, February 22, 2016 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectman William Gramer, Selectman Corliss Lambert. Selectman Steven Nocco.

Staff Present:, Town Administrator Curt Bellavance, Assistant Town Administrator Matt Hanson, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website – www.tyngsboroughma.gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chair opened the meeting followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Jackson. This evening the Assistant Administrator has made available the meeting materials for the public to view the documents that are being discussed at the meeting.

2. Meeting Minutes

A. Regular Session Meeting Minutes for Review/Approval

i. Tuesday, February 16, 2016

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday February 16, 2016. (Selectman Lambert abstains from voting).

B. Executive Session Meeting Minutes for Review/Approval/Not Released

i. Tuesday, February 16, 2016

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve but not release the executive session minutes of Monday February 16, 2016. (Selectman Lambert abstains from voting).

3. 6:30PM PUBLIC HEARINGS:

A. Proposed 40R project at Frost & Lakeview – Applicant is Christopher Cox and represented by Attorney Peter Nicosia

The hearing was held on Monday, January 25, 2016 whereas the Board heard testimony from the petitioner and the abutters. The Board voted to close the public portion of the hearing and voted to take the petition under advisement. The Board will render a decision on Monday February 22, 2016 meeting.

The Board in reviewing all of the testimony given at the hearing of January 25, 2016 have determined that the 40R project proposed for the Frost Road and Lakeview Avenue location was not the best-suited project for this area.

The Chairman read the following to support the Board's decision: For the Proposed Overlay District (POLD) to be eligible for a Smart Growth Program it must be: 1) Near a transit center, generally





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within ½ mile, or 2) An area of concentrated development with an existing infrastructure, or a town center or part of a Commercially-zoned center, or an existing rural village, or 3) Is highly suitable.

1-TRANSIT: To meet the transit standards, the POLD must include land located within ½ mile of a rapid transit or commuter rail station, bus, or ferry terminal; the distance can be ¾ mile if there is (or will be) continuous pedestrian access.

2-CONCENTRATED DEVELOPMENT: To meet the “area of concentrated development” standards, the district must include land (for example, existing town centers, existing commercial districts, or existing rural village districts) where:

a-The primary current use in the district is commercial or mixed use, and

b-At least 50% of the land area in the district is substantially developed or underutilized (built upon but suitable for conversion, replacement, or adaptive reuse), and

c-It is currently served by public sewer or private sewage treatments plants, and containing two or more facilities (such as town hall, post office, library, public safety facility) or an existing village retail district and at 50% of the total land in the district is substantially development or underutilized.

3-HIGHLY SUITABLE: The definition of “highly suitable” is more flexible than the definitions for the other tow types of eligible location. Chapter 40R regulations require DHCD to “resume that a location is highly suitable if it has been identified as an appropriate locus for high-density housing or mixed-use development in a local comprehensive plan, community development plan, area specific plan, regional policy plan, or other plan document, in each case adopted or updated after a public planning process.” If an area cannot meet that standard, the municipality must provide evidence that designation the area “by virtue of its existing or planned” infrastructure, transit or transportation access, underutilized facilities, “and/or location” is consistent with the statutory goals for smart growth.

Does the Board find that the Proposed Overlay District is: 1) within ½ mile of a transit station (yes or no), or 2) a town center, or part of a commercially-zoned district, or an existing rural village (having at least two municipal buildings) (yes or no), or 3) a highly suitable location (yes or no). The Board based on all the information provided, voted 4-1 not to proceed with any application to DHCD.

B. 40 & 44 Cummings Road – Applicant is Freedom Alley Shooting Sports and represented by Attorney Peter Nicosia

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to open the hearing. The Clerk read the legal notice.

The Board voted 5-0 on a motion by Selectman Jackson, second by Select Gramer to waive the reading of the abutters list.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to open the evidentiary Portion of the hearing.

The Chair invited the petitioner and his Attorney, Mr. Peter Nicosia to come forward and present the application for a proposed 36,300-sf. Indoor gun range facility, with accessory retail, office, classroom, and gym space, as well as a separate 5,000-sf shipping and receiving building and site improvements. The proposed project is under consideration by the Conservation Commission for both an Order of Conditions and a Stormwater Permit, and by the Planning Board for Site Plan Review Special Permit & Business use Special permit. Attorney Nicosia also introduced the





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petitioner Dan Whitman, and Paul Chisolm, Civil Engineer with Keach-Nordstrum Associates and Kelly Davis. Mr. Kelly and Mr. Chisolm circulated some additional correspondence showing the revisions of the plan. The petitioner has addressed all of the safety requirements, has reinforced concrete walls, the security system will include video equipment and the doors are steel reinforced and are fully programmable. There will also be air exchangers and the air will be changed every 30 minutes, all dust is pulled down the range. The Board has discussed with the petitioner all of their concerns for the safety of the customers using the range as well as the safe-keeping of fire arms. The Chair asked if anyone wanted to speak in favor of the project, none one came forward, asked if anyone wanted to speak against the project, Mr. Wickens came forward to ask about the safety of the delivery of firearms to the stand-alone building. The applicant explained that security measures will be in place. Then Mr. Wickens asks if the Police Chief over sees the operation and safety of the gun range and where he is Mr./Officer Whitman's superior, would it constitute a conflict.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue this hearing to Monday, March 14, 2016 at 6:05 PM at the Town Offices, 25 Bryants Lane.

4. New Business

A. Stephanie Cronin – Middlesex 3

Ms. Stephanie Cronin, Executive Director from the Middlesex 3 Coalition, wanted to update the Board on what regional projects and activities have been taking place over the past year since Tyngsborough became a member. The Middlesex 3 Coalition consists of several municipalities including Bedford, Billerica, Burlington, Chelmsford, Lexington, Lowell, Tewksbury, and Westford. Ms. Stephanie Cronin came forward and spoke about some of the projects that the Middlesex 3 group is working on to help market the Rte. 3 corridor to businesses. The Chairman thanked Ms. Cronin for coming in and updating the Board.

B. CHAPA – right of first refusal

The office received a letter from Citizens' Housing and Planning Association, Inc. (CHAPA) in regards to #1 Hemingway Road. CHAPA is the monitoring agent on behalf of the Maple Ridge project. When an owner is looking to sell their property the monitoring agent manages the sale as outlined in the deed rider. Also outlined in the deed rider is the option for the Town to purchase the property. The Town has 30 days under the "right of first refusal" to purchase the affordable unit, to either manager or re-sell.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to waive the Town's rights to purchase #1 Hemmingway Road.

C. Contract Authorization – new photocopier lease

The existing lease for our town hall photocopiers is expiring next month. Mr. Jason Bulger, IT Administrator, has been working several companies and getting quotes. The three copies would replace the existing copiers in the administration, finance, and inspectional offices. The town currently uses Toshiba copiers and has been satisfied with the product and service.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to authorize the town administrator to sign the three-year lease agreement with Toshiba Business Solutions (USA) Inc. for the replacement of three office photocopiers.

The Board voted 5-0 on a motion by Selectman Jackson and second by Selectman Gramer to authorize the Town Administrator to sign the net metering agreement.





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5. Old Business

A. Veterans Sign – request to install parking lot sign

Mr. Dery, Veterans' Agent, has been working with Teacher Beth Craig's service learning class at Tyngsborough High School. They ask that the Board approve a sign "Veteran Parking Only" to place at any/all town owned property. The sign allows us to honor our Veterans and show our support for their service to our nation.

The Board voted 4-1 on a motion by Selectman Jackson, second by Selectman Gramer to support the placement of the "Veterans Parking Only" sign at the Town Hall and the Council on Aging parking lots. Selectman Lambert abstained from voting because he is a Veteran and could possibly use the space.

B. Ratify Agreement – SEIU Highway Unit

The Highway Chapter of SEIU, Local 888 has endorsed the settlement agreement between the Town of Tyngsborough and the Highway Chapter of SEIU, Local 888.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to ratify the Settlement Agreement between the Highway Chapter of SEIU, Local 888 and the Town of Tyngsborough.

C. Surplus property – RFP for #5 Industrial Way

The Administrator presented the draft RFP for the sale of town owned property located at #5 Industrial Way; for the Board to review and to provide feedback or comments prior to the administration moving forward and releasing the document and soliciting any bids. There was some discuss in regards to leasing the property. One option would be to amend the RFP to include "sale or lease".

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to allow the Administration to release the RFP for the sale of #5 Industrial Way for the minimum sum of \$250,000.

6. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

7. Correspondence

The Board voted 5-0 on a motion by Selectmen Jackson, second by Selectman Gramer to accept the correspondence with the additional five new documents distributed this evening as read by the Clerk.

8. Review of Weekly Warrants

The Administrator read the following warrants: Warrant #34P for \$839,332.43 on 2/22/2016; Warrant #34VET for \$10,881.32 on 2/22/2016; Warrant #34B for \$1,115,430.03 on 2/22/2016.

9. Town Administrator's Report - No report this evening.





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10. **Selectmen's Reports**

Selectman Lambert thanked the administration for making the agenda and agenda materials available for the public to view. He had many phone calls from residents asking to access meeting materials.

11. **Executive Session** – No session this evening.

12. **Adjournment**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to adjourn the meeting. The meeting adjourned at 8:50 PM.

Respectfully submitted

Approved on Monday, March 7, 2016

Therese Gay
Admin Assistant

