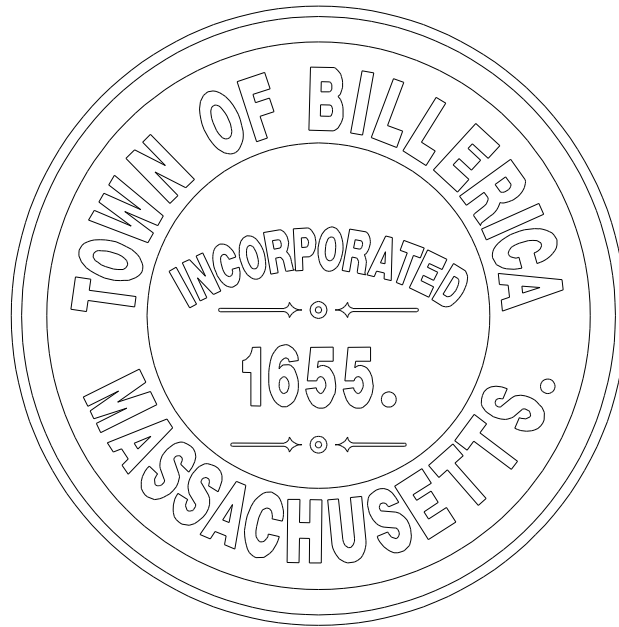


**TOWN OF BILLERICA**  
**FINAL WARRANT**



**ANNUAL FALL**  
**TOWN MEETING**

**Annual Fall Town Meeting**  
**Tuesday, October 3, 2017 at 7:30 PM**  
**At**  
**Billerica Town Hall Auditorium**

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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*Committee Articles*

1	To Appoint One Member to the Bowers Fund			Board of Selectmen	Recommends
2	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by BOS	Recommends

*Financial Articles*

3	To Fund Collective Bargaining Agreement for School Cafeteria Employees	This Article has been Withdrawn			
4	To Fund Collective Bargaining Agreement for BMEA DPW Employees		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
5	To Fund Collective Bargaining Agreement for NEPBA Police Civilian Dispatchers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
6	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (A) Patrolmen		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
7	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (B) Superior Officers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
8	To Fund Collective Bargaining Agreement for IAFF Civilian Fire Alarm Operators		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
9	To Fund Collective Bargaining Agreement for IAFF Firefighters		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
10	Fiscal Year 2018 Budget Amendment	\$269,856	Raise & Appropriate / Transfer	Town Manager; authorized by BOS	Recommends
11	Fiscal Year 2018 Budget/Sewer Enterprise Budget Debt Amendment	(\$924,612.77)/ \$897,923.77	Raise & Appropriate	Town Manager; authorized by BOS	Recommends
12	Fiscal Year 2018 Budget School Debt Amendment	\$4,854,182.37	Raise & Appropriate and transfer from Debt Stabilization	Town Manager; authorized by BOS	Recommends
13	To Appropriate From Meals Tax Revenues to Fund OPEB	\$500,000	Raise & Appropriate	Town Manager; authorized by BOS	Recommends
14	To Fund Fiscal Year 2018 Town Capital Budget	\$2,919,000	Transfer Free Cash	Town Manager; authorized by BOS	Reserves Recommendation

<b>Article Number</b>	<b>Purpose</b>	<b>Value</b>	<b>Funding Source</b>	<b>Submitted by:</b>	<b>Finance Committee Recommendation</b>
15	To Fund Fiscal Year 2018 School Capital Budget	\$1,000,000	Transfer Free Cash	School Committee	Reserves Recommendation
16	To Fund DPW Capital Equipment	\$50,000	Transfer Sewer RE	Town Manager; authorized by BOS	Reserves Recommendation
17	Fox Hill Cemetery Expansion	This Article has been Withdrawn			
18	To Fund Water Enterprise Hydrant Replacement and Gate Valves	\$200,000	Transfer Water RE	Town Manager; authorized by BOS	Reserves Recommendation
19	To Fund Water Enterprise Chemical Tank Replacement	This Article has been Withdrawn			
20	To Fund Water Treatment Plant Ozone Improvements	This Article has been Withdrawn			
21	To Fund the Installation of Water Mains Program	This Article has been Withdrawn			
22	To Fund Phase III WWTP Improvements	This Article has been Withdrawn			
23	To Vote from Free Cash a Sum of Money to the Debt Stabilization Fund	\$1,800,000	Transfer Free Cash	Finance Committee	Recommends
24	To Vote from Free Cash a Sum of Money to the Stabilization Fund	\$6,000,000	Free Cash / Retained Earnings	Finance Committee	Reserves Recommendation
25	To Vote from Free Cash a Sum of Money to the Land Bank Account	\$6,000,000	Free Cash / Retained Earnings	Finance Committee	Reserves Recommendation
26	To Vote from Free Cash a Sum of Money to Fund the Snow and Sand Deficit	\$1,000,000	Free Cash / Retained Earnings	Finance Committee	Reserves Recommendation
27	To Vote from Free Cash a Sum of Money to be Applied or Expended for the Purpose of Reducing the Fiscal Year 2018 Tax Levy	\$6,000,000	Free Cash / Retained Earnings	Finance Committee	Reserves Recommendation
28	To Supplement Prior Borrowing Votes to Permit the Application of Sale Premium to Pay Project Costs	\$4,691,025.28	Bond	Town Manager; authorized by BOS	Reserves Recommendation
29	Rescind Borrowing Authorizations	\$1,600,000.00	Borrowing Authorization	Town Manager; authorized by BOS	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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*Local Acceptance of State Statutes*

30	To Accept the Provisions of M.G.L. Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986			This Article has been Withdrawn	
31	To Establish a Moratorium on the Implementation of the Recreational Marijuana Act			Town Manager; authorized by BOS	Recommends

*General By-Law Articles*

32	To Amend General By-Law Article XVIII, Issuing of Licenses and Permits			Town Manager; authorized by BOS	Recommends
33	To Amend the General By-Laws in Respect to Acceptance of Public Ways			Town Manager; authorized by BOS	Recommends
34	To Amend Article II Section 42.1 of the General By-Laws			Finance Committee	Recommends
35	To Amend Article II Section 42.2 of the General By-Laws			Finance Committee	Recommends

*Community Preservation Article*

36	Fiscal Year 2018 Community Preservation Budget			Community Preservation Committee	Reserves Recommendation
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*Zoning By-Law Articles*

37	To Vote Amendments to Clarify the Zoning By-Laws			Town Manager; authorized by BOS	Recommends
38	To Vote Amendments to Clarify the Zoning By-Laws			Town Manager; authorized by BOS	Recommends
39	To Vote Amendments to Clarify the Zoning By-Laws			Town Manager; authorized by BOS	Recommends
40	To Vote Amendments to Clarify the Zoning By-Laws			Town Manager; authorized by BOS	Recommends
41	To Vote Amendments to Clarify the Zoning By-Laws			Town Manager; authorized by BOS	Recommends
42	Proposed Zoning By-Law and Zoning Map Change			Town Manager; authorized by BOS	Recommends

<b>Article Number</b>	<b>Purpose</b>	<b>Value</b>	<b>Funding Source</b>	<b>Submitted by:</b>	<b>Finance Committee Recommendation</b>
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*Easement Article*

43	To Grant an Easement to Mass Electric Company for Property at 35 River Street (New High School)			Town Manager; authorized by BOS	Recommends
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*Petitioners Articles*

44	Petitioners Article			Petitioner	Recommends
45	Petitioners Article			Petitioner	Recommends
46	Petitioners Article			Petitioner	Recommends
47	Petitioners Article			Petitioner	Reserves Recommendation

**FINAL WARRANT  
OCTOBER 3, 2017  
ANNUAL FALL TOWN MEETING**

Middlesex, ss.

To Any Constable in the Town of Billerica

Greetings,

You are hereby authorized and requested to notify and warn the inhabitants of said Town of Billerica qualified by law to vote in Elections and Town Affairs, to meet at the Maurice A. Buck Memorial Auditorium, Town Hall, 365 Boston Road, Billerica, MA on Tuesday, October 3, 2017 at 7:30 PM and subsequent Thursdays and Tuesdays until all of the business in the Warrant shall have been acted upon, then and there to vote on the following articles:

**ARTICLE 1 - TO APPOINT ONE MEMBER TO THE BOWERS FUND**

To see if the Town will vote to appoint one (1) member to the Bowers Fund Committee for a term of five (5) years; or act in relation thereto.

Submitted by the Board of Selectmen

*Finance Committee recommends approval.*

Article 1 Explanation: The Bowers Fund was established in the late 1800’s when the Bower sisters left their entire estate to the Town of Billerica, approximately \$11,000, with the express intent of assisting the poor of Billerica. The current expendable balance in the fund is \$4,571.53 and the principal balance is \$132,053.91. Town Meeting appoints members to the Bowers Fund. Committee member John G. Conway’s term is expiring and he is requesting that he be reappointed.

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**ARTICLE 2 - TO HEAR REPORTS OF TOWN DEPARTMENTS, COMMITTEES & OFFICERS**

To see if the Town will vote to hear and act upon the reports of Town Departments, Committees and Officers; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 2 Explanation: This article provides an opportunity to hear and act upon reports of Town Meeting Committees.

**ARTICLE 3 - WITHDRAWN**

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**ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT - BMEA DPW EMPLOYEES**

To see if the Town of Billerica will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town and BMEA DPW Employees (Billerica Municipal Employees Association); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 4 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

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**ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE CIVILIAN DISPATCHERS**

To see if the Town of Billerica will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town and NEPBA Police Civilian Dispatchers (New England Police Benevolent Association, Inc.); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 5 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN**

To see if the Town of Billerica will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town and the NEPBA (New England Police Benevolent Association, Inc.) Group (A) Patrolmen; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 6 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

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**ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (B) SUPERIOR OFFICERS**

To see if the Town of Billerica will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town and NEPBA (New England Police Benevolent Association, Inc.) Group (B) Superior Officers; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 7 Explanation: At the time of printing, there was no Collective Bargaining Agreement.



**ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF CIVILIAN FIRE ALARM OPERATORS**

To see if the Town of Billerica will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town and IAFF Civilian Fire Alarm Operators (International Association of Firefighters); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 8 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

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**ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS**

To see if the Town of Billerica will vote to raise and appropriate and/or transfer from available funds a sum of money to fund the first year cost items contained in the Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 9 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 10 - FISCAL YEAR 2018 BUDGET AMENDMENT**

To see if the Town will vote to raise and appropriate the sum of \$269,856 to amend various Fiscal Year 2018 budget line items; or act in relation thereto.

From: 491 Cemetery Parks/Trees			To: 491 Cemetery Parks/Trees			Difference
5110	Personnel	\$469,238.00	5110	Personnel	\$499,094.00	\$29,856.00
5800	Capital Outlay	\$0.00	5800	Capital Outlay	\$100,000.00	\$100,000.00

From: 162 Elections Department			To: 162 Elections Department			
7042	Perm Part Time	\$17,780.00	7042	Perm Part Time	\$42,780.00	\$25,000.00

From: 91070 Town/School Shared Costs			To: 91070 Town/School Shared Costs			
7042	Medicare	\$1,033,240.00	7042	Medicare	\$1,133,240.00	\$100,000.00

From: 123 Town Manager			To: 123 Town Manager			
7060	123 Town Manager Contract Retro	\$0.00	7060	123 Town Manager Contract Retro	\$15,000.00	\$15,000.00

<b>Total Budget Amendment:</b>	<b>\$269,856.00</b>
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<b>Spring Approved FY2018 Budget</b>	<b>\$141,340,354.</b>
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<b>Plus Article 10 Budget Amendment</b>	<b>\$269,856.</b>
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<b>Amended FY2018 Budget</b>	<b>\$141,610,210</b>
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Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 10 Explanation: This article is necessary to fund a special election to fill the vacant seat formerly held by Senator Ken Donnelly, to fund longevity retroactive pay in union contracts, to fund Medicare increases brought on by settled contracts and to fund positions and capital for the first phase of a Parks and Trees department. Further details on the Parks and Trees Department are available in the Town Meeting book or on-line at <http://www.town.billerica.ma.us/161/Town-Meeting>.

**ARTICLE 11 - FISCAL YEAR 2018 BUDGET/SEWER ENTERPRISE DEBT AMENDMENT**

To see if the Town will vote to raise and appropriate the sum of \$1,064,923.77 to fund the following General Fund and Sewer Enterprise Debt Budget line items; or act in relation thereto.

71070-7130	General Fund Temp Debt	\$ 167,000.00
67070-7130	Sewer Enterprise Temp Debt	\$ 95,873.19
67070-7150	Sewer Enterprise Principal Debt	\$ 584,646.00
67070-7550	Sewer Enterprise Interest Debt	\$ 217,404.58

And further, to reduce the Debt Budget transfer to the Debt Stabilization fund by \$1,091,612.77

71070-7199	Debt Stabilization Appropriation	(\$1,091,612.77)
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Submitted by the Town Manager; authorized by the Board of Selectmen

***Finance Committee recommends approval.***

Article 11 Explanation: The Spring Budget included an appropriation to the Debt Stabilization Fund in the amount of \$1,152,047.06. This was done to fulfill the financial policy commitment of a debt service levy impact of \$9.066 million annually. Since the Spring Budget, the Town has issued debt for sewer projects which will have the effect of increasing the debt service levy by \$1.065 million. The reduction of the debt stabilization appropriation by \$1.091 million will preserve the \$9.066 levy commitment to debt service. The \$26,689 difference between the two numbers is a result of a late refunding in the Water Enterprise Budget that added \$26,689 to the \$9.066 million after the budget was submitted.

The end result will be an increase to the Sewer Enterprise Budget of \$897,923.00 and a decrease in the Town Budget of \$924,612.77. This reflects the Town’s commitment to ensuring that all new debt service for new sewer capital is paid through the enterprise fund.

**ARTICLE 12 - FISCAL YEAR 2018 BUDGET SCHOOL DEBT AMENDMENT**

To see if the Town will vote to raise and appropriate the sum of \$3,454,182.37 and transfer and appropriate from the Debt Stabilization Fund the sum of 1,400,000 to fund Tax Exempt Debt Service Line Items of the Fiscal Year 2018 budget; or act in relation thereto.

71070-7170	Exempt Debt – Principal	\$2,400,000.00
71070-7150	Exempt Debt – Interest	\$2,454,182.37

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 12 Explanation: As per the policy implemented and presented to Town Meeting, the \$3.45 levy appropriation for debt service for the new high school project will limit the tax impact. The impact of this levy, plus the Parker School Debt, will be approximately \$200 on the median single family household. The remainder of the debt service, \$1.4 million, is being funded from the Debt Stabilization Fund. The net amount going into the Debt Stabilization Fund this year is still projected to be a net positive amount. Article 23 transfers \$1.8 million to the Debt Stabilization Fund and Article 11 changes the net budget appropriation to Debt Stabilization to \$60,434.23. Therefore, the net positive into the Debt Stabilization Fund will be \$460,434.23. The debt stabilization transfer requires a two-thirds vote.

**ARTICLE 13 - TO APPROPRIATE FROM MEALS TAX REVENUES TO FUND OPEB**

To see if the Town will vote to raise and appropriate \$500,000 from Meals Tax Revenue to increase the OPEB Trust Contribution line item of the Fiscal Year 2018 Budget by \$500,000; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 13 Explanation: The Board of Selectmen Policy for the OPEB Trust is to commit \$1 million a year to the OPEB Trust. \$500,000 is appropriated through the levy and the other \$500,000 is to be appropriated from meals tax revenue. This is the first year of this policy. Each year hereafter it is to increase by 15%. It is intended that the growth in this number will be addressed through growth in the meals tax.

**ARTICLE 14 - TO FUND FISCAL YEAR 2018 TOWN CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from free cash the sum of \$2,919,000 to fund the Fiscal Year 2018 Town Capital Budget; or act in relation thereto.

1	Fund Roof Bond - Spring 2017 Article 22	\$	1,200,000.00
2	Fund Parc Grant - Fall 2016 Article 25		400,000.00
3	Backhoe to replace H-46 Shed		140,000.00
4	F250 with plow to replace C-4, F150		40,000.00
5	F550 to replace C-5		60,000.00
6	Chipper		60,000.00
7	Capital Infrastructure		394,000.00
8	New Pump Engine		625,000.00
			<b><u>\$ 2,919,000.00</u></b>

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 14 Explanation: Items one and two are funding previous projects with free cash that were funded through bond authorizations. The bond authorization is rescinded in article 29. Items three through six are DPW equipment that needs to be replaced – a full detail of these requests is outlined in the Town Meeting Book or on-line at <http://www.town.billerica.ma.us/161/Town-Meeting>. Item seven is intended to fund design on three road projects; Boston Road North, Glad Valley Drive and Lexington Road Intersection and the Whipple Road and Andover Road Intersection. The last item is replacing a Pump Engine at station two that is 16 years old. The Department of Revenue has certified General Fund Free Cash as of July 1, 2017 at \$6,219,529.00

**ARTICLE 15 - TO FUND FISCAL YEAR 2018 SCHOOL CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from free cash the sum of \$1,000,000 to fund the Fiscal Year 2018 School Capital Budget; or act in relation thereto.

Submitted by the School Committee

*Finance Committee has not yet made final recommendation.*

Article 15 Explanation: This article seeks to use \$1,000,000 from Free Cash to fund projects for the Billerica Public Schools. In particular, this article is designed to address the following projects:

**2017 Fall Town Meeting - School Dept Proposals**

School	Project	Cost
Kennedy	2nd Fl. Ceilings & LED lights (phase 3 of 3)	\$63,000
Kennedy	Asbestos abatement of VCT in Café and replace w/ VCT	\$50,000
multi school	Ceiling panel Coating	\$30,000
multi school	Carpet replacement	\$45,000
Dutile/Kennedy	Playground Structures	\$96,000
Locke	Asbestos abatement of VCT in Café and foyer hall and replace w/ VCT	\$97,000
Locke	Repave bus loop	\$40,000
Marshall	Asbestos abatement of VCT in Café and replace w/ VCT	\$71,000
Marshall	Asbestos abatement of VCT in wing and replace w/rubber (phase 3 of 4)	\$139,000
Marshall	Asbestos abatement of VCT in wing and replace w/rubber (phase 4 of 4)	\$240,000
Marshall	Partial Locker replacement	\$51,000
multi school	Café Tables	\$19,000
Ditson	Bridge paving (phase 3 of 3)	\$59,000
	<b>Total</b>	<b>\$1,000,000</b>

**ARTICLE 16 - TO FUND WWTP CAPITAL EQUIPMENT**

To see if the Town will vote to transfer and appropriate from Sewer Retained earnings the sum of \$50,000 to fund the purchase of a Bob Cat to replace S-39; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 16 Explanation: The S-39 2001 Bobcat Loader 737 model is constantly breaking down. It has no heat and parts for repairs are not readily available. This is an important machine operating at the Wastewater Treatment Plant for moving sludge around. Sewer Retained Earnings certified by the DOR as of July 1, 2017 are \$578,825.

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**ARTICLE 17 - WITHDRAWN**

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**ARTICLE 18 - TO FUND WATER ENTERPRISE HYDRANT REPLACEMENT AND GATE VALVES**

To see if the Town will vote to transfer and appropriate from Water Retained Earnings the sum of \$200,000 for the installation/replacement of Fire Hydrants and Gate Valves and any related costs and expenses; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 18 Explanation: Since starting The Hydrant Replacement Program in 2013, we have replaced a total of 490 hydrants. Of those replaced hydrants, about 260 were replaced due to age and condition.

- 230 Hydrants were replaced in the Water Main Replacement Program.
- 220 Hydrants are remaining to be replaced in next few years.

Water Retained Earnings certified by the DOR as of July 1, 2017 are \$1,389,002.

**ARTICLE 19 - WITHDRAWN**

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**ARTICLE 20 - WITHDRAWN**

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**ARTICLE 21 - WITHDRAWN**

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**ARTICLE 22 - WITHDRAWN**

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**ARTICLE 23 - TO VOTE FROM FREE CASH A SUM OF MONEY TO THE DEBT STABILIZATION FUND**

To see if the Town will vote to transfer and appropriate from General Fund Free Cash the sum of \$1,800,000 to the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee recommends approval.*

Article 23 Explanation: The Town, through its' Board of Selectmen, has established a Debt Stabilization Policy that maintains the same level of appropriation from the tax levy year to year - \$9.066 million. This is accomplished in the following two ways:

1. Transferring a minimum amount of free cash and or retained earnings annually in the amount of \$1.8 million to the Debt Stabilization Fund.
2. To appropriate the difference of any year that is lower than \$9.066 million to Debt Stabilization.

The balance in the Debt Stabilization Account is used to minimize the tax levy impact that would otherwise be realized with addition of sewer debt and school capital debt. The Department of Revenue has certified General Fund Free Cash as of July 1, 2017 at \$6,219,529.00.



**ARTICLE 24 - TO VOTE FROM FREE CASH A SUM OF MONEY TO THE STABILIZATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from General Fund Free Cash the sum of \$6,000,000 to the Stabilization Fund; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 24 Explanation: The purpose of this fund is to set money aside to be used at a later time for unforeseen or unanticipated circumstances. The balance as of September 1<sup>st</sup> of the Town Stabilization Fund is \$4,629,146 for the Town and \$718,225 for the School Department. The Department of Revenue has certified General Fund Free Cash as of July 1, 2017 at \$6,219,529.00.

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**ARTICLE 25 - TO VOTE FROM FREE CASH A SUM OF MONEY TO THE LAND BANK ACCOUNT**

To see if the Town will vote to raise and appropriate and/or transfer from General Fund Free Cash the sum of \$6,000,000 to the Land Bank Account; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 25 Explanation: The Land Bank Account was established by special legislation. The balance as of September 1<sup>st</sup> of the Town Land Fund is \$532,834. The Department of Revenue has certified General Fund Free Cash as of July 1, 2017 at \$6,219,529.00.

**ARTICLE 26 - TO VOTE FROM FREE CASH A SUM OF MONEY TO FUND THE SNOW AND SAND DEFICIT**

To see if the Town will vote to transfer and appropriate from Free Cash of the General Operating Budget the sum of \$1,000,000 to fund the Snow and Sand Deficit; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 26 Explanation: To be presented at Town Meeting. The Department of Revenue has certified General Fund Free Cash as of July 1, 2017 at \$6,219,529.00.

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**ARTICLE 27 - TO VOTE FROM FREE CASH A SUM OF MONEY TO BE APPLIED OR EXPENDED FOR THE PURPOSE OF REDUCING THE FISCAL YEAR 2018 TAX LEVY**

To see if the Town will vote to transfer from General Fund Free Cash the sum of \$6,000,000 to be applied or expended for the purpose of reducing the Fiscal Year 2018 Tax Levy; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 27 Explanation: To be presented at Town Meeting The Department of Revenue has certified General Fund Free Cash as of July 1, 2017 at \$6,219,529.00.

**ARTICLE 28 - TO SUPPLEMENT PRIOR BORROWING VOTES TO PERMIT THE APPLICATION OF SALE PREMIUM TO PAY PROJECT COSTS**

To see if the Town will vote to appropriate \$4,691,025.28, representing the net premium paid to the Town upon the sale of the Town's \$85,310,000 General Obligation School Project Loan, Chapter 70B Bonds dated May 12, 2017, to pay costs of the school project authorized by the vote of the Town passed February 23, 2016 (Article 1), and to reduce the amount authorized to be borrowed for such project by a like amount.

And furthermore, vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of Capital Projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 28 Explanation: This vote will allow the Town to use premiums from Debt issuances for project costs and reduce the borrowing authority. This vote will cover all prior Bond authorization votes.

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**ARTICLE 29 - RESCIND BORROWING AUTHORIZATIONS**

To see if the Town will vote to rescind borrowing authorizations previously approved at Town Meeting; or act in relation thereto.

May 2017 Article 22	Peggy Hannon-Rizza Recreation Complex	\$400,000
October 2016 Article 25	Roof Replacement and Repair	\$1,200,000

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee has not yet made final recommendation.*

Article 29 Explanation: This article will rescind previous borrowing authorizations that are being proposed to be funded through Free Cash in this Town Meeting through Article 14.

**ARTICLE 30 - THIS ARTICLE HAS BEEN WITHDRAWN**

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**ARTICLE 31 - TO ESTABLISH A MORATORIUM ON THE IMPLEMENTATION OF THE RECREATIONAL MARIJUANA ACT**

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 5.J, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 5.J, “Temporary Moratorium on Recreational Marijuana Establishments:”

**A. Purpose**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

**B. Definition**

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

**C. Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 31 Explanation: This article is a placeholder intended to give the Town the opportunity to draft a local By-Law to regulate recreational marijuana use.

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**ARTICLE 32 - TO AMEND GENERAL BY-LAW ARTICLE XVIII, ISSUING OF LICENSES AND PERMITS**

To see if the Town will vote to amend General By-Law - “Article XVIII, Issuing of Licenses and Permits,” - by inserting after the words “shall annually” as contained in the first sentence of Section 1 thereof, the language “and may periodically”; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

*Rules Committee recommends approval.*

Article 32 Explanation: Under Section 38 of Chapter 218 of the Acts of 2016 (otherwise known as the Modernizing Municipal Finance and Government Law) the Town is required to amend Article 18 Section 1 of its General By-Laws by adding the words “and may periodically” in reference to additional frequency of Tax Collector delinquency reports. This language is to provide more timely updates to various departments that issue licenses and permits.

**ARTICLE 33 - TO AMEND THE GENERAL BY-LAWS IN RESPECT TO ACCEPTANCE OF PUBLIC WAYS**

To see if the Town will vote to amend Article IV “Public Ways” of the General By-Laws of the Town of Billerica by deleting in its entirety Section 5.5B as follows; or act in relation thereto.

~~“Each petition will be accompanied by an agreement signed by all property owners abutting the way who claim no damages or will release their damages and a listing of the names of all other property owners who decline to release and the damages claimed by them.”~~

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

*Rules Committee recommends approval.*

Article 33 Explanation: This deletion is intended to streamline the street acceptance process. Currently, this language requires petitioners for accepted ways to attempt to get releases from all people with rights to a way. Unless property is disputed there is virtually no exposure to the Town making this process unnecessarily onerous.

**ARTICLE 34 - TO AMEND ARTICLE II SECTION 42.1 OF THE GENERAL BY-LAWS**

To see if the Town will vote to amend Article II Section 42.1 by making the following highlighted changes:

There is hereby established a Community Preservation Committee (hereinafter referred to as "CPC"), consisting of ~~seven (7) voting~~ nine (9) members pursuant to MGL Chapter 44b.

- **The Chief Assessor .**
- **One member of the Finance Committee, as designated by the Finance Committee, for a term of three years.**
- One ~~voting~~ member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Conservation Commission for a term of three years.
- One ~~voting~~ member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Historical Commission for a term of three years.
- One ~~voting~~ member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Planning Board for a term of two years and thereafter for a term of three years.
- One ~~voting~~ member of the Recreation Commission (created by Section 2 of Chapter 45) as designated by the Recreation Commission for a term of two years and thereafter for a term of three years.
- One ~~voting~~ member of the Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Commissioners for a term of 1 year and thereafter for a term of three years.
- One at-large member, citizen of Billerica, to be appointed by the Town Manager, for an initial term of one year and thereafter for three years.
- One at-large member, to be appointed by the Board of Selectmen, for an initial term of two years, and thereafter for a term of three years.

Or act in relation thereto.

Submitted by the Finance Committee

***Finance Committee recommends approval.***

***Rules Committee recommends approval.***

Article 34 Explanation: This article seeks to expand the number of members of the Community Preservation Committee from seven to nine by adding a member of the Finance Committee, and by permanently adding the Chief Assessor to the Community Preservation Committee. It also clarifies the status of the two at-large members by adding the word "voting" to their descriptions.

**ARTICLE 35 - TO AMEND ARTICLE II SECTION 42.2 OF THE GENERAL BY-LAWS**

To see if the Town will vote to amend Article II Section 42.2.2 by adding the highlighted words as follows:

42.2.2 The CPC shall make recommendations to Town Meeting, ***giving priority to municipal community preservation needs***, for the acquisition creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

Or act in relation thereto.

Submitted by the Finance Committee

***Finance Committee recommends approval.***

***Rules Committee recommends approval.***

Article 35 Explanation: This article seeks to prioritize municipal or municipally-sponsored projects for CPA funding.



**ARTICLE 36 - FISCAL YEAR 2018 COMMUNITY PRESERVATION BUDGET**

To see if the Town will vote to appropriate or reserve from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2018, with each item to be considered a separate appropriation, pursuant to G.L. Ch. 44B §6; or act in relation thereto:

**Appropriations:**

From FY 2018 estimated revenues for Committee Administrative Expenses       **\$ 35,000**

**Reserves:**

From FY 2018 estimated revenues for Historic Resources Reserve	<b>\$ 70,000</b>
From FY 2018 estimated revenues for Community Housing Reserve	<b>\$ 70,000</b>
From FY 2018 estimated revenues for Open Space & Recreation Reserve	<b>\$ 70,000</b>
From FY 2018 estimated revenues for CP Budgeted Reserve	<b>\$ 455,000</b>

Submitted by the Community Preservation Committee

*Finance Committee has not yet made final recommendation.*

Article 36 Explanation: In 2016 the Town adopted the Community Preservation Act, a special revenue fund to be used for historic preservation, community housing, open space and recreation. Each year the Community Preservation Committee must recommend an annual CPA budget to Town Meeting. A recommendation by the Community Preservation Committee and approval by Town Meeting are both required to spend any monies belonging to the fund. At the end of each fiscal year, the unspent balance remains in the CPA account for future project appropriations.

ARTICLE 37 - TO VOTE AMENDMENTS TO CLARIFY THE ZONING BY-LAWS

To see if the Town will vote to approve the following housekeeping amendments to the Zoning By-Laws as follows; or act in relation thereto.

**1. Changes to Section 2.C (“In-Law Apartment”)**

Current Language

IN-LAW APARTMENT: A dwelling unit accessory to a single-family dwelling designed to provide complete and separate living facilities for occupancy by a maximum of two individuals who **ar4** related to the occupants of the principal residence.

New Language

IN-LAW APARTMENT: A dwelling unit accessory to a single-family dwelling designed to provide complete and separate living facilities for occupancy by a maximum of two individuals who **are** related to the occupants of the principal residence.

*Explanation: This is the correction of a simple typo in the definition of In-Law Apartment. The proposed change is in **bold**.*

**2. Changes to Section 5.C.6.f.1.b (“Wholesale Uses”) in the Zoning By-Laws**

Current Language

The hours of operation are tailored to safeguard against early morning and late night disturbance of residents in **nearly** neighborhood.

New Language

The hours of operation are tailored to safeguard against early morning and late night disturbance of residents in **nearby** neighborhoods.

*Explanation: This is a simple housekeeping matter to correct a typo in the required findings of “Wholesale Use” within the General Business District in the Zoning By-laws. The proposed change is in **bold**.*

**3. Changes to Section 5.C.8.b (to ease readability and formatting)**

Current Language

b. BUSINESS USES

(1) By right:

- (a) Loan agency
- (b) Personal services
- (c) Tradesman’s shop
- (d) Offices (**Amended: 05/06/2008**)

(2) By special permit:

- ~~(a) Accessory uses to scientific research or development subject to the Required Findings set forth under the Neighborhood Business District (Deleted Art. 38 – AFTM 10/2011)~~
- (b) Bank

Required Findings:

- The use is compatible with other uses in the area where located
- There is adequate landscaping and buffer to screen the use from surrounding uses

(c) (deleted Art. 37 – May, 2008)

~~(d) Research facility subject to the Required Findings set forth under the Neighborhood Business District (Amended: Art. 38; AFTM 10-4-2011)~~

(e) Dog Day Care

Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited to client traffic and parking effects
- There is a maximum of twenty (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred (1500) square feet of interior gross floor area
- There is a minimum of one thousand five hundred (1500) square feet of exterior space enclosed by an eight
- (8) foot non-chain link fence with the finished surface facing in and a similar gate for the dogs to exercise
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.

**(f) Dog Training**

Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited
- to client traffic and parking effects
- There is a maximum of fifteen (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred five hundred (1500) square feet of interior gross floor area
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There is no overnight in-kennel training
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.
- There is no outside on-premise training

New Language

**b. BUSINESS USES**

(1) By right:

- (a) Loan agency
- (b) Personal services
- (c) Tradesman’s shop
- (d) Offices (**Amended: 05/06/2008, Article 37**)
- (e) **Accessory uses to scientific research or development** (Amended: 10/04/2011, Article 38)
- (f) **Research Facility** (Amended: 10/04/2011, Article 38)

(2) By special permit:

- (a) Bank

Required Findings:

- The use is compatible with other uses in the area where located
- There is adequate landscaping and buffer to screen the use from surrounding uses

- (b) Dog Day Care

## Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited to client traffic and parking effects
- There is a maximum of twenty (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred (1500) square feet of interior gross floor area
- There is a minimum of one thousand five hundred (1500) square feet of exterior space enclosed by an eight (8) foot non-chain link fence with the finished surface facing in and a similar gate for the dogs to exercise
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.

## (c) Dog Training

## Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited to client traffic and parking effects
- There is a maximum of fifteen (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred five hundred (1500) square feet of interior gross floor area
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There is no overnight in-kennel training
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.
- There is no outside on-premise training

*Explanation: The goal of this point is to clarify the formatting for a zoning change enacted in 2011 to the “Business Uses” (Section 5.C.8.b) in the Industrial District. This will not change the content of the zoning; Accessory uses to scientific research or development and Research facility were moved from “Special Permit” to “By right” as a result of that vote. The current formatting has them simply crossed out and not moved to their rightful place. This may be confusing for users looking at the zoning. The proposed change is in **bold**.*

#### 4. Correction of typos Section 5.E.9.14 & Section 5.E.9.20 (Planned Unit Development)

Current Language

## Section 5.E.9.14

Additions or amendments to the Preliminary PUD Plan at this stage shall be deemed either major or minor by the Planning Board according to Sections 5.E.9.

Minor additions or amendments shall be authorized by written approval of the Board. Major additions or amendments shall be considered as original items to the application and be subject to the procedures specified in **Section 5.x**. The Board shall decide whether proposed changes are major or minor.

Section 5.E.9.20

If the PUD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved Phasing Schedule; however, the Planning Board shall grant additional extensions in the timing of phases for up to 24 months each as minor amendments to the Final PUD Plan, upon the determination of a reasonable cause. If the Developer fails to commence construction of a PUD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PUD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan must be re-approved in accordance with **Section 5.x**.

New Language

Section 5.E.9.14

Additions or amendments to the Preliminary PUD Plan at this stage shall be deemed either major or minor by the Planning Board according to Sections 5.E.9. Minor additions or amendments shall be authorized by written approval of the Board. Major additions or amendments shall be considered as original items to the application and be subject to the procedures specified in **this section**. The Board shall decide whether proposed changes are major or minor.

Section 5.E.9.20

If the PUD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved Phasing Schedule; however, the Planning Board shall grant additional extensions in the timing of phases for up to 24 months each as minor amendments to the Final PUD Plan, upon the determination of a reasonable cause. If the Developer fails to commence construction of a PUD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PUD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan must be re-approved in accordance with **this section**.

*Explanation: There are two sentences where the placeholder words “Section 5.x” were not replaced—by “this section”—in the Planned Unit Development language. The proposed change is in **bold**.*

**5. Correct numbering issues in Section 5.H.D**

Current Language

2. Non-residential zones: In addition to the General Provisions in Section B above, the following procedures and requirements shall apply in all non-residential zones:
  - a. Freestanding SECS are subject to special permit approval from the Planning Board and may be subject to the conditions and requirements of previously granted special permit/site plan and special permit approvals for the subject property and/or uses.
  - b. SECS may be the primary use or an accessory use on a property and more than one structure may be placed on a property and/or building.
  - c. A permit application for freestanding SECS shall be submitted to the Planning Board for special permit approval. Unless specifically exempted by this section of the Bylaw, the following requirements of Section 6 of the Zoning By-law shall apply to special permit applications for freestanding SECS:
    - (1) A, B, E (except subsection 1), G, I, J, and K; and
    - (2) The plan for special permit approval shall be prepared by a professional engineer (PE) and/or registered land surveyor (RLS), as appropriate. If prepared by a RLS, the Planning Board may require certification by a licensed engineer as to the structural integrity of the SECS itself.
3. In addition to sections D1 and D2 above, the following requirements shall apply to all SECS permit applications submitted for Planning Board or building permit approval:
  - d. An operation and maintenance plan (OMP) for the structure(s);
  - e. Documentation of the SECS manufacturer, outlining specifications of the system(s);
  - f. All requirements of Section 6 of the Zoning By-law that are applicable to this section must be addressed in the permit application. If certain requirements of Section 6 are not appropriate or applicable, this must be indicated in the permit application and the reason for the inapplicability explained; and

- g. If deemed appropriate, the Planning Board may require the filing of a surety instrument for a SECS sufficient to secure performance of the conditions and observance of the safeguards and limitations of the special permit approval. However, in no case shall the Planning Board place such conditions on the approval so as to make the installation of a SECS impractical or unusable. This requirement may not apply to the DPU or DTC per the provisions of Mass. General Law Chapter 81R.

**(Amended: 10/05/2010, Art. 41)**

**(Amended 05/03/2011, Art. 44)**

**2. All non-freestanding SECS shall be allowed as an as-of-right use.**

New Language

2. Non-residential zones: In addition to the General Provisions in Section B above, the following procedures and requirements shall apply in all non-residential zones:
- a. Freestanding SECS are subject to special permit approval from the Planning Board and may be subject to the conditions and requirements of previously granted special permit/site plan and special permit approvals for the subject property and/or uses.
  - b. SECS may be the primary use or an accessory use on a property and more than one structure may be placed on a property and/or building.
  - c. A permit application for freestanding SECS shall be submitted to the Planning Board for special permit approval. Unless specifically exempted by this section of the Bylaw, the following requirements of Section 6 of the Zoning By-law shall apply to special permit applications for freestanding SECS:
    - (1) A, B, E (except subsection 1), G, I, J, and K; and
    - (2) The plan for special permit approval shall be prepared by a professional engineer (PE) and/or registered land surveyor (RLS), as appropriate. If prepared by a RLS, the Planning Board may require certification by a licensed engineer as to the structural integrity of the SECS itself.
  - d. **All non-freestanding SECS shall be allowed as an as-of-right use.**  
**(Amended: 05/03/2011, Article 44)**
3. In addition to sections D1 and D2 above, the following requirements shall apply to all SECS permit applications submitted for Planning Board or building permit approval:
- a. An operation and maintenance plan (OMP) for the structure(s);



- b. Documentation of the SECS manufacturer, outlining specifications of the system(s);
- c. All requirements of Section 6 of the Zoning By-law that are applicable to this section must be addressed in the permit application. If certain requirements of Section 6 are not appropriate or applicable, this must be indicated in the permit application and the reason for the inapplicability explained; and
- d. If deemed appropriate, the Planning Board may require the filing of a surety instrument for a SECS sufficient to secure performance of the conditions and observance of the safeguards and limitations of the special permit approval. However, in no case shall the Planning Board place such conditions on the approval so as to make the installation of a SECS impractical or unusable. This requirement may not apply to the DPU or DTC per the provisions of Mass. General Law Chapter 81R.  
**(Amended: 10/05/2010, Article 41)**

*Explanation: This change voted on at Town Meeting in May of 2011 ended up incorrectly numbered. This is therefore a "housekeeping" article. The proposed changes are in **bold**.*

Submitted by the Town Manager; authorized by the Board of Selectmen

***Finance Committee recommends approval.***

**ARTICLE 38 - TO VOTE AMENDMENTS TO CLARIFY THE ZONING BY-LAWS**

To see if the Town will vote to approve the following amendments to clarify the Zoning By-Laws as follows; or act in relation thereto.

**1. Changes to definition in Section 2.C (“Retail Store”)**

Current Language

RETAIL STORE: Any facility that sells retail goods to the general public, such as a drugstore, book store, stationary and gift shop, florist, television and radio sales store, hardware store, furniture store, floor covering sales store, news store, neighborhood grocery store, and dry good and variety store.

New Language

RETAIL STORE: Establishments that offers retail goods and services, not specifically listed in the Table of Uses, to the general public.

*Explanation: This is a simplification of the definition of a retail store; there is little need to list a small sampling of potential retail uses or an exhaustive list of all possible options.*

**2. Removal of Unnecessary Language in Section 5.B.3**

Current Language

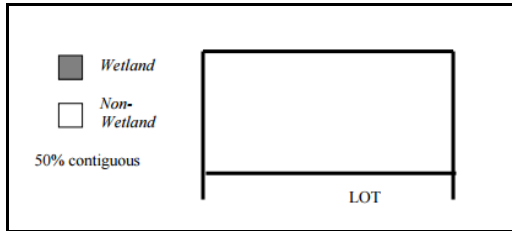
In all districts, surface runoff rates existing at predevelopment shall not be increased at post-development. When deemed appropriate by the Inspector of Buildings, applicants shall install erosion and siltation control devices so that sediment laden runoff from disturbed surfaces will be filtered onsite to prevent sediment from migrating onto roads, abutters’ properties and into Natural Resource Areas, such as floodplains, wetlands, water bodies and waterways.

New Language

In all districts, surface runoff rates existing at predevelopment shall not be increased at post-development.

*Explanation: The protection defined in the deleted second sentence is work that happens within the standard operating procedure of other Town Departments and Commissions, and is therefore not in the purview of the Building Commissioner.*

**3. Proposed Changes to Zoning By-law Section 7.B.3 to remove image**



*Explanation: The image to remove, above, does not help clarify the corresponding language and can be viewed as confusing since the legend does not match the image.*

**4. Change to Section 5.C.1.i.2.e (Rental of five or more rooms)**

Current Language

(e) Rental of five or more rooms

New Language

(e) Room Rental (more than 5)

*Explanation: This is a cleanup of some confusing language. Under the residential uses within the Village Residence District there is a By right use defined as “Rental of five or less rooms” and a By special permit use defined as “Rental of five or more rooms”. This change is to address the unlikely occurrence of someone asking for five rooms.*

Submitted by the Town Manager; authorized by the Board of Selectmen

***Finance Committee recommends approval.***

**ARTICLE 39 - TO VOTE AMENDMENTS TO CLARIFY THE ZONING BY-LAWS**

To see if the Town will vote to approve the following modifications to Section 5.C.5.c.2.b as follows; or act in relation thereto.

Current Language

Open space is provided on the lot in addition to any area required for parking and associated to driveways, equal to twice the gross floor area of the hotel or motel

New Language

Open space is provided on the lot in addition to any area required for parking and associated to driveways, equal to twice the gross **ground** floor area of the hotel or motel

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 39 Explanation: Through an analysis of previous warrant articles on hotels, there appears to be an oversight for the open space requirements for hotels. This is an addition of a single word “ground” to the third bullet for the Required Findings. This omission puts a stringent limitation on hotels compared to retail which has much more traffic. The addition of this single word does not punish the hotel by using a smaller footprint and building multiple stories.

**ARTICLE 40 - TO VOTE AMENDMENTS TO CLARIFY THE ZONING BY-LAWS**

To see if the Town will vote to amend the Zoning By-Laws (Section 5.F) as follows:

- 1) In section 5.F (District Abbreviations) add Mill Conversion (MC) and Planned Unit Development (PUD) to the list of Abbreviations to correspond with those overlay districts previously established and regulated pursuant to Sections 5.E.7 and 5.E.9, respectively; and
- 2) Add a column for the PUD Overlay District to the Use Table, as set forth in Appendix B, depicting those uses set forth in Section 5.E.9;

and further to update and reformat the Use Table in Section 5.F in the manner depicted in Appendix B (the existing Use Table is included as Appendix A for reference); or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

***Finance Committee recommends approval.***

Article 40 Explanation: The goal is ease of readability and the addition of previously approved uses.

**ARTICLE 41 - TO VOTE AMENDMENTS TO CLARIFY THE ZONING BY-LAWS**

To see if the Town will vote to approve the addition of an Accessory Use Table to the Use Table in Section 5.F of the Zoning By-Laws as follows, and as set forth in Appendix 2, attached hereto; or act in relation thereto.

- 1) The language for Accessory Uses will read: *For Professional Office and/or R&D Buildings of over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy less than 20% of the net square footage can be allowed by right as accessory to the principle use. These can include retail, restaurant, personal services, and other amenity uses.*
- 2) The Accessory Use Table will appear visually (as part of a newly reformatted Use Table) as follows:

ACCESSORY USES	MAIN								SPECIAL					OVERLAY							
	VR	NR	RR	MF	NB	GB	C	I	RT	DG	AD	CP	AE	FP	H	RC	TH	EH	SS	MC	PUD
For Professional Office and/or R&D Buildings of over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy less than 20% of the net square footage can be allowed by right. These can include retail, restaurant, personal services, and other amenity uses.	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	*	*	*	*	*	*	*	Y

\* All uses permitted in the underlying District by right or by special permit are permitted by right or by special permit, respectively, in the Overlay District, unless otherwise provided in the Zoning By-law.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 41 Explanation: The Accessory Use table is useful business recruitment tools to help large property owners (those facilities of over 50,000 SF) attract new tenants to their sites. The “By right” designation allows the tenants to move quickly through the permitting process.

**ARTICLE 42 - PROPOSED ZONING BY-LAW AND ZONING MAP CHANGE**

To see if the Town will vote to amend the Zoning Map by including the land identified as Billerica Assessor’s Map 15, Parcel 132-0, having a present street address of 172 Boston Road, within the Planned Unit Development (PUD) Overlay District; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 42 Explanation: This property is located adjacent to the PUD District, and its addition will allow for more development flexibility in the District.

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**ARTICLE 43 - TO GRANT AN EASEMENT TO MASSACHUSETTS ELECTRIC COMPANY FOR PROPERTY AT 35 RIVER STREET (NEW HIGH SCHOOL)**

To see if the Town will vote to transfer from the board having care, custody and control for such purposes as it is presently held, to the such board and to the Board of Selectmen for the same purposes for which it is now held and for the purpose of conveying a utility easement therein, and further to authorize the Board of Selectmen to grant to Massachusetts Electric Company or other public utility provider, upon such terms and conditions as the Selectmen deem appropriate, an easement in the Town’s property at 35 River Street, depicted as Lot A on a plan of land recorded with the Middlesex North District Registry of Deeds in Plan Book 85 Page 196, allowing for the grantee’s installation, construction, reconstruction, repair, replacement, adding to, maintenance and operation of lines and related facilities within and upon said property for the purpose of transmission of intelligence and the furnishing of electric service to the Town property and others, and to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said disposition; or act in relation thereto.

Submitted by the Town Manager; authorized by the Board of Selectmen

*Finance Committee recommends approval.*

Article 43 Explanation: This easement is required for the construction of the new High School. It will provide utility access to the site.

**ARTICLE 44 - PETITIONERS ARTICLE**

To see if the Town will vote to amend the Zoning By-Laws and Zoning Map by RE-ZONING from the RURAL RESIDENCE DISTRICT to the VILLAGE RESIDENCE DISTRICT the Land owned by Arlene G. Pendleton, Thomas L. Fitzpatrick, Jr., Dale A. Lessieur, Charles E. Folland, Jr., Sara Starr and Justin Starr identified as Billerica Assessor’s Map 12, Parcels 98-1 and 99; the land owned by Brian T. Pendleton, Sr. and Arlene G. Pendleton, as Trustees of the Pendleton Family Trust identified as Billerica Assessor’s Map 11, Parcels 70-1, 70-4 and 70-5; and the land owned by Thomas S. Pendleton and Kati D. Pendleton, identified as Billerica Assessor’s Map 11, Parcel 70-3, having present street addresses of 55, 0, 49 and 51 Oak Street, Billerica respectively, and shown on the attached perimeter plan entitled “Compiled Zoning Plan, Oak Street, Billerica, Massachusetts, dated July 7, 2017,” bounded and described as follows:

See Exhibit A attached hereto and incorporated herein for legal description.

**EXHIBIT A - LEGAL DESCRIPTION  
PROPOSED RE-ZONING AREA / OAK STREET PARCELS  
FALL 2017 BILLERICA TOWN MEETING**

Beginning at the northwesterly corner of Lot 1, plan book 235 plan 4 thence southeasterly along Oak Street a distance of 201.74'; thence continuing southeasterly along Oak Street and Lot 13 and Lot 14 said lots being shown on plan book 69 plan 22 a distance of 200' to the corner of Lot 15B, plan book 199 plan 11; thence southwesterly a distance of 515.00' to a corner; thence southeasterly a distance of 105' to a corner ;thence southwesterly along Lot 15A also shown on plan book 119 plan 11 a distance of 905' to a corner; thence northwesterly 100' to the corner of Lot 14, plan book 69 plan 22 ;thence continuing northwesterly along Lot 14 and Lot 13 also shown on said plan a distance of 210' to the corner of plan book 106 plan 72; thence N 40°18'30" E a distance of 82.40'; thence N 34°51'10" E a distance of 15.79'; thence N 34°51'10" E a distance of 70.00'; thence N 56°28'50" E a distance of 63.29'; thence N 62°21'20" E a distance of 85.22'; thence N 58°35'20" E a distance of 43.84'; thence N 51°42'03" E a distance of 172.25' to the corner of Parcel B, plan book 235 plan 4; thence northwesterly a distance of 202.80'; thence northeasterly along Parcel B and Lot 1 a distance of 760.00 as shown on said plan which is the point of beginning, having a record area of 520,500+- square feet, 12+- acres.

Submitted by Stephen J. Lentine and Messrs. Lentine, Lentine, Barnes, Shaw, McCarthy, Metivier and Madames Lentine, Barnes, Shaw and McCarthy.

*Finance Committee recommends approval.*



**ARTICLE 45 - PETITIONERS ARTICLE**

To see if the Town will vote to amend the Zoning By-Law and Zoning Map to establish the following area on Cook Street as a SELF-SERVICE OVERLAY DISTRICT: A PARCEL OF LAND LOCATED AT 26 Cook Street; Map 91, Parcel 343-1. IN SAID TOWN, bounded and described as follows:

SEE ATTACHED PROPERTY DESCRIPTION  
“OR ACT IN RELATION THERETO”

26 COOK STREET  
BILLERICA, MA

All that certain lot or parcel of ground situate in the Town of Billerica, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point located on the North right-of-way line of Cook Street, said point being situate North seventy-two degrees twenty-four minutes and thirty-five seconds West (N 72°24'35" W) a distance of one hundred one and eighteen hundredths feet (101.18') from a point located at the intersection of the projected centerline of Bankside Drive with the centerline of aforementioned Cook Street; THENCE FROM THE PLACE OF BEGINNING along the aforementioned North right-of-way line of Cook Street, the following four (4) courses and distances:

- 1) around a curve having an angle of zero degrees forty-three minutes and two seconds (00°43'02"), a radius of eight hundred fifty-one and seventy-nine hundredths feet (851.79'), a tangent of five and thirty-three hundredths feet (5.33'), an arc of ten and sixty-six hundredths feet (10.66'), for a chord course of South eighty-seven degrees fourteen minutes and forty-three seconds West (S 87°14'43" W) for a chord distance of ten and sixty-six hundredths feet (10.66') to a point;
- 2) South eighty-nine degrees thirty-two minutes and four seconds West (S 89°32'04" W) for a distance of two hundred twenty-two and forty-three hundredths feet (222.43') to a point;
- 3) around a curve having an angle of fifteen degrees fifty-five minutes and twenty-seven seconds (15°55'27"), a radius of nine hundred one and five hundredths feet (901.05'), a tangent of one hundred twenty-six and three hundredths feet (126.03'), an arc of two hundred fifty and forty-three hundredths feet (250.43'), for a chord course of South eighty-one degrees twenty-six minutes and fifty-nine seconds West (S 81°26'59" W) for a chord distance of two hundred forty-nine and sixty-two hundredths feet (249.62') to a point;

- 4) South seventy-three degrees twenty-three minutes and four seconds West (S 73°23'04" W) for a distance of one and sixty-eight hundredths feet (1.68') to a point; thence, North six degrees forty-eight minutes and fifty-two seconds West (N 6°48'52" W) for a distance of five hundred thirteen and forty-four hundredths feet (513.44') to a point; thence, North eighty-three degrees eleven minutes and eight seconds East (N 83°11'08" E) for a distance of five hundred fifty and no hundredths feet (550.00') to a point; thence along the West right-of-way line of aforementioned Bankside Drive, South six degrees forty-eight minutes and fifty-two seconds East (S 6°48'52" E) for a distance of four hundred seventy-one and thirty-seven hundredths feet (471.37') to a point; thence around a curve leading from the aforementioned West right-of-way line of Bankside Drive to the aforementioned North right-of-way line of Cook Street, said curve having an angle of ninety-six degrees forty-nine minutes and forty-eight seconds (96°49'48"), a radius of sixty and no hundredths feet (60.00'), a tangent of sixty-seven and sixty-two hundredths feet (67.62'), an arc of one hundred one and forty hundredths feet (101.40'), for a chord course of South forty-one degrees thirty-six minutes and two seconds West (S 41°36'02" W) for a chord distance of eighty-nine and seventy-six hundredths feet (89.76') to the place of beginning.

Containing 281,526.57 Square Feet (6.463 Acres).

Submitted by James T. Dangora, Jr. and Messrs. Martin, St. George, Martell, Moules, Moules and Madames St. George, Pena, Curtin, Pena and Dangora.

*Finance Committee recommends approval.*

**ARTICLE 46 - PETITIONERS ARTICLE**

To see if the Town will vote to amend Section 5.E.6 of the Billerica Zoning By-Laws (USES, BUILDINGS AND STRUCTURES PERMITTED IN THE SELF-SERVICE OVERLAY DISTRICT) as follows:

SEE EXISTING AND AMENDED TEXT ATTACHED  
“OR ACT IN RELATION THERETO”

**PROPOSED**

6. SELF-SERVICE OVERLAY DISTRICT

- a. All uses permitted by right or by special permit in the underlying districts are permitted by right or by special permit in the Self-Service Overlay District.
- b. In addition, the following COMMERCIAL use is permitted by special permit:
  - (1) Self-storage service facility

Requirements for Use:

**OVERLAY APPLICATION**

- The Self-Service Overlay District may be applied to the Industrial District.

**AREA, HEIGHT AND OTHER DIMENSIONAL REQUIREMENTS**

- Unless a pre-existing building is to be converted to a climate controlled self-storage facility, the minimum lot area for a Self-Service Storage facility shall be 10 acres.
- The minimum lot area for a climate controlled self-storage facility within a pre-existing building shall be 5 acres.
- Unless a pre-existing building is to be converted to a climate controlled self-storage facility, self-service storage facility buildings shall not exceed one story or 13 feet in height.
- A pre-existing building to be converted to a climate controlled self-storage facility shall not be increased in height.
- Any pre-existing building to be converted to a climate controlled self-storage facility shall meet all other lot dimensional requirements in existence when the building was constructed.
- All other lot dimensional requirements for a self-service storage facility not otherwise contained within a pre-existing building shall be the same as required in the underlying Industrial District.

**GREEN STRIP AND GREEN SPACE**

- If a pre-existing building is to be converted to a climate controlled self-storage facility, all green strip and green space requirements in existence when the pre-existing building was constructed shall apply. For all other self-storage facilities to be constructed, the following green strip and green space requirements shall apply:

- A minimum 20 foot green strip shall be provided and maintained along a minimum of 70% of the perimeter of each lot. Curb cuts are excluded from this requirement.
- Green strips shall consist of natural or planted vegetation.
- A green space shall be set aside on each side that is greater of 25% of the site's area or five acres. This area cannot be used for driveways, roadways, parking area and paved areas for vehicular travel of any type.

#### PARKING AND LOADING

- *A pre-existing building to be converted to a climate controlled self-storage facility shall be subject to the parking and loading requirements in existence when the building was permitted. All other self-storage facilities to be constructed* shall be subject to the parking and loading requirements of this Zoning By-law with the following exception:
  - The total number of conventional parking spaces shall be six plus one handicapped space.
  - Additional parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only and at least 30 feet wide when cubicles open onto both sides of the lane. No loading docks shall be allowed on the site. No lane shall exceed 30 feet in width at its throat.

#### USE LIMITATIONS

- *A pre-existing building to be converted to a climate controlled self-storage facility may be utilized for the storage of personal property and for the storage of goods, inventory and merchandise of local businesses. All other self-storage facilities* shall be limited to personal property use only.
- No activity other than rental of storage units and pick up and deposit of *[personal]* property shall be allowed on the lot for accessory or incidental uses required in administration and security of the site.
- No outside storage shall be allowed.
- The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals shall be prohibited.
- The use of the unit for uses other than dead storage shall be prohibited.
- Servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment shall be prohibited.

#### SIGNS

- All signs on the premises shall be in conformity with the sign requirements of the Zoning By-law.

#### Required finding:

- *A previously permitted building to be converted to a climate controlled self-storage facility shall comply with the site plan approval and permitting requirements, if any, imposed when the building was constructed.*
- *For all self-service storage facilities to be constructed,* the use complies with the site plan approval requirements of the Zoning By-law.
- The use complies with the requirements set forth in this section of the Zoning By-law.

- The location of the use will not be detrimental to the neighborhood in which it is located.
- The use will not generate undue traffic or create traffic congestion on the site.  
**“or act in relation thereto”**

Submitted by James T. Dangora, Jr. and Messrs. Martin, St. George, Martell, Moules, Moules and Madames St. George, Pena, Curtin, Pena and Dangora.

*Finance Committee recommends approval.*

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**ARTICLE 47 - PETITIONERS ARTICLE**

To see if the Billerica Town Meeting, Fall 2017, will vote to allow homeowners to have a choice of opting out of radio read water meters to be installed by the Town of Billerica, be it for any reason due to health, privacy, safety and/or perceived general welfare.

If a homeowner should opt out of said radio read meter, they will retain their current analogue meter. Should removal and/or replacement of the meter be required, replacement analogue meters need to be approved by the Town. The meter purchase will be the responsibility of the homeowner and shall be reinstalled by the Department of Public Works.

Homeowners will also be responsible to record and relay to the Department of Public Works their water usage on a monthly basis, subject to a quarterly (or random) hard read audit to be completed by employees of the Department of Public Works; or act in relation thereto.

Submitted by Diane Dorrington and Messrs. Dorrington, Damon, Martin, Cangiamila, Chiccarelli, Ventresca and Madames Damon, Martin, Chiccarelli and Bova.

*Finance Committee has not yet made final recommendation.*

And you are hereby directed to serve this Final Warrant by posting true and attested copies thereof, one copy at the Town Hall, one copy at the Billerica Public Library, one copy at the Billerica Police Station, one copy at the Belly Buster Diner, one copy at Pinehurst Post Office, one copy at the Center Post Office, Boston Road, one copy at Market Basket, Town Plaza, Boston Road, one copy at the West Billerica Fire Station, one copy at the Nutting Lake Post Office, one copy at Augusta Market, 599 Boston Road, one copy at the Ninety-Nine Restaurant, Lexington Road, one copy at the Pinehurst Fire Station, one copy at the East Billerica Fire Station, one copy at the North Billerica Post Office and one copy at the North Billerica Fire Station.

Given under our hands this 26<sup>th</sup> day of September 2017.

BOARD OF SELECTMEN

  
\_\_\_\_\_  
ANDREW N. DESLAURIER, CHAIRMAN

  
\_\_\_\_\_  
EDWARD J. GIROUX, VICE CHAIRMAN

\_\_\_\_\_  
KIMBERLY J. CONWAY, SECRETARY

  
\_\_\_\_\_  
GEORGE J. SIMOLARIS, MEMBER

  
\_\_\_\_\_  
MICHAEL S. ROSA, MEMBER

A true copy attest

  
\_\_\_\_\_

Constable, Town of Billerica