

SPECIAL TOWN MEETING MINUTES
October 16, 2012

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

Time: 7:02 pm
Voters: 118

Meeting opened with the Pledge of Allegiance.

Motion: To allow the following non-residents to address the meeting: Attorney Charles Zaroulis, Town Administrator Michael Gilleberto, Supt. Of Schools Donald Ciampa, Interim Town Accountant Erik Kinsherf, Supt. Of GLTHS Mary Jo Santoro and GLTHS Business Manager George Garabedian.

Action: Does carry.

Motion: To waive the reading of the Articles.

Action: Does carry.

Article 1. To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2012, or take any other action relative thereto.

Transfer To	Dept. #	Amount	Transfer From	Dept. #	Amount
Treasurer Salaries	145	\$595	Selectmen Salaries	122	\$4,739
Town Collector Sal.	145	\$465	Employee Benefits	910	<u>\$108,400</u>
Town Clerk Sal.	160	\$187			
Conservation Sal.	171	\$125			
Police Dept. Sal.	210	\$810			
Gas Inspector Sal.	242	\$99			
Plumbing Ins. Sal.	243	\$99			
Wiring Insp. Sal.	245	\$197			
School Department	300	\$108,400			
Board of Health Sal.	510	\$184			
Veterans Agent Sal.	543	\$258			
Library Salaries	610	<u>\$1,720</u>			
TOTAL:		\$113,139	TOTAL:		\$113,139

MOTION: I move that the Town vote to approve Article 1 as printed on the warrant.

ACTION: Does carry.

Article 2. To see if the Town will vote to appropriate by transfer from available funds the sum of \$117,440 to supplement the Tyngsborough School Budget for fiscal year 2013 to be expended by the School Committee, or take any other action relative thereto. Said amount represents reimbursements made through June 30, 2012 from the Municipal Medicaid Program for school services provided to eligible residents.

MOTION: I move that the Town vote to appropriate \$117,440 from Free Cash to supplement the School Committee budget for Fiscal Year 2013, to be expended by the School Committee.

ACTION: Does carry.

Article 3. To see if the town will vote to transfer from Department 910, Employee Benefits to Department 300, School Department, the sum of \$108,400, or take any other action relative thereto. Said amount represents the funds allotted back to the town in the development of the FY 13 budget to cover health insurance benefits for the school department during the collective bargaining process of health insurance reform during the spring of 2012.

MOTION: I move that Article 3 be withdrawn.

ACTION: Does carry.

Article 4. To see if the Town will vote to appropriate by transfer from available funds the sum of \$280,048 to supplement the Tyngsborough School Budget for fiscal year 2013 to be expended by the School Committee, or take any other

action relative thereto. Said amount represents the anticipated deficit to the FY 13 school budget due to a shortfall in projected revenues and additional programming mandates set forth by the state and federal government.

MOTION: I move that the Town vote to appropriate \$280,048 from Free Cash to supplement the School Committee budget for Fiscal Year 2013, to be expended by the School Committee.

ACTION: Does carry.

Article 5. To see if the Town will vote to appropriate the sum of \$25,000 from Free Cash to a special purpose Compensated Absence Fund, for the purpose of funding the future payment of accrued liabilities for compensated absences due any Town employee upon the termination of such employee's employment, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 5 as printed on the warrant.

ACTION: Does carry.

Article 6. To see if the Town will vote to appropriate the sum of \$20,000 from Free Cash to be expended by the Board of Selectmen for a town-wide reverse 911 system to communicate urgent and/or important public safety and general government information, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 6 as printed on the warrant.

ACTION: Does carry.

Article 7. To see if the Town will vote to appropriate the sum of \$7,500 from Free Cash to be expended by the Board of Selectmen for the chipping and disposal of brush debris associated with the October 30, 2011 snow event, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 7 as printed on the warrant.

ACTION: Does carry.

Article 8. To see if the Town will vote to appropriate \$5,000 from Free Cash to be expended by the Board of Selectmen for the replacement of all Stop, Speed Limit, and Children Warning signs, pursuant to mandates implemented by the Federal Highway Administration, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 8 as printed on the warrant.

ACTION: Does carry.

Article 9. To see if the Town will vote to appropriate the sum of \$10,000 from Free Cash to be expended by the Board of Selectmen for the purpose of purchasing software for the Building Department, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 9 as printed on the warrant.

ACTION: Does carry.

Article 10. To see if the Town will vote to appropriate \$25,000 from Free Cash for engineering and documentation costs associated with the acceptance of roads, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 10 as printed on the warrant.

ACTION: Does carry.

Article 11. To see if the Town will vote to appropriate \$5,000 from Free Cash for the purpose of re-locating and storing Town Hall records presently stored at the Winslow School and Old Town Hall to the Lakeview School, to be expended by the Board of Selectmen, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 11 as printed on the warrant.

ACTION: Does carry.

Article 12. To see if the Town will vote to transfer the balances of the following prior year appropriations, related to the Town Center, for the purpose of restoring and refurbishing the historical "Adams Barn" in the amount of \$82,434:

Appropriation	Date	Balance
Demolish Shur-Fine	February 2009, June 2009, May 2010, #16	\$25,584.00
Center Barn Code Assessment	May 10, 2010, #16	\$6,850.00
Center Master Plan	May 2010, #11	\$25,000.00
Signage and Fencing	May 2010, #10	\$25,000.00
Total to be re-appropriated		\$82,434.00

to be expended by the Community Preservation Committee, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 12 as printed on the warrant.

ACTION: Does carry.

Article 13. To see if the Town will approve the \$65,310,211 borrowing authorized by the Greater Lowell Regional Vocational-Technical School District, for the purpose of paying costs of adding to, renovating, reconstructing and making extraordinary repairs to the District High School, located at 250 Pawtucket Boulevard in Tyngsborough, and for the payment of all other costs incidental and related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy six and eighty four hundredths percent (76.84%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

MOTION: I move that the Town approves the \$65,310,211 borrowing authorized by the Greater Lowell Regional Vocational-Technical School District, for the purpose of paying costs of adding to, renovating, reconstructing and making extraordinary repairs to the District High School, located at 250 Pawtucket Boulevard in Tyngsborough, and for the payment of all other costs incidental and related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy six and eighty four hundredths percent (76.84%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

ACTION: Moderator counted 7 opposed and in excess of 50 in favor of Article 13. Does carry.

Article 14. To see if the Town will vote to authorize its Board of Selectmen to grant to George W. Griffin the right and easement to use a portion of certain land owned by the Town and situated on Middlesex Road, and identified in the Assessors records as Map 20A, Lot 57, for all purposes related to the maintenance and replacement of a sanitary disposal system for use in connection with his residence situated at 208 Middlesex Road, or take any other action relative thereto.

MOTION: I move that the Town vote to authorize its Board of Selectmen, in its sole discretion, to grant to George W. Griffin the right and easement to use a portion of certain land owned by the Town and situated on Middlesex Road, often referred to as the Town Common, for all purposes related to the construction, maintenance and operation of a sanitary disposal system for use in connection with his residence situated at 208 Middlesex Road, and if the Board grants an easement, upon the terms and conditions it shall determine. The Town property is part of the parcel identified in the Board of Assessors' records as Map 20A, Lot 57.

ACTION: Does carry.

Article 15. To see if the Town will amend Article 27 of the June 7, 2011 Annual Town Meeting by voting to authorize the Board of Selectmen to grant an easement to National Grid for the purpose of placing an Underground Distribution System which would provide for the transmission of intelligence and electricity in, on and over a certain portion of Lot 56 and/or Lot 8 as shown on the Town of Tyngsborough Assessor's Map 20A and located at 4/10 Kendall Road, also known as the Old Town Hall, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 15 as printed on the warrant.

ACTION: Does carry.

Article 16. To see if the Town will vote to authorize the Board of Selectmen to grant an easement to VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE & TELEGRAPH) and its successors and assigns for the purpose of placing underground cables, wires and conduit with the necessary appurtenances which would provide for the transmission of telecommunications and intelligence in, on and over certain parcels of land to service properties (currently

known as 12-14 Kendall Road and 18 Kendall Road) located behind Town property at 4 Kendall Road and 10 Kendall Road described as:

Assessor's Map Parcel ID 20A 8 0, 4 KENDALL ROAD and 20A 56 0, 10 KENDALL ROAD, TYNGSBOROUGH, Massachusetts. For a more particular description see deeds recorded in Book 10592, Page 277, and Book 40, Page 55, at the Middlesex North Registry of Deeds, Lowell, Massachusetts.

or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 16, 17 and 18 as printed on the warrant.

ACTION: Does carry.

Article 17. To see if the Town will vote to authorize the Board of Selectmen to grant an easement to Comcast for the purpose of placing an Underground Distribution System which would provide for the transmission of intelligence in, on and over a certain portion of Lot 56 and/or Lot 8 as shown on the Town of Tyngsborough Assessor's Map 20A and located at 4/10 Kendall Road, also known as the Old Town Hall, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 16, 17 and 18 as printed on the warrant.

ACTION: Does carry.

Article 18. To see if the Town will vote to authorize the Board of Selectmen to grant an easement to National Grid for the purpose of placing an Underground Distribution System which would provide for the transmission of natural gas in, on and over a certain portion of Lot 56 and/or Lot 8 as shown on the Town of Tyngsborough Assessor's Map 20A and located at 4/10 Kendall Road, also known as the Old Town Hall, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 16, 17 and 18 as printed on the warrant.

ACTION: Does carry.

Article 19. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59 Section 5L, which would allow taxes to be deferred without interest or penalties for 180 days after return for any member of the Massachusetts National Guard or Reserves including dependents for service outside the Commonwealth of Massachusetts, to be effective for any Fiscal Year beginning on or after July 1, 2013, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 20. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59 Section 5N, also known as Section 8A of Chapter 108 of the Acts of 2012, which would allow Veterans to participate in a volunteer tax work-off program. The maximum credit toward real property tax shall be no more than \$1,000. Veterans may be exempted due to a physical disability and another individual may perform the work on their behalf, to be effective for any Fiscal Year beginning on or after July 1, 2013, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 21. To see if the Town will vote to accept the provision of Chapter 184 Section 51 of the Acts of 2002, amending General Laws, Chapter 59, Section 5, Clause 41C, which authorizes Town Meeting to reduce the eligibility age to any person from 70 to 65, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 22. To see if the Town will vote to accept General Laws, Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws, Chapter 59, Section 5, Clause 41C, by the percentage increase in the U. S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 23. To see if the Town will vote to accept the provision of General Laws, Chapter 59, Section 5 added by Chapter 181 of the Acts of 1995, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws, Chapter 59, Section 5, Clause 17D, by the percentage increase in the U. S. Department of Labor, Bureau of Statistics, Consumer Price Index (COLA) for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 24. To see if the Town will vote to accept General Laws, Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limits for exemptions granted to senior citizens under General Laws, Chapter 59, Section 5, Clause 17D, by the percentage increase in the U. S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2012, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 25. To see if the Town will vote to establish the interest rate to be charged for deferred property taxes for certain seniors under General Laws, Chapter 59, Section 5, Clause 41A, for fiscal years beginning on or after July 1, 2012, which rate shall be 4%, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 26. To see if the Town will vote to accept the provision of General Laws, Chapter 59, Section 5K added by Chapter 27 Section 24 of the Acts of 2009, which authorizes Town Meeting to increase the maximum property tax reduction seniors may earn performing work for their community amount to \$1000. In addition, they cannot receive credit for their services at an hourly rate higher than the state's minimum wage. As of January 1, 2012, that rate is \$8.00, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 19 through 26 as printed on the warrant.

ACTION: Does carry.

Article 27. To see if the Town will vote to accept Primrose Lane as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 28. To see if the Town will vote to accept Black Oak Circle as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 29. To see if the Town will vote to accept Overlook Drive as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 30. To see if the Town will vote to accept Sequoia Drive as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases,

easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 31. To see if the Town will vote to accept Hemlock Lane as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 32. To see if the Town will vote to accept Cedar Lane as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 33. To see if the Town will vote to accept Cypress Lane as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 34. To see if the Town will vote to accept Nandina Drive as a public way as laid out by the Board of Selectmen, provided that such acceptance is made without additional cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

MOTION: I move that the Town vote to approve Article 27 through 34 as printed on the warrant.

ACTION: Does carry.

Article 35. To see if the Town will vote to amend Section 1.16.11 of the Town of Tyngsborough Zoning Bylaws as shown below, by adding the sentence which is underlined, or take any other action relative thereto.

Rules and Regulations and Fees - The Special Permit Granting Authority shall adopt, and from time to time amend, Rules and Regulations, not inconsistent with the provisions of this By-law or Chapter 40A of the General Laws or other applicable provision of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such rules shall prescribe as a minimum the size, form, contents, style and number of copies of plans and specifications, the town boards or agencies from which the Special Permit Granting Authority shall request written reports and the procedure for submission and approval of such permits. The Special Permit Granting Authority may adopt, and from time to time amend, fees sufficient to cover reasonable costs incurred by the Town in the review and administration of special permits. **The applicant shall be responsible for payment of all fees associated with advertisement notice and postage for abutter notification.**

MOTION: I move that the Town vote to approve Article 35 as printed on the warrant.

ACTION: Does carry unanimously.

Article 36. To see if the Town will vote to amend Section 1.16.15 of the Town of Tyngsborough Zoning Bylaws by adding after Paragraph 8, the following, or take any other action relative thereto.

9. Requirement of an as-built plan and certification by the applicants' engineer regarding a projects' completion prior to issuance of an occupancy permit.

MOTION: I move that the Town vote to approve Article 36 as printed on the warrant.

ACTION: Does carry unanimously.

Article 37. To see if the Town will vote to amend Section 2.12.41 of the Town of Tyngsborough Zoning Bylaws by adding the sentence which is underlined, or take any other action relative thereto.

2.12.41 Lot Area - Lot area shall be determined by calculating the area within a lot excluding any area within the lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. Minimum lot area shall consist of contiguous area exclusive of wetland and floodway areas as defined in Section 2.12.20 of this By-Law. When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet.

MOTION: I move that the Town vote to approve Article 37 as printed on the warrant.

ACTION: Does carry unanimously.

Article 38. To see if the Town will vote to amend Section 2.12.42 of the Town of Tyngsborough Zoning Bylaws by adding the sentence which is underlined, or take any other action relative thereto.

2.12.42 Frontage - Frontage shall be measured in a continuous line along the sideline of a street between the points of intersection of the side lot lines within the street.

A. Common Driveways cannot be used as part of the frontage.

B. Frontage that has no real and actual access from the street to each lot is illusory and that particular lot has no frontage. Access is defined as the actual or potential provision of vehicular entry onto a lot by means of its frontage on a street to a degree consistent with the use or potential use of the lot. For example, in the case of a residential lot, access shall mean that (1) there is sufficient right of vehicular passage onto the lot from the street on which it has frontage and (2) vehicular passage is or may be provided between the frontage and the dwelling unit on the lot.

MOTION: I move that the Town vote to approve Article 38 as printed on the warrant.

ACTION: Does carry unanimously.

Article 39. To see if the Town will vote to amend Section 3.10.42 of the Town of Tyngsborough Zoning Bylaws by deleting the number which is lined out and by adding the number which is underlined, or take any other action relative thereto.

3.10.42 Parking Dimensions

On any lot, in any district, with the exception of single and two family dwelling use, parking spaces and maneuvering aisles shall have the minimum dimensions as set forth in the following table.

Minimum Parking Stall Dimensions (in feet)			
Angle of Parking	Width	Depth	Width of Maneuvering Aisle
<i>Standard</i>			
45'-90'	10	20	22 <u>24</u>
Parallel	9	22	15
<i>Compact</i>			
45'-90'	9	16	22 <u>24</u>
Parallel	8	18	15
<i>Handicapped</i>			
45'-90'	12 <u>10</u>	19 <u>20</u>	22 <u>24</u>
Parallel	12 <u>10</u>	22	15

MOTION: I move that the Town vote to approve Article 39 as printed on the warrant.

ACTION: Does carry unanimously.

Article 40. To see if the Town will vote to amend Section 4.10.30 of the Town of Tyngsborough Zoning Bylaws by deleting the phrase which is lined out, or take any other action relative thereto.

4.10.30 Decision Criteria

A special permit for a Major Business Complex shall be approved only upon determination of the Special Permit Granting Authority that the requirements of section 1.16.00 Special Permits including section 1.16.14 Mandatory Findings of Special Permit Granting Authority and the following additional criteria:

1. The proposed plan is consistent with any submittals made under section 4.10.20 and 4.10.21 or in the event of inconsistency, satisfactory explanation has been made submitted showing why the departure is necessitated by changed conditions or earlier error, and that the departure does not reduce compliance with the objectives for the Major Business Complexes specified in section 4.10.10.
2. The Complex shall be so designed and located such that annual average daily traffic is not increased more than 25% above current levels at any point more than 1,000 feet from the site, with current levels as determined by the Tyngsborough Planning Board; and shall be so located that resultant traffic is not above the capacity of roads and intersections at level of service "C" at any point within one mile of the premises, using definitions and methods of estimation as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209 or later editions.
3. Site design and storm water facilities shall be so designed that in a twenty-five year storm the peak stormwater flows leaving the premises will not be increased ~~more than 10%~~ above current flows or cause design capacity of receiving structures or channel capacity of receiving streams to be exceeded.

MOTION: I move that the Town vote to approve Article 40 as printed on the warrant.

ACTION: Does carry unanimously.

Article 41. To see if the Town will vote to amend Section 4.11.21 of the Town of Tyngsborough Zoning Bylaws by deleting the sentence which is lined out and by adding the sentence which is underlined, or take any other action relative thereto.

4.11.21 Specific Requirements - The application for a special permit under this section shall provide to the Special Permit Granting Authority:

1. ~~A site plan as per section 1.16.20.~~ **The application shall include the information outlined in Section 1.16.22, Application Contents, unless waived in accordance with Section 1.16.23 of this By-Law.**
2. Analysis of the consequences of the proposed development, evaluation of the following impacts at a level of detail appropriate to the scale of development proposed.
 - a. Natural environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees), and wildlife habitats.
 - b. Public services: traffic safety and congestion, need for water system improvements, need for public sewage
 - c. Economics: amount and types of employment, labor force area.
 - d. Visual environment: visibility of buildings and parking, visual consistency with existing development in the area.

All applicants for a special permit under this are encouraged to consult with the appropriate Special Permit Granting Authority at a regularly convened meeting prior to formal application.

MOTION: I move that the Town vote to approve Article 40 as printed on the warrant.

ACTION: Does carry unanimously.

Article 42. To see if the Town will vote to amend Section 4.11.30 of the Town of Tyngsborough Zoning Bylaws by deleting the phrase and numbers which are lined out and by adding the phrase and numbers which are underlined; or take any other action relative thereto.

4.11.30 Decision Criteria

A special permit for a Major Industrial Complex shall be approved only upon determination by the Special Permit Granting Authority that the requirements of section 1.16.00 Special Permits including section 1.16.14 Mandatory Findings of Special Permit Granting Authority and the following additional criteria:

1. The proposed plan is consistent with any submittals made under section ~~4.20.20~~ 4.11.20 and ~~4.20.21~~ 4.11.21. ~~or In the event of inconsistency, satisfactory explanation has been made~~ **should be** submitted showing why the departure is necessitated by changed conditions or earlier error, and that the departure does not reduce compliance with the objectives for the Major Industrial Complexes specified in section 4.20.10.
2. The Complex shall be so designed and located that annual average daily traffic is not increased 25 %, or more, above current levels at any point more than 1,000 feet from the site, with current levels being as determined by the Tyngsborough Planning Board; and shall be so located that resultant traffic is not above the capacity of roads and intersections at level of service "C" at any point within one mile of the premises, using definitions and methods of estimation as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209 or later editions.
3. Site design and storm water facilities shall be so designed that in a twenty-five year storm the peak storm water flows leaving the premises will not be increased more than 10% above current flows or cause design capacity of receiving structures or channel capacity of receiving streams to be exceeded.

MOTION: I move that the Town vote to postpone Article 42 until the Annual Town Meeting.

ACTION: Does carry.

Article 43. To see if the Town will vote to amend Section 4.14.00 of the Town of Tyngsborough Zoning Bylaws by deleting the sentence which is lined out; or take any other action relative thereto.

4.14.00 Special Permit - Open Space Residential Development

The Planning Board may grant a special permit for Open Space Residential Development in the R1 District for single family detached dwellings and accessory structures subject to the provisions of this section.

~~Town Meeting approval of an Open Space Residential Plan is required prior to the granting of a Special Permit.~~

MOTION: I move that the Town vote to postpone Article 43 until the Annual Town Meeting.

ACTION: Does carry.

Article 44. To see if the Town will vote to amend Section 4.15.30 of the Town of Tyngsborough Zoning Bylaws by deleting the phrase which is lined out and by adding the phrase which is underlined; or take any other action relative thereto

4.15.30 Decision Criteria - A special permit for temporary independent living quarters shall be approved only upon a determination by the Special Permit Granting Authority that the requirements of Section 1.16.00 Special Permits including 1.16.14 Mandatory Finding of Special Permit Granting Authority and the following additional criteria have been met:

1. The proposed exterior changes to the principal residential unit are such that the appearance does not deviate to any substantial extent from the appearance of the residential dwelling prior to the change and conforms to the established residential character of the neighborhood.
2. That the total square foot areas of the proposed temporary independent living quarters **shall** not exceed ~~20% of the existing living space up to~~ 700 square feet of living space.
3. That the design of the proposed living quarters be engineered to be easily assimilated or reincorporated into the primary structure for use once the need for the use ceases.

4. That the design incorporates the provision for additional off street parking areas as required.
5. That the proposed design and plan shows the provision for not more than one temporary independent living quarters per existing residential unit and that not more than one additional bedroom be constructed.
6. That the design and plan does not provide for separate metered utilities serving the proposed temporary independent living quarters.
7. A restriction including all the conditions must be recorded at the Middlesex North District Registry of Deeds together with a subordination agreement by any bank or lease holders.
8. The proposed temporary independent living quarter must be within or have a common wall with the single family dwelling unit and not be separated by a hall, stairwell or foyer. For the purpose of this section, the definition for a common wall is one that is connected, usable, and heated on both sides of the existing dwelling unit.
9. That the proposed temporary independent living quarters must be entered through-the main dwelling unit and ~~may not~~ have **an one direct** independent ~~exit egress~~ directly to the outside **side or rear**, unless waived by the Special Permit Granting Authority for reasons of handicap accessibility.

MOTION: I move that the Town vote to approve Article 43 as printed on the warrant.

ACTION: Does carry unanimously.

Motion: To adjourn.

Action: Meeting adjourned at 8:30 pm

Attest: a true copy.

*Joanne Shifres
Town Clerk*