

SPECIAL TOWN MEETING

**2007
WARRANT**



**TOWN OF TEWKSBURY
COMMONWEALTH OF MASSACHUSETTS**

Finance Committee Public Hearing

September 26, 2007 7:00 p.m.
Town Hall Auditorium
1009 Main Street

Special Town Meeting

October 2, 2007 7:00 p.m.
Tewksbury Memorial High School
320 Pleasant Street

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. Other reasonable accommodation to disability related needs will be provided upon request. Please call (978) 640-4488 or TTY (978) 640-4489 at least 72 hours in advance of the event to request accommodation.

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 Tewksbury Memorial High School, 320 Pleasant Street, in said Tewksbury on Tuesday, October 2, 2007 at 7:00 p.m. to act on the following articles:

ARTICLE 1

To see if the Town will vote to approve the sum of \$24,045.32 to pay outstanding bills of a previous fiscal year and that to raise this appropriation the Town will vote to transfer \$8,095.40 from General Fund free cash, \$1.07 from Town Hall-Operating, \$524.00 from Administrative Services-Operating, \$23.72 from Assessors-Operating, \$169.95 from Board of Health Operating, \$1,497.16 from Fire Dept-Operating, \$239.03 from Parks & Recreation-Operating, \$196.11 from Town Clerk-Operating and \$13,298.88 from Sewer Enterprise Fund free cash or take any other related action.

Community Development-Operating		
Professional Services	Vanasse & Assoc	\$ 8,095.40
Town Hall-Operating		
All Other	Tewksbury Paint and Hardware	\$ 1.07
Administrative Services-Operating		
Office Supplies	New England Office Supplies	\$ 524.00
Assessor-Operating		
Office Supplies	New England Office Supply	\$ 23.72
Board of Health-Operating		
Office Supplies	New England Office Supplies	\$ 169.95
Fire Dept-Operating		
Ambulance Supplies	ComStar	\$ 497.16
Fire-Operating		
Ambulance Supplies	NorthEast EMS	\$ 1,000.00
Parks & Recreation-Operating		
Youth Programs	Gopher	\$ 239.03
Town Clerk-Operating		
Communications	Ricoh	\$ 196.11
Sewer-Operating		
Lowell Sewer	City of Lowell	<u>\$13,298.88</u>
Total		<u>\$24,045.32</u>

Town Manager

Executive Summary: According to Massachusetts General Law bills that are late must be approved by Town Meeting before payment. This article will authorize the bills to be paid and allow transfers to cover the amount.

ARTICLE 2

To see if the Town will vote to amend the Town By-Law by adding the following section to Chapter 13.12:

Solid Waste Trash Fees for All Dwelling Units

13.12.030

Pursuant to M.G.L. c.44§ 28C (f), and M.G.L. c. 40 §§ 42A to 42F inclusive, and any other enabling act or authority, any unpaid fee shall become a lien on real estate. Since the Board of Selectmen and Town Manager have the authority to establish a Trash Fee any dwelling owner shall be entitled to exercise an option not to participate in the solid waste disposal program if said dwelling owner privately arranges for collection and disposal of solid waste and is in compliance with the rules or policies promulgated hereunder.

Town Manager

Executive Summary: This article will allow the Town to collect any unpaid trash fee as a lien on the real estate tax.

ARTICLE 3

To see if the Town will vote to accept the provisions of Chapter 44 Section 53F ½ of the Massachusetts General Laws, establishing Solid Waste Collection and Disposal as an enterprise fund effective October 1, 2007, or take any related action.

Town Manager

Executive Summary: This article authorizes the establishment of an enterprise fund, beginning October 1, 2007, to account for the revenues and expenditures associated with the collection and disposal of residential and municipal trash in the Town of Tewksbury. These revenues and expenditures are segregated for accounting purposes and may only be used for purposes relating to the collection and disposal of residential and municipal trash.

ARTICLE 4

To see if the Town will vote to raise and appropriate the sum of \$484,551 in addition to the sum previously appropriated in Article 4 of the

May, 2007 Annual Town Meeting and transfer that sum to the Solid Waste Collection and Disposal Enterprise Fund or take any related action.

Town Manager

Executive Summary: This article increases the total FY08 general fund appropriation by raising and appropriating an additional \$484,551 which will be transferred to the newly established Solid Waste Collection and Disposal Enterprise Fund as a general fund subsidy to cover the cost of collection and disposal of municipal waste and any unexpected shortfalls in the account.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Solid Waste Collection and Disposal Enterprise Fund or take any related action.

**Town of Tewksbury
Solid Waste Collection and Disposal Enterprise Fund
For the Period October 1, 2007 to June 30, 2008**

Budget Presentation	
Revenues	
User Fees	\$1,100,000
Transfer from General Fund	<u>\$ 484,551</u>
Total Revenues	\$1,584,551
Expenses	
Solid Waste Collection And Disposal	<u>\$1,584,551</u>
Surplus/(Deficit)	<u> =</u>
Town Manager	

Executive Summary: The purpose of this article is to fund the Solid Waste Collection and Disposal Enterprise Fund for the period October 1, 2007 through June 30, 2008.

ARTICLE 6

To see if the Town will vote to transfer from General Fund free cash the sum of \$300,000 to balance the FY08 budget voted in Article 4 of the May, 2007 Annual Town Meeting or take any related action.

Town Manager

Executive Summary: This article allows the Town to use FY07 certified general fund free cash to balance the FY08 general fund budget.

ARTICLE 7

To see if the Town will vote to establish a new Stabilization Fund titled "Other Post Employment Benefits" and vote to appropriate and transfer from free cash \$172,720 to the Fund or take any action related thereto.

Town Manager

Executive Summary: This new Stabilization Fund will be used to accumulate funds to be applied towards the Town's obligation for health care to retirees. Beginning in FY 2009 the Town will be required to calculate and report the actuarial liability relating to benefits for retirees. Having funds set aside for this purpose helps to reduce the liability. The \$172,720 represents funds received by the Town as a Federal subsidiary relating to Medicare Part D.

ARTICLE 8

To see if the Town will vote to transfer \$73,168.40 from Police Salaries-FY07 Encumbrance to the Special Revenue Terminal Leave Compensation Fund.

Town Manager

Executive Summary: This article authorizes the Town to transfer FY07 encumbered funds to a terminal leave special revenue fund. These funds are expected to be used to pay out future terminal leave benefits for Town employees.

ARTICLE 9

To see if the Town will vote to raise and appropriate the sum of \$25,000 to increase the FY08 appropriation voted in Article 5 of the May, 2007 Annual Town Meeting and to see if the Town will vote to transfer from Sewer Enterprise Fund free cash the sum of \$305,895 to balance the FY08 budget voted in Article 5 of the May, 2007 Annual Town Meeting or take any related action.

Town Manager

Executive Summary: This article allows the Town to use FY07 certified sewer fund free cash to increase the FY08 sewer fund appropriation by \$25,000 (reserve fund increase) and to balance the FY08 sewer fund budget as previously voted in Article 5 of the May, 2007 Annual Town Meeting. The funds will be used to pay the City of Lowell sewer settlement and other operating costs.

ARTICLE 10

To see if the Town will vote to amend the action taken under Article 13 of the May, 2004 Special Town Meeting to change the purpose for which a portion of the funds authorized (\$15,000) can be used from the installation of an automatic control valve on Trull Rd or in the vicinity of Trull Rd and Andover Street to making improvements to the Town's water system as voted under Article 3 of the May, 2005 Special Town Meeting and to transfer \$15,000 to Article 3 of the May, 2005 Special Town Meeting or take any related action.

Town Manager

Executive Summary: This article requests that the language in Article 13 of the May, 2004 Special Town Meeting be revised to allow for funds to be used for making general improvements in the Town's water system. The language in the original article stated that the funds were to be used for the installation of an automatic control valve. \$15,000 of the funds remaining from the amount authorized to be borrowed will be transferred to Article 3 of the May, 2005 Special Town Meeting to facilitate the installation of a water interconnection with the Town of Andover.

ARTICLE 11

To see if the Town will vote to authorize the School Department to spend \$9,750.43 from the E-Rate Account for purposes of paying for School Department Technology Expenses.

School Committee

Executive Summary: The School Department is requesting that the Town authorize the expenditure of the \$9,750.43, which is in the E-Rate Account for the purposes of paying for School Department technology expenses. These funds were generated from the implementation of the Telecommunications Act of 1996 and are the direct result of discounts for technology services that were provided to the School Department. These discounts were generated in the form of checks and deposited by the Town of Tewksbury. The intent of the Act was to offset the cost to the School Department of affordable access to modern telecommunications and information services.

ARTICLE 12

To see if the Town will vote to rescind the following unused borrowing authorizations:

1. \$971 Voted May, 2006 Annual Town Meeting Article 12 for Tewksbury High School Improvements
2. \$160 Voted October, 2003 Special Town Meeting Article 4 for Water Improvements
3. \$925 Voted May, 1999 Special Town Meeting Article 2 for Water Treatment Plant Expansion
4. \$10,280,000 Voted May, 2000 Special Town Meeting Article 1 for Improvements to the John Wynn Middle School
5. \$1,900,000 Voted October, 2001 Special Town Meeting for Improvements to the John Wynn Middle School

or take any action related thereto.

Town Manager

Executive Summary: This article will allow the Town to remove the unused borrowing authorizations from its books to more accurately report the balance of borrowings authorized and un-issued. Items number 1-3 are small amounts that cannot be borrowed as borrowing are done in \$1,000 increments and items 4 and 5 are no longer required as funds were received from the MA School Building Authority and therefore the Town does not need to borrow.

ARTICLE 13

To see if the Town will vote to authorize the Town Manager to solicit lease agreements for the lease of a portion of lands known as the Astle Street Water Tank (Assessors Map 22, Lot 1) and the Wynn Middle School (Assessors Map 73, Lot 19) for the installation of wireless and cellular communications equipment, buildings, structures, and appurtenances for a period of up to ten years and that said solicitation shall follow the other requirements of Massachusetts General Laws, Chapter 30B or take any related action.

Town Manager

Executive Summary: In order to lease a facility for more than three years, Massachusetts General Laws, Chapter 30B requires Town Meeting to approve this article. The Town has leased these sites for almost ten years and several of the current cell phone companies have expressed an interest in another ten year lease at these sites. Thus, Town Meeting must reauthorize this. There are no plans to enlarge or change the size of the buildings or the actual antennae arrays.

ARTICLE 14

To see if the Town will vote to amend the Town's By-Laws by deleting 3.08.130 Annual Town Reports to be ready when and replace it with new language as follows:

3.08.130 Annual Town Reports

The Annual Town Report shall be placed on the Town's website at least ten (10) days before the Annual Town Meeting and from the Town of Tewksbury's website three copies shall be printed and be available to the public in the Town Clerk's Office, Library, and Board of Selectmen's Office.

Town Manager

Executive Summary: Due to budgeting reductions, the Town has no funds to print and distribute the Annual Report so that the use of the Town's website will serve to distribute this information.

ARTICLE 15

To see if the Town will vote to accept Old Stagecoach Road as a Town Way as recommended by the Tewksbury Department of Community Development and laid out by the Board of Selectmen under the provision of M.G.L. Chapter 82, as amended, related to the laying out alterations, relocations, and discontinuance for public ways and specific repairs thereon, which layout plan is filed in the Office of the Town Clerk; 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, and further to raise and appropriate or transfer from available funds a sum of money for the purpose thereof, or take any other action relative thereto.

Said plans and description are on file in the office of the Town Clerk and at the Tewksbury Department of Community Development.

Town Manager
Community Development Director

Executive Summary: This article allows the Town to acquire strips of land along the existing Old Stagecoach Road right of way, in order to pave over the existing gravel road at its current location on the ground which is outside of the existing right of way. All takings necessary as described on said plans will be gifted to the Town and there will be no claims for damages thereafter. Paving costs are included in the Town's Master Sewer Project.

ARTICLE 16

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**

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts and shown as "Melim Drive" on a plan entitled "Street Acceptance Plan, Melim Drive, Tewksbury, Massachusetts, (Middlesex County) prepared for the Town of Tewksbury Community Development Department, dated August 8, 2007 by Cuoco & Cormier Engineering Associates, Inc. and being more particularly bounded and described as follows:

Beginning at a stone bound on the Town line dividing the City of Lowell and the Town of Tewksbury, said point S 15° 46' 32" W, distance of 519.27 feet, more or less, measured along said Town line, from the southerly line of land of now or formerly the Boston and Main Railroad, said point being the northerly line of Melim Drive, thence; S 74° 13' 28" E a distance of 2.30 feet, more or less, to a point, thence; easterly, by a curved line to the left, having a radius of 125.00 feet, a curved distance of 125.00 feet, more or less, to a stone bound, thence; N 48° 28' 47" E a distance of 100.00 feet, more or less, to a stone bound at the beginning of a curve to the left, thence; northeasterly, by said curve, having a radius of 125.00 feet, a curved distance of 41.67 feet, more or less, to a drill hole in ledge, thence; N 29° 22' 52" E a distance of 143.09 feet, more or less, to a stone bound at the beginning of a curve to the left, thence; northerly, by said curve, having a radius of 25.00 feet, a curved distance of 26.86 feet, more or less, to a spike, at the beginning of a curve to the right, thence; northerly, easterly, southerly, and southwesterly, in a clockwise direction, by said curve, having a radius of 80.00 feet, a curved distance of 423.24 feet, more or less, to a spike at the beginning of a curve to the left, thence; westerly and southerly, by said curve, having a radius of 25.00 feet, a curved distance of 26.86 feet, more or less, to a stone bound, thence; S 29° 22' 52" W a distance of 143.09 feet, more or less, to a stone bound at the beginning of a curve to the right, thence; southerly, by said curve, having a radius of 175.00 feet, a curved distance of 58.33 feet, more or less, to a stone bound, thence; S 48° 28' 47" W a distance of 100.00 feet, more or less, to a stone bound at the beginning of a curve to the right, thence; westerly by said curve, having a radius of 175.00 feet, a curved distance of 175.00 feet, more or less, to a point, thence; N 74° 13' 28" W a distance of 2.30 feet, more or less, to a drill hole in ledge at said Town Line, thence; N 15° 46' 32" E a distance of 50.00 feet, more or less, measured along said Town line, to the point of beginning.

The layout plan is filed in the Office of the Town Clerk; 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 Melim Drive as a public way (town street).

ARTICLE 17

To see if the Town will vote to accept Massachusetts General Law, Chapter 59, section 5L, a deferral of taxes due by member of the Massachusetts National Guard or reservist on active duty outside the Commonwealth, or take any other action relative thereto.

James Williams
Tewksbury Veterans Agent

Executive Summary: This amends MGL Chapter 59 and adds a new section 5L which allows any taxes due under this chapter by a member of the Massachusetts National Guard or reservist or dependant of a member of the Massachusetts National Guard or reservist to be deferred while that member is on active service outside the Commonwealth and for the next 180 days after that service with no interest or penalties assessed for any period before the expiration of those 180 days.

ARTICLE 18

To see if the Town will vote to amend the Personnel By-Laws Section III Wages and Salaries as follows:

Delete:

Group C Recreation Leader

Add:

Group B Recreation Leader

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
33,524	36,522	38,638	40,890	43,257	45,762	47,593

Or take any other action relative thereto.

Executive Summary: Current position is filled by Team Leader (part-time) which is in Group D. By moving the position of Recreation Leader

Group C to Group B this will provide permanent part-time or full-time support staff for the Recreation Department which is currently covered on a part-time basis.

ARTICLE 19

To see if the Town will vote to amend the Town By-Laws by deleting section 2.04.230, Town Clerk's Salary and replace it with the following new section 2.04.230 Town Clerk's Salary:

- A. The salary of the Town Clerk shall be determined by the Personnel Relations Review Board Wage Grid using the salary amounts in Group A-4 and applying the merit rating system used for these positions.
- B. If and when the minimum and maximum amounts in the Wage Grid Group A-4 are changed, the Town Clerk's salary shall be adjusted proportionately.
- C. The Town Clerk shall not receive overtime.
- D. The Town Clerk shall not receive Longevity.

Or take any other action relative thereto.

Elizabeth A. Carey
Town Clerk

Executive Summary: This wage proposal will provide for an equitable and fair salary for the Town Clerk in relationship and comparison to other department heads and administrators rather than the current by-laws reference to the Department of Public Work's employees.

ARTICLE 20

To see if the Town will vote to amend the Town By-Laws, by adding a new Chapter 19 Stormwater Management & Erosion Control as follows:

Chapter 19

Stormwater Management & Erosion Control

Sections:

19.010	Purpose
19.020	Definitions
19.030	Authority
19.040	Applicability

19.041	Regulated Activities
19.042	Exempt Activities
19.043	Activities Allowed to Request Exemption
19.050	Administration
19.060	Permits and Procedures
19.070	Fees
19.080	Surety
19.090	Waivers
19.100	Enforcement
19.110	Severability

19.010 Purpose

A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are major causes of:

1. impairment of water quality and decreased flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. decreased flow in lakes, ponds, streams, rivers, wetlands and ground water;
3. contamination of drinking water supplies;
4. erosion of stream channels;
5. alteration or destruction of aquatic and wildlife habitat;
6. flooding; and,
7. overloading or clogging of municipal catch basins and storm drainage systems.
8. flooding and erosion on abutting properties.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Tewksbury water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

B. The **objectives** of this Bylaw are to:

1. protect water resources;
2. require practices that eliminate soil erosion and sedimentation;
3. control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
4. require practices to manage and treat stormwater runoff generated from

- new development and redevelopment;
5. protect groundwater and surface water from degradation or depletion;
 6. promote infiltration and the recharge of groundwater;
 7. prevent pollutants from entering the municipal storm drain system;
 8. prevent flooding and erosion to abutting properties.
 9. ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;
 10. ensure adequate long-term operation and maintenance of stormwater best management practices;
 11. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
 12. comply with state and federal statutes and regulations relating to stormwater discharges; and
 13. establish the Town of Tewksbury legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring and enforcement.

19.020 Definitions

ABUTTER: The owner(s) of land abutting the land disturbance site.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (M.G.L. c. 131 § 40) and its implementing regulations (310 CMR 10.00).

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Shall be the owner of record of all of the land shown on any plan submitted for approval to the Planning Board in accordance with the Stormwater Management Bylaw and Regulations, any person or persons acting on behalf of the applicant for purposes of preparing and submitting plans and documents to the Planning Board, and may include engineers, surveyors, contractors or attorneys, and may also include any person or persons having an equitable interest in the land under an agreement or option to purchase the land. The owner shall certify in writing the identity of each applicant who is authorized to submit plans and/or documents and act on behalf of the owner. Without such certification an applicant shall not act on behalf of the owner. The applicant shall submit the title reference or

references from the Middlesex County Registry of Deeds indicating the owner of record. All applications shall include original signatures of all owners.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board and its employees or agents who will be in charge of enforcing the requirements of this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

CLEARING: Any activity that removes the vegetative surface cover. Clearing activities generally include grubbing activity as defined below.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a public land surveyor (PLS), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including clearing and grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LAND-DISTURBANCE PERMIT: A permit issued by the Planning Board .

LOT: An area or parcel of land or any part thereof, in common ownership, designated on a plan filed with the Town of Tewksbury by its owner or owners as a separate lot.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, ss. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swales, brooks, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Tewksbury.

OPERATION AND MAINTENANCE PLAN: A plan developed by a Massachusetts licensed professional engineer (PE) describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a discernible, confined point source or discrete conveyance into waters of the Commonwealth.

OWNER: Shall be the owner of record of all the land shown on any plan submitted. The owner shall submit the title reference or references from the Middlesex County Registry of Deeds indicating the owner of record.

PERMITTEE: The person who holds a land disturbance permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law,

and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIVATE STORM DRAIN SYSTEM or PRIVATE SEPARATE STORM SEWER SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system that is not owned and maintained by the Town.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RESPONSIBLE PARTIES: owner(s), persons with financial responsibility, and persons with operational responsibility.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Earth materials including duff, humic materials, sand, rock and gravel.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a qualified professional engineer (PE) or a professional public land surveyor (PLS), which includes

structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TSS: Total Suspended Solids. Material, including but not limited to trash, debris, soils, sediment and sand suspended in stormwater runoff.

WATERCOURSE: A natural or man-made channel through which water flows, including a river, brook, or stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in the Town of Tewksbury Wetland Protection By-law.

19.030 Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

19.040 Applicability

Except as permitted below or as otherwise provided in this Bylaw, no person shall perform any activity that results in disturbance or clearing of land without a land disturbance permit.

19.041 Regulated Activities.

A. For minor land disturbance, defined as the disturbance of five hundred (500) cubic yards or more of material or clearing activity which disturbs an area of 20,000 square feet or more and less than 40,000 square feet within any twelve (12) month period, the activity shall be allowed only under a Land Disturbance Permit issued by the Planning Board. Said permit shall be considered an administrative action by the Planning Board and no public hearing shall be required. The Department of Community Development shall be the administrator of a minor land disturbance permit.

B. Regulated activities by the Planning Board shall include, but not be limited to:

1. Land disturbance of 40,000 square feet or more of land, associated with construction or reconstruction of structures,
2. Development or redevelopment involving multiple separate activi-

- ties in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land,
3. Paving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff,
 4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 40,000 square feet,
 5. Any other activity altering the surface of an area exceeding 40,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system, OR
 6. Land disturbance where there is a 15% or greater slope and where the land disturbance is greater than or equal to 200 square feet within the sloped area.
- C. Minimum performance standards for regulated activities:
1. Erosion control structures will be located no closer than 15 feet from an abutting property line and will be designed so as not to create point discharges onto abutting properties.
 2. Dust from all earthmoving activities shall be controlled.
 3. Earth materials shall not be deposited onto any roadways.
 4. Vegetative stabilization measures shall be employed during the Regulated Activity and construction activity as required by the approving authority. All perimeter dikes and slopes, basin or trap embankments shall be stabilized with sod, seed, anchored mulch within seven (7) days of disturbance. All other disturbed areas shall be stabilized with sod, seed and anchored mulch within fourteen (14) days after disturbing activities are ceased.
 5. Topsoil shall be stripped from disturbed areas and stockpiled in an approved area and stabilized with a temporary vegetative cover if left more than fifteen (15) calendar days. Perimeter sediment controls shall be installed around stockpiled topsoil.
 6. During cold weather months, when seeding and sodding may be impractical, anchored mulch shall be applied as approved.

19.042 Exempt Activities. The following activities are exempt from the requirements of this Bylaw:

1. Normal maintenance and improvement of Town owned public ways and appurtenances.
2. Normal maintenance and improvement of land in agricultural use.
3. Repair of septic systems when required by the Board of Health for the protection of public health.

4. Normal maintenance of currently existing landscaping, gardens or lawn areas associated with a single-family dwelling.
5. The construction of fencing that will not alter existing terrain or drainage patterns.
6. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.
7. Maintenance of existing town drainage system, including, but not limited to removal of trees, debris, sediment and trash from swales, brooks, culverts, and any other impediment to the flow of the town's drainage system.

19.043 Activities Allowed to Request Exemption. Areas of land that have had a Stormwater Management review either through the Conservation Commission or Planning Board using the performance standards as defined in this bylaw and Regulations may request an exemption from the requirements of this bylaw. Requests must include a plan of the area of land reviewed and approved by either the Planning Board or Conservation Commission accompanied by a sign-off from the issuing authority.

The Planning Board will review each request on an individual basis and issue a decision as to whether the exemption is granted or whether the applicant is required to file for a permit.

19.050 Administration

- A. The Planning Board shall administer this bylaw. The Town of Tewksbury's Community Development Department shall serve as the Planning Board's primary staff support for this bylaw. The Department may use the Director, Conservation Administrator, Town Engineer, or others to implement this bylaw.
- B. The Planning Board and its agents shall review all applications for a land disturbance permit, conduct inspections, issue a final permit and conduct any necessary enforcement action.
- C. The Planning Board may adopt and periodically amend Stormwater Regulations relating to Land Disturbance Permits, exemption or waiver applications; permit terms or conditions, Design Criteria, additional definitions, enforcement, fees (including application, inspection, and/or consultant fees), or other procedures and administration of this Bylaw after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days before the hearing date. After public notice and hearing, the Planning Board may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

- D. The Planning Board will refer to the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy or with Design Criteria that may be developed or in Tewksbury's Subdivision Regulations, whichever is more stringent, in the protection of the town's environmental and infrastructure resources, for execution of the provisions of this Bylaw.
- E. All meetings of the Planning Board are subject to the Open Meeting Law. A notice in the local newspaper of a hearing on the Land Disturbance Application and that the Planning Board is accepting comments on the Land Disturbance Application shall be published at the applicant's expense. The Land Disturbance Application shall be available for inspection by the public during normal business hours at the Town offices. Comments may be submitted to the Planning Board during business hours at the Town offices.
- F. Filing an application for a land disturbance permit grants the Planning Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- G. The Planning Board may:
 - i. Approve the Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this Bylaw;
 - ii. Approve the Application and issue a permit with conditions, modifications, requirements for operation and maintenance requirements of permanent structural BMPs, designation of responsible party, or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and will meet the objectives and requirements of this Bylaw; or
 - iii. Disapprove the application and deny a permit if it finds that the proposed plan fails to meet the objectives and requirements of this Bylaw and its Regulations. If the Planning Board finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Planning Board may disapprove the application, denying a permit.
- H. The Planning Board shall take final action on an Application within 30 days of receipt of a complete application. If in the Planning Board's opinion, additional time or information is required for review, the Planning Board by written agreement of the applicant may

continue a consideration of the request to a date certain announced at the meeting.

- I. Failure to take action shall be deemed to be approval of said application. Upon certification by the Town Clerk that the allowed time has passed without the Planning Board 's action, the Land Disturbance Permit shall be issued by the Planning Board .
- J. Appeals of Action by the Planning Board . A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court or Land Court in accordance with the applicable law. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law. No work shall commence until the applicable appeal period has passed with no appeal or if an appeal has been filed, the appeal has been finally resolved by adjudication or otherwise.
- K. All activity permitted by the Land Disturbance Permit must be completed within one-year of permit issuance. Extensions of time can be granted by the Planning Board upon formal written request by the applicant. Should the one-year pass without an extension being granted the permit is then considered revoked.

19.060 Permits & Procedures

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated as permitted under Section 19.050 of this Bylaw.

19.070 Fees

The Planning Board shall establish fees subject to cover expenses connected with application review and monitoring permit compliance. The fees shall be sufficient to cover Town secretarial staff and professional staff. The Planning Board is also authorized to charge the applicant fees to pay a Registered Professional Engineer or other professional consultant to advise the Planning Board on any or all aspects of the project. The applicant for a Land Disturbance Permit may be required to establish and maintain an escrow account to cover the costs of said consultants.

19.080 Surety

The Planning Board may require the permittee to post before the start of land disturbance activity, a surety bond, or other acceptable security. The form of the bond shall be approved by the Planning Board , which may consult with town counsel when necessary, and be in an amount deemed sufficient by the Planning Board to insure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board

may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Planning Board has issued a certificate of completion.

19.090 Waivers

- A. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where the activity:
 - 1. is allowed by federal, state or local statutes and/or regulations, or
 - 2. is in the public interest, and is not inconsistent with the purpose and intent of this bylaw and its regulations.
- B. Any applicant may submit a written request to be granted such a waiver at the time of submission. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that the activity is allowed by federal, state or local statutes and/or regulations or is in the public interest and is not inconsistent with the purpose and intent of this bylaw and its regulations.
- C. All waiver requests shall be discussed and a decision will be made at the time of final action by the Planning Board .
- D. If in the Planning Board 's opinion, additional information is required for review of a waiver request, the Planning Board may continue a consideration of the waiver request to a date certain announced at the meeting. In the event the applicant fails to provide requested information, the waiver request shall be denied.

19.100 Enforcement

- A. The Planning Board or its authorized agent shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Orders. The Planning Board or its authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:
 - 1. a requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw or provisions of the land-disturbance permit;
 - 2. maintenance, installation or performance of additional erosion and sediment control measures;
 - 3. monitoring, analyses, and reporting;
 - 4. remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
 - 5. compliance with the Operation and Maintenance Plan.

6. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.
7. Fines. Any person who violates any provision of this Bylaw, regulation, order or permit issued there under, shall be punished by a fine of not more than \$ 300.00. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.
8. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D, which has been adopted by the Town, in which case the Planning Board or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

19.110 Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Planning Board

Executive Summary: Passage of this article will allow the Town to monitor and enforce work that affects the Town’s stormwater system. This is a requirement under the Federal Clean Water Act as put forth through the Non-Point Discharge Elimination System general permit filed with the State DEP and Federal EPA.

ARTICLE 21

To see if the Town will vote to delete section 5500 Earth Moving and Clearing of Property from the Town of Tewksbury Zoning Bylaw.

5500. EARTH MOVING AND CLEARING OF PROPERTY

5510. General. The Regulated Activity shall mean earth moving and/or clearing and grubbing. The Regulated Activity shall be performed only in accordance with Sections 5520 through 5534, except that the following shall be exempted from these provisions:

5511. Earth moving of less than five hundred (500) cubic yards of material or clearing activity which disturbs an area less than 20,000 square feet within any twelve (12) month period.

5512. The Regulated Activity on a parcel for which removal was authorized pursuant to a permit duly issued by the Town of Tewksbury prior to adoption of Section 5500 may continue until the expiration date of said permit, or for eighteen (18) months, whichever is the greater, provided that all bylaws, permits and conditions applicable prior to the adoption of this Section shall be complied with. Subsequent to such date, full compliance with all the requirements of Section 5500 must be met.

5513. Clearing on property that has received an approved Forest Cutting Plan developed by a certified forester and approved by the Massachusetts Department of Environmental Management.

5520. Special Permit or Approval.

5521. Earth moving of five hundred (500) cubic yards or more of material or clearing activity which disturbs an area of 20,000 square feet or more and less than one (1) acre within any twelve (12) month period, shall be allowed only under a Building Permit issued by the Building Commissioner.

5522. Earth moving of more than one thousand (1,000) cubic yards of material or clearing activity which disturbs an area of one (1) acre or more within any twelve (12) month period, shall be allowed only under a Special Permit issued by the Planning Board or by approval of the Planning Board in case of a subdivision, a copy of which shall be forwarded forthwith to the Conservation Commission and Town Engineer. The following shall be conditions for such issuance:

5523. The Regulated Activity shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation. All such slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of at least four (4) inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber. Applications and plans for such special permits shall forward forthwith to the Conservation Commission and Town Engineer.

5524. The application shall be accompanied by a plan showing all natural and man-made features, including wetlands, water courses, 100 year flood plain, property lines, names and addresses of all abutters, including those across any street or way, topography at two (2) foot contour interval of the site and all land within on hundred (100) feet of the area of the Regulated Activity

together with any grades below or above which finish surface will now lie, and the proposed cover vegetation and trees. The application shall include a description of earth moving, clearing or construction activities, in sequence, which specifies the expected date of soil stabilization, vegetation and completion. If involving more than one (1) acre of clearing, the plan shall be prepared by a Registered Landscape Architect. If involving more than five hundred (500) cubic yards of materials to be moved, the plan shall be prepared by a Registered Engineer.

5525. A performance bond in the amount determined by the Planning Board shall be posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of this Bylaw and such other conditions as the Planning Board may impose conditions to the issuance of its permit.

5526. Before granting a permit, the Planning Board shall give due consideration to the location of the proposed Regulated Activity, to the general character of the neighborhood surrounding such location, to the protection of water supply, to the general safety of the public on the public ways in the vicinity, and to the recommendations of the Conservation Commission and Town Engineer.

5527. Inspection and Compliance. In order to ensure compliance with a Special Permit or approval granted under this regulation, the Planning Board will require the applicant to perform periodic inspections and submit written reports. The interval and content of such inspection and reporting shall be determined during review of the application. Upon satisfactory completion of the Regulated Activity, the applicant shall provide an as-built plan signed by a Registered Landscape Architect or Registered Engineer as required by Section 5524. The Planning Board shall perform an inspection prior to releasing the performance bond or other security.

5530. Performance Standards for Regulated Activities

5531. Erosion control structures will be located no closer than 15 feet from an abutting property line and will be designed so as not to create point discharges onto abutting properties.

5532. Dust from all earthmoving activities shall be controlled.

5533. Earth materials shall not be deposited onto any roadways.

5534. Vegetative stabilization measures shall be employed during the Regulated Activity and construction activity as required by the approving authority. All perimeter dikes and slopes, basin or trap embankments shall be stabilized with sod, seed, anchored mulch

within seven (7) days of disturbance. All other disturbed areas shall be stabilized with sod, seed and anchored mulch within fourteen (14) days after disturbing activities are ceased.

Topsoil shall be stripped from disturbed areas and stockpiled in an approved area and stabilized with a temporary vegetative cover if left more than fifteen (15) calendar days. Perimeter sediment controls shall be installed around stockpiled topsoil.

During cold weather months, when seeding and sodding may be impractical, anchored mulch shall be applied as approved.

Planning Board

Executive Summary: With passage of Town Bylaw Chapter 19, Stormwater Management & Erosion Control, this section of the zoning bylaw is no longer necessary.

ARTICLE 22

To see if the Town will vote to amend the Tewksbury Zoning Bylaw by adding a new section, 9415 to read as follows:

9415. The Planning Board in considering a project under a Site Plan Special Permit may allow for waivers of Section 5100, Parking and Loading Requirements, Section 5400 Landscaping, Screening, and Buffer Requirements. Waivers will also be considered for Appendix C: Table of Parking Requirements. The waiver request must be specific in nature and the Planning Board must make specific findings to waive any of these requirements. Consideration will be given as to the necessity to meet the realistic requirements of the proposed development and satisfy the objectives of the Zoning Bylaw. The Planning Board will base its findings on the stated requirements of those sections of the bylaw listed above as well as standards that are established by other professional organizations, such as, but not limited to, parking standards published by the Institute of Transportation Engineers, standards of the American Society of Highway and Transportation Officials, Commonwealth of Massachusetts agencies (DEP Stormwater Policy, for example) Urban Land Institute publications, and American Planners Association publications.

Provisions, as part of said Site Plan Special Permit process, under which the Planning Board may provide waivers under this section, 9415, from Section 5100 and 5400, shall not be subject to a grant of a variance by the Zoning Board of Appeals. The Planning Board retains sole discretion in said matters of Sections 5100 and 5400 as stated herein.

Planning Board

Executive Summary: This article seeks to add flexibility and realistic requirements on projects submitted for a site plan special permit. Currently an applicant could be faced with a 2-step process where the action of one Board does not necessarily meet with best planning practices due to the nature of available relief.

And you are directed to serve the within Warrant by posting up true and attested copies thereof upon the Town Hall and in each precinct, fourteen (14) days at least before the time of holding said meeting; also, leaving at least 500 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 August in the year of our Lord, two thousand and seven.

BOARD OF SELECTMEN

Jerome E. Selissen, Chairman

Todd R. Johnson, Vice Chairman

Anne Marie Stronach, Clerk

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. The Warrant is mailed to each dwelling in the Town in which a registered voter resides 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.

CAR.-RT.
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Tewksbury, MA
PERMIT NO. 33

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RURAL ROUTE BOX HOLDER**

**PLEASE TAKE THIS WARRANT
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