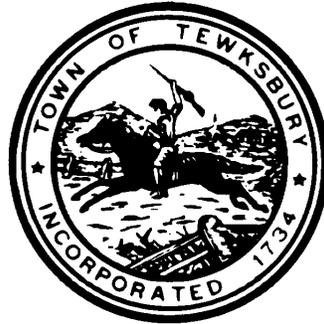


# **SPECIAL TOWN MEETING**

**2024  
WARRANT**



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

### **Finance Committee Public Hearing**

**September 23, 2024 7:00 P.M.**  
Town Hall 1009 Main Street

### **Special Town Meeting**

**October 1, 2024 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 1, 2024, 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 funds into the Following FY2025 Departmental Budgets; or take any action related thereto:

<u>Department and Line Item</u>	<u>Account Number</u>	<u>Amount</u>
Town Manager Salaries	1011231-5111	\$ 141,689
Town Manager Professional Service	1011232-5310	\$ 30,000
Computer Services Salaries	1011361 5150	\$ 3,600
Assessors Salaries	1011411-5111	\$ 8,300
Town Hall Leases and Contracts	1011922-5270	\$ 2,900
Community Development Salaries	1011751-5111	\$ 2,700
Police Overtime	1042101-5130	\$ 50,000
Police Leases and Contracts	1042102-5270	\$ 17,000
Fire Salaries	1042201-5111	\$ 40,000
Fire Overtime	1042201-5130	\$ 50,000
School Salaries	13059813-600100	\$ 176,895
School Operating	13609744-601192	\$ 210,000
	<b>Total</b>	<b>\$ 733,084</b>

Town Manager

**Executive Summary:** This article raises and appropriates funds to FY2025 Budgets. 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 transfer from certified General Fund Free Cash a sum of \$536,362 to be expended by the Town Manager to fund the following; or take any other action relative thereto.

Short-Term Interest Center Elementary School Proejct	\$ 223,355
School Internship Program	\$ 60,000
Ambulance Computers	\$ 12,000
Munis Training, Evaluation, and Module Implementation	\$ 29,676
Police Station Improvements	\$ 12,837
Repair to Seagraves Engine	\$ 10,000
Multi-purpose All Season Machine	\$ 70,000
Equipment Trailer	\$ 10,000
Asphalt Paver Trailer	\$ 10,000
Senior Center New Boiler	\$ 10,000
Facilities and Grounds Water Trailer	\$ 7,551
Facilities and Grounds Lawn Mower	\$ 80,943
	<b>Total \$ 536,362</b>

Town Manager

**Executive Summary:** This article transfers funds from certified General Fund Free Cash for specific one-time capital expenditures. This article only has the General Funds share of the cost items shared with the Water and Sewer Enterprise Funds. The total cost of the Ford Equipment Trailer is \$20,000 and the total cost of the Asphalt Paver Trailer is \$20,000. The balance for each is being shared with the Water and Sewer Enterprise Funds.

**ARTICLE 3**

To see if the Town will vote to raise and appropriate the sum of \$23,998.69 the following outstanding bills from the previous year; or take any action relative thereto.

<b>Department</b>	<b>Vendor</b>	<b>Amount</b>
<b>Treasurer/Collector</b>	Ricoh	\$ 1,378.93
Library	Playaway	\$ 56.99
IT	Sophos	\$ 14,486.79
Police	Landlaw	\$ 470.00
Police	Metro	\$ 583.00
Police	Aubuchon/Capital One	\$ 13.99
Police	Aubuchon/Capital One	\$ 7.99
DPW	Hammond	\$ 158.00
DPW	Alert Scientific	\$ 2,817.50
DPW	Torode	\$ 3,627.50
DPW	Net Lab	\$ 398.00
	<b>Total</b>	<b>\$ 23,998.69</b>

Town Manager

**Executive Summary:** According to Massachusetts General Laws Chapter 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 \$166,237 needed to fund and implement the Collective Bargaining Agreement between the Town and the Tewksbury Massachusetts Police Patrolman’s Association (NEPBA) beginning July 1, 2024; or take any other action relative thereto.

Town Manager

**Executive Summary:** The intent of this article is to appropriate or transfer funds for a new labor agreement with the Tewksbury Massachusetts Police Patrolman’s Association (NEPBA) and implement the labor agreement and distribute funds in Fiscal Year 2025.

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**ARTICLE 5**

To see if the Town will vote to raise and appropriate \$221,014 needed to fund and implement the Collective Bargaining Agreement between the Town and the International Association of Firefighters AFL-CIO, Tewksbury Firefighters Local 1647 beginning July 1, 2024; or take any other action relative thereto.

Town Manager

**Executive Summary:** The intent of this article is to appropriate funds for a new labor agreement with the International Association of Firefighters AFL-CIO, Tewksbury Firefighters Local 1647 and implement the labor agreement and distribute funds in Fiscal Year 2025.

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**ARTICLE 6**

To see if the Town will vote to transfer the sum of \$160,000 from Sewer Enterprise Fund Retained Earnings to be expended by the Town Manager for various purposes; or take any other action relative thereto.

Sewer Pump Station Cleaning and Maintenance	\$ 100,000
Equipment Trailer	\$ 5,000
Asphalt Paver Trailer	\$ 5,000
Vacuum/Jet Machine on Skid	\$ 40,000
Light Tower	\$ 10,000
<b>Total</b>	<b>\$ 160,000</b>

Town Manager

**Executive Summary:** This article utilizes funds from Sewer Retained Earnings for capital equipment and improvements. This article only has Sewer Retained Earnings' share of the cost for those items. The total cost of the Equipment Trailer is \$20,000 and the total cost of the Asphalt Paver Trailer is \$20,000. The balance for each is being shared with the Water Retained Earnings and General Fund Free Cash. The total cost of the Vacuum/Jet Machine on Skid is \$80,000 and the total cost of the Light Tower is \$20,000. The balance for each is being shared with the Water Retained Earnings.

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**ARTICLE 7**

To see if the Town will vote to transfer the sum of \$160,000 from Water Enterprise Fund Retained Earnings to be expended by the Town Manager for various purposes; or take any other action relative thereto.

Replacement of water meter endpoints and water meters	\$	100,000
Vacuum/Jet Machine on Skid	\$	40,000
Equipment Trailer	\$	5,000
Asphalt Paver Trailer	\$	5,000
Light Tower	\$	<u>10,000</u>
<b>Total</b>	<b>\$</b>	<b>160,000</b>

Town Manager

**Executive Summary:** This article utilizes funds from Water Retained Earnings for capital equipment and improvements. This article only has Water Retained Earnings' share of the cost for those items. The total cost of the Equipment Trailer is \$20,000 and the total cost of the Asphalt Paver Trailer is \$20,000. The balance for each is being shared with the Sewer Retained Earnings and General Fund Free Cash. The total cost of the Vacuum/Jet Machine on Skid is \$80,000 and the total cost of the Light Tower is \$20,000. The balance for each is being shared with the Sewer Retained Earnings.

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**ARTICLE 8**

To see if the Town will vote to raise and appropriate the sum of money and transfer the sum of money 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 9**

To see if the Town of Tewksbury will vote to appropriate, transfer from available Tewksbury Community Preservation Funds and/or borrow in accordance with the Community Preservation Act the sum of \$3,800,000 to rehabilitate the historic Ella Flemings School, 1503 Andover Street, including allowed costs incidental and related thereto; said rehabilitation expenses as necessary for Ella Flemings Schoolhouse to continue to serve as an historic municipal services facility and community meeting place, pursuant to Massachusetts General Law Chapter 44B (The Community Preservation Act) and Chapter 44 Section 7(1) and/or any other enabling authority and the Secretary of the Interior's Standards for Rehabilitation.

To meet the appropriation to fund such rehabilitation:

- a. \$1,000,000 shall be transferred from the Tewksbury Community Preservation Undesignated Fund Balance; and
- b. The Treasurer, with the approval of the Select Board, is authorized to borrow the amount of \$2,800,000 pursuant to Massachusetts General Law Chapter 44B (The Community Preservation Act) and Chapter 44 Section 7(1) and/or any other enabling authority and to issue bonds or notes of the Town therefor or to take any action relative thereto; and further to authorize the Select Board to apply for and accept any and all State aid, grants or other revenue source that may become available for this work; and provided further that in accordance with Massachusetts General Law Chapter 44, Section 20, the premium received by the Town upon the sale of any bonds or notes may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount any such premium so applied and to authorize the Select Board to do or take all actions necessary to carry out this project on behalf of or in the name of the Town.

Pursuant to Massachusetts General Laws, Chapter 44B and/or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee and the Town Manager or to take any other action thereon.

MOTION: That the Town hereby appropriates \$3,800,000 to pay the costs of rehabilitation the historic Ella Flemings School, 1503 Andover Street, including all allowed costs incidental and related thereto: and that to meet this appropriation the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow \$2,800,000 under and pursuant to Chapter 44B and Chapter 44 (7) (1) of the Massachusetts General Laws and/or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore or to take any action relative thereto; and further to authorize the Select Board to apply for and accept any and all State aid, grants or other revenue source that may become available for this work; and provided further that in accordance with Massachusetts General Law Chapter 44, Section 20, the premium received by the Town upon the sale of any bonds or notes may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount any such premium so applied and to authorize the Select Board to do or take all actions necessary to carry out this project on behalf of or in the name of the

Community Preservation Committee

**Executive Summary:** This funding will allow for renovation and upgrades to the Ella Flemings School.

**ARTICLE 10**

To see if the Town will vote to rescind the unused borrowing authority voted under previous Town Meeting articles; or act in any other manner in relation thereto.

<b>Project</b>	<b>Unissued Debt</b>
Ames Hill	25,000
Annex Solar	85,000
TMHS	10,766,582
Water Treatment Plant	42,567
Roadway Drainage Improvements	3,000,000
New Center Fire Station	2,500,000
Astle Street Water Tank	1,800,000
<b>Total to be Rescinded</b>	<b>18,219,149</b>

Town Manager

**Executive Summary:** State law requires that Town Meeting vote to rescind authorized and unissued debt that is no longer required for its intended purpose.

**ARTICLE 11**

To see if the Town will vote to authorize the Select Board to accept an easement from Andover North Estates, LLC. The Easement is shown on a plan entitled Sidewalk Easement Plan prepared for Andover North Estates Condominium, 1563 Andover Street, Tewksbury, MA 01876. Prepared by Warren A. Wagner of Civil Design Consultants, Inc dated March 4, 2024, or take any action relative thereto. The Plan can be viewed at the Town Clerk’s office, Town Hall, 1009 Main Street, Tewksbury, MA 01876.

Town Manager

**Executive Summary:** The purpose of this article is to allow the Select Board to accept a new sidewalk easement at 1563 Andover Street.

**ARTICLE 12**

To see if the Town will vote to authorize the Select Board to submit a Home Rule Petition to the General Court of the Commonwealth of Massachusetts that if enacted would amend the Town’s Special Act Charter by deleting the third sentence of Section 5A which reads:

“They need not be a resident of the town or of the commonwealth when appointed but shall become a resident of the town or live within a ten-mile radius of the town during the first year of their appointment.”; or take any action relative thereto.

Town Manager

**Executive Summary:** The Article seeks Town approval to petition the State Legislature to amend the Town Charter to remove the requirement of the Town Manager to live within a 10-mile radius of the Town.

## ARTICLE 13

To see if the Town will vote to add a new Section to the Town General Bylaws:

### **Chapter 5.12**

#### **MUNICIPAL EQUITY BY-LAW**

##### **5.12.010 Legislative Authority**

This bylaw is authorized pursuant to St. 2022, c. 180, an act relative to equity in the cannabis industry, M.G.L. c. 94G and M.G.L. c. 94I, 935 CMR §§ 500.000, and §§ 501.000.

##### **5.12.020 Purpose**

The intent of this by-law is to develop clear requirements to encourage full participation in the marijuana industry by people from communities that were disproportionately harmed by marijuana prohibition and enforcement. These policies and procedures will assist the Town in negotiating host community agreements with applicants for marijuana establishments and medical marijuana treatment centers such as social equity businesses, social equity program participants, or economic empowerment priority applicants, and other business owners.

##### **5.12.030 Applicability**

This by-law shall apply to all individuals and entities applying to be a marijuana establishment or medical marijuana treatment center located within the Town. No individual or entity shall operate a marijuana establishment or a medical marijuana treatment center unless duly licensed to do so by the cannabis control commission. Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana.

##### **5.12.040 Definitions**

The definitions set forth in M.G.L. c. 94I § 1, M.G.L. c. 94G § 1, 935 CMR §§ 500.002, §§ 501.002, §§ 500.181(4)(a), and §§ 501.181(4)(a) are incorporated herein by reference.

##### **5.12.050 Transparency of Local Approval Process**

- a. The Town shall publish data regarding its total applicant pool, which shall identify each pre-verified or verified social equity business, social equity program participant, or economic empowerment priority applicant.
- b. The Town shall publicize certain information in a conspicuous location at its offices and on its website which shall, at minimum, include:
  - i. All required steps of the Town's local approval process including, but not limited to, all associated fees, deadlines, and meeting schedules for local bodies involved in the Local Approval Process;
  - ii. Identification of key individuals involved in the Town's local approval process, including, but not limited to, their name, title, business address, and business contact information such as email address or phone number;
  - iii. A list of all documentation required by the Town's local approval process, in downloadable form and paper form;
  - iv. Identification of application criteria for local approval to operate a marijuana establishment or medical marijuana treatment center, and scoring methodologies relied on by the Town;
  - v. General and individual scoring information for all license applicants;
  - vi. The Town's explanation, in narrative form, of its reasoning for the approval or denial of an application; and
  - vii. Any other information required by the Commission as outlined in 935 CMR §§ 500.000 and §§ 501.000.

##### **5.12.060 Practices for Host Community Agreement Negotiations**

The Town shall adhere to required practices for host community agreement negotiations with individuals or entities pre-verified or verified as social equity businesses, and license applicants that have been designated as social equity program participants or economic empowerment priority applicants including, but not limited to, the following:

- a. The Town shall develop a standard evaluation form, or use a form developed by the cannabis control commission, that scores components of an application. The evaluation form shall include consideration of equity in the overall evaluation score which must comprise not less than 25% of the total evaluation score.
- b. This equity component shall include:
  - i. whether an individual, entity, or license applicant is pre-verified or verified by the cannabis control commission as a social equity business;

- ii. whether the license applicant is a social equity program participant;
  - iii. whether the license applicant is an economic empowerment priority applicant;
  - iv. whether a license applicant or pre-verified individual or entity has a prior marijuana-related criminal offense or conviction;
  - v. whether a license applicant or pre-verified individual or entity is part of an area of disproportionate Impact, as identified by the cannabis control commission; or whether a pre-verified individual is of Black, African American, Hispanic, Latino, Native American or indigenous descent, or a majority of a pre-verified entity or license applicant entity is comprised of individuals that are of Black, African American, Hispanic, Latino, Native American or indigenous descent.
- c. If the Town decides to allow additional marijuana establishments or medical marijuana treatment centers, at least 50% of those licenses, but no less than one license, above the previously established cap shall be reserved for license applicants that are pre-verified or verified social equity businesses, social equity program participants, economic empowerment priority applicants, or all.

**5.12.070 Equity Standards for Host Community Agreements**

- a. The Town shall prioritize negotiations of host community agreements with equity parties. For the purposes of negotiations of a host community agreement for an application for licensure, equity parties are as follows:
  - i. A license applicant that is pre-verified or verified as a social equity business; or
  - ii. A license applicant that has been designated as social equity program participants, economic empowerment priority applicants, or both.
- b. The Town may waive or reduce fees for an equity party to a host community agreement negotiation, including, but not limited to community impact fees, zoning, and occupancy fees.
- c. At minimum, the Town shall take the following actions during host community agreement negotiations with an equity party to promote and encourage their full participation:
  - i. Engage in an ongoing dialogue by providing multiple opportunities for discussion and negotiation of host community agreement terms including, at minimum, two conferences with an equity party;
  - ii. Include any attorney, authorized representative, or other advocate, if elected by an equity party, in all negotiation discussions and conferences;
  - iii. Promote language access by providing a certified interpreter or translator to assist an equity party who is a non-English speaker during all negotiation discussions and conferences;
  - iv. Provide reasonable opportunities for an equity party to review a proposed host community agreement, term, or condition, outside of a negotiation conference, or to seek review or input by a third party of their choice;
  - v. Negotiate the terms of a host community agreement in good faith, including consideration of flexible terms that may mitigate particular challenges affecting an equity party, such as access to capital, with all terms and clauses conspicuously identified and openly discussed; and
  - vi. Allow an equity party to propose an amendment to, or seek cancellation of, a host community agreement within thirty days from the date of execution of the host community agreement.
- d. The Town may also:
  - i. Expedite or prioritize the local approval process for social equity businesses, social equity program participants, and economic empowerment priority applicants;
  - ii. Provide technical assistance for social equity businesses, social equity program participants, and economic empowerment priority applicants navigating the local approval process;
  - iii. Designate a municipal contact who shall work closely with social equity businesses, social equity program participants, and economic empowerment priority applicants in the local approval process from initial inquiry through the end of the permitting process; or
  - iv. Adopt an exclusivity period to permit social equity businesses for three years or until the goals of the exclusivity period have been met as determined by the municipality.
- e. The Town shall not:
  - i. Negotiate a host community agreement with an equity party through the use of undue influence, duress, coercion, intimidation, threats, or any strong-arm tactics;

- ii. Threaten loss of an equity party's position in its local application queue or delay to the processing of an equity party's application;
- iii. Compel an equity party to sign a host community agreement in any manner that conflicts with the practices required through applicable state law and regulations; and
- iv. Negotiate or discontinue negotiations with an equity party in bad faith.

**5.12.080 Municipal Equity Plan**

- a. The Town shall develop an equity plan to promote and encourage full participation in the regulated cannabis industry by individuals from communities disproportionately harmed by cannabis prohibition and enforcement.
- b. The Town shall publicize its equity plan in a conspicuous location at its offices and on its website.
- c. The Town's equity plan shall:
  - i. Encourage applications from business and individuals that would meet the definition of social equity businesses, social equity program participants, and Economic empowerment priority applicants as determined by the Commission; and
  - ii. Include goals, programs, and measurements the Town will utilize to promote and encourage equity participation.

**5.12.090 State Notification**

The Town shall make all notifications regarding this by-law and any other information to the cannabis control commission as required by applicable state law and regulations in a timely manner.

**5.12.100 Implementation**

This by-law shall not be implemented in a manner that conflicts or interferes with the M.G.L. c. 94G or c. 94I, or with the regulations promulgated thereunder, including 935 CMR §§ 500.000 or §§ 501.000.

**5.12.110 Severability**

If any provisions of this by-law shall be held to be invalid, those provisions shall be severable, and the remaining sections shall be valid with full force and effect.

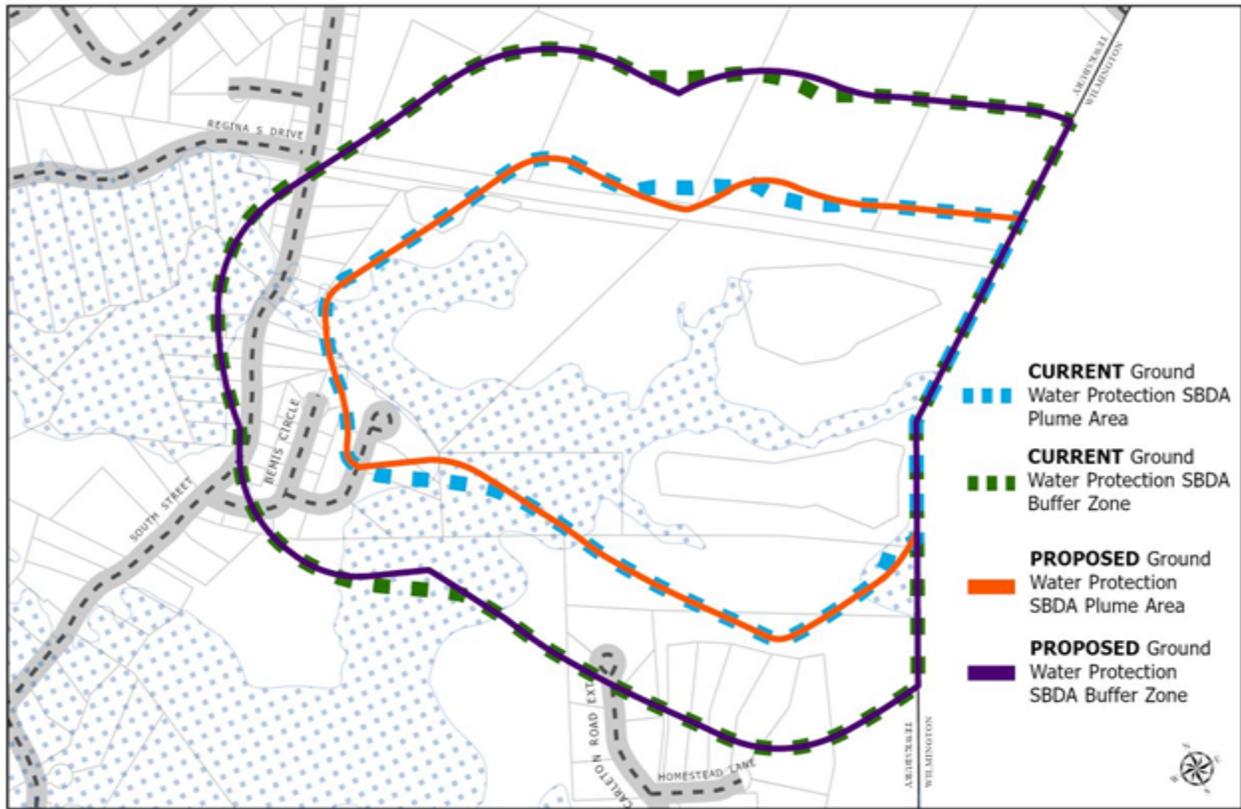
Town Manager

**Executive Summary:** This article will bring the Town in compliance with the Cannabis Control Commission's criteria Under Chapter 180 of the Acts of 2022 relative to procedures to encourage full participation in the regulated marijuana industry by communities that were disproportionately harmed by marijuana prohibition and enforcement.

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**ARTICLE 14**

To see if the Town will vote to amend the Town of Tewksbury Zoning Map dated October 2023 as depicted below:



Town Manager

**Executive Summary:** The US EPA has requested that the ground water protection SBDA Plume Area and Buffer Zone be amended based on ongoing testing at the Sutton Brook Disposal Area.

**ARTICLE 15**

To see if the Town of Tewksbury will vote to amend the Tewksbury Zoning By-laws Chapter 5, Section 5.3.3 by modifying Minimum/Maximum Front Setbacks for non-Major Projects and modify footnote “C” to establish minimum front yard setback in the Town Center District.

Table of Requirements

DISTRICT	Minimum Lot Area	Minimum Frontage (Ft)	Minimum/Maximum Front Setback (Ft) <sup>A, B</sup>	Minimum Side & Rear Setbacks (Ft) <sup>C</sup>
<b>TC</b>				
<b>Major Project</b>	40,000 sq. ft.	150	--- / 20	15 / 25
<b>All Other</b>	10,000 sq. ft.	80	--- / 20 10 / NA	10 / 10
<b>MUB</b>	10,000 sq. ft.	50	25 / NA	15 / 10
<b>SB</b>	15,000	100	25 / NA	15
<b>WNB</b>	1.0 acre	150	25 / NA	15
<b>GB</b>	1.0 acre	150	25 / NA	15
<b>LB</b>	1.0 acre	150	25 / NA	15
DISTRICT	Minimum Lot Width-Depth Ratio	Additional Side/Rear Setback for 4th Story (Ratio) <sup>D</sup>	Minimum Open Space (% Lot Area)	Maximum Building Coverage (% Lot Area)
<b>TC</b>				

<b>Major Project</b>	1:4	0.60	20%	30%
<b>All Other</b>	1:3	---	10%	30%
<b>MUB</b>	---	---	15%	30%
<b>LB</b>	---	---	25%	20%
<b>WNB</b>	---	---	30%	25%
<b>SB</b>	---	---	30%	30%
<b>GB</b>	1:3	---	20%	30%
<b>DISTRICT</b>	<b>Maximum Height (Stories)<sup>E</sup></b>	<b>Maximum Height (Ft)<sup>F</sup></b>	<b>Minimum/Maximum Ground Floor Height (Ft)<sup>E, F</sup></b>	<b>Minimum Upper-Story Height,<sup>F</sup></b>
<b>TC</b>				
<b>Major Project</b>	4	48	12 / 15	10
<b>All Other</b>	3	40	12 / 15	10
<b>MUB</b>	2.5	40	12 / 15	10
<b>SB</b>	2.5	40	----	----
<b>WNB</b>	2.5	35	----	----
<b>SB</b>	2.5	35	----	----
<b>GB</b>	2.5	35	----	----
<b>LB</b>	2.5	35	----	----
		-----Window Transparency -----		
<b>DISTRICT</b>	<b>Minimum Façade Buildout (% Frontage)</b>	<b>Ground Front</b>	<b>Ground Side (%)</b>	<b>Upper-Story Front/Side (%)</b>
<b>TC</b>				
<b>Major Project</b>	80%	75%	25%	25%
<b>All Other</b>	75%	65%	25%	25%
<b>MUB</b>	75%	50%	20%	20%
<b>SB</b>	----	----	----	----
<b>WNB</b>	----	----	----	----
<b>GB</b>	60%	40%	20%	----
<b>LB</b>	----	----	----	----
<b>DISTRICT</b>	<b>Street-Facing Entrances, Maximum Separation (Ft)</b>	<b>Minimum Depth, Commercial Tenant Spaces (Ft)</b>	<b>Maximum Length Blank Wall (Ft)</b>	
<b>TC</b>				
<b>Major Project</b>	50	30	20	
<b>All Other</b>	40	25	30	
<b>MUB</b>	50	25	36	
<b>SB</b>	----	----	40	
<b>WNB</b>	----	----	40	
<b>GB</b>	---	25	40	
<b>LB</b>	----	----	40	

A. Measured from the curb to the front building line.

B. In a development with more than one building in the TC and MUB, the maximum front setback shall not apply to any building located behind another building as long as the forward most buildings on the lot comply with the maximum front setback. A single building with a large flagship tenant, such as a theatre, may also have a deeper front setback if the entrance to the large tenant is wrapped with liner shops that comply with the subdistrict's front setback requirement.

C. Minimum rear setback shall be 50' on lots abutting the R40 District, Unless waived by the Planning Board.

D. Ratio is the additional side or rear yard length (feet) to the height (feet) of the 4th story.

E. Upper stories shall be at least 2/3 of the floor area of the first story. On a 4-story building in the TC district, the 4th floor stepped back a minimum of six feet. A height of five stories and 60 feet may be allowed by special permit from the Planning Board if stepped back from the 4th floor by a minimum of six feet.

F. In the Business Districts, height in feet shall be measured floor to floor.

Nancy Anderson and others

**Executive Summary:** The purpose of this article is to clarify certain minimum building setbacks.

**ARTICLE 16**

To see if the Town of Tewksbury will vote to amend the Tewksbury Zoning By-laws Chapter 5, Section 5.4.3 Appendix A, Table of use Section A.2.C, to allow for diverse housing uses by Special Permit of the Planning Board.

<b>DISTRICTS &amp; USES</b>	<b>F</b>	<b>R40</b>	<b>MF</b>	<b>VR</b>	<b>MUB</b>	<b>TC</b>	<b>LB</b>	<b>WNB</b>	<b>SB</b>	<b>GB</b>	<b>I1</b>	<b>I2</b>	<b>OR</b>	<b>TD</b>	<b>P</b>
<b>A. OUTDOOR RECREATION, NOT INCLUDING COMMERCIAL OUTDOOR RECREATION</b>	Y	SP	N	N	N	N	N	N	N	N	N	N	N	Y	Y
<b>B. CAMP, DAY CAMP ONLY, E.G., SUMMER CAMP FOR CHILDREN</b>	Y	SP	N	N	N	N	N	N	N	N	N	N	N	Y	Y
<b>C. MUNICIPAL USE</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>A.2 RESIDENTIAL</b>															
<b>Residential: Principal</b>															
<b>A. SINGLE-FAMILY DWELLING, DETACHED</b>	Y	Y	Y	Y	N	<del>N</del> PB	Y	N	N	N	N	N	N	Y	N
<b>B. TOWNHOUSE</b>	N	N	Y	Y	N	<del>N</del> PB	N	N	N	N	N	N	N	N	N
<b>C. TWO-FAMILY DWELLING</b>	N	N	Y	Y	N	<del>N</del> PB	N	N	N	N	N	N	N	N	N
<b>D. MULTIFAMILY DWELLING, UP TO 7 UNITS; SEC. 8.2</b>	N	N	Y	Y	PB	PB	N	N	PB	N	N	N	N	N	N
<b>E. MULTIFAMILY DWELLING, 8 OR MORE UNITS; SEC. 8.2</b>	N	N	N	N	N	PB	N	N	N	N	N	N	N	N	N
<b>F. MULTI-FAMILY DEVELOPMENT</b>	N	N	PB	PB	PB	PB	N	N	PB	N	N	N	N	N	N
<b>G. DWELLING UNITS ABOVE THE GROUND FLOOR OF A COMMERCIAL BUILDING</b>	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
<b>H. LIVE/WORK UNITS OR ARTIST LOFT</b>	N	N	PB	Y	Y	Y	PB	PB	Y	PB	N	N	N	N	N
<b>I. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD); SEC. 8.4</b>	PB	PB	PB	N	N	N	N	N	N	N	N	N	N	N	N
<b>J. CONGREGATE RESIDENCE</b>	N	N	Y	Y	PB	PB	N	PB	PB	PB	PB	N	PB	N	N
<b>K. ASSISTED LIVING RESIDENCE</b>	N	N	Y	Y	N	PB	N	N	PB	PB	PB	N	PB	N	N
<b>L. CONTINUING CARE RETIREMENT COMMUNITY</b>	N	N	PB	PB	Y	N	N	N	N	PB	PB	N	PB	N	N

<b>Residential: Accessory</b>															
<b>M. FAMILY SUITE; SEC. 7.1, SEC. 3.6</b>	PB	PB	PB	PB	N	N	N	N	N	N	N	N	N	PB	N
<b>N. HOME OCCUPATION; SEC. 7.2</b>	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	N	N	Y/SP	N	N	N	N	Y/SP	N
<b>O. FAMILY CHILD CARE HOME</b>	Y	Y	Y	Y	SP	N	N	N	N	N	N	N	N	Y	N
<b>P. FAMILY CHILD CARE HOME, LARGE</b>	SP	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
<b>Q. ROOM AND BOARD FOR NOT MORE THAN TWO BORDERS</b>	Y	Y	Y	Y	SP	N	N	N	SP	N	N	N	N	N	N
<b>R. PARKING OF ONE LIGHT COMMERCIAL VEHICLE</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP	SP	SP	SP	N
<b>S. PARKING OF TWO LIGHT COMMERCIAL VEHICLES (THREE IS PROHIBITED)</b>	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N
<b>T. PRIVATE GAME COURT</b>	PB	Y	PB	PB	N	N	N	N	N	N	Y	Y	Y	N	N
<b>A.3 PUBLIC, INSTITUTIONAL, PHILANTHROPIC</b>															

Nancy Anderson and others

**Executive Summary:** The purpose of this article is to grant the Planning Board Authority to allow for mixture of housing types in the Town Center District by Special Permit.

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