

REVISED as of May 13, 2013



TOWN OF TYNGSBOROUGH

ANNUAL TOWN MEETING WARRANT

May 21, 2013

7:00 PM

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the said inhabitants of the Town of Tyngsborough to meet for the Annual Town Meeting at the Tyngsborough Elementary School Cafetorium in said Tyngsborough on Tuesday the twenty first day of May in the year two thousand thirteen at 7 o'clock in the evening then and there to act on the following articles:

Article 2. To see if the Town will vote to accept the reports of the Town Officers and Committees as printed, or take any other action relative thereto.

Article 3. To choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto.

Article 4. To see if the Town will vote to fix the salary and compensation of elective officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, for the Fiscal Year 2014 (July 1, 2013 - June 30, 2014), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations to be submitted within Article 5.

	SALARIES	REQUEST	RECOMMENDED
	7/01/12	7/01/13	7/01/13
	6/30/13	6/30/14	6/30/14
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0	\$ 0
Tax Collector	\$ 61,200	\$ 62,424	\$ 62,424
Town Clerk	\$ 56,909	\$ 57,222	\$ 57,222
Assessors (3)			
Chairman	\$ 1	\$ 1	\$ 1
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0

Board of Health			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0
Tree Warden	\$ 0	\$ 0	\$ 0
Cemetery Commissioners (3)	\$ 0	\$ 0	\$ 0
School Committee (7)	\$ 0	\$ 0	\$ 0
Library Trustees (6)	\$ 0	\$ 0	\$ 0
Sewer Commissioners (3)			
Chairman	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Planning Board (5)			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0
Finance Committee (5)	\$ 0	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0	\$ 0
Greater Lowell Reg. Voc. Tech. HS (1)	\$ 0	\$ 0	\$ 0

Submitted by: Board of Selectmen

Article 5. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to fund town expenses for Fiscal Year 2014 (July 1, 2013 - June 30, 2014), or take any other action relative thereto.

<u>DEPARTMENT/DESCRIPTION</u>	<u>FY 2013 ADJUSTED BUDGET</u>	<u>FY 2014 DEPT REQUEST</u>	<u>FY 2014 SELECTMEN PROPOSED</u>	<u>FY 2014 FINCOM PROPOSED</u>
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
DEPT 114 MODERATOR:	0.00	0.00	0.00	0.00
... 1 SALARIES & WAGES:	116,643.00	56,054.00	71,054.00	71,054.00
... 2 DEPT. EXPENSES:	20,350.00	24,850.00	16,354.00	16,354.00
DEPT 122 SELECTMEN:	136,993.00	80,904.00	87,408.00	87,408.00
... 1 SALARIES & WAGES:	121,260.00	184,765.00	184,765.00	184,765.00
... 2 DEPT. EXPENSES:	2,000.00	2,500.00	2,500.00	2,500.00
DEPT 123 TOWN ADMINISTRATOR:	123,260.00	187,265.00	187,265.00	187,265.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	675.00	1,000.00	675.00	675.00
DEPT 131 FINANCE COMMITTEE:	675.00	1,000.00	675.00	675.00
... 2 DEPT. EXPENSES:	21,250.00	55,000.00	55,000.00	55,000.00
... LESS FY10 TRANSFERS				
DEPT 132 RESERVE FUND:	21,250.00	55,000.00	55,000.00	55,000.00
... 1 SALARIES & WAGES:	97,000.00	73,138.00	73,138.00	73,138.00
... 2 DEPT. EXPENSES:	8,650.00	9,454.00	9,454.00	9,454.00
DEPT 135 ACCOUNTANT:	105,650.00	82,592.00	82,592.00	82,592.00
... 2 DEPT. EXPENSES:	30,000.00	33,500.00	33,500.00	33,500.00

DEPT 136 ANNUAL AUDITS:	30,000.00	33,500.00	33,500.00	33,500.00
... 1 SALARIES & WAGES:	105,966.00	107,877.00	107,877.00	107,877.00
... 2 DEPT. EXPENSES:	23,850.00	24,250.00	24,250.00	24,250.00
DEPT 141 ASSESSORS:	129,816.00	132,127.00	132,127.00	132,127.00
... 2 DEPT. EXPENSES:	27,500.00	27,500.00	27,500.00	27,500.00
DEPT 142 REVALUATION:	27,500.00	27,500.00	27,500.00	27,500.00
... 1 SALARIES & WAGES:	132,676.00	149,810.00	149,810.00	149,810.00
... 2 DEPT. EXPENSES:	28,752.00	29,927.00	29,677.00	29,677.00
DEPT 145 TREASURER:	161,428.00	179,737.00	179,487.00	179,487.00
... 1 SALARIES & WAGES:	109,049.00	110,430.00	110,430.00	110,430.00
... 2 DEPT. EXPENSES:	30,808.00	30,370.00	29,370.00	29,370.00
DEPT 146 TOWN COLLECTOR:	139,857.00	140,800.00	139,800.00	139,800.00
... 2 DEPT. EXPENSES:	62,000.00	63,200.00	63,200.00	63,200.00
DEPT 151 TOWN COUNSEL:	62,000.00	63,200.00	63,200.00	63,200.00
... 2 DEPT. EXPENSES:	27,500.00	37,000.00	15,000.00	15,000.00
DEPT 159 SPECIAL LEGAL SERVICES:	27,500.00	37,000.00	15,000.00	15,000.00
... 1 SALARIES & WAGES:	79,237.00	80,805.00	80,805.00	80,805.00
... 2 DEPT. EXPENSES:	1,760.00	1,760.00	1,760.00	1,760.00
DEPT 160 TOWN CLERK:	80,997.00	82,565.00	82,565.00	82,565.00
... 1 SALARIES & WAGES:	10,365.00	5,700.00	5,700.00	5,700.00
... 2 DEPT. EXPENSES:	18,936.00	16,288.00	11,588.00	11,588.00
DEPT 162 ELECTION/REGISTRATION:	29,301.00	21,988.00	17,288.00	17,288.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	325.00	325.00	325.00	325.00
DEPT 169 OTHER LICENSING & REG:	325.00	325.00	325.00	325.00
... 1 SALARIES & WAGES:	40,271.00	42,589.00	42,589.00	42,589.00
... 2 DEPT. EXPENSES:	3,350.00	3,350.00	3,050.00	3,050.00
DEPT 171 CONSERVATION COMMISSION:	43,621.00	45,939.00	45,639.00	45,639.00
... 1 SALARIES & WAGES:	17,733.00	18,166.00	18,166.00	18,166.00
... 2 DEPT. EXPENSES:	7,880.00	12,200.00	7,880.00	7,880.00
DEPT 175 PLANNING BOARD:	25,613.00	30,366.00	26,046.00	26,046.00
... 1 SALARIES & WAGES:		2,725.00	2,725.00	2,725.00
... 2 DEPT. EXPENSES:	3,700.00	8,700.00	6,700.00	6,700.00
DEPT 176 ZONING BD OF APPEALS:	3,700.00	11,425.00	9,425.00	9,425.00
... 2 DEPT. EXPENSES:	6,000.00	6,000.00	0.00	0.00
DEPT 182 ECONOMIC DEVELOPMENT:	6,000.00	6,000.00	0.00	0.00
... 2 DEPT. EXPENSES:	115,000.00	115,730.00	115,730.00	115,730.00
DEPT 192 PUBLIC BLDGS AND PROPERTY:	115,000.00	115,730.00	115,730.00	115,730.00

... 1 SALARIES & WAGES:	20,000.00	5,100.00	5,100.00	5,100.00
... 2 DEPT. EXPENSES:	15,000.00	50,000.00	39,900.00	39,900.00
DEPT 193 INFORMATION TECHNOLOGY	35,000.00	55,100.00	45,000.00	45,000.00
... 2 DEPT. EXPENSES:	600.00	600.00	0.00	0.00
DEPT 195 TOWN REPORTS:	600.00	600.00	0.00	0.00
... 2 DEPT. EXPENSES:	200.00	200.00	0.00	0.00
DEPT 198 CAPITAL MANAGEMENT:	200.00	200.00	0.00	0.00
... 1 SALARIES & WAGES:	2,050,283.00	2,108,728.00	2,005,517.00	2,005,517.00
... 2 DEPT. EXPENSES:	242,744.00	286,452.00	271,902.00	271,902.00
DEPT 210 POLICE DEPARTMENT:	2,293,027.00	2,395,180.00	2,277,419.00	2,277,419.00
... 1 SALARIES & WAGES:	23,426.00	23,514.00	23,514.00	23,514.00
... 2 DEPT. EXPENSES:	47,250.00	59,300.00	50,300.00	50,300.00
DEPT 211 POLICE STATION:	70,676.00	82,814.00	73,814.00	73,814.00
... 1 SALARIES & WAGES:	316,603.00	323,860.00	323,860.00	323,860.00
... 2 DEPT. EXPENSES:	54,700.00	56,500.00	56,500.00	56,500.00
DEPT 215 COMMUNICATION CENTER:	371,303.00	380,360.00	380,360.00	380,360.00
... 1 SALARIES & WAGES:	467,000.00	506,500.00	476,500.00	476,500.00
... 2 DEPT. EXPENSES:	168,997.00	168,997.00	150,997.00	150,997.00
DEPT 220 FIRE DEPARTMENT:	635,997.00	675,497.00	627,497.00	627,497.00
... 1 SALARIES & WAGES:	96,771.00	98,834.00	98,834.00	98,834.00
... 2 DEPT. EXPENSES:	18,260.00	18,260.00	15,760.00	15,760.00
DEPT 241 BUILDING INSPECTOR:	115,031.00	117,094.00	114,594.00	114,594.00
... 1 SALARIES & WAGES:	9,923.00	10,280.00	10,280.00	10,280.00
... 2 DEPT. EXPENSES:	900.00	900.00	900.00	900.00
DEPT 242 GAS INSPECTOR:	10,823.00	11,180.00	11,180.00	11,180.00
... 1 SALARIES & WAGES:	9,923.00	10,279.00	10,279.00	10,279.00
... 2 DEPT. EXPENSES:	900.00	900.00	900.00	900.00
DEPT 243 PLUMBING INSPECTOR:	10,823.00	11,179.00	11,179.00	11,179.00
... 2 DEPT. EXPENSES:	5,000.00	5,000.00	0.00	0.00
DEPT 244 WEIGHTS & MEASURERS:	5,000.00	5,000.00	0.00	0.00
... 1 SALARIES & WAGES:	19,844.00	20,599.00	20,599.00	20,599.00
... 2 DEPT. EXPENSES:	1,900.00	1,800.00	1,800.00	1,800.00
DEPT 245 ELECTRICAL INSPECTOR:	21,744.00	22,399.00	22,399.00	22,399.00
... 1 SALARIES & WAGES:	1,400.00	1,400.00	1,400.00	1,400.00
... 2 DEPT. EXPENSES:	1,000.00	1,000.00	1,000.00	1,000.00
DEPT 291 EMERGENCY MANAGEMENT:	2,400.00	2,400.00	2,400.00	2,400.00
... 1 SALARIES & WAGES:		0.00	0.00	0.00
... 2 DEPT. EXPENSES:	38,775.00	38,775.00	38,775.00	38,775.00
DEPT 292 ANIMAL INSPECTION & CONTROL:	38,775.00	38,775.00	38,775.00	38,775.00

... 2 DEPT. EXPENSES:	12,450.00	10,150.00	7,450.00	7,450.00
DEPT 294 FORESTRY:	12,450.00	10,150.00	7,450.00	7,450.00
... 1 SALARIES & WAGES:				
... 2 DEPT. EXPENSES:				
DEPT 300 SCHOOL DEPARTMENT:	17,709,799.00	19,007,890.00	17,528,733.00	17,528,733.00
... 2 DEPT. EXPENSES:	1,210,312.00	1,275,316.00	1,275,316.00	1,275,316.00
DEPT 301 GR. LOWELL REG. SCHOOL:	1,210,312.00	1,275,316.00	1,275,316.00	1,275,316.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	13,000.00	38,000.00	6,000.00	6,000.00
DEPT 410 TOWN ENGINEER	13,000.00	38,000.00	6,000.00	6,000.00
... 1 SALARIES & WAGES:	19,609.00	20,150.00	19,300.00	19,300.00
... 2 DEPT. EXPENSES:	25,095.00	26,080.00	22,080.00	22,080.00
DEPT 421 HIGHWAY & STREETS ADMIN:	44,704.00	46,230.00	41,380.00	41,380.00
... 1 SALARIES & WAGES:	486,979.00	554,027.00	491,511.00	491,511.00
... 2 DEPT. EXPENSES:	115,000.00	124,000.00	118,000.00	118,000.00
DEPT 422 HWY & STREETS CONSTR/MAINT:	601,979.00	678,027.00	609,511.00	609,511.00
... 1 SALARIES & WAGES:	37,500.00	37,500.00	37,500.00	37,500.00
... 2 DEPT. EXPENSES:	212,500.00	212,500.00	212,500.00	212,500.00
DEPT 423 HWY SNOW EXPENSE:	250,000.00	250,000.00	250,000.00	250,000.00
... 2 DEPT. EXPENSES:	33,500.00	45,000.00	45,000.00	45,000.00
DEPT 424 HWY STREET LIGHTING:	33,500.00	45,000.00	45,000.00	45,000.00
... 2 DEPT. EXPENSES:	60,750.00	91,750.00	91,750.00	91,750.00
DEPT 425 HWY VEHICLE MAINTENANCE:	60,750.00	91,750.00	91,750.00	91,750.00
... 1 SALARIES & WAGES:	500.00	500.00	500.00	500.00
... 2 DEPT. EXPENSES:	841,000.00	867,811.00	807,811.00	807,811.00
DEPT 430 WASTE COLLECTION & DISPOSAL:	841,500.00	867,811.00	808,311.00	808,311.00
... 1 SALARIES & WAGES:	33,200.00	33,200.00	23,200.00	23,200.00
... 2 DEPT. EXPENSES:	11,950.00	12,650.00	11,150.00	11,150.00
DEPT 491 CEMETERY DEPARTMENT:	45,150.00	45,850.00	34,350.00	34,350.00
... 1 SALARIES & WAGES:	55,781.00	56,682.00	56,682.00	56,682.00
... 2 DEPT. EXPENSES:	21,490.00	25,290.00	24,490.00	24,490.00
DEPT 510 BOARD OF HEALTH:	77,271.00	81,972.00	81,172.00	81,172.00
... 2 DEPT. EXPENSES:	200.00	400.00	200.00	200.00
DEPT 520 OTHER CLINICAL SERVICES:	200.00	400.00	200.00	200.00
... 1 SALARIES & WAGES:	91,969.00	94,231.00	94,231.00	94,231.00
... 2 DEPT. EXPENSES:	19,350.00	18,700.00	17,800.00	17,800.00
DEPT 541 COUNCIL ON AGING:	111,319.00	112,931.00	112,031.00	112,031.00
... 1 SALARIES & WAGES:	66,500.00	67,951.00	67,951.00	67,951.00

... 2 DEPT. EXPENSES:	313,525.00	307,350.00	288,850.00	288,850.00
DEPT 543 VETERANS AGENT:	380,025.00	375,301.00	356,801.00	356,801.00
... 1 SALARIES & WAGES:	231,162.00	242,166.00	242,166.00	242,166.00
... 2 DEPT. EXPENSES:	93,885.00	83,287.00	83,287.00	83,287.00
DEPT 610 LIBRARY:	325,047.00	325,453.00	325,453.00	325,453.00
... 1 SALARIES & WAGES:	42,840.00	43,697.00	43,697.00	43,697.00
... 2 DEPT. EXPENSES:	6,913.00	21,740.00	21,740.00	21,740.00
DEPT 630 RECREATION DEPARTMENT:	49,753.00	65,437.00	65,437.00	65,437.00
... 2 DEPT. EXPENSES:	850.00	900.00	900.00	900.00
DEPT 691 HISTORICAL COMMISSION:	850.00	900.00	900.00	900.00
... 2 DEPT. EXPENSES:	900.00	900.00	900.00	900.00
DEPT 692 MEMORIAL DAY COMM:	900.00	900.00	900.00	900.00
... 2 DEPT. EXPENSES:	573,674.00	644,804.00	644,804.00	644,804.00
DEPT 710 LONG TERM DEBT PRINCIPAL:	573,674.00	644,804.00	644,804.00	644,804.00
... 2 DEPT. EXPENSES:	205,335.00	193,019.00	193,019.00	193,019.00
DEPT 751 LONG TERM DEBT INTEREST:	205,335.00	193,019.00	193,019.00	193,019.00
... 2 DEPT. EXPENSES:	44,451.00	34,000.00	34,000.00	34,000.00
DEPT 760 SHORT TERM DEBT INTEREST:	44,451.00	34,000.00	34,000.00	34,000.00
... 2 DEPT. EXPENSES:	3,005.00	3,500.00	3,500.00	3,500.00
DEPT 840 N. MIDDX. COUNCIL OF GOV'T:	3,005.00	3,500.00	3,500.00	3,500.00
... 2 DEPT. EXPENSES:	5,064,593.00	5,073,466.00	4,955,022.00	4,955,022.00
DEPT 910 EMPLOYEE BENEFITS:	5,064,593.00	5,073,466.00	4,955,022.00	4,955,022.00
... 2 DEPT. EXPENSES:	223,441.00	242,300.00	239,800.00	239,800.00
DEPT 940 OTHER INSURANCE:	223,441.00	242,300.00	239,800.00	239,800.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
DEPT 992 TRANSFER TO OTHER FUNDS	0.00	0.00	0.00	0.00
TOTALS:	32,764,893.00	34,643,148.00	32,616,029.00	32,616,029.00

SUMMARY BY FUNCTION				
GENERAL GOVERNMENT	1,306,286.00	1,390,863.00	1,345,572.00	1,345,572.00
PUBLIC SAFETY	3,588,049.00	3,752,028.00	3,567,067.00	3,567,067.00
EDUCATION	18,920,111.00	20,283,206.00	18,804,049.00	18,804,049.00
HIGHWAY & CEMETERY	1,890,583.00	2,062,668.00	1,886,302.00	1,886,302.00
HUMAN SERVICES	568,815.00	570,604.00	550,204.00	550,204.00

CULTURAL & RECREATION	376,550.00	392,690.00	392,690.00	392,690.00
DEBT	823,460.00	871,823.00	871,823.00	871,823.00
INTERGOVERNMENTAL	3,005.00	3,500.00	3,500.00	3,500.00
UNCLASSIFIED	<u>5,288,034.00</u>	<u>5,315,766.00</u>	<u>5,194,822.00</u>	<u>5,194,822.00</u>
TOTAL TOWN BUDGET	32,764,893.00	34,643,148.00	32,616,029.00	32,616,029.00

Submitted by: Board of Selectmen

Article 6. To see if the Town will vote to appropriate by transfer from the Billboard Stabilization Fund the sum of \$20,000.00 to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2014 by funding recreational, public safety, or other public purposes, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 7. To see if the Town will vote to appropriate by transfer from Free Cash the sum of \$199,478 to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2014, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 8. To see if the Town will vote to appropriate from available funds or borrow the sum of \$517,000, and that the Town be authorized to accept any available grant dollars, for the following purposes, or take any other action relative thereto.

Department Item	Amount	To be Expended by
1. Highway Dump Truck with plow/sander	\$140,000	Board of Selectmen
2. Highway Wood Chipper	\$52,000	Board of Selectmen
3. Selectmen Town Buildings Master Plan	\$50,000	Board of Selectmen
4. Selectmen Town Offices – Replace Carpeting	\$40,000	Board of Selectmen
5. School Concessions/Restrooms	\$185,000	School Committee
6. School Technology	\$50,000	School Committee

for a total of \$517,000, and to meet this appropriation, if by borrowing, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow a sum of money pursuant to any enabling authority, and is authorized to issue bonds or notes of the Town, or take any other action relative thereto.

Submitted by: Board of Selectmen and Capital Asset Management Committee

Article 9. To see if the Town will vote to raise and appropriate the sum of \$12,143.00 to a special purpose Compensated Absence Fund, for the purpose of funding the future payment of accrued liabilities for compensated absences due any Town employee upon the termination of such employee's employment, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 10. To see if the Town will vote to appropriate by transfer the sum of \$15,444.00 from the Unfunded Pension Liability Trust Fund to be used to stabilize the tax rate for FY2014 by funding the Town’s Middlesex County Retirement System assessment, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 11. To see if the Town will vote to raise and appropriate the sum of \$15,444.00 to the Other Post Employment Liability Benefits Trust Fund, established under the provisions of Massachusetts General Laws Chapter 32B, Section 20, for the purpose of funding health care and other post-employment benefits, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 12. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2014 of up to \$562,145 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 13. To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ the following revolving funds for the purpose of receiving fees and making disbursements in connection with the duties of the following town entities or as so specified below, and that any surplus revenue accumulated in FY 2013 and FY 2014 shall remain in the revolving accounts for each of the following town entities:

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$10,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00

Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Board of Selectmen	\$ 3,000.00

or take any other action relative thereto.

Submitted by: Town Entities as shown

Article 14. To see if the Town will vote to authorize the Board of Selectmen to enter into Lease/Purchase Agreements up to five years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 15. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Sewer Commission to operate the Sewer Enterprise for Fiscal Year 2014 as follows:

That the following sums be appropriated:

Salaries	\$ 248,698.00
Expenses	\$ 659,862.00
Capital Outlay	\$ 714,500.00
Debt	\$ <u>75,407.00</u>
Subtotal	\$1,698,467.00
Indirect Costs to General Fund	\$ 96,336.00
Total	\$1,794,803.00

That \$1,698,467 be appropriated from the Sewer Enterprise fund

Department receipts	\$ 1,167,145.00
Retained Earnings	\$ <u>531,322.00</u>

That \$96,336 be included in appropriations from the General Fund for indirect costs and be allocated to the Sewer Enterprise for funding, or take any other action relative thereto.

Submitted by: Sewer Commissioners

Article 16. To see if the Town will vote that the following sums be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for the fiscal year 2014, with each item to be considered a separate appropriation, for the payment of administrative expenses of the Community Preservation Committee, debt service, community preservation projects, and all other necessary and proper expenses.

Appropriations

Administrative Expenses	\$ 30,000.00
Long Term Debt Services	\$ 50,000.00
Interest on Long Term Debt	\$ 2,475.00
Lake Masscuppic Weed Control Program	<u>\$ 6,000.00</u>
Total CPC Appropriations	\$ 88,475.00

Reserves

To Reserve for Historic Preservation	\$ 60,000.00
To Reserve for Affordable Housing	\$ 60,000.00
To Reserve for Open Space	<u>\$ 60,000.00</u>
FY 2014 Budgeted Reserve	\$180,000.00

or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 17. To see if the Town will vote to appropriate by transfer from existing Community Preservation Budgeted Reserve, Historic Reserve, Unreserved Fund Balance, and/or borrow a sum of money not to exceed \$570,000.00 for the purchase and restoration of the First Parish Meeting House, 214 Middlesex Road, Tyngsborough, MA, to be expended by the Board of Selectmen; and to meet this appropriation, if by borrowing, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow a sum of money pursuant to M.G.L. c. 44B, § 11, or pursuant to any other enabling authority; and to issue bonds or notes of the Town, or take any other action relative thereto.

Submitted by: Community Preservation Committee and Board of Selectmen

Article 18. To see if the Town will vote to appropriate by transfer from existing Community Preservation Affordable Housing Reserve a sum of \$400,000.00, and borrow a sum of \$400,000.00 to total \$800,000.00 for the creation of four affordable housing units to be built at Red Pine Terrace, 186 Frost Road, Tyngsborough, MA, under the direction of the Tyngsborough Housing Authority, after full approval by the Commonwealth of Massachusetts, Department of Housing and Community Development, to be expended by the Tyngsborough Housing Authority; and to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow \$400,000 pursuant to M.G.L. c. 44B, § 11, or pursuant to any other enabling authority; and to issue bonds or notes of the Town, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 19. To see if the Town will vote to appropriate by transfer from existing Community Preservation Budgeted Reserve, Open Space Reserve, Unreserved Fund Balance, and/or

borrow a sum of money in the amount of \$100,000.00 for the acquisition and installation of playground equipment, adult exercise stations and dog park, per the Recreation Department's Playground/Fields Improvement Plan, to be expended by the Recreation Department; and to meet this appropriation, and if by borrowing, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow a sum of money pursuant to M.G.L. c. 44B, § 11, or pursuant to any other enabling authority; and to issue bonds or notes of the Town; and further, that the Recreation Department is authorized to accept any grants in support of these projects, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 20. To see if the Town will vote to appropriate by transfer from existing Community Preservation Budgeted Reserve, Historic Reserve, and or Unreserved Fund Balance an amount not to exceed \$76,000.00 for the restoration of the historic Adams Barn located on Kendall Road at the Town Center, Tyngsborough, MA, to be expended by the Board of Selectmen, or take any action relative thereto.

Submitted by: Community Preservation Committee

Article 21. To see if the Town will authorize the Board of Selectmen to sell and convey a parcel of land supposedly numbered 5 Industrial Way and being approximately 3.110 acres of land and shown on Assessors Map 21, Block 2D, Lot 0, and also on a plan of land entitled, "Subdivision Plan of Gateway Industrial Park in Tyngsborough, Mass." recorded in the Middlesex North Registry of Deeds, Plan Book 138, Plan 47, pursuant to M.G.L. c. 30B, such land having been determined to be no longer needed for any municipal purposes, upon such terms and conditions as determined by the Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 22. To see if the Town will vote to authorize the Board of Selectmen to convey to direct abutters a parcel of land situated on Willowdale Road, having approximately 4,785 square feet of land and shown on Assessors Map 33, Block 10A, Lot 0, and also on a plan of land entitled, "Plan of Land surveyed for Charles A. Sherburne in Tyngsboro, Mass., March 1901" recorded in the Middlesex North Registry of Deeds, Plan Book 17, Plan 15, such land having been determined to be no longer needed for any municipal purposes, upon such terms and conditions as shall be determined by the Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 23. To see if the Town will vote to amend the Town By-Laws by deleting Article IX in its entirety and amending it to read:

Section 1. No street shall be laid out or accepted by the Town which has been created and/or constructed after January 1, 1952, unless approved and constructed in accordance with the Subdivision Control Law and the regulations of the Planning Board and laid out by the Board of Selectmen and accepted by the Town in accordance with the provisions of M.G.L. c. 82, §§ 21 through 24.

or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 24. To see if the Town will accept the layout of certain Town ways below described, made by the Board of Selectmen under the provisions of M.G.L. c. 79, § 21 through 24, and any other enabling statute, filed in the Office of the Town Clerk with the plans there mentioned and are referred to for more particular description, and raise and appropriate any money that may be necessary, and determine how such money shall be expended for the payment of any damages, if any, and the layouts being substantially as follows:

1. Ashford Drive shown on The Pines Subdivision, Tyngsborough, MA, As-Built Plan and Profile of Ashford Drive (Formerly Hemlock Dr.), dated October 6, 1994 prepared for Dracco Homes, Inc., by Village Surveying, recorded at the Middlesex North District Registry of Deeds in Plan Book 194, Plan No. 108. The layout of a Town way substantially in the location of a private way known as Ashford Drive.
2. Belfair Lane shown on plan titled Definitive Subdivision, Plan of Land, Granite Hill Estates, Tyngsborough, MA, dated May 14, 1998, prepared for Granite Hill Estates, LLC, by LandTech Consultants, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 198, Plan No. 57. The layout of a Town way substantially in the location of a private way known as Belfair Lane.
3. Bridle Path Way shown on plan titled Subdivision Plan of Land of Stonehedge Farm at Tyngsborough, MA, dated July 23, 1979, prepared for Gilbert G. Campbell, by Dana F. Perkins and Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 130, Plan No. 12. The layout of a Town way substantially in the location of a private way known as Bridle Path Way.
4. Brookview Circle shown on plan titled Plan of Land, Brookview Estates in Tyngsborough, MA, dated June 22, 1995, revised September 24, 1995, prepared for Applewood Construction Corp., by Marchionda & Assoc., LP, recorded at the Middlesex North District Registry of Deeds in Plan Book 190, Plan No. 55. The layout of a Town way substantially in the location of a private way known as Brookview Circle.
5. Chandler Road shown on plan titled Definitive Subdivision, Plan of Land, Tyler Estates, Tyngsborough, MA, dated October 21, 1996, revised December 2, 1997, prepared for Greystone Estates, Inc. c/o Fletcher Granite Quarry, by LandTech Consultants, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 197, Plan No. 39. The layout of a Town way substantially in the location of a private way known as Chandler Road.
6. Chard Road shown on plan titled Definitive Subdivision, Plan of Land, Country Estates, Tyngsborough, MA, dated July 16, 1987, revised November 3, 1987, prepared for J-Mor Development, Inc., prepared by Howe Surveying Assoc. Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 162, Plan No 137. The layout of a Town way substantially in the location of a private way known as Chard Road.

7. Chelsea Way shown on plan titled Kelsey Estates, "Definitive Plan", Chelsea Way, Tyngsboro, MA, dated May 3, 1989, revised June 10, 1993, prepared for A&M Development Corp., by H-Star Engineering, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 182, Plan No. 67. The layout of a Town way substantially in the location of a private way known as Chelsea Way.
8. Connell Drive Extension shown on plan titled Definitive Subdivision Plan, Homestead Estates, Connell Drive, Tyngsborough, MA, dated August 1, 1995 revised October 18, 1995, prepared for Connell Construction, Inc., by Cuoco & Cormier Engineering, Assoc., Inc. recorded at the Middlesex North District Registry of Deeds in Plan Book 189, Plan No. 139. The layout of a Town way substantially in the location of a private way known as Connell Drive Extension.
9. Daisy Lane shown on plan titled Record Plan, Bridge Meadow Acres in Tyngsborough, MA, dated March 1993, revised April 2, 1993, prepared for Bridge Meadow Development, by Marchionda & Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 182, Plan No. 20. The layout of a Town way substantially in the location of a private way known as Daisy Lane.
10. Dane Circle shown on plan titled Definitive Subdivision Homestead Estates, Dane Circle, dated August 1, 1995, revised October 18, 1995, prepared for Connell Construction, Inc., by Cuoco & Cormier Engineering Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 189, Plan No. 139. The layout of a Town way substantially in the location of a private way known as Dane Circle.
11. Demauro Drive shown on plan titled Definitive Subdivision, Plan of Land Willowdale Road, Tyngsborough, MA, dated June 30, 1986, revised September 18, 1986, prepared for Nicholas & Deborah Demauro, by Howe Surveying Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 157, Plan No.67. The layout of a Town way substantially in the location of a private way known as Demauro Drive.
12. Descheneaux Lane shown on plan titled Subdivision Plan of Land in Tyngsborough, MA. dated August 1987, prepared for Dennis Descheneaux, by Armand E. Provost, Jr., Surveyors, recorded at the Middlesex North District Registry of Deeds in Plan Book 148, Plan No. 155. The layout of a Town way substantially in the location of a private way known as Descheneaux Lane.
13. Diamond Street shown on plan titled Definitive Subdivision Plan, Park Place, Tyngsborough, MA, dated November 25, 1997, revised January 28, 1998, prepared for Applewood Construction, by Diversified Civil Engineering, recorded at the Middlesex North District Registry of Deeds in Plan Book 196, Plan No. 74. The layout of a Town way substantially in the location of a private way known as Diamond Street.
14. Emerald Street shown on plan titled Definitive Subdivision Plan, Park Place, Tyngsborough, MA, dated November 25, 1997, revised January 28, 1998, prepared for Applewood Construction, by Diversified Civil Engineering, recorded at the Middlesex North District Registry of Deeds in Plan Book 196, Plan No. 74. The layout of a Town way substantially in the location of a private way known as Emerald Street.

15. Florence Way shown on plan titled Florence Way, "Definitive Plan", Chard Road, Tyngsborough, MA, dated July 15, 1990, revised January 7, 1991, prepared for Earth Realty, by H-Star Engineering, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 176, Plan No. 47. The layout of a Town way substantially in the location of a private way known as Florence Way.
16. Independence Drive shown on plan titled Mount Royal Estates, Subdivision, Plan of Land in Tyngsborough, MA, dated January 14, 1980, prepared for Draco Homes, Inc., by Gabor Szava-Kovats, recorded at the Middlesex North District Registry of Deeds in Plan Book 133, Plan No. 7. The layout of a Town way substantially in the location of a private way known as Independence Drive.
17. Jamie Way shown on plan titled Definitive Subdivision Plan, Swan Pond Estates, dated July 20, 1995, prepared for A. M. Development, by Meisner Brem Corp., recorded at the Middlesex North District Registry of Deeds in Plan Book 189, Plan No. 148. The layout of a Town way substantially in the location of a private way known as Jamie Way.
18. Jasper Lane shown on plan titled Definitive Subdivision, Plan of Land, "Perham Woods", Tyngsboro MA, dated January 27, 1989 revised March 29, 1989, prepared for Richard N. Singleton, by Richard F. Kaminski & Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 169, Plan No. 12. The layout of a Town way substantially in the location of a private way known as Jasper Lane.
19. Kristin Way shown on plan titled Donna Estates, "Definitive Plan", Kristin Way Tyngsboro, MA, dated May 5, 1992, revised September 8, 1992, prepared for David MacDonald, by H-Star Engineering, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 180, Plan No. 30. The layout of a Town way substantially in the location of a private way known as Kristin Way.
20. Laurel shown on plan titled Record Plan, Bridge Meadow Acres in Tyngsborough, MA, dated March 1993, revised April 2, 1993, prepared for Bridge Meadow Development, by Marchionda & Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 182, Plan No. 20. The layout of a Town way substantially in the location of a private way known as Laurel Lane.
21. Liberty Lane shown on plan titled Definitive Subdivision, Plan of Land, Willowdale Road, Tyngsborough, MA, dated June 30, 1986, revised September 18, 1986, prepared for Nicholas & Deborah Demauro, by Howe Surveying Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 157, Plan No.67. The layout of a Town way substantially in the location of a private way known as Liberty Lane.
22. Mackey Drive shown on plan titled Definitive Subdivision Plan of James Estates, Plan of Lots, Mackey Drive, Tyngsboro, MA, dated April 10, 1994, revised July 29, 1994, prepared for Mackey Construction, Co., by Lakeview Engineering (A division of the Engineering Design Group, Enterprises), recorded at the Middlesex North District Registry of Deeds in Plan Book 187, Plan No. 109. The layout of a Town way substantially in the location of a private way known as Mackey Drive.

23. Mayflower Way shown on plan titled Definitive Subdivision Plan, Olde Colony Hills, Scribner Hill Road, Tyngsborough, MA, dated February 14, 1990, revised May 4, 1990, prepared for Connell Construction, by Cuoco & Cormier, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 173, Plan No. 50. The layout of a Town way substantially in the location of a private way known as Mayflower Way.
24. Michigan Road shown on plan titled Scribner Hill Estates, Definitive Subdivision, Plan of Land in Tyngsborough, MA, dated July 6, 1983, prepared for Winter Hill Development Corp., by Village Engineering & Surveying, recorded at the Middlesex North District Registry of Deeds in Plan Book 144, Plan No. 38. The layout of a Town way substantially in the location of a private way known as Michigan Road.
25. Minuteman Drive shown on plan titled Definitive Subdivision Plan, Olde Colony Hills, Scribner Hill Road, Tyngsborough, MA, dated February 14, 1990, revised May 4, 1990, prepared for Connell Construction, by Cuoco & Cormier, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 173, Plan No. 50. The layout of a Town way substantially in the location of a private way known as Minuteman Drive.
26. Montana Drive shown on plan titled Massapoag Estates, "Definitive", Plan of Land in Tyngsborough, MA, dated May 1987, prepared for Gibraltar Development, Corp., by Campbell Luger Land Surveyors & Assoc. Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 180, Plan No. 35. The layout of a Town way substantially in the location of a private way known as Montana Drive.
27. Nevada Road shown on plan titled Scribner Hill Estates, Definitive Subdivision, Plan of Land in Tyngsborough, MA, dated July 6, 1983, prepared for Winter Hill Development Corp., by Village Engineering & Surveying, recorded at the Middlesex North District Registry of Deeds in Plan Book 144, Plan No. 38. The layout of a Town way substantially in the location of a private way known as Nevada Road.
28. Old Hickory Road shown on plan titled Plan of Land, Hickory Hill Estates in Tyngsborough, MA, dated October 25, 1996, prepared for Applewood Construction Corp., by Marchionda & Associates, LP, recorded at the Middlesex North District Registry of Deeds in Plan Book 193, Plan No. 12. The layout of a Town way substantially in the location of a private way known as Old Hickory Road.
29. Old Stonehill Road shown on plan titled Definitive Subdivision Plan, Swan Pond Estates, Tyngsborough, MA, dated July 20, 1995, prepared for A. M. Development, by Meisner Brem Corp., recorded at the Middlesex North District Registry of Deeds in Plan Book 189, Plan No. 148. The layout of a Town way substantially in the location of a private way known as Old Stonehill Road.
30. Pilgrim Circle shown on plan titled Definitive Subdivision Plan, Olde Colony Hills, Scribner Hill Road, Tyngsborough, MA, dated February 14, 1990, revised May 4, 1990, prepared for Connell Construction, by Cuoco & Cormier, Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 173,

- Plan No. 50. The layout of a Town way substantially in the location of a private way known as Pilgrim Circle.
31. Ridge Road shown on plan titled Mount Royal Estates, Subdivision, Plan of Land in Tyngsborough, MA, dated January 14, 1980, prepared for Draco Homes, Inc., by Gabor Szava-Kovats, recorded at the Middlesex North District Registry of Deeds in Plan Book 133, Plan No. 7. The layout of a Town way substantially in the location of a private way known as Ridge Road.
 32. Sleepy Hollow Lane, shown on plan titled As-Built Plan in Tyngsborough MA, dated May 10, 2007, prepared for Applewood Construction, prepared by Land Engineering & Environmental Services, Inc.. The layout of a Town way substantially in the location of a private way known as Sleepy Hollow Lane.
 33. Strawberry Hill Lane shown on plan titled Plan of Land, Strawberry Hill Estates, Tyngsborough, MA, dated August 24, 1999, prepared for TBG Development Corp., by Howe Surveying Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 201, Plan No. 68. The layout of a Town way substantially in the location of a private way known as Strawberry Hill Lane.
 34. Sunset Way shown on plan titled Plan of Land, Sunset Way, Tyngsborough, MA, dated June 1, 1999, revised August 5, 1999, prepared for Wickens Contracting, by Howe Surveying Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 201, Plan No. 120. The layout of a Town way substantially in the location of a private way known as Sunset Way.
 35. Trinity Drive shown on plan titled Mount Royal Estates, Subdivision, Plan of Land in Tyngsborough, MA, dated January 14, 1980, prepared for Draco Homes, Inc., by Gabor Szava-Kovats, recorded at the Middlesex North District Registry of Deeds in Plan Book 133, Plan No. 7. The layout of a Town way substantially in the location of a private way known as Trinity Drive.
 36. Vermont Road shown on plan titled Scribner Hill Estates, Definitive Subdivision, Plan of Land in Tyngsborough, MA, dated July 6, 1983, prepared for Winter Hill Development Corp., by Village Engineering & Surveying, recorded at the Middlesex North District Registry of Deeds in Plan Book 144, Plan No. 38. The layout of a Town way substantially in the location of a private way known as Vermont Road.
 37. Violet Lane shown on plan titled Record Plan, Bridge Meadow Acres in Tyngsborough, MA, dated March 1993, revised April 2, 1993, prepared for Bridge Meadow Development, by Marchionda & Assoc., Inc., recorded at the Middlesex North District Registry of Deeds in Plan Book 182, Plan No. 20. The layout of a Town way substantially in the location of a private way known as Violet Lane.
 38. Waterway Place shown on plan titled Definitive Subdivision Plan, "Waterway Place", Plan of Land in Tyngsborough, MA, dated July 1, 1994, prepared for Rural Concern Development, by William G. Troy & Associates, recorded at the Middlesex North District Registry of Deeds in Plan Book 192, Plan No. 5. The layout of a Town way substantially in the location of a private way known as Waterway Place.

39. Wintergreen Drive shown on plan titled The Pines, Subdivision, Plan of Land in Tyngsborough, MA, dated September 12, 1983, prepared for Draco Homes, Inc., by Ross Engineering Co., recorded at the Middlesex North District Registry of Deeds in Plan Book 146, Plan No.33. The layout of a Town way substantially in the location of a private way known as Wintergreen Drive.

or take any other action relative thereto.

Submitted by: Planning Board and Board of Selectmen

Article 25. To see if the Town will vote to amend Section 2.11.44 of the Town of Tyngsborough Zoning Bylaws by adding the phrase which is underlined; or take any other action relative thereto.

2.11.44 Business Uses

Personal Service Facility - Establishments providing services involving the care of a person or his or her apparel such as a barber shop, laundry or dry cleaning shop, diaper service, shoe repair shop, steam baths, reducing salons and health clubs, **pet grooming**, and clothing rental shop.

Submitted by: Planning Board

Article 26. To see if the Town will vote to amend Section 2.11.50 of the Town of Tyngsborough Zoning Bylaws by deleting the phrase which is lined out and by adding the sentence which is underlined; or take any other action relative thereto.

2.11.50 Accessory Use Regulations – Accessory uses shall be permitted in all districts on the same lot with the principal use subject to the following provisions:

Utility/Storage sheds shall be an accessory use to all single and two family dwellings when said structure is 120 square feet or less (approximately 10ft x 12ft). Such structures shall require a setback of thirty (30) feet from front lot line and not less than ~~ten (10)~~ **five (5)** feet from side and rear lot lines. Utility/storage sheds larger than 120 square feet shall comply with the setback requirements of Section 2.12.50. Utility and storage sheds shall be used only to store household and garden equipment customarily used for dwellings.

Above Ground Swimming Pools shall be an accessory use to all single and two family dwellings and require a setback of thirty (30) feet from front lot line and not less than ten (10) feet from side and rear lot lines. In-ground pools shall continue to adhere to the dimensional requirements of Section 2.12.50.

Submitted by: Planning Board

Article 27. To see if the Town will vote to amend Section 2.15.23 of the Town of Tyngsborough Zoning Bylaws by deleting the phrases which are lined out and by adding the phrases which are underlined; or take any other action relative thereto.

2.15.23 **Restoration** - Restoration of a nonconforming structure, damaged by fire, flood or other casualty or by vandalism, may be made without conformance to the provisions of this By-law or any amendment hereto, provided that such restoration shall have commenced within six months of the date the damage was sustained and that such restoration continue through to completion as continuously and expeditiously as is reasonable, provided that if the cost of such restoration shall exceed 50% of the fair market value of the structure immediately prior to such damage, as determined by the Building Inspector, such restoration shall only proceed if authorized by special permit **by the Zoning Board of Appeals** and if the ~~Planning Board~~ **Zoning Board of Appeals** shall find that the restoration of the structure would not:

1. Substantially impinge upon any public right of way that adjoins the lot on which the structure is to be constructed;
2. Create a danger to public safety by reason of traffic access, flow and circulation; and
3. Be out of character with the traditional settlement and construction patterns of the area in which it is to be reconstructed.

Submitted by: Planning Board

Article 28. To see if the Town will vote to amend Section 4.11.30 of the Town of Tynngsborough Zoning Bylaws by deleting the phrases which are lined out and by adding the phrases which are underlined; or take any other action relative thereto.

4.11.30 Decision Criteria

A special permit for a Major Industrial Complex shall be approved only upon determination by the Special Permit Granting Authority that the requirements of section 1.16.00 Special Permits including section 1.16.14 Mandatory Findings of Special Permit Granting Authority and the following additional criteria:

1. The proposed plan is consistent with any submittals made under section ~~4.20.20~~ 4.11.20 and ~~4.20.21~~ 4.11.21, or In the event of inconsistency, satisfactory explanation ~~has been made~~ shall be submitted showing why the departure is necessitated by changed conditions or earlier error, and that the departure does not reduce compliance with the objectives for the Major Industrial Complexes specified in section ~~4.20.10~~ 4.11.10.
2. The Complex shall be so designed and located that annual average daily traffic is not increased 25 %, or more, above current levels at any point more than 1,000 feet from the site, with current levels being as determined by the Tynngsborough Planning Board; and shall be so located that resultant traffic is not above the capacity of roads and intersections at level of service "C" at any point within one

mile of the premises, using definitions and methods of estimation as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209 or later editions.

3. Site design and storm water facilities shall be so designed that in a twenty-five year storm the peak storm water flows leaving the premises will not be increased ~~more than 10%~~ above current flows or cause design capacity of receiving structures or channel capacity of receiving streams to be exceeded.

Submitted by: Planning Board

Article 29. To see if the Town will vote to amend Section 4.15.30 of the Town of Tyngsborough Zoning Bylaws by deleting the number which is lined out and by adding the number which is underlined; or take any other action relative thereto.

4.15.30 **Decision Criteria** - A special permit for temporary independent living quarters shall be approved only upon a determination by the Special Permit Granting Authority that the requirements of Section 1.16.00 Special Permits including 1.16.14 Mandatory Finding of Special Permit Granting Authority and the following additional criteria have been met:

2. That the total square foot areas of the proposed temporary independent living quarters shall not exceed ~~700~~ 1,200 square feet of living space.

Submitted by: Planning Board

Article 30. To see if the Town of Tyngsborough will vote to amend its Zoning Bylaw by adding a new Section 5.00.00 entitled, Interim Restriction/Moratorium for Medical Marijuana Treatment Centers as follows:

5.00.00 **INTERIM RESTRICTION/ MORATORIUM FOR MEDICAL MARIJUANA TREATMENT CENTERS**

5.10.00 Purpose. At the November 6, 2012 state election, the voters of the Commonwealth approved legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes, which legislation became effective on January 1, 2013. The legislation requires the state Department of Public Health to issue regulations regarding implementation of the legislation by May 1, 2013 which are expected to provide guidance in regulating medical marijuana, including medical marijuana treatment centers. As the regulation of medical marijuana raises novel and complex legal and planning issues, the Town requires adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions should such facilities be located in the Town of

Tyngsborough. Therefore, the Town adopts this temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers in order to allow the Town sufficient time to engage in a planning process to address the potential impacts on adjacent uses and on general public health, safety and welfare, and to develop and enact zoning bylaws and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures, and in a manner consistent with sound land use planning goals and objectives.

- 5.20.00 Definition.** A “Medical Marijuana Treatment Center” as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health.
- 5.30.00. Exclusion of Other Marijuana Uses.** Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly licensed and registered by the Massachusetts Department of Public Health, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.
- 5.40.00 Exclusion of Accessory Uses.** In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.
- 5.50.00 Interim Restriction/Moratorium.** Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the Town of Tyngsborough so long as this section remains in effect, as set forth below. Use variances are strictly prohibited. During this moratorium period, the Town will undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and enact zoning bylaws or other regulations to address the impact and operation of medical marijuana treatment centers and their related uses.
- 5.60.00 Expiration.** This section shall be effective for a period of twelve (12) months beginning at the date of the publication of the Planning Board’s public hearing for this zoning amendment or until such future time that the Town Meeting enacts superseding zoning bylaws that set forth the allowed zoning districts, dimensional, parking and other requirements

applicable to medical marijuana treatment centers and their related uses, whichever occurs first.

5.70.00 Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Tyngsborough Zoning Bylaw.

or take any other action relative thereto.

Submitted by: Planning Board and Board of Selectmen

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No.1, Flint's Convenient Store, Lakeview Avenue Community Center, Lakeview Avenue Fire Station No.2, in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

Given under our hands and seals this 13^h day of May, in the year two thousand thirteen.

Board of Selectmen

Richard Beaubien
Colin J. Lambert
Al D.

Pursuant to the foregoing Warrant, I have notified and warned the inhabitants of the Town of Tyngsborough by posting attested copies of same at the Town Hall, Kendall Road Fire Station No. 1, Flint's Convenience Store, Lakeview Avenue Community Center, and Lakeview Avenue Fire Station No. 2, and at least seven (7) days before the date thereof, as within directed.

~~John R. Pelletier~~

Constable *John R. Pelletier*

5/14/13
Date

4:30
Time