

SPECIAL TOWN MEETING

**2010
WARRANT**



**TOWN OF TEWKSBURY
COMMONWEALTH OF MASSACHUSETTS**

Finance Committee Public Hearing

**September 28, 2010 7:00 P.M.
Town Hall Auditorium**

Special Town Meeting

**October 5, 2010 7:00 P.M.
Tewksbury Memorial High School**

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, video taping 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, October 5, 2010, at 7:00 p. m. to act on the following articles:

ARTICLE 1

To see if the Town will vote to appropriate the sum of \$93,169.03 to pay outstanding bills of a previous fiscal year and that to raise this appropriation the Town will vote to transfer \$402.45 from Town Counsel-Operating to Town Counsel - Unpaid Bills, transfer \$72.72 from Assessor – Operating to Assessor – Unpaid Bills, transfer \$176.70 from Recreation-Operating to Recreation-Unpaid Bills, transfer \$128.70 from School-Operating to School Unpaid Bills, transfer \$87,032.50 from Sewer Enterprise Fund Free Cash to Sewer-Unpaid Bills and transfer \$5,355.96 from Sewer – Operating to Sewer Unpaid Bills or take any related action.

Town Counsel – Operating	Charles J Zaroulis	\$ 402.45
Assessor – Operating	Ricoh	\$ 72.72
Recreation-Operating	Donna’s Donuts	\$ 176.70
School-Operating	Avaya	\$ 128.70
Sewer – Free Cash/Operating	City of Lowell	<u>\$92,388.46</u>
Total		<u>\$93,169.03</u>

Town Manager

Executive Summary: According to Massachusetts General Laws bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid and allows a transfer from the FY11 budget and from Sewer Enterprise Fund Free Cash to cover the amounts.

ARTICLE 2

To see if the Town will vote to amend Article 4 of the May 3, 2010 Annual Town Meeting for the purpose of reducing the following FY11 budget appropriation, or take any action relative thereto:

School Department – Salaries	\$239,678
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Town Manager

Executive Summary: This articles reduces the FY11 School Department Salary budget as voted at the May 3, 2010 Annual Town Meeting from \$24,516,972 to \$24,277,294 a reduction of \$239,678. This reduction is required as \$239,678 was originally budgeted to be spent from the general fund when it has now been determined that the \$239,678 will be paid from a special revenue fund.

When the FY11 budget was developed it was unclear how much of the funding would be raised through taxation and how much would be funded through SFSF Federal grant funds. The final Cherry Sheet figures received from the State specified that the exact amount to be funded by a Federal SFSF grant will be \$239,678 and therefore the general fund budget must be reduced by that amount or the budget will not balance and the tax rate cannot be certified.

The School Department will still have the same amount of funds to spend in FY11, however it will come from different sources than originally anticipated. No vote is required to spend the Federal grant funds.

ARTICLE 3

To see if the Town of Tewksbury will vote to appropriate, transfer from available Tewksbury Community Preservation Funds or borrow in accordance with the Community Preservation Act the sum of **\$6,103,303** to rehabilitate the historic Tewksbury Town Hall and Town Common, 1009 Main Street; including allowed costs incidental and related thereto; said rehabilitation expenses as necessary for Town Hall and Common to continue to serve as an historic municipal services facility and community meeting place, as required by Massachusetts General Law Chapter 44B, The Community Preservation Act and the Secretary of the Interior's Standards for Rehabilitation.

To fund such rehabilitation:

- a. \$1,503,303.00 shall be transferred from the Tewksbury Community Preservation Fund Balance,
- b. and the Treasurer, with the approval of the Selectmen, shall be authorized to issue debt in the amount of \$ 4,600,000.00 under the Community Preservation Program for the rehabilitation of historic resources,
- c. or take any action relative thereto.

Pursuant to Massachusetts General Laws, Chapter 44B 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 \$6,103,303 to pay the costs of rehabilitation the historic Tewksbury Town Hall and the Town Common, 1009 Main St, including all allowed costs incidental and related thereto: and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$4,600,000 under and pursuant to Chapter 44B and Chapter 44 (7) (3A) of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Community Preservation Committee

Executive Summary: The Tewksbury Town Hall and Common are the center of town government and historic landmarks. The Town Hall, built in 1917, was dedicated as a “Memorial of civic pride and public spirit of the people of Tewksbury,” provides a wide variety of municipal services continuously to this day. This project honors the historic architectural significance of the structure and its surroundings, while serving future residents in a manor consistence with its original intended use.

Our Town Hall is in need of a significant rehabilitation. Town Meeting has approved CPA funds in FY08, FY09, and FY10 for plan and specification preparations. This proposal seeks funding for rehabilitation costs for this historic property in accordance with the allowed uses of Community Preservation Funds and the Committee’s Criteria.

The Community Preservation Committee has dedicated 1.5 million dollars of Tewksbury’s existing CPA fund balance as a commitment to the success of this Historic Rehabilitation proposal. The bonded amount of \$4,600,000 will be paid back with CPA funds, requiring no increase to our existing CPA surcharge.

ARTICLE 4

To see if the Town will vote to amend the Tewksbury Zoning Bylaw and the Zoning Map by adding the following Section 8680 to the Zoning Bylaw and adding the overlay map described below to the Town’s Zoning Map:

8680. Community Village Overlay District

8681. Purpose: The purposes of the Community Village Overlay District (CVOD) shall be the same purposes as described in the Section 8601, Town Center Overlay District, in its entirety.

8682. Boundaries: The boundaries of the CVOD shall be as shown on the Town of Tewksbury Overlay Map, on file at the office of the Town Clerk.

8683. Relationship to existing Zoning: The relationship to existing zoning shall be the same as described in the Town Center Overlay District, in its entirety.

8684. Use Regulations and Definitions: The following uses are allowed in the CVOD subject to the requirements outlined in these CVOD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. Residential Uses (as a component of a mixed-use development):
 - a. Multifamily
 - b. Artist Lofts: All or a portion of a building that has been converted into an artist's workspace and living area.
 - c. Assisted living facilities
2. Government, Institutional and Public Service Uses:
 - a. Municipal
 - b. Educational
 - c. Religious
 - d. Public or Private Utility Facilities
 - e. Post Office
 - f. Recreation
3. Business Uses
 - a. Retail Store
 - b. Professional Offices
 - c. Financial Services/Bank
 - d. Restaurant
 - e. Hotel, Inn
 - f. Bed and Breakfast
 - g. Lodge or Club (Membership)
 - h. Personal Services
 - i. Artist or Craftsman Studio: Commercial space utilized to create, design, and fabricate sculptures, statues, furniture, structures and other art forms.
 - j. Day Care Facility
 - k. Museum: A depository for collecting and displaying objects having scientific, historical or artistic value for the purposes of education, study and enjoyment.
 - l. Art Gallery: A room or series of rooms where works of art are exhibited.
 - m. Commercial Indoor and Outdoor Recreation
4. Mixed use development: Buildings used for retail, commercial, service or office use and for residential use.

Affordable Housing Requirement.

An application for a CVOD Special Permit as a Mixed use development may require that certain dwelling units, as determined by the Planning Board at the Concept Plan meeting, be established as Affordable Housing Units (Section 7013.a.) in perpetuity.

Waivers for construction of said affordable units on site including Fee-in-lieu of units (Section 7014. b.) and construction of off -site units shall be at the discretion of the Planning Board.

Timing and schedule of construction of off -site affordable units shall be determined by the Planning Board. The requirements of Section 7010 that apply to on-site provision of affordable

units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of this Special Permit review and approval process.

Security deemed necessary to ensure completion for construction of off-site affordable units is to be determined and established as a condition by the Planning Board at the time of this Special Permit approval process.

8685. Prohibited Uses. Any use not listed above is to be considered expressly prohibited. Adult use establishments are not allowed for any use in the CVOD district.

8686. Site Plan Special Permit. All uses and structures in the CVOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 9300 and 9400 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria as described in the Village Residential Design Guidelines. The Planning Board shall be the Special Permit Granting Authority.

8687. Concept Plan. Prior to the application for approval of any special permit for a CVOD, a preliminary plan called for purposes of this Section 8600 a "Concept Plan", shall be filed for review with the Planning Board. The submitted Plan shall be consistent with the provisions of TCOD Section 8607 a. through e.

To attain the goals of the CVOD, collaborative development proposals involving more than one property owner are encouraged where appropriate. In such cases, it is recommended that a Combined Concept Plan be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying responsibilities of each property owner. The Combined Concept Plan shall describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts. The Planning Board encourages creative and collaborative efforts promoting the Purpose and the Design Guidelines of CVOD, such as, but not limited to: shared and off-site parking, pedestrian walkways, lighting and other such amenities.

8688. Dimensional Requirements.

Buildings within the CVOD shall conform to the following requirements:

Minimum Lot Area	10,000 square feet
Minimum Frontage	50 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setbacks	Combined- 10 feet
Minimum Side Yard Setback when abutting a residential district	50 feet
Minimum Rear Setback	15 feet
Minimum Rear Setback when abutting a residential district	50 feet
Maximum Building Height	2.5 stories or 35 feet

8689. Special Provisions. The following special provisions apply to all development within the CVOD:

1. The minimum separation between two or more buildings on the same lot shall be 20 feet.
2. The Planning Board may modify all dimensional requirements outlined in Section 8688, and Section 8689.1. if, in its opinion, such modifications will result in improved design that is in keeping with Section 8681 above.

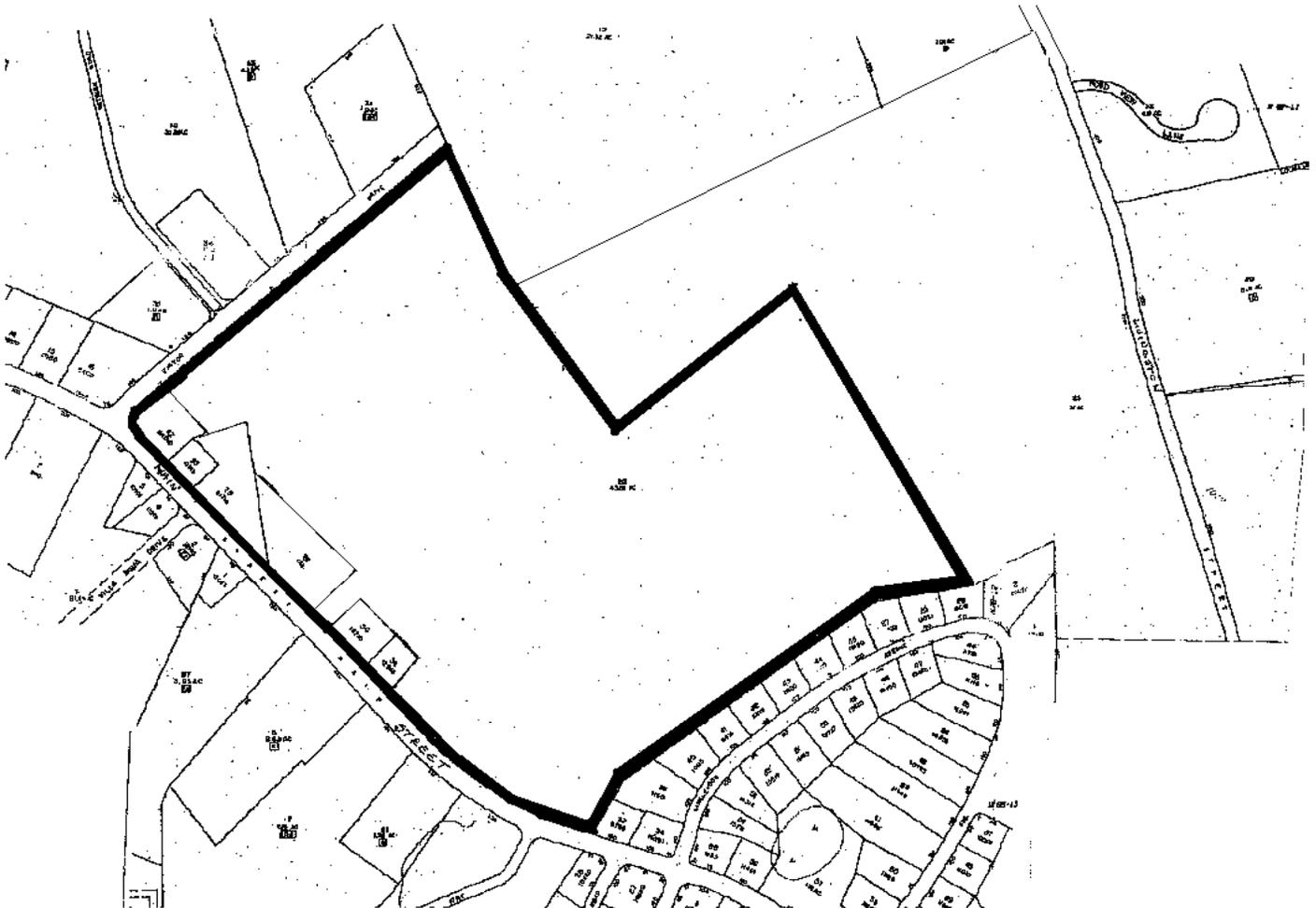
3. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access to site access, for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel prior to the final decision of the Planning Board.
4. The Zoning Board of Appeals shall not grant a variance of any use not allowed under Section 8685, nor grant a variance from any Section 8688 Dimensional Requirements or Section 8669 Special Provisions.

8690. Parking Requirements. The parking requirement for any use in the CVOD shall be the same as in the underlying zoning classification. The Planning Board may reduce the required number of parking spaces in the CVOD based on the following considerations:

- a. The availability of shared parking on another property. The Board may require a shared parking agreement to be submitted as part of the application for development.
- b. The availability of public transportation.

8691. Criteria for Granting CVOD Special Permit. In addition to the Criteria and considerations for actions by the Planning Board in Sections 9300 and 9400 of the Zoning Bylaw, the Planning Board shall determine that the site proposal and density of uses on the proposal shall promote the Purposes of this CVOD bylaw and shall take into consideration the same criteria as set forth in the Town Center Overlay District Section 8611.

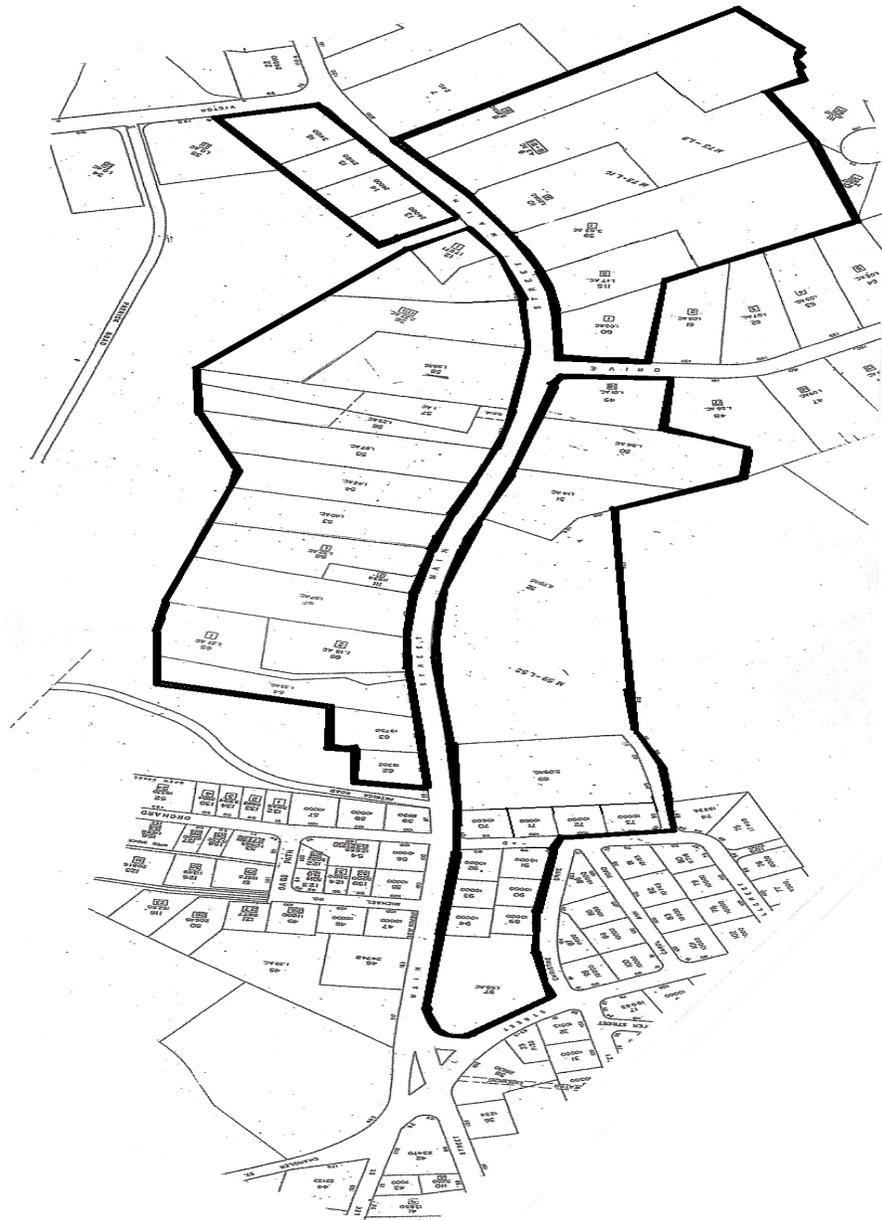
8692. Special Permit Conditions - The Planning Board may impose such conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to same conditions as set forth in the Town Center Overlay District Section 8612.



Executive Summary: The adoption of this article will implement a new zoning overlay district along Main Street in the area of Victor Drive. . This Overlay District recognizes the existing nature of the land described above and allows for this as well as other uses, while underlying zoning rights remain intact. This action was a recommended implementation step of Town of Tewksbury Master Plan endorsed at the 2004 Annual Town Meeting. The overlay district bylaw and design guidelines emphasize the highest quality of architectural and site design in development, increase the economic incentive for new investment and redevelopment by providing mixed-use opportunities. Design guidelines and accompanying overlay map are available at the Town Clerk’s Office and Department of Community Development.

ARTICLE 5

To see if the Town of Tewksbury will vote to amend the Tewksbury Zoning Overlay Map by adding a Village Mixed-Use Overlay District, Section 8640 to the land area described in the map below:



Executive Summary: The adoption of this article will implement a new zoning overlay district along Main Street in the area of Victor Drive to Chandler St. and Patrick Road. This Overlay District recognizes the existing nature of the land described above and allows for this as well as other uses, while underlying zoning rights remain intact. This action was a recommended implementation step of Town of Tewksbury Master Plan endorsed at the 2004 Annual Town Meeting. The overlay district bylaw and design guidelines emphasize the highest quality of architectural and site design in development, increase the economic incentive for new investment and redevelopment by providing mixed-use opportunities. Design guidelines and accompanying overlay map are available at the Town Clerk’s Office and Department of Community Development.

ARTICLE 6

To see if the Town will vote to enact Title 15, Chapter 15.16 of the Town of Tewksbury General By-Laws, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, which by-law shall read as follows:

Chapter 15.16 – STRETCH ENERGY CODE

Sections:

- 15.16.010 – Definitions
- 15.16.020 – Purpose
- 15.16.040 – Applicability
- 15.16.060 – Authority
- 15.16.080 – Stretch Code

15.010 – Definitions

International Energy Conservation Code (IECC) 2009 – The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

15.16.020 – Purpose

The purpose of 780 CMR 120 AA is to provide a more energy-efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

15.16.040 – Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61 or 93, as applicable.

15.16.060 – Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 120 AA may be adopted or rescinded by any municipality in the Commonwealth in the manner prescribed by law.

15.16.080 – Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including amendments or modifications, is herein incorporated by reference into the Town of Tewksbury General Bylaws, Chapter 15.16.

The Stretch Code is enforceable by the Building Commissioner.

And further, that non-substantive changes to this by-law be permitted in order that it be in compliance with the numbering format of the Tewksbury General By-Laws, or take any other action related thereto.

Tewksbury Green Committee

Executive Summary: Approval of the Stretch Energy Code is one of five criteria that will allow Tewksbury to apply for Green Community Designation which provides access to grant funds for energy reduction and conservation projects on municipal facilities. Municipalities are authorized to adopt the Stretch Energy Code as an alternative to certain provisions of the base building code. The Stretch Energy Code requires approximately 20% greater building energy efficiency than base energy efficiency requirements. Most new residential and commercial construction, including additions and substantial renovations, would be covered, but new commercial buildings under 5000 square feet and specialty buildings under 40,000 square feet with unique energy requirements, such as supermarkets, laboratories and warehouses, are exempt from stretch code requirements.

ARTICLE 7

To see if the Town will vote to accept the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, establishing a self sufficient revolving fund, effective January 1, 2011, to account for revenues and expenditures relating to the operation of the stormwater and drainage system in the Town of Tewksbury. The fund shall be credited with amounts received and related to stormwater management. Expenditures of the fund shall be authorized by the Town Manager or his/her designee. The total amount which may be expended from the fund in any given fiscal year shall be limited to \$50,000, or take any other action relative thereto.

Town Manager

Executive Summary: This article authorizes the Town to establish a self sufficient revolving fund to account for the revenues and expenditures of maintaining the stormwater and drainage system program in the Town of Tewksbury.

ARTICLE 8

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Section 23, as amended, and other applicable statues, to accept the laying out of access and utility easements by order of the Board of Selectmen as follows:

ACCESS & UTILITY EASEMENT

Description of a 1.11 acre parcel of land located in Tewksbury, Massachusetts, Middlesex County, shown as "Proposed Access And Utility Easement", on a plan entitled "Proposed Easement Plan Of Land", prepared for The Hanover Company, prepared by Tetra Tech Rizzo, dated April 20, 2010, Scale 1" = 40'

Said 1.11 acre parcel being more fully described as follows: Beginning at a point, located at the northeast corner of said parcel, said point being 67.09' feet at a course of S 21°17'38" W from an angle point in Ames Pond Drive; thence, S 33°39'58" E, 54.42 feet to a point; thence, N 11°43'01" W, 50.04 feet to a point; thence, N 42°26'11" E, 38.05 feet to a point; thence, S 11°12'54" E, 96.56 feet to a point; thence, S 3°22'55" E, 146.47 feet to a point; thence, S 29°36'11" E, 113.05 feet to a point; thence, S 35°41'22" E, 237.51 feet to a point; thence, S 54°18'38" W, 70.00 feet to a point; thence, N 35°41'22" W, 15.00 feet to a point; thence by a curve to the left having a radius of 15.00 feet and a length of 23.66 feet to a point; thence, S 53°55'32" W, 32.56 feet to a

point; thence by a curve to the left having a radius of 101.00 feet and a length of 28.28 feet to a point; thence, S 37°52'51" W, 47.84 feet to a point; thence, N 52°07'09" W, 14.00 feet to a point; thence, N 35°12'54" W, 83.83 feet to a point; thence, N 54°47'06" E, 61.93 feet to a point; thence, S 35°12'54" E, 24.44 feet to a point; thence, N 54°47'06" E, 62.98 feet to a point; thence, N 35°41'22" W, 198.00 feet to a point; thence by a curve to the right having a radius of 196.50 feet and a length of 142.02 feet to a point; thence, N 5°43'17" E, 46.02 feet to a point; thence by a curve to the LEFT having a radius of 63.50 feet and a length of 43.65 feet to a point; thence, N 33°39'58" W, 45.35 feet to a point; thence, N 21°17'38" E, 56.79 feet to the point of beginning. Containing: 48,469 square feet or 1.11 acres of land, more or less.

A copy of said plan is on file at the Office of the Town Clerk and the Department of Community Development.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept The Hanover Company proposed access and utility easement.

ARTICLE 9

To see if the Town will vote to accept conveyance of the water booster pump station from The Hanover Company located on a parcel of land located in Tewksbury, Massachusetts, Middlesex County, shown as "Water Booster Station", on a plan entitled "Proposed Easement Plan Of Land", prepared for The Hanover Company, prepared by Tetra Tech Rizzo, dated April 20, 2010, or take any action relative thereto.

A copy of said plan is on file at the Office of the Town Clerk and the Department of Community Development.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept conveyance of the water booster pump station that was constructed by The Hanover Company and services both units at the development of One Ames Pond Drive and residents of Catamount Road.

ARTICLE 10

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Section 23, as amended, and other applicable statutes, to accept the laying out of particular town ways by order of the Board of Selectmen as follows:

TOWN OF TEWKSBURY
BY ORDER OF THE BOARD OF SELECTMEN
ROADWAY LAYOUT
SHAWSHEEN AVENUE, TEWKSBURY, MA

Said parcel shown as Shawsheen Avenue on a plan of land entitled, Acceptance Plan of Land, Tewksbury, MA for Town of Tewksbury, Scale: 1"=20', Date: August 5, 2010, Troy, Mede & Associates, 1445 Main Street, Tewksbury, MA, to be recorded herewith in the Middlesex North Registry of Deeds and described as follows:

Beginning at a stone bound on the Southwesterly side of Shawsheen Avenue at the Southeasterly side of Meade Street, thence; North 13-39'49" East, by Meade Street, a distance of fifty five and 34/100 feet (55.34') to a stone bound, thence; along a curve to the left having a radius of twenty and 00/100 feet (20.00') and a length a thirty three and 99/100 (33.99') to a railroad spike, thence; along a curve to the left having a radius of one hundred seventy and 00/100 feet (170.00') and a length of one hundred eleven and 17/100 feet (111.17') to a railroad spike, thence; North 31-29'11" East, a distance of one hundred fifty six and 32/100 feet (156.32') to a stone bound, thence; South 58-30'49" East, a distance of fifteen and 00/100 feet (15.00') to a railroad spike, thence; South 31-29'11" West, a distance of one hundred fifty six and 32/100 feet (156.32') to a stone bound,

thence; along a curve to the right, having a radius of one hundred eighty five and 00/100 feet (185.00') and a length of one hundred twenty seven and 39/100 feet (127.39') to a stone bound, thence; along a curve to the left having a radius of twenty and 00/10 feet (20.00') and a length of twenty nine and 53/100 feet (29.53') to a stone bound at Meade Street at the point of beginning.

The layout plan is filed at the Office of the Town Clerk and Community Development; and said plan is referred to for more particular description and to authorize the said Board of Selectmen to take by eminent domain, an easement, or in fee, or take any other action relative thereto.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept Shawsheen Avenue as a public way (town street).

ARTICLE 11

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 82, Section 23, as amended, and other applicable statutes, to accept the laying out of particular town ways and easements by order of the Board of Selectmen as follows:

TOWN OF TEWKSBURY
BY ORDER OF THE BOARD OF SELECTMEN
ROADWAY LAYOUT
BIRCHWOOD ROAD EXTENSION, TEWKSBURY, MA

Beginning at a stone bound located at the northerly end of existing Birchwood Road, said point being the northwest corner of Lot 6 on Tewksbury Assessor's Map 86, thence; S 69°49'23" W along the northerly Right of Way of Birchwood Road a distance of 38.00 feet more or less to a point, thence; S 69°05'23" W a distance of 2.00 feet more or less to a point, thence: S 62°24'08" W a distance of 10.08 feet more or less to a point that marks the beginning of the extension of Birchwood Road, thence; N 20°32'37" W along the westerly sideline of Birchwood Road a distance of 1.01 feet more or less to a stone bound, thence; Northerly by a curve to the right having a radius of 350.00 feet more or less, a length of 176.92 feet more or less to a nail located in a driveway, said nail being northerly by said curve having a 350.00 foot radius, a length of 26.76 feet more or less from a stone bound which marks the corner of Lots 42 & 43, thence; Northerly by a curve to the left having a radius of 154.87 feet more or less, a length of 136.08 feet more or less to a stone bound, thence; Northwesterly by a curve to the left having a radius of 30.00 feet more or less, a length of 49.26 feet more or less to a stone bound, thence; Northwesterly and Northeasterly by a curve to the right having a radius of 60.00 feet more or less, a length of 261.65 feet more or less to a stone bound, thence; S 66°09'05" E a distance of 33.25 feet more or less to a nail in a driveway, said nail located Northerly by a curve to the right having a radius of 204.87 feet more or less, a length of 113.07 feet more or less from a stone bound which marks the corner of Lots 45 & 46, thence; Southerly by a curve to the right having a radius of 204.87 feet more or less, a length of 266.64 feet more or less to a stone bound, thence; Southerly by a curve to the left having a radius of 300.00 feet more or less, a length of 151.65 feet more or less to a stone bound at the point of beginning.

Meaning and intending to describe the 50.00 foot Right of Way of Birchwood Road as shown on Middlesex County North District Registry of Deeds Plan Book 203 Plan 131 containing 30, 886 square feet more or less (0.709 acres).

Easement 1

12' WIDE UTILITY EASEMENT

Beginning at a stone bound located on the easterly sideline of Birchwood Road at the southwest corner of Map 86 Lot 4, thence; N 69°49'23" E along the southerly line of said Lot 4, a distance of 12.00 feet more or less to a point, thence; Northerly by a curve to the right having a radius of 288.00 feet more or less, a length of 42.75 feet more or less to a point, thence; S 77°20'55" W, a distance of 12.00 feet more or less to a point located on the easterly sideline of said Birchwood Road, thence; Southerly by a curve to the left having a radius

of 300.00 feet more or less, a length of 44.32 feet more or less to said stone bound and point of beginning. Meaning and intending to describe a 12 foot wide utility easement located on Lot 4 (Parcel 6) as shown on plan recorded in Middlesex North District Registry of Deeds Plan Book 203 Plan 131.

Easement 2

DRAINAGE EASEMENT

Beginning at a rebar located on the easterly sideline of Birchwood Road, said point being the southeast corner of Lot 42 on Tewksbury Assessor's Map 86, thence; N 20° 32'37" W along the westerly sideline of Birchwood Road Extension, a distance of 1.01 feet more or less to a stone bound, thence; Northerly by said road, by a curve to the right having a radius of 350.00 feet more or less, a length of 23.00 feet more or less to a rebar, thence; S 64°08'29" W a distance of 256.98 feet more or less to a point which is located on the westerly line of Lot 42, thence; S 25°52'54" E along said westerly line of Lot 42, a distance of 30.00 feet more or less to a point which marks the southwest corner of said Lot 42, thence; N 63°50'57" E along the southerly line of said Lot 42, a distance of 59.90 feet more or less to a point, thence; N 62°24'08" W along the southerly line of said Lot 42, a distance of 194.18 feet more or less to the point of beginning.

Easement 3

DRAINAGE EASEMENT LOT 47 (Parcel 7)

Beginning at a point located at the southwest corner of Map 86 Lot 42, thence; S 63°50'57" W, a distance of 46.01 feet more or less to a point which marks the southwest corner of herein described parcel, thence; N 25°52'54" W, a distance of 503.52 feet more or less to a point which marks the northwest corner of herein described parcel, thence; N 75°25'04" E along the northerly line of said Lot 42 a distance of 46.92 feet more or less to a point which marks the northeast corner of herein described parcel, thence; S 25°52'54" E along Lots 44,43 and 42, a distance of 494.11 feet more or less to the point of beginning. Meaning and intending to describe drainage easement over entire Lot 47 (Parcel 7) as shown on Middlesex North District Registry of Deeds Plan Book 203 Plan 131. containing 22,949 square feet more or less (0.572 acres).

Easement 4

30' WIDE SEWER EASEMENT

Beginning at a rebar located at the northerly sideline of Birchwood Road Extension, thence; N 29°10'42" W, passing through Lot 44 a distance of 8.26 feet more or less to a point located on the southerly lot line of Lot 35, thence; N 29°10'42" W, a distance of 267.87 feet more or less to a point, thence; N 31°38'14" W, a distance of 263.57 feet more or less to a point, thence; N 25°29'13" W, a distance of 175.02 feet more or less to a point located on the southerly line of an existing 20 foot wide sewer easement, thence; N 72°45'17" E along said existing 20 foot wide sewer easement a distance of 30.31 feet more or less to a point, thence; S 25°29'13" E a distance of 169.07 feet more or less to a point, thence; S 31°38'14" E, a distance of 283.57 feet more or less to a point, thence; S 29°10'42" E a distance of 255.43 feet more or less to a rebar located at the northerly sideline of said Birchwood Road Extension, thence; Northwesterly by a curve to the left having a radius of 60.00 feet more or less, a length of 31.58 feet more or less to a rebar and the point of beginning. Meaning and intending to describe 30 foot wide sewer easement that crosses land of Map 86 Lot 25 and Map 85 Lot 45 (Map 87 Parcel 2) .

Easement 5

DRAINAGE EASEMENT LOT #2

Beginning at a point located on the westerly line of an existing drainage easement and being Lot 47 (Parcel 7) , said point being S 25°52'54" E a distance of 169.28 feet more or less from the northwest corner of said Lot 47 (Parcel 7) drainage easement, thence; S 70°43'10" W, a distance of 191.08 feet more or less to a point, thence; S 19°16'50" E, a distance of 30.00 feet more or less to a point, thence; N 70°43'10" E, a distance of 194.55 feet more or less to a point which is located on the westerly line of Lot 47 (Parcel 7), thence; N 25°52'54" W, along said westerly line of Lot 47 (Parcel 7), a distance of 30.20 feet more or less to the point of beginning.

Meaning and intending to describe drainage easement #2 over Lot 45 (Parcel 45) as shown on Middlesex North District Registry of Deeds Plan Book 203 Plan 131. containing 5,785 square feet more or less (0.1333 acres).

The layout plan is filed at the Office of the Town Clerk and Community Development; and said plan is referred to for more particular description and to authorize the said Board of Selectmen to take by eminent domain, an easement, or in fee, or take any other action relative thereto.

Town Manager
Community Development Director

Executive Summary: The purpose of this article is to accept Birchwood Road as a public way (town street) and easements.

ARTICLE 12

To see if the Town will vote to amend the action taken under Article 18 of the May 4, 2009 Annual Town Meeting to change the purpose for which a portion of the funds authorized under the article (\$94,891) can be used, or take any action relative thereto.

Town Manager

Executive Summary: The original vote authorized funds to be borrowed and spent by the Town Manager for the repair and maintenance of two water storage tanks on Ames Hill. This amendment will allow \$94,891 (which is no longer needed for the Ames Hill water storage tanks) to be spent on the Astle Street water storage tank. Massachusetts General Law Chapter 44 Section 20 allows for the re-authorization of funds if the original project is complete and the new project meets the requirements to be borrowed for an equal or longer period of time than that for which the original loan was issued.

The Astle Street storage tank (blue elevated tank on the Lowell line) is exposed to elements of the weather that will cause ice formation within the storage tank. This ice can cause damage to the interior lining and could puncture the tank itself during a sudden draining event. MADEP has urged the Town to install equipment to reduce or eliminate ice formation. New mixing systems are now available that will mix the tank by extremely efficient means preventing ice formation even during extended low temperatures.

In addition, water quality factors such as disinfection by-product formation can be greatly improved through mixing the tank and exchanging about 10 % of the tanks volume each day. Installation of this simple equipment will help maintain the interior tanks surfaces and help improve the water quality. The estimated budgeted cost for the mixer installed is \$50,000.

Lastly, to maintain security at remote stations the Water Department wishes to add additional security cameras to the CCTV system. These new cameras will be digital and will improve the monitoring of the major infrastructure such as the water storage tanks and treatment facilities. This monitoring system will add an additional layer of security as an aid in preventing and/or prosecuting vandals and was an action item within the Vulnerability plan submitted to DEP. The estimated budgeted cost for the cameras installed is \$25,000.00.

The entire water system is operated through various computer and digital systems that monitor, control and warn if a process or water quality parameter is not within acceptable limits. The present control system located in the water plant is a combination of equipment that is now approaching 22 years of continuous use. The balance of money remaining shall be used to replace aging control systems that are now obsolete and cannot be repaired.

ARTICLE 13

To see if the Town will vote to amend its action taken at the May 4, 2009 Annual Town Meeting under Article 16 relating to the borrowing for the repair and/or replacement of the water main on a large portion of River Road, to include the design and construction for the replacement of the 6” inch asbestos concrete water main on Carter Street from East Street to Lumber Lane or other locations as determined by the Superintendent of Public Works.

Town Manager

Executive Summary: This article would include the replacement of the water main on Carter St which has experienced numerous water breaks over the last few years. The MassDOT has included the water main work scheduled for River Rd under their contract. However design, construction engineering services and contingencies would be the Town's responsibility. The balance of funding would be used for design and replacement of the existing 6" inch asbestos concrete water main with a 8" inch ductile iron pipe and renew service to the curb-stop.

ARTICLE 14

To see whether the Town will vote to accept Massachusetts General Laws, Chapter 41, Section 110A, which provides that a town office may remain closed on any or all Saturdays, as may be determined from time to time by vote of a town meeting, and the provisions of Massachusetts General Laws, Chapter 4, Section 9, shall apply in the case of closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday, or take any action relative thereto.

Mary-Ann Nichols
Town Clerk

Executive Summary: Massachusetts General Laws, Chapter 4, Section 9, provides when the day or the last day for performance of any act required by statute or contract falls on Sunday or legal holiday, the act, unless it is specifically authorized or required to be performed on Sunday or on a legal holiday, may be performed on the next succeeding business day.

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 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 seventh day of September in the year of Our Lord, two thousand and ten.

BOARD OF SELECTMEN

Todd R. Johnson
Chairman

Douglas W. Sears, Esq.
Vice Chairman

David H. Gay
Clerk

Anne Marie Stronach

Scott Wilson

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 and on the Town's Website <http://www.tewksbury-ma.gov/Pages/index>.

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.