

**MINUTES OF THE SPECIAL TOWN MEETING  
OCTOBER 11, 2005**

Place: Tyngsborough Elementary School  
Moderator: Robert L. Kydd, Jr.

Time: 7:00 pm  
Voters Present: 288

The meeting opened with the Pledge of Allegiance to the American Flag. Chairwoman Schnackertz told the audience that Selectman Lemoine was stuck in LaGuardia Airport and that he will be at the meeting as soon as possible. She took the opportunity to introduce the newly hired Town Administrator, Rosemary Cashman, to the attendees, who greeted her warmly.

**Article 1.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$210,000 to supplement the Stabilization Account, or to take any other action relative thereto.

**Motion:** That the Town vote to transfer from Free Cash, the sum of \$210,000 to supplement the stabilization account.

**Motion #2:** That the amount be amended down to \$200,000.

**Action #2:** Does not carry.

**Action:** Carries. Yes votes – 169, no votes – 32. Exceeds the 2/3 vote needed.

**Article 2.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$1,791.00, to be expended by the Board of Selectmen, to pay three prior year bills,

Assessors Database	\$ 240.00
Lowell Sun/Planning Board	\$ 551.00
Tyngsborough Water District	\$1,000.00

or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$1,791.00, to be expended by the Board of Selectmen, to pay three prior year bills,

Assessors Database	\$ 240.00
Lowell Sun/Planning Board	\$ 551.00
Tyngsborough Water District	\$1,000.00

**Action:** Passed unanimously.

**Motion:** That the following town employees, who are non-residents, be allowed to speak: Charles Zaroulis, Town Counsel, David Hawkins, School Superintendent, Barbara Reynolds, COA Director, and Randy Gagne, Assistant Library Director.

**Action:** Carries.

**Article 3.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$15,000.00, to be expended by the Board of Selectmen for the purpose of obtaining arbitrage services regarding the Elementary School Building Project and to pay any penalties or rebates, or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$15,000.00, to be expended by the Board of Selectmen for the purpose of obtaining arbitrage services regarding the Elementary School Building Project and to pay any penalties or rebates.

**Action:** Carries.

**Article 4.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$35,000.00 to the Police Department salary and wages account to fund a salary increase provided by an amendment dated September 26, 2005, to the Collective Bargaining Agreement for fiscal year 2006 with the IBPO, Local 485, or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$35,000.00 to the Police Department salary and wages account to fund a salary increase provided by an amendment dated September 26, 2005, to the Collective Bargaining Agreement for fiscal year 2006 with the IBPO, Local 485.

**Action:** Article carries.

**Article 5.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$15,000.00 to the Highway Department salary and wages account to fund the salary increase as provided in the one year Collective Bargaining Agreement, dated September 26, 2005 with SEIU, Local 271, or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$15,000.00 to the Highway Department salary and wages account to fund the salary increase as provided in the one year Collective Bargaining Agreement, dated September 26, 2005 with SEIU, Local 271.

**Action:** Carries.

**Article 6.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$10,844.00 to fund the FY 06 Clerical Union Collective Bargaining Agreement amendment dated September 26, 2005, with SEIU, Local 888, or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$10,844.00 to fund the FY 06 Clerical Union Collective Bargaining Agreement amendment dated September 26, 2005, with SEIU, Local 888.

**Action:** Article does carry.

**Article 7.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$110,200.00 to supplement the following accounts,

Police Equipment Repair	Account #0100-210-5240-000	\$15,000.00
Highway Equipment	Account #0100-422-5850-000	\$11,000.00
Fire Department Expense	Account #0100-220-5240-000	\$13,000.00
Fire Depart. Salary and Wages	Account #0100-220-5000-000	\$ 6,000.00
Treasurer Salary and Wages	Account #0100-145-5100-000	\$22,700.00
Tree Warden Expense	Account #0100-294-5300-000	\$ 2,500.00
Town Hall Expense	Account #0100-192-5380-000	\$25,000.00
Labor Counsel	Account #0100-152-5301-000	\$ 5,000.00
Recreation Committee Expense	Account #0100-655-5640-000	\$10,000.00

or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$110,200.00 to supplement the following accounts,

Police Equipment Repair	Account #0100-210-5240-000	\$15,000.00
Highway Equipment	Account #0100-422-5850-000	\$11,000.00
Fire Department Expense	Account #0100-220-5240-000	\$13,000.00
Fire Depart. Salary and Wages	Account #0100-220-5000-000	\$ 6,000.00
Treasurer Salary and Wages	Account #0100-145-5100-000	\$22,700.00
Tree Warden Expense	Account #0100-294-5300-000	\$ 2,500.00
Town Hall Expense	Account #0100-192-5380-000	\$25,000.00
Labor Counsel	Account #0100-152-5301-000	\$ 5,000.00
Recreation Committee Expense	Account #0100-655-5640-000	\$10,000.00

**Motion #2:** To amend the Treasurer Salary and Wages as follows:

Treasurer Salary and Wages	Account #0100-145-5100-000	\$12,700.00
Treasurer Professional Services	Account #0100-145-5300-000	\$10,000.00

**Action:** Carries as amended.

**Article 8.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$25,000.00 to supplement the Town's Health Insurance budget for FY 06, or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$25,000.00 to supplement the Town's Health Insurance budget for FY 06.

**Action:** Carries.

**Article 9.** To see if the Town will vote to transfer from available funds in Account #524-5300 Trash Account, the sum of \$9,680.00 and place into the following accounts:

Clerical	Account #520-5103	\$3,400.00
Coverage	Account #520-5110	\$1,780.00
Prof. Service	Account #520-5300	\$2,000.00
Prof. Service	Account #520-3301	\$2,500.00

to be expended by the Board of Health, or to take any other action relative thereto.

**Motion:** To amend Article 9 to remove the coverage line #520-5110 and vote to transfer from Account #524-5300 Trash Account, the sum of \$7,900.00 and place into the following accounts:

Clerical	Account #520-5103	\$3,400.00
Prof. Service	Account #520-5300	\$2,000.00
Prof. Service	Account #520-3301	\$2,500.00

**Action:** Carries.

**Article 10.** To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds the sum of \$400.00, to be expended by the Board of Health to reimburse Mr. Ray Beaudoin of 126 Frost Rd. for cancellation of a septic system application, or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from Free Cash the sum of \$400.00, to be expended by the Board of Health to reimburse Mr. Ray Beaudoin of 126 Frost Rd. for cancellation of a septic system application

**Action:** Carries.

**Article 11.** To see if the Town will vote to transfer the sum \$30,000.00 from 0100-255-5100 Communication Control Salary and Wage to 0100-210-5100 Police Dept. Salary and Wages Account, to be expended by the Police Department, or to take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer the sum \$30,000.00 from account # 0100-255-5100 Communication Control Salary and Wages the sum \$30,000.00 to 0100-210-5100 Police Department Salary and Wages Account, to be expended by the Police Department.

**Action:** Carries.

**Article 12.** To see if the Town will vote to transfer the sum of \$2,000.00 from the Tax Collector Clerical Salary & Wage Account to the Accountant Clerical Salary & Wage Account, to be expended by the Town Accountant & Collector to re-establish the Finance Clerical position, or to take any other action in relation thereto.

**Motion:** That the Town vote to transfer the sum of \$2,000.00 from the Tax Collector Clerical Salary & Wage Account to the Accountant Clerical Salary & Wage Account, to be expended by the Town Accountant & Collector to reinstate the Finance Clerical position.

**Action:** Carries.

**Article 13.** To see if the Town will vote to transfer from Account 541-5103 Custodian Line Item a sum of \$2,500.00 to Account #542-5380 Other Services Line Item, to be expended by the Council on Aging, or to take any other action relative thereto.

**Motion:** That the Town vote to transfer from Account 541-5103 Custodian Line Item a sum of \$2,500.00 to Account #542-5380 Other Services Line Item, to be expended by the Council on Aging.

**Action:** Carries.

**Article 14.** To see if the Town will vote to the transfer from Free Cash the sum of \$484,000.00 to supplement the School Committee FY 06 Budget, to be expended by the School Committee, or to take any other action relative thereto.

**Motion:** That the Town vote to the transfer from Free Cash the sum of \$484,000.00 to supplement the School Committee FY 06 Budget to be expended by the School Committee.

**Action:** Carries.

**Article 15.** To see if the Town will vote to raise and appropriate or borrow a sum of money for the purpose of repairing/replacing the roof at the Tyngsborough Early Childhood Center located at 135 Coburn Road, including costs incidental and related thereto; that the School Committee is authorized to expend these sums and on behalf of the Town; and if by borrowing, the Treasurer, with the approval of the Selectmen, is authorized to borrow said money, under and pursuant to M.G.L. c.44, section 7, or any enabling authority, and to issue bonds or notes of the Town therefore, and, further, to authorize the School Committee to apply for, accept and expend any federal, state, or other grant that may be available for the project, or to take any other action relative thereto.

**Motion:** That the sum of \$354,000.00 is hereby appropriated to pay the costs of repairing/replacing the roof at the Tyngsborough Early Childhood Center located at 135 Coburn Road, including costs incidental and related thereto; that the School Committee is authorized to expend these sums on behalf of the Town; and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow \$354,000.00, under and pursuant to M.G.L. c.44, section 7(3a) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and, further, that the School Committee is authorized to apply for, accept and expend any federal, state, or other grant that may be available for the project.

**It was noted that the Capital Asset Management Committee supports this Article.**

**Action:** Carries unanimously.

**Article 16.** To see if the Town will vote to certify the Chapter 90 Bond appropriation as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

**Motion:** That the Town vote to certify the Chapter 90 Bond appropriation in the amount of \$218,859.00 as an available fund to be expended by the Board of Selectmen.

**Action:** Carries.

**Article 17.** To see if the Town will vote to transfer from the Free Cash Account, a sum of money, to be expended by the Board of Selectmen, to be used to stabilize the Tax Rate for Fiscal Year 2006, or to take any other action relative thereto.

**Motion:** That the Town vote to transfer from Free Cash the sum of \$100,000.00, to be expended by the Board of Selectmen, to be used to stabilize the Tax Rate for Fiscal Year 2006

**Action:** Carries.

**Article 18.** To see if the Town will vote pursuant to M.G.L. c. 40, section 5B, stabilization funds establishment, to create a Capital Asset Stabilization Fund for the purpose of funding capital projects and improvements involving major, non-recurring tangible assets and projects which have a useful life of at least five (5) years and cost over \$50,000.00, or to take any other action relative thereto.

**Motion:** That the Town vote pursuant to M.G.L. c. 40, section 5B, stabilization funds establishment, to create a Capital Asset Stabilization Fund for the purpose of funding capital projects and improvements involving major, non-recurring tangible assets and projects which have a useful life of at least five (5) years and cost over \$50,000.00.

**Action:** Carries.

**Article 19.** To see if the Town will vote to transfer from available funds in Account #0100-182-5000-001 the sum of \$43,812.00 to the Capital Asset Stabilization Fund, or to take any other action relative thereto.

**Motion:** That the Town vote to transfer from in Account #0100-182-5000-001 the sum of \$43,812.00 to the Capital Asset Stabilization Fund.

**Action:** Carries. Moderator counted 1 no vote and more than 50 yes votes. Exceeds the 2/3 vote needed.

**Article 20.** To see if the Town will vote to appropriate from available funds, the sum of \$5,000.00, from the Community Preservation Committee Open Space fund to be expended by the Conservation Commission to procure interior fixtures and furnishings to support educational, historical and recreational programs at the Historical Sherburne House located at 46 Coburn Road, or to take any other action relative thereto.

**Motion:** That the Town vote to transfer from the Community Preservation Committee Open Space Fund the sum of \$5,000.00, fund to be expended by the Conservation Commission to procure interior fixtures and furnishings to support educational, historical and recreational programs at the Historical Sherburne House located at 46 Coburn Road.

**Action:** Carries.

**Article 21.** To see if the Town will vote to approve the following Mandatory Recycling By-law in order to protect the environment, promote recycling and improve compliance with Massachusetts mandated waste bans, or to take any other action relative thereto.

#### THE TOWN OF TYNGSBOROUGH MANDATORY RECYCLING BY-LAW

##### Section 1. PURPOSE

In order to protect the environment, promote recycling and be in compliance with Massachusetts mandated waste bans; the Town of Tyngsborough (the Town) hereby establishes a program for mandatory separation of recyclable and compostable yard waste from the solid waste stream. This program applies to all owners, tenants, occupants, and property managers of residential, multifamily, commercial, municipal, and institutional structures and properties in the Town. Massachusetts General Laws Chapter 40 Section 8H authorizes this program.

##### Section 2. APPLICABILITY

The following regulations shall apply to owners, tenants, and property managers acting on behalf of owners or tenants of all residential, multifamily, commercial, municipal, and institutional structures in the Town and to any and all waste haulers duly licensed by the Town's Board of Health (the Board).

##### Section 3. DEFINITIONS

Agent/Assignee: Persons, business, or Town board designated and authorized by the Board to act in its behalf.

Barrel: A 40-gallon or less refuse receptacle not to exceed 50 lbs. when full.

**Bulky Items:** Items that cannot be placed into a barrel, but not including items precluded by the Code of Massachusetts Regulations (3410 CMR 19.017) nor considered hazardous waste materials or prohibited by any other state or federal law or regulation from burial or incineration. Bulky items are, including but not limited to, sofas, chairs, mattresses, carpets that are cut and tied into rolls not to exceed 10" in diameter and 4' in length (three rolls equal one bulky item).

**Commercial/Business:** Any building or property, including but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels, motels, lodging, restaurants, amusement or commercial recreation facilities, or shipping and receiving areas.

**Compostable Yard Waste:** Any organic material from yards that has the potential to be composted, such as leaves, grass, hedge and shrub clippings, weeds, garden waste, and small twigs less than 4' in length and 2' in diameter and tied into bundles weighing less than 50 lbs.

**Hazardous Waste:** Any waste or material, in any amount, which is defined, characterized or regulated as hazardous by or pursuant to federal or state laws. For the purposes of this by-law, the term "Hazardous Waste" shall also include, but not be limited to, motor oil, gasoline, oil based paint, asbestos, Cathode Ray Tubes (CRT's), televisions, computer monitors, lead batteries, florescent bulbs, and ammunition.

**Institutional:** An establishment dedicated to public service or culture, including but not limited to, educational, religious, and health care functions.

**Multifamily:** All dwelling units served by waste management systems other than the Town's curbside collection of recyclables and/or trash collection.

**Municipal:** Any building or property owned by the Town.

**Owner:** Person(s), corporation(s), partnership(s) or other legal entity (entities) who hold legal title to or have control of any premises and who shall be ultimately responsible for compliance with this by-law.

**Recyclable Materials:** Any type of refuse designated by the State of Massachusetts pursuant to the Code of Massachusetts Regulations (310 CMR 19.017), including but not limited to, metal and glass containers, plastic bottles numbered 1-7, plastic products, tires, white goods, aluminum containers, recyclable paper (newspapers, junk mail, 3'x3' corrugated cardboard, and catalogs).

**Recycling Receptacles:** Durable containers up to 95 gallons weighing less than 50 lbs. when full and paper bags to contain recyclable paper.

**Residential:** All dwelling units participating in municipal curbside collection of recyclables and/or served by trash collection.

**Residential Refuse:** All solid waste and bulky goods generated by households within the Town including lumber that is cut to four feet or less and tied into bundles weighting less than 50 lbs. Excluded materials include, but are not limited to, auto parts, building materials or building demolition material (cement, plaster, lumber, and the like, when such items are the results of construction work), earth, stones, tree trunks, tree stumps or large tree limbs, recyclable materials, yard waste, or compostable yard waste.

**Solid Waste:** Any useless, unwanted, or discarded material that is abandoned by being disposed of or is stored, treated or transferred pending such disposal, not including any hazardous waste, or compostable yard waste.

**Tenant:** Person(s), corporation(s), partnership(s) or other legal entity (entities) having occupancy and possession of any premises whether under written agreement, tenancy at will, tenancy at sufferance, or otherwise.

**Waste Hauler:** Any person, business, other legal entity, or Town Department who is duly licensed by the Board to collect refuse or recycling within the Town.

**White Goods:** Appliances, including but not limited to, refrigerators, freezers, ranges, washers, dryers, air conditioners, water tanks, and compactors.

#### Section 4. WASTE HAULERS

- 4.1 The Board on an annual basis to operate within the Town must duly license every waste hauler.
- 4.2 Every waste hauler shall provide an integrated waste management service whereby collection of recyclables is provided to all trash collection customers.
- 4.3 Every non-municipal waste hauler shall, upon request, provide the Town with an updated customer list, which includes the names and addresses of customers within the Town, the degree of service, and pick-up schedule. Upon request by the Board, every waste hauler shall also provide educational material to customers.
- 4.4 Waste haulers may not accept a load of refuse with greater than 5% by volume, recyclables or compostable hard waste. In addition, every waste hauler shall report, in writing, violations of this provision to the Board or its agent(s).
- 4.5 Waste haulers may not accept compostable yard waste, except on designated dates established by the Board.
- 4.6 Waste haulers shall allow for unannounced inspections of Residential Refuse or Residential Recyclable trucks by the Board or its designated agent(s) where the driver is required to open the rear gate to demonstrate satisfactory collection procedures.

#### Section 5. PROPERTY OWNERS, TENANTS, OCCUPANTS, OR PROPERTY MANAGERS

- 5.1 It shall be mandatory for each occupant of land in the Town to separate all designated recyclable materials and compostable yard waste from other refuse.

5.2 Every residential owner, tenant, occupant, or property manager (acting on behalf of an owner, tenant, or occupant) shall place a suitable durable, labeled, recycling container for glass, plastic, and metal at the curb or designated pick up location, at designated collection times. Paper shall be collected in paper bags, tied securely, or placed in suitable containers (excluding plastic bags) and placed at the curb at designated collection times. Compostable yard waste shall be placed in suitable containers, and twigs shall be tied.

5.3 Every owner, tenant, occupant, property manager (acting on behalf of an owner, tenant, or occupant), or the person in control of the land shall be responsible for the proper disposal of recyclables, including the set up on site or recycling collection areas for owners, tenants, occupants, and property managers and for the proper disposal of recyclable materials and compostable yard waste.

Section 6. OWNERSHIP OF RECYCLABLES

6.1 Once recyclable materials or compostable yard waste are placed at the curbside or designated collection area these materials shall become property of the Town. No person, business, or other legal entity other than licensed waste hauler and/or authorized agent(s) of the Town, acting in the course of their employment, may collect or pick up any recyclable materials so placed.

Section 7. ENFORCEMENT AND PENALTIES

7.1 Enforcement of mandatory recycling is at the discretion of the Board or its designated agent(s), which may elect to apply the provisions of this section as follows.

7.2 Any person or entity that violates the provisions of this by-law may be penalized by a non- criminal disposition as provided in MGL C. 40, subsection 21D. The penalty for each violation shall be:

- First violation ..... Written Warning
- Second violation. .... \$ 50.00
- Third and each subsequent violation ..... \$100.00

7.3 The Board or its agent(s) may further decide to suspend a violator’s municipal trash and recyclables pick up in response to repeated violations.

7.4 Any person or entity that wishes to appeal may do so through the Board within seven business days from date of the citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the appellant at least two weeks prior to the scheduled date.

7.5 The Town may pursue a criminal complaint against any party with four or more violations of this by-law within a one-year period. The Town may also revoke the license of any waste hauler with two or more violations of this by-law.

7.6 The Board shall enforce the provisions of this by-law or it’s duly authorized agent(s).

7.7 The Board’s agent(s) may inspect refuse and recycling receptacles.

7.8 All amounts collected from fines shall be deposited into the General Fund.

Section 8. SEVERABILITY

8.1 If any section of this by-law is declared invalid or unenforceable for any reason, said decision shall not affect any other section of this by-law, which shall remain in full force and effect.

**Motion:** To make the following amendments to the by-law as printed:

- a. Amend Section 1 description of Compostable Yard Waste from 2’ to 2”.
- b. Eliminate Section 7.0 ENFORCEMENT AND PENALTIES in its entirety.
- c. Renumber Section 8 to Section 7.
- d. Amend the definition of barrel size from 40 to 50 gallon.
- e. To change typing from notational of ‘ and ‘’ to feet and inches.

**Action:** Amendments carry by majority.

**Motion:** To accept as amended.

**Action:** Carries.

**Article 22.** To see if the Town will vote to amend the Tyngsborough Zoning By-law to waive the separate ownership requirement needed to establish a pre-existing non-conforming lot in Article 2.15.11 Section 1 and to waive the 50” frontage requirements under said article,

For a certain lot of land with the buildings thereon, in Tyngsboro, being lot 7 on plan entitled “Breezy Crest, Tyngsboro, Mass. Surveyed April 1, 1946 by M.G. ferry, C.E.” recorded with Middlesex North District Registry Deeds and bounded: beginning at the westerly corner of the premises at Upton Pond; thence running northeasterly by lot 6 on said plan, 160 feet to Upton Drive; Thence turning and running southeasterly along Upton Drive, 31.60 feet to lot 8 on said plan; then turning and running southwesterly by lot 8 on said plan, 140 feet to the point of beginning. Together with a right of way to the said premises over Flint Road and Upton Drive. Meaning and intending the same premise conveyed to George R. Garmon and Barbara F. Garmon by deed of Wallace C. Lawrence dated January 6, 1950 and recorded in Middlesex County North District Registry of Deeds at Book 1132, Page 455, or to take any other action relative thereto.

**Motion #1:** To accept as printed.

**Motion #2:** To allow Attorney George Malonis of Dracut to speak about the Article.

**Action #2:** Carries to allow Attorney Malonis to speak.

**Action #1:** Moderator counted 9 opposed and more than 50 in favor. Motion carries.

**Article 23.** To see if the Town will vote to amend the Tyngsborough Zoning By-law to change zoning from Industrial (I1) to Business (B3),

A certain parcel of land situated in Tyngsborough, Middlesex County, Massachusetts, situated on Route 3A, also known as Middlesex Road and being shown as Parcel A on a plan of land entitled "Plan of Land, Middlesex Road, Tyngsborough, Massachusetts" Prepared for New England Development, Scale 1"=50', April 18, 2001" Diversified Civil Engineers which said plan is recorded in the North Middlesex District Registry of Deeds at Plan Book 205, Plan 92. Said Parcel A contains 4.14 acres more or less. The street address is 125-135 Middlesex Road, Tyngsborough, MA 01879 and is more particularly described in a deed recorded at Book 14910, Page 190 recorded on April 1, 2003 in the North Middlesex District Registry of Deeds, or to take any other action relative thereto.

**Motion:** To accept as printed.

**PLANNING BOARD PROVIDED BOTH ORAL AND WRITTEN REPORTS THAT THE VOTE WAS UNANIMOUS TO SUPPORT THIS ARTICLE.**

**Action:** Carries unanimous.

**Article 24.** To see if the Town will vote to amend the Tyngsborough Zoning By-law to change zoning from Industrial (I1) to Business (B3),

A certain parcel of land situated in Tyngsborough, Middlesex County, Massachusetts, situated on Route 3A, also known as Middlesex Road and being shown as Parcel B on a plan of land entitled "Plan of Land, Middlesex Road, Tyngsborough, Massachusetts" Prepared for New England Development, Scale 1"=50', April 18, 2001" Diversified Civil Engineers which said plan is recorded in the North Middlesex District Registry of Deeds at Plan Book 205, Plan 92. Said Parcel B contains 4.14 acres more or less. The street address is 125-135 Middlesex Road, Tyngsborough, MA 01879 and is more particularly described in a deed recorded at Book 14910, Page 190 recorded on April 1, 2003 in the North Middlesex District Registry of Deeds, or to take any other action relative thereto.

**Motion:** To accept as printed.

**PLANNING BOARD PROVIDED BOTH ORAL AND WRITTEN REPORTS THAT THE VOTE WAS UNANIMOUS TO SUPPORT THIS ARTICLE.**

**Action:** Carries unanimous.

**Article 25.** To see if the Town will vote to amend the Tyngsborough Zoning By-law to change zoning from Industrial (I1) to Business (B3),

A certain parcel of land with buildings thereon, situated on the northeasterly side of Cummings Road and the southwesterly side of Kendall Road, shown on a certain plan entitled "Plan of Land in Tyngsborough, Mass. Surveyed for Robert Gray, Scale 1"=40', May 1970, William C. Troy, Registered Land Surveyor," which is recorded in the North Middlesex Registry of Deeds in Plan Book 110, Plan 13D and containing approximately 1.53 acres more or less. The street address is 2 Cummings Road, Tyngsborough, MA 01879 and is more particularly described in a deed recorded at Book 6909, Page 83 recorded on December 11, 1993 in the North Middlesex District Registry of Deeds, or to take any other action relative thereto.

**Motion:** To accept as printed.

**PLANNING BOARD PROVIDED BOTH ORAL AND WRITTEN REPORTS THAT THE VOTE WAS 2 IN FAVOR AND 3 OPPOSED TO THE ZONING CHANGE.**

**Action:** Moderator counted 131 votes for and 48 votes against the article. Article requires 2/3 or 119 votes. Article passes.

**Article 26.** To see if the Town will vote to amend the Tyngsborough Zoning By-law to change zoning from Residential (R1) and Business (B2) to Business (B2),

A certain parcel of land situated on the northwesterly side of Farwell Road in the Town of Tyngsborough, Middlesex County, Commonwealth of Massachusetts, being shown as Map 20, Parcel 57A on the Town of Tyngsborough Tax Assessor's Maps and containing approximately .50 acres more or less. The street address is 7 Farwell Road, Tyngsborough, MA 01879 and is more particularly described in a deed recorded at Book 18460, Page 101 recorded on March 2, 2005 in the North Middlesex District Registry of Deeds, or to take any other action relative thereto.

**Motion #1:** To accept as printed.

**Motion #2:** To allow the property owner, Edna Lambert, to speak as a non-resident.

**Action #2:** Carries.

**PLANNING BOARD PROVIDED A WRITTEN REPORT THAT THE VOTE WAS 1 IN FAVOR AND 3 OPPOSED TO THE ZONING CHANGE.**

**Action #1:** Does not carry. Unanimous.

**Article 27.** To see if the Town will vote to amend the Tyngsborough Zoning By-law to change zoning from Residential (R1) and Business (B2) to Business (B2),

A certain parcel of land situated on the northwesterly side of Farwell Road in the Town of Tyngsborough, Middlesex County, Commonwealth of Massachusetts, being shown as Lot 1 on a plan of land entitled "Land of Tyngsboro, Mass. Surveyed for Robert D. Lambert" dated March, 1982, Charles A. Perkins Co., civil engineers and surveyors, recorded at the North Middlesex District Registry of Deeds in Plan Boo, 136, Plan 80 and containing approximately 1.93 acres more or less. The street address is 9 Farwell Road, Tyngsborough, MA 01879 and is more particularly described in a deed recorded at Book 18460, Page 100 recorded on March 2, 2005 in the North Middlesex District Registry of Deeds. The parcel is also further described as Map 20, Parcel 56A of the Town of Tyngsborough Tax Assessor's Maps, or to take any other action relative thereto.

**Motion:** To accept as printed.

**PLANNING BOARD PROVIDED A WRITTEN REPORT THAT THE VOTE WAS 1 IN FAVOR AND 3 OPPOSED TO THE ZONING CHANGE.**

**Action:** Does not carry. Unanimous.

Motion: To adjourn the meeting.

Action: Meeting adjourned at 9:29pm.

*Attest: A true copy.*

*Joanne Shifres  
Town Clerk*