



**BOARD OF SELECTMEN  
TOWN OF TEWKSBURY  
TOWN HALL, 1009 MAIN STREET  
TEWKSBURY, MASSACHUSETTS 01876**

JAY KELLY, CHAIRMAN  
JAYNE E. WELLMAN, VICE CHAIRMAN  
JAMES F. MACKEY, III, CLERK  
TODD R. JOHNSON, ESQ.  
ANNE MARIE STRONACH

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**January 25, 2022 – Meeting Minutes**

The regular meeting was called to order by Mr. Jay Kelly, Chair at approximately 7:00 p.m. Also participating in the meeting were Ms. Jayne E. Wellman, Vice Chair; Mr. James F. Mackey, III, and Ms. Anne Marie Stronach, Board Member.

Not Present: Mr. Todd Johnson, Esq. - Excused

Also present was Mr. Richard Montuori, Town Manager

**SCHEDULED ITEMS**

There were no scheduled items to discuss.

**RESIDENT COMMENTS**

There were no comments made.

**NEW BUSINESS**

**1. MBTA Community Multi-family Housing Requirement**

Mr. Steve Sadwick, Assistant Town Manager, addressed the Board and said in February 2021, the Governor had signed the Act of Enabling Partnerships for Growth and that Bill had 113 sections with five addressing zoning. He said \$626 million was authorized for economic development and housing spending. He added that Tewksbury was earmarked for \$150,000 in economic development.

Mr. Sadwick said the three sections that were of the most concern was as follows:

- Changes to housing zoning amendments had to pass by a simple majority at Town Meeting.
- Changing the voting requirements for a special permit for housing that went from a supermajority to a simple majority vote at Town Meeting.
- Section 18 – MBTA Communities

Ms. Alexandra Lowder, the Community/Economic Development Planner, addressed the Board and said an MBTA Community consisted of a city or town in the State of Massachusetts that had MBTA transit, train, bus, ferry, or other services. She said Tewksbury was an MBTA Community because it abutted Lowell, Wilmington, Andover, and Billerica.

Ms. Lowder explained the Bill required there to be one zoning district of reasonable size in which multi-family housing was permitted as a right without the need for discretionary approval. She also said the following were required to be an MBTA Adjacent Community:

- Minimum gross density of 15 units per acre.
- Cannot be located within a ½ mile from commuter rail stations, subway stations, ferries, terminals, or bus stations.
- There could not be any age restrictions and it must be suitable for families with children.
- It must be a district of a reasonable size comprised of at least 50 acres of total land with at least 25 of those acres being contiguous and no portion shall be smaller than 5 acres.

Ms. Lowder said an action plan had to be put in place no later than 2023 to demonstrate they could initiate the zoning. She said the zoning amendments had to be adopted no later than December 31, 2024. She said for Tewksbury to remain in temporary compliance they had to submit a complete request for determination meaning they believed they already met the zoning requirements or let them know that there was no existing zoning that would meet compliance by the end of the current year and show that they had a clear plan.

Ms. Lowder commented that there were some consequences to keep in mind, one was that they could potentially lose out on a lot of grant money, and they would no longer be eligible for the Housing Choice Initiative, local capital projects fund, or MassWorks Infrastructure Programs. She added, however, that there were probably more implications that they were not aware of yet.

Board Member Mackey questioned what the upside was for Tewksbury if any.

Board Member Stronach said she would like to have more discussion on more “possible implications” when they were identified. She asked how much grant money they would be leaving on the table. Mr. Sadwick replied they currently were working on a sidewalk project on Rte. 38 under the Housing Choice Grant that was approximately \$200,000.

Board Member Wellman commented that her understanding was that because they were an adjacent community, they had to be at 10% of housing stock. She pointed out that if they were already at 10% of their 40B affordable housing it did not count towards the MBTA Housing’s 10%.

Board Member Wellman also pointed out that they were not talking about “affordable” housing but only “multi-family” housing. She asked if there were any way to ensure that affordable housing would be a part of it. Mr. Sadwick replied that would be something they would look at while developing the plan.

Chair Kelly suggested that Mr. Sadwick also have a conversation with the Planning Board. He said he was not a huge fan of the proposed project.

Board Member Mackey asked who provided the guidance. Mr. Sadwick replied it was the Executive Office of Housing and Economic Development and it was in draft form.

Ms. Lowder said the deadlines may get pushed out depending on the feedback that all the communities gave.

Chair Kelly said the item would be discussed further on a future agenda.

2. 319, 321, 323 Marston Street Limiting Discharge of Dredged and Fill Material Restriction

Mr. Sadwick said the applicant had chosen to grant a restriction to the town which was an acceptable alternative to the 401 Water Quality Certification under the Water Quality Certification Regulations established in CMR 9.00.

Mr. Sadwick said the Select Board would limit the discharge of dredge and fill material to 400 square feet in accordance with the Order of Conditions issued by the Conservation Commission. He noted the Conservation Commission had approved the Order of Conditions.

**MOTION:** Board Member Mackey made a motion to approve the restriction pending the Conservation Commission's approval. Board Member Stronach seconded the motion.

**MOTION CARRIED 4 – 0 – 0.**

3. Massachusetts Alcoholic Beverages Control Commission Grants Tewksbury Additional Alcohol Licenses (ABCC)

Mr. Montuori said the town had been informed by the ABCC that due to the federal census there was an increase in the number of alcohol licenses in the community. He said the Restaurant/All Alcoholic went from 30 to 33 licenses, the Restaurant/Wine & Malt went from 6 to 7, the All-Alcoholic Retail Package went from 6 to 7, and the Wine & Malt Retail Package went from 6 to 7.

Mr. Montuori said the increase was in addition to the special legislation that the Board sent to the delegation and passed that added 5 additional Restaurant/All Alcoholic licenses to the community as well as 2 Beer and Wine Restaurant licenses. He said those special legislation licenses had to be used by February of 2024.

**TOWN MANAGER**

1. Town Counsel Invoice:

- December 15, 2021 – December 31, 2021: \$3,187.50

**MOTION:** Board Member Stronach made a motion to approve Town Counsel's Invoice for the period of December 16, 2021 – December 31, 2021, in the amount of \$3,187.50. Board Member Mackey seconded the motion.

**MOTION CARRIED 4 – 0 – 0.**

Mr. Montuori said a notice had been sent out to residents regarding the THM levels in the water and said they had to send out the notice because the water was above the maximum contamination limit within a 12-month cycle. He said until they got past the 12 months, they had to continue to send out the notice, however, he pointed out that the THM levels were going down, and they were **under** the maximum contamination level.

## **MINUTES**

There were no minutes to review.

### **Board Member Reports**

#### **Board Member Mackey**

- The website was ready to go and would go live soon with more information to follow.
- The open forum regarding the zoning bylaw had less attendance than previous meetings and noted after having many discussions, phone calls, and emails, he felt the fact that the feedback was “dying down” was a good thing because most questions were addressed and/or answered.

#### **Board Member Stronach**

- The Elementary School Building Committee met on January 13<sup>th</sup> and there was a lot of positive activity going on. There was a school staff walk-through of the building. The next milestone discussed was the removal of the Center School which would occur the following summer.

#### **Board Member Wellman**

- Thanked all involved who set up the walk-through at the DPW facility. She noted the facility was very worn as it was so old.
- NMCOG (Northern Middlesex Council of Governments) – Justin Howard was appointed as Assistant Director. There was an Executive Director search and the person they hired resigned after four days, so they needed to start another search.
- Rte. 38 construction slated to begin in April 2022. She noted the construction would be somewhat disruptive and requested that the DOT do a robust public outreach program so the residents were well-informed of the schedule and the impacts.
- The DEI (Tewksbury Diversity, Equity & Inclusion Advisory Committee) survey had been approved in draft form and the next step would be to load it into Survey Monkey in a preview form and would then be available for feedback.

#### **Chair Kelly**

- The Reuse Committee would meet the following week and would update the Board at the next meeting.

## **ADJOURNMENT**

**MOTION: At approximately 7:55 p.m. Board Member Mackey made a motion to adjourn. Board Member Wellman seconded the motion.**

**MOTION CARRIED 4 – 0 – 0.**

**Approved by the Board of Selectmen on September 13, 2022**

**Documents Presented and/or Discussed:**

- MBTA Community Multi-Family Housing Requirement
- 319, 321, 323 Marston Street Limiting Discharge of Dredged and Fill Material Restriction
- Massachusetts Alcoholic Beverages Control Commission Grants  
Tewksbury Additional Alcohol Licenses.
- Town Counsel Invoice: December 16, 2021 – December 31, 2021

Next Selectmen Meeting Date: February 15, 2022

Trish Gedziun  
Recording Secretary