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TYNGSBOROUGH, MA

TOWN OF TYNGSBOROUGH  
ANNUAL AND SPECIAL TOWN MEETING

# **FINANCE COMMITTEE REPORT & MEETING GUIDEBOOK**

Tyngsborough Elementary School  
205 Westford Rd, Tyngsborough MA 01879

MAY 7, 2024  
7:00 PM

To the Citizens of Tyngsborough:

**Background**

In Massachusetts, towns with a property valuation of over a million dollars are required to create a Finance Committee. Under Massachusetts General Law and Tyngsborough By-laws, a Finance Committee “shall consider any or all municipal questions for the purpose of making reports or recommendations to the town and shall submit a budget at the annual town meeting” (Massachusetts General Law, Chapter 39, section 16). The Town of Tyngsborough By-laws state there shall be a Finance Committee consisting of five elected members. The By-laws also outline further duties of the Finance Committee including the consideration of all matters of business to be considered within the articles of any warrant and the requirements of a written report on such considerations. The Finance Committee Reports are made available at least seven days before Town Meeting.

**FY 2025 Operating Budget**

The operating budget consists of local aid received from the Commonwealth, our local taxes (property, excise and business) and other fees collected by the Town. All Town activities, not specifically directed to other accounts such as the Sewer or Ambulance Enterprise Funds, are funded through this budget. As a result, most of the Town’s operating expenditures are paid through this appropriation.

**Free Cash Policy and Stabilization Account Funding**

Free Cash is a term used in municipal finance that represents the amount of the fund balance that is available for appropriation by the Town Meeting. Free Cash is generated when actual revenue collections are in excess of the revenue estimates and/or actual expenditures are less than the appropriations for a particular fiscal year. The Director of the Bureau of Accounts of the Massachusetts Department of Revenue certifies the Free Cash amount as of July 1st of each fiscal year. It is only with this certification that the Free Cash is available for appropriation.

The Select Board, working with the Finance Committee and the School Committee, has established a policy regarding the use of Free Cash to prioritize its’ use toward funding expenses rather than the Operating Budget. The Select Board and Finance Committee reviewed the status of the following funds: Town Stabilization, Capital Asset Stabilization, Other Post-Employment Benefits (OPEB), and the Compensated Absence Fund.

**Economic Outlook**

Housing costs in Massachusetts are among the highest in the nation. Revenue for the State is higher than last year but lower than projections. Massachusetts has had over \$1Billion in unplanned expenses relating to keeping people in need sheltered and fed in the past year. As the State continues to search for ways to encourage businesses to exist in Massachusetts, it is also looking for ways to increase revenue and increase available housing particularly in towns such as Tyngsborough that have easy access to public

transportation into Boston. As a result, the state is requiring Tyngsborough to add areas of higher density housing to maintain the amount of State aid the town currently receives. In our official watchdog role, your Tyngsborough Finance Committee continues to monitor these events as well as diligently observing the town's revenue intake and recommending prudent government spending.

Respectfully Submitted,  
 Tyngsborough Finance Committee

Lawrence Clawson, Chair                      Marie Lambert, Vice Chair                      Ed Smith  
 Scott Pozerski, Clerk                              Stan Kosidlo

Account Name	Balance	Proposed FY25 Allocation	Appropriation	Proposed FY25 Ending Balance
General Stabilization	\$ 2,999,163.95	\$ -	\$ -	\$ 2,999,163.95
Capital Asset Stabilization	\$ 625,445.33	\$ 400,000.00	\$ -	\$ 1,025,445.33
OPEB (Other Post Employment Benefits)	\$ 467,065.00	\$ 105,000.00	\$ -	\$ 572,065.00
Compensated Absence Fund	\$ 125,904.00	\$ -	\$ -	\$ 125,904.00
Special Education Stabilization	\$ 134,162.02	\$ 350,000.00	\$ 350,000.00	\$ 134,162.02
Road Maintenance Stabilization*	\$ 1,266,898.65	\$ -	\$ 800,000.00	\$ 466,898.65
Stormwater Stabilization	\$ 20,000.00	\$ 10,000.00	\$ 30,000.00	\$ -
<b>TOTALS</b>	<b>\$ 5,638,638.95</b>	<b>\$ 865,000.00</b>	<b>1,180,000.00</b>	<b>\$ 5,323,638.95</b>

\* By prior town meeting vote, 75% of cannabis excise is deposited into Road Stabilization as payments are received throughout the year, not in one lump sum at Town Meeting.

# TOWN OF TYNGSBOROUGH BY LAWS

## **ARTICLE I TOWN MEETINGS**

**SECTION 1.** The Annual Town Meeting shall be held each May on the first Tuesday at 7:00 in the afternoon.

**SECTION 2.** The copies of warrants for all Town Meetings shall be posted in accordance with law at the following locations: Town Hall, Community Center, Fire Station #1, Fire Station No. 2 on Lakeview Avenue and Flints Corner Plaza.

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**SECTION 3.** The proceedings of Town Meetings shall be governed by the rules of practice contained in Robert's Rules of Order, except as modified by law or by these By-laws.

**SECTION 4.** A motion shall, if required by the moderator, be reduced to writing before being submitted to the meeting.

**SECTION 5.** No vote shall be reconsidered except by a two-thirds vote of those present and voting.

**SECTION 6.** On proposed amendments involving sums of money the smaller or smallest amount shall be put to the question first and an affirmative vote thereon shall be a negative vote on any larger amount.

**SECTION 7.** All committees shall be appointed by the moderator unless otherwise specially directed by the Meeting, and all committees shall be directed to report within a definite time.

**SECTION 8.** Any warrant article or motion thereunder receiving unfavorable action at any Town Meeting shall require a 3/4 vote for adoption at a Special Town Meeting. This restriction shall apply when an article or motion presented at a Special Town Meeting contains the same subject matter or would produce the same effect as one acted upon at a previous meeting. A request for a different sum of money shall not be construed as changing the subject matter of such an article or motion. Said Section 8 shall not apply, however, to amendments to the Town By-laws or Zoning By-laws.

**TOWN OF TYNGSBOROUGH  
SPECIAL TOWN MEETING WARRANT**

Tyngsborough Elementary School  
205 Westford Rd, Tyngsborough MA 01879

May 7, 2024

7:00 PM

**Article 1: Transfer of Funds from Free Cash – FY24**

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.

<b>Amount</b>	<b>To</b>	<b>Purpose</b>
\$264,322	FY24 School Department Revenue (From Fy23)	Fund Reimbursement Medicaid
\$190,696	FY24 School Department Revenue	Fund Reimbursement Medicaid

**Explanation:** Funding turned back from departments in prior fiscal years returns to the undesignated fund balance, referred to as “free-cash”. This funding requires a new Town Meeting vote to authorize a new use of the funds in a following fiscal year. This article covers \$264,322 that was intended to be transferred at the May 2023 Annual Town Meeting Warrant but couldn’t because free cash wasn’t certified. Free Cash was certified on April 19, 2024 and so this article addresses last year’s contribution and our annual contribution amounting to \$190,696.

**Submitted By:** Select Board  
 Select Board: 5-0-0 In Favor  
 Finance Committee: 5-0-0 In Favor  
 Vote Required: Majority Vote

**Article 2: Sewer Enterprise Fund Retained Earnings Transfer**

To see if the Town will vote to transfer the sum of \$1,025,170 from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Fund for FY24, to be expended by the Sewer Commission, as shown on Article 11 of the May 2, 2023 Annual Town Meeting, or take any other action relative thereto.

**Explanation:** Article 11 of the May 2023 Annual Town Meeting Warrant set the Sewer Enterprise Fund budget for FY24. This article included a transfer of \$1,025,170 from the Sewer Enterprise Fund Retained Earnings to their budget. This article was pulled because the enterprise fund retained earnings were held back when Free Cash was not certified in May of 2023.

**Submitted By:** Sewer Commission  
 Select Board: 5-0-0 In Favor  
 Finance Committee: 5-0-0 In Favor  
 Vote Required: Majority Vote

TOWN OF TYNGSBOROUGH  
 ANNUAL TOWN MEETING WARRANT  
 Tyngsborough Elementary School  
 205 Westford Rd, Tyngsborough MA 01879  
 May 7, 2024  
 7:00 PM

**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.

**Explanation:** This article approves the annual Town report which is available at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov) and in hard copy at the Annual Town Meeting, Tyngsborough Public Library, and Town Hall.

**Submitted By:** Select Board  
 Select Board: 5-0-0 In Favor  
 Finance Committee: 5-0-0 In Favor  
 Vote Required: Majority Vote

**Article 2: Deposits to Stabilization Funds**

To see if the Town will vote to transfer the sum of \$960,000 from the following sources to the following Stabilization Funds, for the purpose's hereafter specified:

Amount	Fund	From	Purpose
\$400,000	Capital Asset Stabilization Fund	Certified Free Cash	Reserved for expenditure on capital assets

\$350,000	Special Ed Stabilization Fund	Certified Free Cash	Funding unanticipated or unbudgeted costs of special education, out-of-district tuition, or transportation
\$200,000	Debt Stabilization	Certified Free Cash	Reserve for future debt service payments
\$10,000	Stormwater Stabilization Fund	FY25 Receipts	Funding compliance with Federal, State, or Local stormwater regulations or local stormwater infrastructure improvements

or take any other action relative thereto.

**Explanation:** This article places funding into the accounts described above for future capital asset and stormwater improvement projects. This article reflects deposits that were intended to be made in May of 2023 but couldn't be made because Free Cash was not certified. That included \$200,000 to Capital Asset Stabilization and \$100,000 to Special Ed Stabilization. Those amounts are represented in the above table on top of the contribution planned for FY25.

**Submitted By:** Select Board  
**Select Board:** 5-0-0 In Favor  
**Finance Committee:** 5-0-0 In Favor  
**Vote Required:** Majority Vote

**Article 3: Authorize Appropriations from Stabilization Funds for Fiscal Year 2025**

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
\$800,000	Road Stabilization Fund	Roadway improvements, including the related incidental costs such as, but not limited to, drainage, pedestrian access, lighting, and signage
\$30,000	Stormwater Stabilization Fund	Funding compliance with Federal, State, or Local stormwater regulations or local stormwater infrastructure improvements
\$350,000	Special Ed Stabilization Fund	Funding unanticipated or unbudgeted costs of special education, out-of-district tuition, or transportation

**Explanation:** This is an annual article that authorizes the Town to expend a certain amount of money from stabilization funds during the year, for the purposes described above.

**Submitted By:**                    **Select Board**  
 Select Board:                    5-0-0 In Favor  
 Finance Committee:            5-0-0 In Favor  
 Vote Required:                   2/3rds 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, FY25 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, or take any other action relative thereto.

Fund	Programs and Purposes	Departmental Receipts	Authorization to Expend Funds	FY25 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

**Explanation:** This article authorizes the annual expenditure limits for revolving funds shown above for certain town departments under MGL Chapter 44, Section 53E1/2 for the Fiscal Year beginning on July 1, 2024 and ending on June 30, 2025.

<b>Submitted By:</b>	<b>Select Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	Majority Vote

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**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.

**Explanation:** This article would authorize the Select Board to enter into lease purchase agreements for items including office equipment, vehicles, or other equipment. Massachusetts General Law requires town meeting approval to enter into a contract in excess of three years.

<b>Submitted By:</b>	<b>Select Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	Majority Vote

**Article 6: Appropriation – General Fund for Fiscal Year 2025**

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 2025 (July 1, 2024 - June 30, 2025), or take any other action relative thereto.

*(Budget attachment as Exhibit A)*

**Explanation:** Article 6 is the Fiscal Year 2025 Appropriation of funds for the Town of Tyngsborough. This annual budget is a declaration of our Town's priorities and a statement on how we choose to allocate the limited collective resources that exist. The operating budget enables the day-to-day operations of the Town by paying for recurring expenditures for programs and services, employee salaries, rents, utilities, supplies, insurance, and debt service. The Library, Schools, Police Department, Fire Department, Council on Aging, and dozens of other town departments rely on this funding to provide services on a daily basis.

The operating budget consists of local aid from the Commonwealth, our local taxes (property, excise, and business) and other fees collected by the Town. All Town activities, not specifically directed to other accounts such as the Sewer or Ambulance Enterprise Funds, are funded through this budget. As a result, most of the Town's operating expenditures are paid through this appropriation.

<b>Submitted By:</b>	<b>Select Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	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 2025 (July 1, 2024 - June 30, 2025), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations submitted within Article 7.

	REQUEST		
	SALARIES	SALARIES	RECOMMENDED
	7/01/23	7/01/24	7/01/24
	6/30/24	6/30/25	6/30/25
<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	\$ 74,166	\$ 69,208	\$ 69,208
Assessors (3)			
Chairman	\$ 0	\$ 0	\$ 0
Member (2)	\$ 0	\$ 0	\$ 0
Board of Health			
Chairman	\$ 1000	\$ 1,000	\$ 1,000
Members (4)	\$ 800	\$ 800	\$ 800
Tree Warden	\$ 0	\$ 0	\$ 0

Cemetery Commissioners (3)	\$ 0	\$ 0	\$ 0
School Committee (7)	\$ 0	\$ 0	\$ 0
Library Trustees (6)	\$ 0	\$ 0	\$ 0
Sewer Commissioners (3)			
Chairman	\$ 1,000	\$ 1,000	\$ 1,000
Member (2)	\$ 800	\$ 800	\$ 800
Planning Board (5)			
Chairman	\$ 1,000	\$ 1,000	\$ 1,000
Members (4)	\$ 800	\$ 800	\$ 800
Finance Committee (5)	\$ 0	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0	\$ 0
Greater Lowell Technical HS (1)	\$ 0	\$ 0	\$ 0

**Explanation:** This article requests funding for the stipends of elected officials as presented above.

**Submitted By:**                    **Select Board**  
Select Board:                    5-0-0 In Favor  
Finance Committee:            5-0-0 In Favor  
Vote Required:                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.

Amount	To	For the following purpose:
\$105,000	Other Post-Employment Benefits (OPEB) Trust Fund	Meet long-term OPEB Funding Plan commitment
\$200,000	Capital Account	Fund the 2023 Roads Program as outlined in the FY2024 Capital Asset Management Committee report.
\$60,000	Capital Account	Fund the abatement and demolition of the former Council on Aging building at 180 Lakeview Ave, having recently sustained significant water damage due to a burst pipe.
\$50,000	FINCOM Reserve Fund	To provide for extraordinary or unforeseen expenditures in FY25.
\$300,000	Capital Account	Fund the Norris Road Sidewalk project as included in the FY25 Capital Plan recommended by the Capital Asset Management Committee.

\$25,000	Capital Account	Fund the Littlefield Library Accessibility project as included in the FY25 Capital Plan recommended by the Capital Asset Management Committee.
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**Explanation:** Funding turned back from departments in prior fiscal years returns to the undesignated fund balance, referred to as “free-cash”. This funding requires a new Town Meeting vote to authorize a new use of the funds in a following fiscal year.

This article includes articles that were intended to be approved at the May 2023 Annual Town Meeting but weren't because Free Cash was not certified. Those amounts are added to the appropriations that were planned for this current meeting. The OPEB contribution is twice our normal contribution because we missed the annual contribution in May 2023 and two articles dealing with capital from last year are on the warrant again this year now that Free Cash was certified.

<b>Submitted By:</b>	<b>Select Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	Majority Vote

**Article 9: Appropriation – Ambulance Enterprise Fund for Fiscal Year 2025**

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 2025 as follows:

Salaries	\$ 549,500.00
<u>Fringe Benefits</u>	<u>\$ 48,000.00</u>
Subtotal	\$ 597,500.00
Expenses	\$ 54,810.00
<u>Indirect Costs to the General Fund</u>	<u>\$ 19,000.00</u>
Subtotal	\$ 73,810.00
TOTAL	\$ 671,310.00

with \$671,310.00 to be raised through Department Receipts, as follows:

<u>Estimated Department Receipts</u>	<u>\$ 700,000.00</u>
Estimated Surplus	<u>\$ 28,690.00</u>

and that \$48,000.00 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.

**Explanation:** The purpose of this article is to fund the Ambulance Enterprise Fund. The Fund is supported by fees collected through ambulance charges. The Fire Chief and Select Board establish the total expenses of the department, including debt service, direct, and indirect expenses. Indirect costs are associated with General Government costs and fringe benefits that are related to the operation of the ambulance service and are expensed through the General Fund, or operating budget.

<b>Submitted By:</b>	<b>Select Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	Majority Vote

**Article 10: Appropriation – Sewer Enterprise Fund for Fiscal Year 2025**

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 2025 as follows:

That the following sums be appropriated:

Salaries & Stipends	\$ 252,848
Expenses	\$ 1,439,504
Capital Outlay	\$ 1,152,306
Debt & Interest Sewer Dept.	\$ 120,904
Debt & Interest from Betterments	\$ 879,356
Subtotal	\$ 3,844,918
Transfer Indirect Costs to General Fund	\$ 125,436
Total	\$ 3,970,354

From the following funding sources:

Department receipts	\$ 1,740,635
Betterment Fund	\$ 879,356
Retained Earnings	\$ 1,350,363
Total	\$ 3,970,354

or take any other action relative thereto.

**Explanation:** The purpose of this article is to fund the Sewer Enterprise Fund. The fund is supported by sewer usage charges. The sewer rate is set by the Sewer Commission and is established based on the total expenses of the department, including debt service, direct and indirect expenses and the use of sewer services by residents and businesses. Indirect costs are associated with General Government costs and fringe benefits that are related to the operation of the Sewer Department and are expensed through the operating budget.

**Submitted By:**                      **Select Board**  
 Select Board:                              5-0-0 In Favor  
 Finance Committee:                      5-0-0 In Favor  
 Vote Required:                              Majority Vote

**Article 11: Transfer of Funds from PEG Fund**

To see if the Town will vote to transfer the sum of \$185,279 from the PEG Fund to the general fund for the following purposes, or take any other action relative thereto.

Amount	To
\$185,279	Support PEG Operating Budget for public, educational, and governmental television access

**Explanation:** The PEG (Public, Education, and Government Channel) program is supported by franchise fees collected by the Town from cable providers. This article transfers a sum of that money from the PEG fund to the general fund to cover PEG expenses such as salaries.

**Submitted By:**                      **Select Board**  
 Select Board:                              5-0-0 In Favor  
 Finance Committee:                      5-0-0 In Favor  
 Vote Required:                              Majority Vote

**Article 12: 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 the Fiscal Year 2025, 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:

<b>Description</b>	<b>Amount</b>	<b>Fund Category</b>
Lake Massapoag Weed Control	\$3,500.00	Open Space and Recreation
10 Merrimac Way Unit C Acquisition	\$350,000.00	Fund Balance
Town Center Digital Sign Project	\$100,000.00	Open Space and Recreation
Lake Mascuppic Weed Treatment	\$7,000.000	FY25 Receipts
Administrative Expenses (5% Allowance)	\$50,000.00	FY25 Receipts
Debt Service (First Parish) Year 4/10	\$235,625.00	FY25 Receipts
Deb Service (Old Town Hall) Year 7/10	\$188,100.00	FY25 Receipts
<b>Total Project Appropriation</b>	<b>\$934,225.00</b>	
Deposit to Historic Preservation Reserve	\$100,000.00	
Deposit to Affordable Housing Reserve	\$100,000.00	
Deposit to Open Space/Recreation Reserve	\$100,000.00	
<b>Total Deposit to Reserve</b>	<b>\$300,000.00</b>	

**Explanation:** The Community Preservation Committee (CPC) recommends how funds should be spent or set aside for future spending among the allowable categories of (a) open space; (b) historic preservation, and (c) affordable housing. In addition, a maximum 5% may be spent on administrative expenses by the CPC. Town Meeting may either approve or reduce the recommended expenditures but cannot add to them. Tyngsborough received state matching funds from the Commonwealth for several of the projects recommended this year.

**Submitted By: Community Preservation Committee**

Select Board: 5-0-0 In Favor

Finance Committee: 5-0-0 In Favor

CPC: 6-0-0 In Favor

Vote Required: Majority Vote

**Article 13: 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 (FY23):

Vendor	Invoice	Amount	Account	Department
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Law Office of Ronald J. Berenson	12940	\$418.00	01145200- 530880	Tax Office
University of Massachusetts Lowell Police Dept.	22-61-DV	\$741.39	01410200- 578010	Engineering

or take any action relative thereto.

**Explanation:** Bills incurred in a previous fiscal year cannot be paid by the Town until they have been approved by Town Meeting. This article seeks authorization to pay two bills that were incurred during Fiscal Year 2023. These bills will be paid out of the existing FY24 budget and do not represent new appropriations.

**Submitted By:**                      **Select Board**  
Select Board:                            5-0-0 In Favor  
Finance Committee:                    5-0-0 In Favor  
Vote Required:                          4/5ths Vote

**Article 14: Acceptance of Land with Clubhouse from Toll Brothers**

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase, eminent domain or otherwise, for open space and recreation purposes, to be under the care, custody and control of the Select Board, certain property off Sherburne Avenue identified as Parcels A, C and D on a plan entitled "Tyngsborough Country Club, Sherburne Avenue, Tyngsboro, Massachusetts," dated February 12, 1987 and recorded with the Middlesex North District Registry of Deeds at Plan Book 158, Page 89, and as Parcel D on a plan entitled "Plan of Land in Tyngsboro, Mass.," dated July 14, 1980 and recorded with the aforesaid Registry of Deeds at Plan Book 141, Page 137, a.k.a. Assessor's Tax Parcels 27-73, 27-74 and 21-41, together with any and all structures and improvements thereon, presently owned of-record by Toll Northeast V Corp.; and, further, to authorize the Select Board to negotiate and enter into any and all agreements and/or to execute any and all instruments as may be necessary on behalf of the Town to effect the aforesaid acquisition; or take any other action relative thereto.

**Explanation:** Article 14 seeks Town Meeting authorization to formally accept the parcel of land containing roughly 30 acres donated to the Town from Toll Brothers as a part of the development on the former Tyngsborough Country Club. Toll Brothers was required to donate the land, renovate the clubhouse, and install walking trails on the site, all of which they have completed. Additionally, CPC authorized \$800,000 at May 2023 Town Meeting to construct sports amenities on this site. That work can commence as soon as the land is formally accepted by the Town.

<b>Submitted By:</b>	<b>Select Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	Simple Majority

**Article 15: Home Rule Petition: Additional Liquor Licenses**

To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts to pass an act entitled “An Act Authorizing the Town of Tyngsborough to Grant Additional Licenses for the Sale of Alcoholic Beverages”, being substantially as set forth below:

An Act Authorizing the Town of Tyngsborough to Grant Additional Licenses for the Sale of Alcoholic Beverages

SECTION 1

- (a) Notwithstanding the maximum number of licenses authorized to be granted under section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the Town of Tyngsborough may grant up to three (3) additional all-alcoholic beverages restaurant licenses for the sale of alcoholic beverages to be drunk on the premises, under section 12 of said chapter 138 to operators and locations to be determined by the licensing authority. The licenses shall be subject to all of said chapter 138, except section 17 and section 17A.
- (b) If the licenses granted under this section are cancelled, revoked or no longer in use, they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the licenses to new applicants and under the same conditions as specified in this Act.

SECTION 2

This act shall take effect upon its passage.

or take any other action relative thereto.

**Explanation:** Article 15 seeks Town Meeting authorization for the Select Board to file a home rule petition to the General Court of the Commonwealth to request three (3) additional on-premise all alcoholic beverages licenses. These would replace three that expired in 2021 before being granted to the 440 Middlesex Road development.

**Submitted By:** Select Board  
Select Board: 5-0-0 In Favor  
Finance Committee: 5-0-0 In Favor  
Vote Required: Simple Majority

**Article 16: Terminate Special Purpose Stabilization Fund Dedication**

To see if the Town will vote to terminate the dedication of 75% of adult use marijuana local sales tax revenues to the Road Maintenance Stabilization Fund effective July 1, 2025 as approved by Article 3 on the 2021 Special Town Meeting Warrant, or take any other action relative thereto.

**Explanation:** Article 16 seeks to terminate the revenue dedication approved as Article 3 on Fall 2021 Special Town Meeting Warrant which dedicated 75% of all cannabis excise to the Road Maintenance Stabilization Fund. The following articles seek to change the dedication to split 25% of that into the debt stabilization fund effective July 1, 2025.

**Submitted By:** Select Board  
Select Board: 5-0-0 In Favor  
Finance Committee: 5-0-0 In Favor  
Vote Required: 2/3rds Majority

**Article 17: Special Purpose Stabilization Fund for Road Maintenance; Revenue Dedication**

To see if the Town will vote to dedicate 50% of adult use marijuana local sales tax revenues collected under Massachusetts General Laws Chapter 64N, Section 3, to the Road Maintenance Stabilization Fund, for the period beginning on July 1, 2025 through June 30, 2028; or take any other action relative thereto

**Explanation:** Article 17 seeks to dedicate 50% of adult use marijuana excise to the Road Maintenance Stabilization Fund for use on road maintenance effective July 1, 2025.

**Submitted By:** Select Board  
Select Board: 5-0-0 In Favor  
Finance Committee: 5-0-0 In Favor  
Vote Required: 2/3rds Majority

**Article 18: Special Purpose Stabilization Fund for Debt Stabilization; Revenue Dedication**

To see if the Town will vote to dedicate 25% of adult use marijuana local sales tax revenues collected under Massachusetts General Laws Chapter 64N, Section 3, to the Debt Stabilization Fund, for the period beginning on July 1, 2025 through June 30, 2028; or take any other action relative thereto

**Explanation:** Article 18 seeks to dedicate 25% of adult use marijuana excise to the Debt Stabilization Fund for use to help offset debt payments effective July 1, 2025.

<b>Submitted By:</b>	<b>Select Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	2/3rds Majority

**Article 19: Street Acceptance – Farmers Way**

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:

Farmers Way, Tyngsborough, Mass. Shown on a plan entitled “Street Acceptance Plan. Famers Way, Tyngsboro, Mass. Dated: January 24, 2024 Scale: 1”=40’ prepared by Norse Design Services, Inc.”. Being sheet 1 of 2 to be recorded with the Middlesex North District Registry of Deeds.

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 plan; or to take any other action relative thereto.

**Explanation:** This article asks Town Meeting for formally accept “Farmers Way” as a public road. The road has been fully surveyed, reviewed by the Engineering Department, recommended for acceptance by the Planning Board, and following a public hearing recommended for acceptance by the Select Board. If approved, Farmers Way will become a public way under the jurisdiction of the Town.

<b>Submitted By:</b>	<b>Select Board &amp; Planning Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Vote Required:	Simple Majority

**Article 20: Citizen’s Petition: Zoning Amendment to Allow Continuing Care Campus and Assisted Living Use in a B-2 District**

To see if the Town will vote to amend the Town of Tyngsborough Zoning Bylaw, Section 4.3 Table of Uses, by adding the language in bold and removing the language with the strikethrough, or take any other action relative thereto.

	Residential Districts			Business Districts				Industrial
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Nursing Home	O	O	PB	P	P	P	O	O
Assisted Living	O	O	O	O	<b>⊖ PB</b>	<b>PB</b>	O	O
Independent Living	O	O	O	O	O	O	O	O
Continuing Care Campus	O	O	O	O	<b>⊖ PB</b>	<b>PB</b>	O	O

**Explanation:** This is a citizen’s petition. The Select Board is required to place Citizens Petitions that get enough signatures on the warrant. If approved, this article would amend the Town’s Zoning Bylaw to permit a Continuing Care Campus and Independent Living facility in a B2 Zone where it is currently only permitted in a B3 zone.

**Submitted By:** Citizen Petition  
 Select Board: No Vote  
 Finance Committee: 5-0-0 In Favor  
 Planning Board: 3-1-0 In Favor  
 Vote Required: 2/3rds Majority

**Article 21: Zoning Amendment: Solid Waste Disposal**

To see if the Town will vote to amend the Town of Tyngsborough Zoning Bylaw, Section 4.3 Table of Uses, by adding the language in bold and removing the language with the strikethrough, or take any other action relative thereto.

**CODES:**  
 P = A Permitted Use  
 O = A Prohibited Use  
 PB = Special Permit-Planning Board  
 SB = Special Permit – Board of Selectmen  
 SPR = Site Plan Review by Planning Board Pursuant to section 2.8

Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
...								
<b>Other Uses</b>								
Storage	O	O	O	O	O	O	O	O
Truck Terminal	O	O	O	O	O	O	O	O
Slaughterhouse & Similar Processing	O	O	O	O	O	O	O	O
Solid Waste Disposal	O	O	O	O	O	O	O	O
Massage Parlors	O	O	O	O	O	O	O	O
Biological Research	O	O	O	O	O	O	O	SB
Adult Entertainment	O	O	O	O	O	O	SB	O
Fairs, Carnivals, Etc.	O	O	O	O	SB	SB	SB	SB
...								

**Explanation:** This article seeks to reaffirm the Town's prohibition on solid waste disposal uses in the Industrial district.

**Submitted By:** Planning Board  
 Select Board: 5-0-0 In Favor  
 Finance Committee: 4-0-1 In Favor  
 Planning Board: 4-0-0 In Favor  
 Vote Required: 2/3rds Majority

**Article 22: Zoning Amendment: Inclusionary Zoning Bylaw**

To see if the Town will vote to amend the Town of Tyngsborough Zoning Bylaw, Section 9.1 Inclusionary Zoning, by adding the language in bold and removing the language with the strikethrough, or take any other action relative thereto.

9.1 Inclusionary Zoning

A. Intent and Purpose – This section is adopted for the following purpose:

1. To provide multiple housing choices for people of all economic backgrounds;
2. To increase the supply of housing that is available and permanently affordable to low or moderate-income households in Tyngsborough;

3. To contribute to the Town's Subsidized Housing Inventory (SHI).

The intent of the Bylaw is that all units created under this Bylaw count towards the satisfaction of the Town's affordable housing requirements under the Comprehensive Permit Law, M.G.L c. 40B, §§ 20-23.

B. Applicability. The inclusionary zoning provisions of this Bylaw are applicable to:

1. Any project, other than a conventional subdivision, that results in a new increase of 7 or more residential dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space including mixed-use developments.
2. Willful evasion of this section of the Bylaw is prohibited. Developments may not be segmented land or properties over any 5-year period with the intention of avoiding inclusionary housing requirements by either subdividing one parcel of land into two parcels of land or purposefully dividing a project that would be subject to this Bylaw into phases in such a way that would not result in the creation of affordable units.
3. If requested by the Planning Board or Zoning Board of Appeals, the Building Commissioner shall determine in writing the number of pre-existing, legal housing units on a development site.

C. Methods of Providing Affordable Housing Units

1. On-Site Units may be provided by-right and is the preferred method of providing affordable units under this Bylaw as follows:
  - a) For age-restricted housing, at least 15 percent of the new housing created must be designated as affordable in perpetuity.
  - b) For all other housing development subject to this requirement, at least 12 percent of the new housing units created shall be restricted as affordable in perpetuity.
  - c) For Assisted Living or Continuing Care Campus development, at least 10 percent of the new units created must be designated as affordable in perpetuity.
2. When the calculation results in a fractional affordable housing unit (FAHU) of 0.5-0.9, the developer shall provide a whole on-site unit for that fractional unit.

~~D. The Planning Board shall serve as the permit granting authority. The Planning Board may grant a special permit for one or more of the following methods, alone~~

~~or in combination. In no event shall land area or cash payments provided be less than the equivalent number or value of affordable housing units that could be built on site under Subsection C above.~~

- ~~1. Payment of a fee in lieu to the Town Affordable Housing Trust Fund made shall be allowed for housing developments with 16 units or less in compliance with Paragraph 3 below.~~
- ~~2. Donation of developable land in the Town to the Tyngsborough Housing Authority, the Town Affordable Housing Trust Fund, or a comparable entity, providing the receiving organization agrees in writing to accept the land, and the applicant demonstrates to the Planning Board's satisfaction that the land is developable for an equivalent number of affordable units in conformance with this section.~~
- ~~3. Contribution in lieu of on-site units—The cash payment shall be equal to the most current "Total Residential Development Cost Limit" as articulated in the DHCD's Qualified Allocation Plan for Low Income Housing Tax Credit, for the areas described as the Lowell MA HUD Metro Area, as adjusted for the type of project and number of units.~~

#### E. General Provisions for Affordable Housing

- 1. The Planning Board shall serve as the permit granting authority.**
2. Applicants are encouraged to consult with the Town Affordable Housing Trust early in the development process concerning the Town's affordable housing needs and the optimum manner in which the Town's needs and the developer's affordable housing requirement can be met by the proposed development consistently with any housing and/or master plan then in effect.
3. Each affordable unit shall be subject to an affordable housing restriction as defined herein. The developer shall be responsible for preparing any documentation required by DHCD and the Town to qualify the unit for listing on the SHI.
4. The selection of qualified purchasers or qualified renters shall be carried out under an affirmative fair housing marketing plan prepared by the developer in compliance with the DHCD LIP guidelines.
5. Developers may sell affordable for-sale units to the Town, the Town Affordable Housing Trust, or to a private nonprofit entity serving the Town for the purpose of providing affordable housing opportunities and to permit the entity to market the affordable housing units and manage the choice of buyers.

**Explanation:** This article would amend the Town's Inclusionary Bylaw by eliminating the ability of a developer to meet the affordable unit requirements of the bylaw using alternative methods. If approved, a developer would be required to achieve compliance by constructed units on site.

<b>Submitted By:</b>	<b>Planning Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	5-0-0 In Favor
Planning Board:	4-0-0 In Favor
Vote Required:	2/3rds Majority

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**Article 23: Zoning Amendment: Open Space Residential Development**

To see if the Town will vote to amend the Town of Tyngsborough Zoning Bylaw, Section 9.2 Special Permit; Open Space Residential Development, by adding the language in bold and removing the language with the strikethrough, or take any other action relative thereto.

9.2 Special Permit; Open Space Residential Development

A. The Planning Board may grant a special permit for Open Space Residential Development in the R-1 District for single-family detached dwellings and accessory structures subject to the provisions of this section.

~~B. Town Meeting approval of an Open Space Residential Plan is required prior to the granting of a Special Permit.~~

C. Objectives. The objective of this section is to allow an optional scheme of development so as to encourage the preservation of common land for conservation, acquisition, open space and recreational use; to preserve historical or archeological resources; to protect existing or potential municipal and private water supplies; to promote more sensitive siting of buildings and better overall site planning; to promote better utilization of land in harmony with its natural features and with the general intent of the Zoning Bylaw through a greater flexibility in design; and to allow for the more efficient provision of municipal services.

**Explanation:** This article would amend the Town's Zoning Bylaw by striking the requirement that Town Meeting approve an open space residential development plan before a special permit can be issued by the Planning Board. This is in response to a review of the Attorney General's office which deemed that provision unlawful.

**Submitted By:** Planning Board  
 Select Board: 5-0-0 In Favor  
 Finance Committee: 5-0-0 In Favor  
 Planning Board: 4-0-0 In Favor  
 Vote Required: 2/3rds Majority

**Article 24: Zoning Amendment: Farmer's Market**

To see if the Town will vote to amend the Town of Tyngsborough Zoning Bylaw, Section 4.3 Table of Uses, by adding the language in bold and removing the language with the strikethrough, or take any other action relative thereto.

**CODES:**  
**P** = A Permitted Use  
**O** = A Prohibited Use  
**PB** = Special Permit-Planning Board  
**SB** = Special Permit – Board of Selectmen  
**SPR** = Site Plan Review by Planning Board Pursuant to section 2.8

Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
...								
<b>Other Uses</b>								
Storage	O	O	O	O	O	O	O	O
Truck Terminal	O	O	O	O	O	O	O	O
Slaughterhouse & Similar Processing	O	O	O	O	O	O	O	O
Solid Waste Disposal	O	O	O	O	O	O	O	O
Massage Parlors	O	O	O	O	O	O	O	O
Biological Research	O	O	O	O	O	O	O	SB
Adult Entertainment	O	O	O	O	O	O	SB	O
Fairs, Carnivals, Etc.¹	O	O	O	O	SB	SB	SB	SB
Telecommunication Towers¹	O	O	O	O	O	O	O	O
Outdoor Sales of Holiday Trees, Etc.¹	O	O	O	SB	SB	SB	SB	SB

Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Farmer's Markets, Farm Stands, Etc.º	O	O	O	SB P	SB P	SB P	SB P	SB P

**Explanation:** This article would amend the Town's Zoning Bylaw by amending the table of uses to allow a Farmers Market in all business districts. Currently, a farmers market requires a special permit by the Select Board which is a costly and lengthy process for any applicant. These would continue to be regulated by the Board of Health.

**Submitted By:** Planning Board  
 Select Board: 5-0-0 In Favor  
 Finance Committee: 5-0-0 In Favor  
 Planning Board: 4-0-0 In Favor  
 Vote Required: 2/3rds Majority

**Article 25: Zoning Amendment: MBTA Communities Multifamily Overlay District**

To see if the Town will vote to amend Section 10, "Special District Regulations," of the Town's Zoning Bylaw, by adding a new subsection shown below, or take any other action relative thereto.

**SECTION 10.5: MBTA Communities Multi-Family Overlay District**

**A. PURPOSE**

The purpose of the MBTA Communities Multi-Family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services.
3. Locate housing within walking distance of public transit and commercial centers to promote general public health, reduce the number of vehicular miles traveled, support economic development, and meet community-based environmental goals, including reducing greenhouse gasses and improving air quality.
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.

5. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
6. Increase the municipal tax base through private investment in new residential developments.
7. Comply with Massachusetts General Laws Chapter 40A Section 3A.

**B. ESTABLISHMENT AND APPLICABILITY**

This MCMOD is an overlay district having a land area of approximately 51 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Effective Date.** This overlay district will go into effect on December 31, 2024 in accordance with the requirements of MGL Chapter 40A Section 3A.
2. **Applicability of MCMOD.** An applicant may develop multi-family housing with a minimum of eight (8) dwelling units located within a MCMOD in accordance with the provisions of this Section 10.5.
3. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section 10.5 are governed by the requirements of the underlying zoning district(s).
4. **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map:
  - a. Southeast Middlesex Rd Multi-Family Subdistrict (SMRMS)
  - b. Pheasant Lane Mall Parking Area Subdistrict (PLMPAS)
  - c. Northwest Middlesex Rd Subdistrict (NMRS)
5. **Frontage and Access.** Notwithstanding anything herein to the contrary, a development within the MCMOD may utilize property outside the MCMOD for access thereto or therefrom and/or to satisfy the Zoning Bylaw’s applicable minimum frontage requirement.

**C. DEFINITIONS**

For purposes of this Section 10.5, the following definitions shall apply.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
3. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.

4. **Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.
5. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
6. **MBTA.** Massachusetts Bay Transportation Authority.
7. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses, arranged vertically (in multiple stories of one or more buildings) or horizontally (adjacent to one another in one or more buildings) within a lot.
8. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
9. **Open space.** Contiguous undeveloped land within a parcel boundary.
10. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
11. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
12. **Section 3A.** Section 3A of M.G.L. Chapter 40A, the Zoning Act.
13. **Site plan review authority.** The site plan review authority is the Planning Board.
14. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

#### **D. PERMITTED USES**

1. **Uses Permitted As of Right.** The following uses are permitted as of right within the MCMOD.
  - a. Multi-family housing with a minimum of eight (8) units.
2. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.1.
  - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
  - b. Recreation facilities, cafes, lounges, shared workspaces, and other amenities for the use of residents and guests of the residential use.

#### **E. DIMENSIONAL STANDARDS**

1. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MCMOD are as follows:

<b>Standard</b>		
<b>Minimum Lot Size</b>	40,000 square feet	
<b>Density</b>	Maximum 15 Units per acre (MCMOD land area only) with no more than 5% of the total site area within the wetlands and/or floodplain shall be used in calculating maximum density for the site.	
<b>Minimum open space</b>	25%	
<b>Maximum Building Coverage</b>	20%	
<b>Building Height</b>		
<b>Subdistrict</b>	<b>Stories</b>	<b>Height</b>
Southeast Middlesex Rd Multi-Family Subdistrict (SMRMS)	3	36 feet
Northwest Middlesex Rd Subdistrict (NMRS)	3	40 feet
Pheasant Lane Mall Parking Area Subdistrict (PLMPAS)	3	40 feet
<b>Minimum Yard Setbacks</b>		
Front, Sides, Rear	30 feet	

2. **Multi-Building Lots.** In the MCMOD, lots may have more than one (1) principal building.
3. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
4. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in Section E. Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms

of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

**F. OFF-STREET PARKING**

These parking requirements are applicable to development in the MCMOD.

1. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Studio and one (1) bedroom units	1 parking space per unit
Two (2) bedroom or more unit	2 parking spaces per unit

2. **Bicycle storage.** Covered parking bicycle parking spaces shall be integrated into the structure of the building(s) with at least one (1) space per four (4) Residential Dwelling Units.
3. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

**G. GENERAL DEVELOPMENT STANDARDS**

1. Development standards in the MCMOD are applicable to all multi-family development within the MCMOD. These standards are components of the Site Plan Review process in Section 10.5 I. Site Plan Review.
2. **Site Design.**
  - a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
  - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
  - c. **Open Space.** Acceptable activities within the minimum required open space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, active recreation amenities, agricultural activities, low impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.
  - d. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a

- fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- e. **Parking Materials.** The parking surface may be concrete, asphalt, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
  - f. **Off-Street Loading Zone.** Off-street loading spaces shall be at least twelve (12') feet in width, and shall be at least fifty (50') feet in length, have a vertical clearance of at least fourteen (14') feet, and have an area of not less than one thousand three hundred (1,300) square feet including access and maneuvering space, available exclusively for loading and unloading of goods and materials from one vehicle.
  - g. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
  - h. **Street Trees.** Street trees should be provided within the sidewalk or along the property line. The trees should match the existing street trees in type and planting detail. Existing rows of trees along a street should be maintained. Missing street trees should be provided, one tree per 25 lineal feet of street frontage. The caliper width should be not less than 3" diameter. Trees should be of indigenous species and of a growth form suited to their intended location and function. Tree species selection and locations should consider their proximity to underground utilities and overhead wires. Street and parking lot trees should be provided at a typical spacing of one tree per 15 ft for columnar shaped trees, 25 ft for small to medium height shade and ornamental trees, and 35 ft for large, spreading shade trees. Trees planted in close proximity to sidewalks should be deep-rooting species. Tree root barriers should be installed to protect adjacent pavements from tree root damage.
  - i. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
  - j. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
  - k. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
  - l. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department

of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Tyngsborough MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

**m. Snow storage areas.** Adequate snow storage areas adjacent to traveled ways and parking areas must be reserved for the storage of snow cleared from the paved surfaces. This area should be located away from environmentally sensitive areas.

**3. Buildings: General.**

- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street where possible.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes ~~the public~~ a sidewalk.
- c. **Fenestration.** Blank, unfenestrated elevations should be avoided especially along traveled ways.

**4. Buildings: Multiple buildings on a lot.**

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

**5. Buildings: Mixed-use development.**

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.

- d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- 6. **Buildings: Shared Outdoor Space.** Multi-family housing shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
- 7. **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of **Section 10.5 E. Dimensional Standards**. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
- 8. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
  - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
  - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
  - c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
- 9. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive requirements of this **Section 10.5 G. General Development Standards**, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

## H. AFFORDABILITY REQUIREMENTS

- 1. **Purpose.**
  - a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
  - b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
  - c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
  - d. Work to overcome economic segregation allowing the Town of Tyngsborough to be a community of opportunity in which low and

moderate-income households have the opportunity to advance economically.

2. **Applicability.** This requirement is applicable to all residential and mixed-use developments with eight (8) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

3. **Affordability requirements.**

**Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

**Provision of Affordable Housing.** In Applicable Projects, not fewer than twelve and a half percent (12.5%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, any fractional units shall be rounded up to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the Area Median Income and be eligible for inclusion on the Town's Subsidized Housing Inventory. If EOHLC determines in writing that the Town has not shown this 12.5% requirement to be feasible, at least 10% of the dwelling units in any development containing 10 or more units shall be Inclusionary Dwelling Units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.

4. **Development Standards.** Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Dispersed throughout the development;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- e. Distributed proportionately among unit sizes; and
- f. Distributed proportionately across each phase of a phased development.
- g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

## **I. SITE PLAN REVIEW**

1. **Administration.** The provisions of this Section 10.5 shall be administered by the Planning Board.

2. **Applicability.** Site Plan Review is required for a project that proposes eight (8) dwelling units or more. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of Sections 10.5 D through 10.5 H.
3. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD submitted under Sections 10.5 E through 10.5 I (or, for projects not requiring Site Plan Review, prior to submission of any application for a building permit), the Applicant must follow the submission Requirements and Procedures defined in Section 2.8 Applications that do not comply with the requirements from section 2.8 will be rejected.
4. **Timeline.** Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed no more than 6 months after the submission of the application.
5. **Site Plan Approval.** Site Plan approval for uses listed in Section 10.5 D Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
  - a. The Applicant has submitted the required fees and information as set forth in Tyngsborough's requirements for a Building Permit and Site Plan Review; and
  - b. The project as described in the application meets the development standards set forth in Section 10.5 G. General Development Standards and Site Plan Approval Criteria in Section 2.8.D.
6. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section H. Affordability Requirements.

## **J. SEVERABILITY**

If any provision of this Section 10.5 is found to be invalid by a court of competent jurisdiction, the remainder of Section 10.5 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 10.5 shall not affect the validity of the remainder of the Town of Tyngsborough's Zoning By-Law.

**Explanation:** This article is the Town’s response to the MBTA Communities Act which requires communities with some level of service (or adjacent to service) provided by the MBTA to adopt a zoning district(s) where multi-family housing is permitted by right. Tyngsborough is required to comply by law because it has been classified as an “adjacent community”. The zoning article creates three sub-districts, all of which are located along Middlesex Road. Although this language allows the development of multi-family without a special permit, the Planning Board retains site plan review authority.

<b>Submitted By:</b>	<b>Planning Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	3-2-0 In Favor
Planning Board:	4-0-0 In Favor
Vote Required:	Simple Majority

**Article 26: Zoning Map Amendment: MBTA Communities Multifamily Overlay District**

To see if the Town will vote to amend the Town of Tyngsborough Zoning Map to include the MBTA Communities Multifamily Overlay Districts, or take any other action relative thereto.

**Explanation:** This article is the Town’s response to the MBTA Communities Act which requires communities with some level of service (or adjacent to service) provided by the MBTA to adopt a zoning district(s) where multi-family housing is permitted by right. Tyngsborough is required to comply by law because it has been classified as an “adjacent community”. The zoning article creates three sub-districts, all of which are located along Middlesex Road. Although this language allows the development of multi-family without a special permit, the Planning Board retains site plan review authority.

While Article 25 approved the zoning language, Article 26 approves an amendment of the Town’s Zoning Map to incorporate the changes outlined in Article 25.

<b>Submitted By:</b>	<b>Planning Board</b>
Select Board:	5-0-0 In Favor
Finance Committee:	3-2-0 In Favor
Planning Board:	4-0-0 In Favor
Vote Required:	Simple Majority



FY 2025 General Fund Expenses						
Department	Salary Total	Expense Total	FY 25 Proposed Budget	FY24 Appropriated	\$ Increase	% Increase
School Department	\$ 19,807,329.00	\$ 3,656,550.00	\$ 23,463,879.00	\$ 22,844,485.00	\$ 619,394.00	2.71%
Greater Lowell Tech	\$ -	\$ 1,708,592.00	\$ 1,708,592.00	\$ 1,660,912.00	\$ 47,680.00	2.87%
Accounting	\$ 160,329.00	\$ 46,750.00	\$ 207,079.00	\$ 197,001.00	\$ 10,078.00	5.12%
Administration	\$ 340,027.00	\$ 2,000.00	\$ 342,027.00	\$ 341,226.00	\$ 801.00	0.23%
Town Moderator	\$ 500.00	\$ -	\$ 500.00	\$ 500.00	\$ -	0.00%
Select Board	\$ 8,000.00	\$ 24,000.00	\$ 32,000.00	\$ 35,550.00	\$ (3,550.00)	-9.99%
Finance Committee	\$ -	\$ 525.00	\$ 525.00	\$ 825.00	\$ (300.00)	-36.36%
FinCom Reserve Fund	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Town Counsel	\$ -	\$ 50,500.00	\$ 50,500.00	\$ 49,500.00	\$ 1,000.00	2.02%
Legal Services	\$ -	\$ 60,000.00	\$ 60,000.00	\$ 64,000.00	\$ (4,000.00)	-6.25%
Public Buildings	\$ -	\$ 161,500.00	\$ 161,500.00	\$ 177,500.00	\$ (16,000.00)	-9.01%
Town Reports	\$ -	\$ 900.00	\$ 1,500.00	\$ 900.00	\$ 600.00	66.67%
Forestry	\$ -	\$ 10,500.00	\$ 10,500.00	\$ 10,000.00	\$ 500.00	5.00%
Historical Commission Expense	\$ -	\$ 900.00	\$ 900.00	\$ 900.00	\$ -	0.00%
Memorial Day Committee	\$ -	\$ 900.00	\$ 900.00	\$ 900.00	\$ -	0.00%
Intergov Assessments	\$ -	\$ 4,624.00	\$ 4,624.00	\$ 4,322.00	\$ 302.00	6.99%
Assessors	\$ 158,690.00	\$ 56,062.00	\$ 214,752.00	\$ 205,134.00	\$ 9,618.00	4.69%
Waste Collection & Disposal	\$ -	\$ 1,367,917.00	\$ 1,367,917.00	\$ 1,294,800.00	\$ 73,117.00	5.65%
Board of Health	\$ 126,263.00	\$ 39,950.00	\$ 166,213.00	\$ 163,523.00	\$ 2,690.00	1.65%
Building Department	\$ 212,628.00	\$ 22,900.00	\$ 235,528.00	\$ 230,326.00	\$ 5,202.00	2.26%
Conservation	\$ 71,573.00	\$ 13,400.00	\$ 84,973.00	\$ 77,625.00	\$ 7,348.00	9.47%
Council on Aging	\$ 133,742.00	\$ 24,800.00	\$ 158,542.00	\$ 166,481.00	\$ (7,939.00)	-4.77%
Engineering	\$ 116,811.00	\$ 307,600.00	\$ 424,411.00	\$ 369,496.00	\$ 54,915.00	14.86%
Stormwater	\$ 12,500.00	\$ 75,800.00	\$ 88,300.00	\$ 66,700.00	\$ 21,600.00	32.38%
Fire Dept.	\$ 1,210,950.00	\$ 221,500.00	\$ 1,432,450.00	\$ 1,290,548.00	\$ 141,902.00	11.00%
Emergency Management	\$ 3,000.00	\$ 5,850.00	\$ 8,850.00	\$ 3,800.00	\$ 5,050.00	132.89%
Highway Department	\$ 792,817.00	\$ 193,150.00	\$ 985,967.00	\$ 906,235.00	\$ 79,732.00	8.80%
Snow and Ice	\$ 37,500.00	\$ 212,500.00	\$ 250,000.00	\$ 250,000.00	\$ -	0.00%
Street Lighting	\$ -	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ -	0.00%
Vehicle Maintenance	\$ -	\$ 109,000.00	\$ 109,000.00	\$ 109,000.00	\$ -	0.00%
Personnel	\$ 84,950.00	\$ 8,563,352.00	\$ 8,648,302.00	\$ 8,156,394.00	\$ 491,908.00	6.03%
Information Technology	\$ 152,943.63	\$ 230,965.00	\$ 383,908.63	\$ 328,748.00	\$ 55,160.63	16.78%

Library Department	\$	375,390.00	\$	121,419.00	\$	496,809.00	\$	475,840.00	\$	20,969.00	4.41%
Planning Board	\$	146,045.00	\$	16,505.00	\$	162,550.00	\$	148,606.00	\$	13,944.00	9.38%
Zoning Board of Appeals	\$	-	\$	1,350.00	\$	1,350.00	\$	1,350.00	\$	-	0.00%
Police Department	\$	2,817,354.00	\$	427,230.00	\$	3,244,584.00	\$	3,042,063.00	\$	202,521.00	6.66%
Communications	\$	557,304.00	\$	67,250.00	\$	624,554.00	\$	616,744.00	\$	7,810.00	1.27%
SRO	\$	290,141.00	\$	19,060.00	\$	309,201.00	\$	298,243.00	\$	10,958.00	3.67%
Animal Control	\$	-	\$	33,788.00	\$	33,788.00	\$	32,000.00	\$	1,788.00	5.59%
Recreation	\$	85,589.00	\$	138,250.00	\$	223,839.00	\$	211,517.00	\$	12,322.00	5.83%
Town Clerk	\$	126,668.00	\$	30,510.00	\$	157,178.00	\$	151,415.00	\$	5,763.00	3.81%
Treasurer/Collector	\$	195,021.00	\$	66,300.00	\$	261,321.00	\$	262,776.00	\$	(1,455.00)	-0.55%
Veterans Agent	\$	89,065.00	\$	160,250.00	\$	249,315.00	\$	244,123.00	\$	5,192.00	2.13%
Cemetery	\$	-	\$	41,641.25	\$	41,641.25	\$	39,650.00	\$	1,991.25	5.02%
Debt Principal	\$	-	\$	810,000.00	\$	810,000.00	\$	897,792.00	\$	(87,792.00)	-9.78%
Debt Interest	\$	-	\$	76,262.50	\$	76,262.50	\$	188,909.00	\$	(112,646.50)	-59.63%
Cherry Sheet Offsets	\$	-	\$	340,950.00	\$	340,950.00	\$	290,950.00	\$	50,000.00	17.19%
Exempt Debt Service	\$	-	\$	-	\$	1,231,338.33	\$	255,834.00	\$	975,504.33	381.30%
				<b>FY25 General Fund Total</b>		<b>\$ 48,888,820.71</b>					

**Fy25 Enterprise Fund Expenses**

Department	Salary Total	Expense Total	FY 25 Proposed Budget	FY24 Appropriated	\$ Increase	% Increase
Sewer Enterprise Fund	\$ 346,977.00	\$ 3,623,377.00	\$ 3,970,354.00	\$ 3,372,214.00	\$ 598,140.00	15.07%
Ambulance Enterprise Fund	\$ 597,500.00	\$ 73,810.00	\$ 671,310.00	\$ 628,610.00	\$ 42,700.00	6.36%
PEG Enterprise Fund	\$ 116,482.00	\$ 73,547.00	\$ 190,029.00	\$ 158,612.00	\$ 31,417.00	16.53%

**Legend**

- Sub-District Name
-  Northwest Middlesex Rd Subdistrict (NMRS)
  -  Pheasant Lane Mall Parking Area Subdistrict (PLMPAS)
  -  Southeast Middlesex Rd Multi-Family Subdistrict (SMRMS)







