

# **SPECIAL TOWN MEETING**

**2018  
WARRANT**



## **TOWN OF TEWKSBURY COMMONWEALTH OF MASSACHUSETTS**

### **Finance Committee Public Hearing**

**September 26, 2018 7:00 P.M.**  
Town Hall 1009 Main Street

### **Special Town Meeting**

**October 2, 2018 7:00 P.M.**  
Tewksbury Memorial High School

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

Middlesex, ss:

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

In the name of the Commonwealth of 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 the Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Tuesday, October 2, 2018, at 7:00 P.M. to act on the following articles:

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**ARTICLE 1**

To see if the Town will vote to raise and appropriate the sum of \$1,455,695 to fund the following Fiscal Year (FY2019) Budgets; or take any other action relative thereto.

<b>School Budget</b>	
School Salaries	\$ 470,291
School Operating	\$ 50,000
School Capital Outlay	\$ 345,000
School Health Insurance	\$ 102,767
School Medicare	\$ 6,862
<b>Total School</b>	<b>\$ 974,920</b>
<b>Town Budget</b>	
Facilities and Grounds Salaries	\$ 5,264
Facilities and Grounds Leases and Contracts	\$ 22,272
Facilities and Grounds Capital Outlay	\$ 66,573
Town Manager's Salaries	\$ 4,229
Police Overtime	\$ 150,000
Fire Salaries	\$ 13,464
Fire Overtime	\$ 75,000
Fire Operating	\$ 16,473
DPW Administration Operating	\$ 50,000
DPW Administration Capital Outlay	\$ 10,000
DPW Fleet Capital Outlay	\$ 22,500
Solid Waste Operating	\$ 45,000
<b>Total Town</b>	<b>\$ 480,775</b>
<b>Total</b>	<b>\$ 1,455,695</b>

Town Manager

**Executive Summary:** This article raises and appropriates funds to FY2019 Budgets. The additional funds are available since State and Local revenue will be higher than projected.

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**ARTICLE 2**

To see if the Town will vote to raise and appropriate the sum of \$165,000 to be expended by the Town Manager to fund future compensated absence liability for Town employees; or take any other action relative thereto.

Town Manager

**Executive Summary:** This article raises and appropriates funds to be set aside to assist in addressing a future liability for benefits such as sick leave buyback benefits and accrued vacation.

**ARTICLE 3**

To see if the Town will vote to raise and appropriate the sum of \$4,171.45 in order to pay for the following outstanding bills from the previous year; or take any other action relative thereto.

ATCO	\$	2,029.02
Keene Fire and Safety	\$	1,331.53
Kraft Power	\$	618.93
Midwest Tape	\$	191.97
<b>Total</b>	<b>\$</b>	<b>4,171.45</b>

Town Manager

**Executive Summary:** According to M.G.L. c. 44 § 64, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid.

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**ARTICLE 4**

To see if the Town will vote to raise and appropriate \$22,500 from Water Rates to be expended by the Town Manager for the following purposes; or take any other action relative thereto.

3-yard tow-behind hot box	\$	22,500
<b>Total</b>	<b>\$</b>	<b>22,500</b>

Town Manager

**Executive Summary:** This article raises funds within the Water Enterprise Budget to pay 50% of the cost of 3-yard hot box. The remaining 50% will come from the General Fund.

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**ARTICLE 5**

To see if the Town will vote to transfer the sum of \$350,000 from Cable Enterprise Fund Expenses to Cable Enterprise Fund Salaries; or take any other action relative thereto.

Town Manager

**Executive Summary:** This article transfers funds from Cable Enterprise Fund Expenses to Cable Enterprise Fund Salaries to allow the Town to hire employees to work within the Local Cable Access Television Department.

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**ARTICLE 6**

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$650,000 for School Department Capital Expenditures; or take any other action relative thereto.

Safety improvements to school entrances, walkways and vestibules	\$	600,000
Digital Filing System	\$	50,000
<b>Total Schools</b>	<b>\$</b>	<b>650,000</b>

Town Manager

**Executive Summary:** This article transfers certified free cash for specific one time capital expenditures.

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**ARTICLE 7**

To see if the Town will vote to transfer the sum of \$2,610,434 from certified General Fund Free Cash to the Town Stabilization Fund; or take any other action relative thereto.

Town Manager

**Executive Summary:** This article seeks approval to set aside these funds in the Stabilization Fund to be used for future emergencies or one time purchases or projects.

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**ARTICLE 8**

To see if the Town will vote to appropriate the sum of \$42,000 from the Community Preservation Fund Undesignated Reserve to be expended with the approval of the Town Manager for the purpose of installing and repairing fencing at Saunders Recreation Area on Livingston Street and improvements to the Skateboard Park at Saunders Recreation Area on Livingston Street. Pursuant to M.G.L. c. 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

Community Preservation Committee

**Executive Summary:** This article will continue to fund the replacement of fencing at Saunders Recreation Area on Livingston Street and make improvements to the Skateboard Park by adding a half- pipe ramp.

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**ARTICLE 9**

To see if the Town will vote to appropriate the sum of \$850,000 from the Community Preservation Fund Undesignated Reserve to be expended with the approval of the Town Manager for the purpose of new lights, poles and associated electrical work at Saunders Recreation Area on Livingston Street. Pursuant to M.G.L. c 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

Community Preservation Committee

**Executive Summary:** This article will fund installation of new lights, poles and associated electrical work at Saunders Recreation Area on Livingston Street.

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**ARTICLE 10**

To see if the Town will vote to appropriate the sum of \$60,000 from the Community Preservation Fund Undesignated Reserve for the purpose of providing a fitness court at Saunders Recreation Area on Livingston Street. Pursuant to M.G.L. c 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

Community Preservation Committee

**Executive Summary:** Additional funding is needed for the installation of the Fitness Court at Saunders Recreation Area on Livingston Street approved at Annual Town meeting in May 2018.

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**ARTICLE 11**

To see if the Town will vote to appropriate the sum of \$30,000 from the Community Preservation Fund Undesignated Reserve to be expended with the approval of the Town Manager for the purpose of purchasing software and hiring an Archivist to create an historical inventory for the Town and Historic Society. Pursuant to M.G.L. c 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

Community Preservation Committee

**Executive Summary:** This article will allow the Town and the Historic Society to properly inventory historic items of the Town.

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ARTICLE 12

To see if the Town will increase the \$15,000,000 appropriation made under Article 15 at the May 1, 2017, Annual Town Meeting to a total of \$15,896,809.85, and to fund the increased amount by appropriating for such purpose the \$896,809.85 premium received in the sale of \$15,000,000 General Obligation Unlimited Tax Fire Station Bonds dated September 21, 2017; or to take any other action relative thereto.

Town Manager

**Executive Summary:** This \$896,809.85 is the amount of premium received by the Town in connection with \$15,000,000 of bonds issued for the Project as part of the Town's 2017 bond issue and can be appropriated by a majority vote of the Town for the Project under M.G.L. c. 44, §20.

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ARTICLE 13

To see if the Town will vote to amend the Town's General Bylaw Chapter 3.14 Section 3.14.050 Table of Authorized Revolving Funds to amend an existing revolving fund for the Council on Aging by including facilities and grounds maintenance and utilities as an additional purpose for the use of funds; or take any other action relative thereto.

Town Manager

**Executive Summary:** This article adds an additional purpose for the Council on Aging Revolving Fund. Currently it is limited to trips and activities.

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ARTICLE 14

To see if the Town will vote to amend the Town's General Bylaw Chapter 3.14 Section 3.14.050 Table of Authorized Revolving Funds to amend an existing revolving fund for Parks and Recreation by including facilities and grounds maintenance and utilities as an additional purpose for the use of funds; or take any other action relative thereto.

Town Manager

**Executive Summary:** This article adds an additional purpose for the Parks and Recreation Revolving Fund. Currently the fund is limited to summer programs and activities.

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ARTICLE 15

To see if the Town will vote to accept M.G.L. c. 40U §2 regarding municipal fines and liens for unpaid Town General and Zoning By-Law violations or take any other action relative thereto.

Town Manager

**Executive Summary:** The acceptance of this statute will allow the Town to adopt procedures regarding fines for Town General and Zoning By-Law violations.

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ARTICLE 16

To see if the Town will vote to amend the real estate tax exemption granted under M.G.L. c. 59 §5, Clause 41C to taxpayers who are granted personal exemptions on their domiciles under M.G.L. c. 59 §5, by modifying the Minimum Age Requirement from 70 to 65 and modifying the Gross Receipts Limit from \$13,000 to \$20,000 for single persons and from \$15,000 to \$30,000 for married persons and modifying the Whole Estate Limit from \$28,000 to \$40,000 for single persons and from \$30,000 to \$55,000 for married persons, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2019; or take any other action relative thereto.

Town Manager  
Board of Assessors

**Executive Summary:** This article will lower the Minimum Age Requirement and change the Gross Receipt Limit and the Whole Estate Limit for individuals applying for a 41C exemption. This will hopefully allow more seniors over the age of 65 to take advantage of the exemption.

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**ARTICLE 17**

To see if the Town will vote to raise and appropriate or transfer a sum of money regarding the reconstruction of the bridge on Mill Street known as Bridge No. T-03-003 as shown on plans entitled “Massachusetts Department of Transportation Highway Division, Plan of Mill Street (Bridge No. T-03-003) in the Town of Tewksbury, Middlesex County” dated 6/22/2018, prepared by the Massachusetts Department of Transportation Highway Division; such plans currently being at the 25% design level are subject to change through subsequent review and approval by the Massachusetts Department of Transportation Highway Division. The Board of Selectmen is authorized to expend these sums on behalf of the Town to acquire any fee, easement, or other interest in land by purchase, gift, eminent domain, or otherwise, and to authorize the Board of Selectmen to apply for, accept and expend any federal, state or other grants that may be available for the project, or take any other action relative thereto. A copy of the plans may be viewed at the Department of Public Works, Engineering Division, 999 Whipple Road, Tewksbury, MA 01876, and the Town Clerk’s Office, Town Hall, 1009 Main Street, Tewksbury, MA 01876.

Town Manager

**Executive Summary:** To allow the Town to obtain the necessary easements for the bridge reconstruction on Mill Street, known as Bridge No. T-0-003

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**ARTICLE 18**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to issue six (6) additional licenses for the sale of all alcoholic beverages to be consumed on premises, two (2) additional licenses for the sale of wine and malt beverages to be consumed on premises; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition; or take any other action relative thereto.

Board of Selectmen

**Executive Summary:** Since the Town has reached its maximum of all alcoholic beverage and wine and malt beverage licenses allowed, this article seeks an increase above the current State quota.

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**ARTICLE 19**

To see if the Town will vote to amend the Tewksbury General Bylaw, Title 18 – Environment by adding a new Chapter 18.10 Prohibition Single-Use Plastic Bags that would provide as follows:

Chapter 18.10 Prohibition Single-Use Plastic Bags

**18.10.010 Purpose and Intent**

- A. The purpose of this bylaw is to regulate the retail use of single-use plastic checkout bags and adopt the use of reusable, recyclable and biodegradable bags in the Town.
- B. The manufacture and use of single-use checkout bags has a significant impact on the environment, including, but not limited to: contributing to pollution of land, waterways, and oceans; contributing to the death of marine animals through ingestion and entanglement; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil.
- C. Plastic bags also affect human health by adding pollutants to the air breathed during the process of extracting oil from the ground, when they are disposed of by incineration, and when they break down adding toxic chemicals to the groundwater.
- D. Plastic bags are rarely recycled and are not biodegradable. The reduction of plastic bags demonstrates the Town’s concern for the Town and planet.

**18.10.020 Definitions**

- A. Single-use plastic bag shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is less than 3.0 mils in thickness and is intended for single-use transport of purchased items provided by an establishment to a customer at the point of sale.
- B. Recyclable paper bag means a paper bag that is 100% recyclable and displays in a visible manner on the outside of the bag the word “recyclable” or a symbol identifying the bag is recyclable and contains at least 40% post- consumer paper content and be marked as such.
- C. Reusable checkout bag shall be a bag with handles that is specifically designed for multiple use, preferably made of natural fibers, that is at least 3.0 mils or thicker.
- D. Retail establishment shall mean any business or vendor that sells or provides food, merchandise, goods, or personal services to the public. However, the term “retail establishment” does not include bazaars or festivals operated by nonprofit organizations or religious institutions.

**18.10.030 Regulations**

- A. Except as otherwise provided herein, single-use plastic checkout bags shall not be distributed, used or sold for checkout or other purposes by any retail establishment within the Town. Existing stocks of single-use checkout bags shall be phased out within six months following the effective date of this bylaw.
- B. Other thin-film bags used to contain dry cleaning, newspapers, produce, meat bulk foods, wet items, perishables and other similar merchandise, typically without handles, are still permissible.
- C. If a retail establishment provides or sells checkout bags to customers, the bags must be one of the following:
  - 1. Recyclable paper bag, as defined above or
  - 2. Reusable checkout bag, as defined above
- D. Retail establishments are encouraged to make reusable bags available for free or for sale to customers at a reasonable price.

**18.10.040 Enforcement and Penalties**

- A. This bylaw shall be enforced by the Board of Health, the Public Health Director, and/or the Board’s designated agent and may be enforced by any lawful means in law or in equity including, but not limited to, a non-criminal disposition as provided in the M.G.L. c. 40 § 21D and/or appropriate provisions of the General Bylaws of the Town. The following penalties shall apply:
  - First Offense: written warning
  - Second Offense: \$100
  - Additional Offenses: \$200
- B. Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense.

**18.10.040 Effective Date**

- A. This bylaw shall take effect April 1, 2019
- B. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.  
  
or take any other action relative thereto.

Tewksbury Beautification Committee

**Executive Summary:** This new bylaw would eliminate the use of single use plastic bags by retail establishments.

**ARTICLE 20**

To see if the Town will vote to amend the Tewksbury General Bylaw, Title 5--- Business Licenses and Regulations by adding a new Chapter 5.10 Marijuana Establishments that would provide as follows:

Chapter 5.10     Marijuana Retailers

Consistent with M.G.L. c. 94G, § 3(a)(2), all types of marijuana retailers as defined in M.G.L. c. 94G, § 1, including all types of licensed marijuana retail-related businesses, shall be prohibited within the Town; or take any other action relative thereto.

Board of Selectmen

**Executive Summary:** With the passage of M.G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, a local option allowing Towns to ban recreational marijuana was codified. Since Tewksbury voters opposed ballot question 4 in 2016, The Regulation and Taxation of Marijuana Act, the Town has the ability through Town Meeting to ban these types of establishments.

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**ARTICLE 21**

To see if the Town will vote to amend the Tewksbury Zoning Bylaw by replacing the existing in its entirety Section 6800—Interim Restriction/ Moratorium for Marijuana Establishments with the following:

Section 6800.1    Marijuana Retailers

Consistent with M.G.L. c. 94G, § 3(a)(2), all types of marijuana retailers as defined in M.G.L. c. 94G, § 1, including all types of licensed marijuana retail-related businesses, shall be prohibited within the Town; or take any other action relative thereto.

Board of Selectmen

**Executive Summary:** With the passage of M.G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, a local option allowing Towns to ban recreational marijuana was codified. Since Tewksbury voters opposed ballot question 4 in 2016, The Regulation and Taxation of Marijuana Act, the Town has the ability through Town Meeting to ban these types of establishments.

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**ARTICLE 22**

To see if the Town will vote to amend the Tewksbury General Bylaw, Title 5--- Business Licenses and Regulations by adding a new Chapter 5.10 Marijuana Establishments that would provide as follows:

Chapter 5.10     Marijuana Establishments

Consistent with M.G.L. c. 94G, § 3(a)(2), all types of marijuana establishments as defined in M.G.L. c. 94G, § 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, and/or any other types of licensed non-retailer marijuana-related businesses, except, however, marijuana retailers previously prohibited, shall be prohibited within the Town. This provision will expire December 31, 2019; or take any other action relative thereto.

Board of Selectmen

**Executive Summary:** With the passage of M.G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, a local option allowing Towns to ban recreational marijuana was codified. Since Tewksbury voters opposed ballot question 4 in 2016, The Regulation and Taxation of Marijuana Act, the Town has the ability through Town Meeting to ban these types of establishments.

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## ARTICLE 23

To see if the Town will vote to amend the Tewksbury Zoning Bylaw by replacing the existing in its entirety Section 6800—Interim Restriction/ Moratorium for Marijuana Establishments with the following:

### Section 6800.2 Marijuana Establishments

Consistent with M.G.L. c. 94G, § 3(a)(2), all types of marijuana establishments as defined in M.G.L. c. 94G, § 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, and/or any other types of licensed non-retailer marijuana-related businesses, except, however, marijuana retailers previously prohibited, shall be prohibited within the Town. This provision will expire December 31, 2019; or take any other action relative thereto.

Board of Selectmen

**Executive Summary:** With the passage of M.G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed, a local option allowing Towns to ban recreational marijuana was codified. Since Tewksbury voters opposed ballot question 4 in 2016, The Regulation and Taxation of Marijuana Act, the Town has the ability through Town Meeting to ban these types of establishments.

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## ARTICLE 24

To see if the Town will vote to amend the Tewksbury Zoning Bylaw by adding the new section below:

**5290. Off-premise Signs.** Electronic Message Center (“EMC”) Signs and Billboards (collectively “off-premise signs”).

**5291. Locations.** Off-premise signs shall be permitted in the Heavy Industrial and Office/ Research Zoning Districts located adjacent to either Interstate 93 or Interstate 495. No off-premise sign edge shall be located further than 25 feet from the Interstate highway right-of way.

**5292. Special Permit.** Off-premise signs are allowed only upon the grant of a special permit by the Board of Selectmen (Selectmen). Special permits may be limited to a term of the number of years specified by the Selectmen and subject to an agreement executed with the Town.

**5293. Application and Fee.** Each application shall be submitted to the Selectmen accompanied by a filing fee of \$2,500. Ten copies of the application filing documents shall be submitted with the information outlined below:

a. Site Plan and area maps identifying the following features:

1. Location of any existing buildings, parking spaces, and traffic circulation patterns on the subject parcel;
2. Proximity of nearest residentially used or residentially zoned property, utilizing current area photographs and Tewksbury Assessors Maps;
3. Specific location of the proposed off-premise sign;
4. Details of proposed buffer/landscaping areas around the off-premise sign including species and caliper of any trees or shrubbery one foot or more above the ground in height;
5. Location of any existing off-premise sign(s) on the parcel; and
6. Photographs or illustrations of the proposed design of the off-premise sign.

b. Additional Information – An application for an off-premise sign shall include the following additional information:

1. Detailed dimensions and area of any proposed off-premise sign;
2. Detail sheet of any proposed support structure specifying dimensions and construction type. Upon request by the Selectmen or the Building Commissioner, the applicant shall provide a structural analysis of the support structure, stamped by a licensed structural engineer; and,
3. Lighting proposal, including specifications of all proposed lighting fixtures to be either attached to the billboard, structure, or affixed to the ground.

- c. Additional Requirements:
  - 1. Written authorization from the property owner or lawful occupant (such as a lessee with a lease of at least 5 years) granting permission to install the proposed off-premise sign; and
  - 2. Any additional information as may be required by the Selectmen to assist them in determining whether the application complies with the provisions and requirements of this Section 5290.

**5294. Dimensional Restrictions and Design Guidelines.** All off-premise signs shall be in compliance with the following requirements:

- a. All off-premise signs shall be permanently affixed to a main support structure. No portable off-premise signs shall be permitted.
- b. Off-premise signs shall not have excessive lighting. EMC signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions.
- c. Exposed backs of off-premise signs, poles, and other support structures shall be of a color and finished so as to present an attractive and finished appearance that will blend with the natural surroundings.
- d. The following types of off-premise signs are prohibited:
  - 1. Animated, projected, moving or giving the illusion of movement (including any moving parts), scrolling, flashing, revolving, and blinking, and intermittently flashing illuminated billboards, beacons (or any light directed at any location other than the billboard itself), searchlights, pennants, and inflatable billboards, including balloons;
  - 2. Billboards with physical movements of any kind;
  - 3. EMC signs that change at intervals of less than once every 10 seconds. Changes of image shall be instantaneous as seen the human eye and shall not use fading, rolling, window shading, dissolving or similar effects;
  - 4. Tri-vision billboards;
  - 5. Video billboards or billboards that otherwise give the illusion of video or moving images;
  - 6. Billboards with sound;
  - 7. Billboards with pyrotechnics; and
  - 8. Billboards that by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with, any traffic control signal or device, or that may otherwise obstruct or interfere with traffic.
- e. An off-premise sign shall not be located within 1500 linear feet of any other off-premise sign.
- f. An off-premise sign may be double sided. No individual off-premise sign or sign face shall exceed 672 square feet in total area on each side or shall exceed 14 feet in height by 48 feet in width.
- g. An off-premise sign shall be mounted on a pedestal or other support structure.
- h. No off-premise sign shall be located on any building, whether erected or otherwise placed or painted on the building.
- i. No off-premise sign shall be located on or otherwise attached to a tree, utility pole, fence, or rock.
- j. Lighting or other illumination related to the off-premise sign shall not project glare or negatively impact abutting properties and shall not shine onto abutting roadways;
- k. There shall be a 10-foot wide landscaped buffer installed around the base of the support structure to minimize its visual impact.

**5295. Criteria for Approval.** The Selectmen shall approve an application for a Special Permit under Section 5290 unless it finds that all of the following conditions are not met. The conditions shall be incorporated into any Special Permit decision:

- a. The specific site is an appropriate location for the proposed off-premise sign and the design and layout complies with the standards and requirements set forth in this bylaw;
- b. The proposed off-premise sign shall not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;
- c. The off-premise sign, including supports, braces, guys, and anchors, shall be kept in good repair.
- d. All special permit approvals are subject to any necessary approvals, restrictions, and conditions required or issued by the Commonwealth of Massachusetts and/or the federal government.
- e. The Selectmen, in granting a special permit, may require additional conditions and safeguards as it deems necessary for protection of the public health, safety, and welfare.

**5296. Off-premise Sign Maintenance and Removal.** Off-premise signs shall be maintained and be required to be removed in accordance with the following:

- a. All off-premise signs and supporting structures shall be kept in good repair and free of wear and tear, rust, and other indices of deterioration.
- b. An off-premise sign permitted under Section 5290 that is abandoned, discontinued, blank, or is in disrepair for a period of 120 days shall be cause for its removal. For purposes of this section, an off-premise sign will satisfy this condition if:
  1. There is no advertising paid for by a person or company other than the off-premise sign owner or advertising an interest other than specified in the rental agreement of the off-premise sign;
  2. The off-premise sign advertises a business, service, enterprise, or activity that is no longer operating or being offered or conducted; or
  3. The advertising message of the off-premise sign displays becomes illegible in whole or substantial part.
- c. The Building Commissioner shall notify the off-premise sign owner, lessee, and manager of the off-premise sign, as the case may be, in writing, specifying a 45-day period to remove or repair the off-premise sign. If the off-premise sign has not been removed or repaired within such time period to the satisfaction of the Building Commissioner, the Building Commissioner may revoke the off-premise sign building permit and take appropriate action forthwith to remove the sign. All expenses for the removal shall be borne by the off-premise sign owner, lessee, and/or manager as determined by the Building Commissioner.
- d. If the Building Commissioner determines that an off-premise sign is an immediate threat to public safety irrespective of any stays granted to the off-premise sign owner, lessee, or manager, the Building Commissioner may cause any off-premise sign, abandoned or not, and any portion of its support structure if deemed part of the public threat, to be immediately removed, or the threatened area to be cordoned off. All expenses for protecting the public, including the removal of the off-premise sign or stabilization of the public safety threat, shall be borne by the off-premise sign owner, lessee, as determined by the Building Commissioner. An off-premise sign that is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat has been abated, to the satisfaction of the Building Commissioner.

**5297. Surety.** The Applicant shall provide a financial surety to the Town in accordance with M.G.L. c. 44 § 53G ½, that will secure the full cost of the removal of any off-premise sign which is found to be abandoned, discontinued, blank, or is in disrepair, as determined under Section 5296. d above. The Applicant shall deposit with the Town Treasurer a surety in an amount that shall be determined by the Selectmen. Upon removal of the off-premise sign, any remaining funds shall be returned to the Applicant in accordance with M.G.L. c. 44 § 53G ½.

**5298. On-premise Signs.** Nothing in Section 5290 shall be applicable to on-premise signs.

**5299. Definitions.**

- a. **Billboard:** An advertising sign or other commercial sign that directs attention to a business, commodity, service or attraction sold, offered or existing elsewhere than upon the same lot where the sign is displayed. This is also known as an off-premise commercial sign.
- b. **Electronic Message Center:** An off-premise electronically activated changeable message sign whose variable message or

graphic presentation capability can be electronically programmed. EMCs typically use Light Emitting Diodes (LEDs) as a lighting source.

- c. Off-premise sign: A permanent sign erected, maintained, or used in the outdoor environment for the purpose for the display of commercial or noncommercial messages not appurtenant to the use of, or products sold on, the property where the sign is located.
- d. On-premise sign: A sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial and noncommercial messages appurtenant to the use of, or products sold on, the premises on which it is located.
- e. Outdoor Advertising: Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform; any part of the advertising or information contents of which are visible from any public way, public park, or public reservation.

or take any other action relative thereto.

Board of Selectmen

**Executive Summary:** To allow for off-premise signs (electronic message boards and billboards) along the interstate highways in accordance with State and Federal regulations.

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#### **ARTICLE 25**

To see if the Town will vote to amend the Tewksbury Zoning Bylaw as follows, with deletions shown as a strikethrough and additions bold and underlined:

9370. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within ~~24 months~~ **three (3) years** following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

Town Manager

**Executive Summary:** This amendment reflects the change to M.G.L. c. 40A, § 9, as amended by the Acts of 2016 Chapter 219, Section 30.

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#### **ARTICLE 26**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Sections 21-24, as amended, and any other applicable statutes, to accept the laying out as a town way by order of the Board of Selectmen:

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts shown as Harvest Lane shown on a plan entitled, "Street Acceptance Plan, Harvest Lane, Tewksbury, MA dated July 1, 2018 prepared by Civil Design Consultants, Inc. 30 River Street Methuen, MA 01844", a copy of which plan has been filed with the office of the Town Clerk and Department of Community Development; and such plan is referred to for more particular description and to authorize the Board of Selectmen to take by eminent domain, an easement, or in fee; or take any other action relative thereto.

Matthew Ginsburg

**Executive Summary:** The purpose of this article is to accept Harvest Lane as a public way (Town Street).

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**ARTICLE 27**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Sections 21-24, as amended, and any other applicable statutes, to accept the laying out as a town way by order of the Board of Selectmen:

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts shown as Winterberry Lane on a plan entitled, "Street Acceptance Plan of Land in Tewksbury, Massachusetts (Middlesex County) prepared for A.M.C. Realty Group, LLC"; dated January 12, 2018; prepared by LJR Engineering, Inc. 234 Park Street North Reading, MA 01864, a copy of which plan has been filed with the office of the Town Clerk and the Department of Community Development; and such plan is referred to for more particular description and to authorize the Board of Selectmen to take by eminent domain, an easement, or in fee; or take any other action relative thereto.

Richard Cuoco

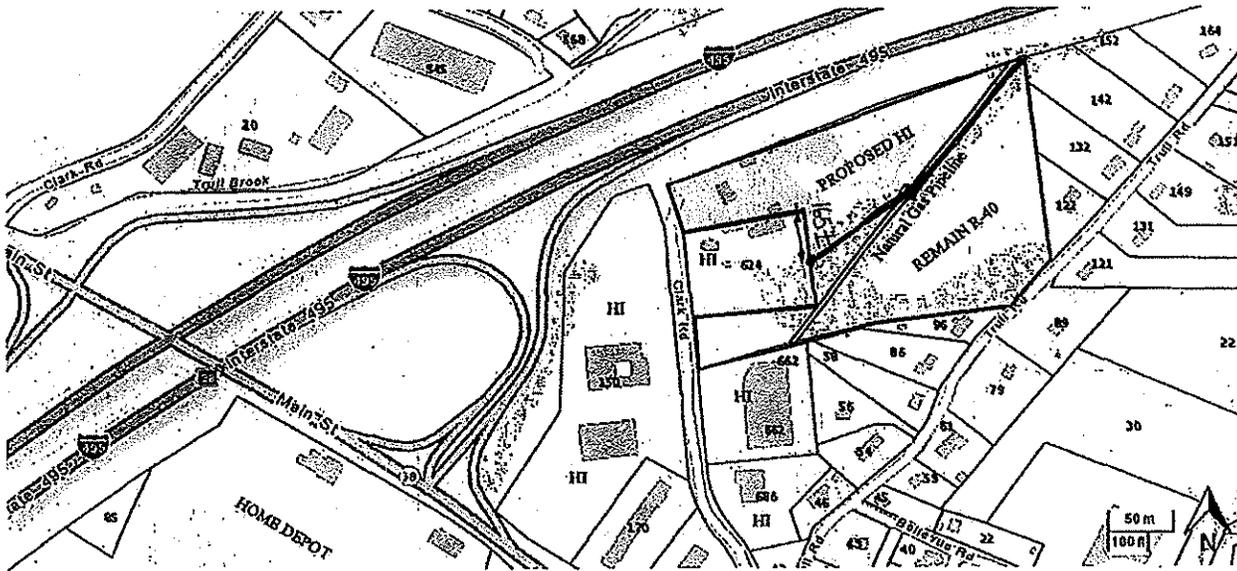
**Executive Summary:** The purpose of this article is to accept Winterberry Lane as a public way (Town Street).

**ARTICLE 28**

To see if the Town will vote to allow a zoning change from ONLY Residential (R40) to BOTH Heavy Industrial-1 (HI-1) AND R-40 for the parcel of land located in North Tewksbury, at 602-604 Clark Road. Said parcel is indicated as Lot #20 on the Tewksbury Assessors Map # 11 and incorporates approximately 10.4 acres more or less.

Michael Ginieres

**Executive Summary:** To see if the Town will vote to allow a zoning change from Residential (R40) to BOTH Heavy Industrial-1 (HI-1) AND R-40 for the parcel of land located in North Tewksbury, at 602-604 Clark Road.



## 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.**

For further information regarding Town Meeting Warrant Articles please go to the Town's website at [www.tewksbury-ma.gov](http://www.tewksbury-ma.gov) and refer to the Special Town Meeting Supplemental Information Handout October 2, 2018.

Please bring your copy of Town Meeting Warrant to Town Meeting.

## 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 <http://www.tewksbury-ma.gov/board-of-selectmen/pages/town-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:

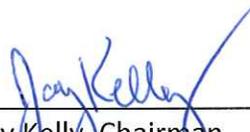
No voter shall speak twice on any one subject, if any other voter who has not spoken already and is standing to be recognized by the moderator. No voter shall speak for more than five minutes at one time, except by vote of permission of the assembly.

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 additional 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 12th day of September in the Year of Our Lord, Two Thousand and Eighteen.

BOARD OF SELECTMEN



Jay Kelly, Chairman



Anne Marie Stronach, Vice Chairman

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Brian H. Dick, Clerk



Todd R. Johnson, Esq.



Mark Kratman