

**NORTHERN MIDDLESEX COUNCIL OF GOVERNMENTS**

Gallagher Transportation Terminal, Floor 3B

115 Thorndike Street

Lowell, MA 01852

**Minutes of Meeting: March 19, 2008**

The regular meeting was called to order at 7:04 p.m. with Chairman James Silva presiding. The municipalities of Chelmsford, Dracut, Dunstable, Lowell, Pepperell, Tewksbury, and Westford were represented. The attendance list is attached as Attachment #1.

**I. MINUTES OF MEETING – February 20, 2008**

The minutes were distributed earlier to all Councillors for review. Chairman Jim Silva requested that the minutes be amended to include mention of the NMCOG presentation in the Town of Pepperell on January 18, 2008. Upon a motion made by Rita Mercier and seconded by George Zaharoolis, the Council voted in the affirmative to approve the minutes of the February 20, 2008 meeting as amended.

**II. EXECUTIVE DIRECTOR’S REPORT**

The Executive Director’s Report was previously mailed and distributed to the Councillors present for review. Upon a motion made by Philippe Thibault and seconded by Stephen Themelis, the Council voted unanimously to accept the Executive Director’s Report, which is attached hereto as Attachment #2.

**III. FINANCIAL REPORT AND WARRANT**

Financial Officer Linda Bendzewicz presented the Financial Report and Warrant for review and signature. Upon a motion made by Philippe Thibault and seconded by Pat Wojtas, the Financial Report and Warrant were unanimously approved. The Financial Report is attached as Attachment #3.

**IV. PRESENTATION- Findings of the I-495 Corridor Transportation Study**

Ed Hollingshead of the firm Fay, Spofford and Thorndike, the designated consultant for the Massachusetts Executive Office of Transportation, provided the Council with an overview of the I-495 Corridor Study, including the study goals and objectives, current and projected traffic volumes and levels of service, accident and safety analysis, and potential improvements. The study area includes 13 municipalities, two regional planning agencies, 40 miles of interstate highway, 25 interchanges, and three-limited access highways including I-93, I-95 and Route 3. The corridor was divided at I-93 into an Eastern Study Area and a Western Study Area. In the interest of time, Mr. Hollingshead limited discussion to the Western Study area, which includes the NMCOG region.

Mr. Hollingshead pointed out that there is a large exchange of traffic in the area around the I-495/Lowell Connector/Route 3 interchanges. Operational analysis for 2006 showed the intersection at the Route 4 ramp intersection failed during the A.M. and P.M. peak hours. By 2030, problems are seen at both the Route 4 and Boston Road interchanges. The merges and diverges were also examined. . By 2030, merge/diverge problems are expected along the corridor. During 2006, operational conditions along the mainline were acceptable throughout the study area. By 2030, capacity issues will grow throughout the study area, resulting in additional merge/diverge problems.

Mr. Hollingshead stated that near-term (up to 2 years), mid-term (3- 8 years) and long-term (more than 8 years) improvements were identified. He added that the longer the timeframe, the more expensive the improvement and the longer the lead-time required for implementation. A program of improvements was summarized by Mr. Hollingshead, and estimated cost figures for the full program were detailed. By 2030, there will be a need to widen the mainline from Exit 32 to Exit 40. The widening would take place primarily in the median and would cost approximately \$84 million. Mr. Hollingshead recommended that NMCOG monitor traffic growth along the corridor. Jerry Frechette asked if the cost figures are in today's dollars. Mr. Hollingshead replied affirmatively, and added that the costs will increase over time.

Mr. Hollingshead summarized the feasibility analysis for the Route 225 interchange. He noted that the location is at least one mile from the Boston Road interchange and the Route 119 interchange, as required by Federal Highway Administration standards. There is enough room in the vicinity of Route 225 to accommodate a tight diamond interchange configuration. Modeling analysis has shown that the new interchange would primarily draw traffic from the Route 119 interchange. Impacts to the Boston Road interchange would not be dramatic, according to the model.

It was noted that the transit improvement section of the study is being finalized and the Corridor Improvement Program is being refined and put into final form. The study will be completed by June 30, 2008.

Walter Alterisio asked about the impact of increasing truck traffic on the corridor. Mr. Hollingshead stated that the impact of trucks, which comprise 5-14% of all traffic on the corridor, has been assessed. He added that the regional planning agencies raised this point early on in the study and assisted with data collection. The roadway experiences a higher than average percentage of truck traffic, so this data has been built into the level of service calculations.

Pat Wojtas asked about the possibility of closing Exit 33 in Chelmsford. Mr. Hollingshead responded that this is not something that has been considered as part of the study. Beverly Woods added that this issue is raised periodically in Chelmsford as a means of reducing the amount of truck traffic in Chelmsford Center. Ed Hollingshead stated that he will pass this information along to MassHighway. George Zaharoolis asked if closing the exit would have an impact on the Route 110 interchange.

Councillor Mercier expressed concern over the arrangement of Jersey barriers on Route 3 in the vicinity of I-495. She also asked MassHighway to replace the missing Jack Kerouac sign on I-495 northbound at Exit 38.

## **V. OLD BUSINESS**

### **1. Tyngsborough Stormwater Management Plan**

Planner George Russell provided an overview of the Tyngsborough Stormwater Plan recently completed for the town by NMCOG. He noted that as part of the state and federal permitting processes, the Town of Tyngsborough identified a series of thirty-five (35) best management practices aimed at reducing pollution from stormwater runoff.

In October 2006, the town entered into a contract with NMCOG to complete the town's Stormwater Management Plan and to locate all the stormwater sewer structures in Town using GPS technology. These structures included catch basins, stormwater outfalls and spillways, drainage pipes, etc. In order to educate the public, the catch basins were stenciled to indicate that dumping waste in the catch basins is forbidden.

More than 3,900 stormwater structures were located, and a series of maps was developed using GIS. Attribute tables were also prepared containing data for each structure, including geographic coordinates, type of structure, etc. This is particularly important, as some of these structures are actually buried and otherwise difficult to locate in the field. A map was also prepared highlighting maintenance problem areas throughout Town.

As part of the contract, NMCOG assisted the Town in developing an illicit discharge bylaw, which was adopted by fall town meeting. NMCOG staff also developed a draft Groundwater Protection Bylaw. The draft bylaw is currently under review by the Town.

Beverly Woods noted that the products generated by NMCOG are useful to the Town for tracking maintenance work, as well as in meeting the requirements of their stormwater permits. She added that the drainage problems identified along Pawtucket Boulevard will be addressed as part of a MassHighway resurfacing project that is scheduled to be advertised in FY 2009. Rachel Bain will convey information to MassHighway regarding the conditions that were found out in the field to determine whether the needed repairs can be completed sooner.

### **2. MIIA Trust Agreement Resolution**

Beverly Woods outlined the purpose of the MIIA Trust Agreement Resolution, which authorizes the Executive Director to sign the agency's health insurance contract, and ensures that any revisions to the MIIA contract are to be authorized by the Council. She added that the document was reviewed by Attorney George Eliades, NMCOG's legal counsel, who did not have any concerns. Based on a motion made by Rita Mercier, and seconded by Steve Themelis, the Council voted unanimously to approve the resolution.

### **3. Chapter 40T Update**

Assistant Director Jay Donovan provided an update on the House and Senate versions of the proposed Chapter 40T legislation. He added that the bill was drafted to set up special districts to deal with funding infrastructure costs. The development community has supported the concept as a way of dealing with the municipal funding impacts of Proposition 2 ½. The districts would be set up by the local communities for a period of time lasting as long as forty years, and would be largely run by the property owners of the districts. Eighty percent of the property owners would have to approve the formation of a particular district. He added that there have been some concerns that an entity would be established that might compete with the municipality, but, on the other hand, the district also addresses a municipal need, in terms of accessing additional funds for infrastructure improvements.

A hearing was held on the bill by the Committee on Bonding, Capital Expenditures and State Assets on February 13, 2008. The bill has not made any progress since and has not been reported out of committee. There is some question whether the bill will be acted on during this legislative session, although it is likely to be resubmitted during the next legislative session. The Massachusetts Municipal Association (MMA) initially opposed the legislation, but has stated that it would support the bill with certain amendments.

Gerry Frechette asked whether a district could cross municipal boundaries. Mr. Donovan replied that it is possible, as long as both communities vote to approve the formation of the district. Dave Plunkett asked if voting by property owners would be weighted. Jay Donovan replied that it would be weighted according to acreage, not value. Jim Silva asked if approval of a district would be voted by Town Meeting or the Board of Selectmen. Mr. Donovan replied that a vote of the Board of Selectmen would be required.

Pat Wojtas asked whether the special district may be comprised of the entire municipality. Jay Donovan responded that the legislation does not limit the size of the district, but it was designed for an area with potential new development that is dependent on new or expanded infrastructure. It sets up a mechanism whereby those who benefit from the new infrastructure pay the costs. The district must comply with Chapter 30B, and while the initial board is comprised of the property owners, the local community can replace some of the board members five years after the district is initially established.

### **4. Other Old Business**

Jim Silva informed the Council that the paperwork for establishing the Northern Middlesex Economic Development District (NMEDD), NMCOG's nonprofit entity, has been filed with the Secretary of State's office. This will allow the Council to file for tax-exempt status with the IRS.

Mr. Silva added that the Chairman, Executive Director and Assistant Director made a presentation to the Dunstable Planning Board and Board of Selectmen on March 3rd

concerning NMCOG and the services that are available to the community. The “road show” will visit Tyngsborough and Westford next.

Beverly Woods reported that David Ginns, NMCOG’s new transportation manager, will begin work next Monday. He has relocated in downtown Lowell and will be living in the Appleton Mills.

Gerry Frechette reported that the Lowell Planning Board is reviewing a small strip mall proposal at the intersection of Wood Street and Middlesex Street. The Wood Street/Rourke Bridge corridor study was raised at a recent Planning Board meeting and there is an interest in receiving a status report at next month’s meeting. Beverly Woods stated that the staff will work to have a draft scope for the study available for the April meeting. She added that the scope will need to be approved by MassHighway and the Federal Highway Administration, which will likely take a couple of months. Rachel Bain stated that generally the approval process takes about three months. Mr. Frechette asked for an update on the Tyngsborough Center project at next month’s meeting as well.

Beverly Woods added that Adam Baacke, the Assistant City Manager/Planning Director for the City of Lowell, and a representative of Trinity Financial will be invited make a presentation on the Hamilton Canal project at the April Council meeting. City Councillor Rita Mercier described the concept plans for the project to the Council. Gerry Frechette spoke about the City’s effort to amend the zoning code to direct the design of the project through form-based code. This allows by-right development, providing that the design meets the standards spelled out in the zoning code. Beverly Woods added that the project area has been designated as a Priority Development Site and that NMCOG staff provided some technical assistance to the City in this regard. The state is interested in also examining the possibility of making the area a state-designated Growth District. Rita Mercier added that the City is seeking \$4.7 million from the legislature to fund infrastructure needed for the project.

## **VI. NEW BUSINESS**

### **1. Community Reports**

Dave Plunkett stated that the Tewksbury Zoning Bylaw Subcommittee and the Economic Development Committee have raised concerns regarding the town’s adult entertainment zoning bylaw, which was established in 1996. The zone that was created is in the heavy industrial zone, and the bylaw contains setback requirements from residential development, etc. Mr. Plunkett asked how the town can ensure that the bylaw complies with all the legal requirements currently in place. He asked if NMCOG could assist the town with this effort. Ms. Woods stated that NMCOG could provide the town with some assistance in this regard.

## **2. Project Referrals**

Beverly Woods presented the Council with a list of projects under MEPA review. The Notice of Project Change (NPC) for the construction of a 94,000 s.f. office building on Technology Park Drive in Billerica was reviewed by NMCOG staff. A staff comment letter was presented and discussed. She noted that the proposed project change is consistent with the Master Plan for the office project that was initially developed by the Gutierrez Company. She added that comments on the Environmental Notification Form (ENF # 610) for the Tremont Yard Office Building in Lowell are due at MEPA on April 1, 2008. Jerry Frechette stated that the proposed structure will be a showcase building for the City.

Based on a motion made by George Zaharoolis and seconded by Rita Mercier, the Council voted unanimously to approve the letter of staff comment on the Notice of Project Change for Technology Park.

## **3. Search for New Office Space/ RFP process**

Beverly Woods distributed a draft RFP and stated that the Council is searching for approximately 5,000 square feet of space, which is approximately twice the size of the current office. The RFP gives priority to space in the Lowell Central Business District.

The schedule outlined by the Executive Director calls for the RFP to be issued by April 1, 2008, with response due by May 16, 2008. It is hoped that a new lease would be signed no later than August 31, 2008. Beverly Woods further stated that the LRTA was notified that NMCOG is searching for new space, therefore initiating the six-month notice requirement contained in the current lease agreement. The RFP will be posted in the legal section of the Lowell Sun and will also be posted in the Central Register. Ms. Woods added that she is working with the city's Planning Department to identify available space.

George Zaharoolis noted a typo on page 4 of the RFP. The typo was noted and will be corrected in the final document. Pat Wojtas asked who would be involved in the selection process. Beverly Woods stated that the staff will provide the Council with a recommendation on the screening and selection process at next month's meeting. Dave Plunkett asked if 5,000 square feet is adequate for the size of the staff. Beverly Woods responded that she used a set of national standards in determining the size of the space that is needed. George Zaharoolis asked if monies for the additional rent were factored into the budget. Ms. Woods replied that there are adequate funds, as shown in the budget developed in February, to cover the added costs.

Based on a motion by Philippe Thibault and seconded by Gerry Frechette, the Council unanimously approved the release of the RFP as amended.

## **4. Designation of Chief Procurement Officer**

Executive Director Beverly Woods stated this issue needs to be addressed prior to issuing the RFP for new office space. Under Chapter 30B, the agency is required to have a

designated chief procurement officer, which has traditionally been the Executive Director. After researching previous minutes, it is unclear whether the agency voted in the past to designate the position of Executive Director, or the particular individual who holds the position of Executive Director. In order to protect the agency, staff recommended that the Council vote to designate the position as the chief procurement officer, rather than the individual. This action would cover the agency going forward, no matter who was Executive Director.

Based on a motion made by David Plunkett and seconded by Rita Mercier, the Council voted unanimously to designate the Executive Director as the agency's chief procurement officer.

**5. Other New Business**

Janet Thompson distributed a list with updated contact information for the NMCOC Councillors.

**VII. ANNOUNCEMENTS**

There were none.

**VIII. ADJOURNMENT**

Based on a motion made by Rita Mercier and seconded by Dave Plunkett, the Council voted unanimously to adjourn at 8:40 p.m.

**CLERK'S CERTIFICATE**

I certify that this is a true copy of the minutes of the meeting of March 19, 2008.

Attest: \_\_\_\_\_  
Judith Larter, Clerk