



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

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Tyngsborough Country Club

Frequently Asked Questions

April 21, 2020

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Why is the Board of Selectmen discussing the Tyngsborough Country Club again?

- a) The owners of the Tyngsborough Country Club have notified the Town in a February 2020 letter that they intend to convert the use of the land. This action by the owners triggers the Town's "Right to First Refusal" period. This right is afforded to the Town for all land under Chapter 61 protection, which this land currently is. During this time, the Town has the right to



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consider purchasing the property at the appraised value. If the owners of the property do not agree with the appraised value, they have the right to rescind their letter of intent to convert the property. The owners are currently working with a development company, Toll Brothers, and they have requested that the Board of Selectmen waive the right to purchase the property and to allow them to move forward with the permitting process for the development of the property.

What is the current proposal for the land?

- a) Toll Brothers are proposing to build 100, age-restricted units for individuals or couples aged 55+. As a part of that proposal, they intend to donate approximately 32 acres of land to the Town to be kept as open space. A copy of the proposal can be found [here](#). The developer made a full presentation and answered questions at a meeting of the Board of Selectmen on January 27, 2020. A recording of that meeting can be watched by visiting the Videos on Demand portion of our website.

How is this different than the original Toll Brothers proposal?

- a) The original proposal by the Toll Brothers included 200 age restricted units and did not include any donation of land to be kept as open space.

What can the Town do on the donated open space land?

- a) The Town could do a number of things with the open space that is proposed to be donated to the Town. It could be used for passive recreation, walking trails, a public park, and other similar activities.

Will children be allowed to live in this development?

- a) No, the development would be age restricted meaning only adults 55+ could purchase a unit and the condo association would enforce a strict policy prohibiting children under 18 from living in the development.

Will this cost the Town any money?

- a) In this proposal, the Town is **not** purchasing the Golf Course. The Town would be receiving a donation of the 32 acres that would be restricted as



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public open space. The Board of Selectmen is not considering the purchase of the Golf Course at this time.

Will there be an affordable housing component in this development?

- a) The Developer included a 2 acre parcel (in addition to the open space) that the Town could choose to develop either through the Tyngsborough Housing Authority or through an Affordable Housing Trust. The developer did not include any affordable units in their 100 age restricted units.

Why isn't the affordable housing included in the proposed 100 age-restricted units?

- a) In order for affordable units to count toward the Town's affordable housing inventory, the units cannot be age restricted. If the Developer included the affordable units in the 100 age-restricted units they would either not be able to use those units to protect the Town's inventory **or** they would have to open up the affordable units to individuals under the age of 55 including families with children.

Will 100-age restricted units have a negative impact on staffing and response from the Fire Department and Ambulance Service?

- a) While these types of issues will be investigated through the Zoning Board of Appeals, Fire Chief Wes Russell noted during the 1/27/2020 public meeting that he did not foresee this particular development having any significant impact on the current operations of the Fire Department and Ambulance Service in terms of staffing and ability to respond to calls for service. The Fire Department will be involved in the Site Plan Review to ensure life safety components of the actual development (sprinklers, emergency access, fire alarms, etc.) are properly addressed.

What happens if the Town waives its right of first refusal? Does that mean the project is approved?

- a) No. The Board of Selectmen does not have the authority to permit this type of development. If the right is waived, the developer would then have to go forward to the Zoning of Board of Appeals.



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What would the Zoning Board of Appeals be considering?

- a) The Zoning Board of Appeals would be asked to grant a Special Permit for the development. They would be tasked with determining whether the change of use from a golf course to an age-restricted 100 unit development would be significantly more detrimental to the neighborhood. The Zoning Board would consider things like traffic, impacts on public safety, and other life safety components when making this decision. If the Zoning Board determines that the new use is **not more detrimental** than the current use, they could grant a permit for the developer to move forward.

Will there be any other Boards/Committees involved?

- a) While the Zoning Board of Appeals will be the authorizing vote to move this forward, the Planning Board will likely need to conduct a site plan review. This review will involve reviewing the placement of buildings, landscaping, and other technical details.

How can the Town ensure that promises made by the developer are followed through on?

- a) Since the project would only be able to move forward with a Special Permit through the Zoning Board of Appeals, the Special Permit could contain conditions that must be met for the project to be in compliance. Additionally, the Town would have entered into a formal Development Agreement as noted in a previous question.

What type of public involvement has this review entailed?

- a) To date, the Board of Selectmen has hosted two public meetings on this topic, including one that was held at the Old Town Hall to accommodate large crowds. At each meeting, representatives from the development company were on hand and members of the public were able to ask questions. The Board would also vote to waive the right in a duly posted and advertised public meeting with public input.



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Why doesn't this have to go before Town Meeting?

- a) Town Meeting would be required for a Zoning change, however, there is no change in zoning required for this project. The project is proposed on land that is already a *nonconforming use*. Under Section 2.15.22 of the [Bylaws](#) for the Town of Tyngsborough, “a nonconforming structure or use may be changed, extended, or altered, provided that in each case the Board of Appeals finds that such change, extension or alteration is not substantially more detrimental or injurious to the neighborhood than the existing nonconforming structure or use”.

If the Town waives its right of first refusal and the project gets denied by the Zoning Board of Appeals, what happens?

- a) Prior to waiving its right to first refusal, the Board of Selectmen would enter into a *Development Agreement* with the developers. That would establish a clause where the Town is **only** waiving its right for this project. Under the agreement, a draft of which is [here](#), if the project failed the Town would still have a contractual right of first refusal through the development agreement with the property owners.