

SPECIAL TOWN MEETING

**2013
WARRANT**



**TOWN OF TEWKSBURY
COMMONWEALTH OF MASSACHUSETTS**

Finance Committee Public Hearing

August 6, 2013 7:00 P.M.
Town Hall Auditorium

Special Town Meeting

August 20, 2013 7:00 P.M.
Tewksbury Memorial High School

Town of Tewksbury Website: <http://www.tewksbury-ma.gov>

TOWN MEETING GUIDELINES

- ** Voters and Visitors shall have their identification ribbons conspicuously displayed.
- ** Visitors shall sit in the designated VISITORS SECTION unless they are assigned to a designated area.
- ** Standing at the doors or in the aisles inside the gymnasium or auditorium is prohibited.
- ** No one shall enter the gymnasium or auditorium while voting is in progress.
- ** Everyone shall be at a seat so as to allow the vote to be counted without hindrance.
- ** Collecting signatures upon petitions or nomination papers is prohibited in the building where the Town Meeting is being held.
- ** Food and beverages are not allowed in the gymnasium or auditorium as per order of the School Committee.
- ** Smoking is not allowed in the School Building or on School Property.
- ** To prevent active interference with the conduct of the Town Meeting, any person taping, videotaping or using any other means of sonic reproduction is assigned to the designated Press Table or the side aisle perimeters of the gymnasium or auditorium.

This meeting is being held at a site which is physically accessible to persons with disabilities.

For further information please call 978-640-4355.

CART services need to be requested as early as possible, as CART providers often fill their schedule 2-3 months in advance. Other reasonable accommodations for disability related needs will be provided upon request.

Middlesex, ss:

To any of the Constables of the Town of Tewksbury, in said County:

In the name of the Commonwealth of the Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Tewksbury, qualified to vote in Town affairs, to meet and assemble at Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Tuesday, August 20, 2013, at 7:00 P.M. to act on the following article:

ARTICLE 1

To see if the Town will vote to amend the Tewksbury Zoning Bylaw and the Zoning Map by adding the following Section 8700 to the Zoning Bylaw and adding the overlay map described below to the Town's Zoning Map:

8700. AMES POND OVERLAY DISTRICT

8701. Purpose. The purpose of this Overlay District is to provide for the controlled development and utilization of those portions of land located within the Town of Tewksbury adjacent to Ames Pond.

8702. Scope of Authority. The Ames Pond Overlay District is an overlay district that is superimposed on properties adjacent to Ames Pond that are in the Office Research (OR) District. All uses permitted in the underlying Office Research (OR) District shall be allowed in the Ames Pond Overlay District as further described in Appendix A: Table of Use Regulations subject to said existing by right and by Special Permit. The following additional uses shall also be allowed in the Ames Pond Overlay District upon the issuance of a Special Permit from the Planning Board: Gaming Establishments with a Category 2 License as limited under Massachusetts General Law, Chapter 23K, as of the date of passage of the Ames Pond Overlay District, which includes a gaming area and any other nongaming structure related to the gaming area and, notwithstanding any other provision of these Bylaws, may include, but shall not be limited to, hotels, restaurants or other amenities.

8703. Relationship to Existing Zoning. The underlying zoning shall remain an integral part of the Tewksbury Zoning Bylaw and is not modified, repealed nor amended by this section. The property owners in this overlay district shall possess all current zoning rights including by-right uses for the underlying districts and be subject to the requirements applicable in the underlying zones when utilizing the uses allowed in the underlying district. In the event that an owner desires to use the owner's property for development as here defined, the regulations of this overlay district shall apply and by filing an application for development subject to such regulations, the owner accepts and is bound by such regulations. Where this overlay district's provisions are silent on a zoning rule, the requirements of the underlying zoning shall apply. In addition, projects allowed under the underlying zoning are not eligible to apply under this overlay district unless they meet all of the requirements of this overlay district.

8710. Location.

8711. The Ames Pond Overlay District shall be defined as follows:

That portion of the Town of Tewksbury located in the Office Research (OR) District that is north or east of Ames Pond and that is south of Interstate 495. Only those lots that are adjacent to the shoreline of Ames Pond shall be included in the Ames Pond Overlay District. More specifically, the Town of Tewksbury Zoning 2013 Map, on file at the office of the Town Clerk, is hereby amended to include the Ames Pond Overlay District.

8720. Dimensional Regulations.

8721. Dimensional Regulations. Except as provided herein, all dimensional regulations in the Ames Pond Overlay District shall be in accordance with the provisions of Section 4000, Dimensional Regulations and Appendix B. The Planning Board may grant an Ames Pond Special Permit (AP-SP) for developments within the Ames Pond Overlay District upon finding that the following, Section 8721, (a) through (e), provide substantial benefit to the overall proposal.

- (a) **Minimum Area.** The parcel or set of contiguous parcels for which the AP-SP is requested shall not be less than twenty-five (25) acres prior to any dedication of any portion of said parcel or set of contiguous parcels for purposes of, by way of example only, public or private ways, and common or open space areas. All of said twenty-five (25) acre parcel shall be located exclusively in the Town of Tewksbury and shall be located entirely within the Ames Pond Overlay District.
- (b) **Maximum Lot Coverage.** The total lot coverage by structures and impervious surfaces shall not exceed thirty (30%) percent of the total area of the parcel.
- (c) **Minimum Frontage.** The minimum frontage shall be 70 feet for the parcel or set of contiguous parcels.
- (d) **Building and Parking Setbacks.** No accessory use or structure shall be located within 50 feet of any boundary of the Ames Pond Overlay District, provided further, however, that no accessory use or structure shall be located within 100 feet of any abutting residential district. Except with respect to abutting residential districts, the setback may be reduced to zero (0) feet by Special Permit to accommodate an approved water-dependent use.
- (e) **Maximum Building Height.** Structures may be allowed in excess of 35 feet or two and one-half stories in the Ames Pond Overlay District. In no event shall a special permit be issued for structures in excess of 60 feet or 5 stories.

8730. General Regulations

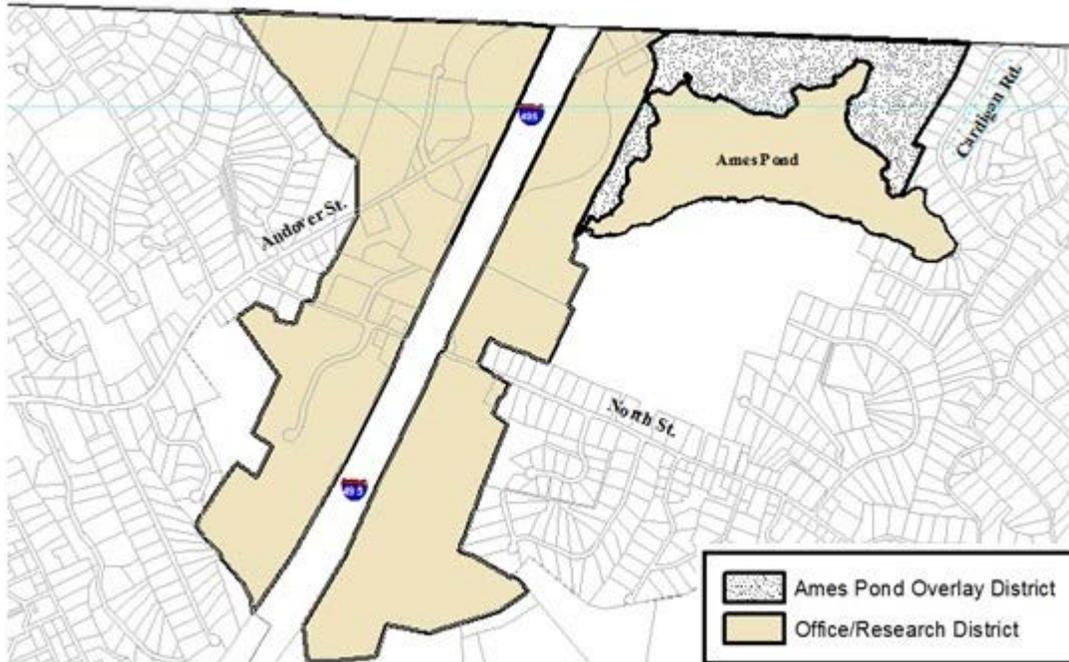
8731. Parking and Loading Requirements. Parking and loading requirements shall be in accordance with the provisions of Section 5100 and Appendix C.

8732. Signs. Sign requirements shall be in accordance with the provisions of Section 5200.

8733. Environmental Performance Standards. Environmental Performance Standards shall be in accordance with the provisions of Section 5300.

8740. Landscaping, Screening and Buffer Requirements

8741. All landscaping, screening and buffer Requirements in the Ames Pond Overlay District shall be in accordance with the provisions of Section 5400, Landscaping, Screening and Buffer Requirements.



Board of Selectmen

Executive Summary: Penn National Gaming, Inc. proposes to develop, through a subsidiary, a Massachusetts General Law, Chapter 23K, Category 2 gaming establishment on Ames Pond Drive. This article would allow such use by creating a new Ames Pond Overlay District that is superimposed on properties adjacent to Ames Pond that are in the Office Research (OR) District in which such use is permitted. In addition, it establishes dimensional limitations, including a 100 foot setback from any abutting residential district, a maximum coverage ratio of 30%, a maximum building height of 60 feet, a minimum frontage requirement of 70 feet, and a minimum 25 acre lot size.

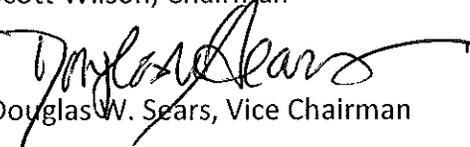
And you are directed to serve the within Warrant by posting up true and attested copies thereof upon the Town Hall and in each precinct, fourteen (14) days at least before the time of holding said meeting; also, leaving at copies at the Town Hall or at such convenient places as the Selectmen shall think proper in said Town of Tewksbury.

HEREOF, FAIL NOT, AND MAKE DUE RETURNS OF THIS WARRANT, with your doings thereon, to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this first day of August, in the year of Our Lord, two thousand and thirteen.

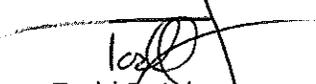
BOARD OF SELECTMEN

Scott Wilson, Chairman

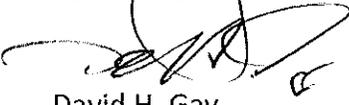


Douglas W. Sears, Vice Chairman

James D. Wentworth, Clerk



Todd R. Johnson



David H. Gay

GLOSSARY OF TERMS

Town Meeting:

A duly called meeting in which all Town of Tewksbury registered voters are eligible to participate to act upon fiscal issues, zoning changes, by-law amendments, and other matters affecting the Town. Each voter has one vote in the decision making process.

The Annual Town Meeting is held each May to decide issues for the fiscal year starting July first. Special Town Meeting(s) may be called at other times, to address issues that cannot wait for the next Annual Town Meeting, a Special Town Meeting is called by the Board of Selectmen; or by a petition of 200 registered voters.

Warrant:

Public notice of business to be considered at the Town Meeting. It is publicly posted in each Precinct throughout the Town, on the Town's Website www.tewksbury-ma.gov/Pages/TewksburyMA_Warrants/ and describes all of the Articles which will be acted upon at the Town Meeting.

Article(s):

Individual subjects are described in the articles so that all voters are warned of potential action to be taken. The scope of each article sets the bounds of action that may be taken. Articles are submitted by the Town Departments or by voter petitions. Articles submitted by voter petitions require ten (10) or more registered voters signatures for insertion in the Annual Town Meeting Warrant, and one hundred (100) or more registered voters signatures for insertion in a Special Town Meeting Warrant.

General Information:

The Moderator presides at the Town Meeting and is responsible for the ruling on procedural matters, overseeing an orderly debate, announcing the result of all votes and preserving decorum.

The proceedings are governed by Town Meeting Time, a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This guide may be simpler and easier to understand than the more widely known and consulted Robert's Rules of Order. Copies are available for reference at the Town Clerk's Office, Board of Selectmen's Office and the Tewksbury Public Library.

Registered voters are entitled to attend, address and vote at the Meeting. Visitors may attend the meeting and shall sit in the "reserved for visitors" section.

A voter desiring to speak should approach the microphone, await recognition by the Moderator, and identify him or herself when recognized by name and address.

Motions, Motions to Amend, and Votes Required:

An Article in the Warrant states a question for the Town Meeting voters to answer. Separate issues are described in the Town Meeting Articles so that all voters are warned of potential action to be taken. The scope or intent of each Article set the bounds of action that may be taken.

Customarily the Finance Committee Chairman makes the first or Main Motion or if the Article relates to the Zoning By-Law the Planning Board Chairman will make the first or Main Motion. The sponsor or Petitioner of an article also may make the first or Main Motion.

The Motion is then open for discussion by the assembly.

Motions to Amend the Main Motion, which is within the scope or intent of the Article, may be made on the Town Meeting floor.

Ordinarily motions require a majority vote of the voters present and voting for an Article to pass. Certain motions require a 2/3, 4/5 or a 9/10 vote to pass because of the provisions of the Town By-Laws or Massachusetts General Laws. The Moderator will announce the voting requirement before each vote requiring more than a majority vote.

Motions For Indefinite Postponement of an Article:

A motion to Indefinitely Postpone an Article is equivalent to a motion to take no action on the Article. If the Motion to Indefinitely Postpone the Article is Adopted; the Article is defeated.

Reconsideration of an Article:

No vote on a prior Article shall be Reconsidered except to correct a procedural defect, scrivener's error or an oversight. Reconsideration for the above exceptions requires a majority vote.

Move the Question:

The voters have heard all the discussion that they wish to hear on the pending Article and prefer to vote at once.

The Moderator shall allow those presently standing, at the time of the motion, the opportunity to be heard and then he or she will take the vote to Move the Question.

Rules to Govern Speakers:

No voter shall speak twice on any one subject, if any other voter who has not spoken already and is standing to be recognized by the moderator. No voter shall speak for more than five minutes at one time, except by vote of permission of the assembly.