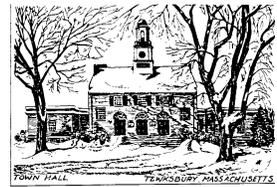




Town of Tewksbury

TOWN HALL
1009 MAIN ST
TEWKSBURY, MASSACHUSETTS 01876



OFFICE OF TOWN CLERK

DENISE GRAFFEO, CMC/CMMC
TOWN CLERK

Phone: 978-640-4355

Fax: 978-851-8610

dgraffeo@teWKsbury-ma.gov

Tewksbury Memorial High School
320 Pleasant Street
Special Town Meeting
October 5, 2021

Town Clerk, Denise Graffeo called to order the October 5, 2021 Special Town Meeting at 7:00 PM given that a quorum of voters was present and a properly served and returned warrant was in possession. Due to Moderator Todd Johnson's election to the Board of Selectmen, the Moderator position became vacant. The first order of business was the election of a Temporary Moderator. Jay Kelly, Chairman of the Board of Selectmen, nominated Scott Wilson as Temporary Moderator for the October 5, 2021 Special Town Meeting. This nomination was seconded by Selectman Todd Johnson and confirmed by a vote of the Assembly. Scott Wilson was sworn in as Temporary Moderator by Ms. Graffeo.

On Tuesday, October 5, 2021, there were 190 voters and 15 visitors in attendance.

Moderator Wilson made the following introductory comments: *My name is Scott Wilson and I am honored to serve in the role of moderator for tonight's town meeting. These are still unusual times due to the pandemic, but we will do our best to make this Town Meeting a familiar experience.*

- *Please social distance*
- *If you're unable to social distance wear your mask/facial covering*
- *Follow entry and exit signs*

Take note of the exits at the front and the back of the gym. Restrooms are located in the rear.

As we begin our meeting, I hope that we are able to conduct the meeting professionally. Speakers may disagree with any official, with any other voter, volunteer, or any board. As long as we treat each other respectfully this meeting should go smoothly. Residents refusing to conduct themselves in a manner befitting this body will be asked to cede the floor, and potentially be escorted from the meeting in egregious cases. Let's work together to address the issues before this body fairly and efficiently.

This meeting is being recorded.

As we move through the articles, presenters on the articles will be allowed to speak first on the article before I open the floor to debate. A voter desiring to speak should approach the microphone before me, await recognition by me, and identify oneself by name and street address for the record. I ask members of all boards to do the same. Each speaker is allowed up to five minutes to speak on an article. Please speak clearly into the microphone so the body can hear you. I will let you know when you have 30 seconds left on your time by tapping the podium. When you hear tapping, it is your signal to wrap up your remarks.

Please be sure your voter ribbon is showing so that counters can see it when we take standing counts. Visitors wearing red ribbons are not allowed to vote and should be seated in the visitor's section of the bleachers.

To honor our Nation and our flag, Moderator Wilson led the Assembly in the Pledge of Allegiance.

The Moderator introduced the Chairman of the Finance Committee, Rob Kocsmiersky. Mr. Kocsmiersky will make the first motion on every Article unless the Finance Committee is deferring to another board. Mr. Kocsmiersky motioned to Waive the Reading of the Warrant Articles and this motion was Adopted 7:04 PM 10/5/21

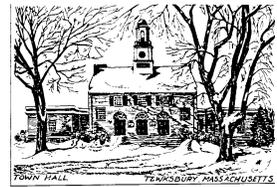
Finance Committee Chairman, Robert Kocsmiersky motioned to admit Assistant Town Manager Steve Sadwick, Fire Chief Joseph Kearns, Superintendent of Schools Chris Malone, School Business Manager Dave Libby, DPW Director Brian Gilbert, Town Engineer Kevin Hardiman, Town Counsel Kevin Feeley and other non-resident employees to speak to answer residential questions, and this motion was Adopted Unanimously 7:06 PM 10/5/21

Finance Committee Chairman, Rob Kocsmiersky, motioned to Adjourn the October 5, 2021 Special Town Meeting and this motion was Adopted. 8:31 PM 10/5/21



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APPROPRIATION CERTIFICATE – SPECIAL TOWN MEETING – OCTOBER 5, 2021

Chief Assessor, Finance Director, Treasurer, Collector, Town Manager, Board of Selectmen, and Finance Committee: Pursuant to Section 15A, Chapter 41, Massachusetts General Laws, I hereby certify to the funds appropriated at the Special Town Meeting, convened by proper Warrant, on October 5, 2021.

ARTICLE	RAISE & APPROPRIATE	TRANSFER FROM FREE CASH	WATER ENTERPRISE RETAINED	CPA UNDESIGNATED RESERVE	
1	FY22 DEPARTMENTAL BUDGETS 820,579.00				
2	OUTSTANDING FY22 BILLS 3,795.71				
3	ONE TIME CAPITAL EXPENDITURES	180,168.00			
4	ASTLE STREET WATER TANK IMPROVEMENTS		150,000.00		
5	STABILIZATION FUND	3,940,314.00			
6	LIVINGSTON STREET FIELD DRAINAGE IMPROVEMENTS			110,000.00	
TOTALS		824,374.71	4,120,482.00	150,000.00	110,000.00

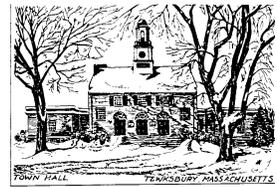
Raise & Appropriate **\$824,374.71**
Transfer From Free Cash **\$4,120,482.00**
Water Enterprise Retained Earnings **\$150,000.00**
CPA Undesignated Reserve **\$110,000.00**

ATTEST: DENISE GRAFFEO
TOWN CLERK



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ARTICLE 1

To see if the Town will vote to raise and appropriate funds into the Following FY2022 Departmental Budgets; or take any action related thereto:

Treasurer Collector Professional Services	1011452-5310	\$	10,000
Computer Services Full Time Salaries	1011361-5111	\$	45,000
Computer Services Professional Services	1011362-5310	\$	30,000
Treasurer Unclassified Interest Maturing Debt	1127512-5915	\$	<u>735,579</u>
Total Surplus		\$	820,579

Town Manager

Motion: The Finance Committee motioned to Adopt; Raise and Appropriate \$820,579 for the purpose of the article

Vote: Article 1 was Adopted Unanimously 7:08 PM 10/5/21

Executive Summary: This article raises and appropriates funds to FY2022 Budgets. The additional funds are available since State and Local revenue will be higher than projected.

ARTICLE 2

To see if the Town will vote to raise and appropriate the sum of \$3,795.71 to pay for the following outstanding bills from the previous fiscal year; or take any other action relative thereto.

<u>Unpaid Invoice</u>		<u>Amount</u>
Billerica Police Department Details	\$	232.00
Priority Dispatch	\$	2,244.00
WB Mason	\$	704.71
Comcast	\$	<u>615.00</u>
Total	\$	3,795.71

Town Manager

Motion: The Finance Committee motioned to Adopt; Raise and Appropriate \$3,795.71 for the purpose of the article

Vote: Article 2 was Adopted Unanimously (9/10 required) 7:09 PM 10/5/21

Executive Summary: According to M.G.L. c. 44 § 64, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid.

ARTICLE 3

To see if the Town will vote to transfer from the certified General Fund Free Cash or the Stabilization Fund a sum of \$180,168 to be expended by the Town Manager to fund the following; or take any other action relative thereto

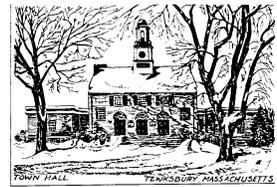
<u>Description</u>		<u>Amount</u>
Library Carpet	\$	65,000
Police Station Renovations	\$	43,790
Boiler Center Fire Station	\$	49,878
Deputy Fire Chief Assessment Center	\$	9,500
Fire Rescue Vehicle	\$	<u>12,000</u>
Total	\$	180,168

Town Manager



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Motion: Town Manager, Richard Montuori offered an Amendment to Article 3
The Finance Committee motioned to Adopt Article 3 as Amended; transfer \$180,168 from Free Cash for the purpose of the article

Vote: The Amendment was Adopted 7:16 PM 10/5/21
Article 3 was Adopted as Amended Unanimously 7:16 PM 10/5/21

AMENDMENT TO ARTICLE 3: (Deleted language shown with strikethrough and added in bold)

To see if the Town will vote to transfer from the certified General Fund Free Cash ~~or the Stabilization Fund~~ a sum of \$180,168 to be expended by the Town Manager to fund the following; or take any other action relative thereto

ARTICLE 3 AS AMENDED: To see if the Town will vote to transfer from the certified General Fund Free Cash a sum of \$180,168 to be expended by the Town Manager to fund the following; or take any other action relative thereto

<u>Description</u>	<u>Amount</u>
Library Carpet	\$ 65,000
Police Station Renovations	\$ 43,790
Boiler Center Fire Station	\$ 49,878
Deputy Fire Chief Assessment Center	\$ 9,500
Fire Rescue Vehicle	\$ 12,000
Total	\$ 180,168

Executive Summary: This article transfers funds from certified Fund Free Cash or the Stabilization Fund for specific one time capital expenditures. The plan is to use Free Cash if it is certified by the Massachusetts's Department of Revenue prior to Town Meeting, and if not the plan will be to use the Stabilization Fund.

ARTICLE 4

To see if the Town will vote to transfer \$150,000 from Water Enterprise Fund Retained Earnings to be expended by the Town Manager for engineering services for inspection, repairs, painting and other improvements to the Astle Street Water Tank; or take any action relative thereto.

Town Manager

Motion: The Finance Committee motioned to Adopt; transfer \$150,000 from Water Retained Earnings for the purpose of the article

Vote: Article 4 was Adopted Unanimously 7:17 PM 10/5/21

Executive Summary: This article allows the Town to utilize funds from Water Retained Earnings for Capital Improvements.

ARTICLE 5

To see if the Town will vote to transfer the sum of money from certified General Fund Free Cash to the Town Stabilization Fund; or take any other action relative thereto.

Town Manager

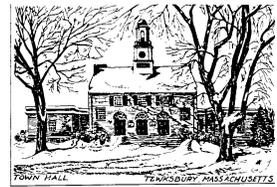
Motion: Town Manager, Richard Montuori offered an Amendment to Article 5
The Finance Committee motioned to Adopt Article 5 as Amended; transfer \$3,940,314 from Free Cash to the Stabilization Fund

Vote: The Amendment was Adopted 7:18 PM 10/5/21
Article 5 was Adopted as Amended Unanimously (2/3 required) 7:19 PM 10/5/21



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AMENDMENT TO ARTICLE 5: (Deleted language shown with strikethrough and added in bold)

To see if the Town will vote to transfer the sum of ~~money~~ **\$3,940,314** from certified General Fund Free Cash to the Town Stabilization Fund; or take any other action relative thereto.

ARTICLE 5 AS AMENDED: To see if the Town will vote to transfer \$3,940,314 from certified General Fund Free Cash to the Town Stabilization Fund; or take any other action relative thereto.

Executive Summary: This article seeks approval to set aside these funds in the Stabilization Fund to be used for future emergencies or one time purchases or projects.

ARTICLE 6

To see if the Town will vote to appropriate the sum of \$110,000 from the Community Preservation Fund Undesignated Reserve to be expended with the approval of the Town Manager for the purpose of drainage improvements at the State Field at Saunders Recreation Area on Livingston Street. Pursuant to M.G.L. c 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or take any other action relative thereto.

Community Preservation Committee

Motion: The Finance Committee motioned to Adopt; transfer \$110,000 from the Community Preservation Fund Undesignated Reserve for the purpose of the article

Vote: Article 6 was Adopted Unanimously 7:19 PM 10/5/21

Executive Summary: This article will fund drainage improvements at the State Field located at Saunders Recreation Area on Livingston Street.

ARTICLE 7

To see if the Town will vote to transfer to the Tewksbury Conservation Commission, to be held under the care, custody and control of the Conservation Commission for conservation purposes, for the promotion and development of natural resources, and for the protection of the watershed resources of the Town of Tewksbury, under the provisions of M.G.L. c. 40 §8C, as it may hereafter be amended and of Article XCVII (97) of the Articles of the amendments to Massachusetts Constitution, the following parcels of land

<u>Address</u>	<u>Assessors Map and Block</u>	<u>Parcel Acreage</u>	<u>Parcel Designation Use</u>
129 Fox Run Drive/Behind	21-118	3.2	Conservation
Catamount Road	65-96	23.66	Conservation
Patten Road/Behind	56-205	5.28	Conservation
Joanne Drive	56-229	0.49	Conservation
Joanne Drive	56-230	0.10	Conservation

And, further, to authorize the Board of Selectmen to petition each branch of the General Court to enact such laws as required by said Article XCVII (97), or take any other action relative thereto.

Town Manager

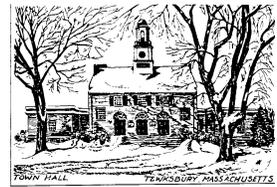
Moderator Wilson accepted the following Scrivener's Error and there were no objections.
(Deleted language shown with ~~strikethrough~~ and added with **bold**)

In the last sentence: enact such laws as required by said Article XCVII (97), or take any other action relative thereto.



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Motion: The Finance Committee motioned to Adopt

Vote: Article 7 was Adopted Unanimously (2/3 required) 7:21 PM 10/5/21

Executive Summary: The purpose is to place the parcels under the control of the Conservation Commission to promote and protect en perpetuity watershed resources, open space, and wildlife habitat.

ARTICLE 8

To see if the Town will vote to authorize the Board of Selectmen to grant an easement to National Grid and its successors and assigns for the purpose of placing and maintaining a pole and underground cables, wires and conduit with the necessary appurtenances which would provide for the electric transmission in, on and over a certain parcel of land to service the Solar Facility at the Sutton Brook Landfill site or take any other action relative thereto.

Town Manager

Moderator Wilson accepted the following Scrivener's Error and there were no objections.
(Deleted language shown with ~~strike through~~ and added with **bold**)

In the, Executive Summary: This article requests authorization of an easement for National Grid for new electric service to the ~~new Elementary School~~ **Sutton Brook Landfill**.

Motion: The Finance Committee motioned to Adopt

Vote: Article 8 was Adopted Unanimously (2/3 required) 7:22 PM 10/5/21

Executive Summary: This article requests authorization of an easement for National Grid for new electric service to the Sutton Brook Landfill.

ARTICLE 9

To see if the Town will vote to authorize the Board of Selectmen to sell all or a portion of the following parcels of land; or take any other action relative thereto.

<u>Address</u>	<u>Assessors Map and Block</u>	<u>Parcel Acreage</u>	<u>Parcel Square Footage</u>	<u>Current Assessed Value</u>
Birchwood Road	86-11	0.46	20,038	153,600
New York Road	81-183	0.62	27,007	39,400

Town Manager

Motion: The Finance Committee motioned to Adopt

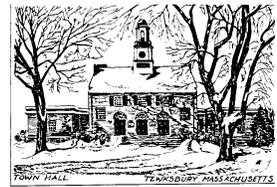
Vote: Article 9 was Adopted 127 Yes/23 No (2/3 required =100) 7:28 PM 10/5/21

Executive Summary: This article would allow for the sale of these parcels of land in accordance with the Town By-Law.



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ARTICLE 10

To see if the Town will vote to amend the Zoning Bylaw, Section 8300 with deletions shown as strikethroughs and additions underlined:

8300. GROUND WATER PROTECTION DISTRICT (including the SBDA Plume Area and the SBDA Buffer Zone districts)

8301. Purpose of District: The purpose of this Groundwater Protection District (including the SBDA Plume Area and the SBDA Buffer Zone districts) is to:

- a. promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Tewksbury;
- b. preserve and protect existing and potential sources of drinking water supplies;
- c. conserve the natural resources of the town; ~~and~~
- d. prevent temporary and permanent contamination of the environment; ~~;~~ and
- e. prohibit or limit certain groundwater activities or uses within the SBDA Plume Area and the SBDA Buffer Zone that may impair the protectiveness of the federal Selected Remedy for the Sutton Brook Disposal Area Superfund Site.

8302. Scope ~~Of~~ of Authority. The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/ uses in a portion of one of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

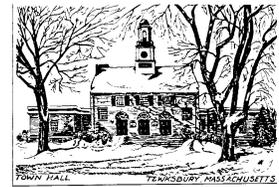
8303. Definitions. For the purposes of this section, the following terms are defined below:

- a. **AQUIFER:** Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.
- b. **GROUNDWATER PROTECTION DISTRICT:** The zoning district defined to overlay other zoning districts in the Town of Tewksbury. The groundwater protection district may include specifically designated recharge areas.
- c. **IMPERVIOUS SURFACE:** Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.
- d. **MINING:** The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.
- e. **POTENTIAL DRINKING WATER SOURCES:** Areas which could provide significant potable water in the future.
- f. **RECHARGE AREAS:** Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III.
- g. **SBDA BUFFER ZONE:** A zoning district defined to overlay other zoning districts in the Town of Tewksbury. The SBDA Buffer Zone may include specifically designated use restriction areas. It encompasses an area within five hundred feet of the outer boundary of the SBDA Plume Area, where activities may impact the effectiveness of the Selected Remedy.
- h. **SBDA PLUME AREA:** A zoning district defined to overlay other zoning districts in the Town of Tewksbury. The SBDA Plume Area may include specifically designated use restriction areas. It encompasses an area underlain by groundwater that has been shown to be contaminated by toxic or hazardous material at or from the Sutton Brook Disposal Area Superfund Site which pose a risk to human health and the environment.
- gi. **TOXIC OR HAZARDOUS MATERIAL:** Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water in the Town of Tewksbury. Toxic or



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hazardous materials include, without limitation; synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (M.G.L.) Chapter(c.) 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

j. SBDA (SUTTON BROOK DISPOSAL AREA) SUPERFUND SITE (SITE), RECORD OF DECISION (ROD) and SELECTED REMEDY: An approximately 100 acres of land off South Street on the eastern boundary of the Town of Tewksbury, Middlesex County, Massachusetts with a small portion of land in the Town of Wilmington known as the SBDA Superfund Site (the "Site"). The Site is subject to the United States Environmental Protection Agency's (EPA's) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Contingency Plan (NCP) (40 CFR Section 300). In a document entitled, "Record of Decision, Sutton Brook Disposal Area Superfund Site," dated September 27, 2007 (the "ROD"), on file at the EPA Region I Record Center located at Five Post Office Square, Boston, Massachusetts ("EPA Region I Record Center"), EPA, with the concurrence of MassDEP, selected one or more response actions (collectively, the "Selected Remedy") for the Site pursuant to CERCLA and the NCP. Due to the fact that hazardous substances, pollutants, or contaminants remain at or from the Site above levels that allow for unlimited use and unrestricted exposure (UU/UE), EPA requires the establishment of institutional controls to ensure the protectiveness of its Selected Remedy.

8310. Location.

a. The Groundwater Protection District shall be defined as all lands within the Town of Tewksbury that are delineated as Zone II on the map titled "Town of Tewksbury Zone II Delineation" and dated September, 2001, which map(s), as amended from time-to-time, shall be kept on file with the Town Clerk, the Planning Board, the Building Commissioner, the Board of Health, and the Town Engineer. Additionally, a section in the southeasterly part of Town as defined on the attached map shall be included in the Groundwater Protection District. Said map, revises the most recent Zoning Overlay District Map dated 3/25/05

b. The SBDA Plume Area shall include all lands within the Town of Tewksbury near the Sutton Brook Disposal Area Superfund Site that are so delineated on the map titled "SBDA Plume Area and SBDA Buffer Zone Properties" and dated February 2021 prepared by Geosyntec Consultants, as approved by EPA. The extent of the SBDA Plume Area is expected to change based on performance of the Selected Remedy. EPA will periodically re-evaluate this district until such time as groundwater Performance Standards are met for the Site and, if necessary, provide an updated map. In the event that EPA provides an updated map, this Bylaw will be amended to replace the then current map with the updated map.

c. The SBDA Buffer Zone shall include all lands within the Town of Tewksbury near the Sutton Brook Disposal Area Superfund Site that are so delineated on the map titled "SBDA Plume Area and SBDA Buffer Zone Properties" and dated February 2021 prepared by Geosyntec Consultants, as approved by EPA. The extent of the SBDA Buffer Zone is expected to change based on performance of the Selected Remedy. EPA will periodically re-evaluate this district until such time as groundwater Performance Standards are met for the Site and, if necessary, provide an updated map. In the event that EPA provides an updated map, this Bylaw will be amended to replace the then current map with the updated map.

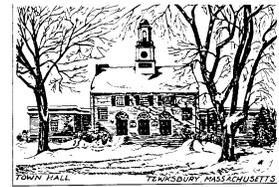
8311. If the location of the District, the SBDA Plume Area and/or the SBDA Buffer Zone boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Special Permit Granting Authority (SPGA) Planning Board. Any application for a special permit for this purpose shall be accompanied by adequate documentation.

8312. The burden of proof shall be upon the owner(s) of the land to show where the bounds should be located. At the request of the owner(s), the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district, the SBDA Plume Area and/or the SBDA Buffer Zone with respect to individual parcels of land, and may charge the owner(s) for the cost of the investigation. Any changes to the Zone II or Zone III delineation via this process must occur in conformance with the criteria set forth in 310 CMR 22.00 and must be approved by the Massachusetts Department of Environmental Protection (MassDEP).



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8320. Development Regulations. In the Groundwater Protection District the following regulations shall apply:

8321. Permitted Uses. The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

- a. conservation of soil, water, plants, and wildlife;
- b. outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- c. foot, bicycle and/or horse paths, and bridges;
- d. normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- e. maintenance, repair, and enlargement of any existing structure, subject to Section 8322 (prohibited uses) and Section 8323 (special permitted uses);
- f. residential development, subject to Section 8322 (prohibited uses) and Section 8323 (special permitted uses);
- g. farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section 8322 (prohibited uses) and Section 8323 (special permitted uses);
- h. construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.
- i. Underground storage tanks related to these activities are not categorically permitted.

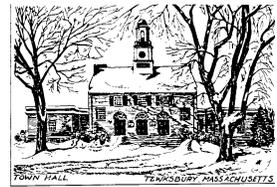
8322. Prohibited Uses. The following uses are prohibited in the Groundwater Protection District:

- a. Landfills and open dumps as defined in 310 CMR 19.006;
- b. Automobile graveyards and junkyards, as defined in M.G.L.c. 140B, §1;
- c. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to M.G.L.c. 21, §26 through 53; M.G.L.c. 111, §17; M.G.L. c. 83, §6 and 7, and regulations promulgated thereunder;
- d. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L.c. 21C and 310 CMR 30.00, except for the following:
 - 1) very small quantity generators as defined under 310 CMR 30.000;
 - 2) household hazardous waste centers and events under 310 CMR 30.390;
 - 3) waste oil retention facilities required by M.G.L. c. 21, § 52A; and
 - 4) water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters.
- e. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Standard Industrial Classification (SIC) Codes 5171 and 5983 454310. SIC NAICS Codes are established by the US Office of Management and Budget and may be determined by referring to the most recent edition of the NAICS Manual, available from the U.S. Census Bureau; publication, Standard Industrial Classification Manual, and any other subsequent amendments;
- f. Storage of liquid hazardous materials, as defined in M.G.L.c. 21E, and/or liquid petroleum products unless such storage is:
 - 1) above ground level, and;
 - 2) on an impervious surface; and
 - 3) either: (i) in container(s) or above ground tank(s) within a building, or; (ii) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;



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- 4) 310 CMR allows for the replacement of existing tanks/systems for the keeping, storage or dispensing of gasoline; and
- 5) 310 CMR exempts above-ground home heating oil systems from the containment requirement, and indoor tanks on impervious surfaces such as a basement floor, are allowed.
- g. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- h. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- i. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service;
- j. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;
- k. Discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water, except:
 - 1) the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - 2) treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - 3) publicly owned treatment works;
- l. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the district;
- m. Storage of commercial fertilizers, as defined in M.G.L. c. 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- n. The rendering impervious of greater than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater except under the provisions of subsection 8323 c.

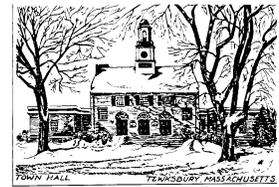
8323. Uses and Activities Requiring a Special Permit in the Groundwater Protection District. The following uses and activities are permitted in the Groundwater Protection District, only upon the issuance of a Special Permit by the Planning Board Special Permit Granting Authority (SPGA) ~~under such conditions as they may require: who may impose conditions to ensure compliance with Section 8300:~~

- a. Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District;
- b. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Section 8322). Such activities shall require a special permit to prevent contamination of groundwater;
- c. A system of storm water management and artificial recharge of precipitation must be designed, and approved by the SPGA Planning Board, to: prevent untreated discharges to wetland and surface water; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of groundwater; reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources. These standards may be met using the following or similar best management practices:
 - 1) For lots occupied, or proposed to be occupied, by single or two family residences, recharge shall be attained through site design that incorporates natural drainage patterns and vegetation in order to maintain pre-development stormwater patterns and water quality to the greatest extent possible. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed through grassed water-quality swales, as sheet flow over lawn areas, or into constructed stormwater wetlands, sand filters, organic filters and/or similar systems capable of removing nitrogen from stormwater;



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2) For lots occupied, or proposed to be occupied by other uses, a stormwater management plan shall be developed which provides for the artificial recharge of precipitation to groundwater through site design that incorporates natural drainage patterns and vegetation, and through the use of constructed (stormwater) wetlands, wet (detention) ponds, water quality swales, sand filters, organic filters, or similar site-appropriate best management practices capable of removing nitrogen and other contaminants from stormwater. The stormwater management plan shall meet the Stormwater Management Standards and technical guidance contained in the most recent version of the Massachusetts Department of Environmental Protection's Stormwater Management Handbook, for the type of use proposed, and the soil types present on the site. Such runoff shall not be discharged directly to rivers, streams, and other surface water bodies, wetlands, or vernal pools. Dry wells shall be prohibited;

3) Except when used for roof runoff from non-galvanized roofs, all infiltration facilities (including wetlands, ponds, and swales) shall be preceded by oil, grease and sediment traps or other best management practices to facilitate control of hazardous materials spills and removal of contamination, and to avoid sedimentation of treatment and leaching facilities;

4) All artificial recharge systems shall be maintained in full working order by the owner(s), under the provisions of an operations and maintenance plan approved by the SPGA Planning Board, to ensure that systems function as designed. Artificial recharge systems shall be located at least one hundred (100) feet from drinking water wells. Any infiltration basins or trenches shall be constructed with a three (3) foot minimum separation between the bottom of the structure and maximum groundwater elevation. The Planning Board may allow for a reduction of this separation based upon the submittal of sufficient information so long as it would not exceed the requirements of the Department of Environmental Protection's Stormwater Management Policy in effect at the time of the application.

8324. Prohibited Uses in the SBDA Plume Area District. The following additional activities and uses are prohibited in the SBDA Plume Area district; except if performed by or on behalf EPA or MassDEP pursuant to CERCLA or Chapter 21E, the Performing Parties as required pursuant to the Consent Decree, or the operator of the existing solar energy facility as permitted by MassDEP:

- a. Extraction, consumption or utilization of groundwater for any purpose, including without limitation extraction for potable, industrial, irrigation or agricultural use.
- b. Construction of groundwater infiltration and/or injection structures for storm water and surface water management.
- c. Any activity or use which would interfere with, or would be reasonably likely to interfere with, systems and studies to monitor implementation of the CERCLA Selected Remedy for the Site, or to provide long-term environmental monitoring of on-site groundwater including all monitoring wells.

8325. Uses and Activities Requiring a Special Permit in the SBDA Buffer Zone District. The following uses and activities are permitted in the SBDA Buffer Zone, only upon the issuance of a Special Permit by the Planning Board under such conditions as they may require:

- a. Extraction, consumption or utilization of groundwater for any purpose, including without limitation extraction for potable, industrial, irrigation or agricultural use.
- b. Construction of groundwater infiltration and/or injection structures for storm water and surface water management.

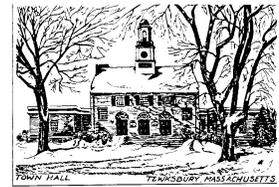
8330. Administrative Procedures.

8331. ~~The Special Permit Granting Authority (SPGA) under this bylaw shall be the Planning Board. Such The~~ special permit shall be granted if the Planning Board ~~SPGA~~ determines, in conjunction with the Board of Health, the Conservation Commission, and the Department of Public Works that the intent of this bylaw, as well as its specific criteria, are met. The ~~SPGA Planning Board~~ shall not grant a special permit under this section unless the petitioner's application materials include, in the ~~SPGA's Planning Board's~~ opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. ~~The SPGA~~



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~~shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision. The Planning Board shall require any person applying for a Special Permit for activities in the SBDA Buffer Zone district to submit a duplicate of such application to EPA Region 1 (to the attention of the Project Manager for Sutton Brook Disposal Area Superfund Site, Massachusetts Superfund Section), with a copy to MassDEP (to the attention of the Bureau of Waste Site Cleanup-Boston, Federal Sites Program) 30 days in advance of filing such application and to include a written, dated acknowledgement of receipt from each agency. The Planning Board shall not consider any such application to be complete for purposes of review without such acknowledgement. EPA after reasonable opportunity for MassDEP review and comment, will then submit a letter to the Planning Board for consideration prior to the end of the 35 days referenced in Section 8332.~~

8332. Upon receipt of the special permit application, the SPGA Planning Board shall transmit one copy each to the Board of Health, the Conservation Commission, Fire Department, Police Department, Building Commissioner, Town Manager, Planning Board and Town Department of Public Works for their written recommendations. The necessary number of copies of the application shall be furnished by the applicant. Each agency listed shall, within ~~forty five (45)~~ 35 days after the plan is filed, report to the SPGA Planning Board, in writing, their approval or disapproval of the subject application:

- a. In the event of disapproval, the agencies shall make specific findings and reasons therefore, and, where possible, shall make recommendations for the adjustment thereof;
- b. Failure to respond in writing within ~~45~~ 35 days of receipt shall indicate approval or no desire to comment by said agency.

8333. The SPGA Planning Board may grant the required special permit if it determines, in conjunction with the Board of Health, the Conservation Commission, and the Department of Public Works, the requirements of this Section 8300 are met, provided that the Board finds only upon finding that the proposed use meets the following standards, those specified in Section 8320 of this bylaw, and any regulations or guidelines adopted by the SPGA Planning Board. The proposed use must:

- a. In no way, during construction or thereafter, adversely affect the existing or potential quality of quantity of water that is available in the Groundwater Protection District; and
- b. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

8334. The Planning Board shall not grant a special permit under this Section 8300 unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The Planning Board shall document the basis for any departures from the recommendations of the other Town boards or agencies in its decision.

8335. The SPGA Planning Board may adopt regulations to govern design features of projects. Such regulations shall be consistent with special permit regulations adopted by the municipality.

~~8335~~ **8336.** The applicant shall file 16 copies of a site plan and attachments with the Department of Community Development. The site plan shall be drawn at a proper scale as determined by the SPGA Planning Board and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

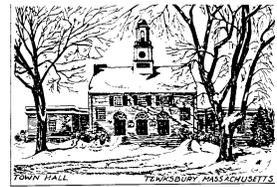
- a. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
- b. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Director of Emergency Management, Fire Chief, and Board of Health. The plan shall include:

- 1) provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;



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- 2) provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
- 3) evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
- 4) proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

c. For those activities or uses proposed in the SBDA Buffer Zone district, in addition to the requirements set forth above:

- 1) an evaluation by an appropriately trained and licensed professional of the impact of any proposed extraction or infiltration of groundwater to demonstrate that it would not substantially alter the then existing groundwater elevation contours (zone of influence and/or groundwater mounding) or the then existing boundary of the SBDA Plume Area, and
- 2) sampling and analysis by an appropriately trained and licensed professional of any groundwater proposed for extraction as necessary to demonstrate that use of such groundwater for its intended purpose would not violate any applicable health or safety requirement.

~~8336~~ **8337.** The SPGA Planning Board shall hold a hearing, in conformity with the provision of MGL Chapter 40A, Section 9, within 65 days after the filing of the application and after the review by the Town Boards, Departments, and Commissions. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL Chapter 40A, §11. The decision of the SPGA Planning Board and any extension, modification, or renewal thereof shall be filed with the SPGA Planning Board and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA Planning Board to act within 90 days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by §11.

~~8337~~ **8338.** Written notice of any violations of this Section shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Town Engineer/Department of Public Works, and Water Department. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

~~8340. Severability.~~ A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

Town Manager

Motion: The Finance Committee motioned to Adopt
The Planning Board recommended Adoption

Vote: Article 10 was Adopted Unanimously (2/3 required)

7:32 PM

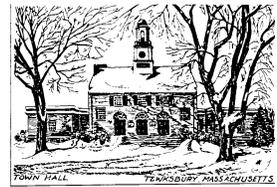
10/5/21

Executive Summary: This update to the Groundwater Protection District includes institutional controls as part of the Town's compliance with the Consent Decree regarding the Sutton Brook Disposal Area as recommended by the US EPA and MassDEP.



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ARTICLE 11

To see if the Town will vote to amend the Tewksbury Zoning Map to include a Groundwater Protection SBDA Buffer Zone and Groundwater Protection SBDA Plume Area at Rocco's Landfill as described below:



Town Manager

Motion: The Finance Committee motioned to Adopt
The Planning Board recommended Adoption

Vote: Article 11 was Adopted Unanimously (2/3 required) 7:32 PM 10/5/21

Executive Summary: This update to the Zoning Map will reflect the institutional controls necessary for the Town's compliance with the Consent Decree regarding the Sutton Brook Disposal Area as recommended by the US EPA and MassDEP.

ARTICLE 12

To see if the Town will vote to authorize the Board of Selectmen to file with the Great and General Court of the Commonwealth of Massachusetts a Home Rule Petition to amend the Town Charter by: (1) replacing the term "Board of Selectmen", "Board of Selectman", "Board" or "Selectmen," appearing in any context where reference is made to the entire Board, with the term "Select Board", (2) replacing any reference to individual members of the Board with, "Select Board member," and, (3) replacing any reference to a "Chairman" with the word "Chair." Further, to authorize the General Court to make changes of form only to this Home Rule Petition unless the Board of Selectmen authorizes any changes that are within the scope, intent and public purposes of this Home Rule Petition, and to authorize the Board to approve such changes.

Board of Selectmen

Motion: The Finance Committee motioned to Adopt

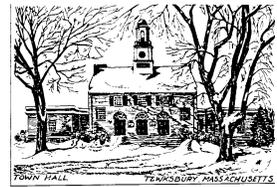
Vote: Article 12 was Adopted 7:37 PM 10/5/21

Executive Summary: This article will change within the Town Charter, the term Board of Selectmen to Select Board, change any reference of Board of Selectmen to Board and Chairman to Chair.



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ARTICLE 13

To see if the Town will vote to amend the Town’s General Bylaws by replacing, in each instance in which they appear: (1) the words “Board of Selectmen” , “Board of Selectman”, “Board”, or “Selectmen” , when such terms reference the entire Board, with the term “Select Board”; (2) the term “Selectman” with “Select Board member” and (3) the term “Chairman” with the term “Chair; provided, however, that this bylaw amendment shall take effect only after all the provisions of G.L. c.40, s.32 have been met and the special act approved under Article12 takes effect.

Board of Selectmen

Moderator Wilson accepted the following Scrivener’s Error and there were no objections.
(Deleted language shown with ~~strike through~~ and added with **bold**)

Within the article: To see if the Town will **vote** to amend the Town’s General Bylaws to by replacing, in each instance in which they appear: (1) the words “Board of Selectmen” , “Board of Selectman”, “Board”, or “Selectmen” , when such terms reference the entire Board, with the term “Select Board”; (2) the term “Selectman” with “Select Board member” and (3) the term “Chairman” with the term “Chair; provided, however, that this bylaw amendment shall take effect only after all the provisions of G.L. c.40, s.32 have been met and the special act approved under Article12 takes effect.

Motion: The Finance Committee motioned to Adopt

Vote: Article 13 was Adopted

7:38 PM

10/5/21

Executive Summary: This article will change within the Town’s General Bylaws, the term Board of Selectmen to Select Board, change any reference of Board of Selectmen to Board and Chairman to Chair.

ARTICLE 14

To see if the Town will vote to amend the Town’s Zoning Bylaws by replacing, in each instance in which they appear: (1) the words “Board of Selectmen” , “Board of Selectman”, “Board”, or “Selectmen” , when such terms reference the entire Board, with the term “Select Board”; (2) the term “Selectman” with “Select Board member” and (3) the term “Chairman” with the term “Chair”; provided, however, that this bylaw amendment shall take effect only after all the provisions of G.L. c.40, s.32 have been met and the special act approved under Article 12 takes effect.

Board of Selectmen

Moderator Wilson accepted the following Scrivener’s Error and there were no objections.
(Deleted language shown with ~~strike through~~ and added with **bold**)

Within the article: To see if the Town will vote to amend the Town’s Zoning Bylaws ~~to~~ by replacing, in each instance in which they appear: (1) the words “Board of Selectmen” , “Board of Selectman”, “Board”, or “Selectmen” , when such terms reference the entire Board, with the term “Select Board”; (2) the term “Selectman” with “Select Board member” and (3) the term “Chairman” with the term “Chair”; provided, however, that this bylaw amendment shall take effect only after all the provisions of G.L. c.40, s.32 have been met and the special act approved under Article 12 takes effect.

Motion: The Finance Committee motioned to Adopt

Vote: Article 14 was Adopted 121 Yes/1 No (2/3 required=82)

7:42 PM

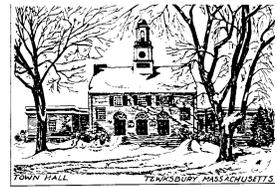
10/5/21

Executive Summary: This article will change within the Town’s Zoning Bylaws, the term Board of Selectmen to Select Board, change any reference of Board of Selectmen to Board and Chairman to Chair.



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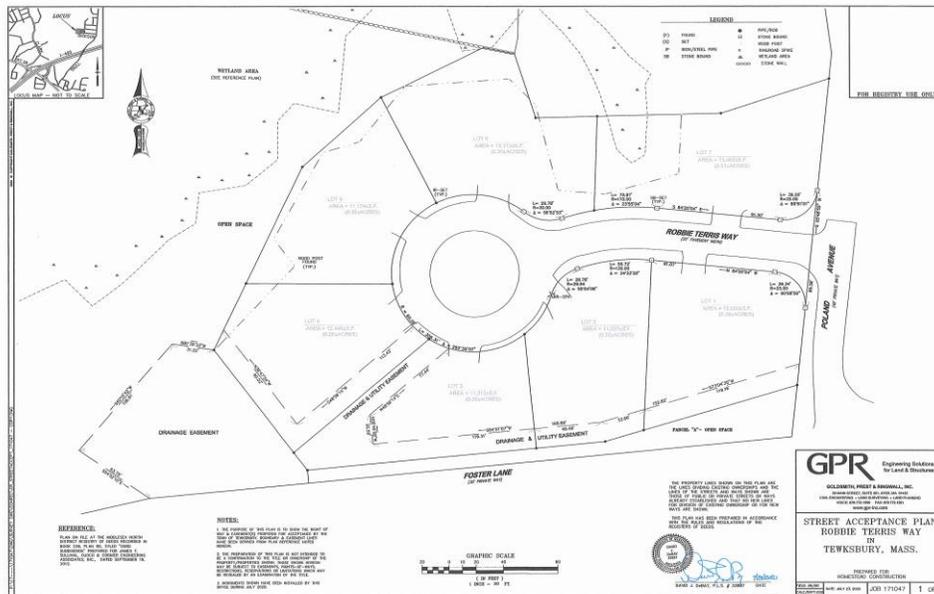
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ARTICLE 15

To see if the Town will vote pursuant to Massachusetts General Laws Chapter 82, Section 21-24, as amended and any other applicable statutes, to accept the laying out as a town way by order of the Board of Selectmen.

A certain parcel of land situated in Tewksbury, Middlesex County, Massachusetts shown as Robbie Terris Way on a plan entitled "Street Acceptance Plan Robbie Terris Way Prepared for Homestead Construction Dated July 23, 2020 by GPR, Inc. 39 Main Street Suite 301 Ayer, MA 01432" a copy of which plan has been filed with the office of the Town Clerk and the Department of Community Development, and such plan is referenced to for more particular description and to authorize the Board of Selectmen to take by eminent domain, an easement, or in fee; or take any action relative thereto.



Joseph LaLiberte

Motion: Joseph LaLiberte motioned to Adopt

Vote: Article 15 was Adopted Unanimously

7:43 PM

10/5/21

Executive Summary: The purpose of this article is to accept Robbie Terris Way as a public way (Town Street)

ARTICLE 16

Article III. Solicitors and Canvassers

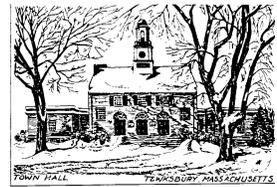
To see if the Town will vote to create a "Do Not Knock Registry." Currently, all solicitors must register with the Tewksbury Police Department and receive a license from the town clerk to solicit. When a solicitor receives a license, the solicitor will be given a list of resident addresses they cannot solicit. If a business does solicit a residence on the Do Not Knock List, the solicitor will be fined \$300 and will not be allowed to solicit any homes in Tewksbury for a period of one year.

Christine Chesbrough



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Motion: Christine Chesbrough motioned to Adopt
Richard Levasseur motioned to Amend

Vote:	The Amendment was Adopted	7:51 PM	10/5/21
	Article 16 was Adopted as Amended	7:52 PM	10/5/21

AMENDMENT TO ARTICLE 16: Change \$300 to \$1,000

ARTICLE 16 AS AMENDED: Article III. Solicitors and Canvassers

To see if the Town will vote to create a “Do Not Knock Registry.” Currently, all solicitors must register with the Tewksbury Police Department and receive a license from the town clerk to solicit. When a solicitor receives a license, the solicitor will be given a list of resident addresses they cannot solicit. If a business does solicit a residence on the Do Not Knock List, the solicitor will be fined \$1,000 and will not be allowed to solicit any homes in Tewksbury for a period of one year

Executive Summary: Currently, anyone with a license can solicit a residence with items and/or services for sale unless there is a notice that states “No Solicitors No Trespassing.” Residents would have the option to complete a “Do Not Knock Registry” form to opt out of anyone soliciting their home to sell items and/or services at their home. The “Do Not Knock Registry” will be managed by the Tewksbury Police Department and/or Tewksbury Town Clerk. This bylaw would not apply to nonprofit 501(c)(3) organizations, youth organizations, Boy Scouts/Girl Scouts, schools, political purposes, religious organizations, or any group/organization prohibited per law.

ARTICLE 17

To see if the Town will vote to change the length of term of an elected Planning Board seat from five (5) years to three (3) years, as provided for in M.G.L. Chapter 41 Section 81a. Current Planning Board members may fulfill their terms, and any member elected after adoption would serve a three (3) year term. Any appointments to the board for a vacated seat would fulfill the term of the seat vacated.

Paige Impink, Chris Mullins and others

Motion: Paige Impink motioned to Adopt
Stephen Johnson motioned for Indefinite Postponement

Vote:	Indefinite Postponement Failed 35 Yes/125 No	8:28 PM	10/5/21
	Article 17 was Adopted 125 Yes/40 No	8:31 PM	10/5/21

Executive Summary: Currently the term of an elected Planning Board member is five (5) years. This change would make each seat a three (3) year term, which brings the length of term for a planning board seat into alignment with other elected boards in Tewksbury with three (3) year terms: Board of Selectmen, Board of Health, School Committee, Shawsheen Regional Technical High School Committee, Board of Library Trustees and Town Moderator. Current members would fulfill their full terms.

Finance Committee Chairman, Robert Kocsmiersky, motioned to Adjourn the October 5, 2021 Special Town Meeting Sine Die, and this motion was Adopted. 8:31 PM 10/5/21

RESPECTFULLY SUBMITTED:

DENISE GRAFFEO, TOWN CLERK