

**SPECIAL TOWN MEETING
May 20, 2025**

Place: Tyngsborough Elementary School
Moderator: Robert L. Kydd, Jr.

Time: 7:00 PM
Voters: 105

Meeting is called to order followed by the Pledge of Allegiance.

MOTION: To allow the following non-residents to speak at the meeting: Colin Loiselle, Town Manager, Kate Feodoroff, Town Council, Rony Camille, Media Director and Katherine Gowney, Library Director.

ACTION: Does carry.

Article 1: Transfer of Funds from General Stabilization

To see if the Town will vote to transfer from the General Stabilization Fund the following sums of money, for the following purposes, or take any other action relative thereto.

Amount	To	Purpose
\$688,180.65	FY25 PD Salaries & Wages	Fund Court Ordered Back Pay

Motion: That the Town vote to transfer the sum of \$688,180.65 from the General Stabilization Fund to the PD Salaries & Wages for Fiscal Year 2025 as printed in the Finance Committee Guidebook.

Action: Passes with more than 2/3 Majority.

A true copy: Attest

Jessica A. Brunelle
Town Clerk

**ANNUAL TOWN MEETING MINUTES
May 20, 2025**

Place: Tyngsborough Elementary School
Moderator: Robert L. Kydd, Jr.

Time: 7:08 PM
Voters: 105

Meeting opens with the Pledge of Allegiance.

MOTION: To allow the following non-residents to speak at the meeting: Colin Loiselle, Town Manager, Kate Feodoroff, Town Council, Rony Camille, Media Director and Katherine Gowney, Library Director.

ACTION: Does carry.

Article 1: Reports of the Town Officers and Committees

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.

Motion: That the Town approve Article 1 as printed in the Finance Committee Guidebook.

Action: Does carry with majority vote.

Article 2: Deposits to Stabilization Funds

To see if the Town will vote to transfer the sum of \$150,000 from the following source to the following Stabilization Fund, for the purpose(s) hereafter specified:

Amount	Fund	From	Purpose
\$150,000	Special Ed Stabilization Fund	Certified Free Cash	Funding unanticipated or unbudgeted costs of special education, out-of-district tuition, or transportation

or take any other action relative thereto.

Motion: That the Town approve Article 2 as printed in the Finance Committee Guidebook.

Action: Does carry with majority vote.

Article 3: Authorize Appropriations from Stabilization Funds for Fiscal Year 2026

To see if the Town will vote to authorize the Select Board to expend up to the following amounts from the following Stabilization Funds, for the following purposes, or take any other action relative thereto.

Amount	Fund	Purpose
\$900,000	Road Stabilization Fund	Roadway improvements, including the related incidental costs such as, but not limited to, drainage, pedestrian access, lighting, and signage
\$177,000	Special Ed Stabilization Fund	Funding unanticipated or unbudgeted costs of special education, out-of-district tuition, or transportation
\$151,000	Capital Asset Stabilization	To fund the purchase of a new backhoe for the Department of Public Works as recommended by the Capital Asset Management Committee for the FY26 Capital Plan
\$200,000	Debt Stabilization	To fund the payment of debt service within the general fund for the Middle School Project in FY26.

Motion: That the Town approve Article 3 as printed in the Finance Committee Guidebook.

Action: Does carry with majority vote.

Article 4: Continue and Approve Revolving Funds

To see if the Town will vote to establish, pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½, FY26 spending limits for the following revolving funds, to be expended in accordance with Article XLIV DEPARTMENTAL REVOLVING FUNDS, Section 5: Table of Authorized Revolving Funds, of the Town's General By-Law, or take any other action relative thereto.

Fund	Programs and Purposes	Departmental Receipts	Authorization to Expend Funds	FY26 Spending Limit
Fire Department	Fire programs and materials	Hazmat fees	Select Board	\$ 10,000
Recreation & Parks Committee	Recreational programs and activities	Fees collected from participants	Select Board	\$ 120,000
Public Building Rentals	Public buildings operation and maintenance	Fees collected from rentals	Select Board	\$ 65,000
Rec Field Use	Field maintenance	Field use fees	Recreation Department	\$ 50,000
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health	\$ 50,000
Bulky Items	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health	\$ 60,000
Board of Health Medicare	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health	\$ 6,000
Wetland Protection	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission	\$ 20,000
Stormwater Fund	Conservation Commission activities	Fees from local Stormwater Protection By-law	Conservation Commission	\$ 20,000
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Select Board	\$ 3,000
Police Details	Police Traffic Details	Citations	Select Board	\$ 30,000
PEG	Audio and visual equipment and supplies	User fees and rental fees	Select Board	\$ 3,000

Road Maintenance	Roadway improvements, including the related incidental costs such as, but not limited to, drainage, pedestrian access, lighting, and signage	Pavement Impact Fees, Road Opening Fees	Select Board	\$ 200,000
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Motion: That the Town approve Article 4 as printed in the Finance Committee Guidebook.

Action: Does carry with majority vote.

Article 5: Authorization of the Select Board Regarding Contracts in Excess of Three Years

To see if the Town will vote to authorize the Select Board to enter into Lease/Purchase Agreements up to five years to lease or purchase equipment for the Town, said contracts to be subject to annual appropriations, or take any other action relative thereto.

Motion: That the Town vote to approve Article 5 as printed in the Finance Committee Guidebook.

Action: Does carry with majority vote.

Article 6: Appropriation – General Fund for Fiscal Year 2026

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 2026 (July 1, 2025 - June 30, 2026), or take any other action relative thereto.
(Budget attachment as Exhibit A)

Motion: That the Town vote to approve Article 6 as printed in the Finance Committee Guidebook.

Action: Does carry with majority vote.

Article 7: Compensation of Elected Officials

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 2026 (July 1, 2025 - June 30, 2026), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations submitted within Article 6.

	SALARIES 7/01/24 6/30/25	REQUEST SALARIES 7/01/25 6/30/26	RECOMMENDED 7/01/25 6/30/26
<u>Elective Town Officers</u>			
Moderator	\$ 500	\$ 500	\$ 500
Select Board (5)			
Chairman	\$ 2,000	\$ 2,000	\$ 2,000
Members (4)	\$ 1,500	\$ 1,500	\$ 1,500
Town Clerk	\$ 69,208	\$ 77,107	\$ 77,107

Assessors (3)				
Chairman	\$	0	\$	0
Member (2)	\$	0	\$	0
Board of Health				
Chairman	\$	1000	\$	1,000
Members (4)	\$	800	\$	800
Tree Warden	\$	0	\$	0
Cemetery Commissioners (3)	\$	0	\$	0
School Committee (7)	\$	0	\$	0
Library Trustees (6)	\$	0	\$	0
Sewer Commissioners (3)				
Chairman	\$	1,000	\$	1,000
Member (2)	\$	800	\$	800
Planning Board (5)				
Chairman	\$	1,000	\$	1,000
Members (4)	\$	800	\$	800
Finance Committee (5)	\$	0	\$	0

Motion: That the Town vote to approve Article 7 as printed in the Finance Committee Guidebook.
Action: Does carry with majority vote.

Article 8: Transfer of Funds from Free Cash

To see if the Town will vote to transfer from free cash the following sums of money, for the following purposes, or take any other action relative thereto.

To	For the following purpose:	Amount
Other Post-Employment Benefits (OPEB) Trust Fund	Meet long-term OPEB Funding Plan commitment	\$52,500
School Department	Fund Medicaid reimbursement.	\$189,000
Compensated Absence Fund	Fund unanticipated & unbudgeted mid-year payouts for sick and vacation time upon an employee's retirement.	\$23,500
FINCOM Reserve Fund	To provide for extraordinary or unforeseen expenditures in FY26	\$50,000

Motion: That the Town vote to approve Article 8 as printed in the Finance Committee Guidebook.
Action: Does carry with majority vote.

Article 9: Borrowing & Appropriation – Capital Improvements for Fiscal Year 2026

To see if the Town will vote to raise, appropriate and borrow the sum of \$487,863 and that the Town be authorized to accept any available grant funds, for the purpose of funding the following items, or take any other action relative thereto.

Department	Project	Not to Exceed	Expended By
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Fire Department	New Fire Station Schematic Design	\$300,000	Select Board
Police Department	Exterior Building Envelope Improvements	\$187,863	Select Board

Motion: That the Town vote that \$300,000 is appropriated for the schematic design of a new fire station and that \$187,863 is appropriated for the exterior building envelope improvements at the Police Department, including the payment of costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$487,863 under G.L. c.44, Section 7(1) or 7(7) or any other enabling authority and issue bonds or notes of the Town therefor; that the Treasurer with the approval of the Select Board is authorized to contract for and expend any federal or state aid available for the project; and that the Select Board is authorized to take any other action necessary or convenient to carry out this project.

Action: Does carry unanimously.

Article 10: Appropriation – Ambulance Enterprise Fund for Fiscal Year 2026

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 Select Board to operate the Ambulance Enterprise for Fiscal Year 2026 as follows:

Salaries	\$ 565,000
<u>Fringe Benefits</u>	<u>\$ 49,440</u>
Subtotal	\$ 614,440
Expenses	\$ 56,100
<u>Indirect Costs to the General Fund</u>	<u>\$ 19,000</u>
Subtotal	\$ 75,100
TOTAL	\$ 689,540

with \$689,540.00 to be raised through Department Receipts, as follows:

<u>Estimated Department Receipts</u>	<u>\$ 710,000</u>
<u>Estimated Surplus</u>	<u>\$ 20,460</u>

and that \$49,440.00 and \$19,000.00 be included in appropriations from the General Fund for fringe benefits and indirect costs respectively, as shown above, and to be allocated to the Ambulance Enterprise for funding, or take any other action relative thereto.

Motion: That the Town vote to approve Article 10 as printed in the Finance Committee Guidebook.

Action: Does carry unanimously.

Article 11: Appropriation – Sewer Enterprise Fund for Fiscal Year 2026

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 2026 as follows:

That the following sums be appropriated:

Salaries & Stipends	\$ 261,408
Expenses	\$ 1,639,907
Capital Outlay	\$ 609,248
Debt & Interest Sewer Dept.	\$ 142,362
Debt & Interest from Betterments	\$ 879,494
Subtotal	\$ 3,532,419
Transfer Indirect Costs to General Fund	\$ 212,309
Total	\$ 3,744,728

From the following funding sources:

Department receipts	\$ 1,840,304
Betterment Fund	\$ 879,494
Retained Earnings	\$ 1,024,930
Total	\$ 3,744,728

or take any other action relative thereto.

Motion: That the Town vote to approve Article 11 as printed in the Finance Committee Guidebook.

Action: Does carry unanimously.

Article 12: Transfer of Funds from PEG Fund

To see if the Town will vote to transfer the sum of \$159,687 from the PEG Fund to the general fund for the following purposes, or take any other action relative thereto.

Amount	To
\$159,687	Support PEG Operating Budget for public, educational, and governmental television access

Motion: That the Town vote to approve Article 12 as printed in the Finance Committee Guidebook.

Action: Does carry unanimously.

Article 13: Appropriation – Community Preservation Committee Fund

To see if the Town will vote a sum of money to be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for Fiscal Year 2026, 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, as follows:

Description	Amount	Fund Category
Lake Massapoag Weed Control	\$3,500	Open Space and Recreation
Lake Mascuppig Weed Treatment	\$20,000	Open Space and Recreation
Administrative Expenses (up to 5% Allowance)	\$35,000	FY26 Receipts
Debt Service (First Parish) Year 5/10	\$226,375	FY26 Receipts

Deb Service (Old Town Hall) Year 8/10	\$181,500	FY26 Receipts
Total Project Appropriation	\$466,375	
Deposit to Historic Preservation Reserve	\$100,000	
Deposit to Affordable Housing Reserve	\$100,000	
Deposit to Open Space/Recreation Reserve	\$100,000	
Total Deposit to Reserve	\$300,000	

Motion: That the Town vote to approve Article 13 as printed in the Finance Committee Guidebook.
Action: Does carry unanimously.

Article 14: Approve Prior Year Bills

To see if the Town will vote to approve payment on the following bills which were incurred during a previous fiscal year (FY24):

Vendor	Invoice	Amount	Account	Department
KP Law, P.C.	147462	\$420.00	01159200-530120	Administration
Toshiba America	5029830699	\$195.00	01610200-524085	Library

or take any action relative thereto.

Motion: That the Town vote to approve Article 14 as printed in the Finance Committee Guidebook.
Action: Does carry unanimously.

Article 15: Street Acceptance – Riverbend Road and Phalanx Street

To see if the Town will vote to accept the layout of certain Town ways below described, made by the Select Board under the provisions of M.G.L. c. 82, §§ 21 through 24, and any other enabling statute, filed in the Office of the Town Clerk with the plans there mentioned and referred to for a more particular description, as follows:

Riverbend Road, Tyngsborough, Mass. Shown on a plan entitled "Town of Tyngsborough, Road Acceptance – River Bend Road", revised March 06, 2025, prepared by Keach-Nordstrom Associates for the Town of Tyngsborough.

Phalanx Street, Tyngsborough, Mass. Shown on a plan entitled "Town of Tyngsborough, Road Acceptance – Phalanx Street", Revised March 14, 2025, prepared by Keach-Nordstrom Associates for the Town of Tyngsborough.

And, further, to authorize the Select Board to accept an instrument conveying for nominal consideration the aforesaid roadway or interest(s) therein, together with all easements and appurtenances thereto, as are shown on the aforementioned plans; or to take any other action relative thereto.

Motion: That the Town vote to approve Article 15 as printed in the Finance Committee Guidebook.
Action: Does carry unanimously.

Article 16: Adopt Massachusetts General Laws Chapter 59, Section 5C ½

To see if the Town of Tyngsborough will vote to accept Massachusetts General Laws Chapter 59, Section 5C ½, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to one-hundred (100) percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2025, or take any other action relative thereto.

Motion: That the Town vote to accept Massachusetts General Laws Chapter 59, Section 5C ½, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and provide an additional exemption up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2025.

Action: Does pass unanimously.

Article 17: Zoning Amendment: Section 11 - Definitions

To see if the Town will vote to amend the Town's Zoning Bylaw, specifically Section 11 thereof, entitled "Definitions," by adding the text below shown in **red bold font** and deleting therefrom the text below shown in strikethrough, or take any other action relative thereto.

Accessory Dwelling Unit (ADU).

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

(a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;

(b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and

(c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Adult Day Care

A community-based and non-residential facility providing services for citizens 18 years of age or older that offers services such as day care, nursing care, supervision, and health related support services.

Active Recreation Area for Children

Recreational activities, such as organized sports, which require extensive facilities or that have a considerable environmental impact on the recreational site.

Adult Entertainment

Adult Bookstore. An establishment having as a substantial or significant portion of its stock and trade in printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, or coin-operated motion picture machines for sale, barter, or rental which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Sexual Conduct" as that term is described in G.L. c. 272, § 31.

Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Sexual Conduct" as defined in the G.L. c. 272, § 31, for observation by patrons therein.

Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing, or relating to "Sexual Conduct" as defined in the G.L. c. 272, § 31, for observation by patrons therein.

Adult Live Entertainment Establishments. Establishments that feature live entertainment which consists of entertainers engaging in "Sexual Conduct" or "Nudity" as defined in the G.L. c. 272, § 31.

Massage Service Establishments

- a. **Massage.** Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibration, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other similar preparations commonly used in the practice of massage under circumstances such that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefore.
- b. The practice of massage shall not include the following individuals who engage in the personal performance of duties of their respective professions:
 - (1) Physicians, surgeons, chiropractors, osteopaths, nationally certified massage therapists, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
 - (2) Nurses who are registered under the laws of the Commonwealth of Massachusetts.
 - (3) Barbers and beauticians who are duly licensed under the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp, and hair of the customer or client for cosmetic or beautifying purposes.

Adult Use Marijuana Retailer

An entity licensed to purchase and transport marijuana and marijuana products for adult use from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers as defined in 935 CMR 500.02.

Affordable Housing Trust

The Tyngsborough Affordable Housing Trust was established by Town Meeting vote on February 10, 2015, Article 7. The Tyngsborough Affordable Housing Trust Fund shall be for the

preservation and creation of affordable housing in the Town for the benefit of low and moderate-income households. The Affordable Housing Trust Fund is overseen by a Board of Trustees who shall be appointed by the Select Board.

Affordable Housing Trust Fund (Fund)

An account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing units.

Affordable Housing

A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements for inclusion on the Massachusetts **Executive Office of Housing and Livable Communities** Department of Housing and Community Development (DHCD) (EOHLC) Chapter 40B Subsidized Housing Inventory. Affordable units shall remain as affordable units in perpetuity. **Affordable units shall be indistinguishable from market-rate units as viewed from the exterior and shall be distributed proportionately with market-rate units in terms of size, type, and location throughout the development.** ~~These units shall have the same construction methods, physical characteristics as, and be intermingled with other units in the subdivision or development.~~

Affordable Housing Restriction

A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law and be entered into an enforceable under the provisions of G.L. c. 184, §§ 31- 33 or other equivalent state law.

Agriculture

Cultivating and harvesting general crops including the storage of necessary farm equipment on parcels of less than five acres and raising of livestock if on parcels of more than five acres.

Airport-Fixed Wing

Any facility designed for the take-off and landing of fixed-wing aircraft registered by the Federal Aviation Administration and having a runway in excess of 1,000 feet.

Area Median Income

The median family income for the metropolitan area that includes the Town as defined in the annual schedule of low- and moderate-income limits published by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size.

Amusement Facility Indoor

Facilities open to the public for a fee or admission charge such as a theater, cinema, or video arcade.

Amusement Facility Outdoor

An outdoor amusement park; outdoor cinema; stadium; racetracks including horse, dog, other animal, or vehicular including motorized cycles, and other vehicles whether track is designed for lap racing, elapsed time, or a combination.

Assisted Living Facility

A structure or structures owned by a single entity containing four or more dwelling units for persons in need of assistance with activities of daily living, as defined and regulated by G.L. c. 19D § 1 and 651 CMR 12.00 et seq. or any successor statute or regulations. Assistance with activities of daily living includes assistance with tasks related to bathing, dressing, grooming, ambulation, eating, toileting, and other similar tasks related to personal care needs.

The Facility may consist of, in one or more buildings, dwellings, common areas, including without limitation: central dining facilities, lounges, meeting rooms, laundry rooms, greenhouses, exercise rooms and recreational areas, libraries, offices, and other common areas, facilities, and accessory uses for the residents or staff as may be desirable. Dwelling areas/units shall not include private kitchen or food preparation appliances such as a stove but may include a kitchenette with a refrigerator, microwave, and hot plate. Shared living environment shall include shared dining facilities.

Battery Energy Storage System (BESS)

One or more containers or cabinets on a lot containing batteries and related equipment, assembled together, capable of storing electrical energy in order to supply electrical energy to the power grid at a future time. This includes all accessory equipment on said lot necessary for energy storage including but not limited to inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, and other power interconnection facilities and/or a project substation, but does not include public utility owned and operated interconnection equipment, regardless of location, or other interconnection equipment to be located on the real property of the public utility or within its right of way, determined to be necessary by the public utility to facilitate the BESS interconnection with the power grid whether for bringing power to the BESS or for returning it to the power grid, a stand-alone 12-volt vehicle battery, or an electric motor vehicle.

Biological Research

Any facility or operation engaged in the production or use as an end product or as an intermediate or ancillary product, any material, organism, cellular or sub-cellular classified as a Biological Hazard to Humans by the Massachusetts Department of Public Health.

Boarding House

Any structure with one or more rooms designed, occupied, or intended for occupancy by the same person(s) for more than one week as separate living quarters for one or more roomers or boarders with sleeping **and sanitation** facilities but no kitchen facilities. The term Boarding House also refers to **includes** rooming houses.

Building Trade Shop

An establishment for use by the practitioner of a building trade such as a carpenter, welder, plumber, electrician, builder, mason, or similar occupation.

Business and Dwelling

A single building containing business uses on the ground floor facing the street, with residential uses above, or a development of multiple buildings with business and residential uses situated in close proximity, planned as a unified and complementary whole, and functionally integrated for the use of shared vehicular and pedestrian access and parking areas. ~~A single primary building used for one or more business uses at the ground or lowest level that are prominently visible from the street side or parking area with residential uses above or adjacent. The number of business units shall exceed the number of residential units. The business uses must be permissible either by right or by special permit in the zoning district where the building is located. Excludes home office or home-based businesses operated as an accessory use by Special Permit from the Select Board under section 2.11.50.~~

Business or Professional Office

A business or professional office; a medical office or outpatient clinic, including laboratories incidental thereto.

Car Wash

A commercial facility designed for the principal use of vehicle washing with mechanized equipment whether automatic, semi-automatic, or manual.

Day-Child Care Facility

Any facility operated on a regular basis **whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name**, that receives children who are not of common parentage under 7 years of age, or under 16 years of age **if those children have** ~~for children with special needs~~, for non-residential custody and care during part or all of the day separate from their parents. ~~or the elderly 60 years of age or older.~~ Day-Child Care Center **Facility** shall not include: any part of a public school system or any part of a private, organized educational system, unless the services are primarily limited to kindergarten, nursery, or related preschool services; a Sunday school conducted by a religious **institution** ~~organization~~ where children are cared for during short periods of time while persons responsible for them are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children without compensation.

Cemetery

Any land or portion thereof used for the purpose of interment by burial or placement in a crypt or mausoleum of deceased humans or animal remains.

Commercial Broadcast Facility

Any facility designed and operated so as to provide for radio frequency transmissions including satellite "up link" facilities under the authority of a commercial radio or television station license issued by the Federal Communications Commission. This term does not include a broadcast station's studio/office if the studio/office is separated from the transmission facility and connected by an over the ground, non RF signal transmission link.

Commercial Recreation

Indoor or outdoor facilities, operated as a business and open to the public for a fee. **Commercial Recreation uses include, but are not limited to** facilities for:

baseball	basketball	bowling	boxing
fitness activities	football	golf	horseback riding
ice skating	lacrosse	miniature golf	martial arts
pickleball	racquet sports	roller skating	soccer
softball	swimming	volleyball	wrestling
other related sports or sports- associated related social events.			

These activities may either be participatory by the public or conducted for the public to attend as spectators as entertainment sporting-related events conducted by the business or third-party vendors or promoters at an arena-like or other activity-related setting for a fee for admission.

Commercial and Trade School

Private educational facility for profit including training centers and business schools.

Conservation

The use of land in its natural state or improved with trails or resource management programs that do not significantly alter its natural state.

Construction Yard

Facility or area for storage, open or enclosed, of construction equipment or materials.

Continuing Care Campus

A combination of Assisted Living and Independent Living facilities or units in one or more buildings owned by the same entity. The number of Independent Living units shall not exceed 1.5 times the number of Assisted Living units.

Correctional Facility

Any facility designed to house, feed, and hold persons duly sentenced to be incarcerated in accordance with the penal system of the Commonwealth of Massachusetts, the County of Middlesex, or other judicial authority for a period of time exceeding ten days.

Craft Brewery

A brewery, microbrewery, or nano brewery licensed under the relevant state and federal statutes that produces and packages malt (beer), wine, mead, or hard cider beverages for wholesale distribution, retail, and on-premise sales. Special Permit shall require a Farmer-brewery license issued by the Commonwealth under G.L. c. 138, § 19C. Production is limited to 15,000 barrels (a barrel being equivalent to thirty-one (31) gallons) annually. Samples no greater than 4 fluid ounces may be served on premise.

Craft Brewery & Taproom

A permitted Craft Brewery that has been issued a Farmer Series Pouring Permit may operate a taproom to sell, for on-site consumption, only malt (beer), wine, mead, or hard cider beverages produced by the brewery or produced for the brewery and sold under the brewery brand name (sales of any other alcoholic beverages is prohibited). Merchandise and non-beverage retail items may also be sold. Food service may be required and defined by the Select Board as a condition of taproom operation. May include other uses such as a restaurant, including outdoor service or dining if otherwise permitted in the zoning district.

Craft Distillery

A small, independently owned facility licensed under the relevant state and federal statutes to produce alcoholic beverages that are bottled for wholesale or retail distribution. Samples no greater than 1.5 fluid ounces may be served. A tasting room can be established as an accessory with special permission from the Select Board. Food service may be required and defined by the Select Board as a condition of tasting room operation. May include other uses such as a restaurant, including outdoor service or dining if otherwise permitted in the zoning district.

Development

Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

Dwelling

Single-Family Dwelling. A detached dwelling unit designed as the residence of one family.

Two-Family Dwelling. A detached dwelling unit designed as the residence for two families.

Multi-Family Dwelling. **A building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than one residential building unit in each building.**

~~Dwelling attached or detached designed for the residence of three or more families.~~

Earth Removal

The removal of earth products from a lot, including but not limited to, sand, gravel, soil, loam, and mineral products. The moving of earth products within a lot which is incidental to and in connection with 1) the necessary excavation and grading of a site for a building or structure and its appurtenant driveways or parking facilities for which a special permit has been granted by either the Select Board or the Planning Board or 2) the construction of a street or lots approved under the Subdivision Control Law, shall not be considered as earth removal for the purposes of this definition, but shall be considered as earth removal if moved off the building site or subdivision site.

Educational Use

Use of land, buildings, and structures for providing learning in a general range of subjects on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic; or by a religious sect or denomination; or by a nonprofit educational entity. Within education facilities containing more than 100,000 square feet of floor space, a commercial bank and credit unions shall be permitted as an educational component, provided that: the bank operation shall be conducted entirely within the school building; shall have no exterior signs or interior signs closer than 10 feet from any window; shall have no parking spaces identified for use by the bank; shall occupy less than 1 percent of the entire floor space of the school building; shall employ student in a training program as part of the school's educational curriculum; shall operate only during normal school hours; and any automatic teller machine shall operate only when the building is open.

Fair, Carnival, etc.

An event of a temporary nature designed to provide for entertainment, sale of merchandise and/or services, or for purposes of display, which is of a commercial nature, not including the use of a permanent structure designed to enclose the use and meeting all appropriate codes and other conditions of this Bylaw.

Farmer's Market, Farm Stand, and Similar Facility

An event of a temporary nature during the harvest season designed to provide for the outdoor sales of primarily locally grown produce and agricultural products not located on the property where the produce and agricultural products are grown or raised. These facilities would not include the use of a permanent structure designed to enclose the use and would meet all appropriate codes and other conditions of this Bylaw.

Financial Use

Bank, loan agency, or similar facility.

Flood Boundary and Floodway Map

An official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100- year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

Flood Hazard Boundary Map (FHBM.)

An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

Floodway

The channel of the river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

Floodplain Structure

For floodplain management purposes, structure is a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

Functionally Dependent Use

As used in the Wetlands District and Floodplain District, Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

Funeral Home

Undertaking or funeral establishment.

General Services

Establishments providing services to the general public or to business establishments such as equipment rental and leasing, building cleaning, photocopying, telephone answering, word processing or secretarial services; computer service bureaus; facilities for dancing, martial arts or music instruction; facilities for repair of appliances, office equipment, bicycles, lawn mowers, or similar equipment; and food catering facilities.

Heating Fuel Sales and Service

A facility for the storage and retail sale of heating fuels and the sales and service of heating equipment where the storage of heating fuel in containers is permitted provided the storage is incidental to the retail sale of heating fuel.

Heavy Manufacturing

Asphalt, block, bottling, concrete or fertilizer plants; monument works; paper or pulp mill; refinery; rendering or smelting plants; slaughterhouses.

Heavy Vehicular Sales or Repair Garage

Salesroom and related facilities, including but not limited to open-air displays of trucks, buses, construction, and industrial equipment; establishments for the repair of trucks, buses, construction, and industrial equipment, provided that all major repairs shall be conducted within the building.

Heliport

Any facility designed solely for the takeoff, landing, and/or storage of rotary wing aircraft and encompassing no linear runway in excess of 1,000 feet.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

Historic Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

Hospital

Any facility principally designed to provide medical treatment including surgical services and short term to intermediate care so licensed as a hospital of the Commonwealth of Massachusetts.

Hotel, Inn, or Motel

A facility providing transient lodging accommodations to the general public.

Independent Living Facility

A structure or structures owned by a single entity containing dwelling units and common areas.

Independent Living dwelling buildings must be accompanied by Assisted Living units as part of a Continuing Care Campus and shall include four or more units per building. Units shall contain no more than two bedrooms each and a maximum habitable living area of 1,200 square feet. All dwelling units shall be constructed to be handicap accessible in accordance with 521 CMR and age-appropriate design requirements included in the Assisted Living and Continuing Care Campus Development Bylaw.

Industrial Office/R&D

Facilities designed for the conduct of research and/or engineering and the support and operation thereof including but not limited to the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.

Kennel/Breeding Facility

Commercial Breeding Facility

Any facility designed solely for the purpose of breeding animals of any sort, including but not limited to, fowl, swine, cattle, primates, rodents, reptiles, and fish.

Commercial Kennel

Establishment where dogs, cats, or other pets are kept for sale, breeding, or boarding care, **excluding a personal kennel.**

Personal Kennel

A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Licensed Marijuana Establishment

A facility for the indoor cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution, or dispensing of marijuana and marijuana products for both medical and adult use.

Light Manufacturing

Printing or publishing plant; manufacturing of building systems and components; fabrication and assembly of electronic components, precision instruments, or other high technology products; manufacture of light metal products, hardware, and office supplies; or similar light manufacturing plants and facilities.

Light Vehicular and Equipment Sales

Salesroom and related facilities, including but not limited to open-air display, for the sale of automobiles, motorcycles, recreational vehicles, and similar vehicles, boats, or light industrial or farm equipment.

Local Initiative Program (LIP)

A program administered by DHCD pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit as defined in G.L. c. 40B, § 20 through § 23.

Lodge or Club

A facility used by a non-commercial organization which is characterized by formal written membership requirements.

Lounge or Pub

Any facility other than a restaurant designed primarily for the serving of alcoholic beverages within which entertainment may be provided and requiring a license from the Town pursuant to G.L. c. 138 § 2.

Low Income

Household income that does not exceed 50 percent of the area median family income adjusted for household size as determined by the United States Department of Housing and Urban Development (HUD), then in effect.

Lumber Yard

A facility for the open or enclosed storage and sales of building materials; except that in the General Business District the open or outdoor storage or display of building materials is prohibited.

Marijuana

The same substance defined as "marijuana" under 935 CMR 500.00 for Adult Use Marijuana, and 105 CMR 725.004 for Medical Use Marijuana.

Marijuana Courier

An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Marijuana Treatment Center but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label, as defined by State law. A Marijuana Courier is an additional license type that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer.

Marijuana Cultivator

An entity licensed to cultivate, process, and package marijuana for both medical and adult use, to deliver marijuana to marijuana establishments, but not to consumers.

Marijuana Delivery Operator or Delivery Operator

An entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license, as defined by State law. A Delivery Operator is an additional license type that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer.

Medical Marijuana Treatment Center (MTC)

An entity licensed under State laws and regulations that acquires, cultivates, possesses, processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless

otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

Marijuana Product Manufacturer

An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products for medical and adult use, to deliver marijuana and marijuana products to marijuana establishments, but not to consumers.

Marijuana Products

Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

Marijuana Research Facility

A facility that may cultivate, purchase, or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products. This may be an academic institution, non-profit corporation or domestic corporation, or entity authorized to do business in the Commonwealth of Massachusetts.

Marijuana Social Consumption Operator

A marijuana retailer licensed to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises.

Marijuana Transportation or Distribution Facility

An entity with a fixed location that delivers marijuana and marijuana products to marijuana establishments and transfers marijuana and marijuana products to other marijuana establishments, but not to consumers. This shall include the temporary storage of marijuana products on premises associated with transportation and distribution.

Marijuana Testing Facility

An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Marinas

Any facility designed for the in-water dockage, berthing and/or launching of water-borne craft, excluding fueling service and limited to not more than ten slips or linear footage not to exceed 200 feet. The term does not apply to dockage or berthing facilities designed solely for non-commercial, private, and personal use.

Massage Parlors

See Adult Entertainment Establishments. As used in this Bylaw, Massage Parlor shall not be deemed to include Massage Therapists who are properly licensed, certified, and insured in the Commonwealth of Massachusetts as Massage Therapists, or their professional offices.

Micro-Business (Marijuana)

A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Mini-Warehouse

Any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a "self-service" basis. An enclosed facility containing separate storage spaces, commonly known as self-storage, no larger than 400 square feet each, leased or rented on an individual basis. Exterior storage of vehicles, recreational vehicles including boats, trailers, campers, etc.,

or other materials is strictly prohibited. Excludes storage spaces that are wholly accessory to on-site uses and not offered for rent or lease to off-site tenants. (See *also*, Warehouse.)

Mixed Use Development

A combination of residential and non-residential uses, as permitted within the MUVOD, arranged vertically (in multiple stories of one or more buildings) or horizontally (adjacent to one another in one or more buildings) within a lot.

Moderate Income

Household income that does not exceed 80 percent of the area median family income adjusted for household size as determined by HUD, then in effect. (See *also*, Low Income.)

Motor Vehicle and Full-Self-Service Gas Stations

Facility for outdoor sale of motor vehicle fuels, related products and services, products and services, provided that maintenance and servicing of vehicles shall be conducted entirely within a building.

Motor Vehicle Repair or Body Shop

Establishment where the principal service is the repair of automobiles or similar light motor vehicles provided that all major maintenance and servicing of vehicles shall be conducted entirely within a building.

Motor Vehicle Service Station

Facility for outdoor sale of motor vehicle fuels, related products and services provided that all major maintenance and servicing of vehicles shall be conducted entirely within a building.

Municipal Use

Use of land, buildings, and structures by the Town and the Tyngsborough, **Chelmsford, and Dracut** Water Districts.

Nursing Home

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care.

Parking Facility

Commercial parking open to the public for automobiles and similar light motor vehicles.

Personal Service Facility

Establishments providing services involving the care of a person or a person's 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.

Post Office

Any facility designed for the sorting, storage (including lock boxes), delivery, or mail, including parcels, whether operated publicly or privately.

Outdoor Sales of Holiday Trees, Wreaths, or Similar Products

An event of a temporary nature during the holiday season designed to provide for the outdoor sales of trees, wreaths, or similar holiday horticultural products. Such facilities would not include the use of a permanent structure designed to enclose the use and would meet all appropriate codes and other conditions of this Bylaw.

Public or Private Utility Facilities

Facilities, equipment, and structures necessary for conducting a utility service by a public or private entity, including publicly or privately owned and operated facilities, equipment, and structures associated with the generation, utilization, transmission, and/or storage of solar energy, equal to 250 kw or greater, hydroelectric and geothermal energy systems.

Public Transit Vehicle Parking

The parking and temporary storage of public transit vehicles including buses, special needs equipped vehicles, and related or support vehicles serving in whole or in part educational facilities located in the Town. The term does not include the on-site repair and maintenance of vehicles, and the storage of and dispensing of fuel products but does include the provision for dispatching and security personnel and necessary emergency vehicles and equipment.

Qualified Affordable Housing Purchaser or Tenant

A low- or moderate-income household that purchases or rents and occupies an Affordable Housing Unit as its principal residence.

Recreational Use

Non-commercial outdoor facilities for activities such as horseback riding, skiing, ice skating, swimming, and tennis.

Recreational Vehicle

A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

Regulatory Floodway
See "Floodway"**Religious Use**

Use of land, buildings, and structures for religious purposes by a religious sect or denomination.

Retail Store

An establishment engaged in displaying and selling goods or merchandise **from** within a building to the general public or to business establishments which goods or merchandise are not intended for resale. ~~except that a garden center, florist, or commercial greenhouse may have open air display of horticultural products~~

Restaurant

Establishment where food and beverages are sold within a building to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the building, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above.

Restaurant-Fast Food

A food establishment where food and beverages are principally sold and packaged individually and or in a self-service manner with no at-table service if so equipped. A drive-up facility in addition to or in combination with the criteria above shall also be so classified.

Rifle Range

Any facility enclosed or open designed and intended for the safe discharge of firearms for the purpose of sport, practice, or training.

Sign

Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, attract attention, announce the purpose of, identify the purpose of a person or entity, or to communicate information of any kind to the public.

Related definitions include:

Advertising flags. flags that contain any commercial message but not including “open” or holiday decorative flags.

Animated or moving sign. any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner. any sign of lightweight fabric or similar material.

Commercial message. any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

Electronic Message Center Sign. Any sign that utilizes computer-generated messages, or some other electronic means of changing copy, which are displayed using light emitting diodes (LED), liquid crystal display (LCD), plasma, or other similar display technologies.

Freestanding or pole sign. any sign supported by structures or supports that are placed on or anchored to the ground and are independent from any building or other structure.

Incidental signs. any sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking, entrance, loading only, telephone,” or other similar directives.

Internally lit signs. signs of translucent materials illuminated by a source internal to the sign.

Off-premises signs. any sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Off-premises directional signs. a sign containing a business name and an arrow designed to show direction to the business at a location other than the premises on which the sign is located.

Neon signs. signs that are lit by neon gas and usually made with narrow tubes.

Pennant. any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable signs. any sign that is not permanently affixed to a building, structure, or the ground, including signs mounted on wheels or on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

Projecting signs. any sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from the building. No sign shall project over any public right-of-way or over public property.

Roof signs. any sign mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge of building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign. any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, attract attention, announce the purpose of, identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign Area. the area of the smallest horizontally or vertically oriented rectangle which could enclose all of the display area of the sign, together with any backing different in color or material from the finish material of the building face without deduction for open space or other irregularities. Structural members not bearing advertising matter shall not be included unless internally or decoratively lighted. Only one side of the flat, back-to-back signs need to be included in calculating sign area.

Temporary signs. any sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

Time and temperature signs. any portion of a sign that displays only time and temperature and contains no advertisement.

Wall or attached signs. any sign attached parallel to but within 12 inches of a wall, painted on a wall, or erected and confined within the limits of an outside wall of any building or structure which is supported by a wall, building, or structure.

Window signs. any sign, pictures, symbol, or combination designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed within 24 inches of the inside of a window or upon the windowpanes of glass and is intended to be visible from the exterior of the window.

Slaughterhouse and Similar

Any facility designed for the commercial slaughter, butchering, cleaning, skinning, or otherwise killing of animals for food, fur, or hide and any subsequent related activity such as tanning or rendering. The term abattoir shall also apply. Such uses associated with the normal conduct of farming operations shall not be considered inclusive.

Solar Energy System

A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Related definitions include:

Solar Access – the access of a solar energy system to direct sunlight.

Solar Canopy – A structure supporting solar collectors suspended over parking areas or walkways.

Solar Collector – A device, structure, or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy System, Active – A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy Systems, Grid-Intertie – A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted – An Active Solar Energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Large-Scale – An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale – An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 – 250 kW DC).

Solar Energy System, Small-Scale – An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DV or less).

Solar Energy System, Off-Grid – A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Passive – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Solar Energy System, Roof-Mounted – An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Thermal System – An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Solid Waste Disposal

Sanitary landfill, refuse transfer station, refuse incinerator with grate area in excess of 10 square feet, composting plant, solid waste recycling operation, and any other works or use for processing, handling, treating, and disposing of solid waste materials, including garbage, rubbish, junk discarded bulk items, and sludge but not raw sewage, and similar waste items.

Special Permit Granting Authority

The local board assigned to review and administer the special permit for a given project or activity. The Planning Board is assigned as the Special Permit Granting Authority for Adult Use and Medical Marijuana special permit applications.

Storage

Non-municipal dump; salvage materials yard, including non-operable motor vehicles; tank farmers.

Storage – Self-service Storage Facility

(See definition for Mini-Warehouse)

Special Flood Hazard Area

The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30. [Base Code, c. 2, Section 202]

Start of Construction

The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

Studio

A facility used as a place of work by an artist, photographer or artisan.

Subsidized Housing Inventory (SHI)

DHCD Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.

Substantial Repair of a Foundation

When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50 percent of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50 percent of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

Temporary Independent Living Quarters

One or more rooms attached to be located within the primary dwelling, with separate kitchen and bathroom facilities originally constructed and permitted as a residential housing unit designed for the temporary occupancy of another individual(s) related to the owner and resident of the primary structure.

Tree Removal

The following definitions apply to terms used in Section 7.6.

Activity Area. The portion of a property within which removal of vegetation (trees and shrubs) will occur.

Clearing. Removal or causing to be removed through either direct or indirect actions - trees and/or shrubs from a site. Actions considered to be clearing include but are not limited to causing irreversible damage to the roots or trunks; destroying the structural integrity of vegetation; and/or filling, excavating, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

Clear cutting. A technique that removes all the trees, regardless of size or species.

Hazardous Tree. A tree with a structural defect or disease, which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as identified by a Certified Arborist or the Tree Warden.

Invasive Species. An introduced or exotic species that significantly modifies or disrupts the ecosystem in which it colonizes (e.g., Norway maple, black locust, tree of heaven).

Legacy Trees. A native, introduced, or naturalized tree, as defined herein, which is 12" Diameter at Breast Height (DBH) or larger, or multi-stemmed trees with a combined DBH equal to or greater than 18". Legacy Trees are provided special protection, including replacement.

Protected Tree. Any tree with a diameter at breast height of 10" or greater is considered a Protected Tree, unless it is an invasive species, as defined herein.

Replacement Tree. Native Trees identified in an approved Management Plan identified to replace trees that are: (a) approved for removal by the Conservation Commission and require replacement, or (b) any protected tree that is damaged as a result of site work in the Activity Area, or (c) any trees that are removed but were not designated for removal on an approved Management Plan.

Tree Clearing Permit. A permit issued and monitored by the Conservation Commission authorizing land clearing activities in Tyngsborough.

Tree Clearing Plan. **A plan submitted with a Tree Clearing Permit that shows all proposed tree clearing activities on the subject site, and proposed replacement tree information including location, type, and caliper of replacement trees.** ~~Understory Vegetation. Small trees, shrubs, and ground-cover plants, growing beneath and shaded by the canopy of trees.~~

Truck Terminal

A facility designed primarily for the storage, origination, destination, temporary layover of trucks exceeding a gross vehicle weight of 10,000 pounds including those facilities designed for the transfer or forwarding of goods shipped by trucks.

Veterinary Care

A facility where animals are given medical or surgical treatment and where boarding of animals is limited to short term care incidental to the medical or surgical treatment.

Warehouse

Wholesale business or storage conducted entirely within an enclosed structure, excluding self-storage (with noise, dust, fumes, gases, and odors confined to the premises).

Waste Recovery

Any process designed to treat, alter, clean, filter, distill, separate, or by any other method recover a usable material of liquid from a waste product prior to or as an alternative to disposal.

Waste Transfer Facility

Any facility designed for the temporary storage in bulk or containerized form of any solid or liquid waste prior to treatment or ultimate disposal at another location. The term waste transfer facility shall not apply to containers used for the storage of solid waste prior to disposal generated on-site by any business or industrial use permitted by the Bylaw, however, all regulations pertaining to waste storage shall apply.

Waste Treatment

Any process designed to treat or alter a solid or liquid waste prior to disposal.

Zones, Flood

All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

ZONE A means an area of special flood hazard without water surface elevations determined
ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet (Velocity flow may be evident; flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, which is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, which is inundated by tidal floods (coastal high hazard area)

Zoo

Any facility enclosed or open designed for the purpose of exhibiting live animals for the purpose of profit. This term does not include the exhibition of animals for contest or prize whose primary purpose is part of the operation of a bona fide farm and are considered farm or draft animals.

Motion: That the Town vote to approve Article 17 as printed in the Finance Committee Guidebook.

Action: Does pass unanimously.

Article 18: Zoning Amendment: Section 10.2 "Wetlands District"

To see if the Town will vote to amend the Town's Zoning Bylaw, specifically Section 10.2 thereof, entitled "Wetlands District," by adding the text below shown in **bold** and deleting therefrom the text below shown in strikethrough, or take any other action relative thereto.

10.2 Wetlands District

The Wetlands District is herein established as an overlay district superimposed on all other districts. Areas included in this District are subject to the rules and regulations governing land uses in the underlying district and the requirements of this Section.

A. Notification of Water Course Alteration

~~In a riverine situation, the Conservation Director shall notify the following of any alteration or relocation of a watercourse:~~

- ~~1. Adjacent Communities, especially upstream and downstream~~
- ~~2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 2114-2104~~
- ~~3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110~~

In a riverine situation, the Conservation Director shall notify the following of any alteration or relocation of a watercourse:

- 1. Adjacent Communities, especially upstream and downstream**
- 2. Bordering States, if affected**
- 3. NFIP State Coordinator, Massachusetts Department of Conservation and Recreation**
- 4. NFIP Program Specialist, Federal Emergency Management Agency, Region I**
- 5. NH NFIP State Coordinator, New Hampshire Office of Planning & Development**

Motion: That the Town vote to approve Article 18 as printed in the Finance Committee Guidebook.
Action: Does pass unanimously.

Article 19: Zoning Amendment: Section 10.3 "Flood Plain and Floodway Districts"

To see if the Town will vote to amend the Town's Zoning Bylaw, specifically Section 10.3 thereof, entitled "Flood Plain and Floodway Districts," by adding the text below shown in **bold** and deleting therefrom the text below shown in strikethrough, or take any other action relative thereto.

10.3 Flood Plain and Floodway Districts

~~A. The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas within Tyngsborough designated as Zone A, AE, AH, AO, or A99 on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 6, 2016 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the district shall be defined by the 1%-chance base flood elevations~~

~~shown on the FIRM further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Town Engineer, and the Conservation Commission Director.~~

A. The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas within Tyngsborough designated as Zone A, or AE on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the district shall be defined by the 1%-chance base flood elevations shown on the FIRM further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Town Engineer, and the Conservation Commission Director.

~~**B. Requirement to Submit New Technical Data.** If the Town acquires data (e.g., LOMR, LOMA) that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:~~

~~FEMA Region I Risk Analysis Branch Chief
99 High St., 6th Floor
Boston, MA 02110~~

~~And copy of notification to:
Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street
Boston, MA 02114~~

Requirement to Submit New Technical Data. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region, I Risk Analysis Branch Chief

**And copy of notification to:
Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation**

Motion: That the Town vote to approve Article 19 as printed in the Finance Committee Guidebook.
Action: Does pass unanimously.

Motion: To adjourn at 7:49 PM

Action: Does pass unanimously.

A true copy: Attest

Jessica A. Brunelle
Town Clerk