

TOWN OF BILLERICA
FINAL WARRANT



ANNUAL FALL
TOWN MEETING

Annual Fall Town Meeting
Tuesday, October 1, 2013 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 Committee Reports			Town Manager; authorized by BOS	Recommends

Financial Articles

3	To Fund Collective Bargaining Agreement for IAFF Firefighters		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
4	To Fund Collective Bargaining Agreement for IAFF Civilian Fire Alarm Operators		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
5	To Fund Collective Bargaining Agreement for SEIU Local 888 Administrative Unit		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 NEPBA Police Civilian Dispatchers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
9	To Fund Collective Bargaining Agreement for IAEP Police EMT's and Paramedics		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
10	To Fund Collective Bargaining Agreement for IUPE Clerical Unit		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
11	To Fund Collective Bargaining Agreement for BMEA DPW Workers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
12	To Fund Salary Adjustments for Town Non-Union Personnel		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
13	To Fund Collective Bargaining Agreement for School Custodians		Raise & Appropriate / Available Funds	School Committee	Reserves Recommendation
14	To Fund Collective Bargaining Agreement for Cafeteria Personnel		Raise & Appropriate / Available Funds	School Committee	Reserves Recommendation
15	To Amend Various Fiscal Year 2014 Town and School Operating Budget Line Items	\$2,293,449.05	Raise & Appropriate	Town Manager; authorized by BOS	Reserves Recommendation
16	To Fund the Debt Stabilization Fund	\$908,817.37	Raise & Appropriate	Town Manager; authorized by BOS	Reserves Recommendation
17	To Fund Fiscal Year 2014 Town Capital Budget	\$300,000	Free Cash	Town Manager; authorized by BOS	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
18	To Fund Fiscal Year 2014 School Capital Budget	\$300,000	Free Cash	School Committee	Recommends
19	To Transfer Funds from Overlay Surplus to Fund the Fiscal Year 2015 State-Mandated Triennial Revaluation and Certification	\$175,000	Overlay Surplus	Board of Assessors and the Town Manager; authorized by BOS	Reserves Recommendation
20	To Fund the Development of a Sewer Collection System Operation and Maintenance Plan	\$30,000	Free Cash	Town Manager; authorized by BOS	Recommends
21	To Fund the Completion of a Local Industrial Pre-Treatment Limits Study	\$50,000	Free Cash	Town Manager; authorized by BOS	Recommends
22	To Purchase a New Ambulance	\$200,000	Free Cash	Police Department	Reserves Recommendation
23	To Fund the Design, Bidding and Construction of Enhancements to the Wastewater Treatment Facility to Allow for Single Shift Operation	\$231,500	Free Cash	Town Manager; authorized by BOS	Recommends
24	To Fund the Design of Sewer Needs Area 2 (Formerly Contract 35)	\$900,000	Borrowing	Town Manager; authorized by BOS	Recommends
25	To Fund the Rehabilitation of the Water Mains Program	\$1,000,000	Free Cash	Town Manager; authorized by BOS	Recommends
26	To Fund Allen Road Improvements	This Article has been Withdrawn			
27	To Fund Yankee Doodle Bike Path Designs	\$200,000	Free Cash	Town Manager; authorized by BOS	Recommends
28	To Establish a High School Building Committee			Town Manager and School Committee; authorized by BOS	Recommends
29	To Appropriate Funds for a High School Feasibility Study	\$2,000,000	Free Cash	Town Manager and School Committee; authorized by BOS	Recommends
30	To Fund Wastewater Treatment Facility Critical Needs Improvements	\$4,966,600	Borrowing	Town Manager; authorized by BOS	Recommends
31	To Vote Free Cash to the Debt Stabilization Fund	\$753,836	Free Cash	School Committee	Recommends
32	To Vote Free Cash to the Stabilization Fund	\$6,000,000	Free Cash	Finance Committee	Reserves Recommendation
33	To Vote Free Cash to the Land Bank Account	\$6,000,000	Free Cash	Finance Committee	Reserves Recommendation
34	To Vote Free Cash to be Applied to the Fiscal Year 2014 Tax Rate		Free Cash	Finance Committee	Reserves Recommendation
35	To Rescind Previous Borrowing Authorizations			Town Manager; authorized by BOS	Reserves Recommendation
36	To Appropriate the Premium Paid to the Town Upon the Sale of Bonds or Notes Issued for the Parker School Project			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 Statues

37	To Accept Section 8A of Chapter 108 of the Acts of 2012			Town Manager; authorized by BOS	Reserves Recommendation
38	To Accept the Provisions of Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986			Board of Assessors and Town Manager; authorized by BOS	Reserves Recommendation
39	To Incorporate and Adopt the Provisions of M.G.L. Chapter 40, Section 21D into Article XXII of the Town By-Laws			Conservation Commission	Reserves Recommendation
40	To Authorize Police Department Mutual Aid Programs			Police Department	Reserves Recommendation

By-Law Change Articles

41	To Amend the General By-Law to Establish a Criminal History Check Authorization	This Article has been Withdrawn				Reserves Recommendation
42	To Amend the Zoning By-Law to Establish a Medical Marijuana Overlay District			Planning Board	Reserves Recommendation	
43	To Amend the Zoning Map to Establish Medical Marijuana Overlay Districts			Planning Board	Reserves Recommendation	
44	To Amend the Zoning By-Laws for Planned Development District Regulations			Planning Board	Reserves Recommendation	
45	To Amend the Zoning By-Laws with Respect to Recycling Centers			Planning Board	Reserves Recommendation	

Miscellaneous

46	To Change Purpose of Micozzi Beach from Conservation to Parks, Playgrounds and Recreation			Town Manager; authorized by BOS	Reserves Recommendation
47	Micozzi Beach Grant Application Authorization	This Article has been Withdrawn			
48	Harnden Road Land Transfer Authorization			Town Manager; authorized by BOS	Reserves Recommendation
49	To Transfer the Sum of \$500,000 from Free Cash to the Sidewalk Department			Petitioner Article	Does Not Recommend

**FINAL WARRANT
OCTOBER 1, 2013
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 1, 2013 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 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 \$18,471 and the principal balance is \$129,419. Town Meeting appoints members to the Bowers Fund. Committee member Eleanor Shea's term is expiring and she is requesting that she be reappointed.

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 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund 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 3 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 4 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF CIVILIAN FIRE ALARM OPERATORS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund 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 4 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SEIU LOCAL 888 ADMINISTRATIVE UNIT

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and SEIU Local 888 Administrative Unit (Service Employees International Union); 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 or transfer from available funds a sum of money to fund 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.

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 or transfer from available funds a sum of money to fund 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 - NEPBA POLICE CIVILIAN DISPATCHERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund 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 8 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAEP POLICE EMT'S & PARAMEDICS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and IAEP Police EMT's & Paramedics (International Association of EMT's & Paramedics); 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 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IUPE CLERICAL UNIT

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and IUPE Clerical Unit (Independent Union of Public Employees); 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 10 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 11 - TO FUND COLLECTIVE BARGAINING AGREEMENT - BMEA DPW WORKERS

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and BMEA DPW Workers (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 11 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 12 - TO FUND SALARY ADJUSTMENTS FOR TOWN NON-UNION PERSONNEL

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund salary adjustments for Town Non-Union Personnel; 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 12 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 13 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIANS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Custodial Employees; or act in relation thereto.

Submitted by the Billerica School Committee

Finance Committee has not yet made final recommendation.

Article 13 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 14 - TO FUND COLLECTIVE BARGAINING AGREEMENT – CAFETERIA PERSONNEL

To see if the Town will vote to raise and appropriate or transfer from available funds a sum to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 2747, Cafeteria Employees; or act in relation thereto.

Submitted by the Billerica School Committee

Finance Committee has not yet made final recommendation.

Article 14 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

ARTICLE 15 - TO AMEND VARIOUS FISCAL YEAR 2014 TOWN AND SCHOOL OPERATING BUDGET LINE ITEMS

To see if the Town will vote to raise and appropriate the sum of \$2,293,449.05 to amend the Fiscal Year 2014 Town and School Operating Budget as listed below:

710 Retirement of Debt

71070-7150	Town Principal	\$ 177,000.00
71070-7550	Town Interest	\$ 101,885.69
71070-7160	School Principal	\$ 40,000.00
71070-7560	School Interest	\$ 26,056.94
71070-7170	Exempt Principal	\$ 1,500,000.00
71070-7570	Exempt Interest	<u>\$ 448,506.42</u>
Total		\$ 2,293,449.05

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 15 Explanation: This article is submitted to amend the budget to reflect increases to debt service as a result of a bond sale in May 2013. The bond sale included the Parker School debt exclusion, two fire trucks, renovations to the Hallenborg Rink and sewer projects as authorized by Town Meeting.

ARTICLE 16 - TO FUND THE DEBT STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of \$908,817.37 to the Debt Stabilization Fund; 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: This appropriation will increase the Debt Stabilization balance to \$4,387,350. These funds will be used to stabilize the tax rate by maintaining annual level debt service appropriations.

ARTICLE 17 - TO FUND FISCAL YEAR 2014 TOWN CAPITAL BUDGET

To see if the Town will vote to transfer and appropriate form Free Cash the sum of \$300,000 to fund the following items on the Town Capital Plan:

Front End Loader Replacement for H42, Cat Loader	\$145,000
5 Ton Dump Truck W/sander & Plow, Replacement for H26 1994	155,000
Total	<u>\$300,000</u>

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 17 Explanation: This article proposes to fund the replacement of two heavy equipment vehicles in the Department of Public Works. The First vehicle is a 1994 5-Ton Dump Truck (H26) with 75,789 Miles. The second vehicle is a 1989 Trojan Front End Loader (H42) with 7,819 hours on it.

ARTICLE 18 - TO FUND FISCAL YEAR 2014 SCHOOL CAPITAL BUDGET

To see if the Town will vote to transfer and appropriate the sum of \$300,000 from Free Cash to fund the Fiscal Year 2014 School Capital Budget; or act in relation thereto.

Submitted by the Billerica School Committee

Finance Committee recommends approval.

Article 18 Explanation: This article seeks to use \$300,000 of Free Cash to fund Capital Projects for the Billerica Public Schools. In particular, this article is designed to address the issue of corroding columns at the Hajjar School. The corrosion is being caused by an acid produced within the columns involving a chemical reaction between the concrete and infiltrated water. The column project will cost between \$500,000 and \$700,000 and seeks to use funding from this article in conjunction with the balance of Article 22 from the October 2012 Town Meeting.

ARTICLE 19 - TO TRANSFER FUNDS FROM OVERLAY SURPLUS TO FUND THE FISCAL YEAR 2015 STATE-MANDATED TRIENNIAL REVALUATION AND CERTIFICATION

To see if the Town will vote to transfer the amount of \$175,000 from Overlay Surplus to fund the Fiscal Year 2015 State-Mandated Triennial Revaluation and Certification of all real estate and personal property located within the Town of Billerica; or act in relation thereto.

Submitted by the Board of Assessors and the Town Manager, authorized by the Board of Selectmen

Finance Committee has not yet made final recommendation.

Article 19 Explanation: This article will fund a consulting contract to assist and insure that the Town complies with all requirements for state Department of Revenue (DOR) Triennial Assessment Certification and with recommendations from the Town's last Triennial Certification. Specifications will include listing of personal property accounts, listing of selected classes of real estate properties and compliance with all DOR statistical and assessment performance reports and spreadsheets.

ARTICLE 20 - TO FUND THE DEVELOPMENT OF A SEWER COLLECTION SYSTEM OPERATION AND MAINTENANCE PLAN

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$30,000 for the development of an O&M Plan to comply with provisions of the Town's re-issued NPDES permit; or act in relation thereto.

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

Finance Committee recommends approval.

Article 20 Explanation: Required by EPA & MassDEP - Renewal of Town's NPDES Permit. While most Treatment Plants have a formal O&M Plan for the facility, most collection systems do not (including Billerica). The O&M Plan will include:

1. Written plan for administration, staffing, operation and maintenance of the sewers and pump stations.
2. An assessment of the condition of the collection system infrastructure.
3. Prevention plan for sewer backups and infiltration/inflow.
4. An emergency response plan for sewer overflows.

Funding (\$30,000) will be used to develop the O&M Plan and submit to EPA and MassDEP as required by the new permit.

ARTICLE 21 - TO FUND THE COMPLETION OF A LOCAL INDUSTRIAL PRE-TREATMENT LIMITS STUDY

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$50,000 for the completion of a Local Limits Technical Evaluation and revision of the Town's Local Industrial Pre-Treatment Limits to comply with provisions of the Town's re-issued NPDES permit; or act in relation thereto.

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

Finance Committee recommends approval.

Article 21 Explanation: Required by EPA & MassDEP - Renewal of Town's NPDES Permit. The limits are used to set Appropriate Local Limits for Industrial Users to Protects the Town's WWTF from discharge of high strength wastewater from industries. The Previous Local Limits Analysis was conducted in 1994 (20 years ago). Since then the Town's WWTF permit limits have become more stringent. The Analysis will identify:

- Additional local industries whose wastewater discharge should be regulated.
- Updated discharge limits for regulated industries based on the Town's new permit limits.
- Additional wastewater parameters that should be regulated such as aluminum, copper or phosphorus.

Funding (\$50,000) will be used for sampling of Town's WWTF influent, effluent and other points through the WWTF and collection system for a full battery of constituents as well as compiling the analysis and submitting reports to EPA and MassDEP.

ARTICLE 22 - TO PURCHASE A NEW AMBULANCE

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$200,000 to purchase a new ambulance and related equipment; or an act in relation thereto.

Submitted by the Billerica Police Department

Finance Committee has not yet made final recommendation.

Article 22 Explanation: This article asks Town Meeting to fund the purchase of a new ambulance for Billerica EMS. The service staffs one vehicle 24 hours a day, 7 days per week. A second vehicle is staffed 12 hours a day, 7 days a week. The service maintains two main vehicles and one back-up vehicle. The new ambulance is proposed to enter service as the 24 hour, 7 day a week service vehicle. The back-up vehicle is a Horton with 139,172 miles.

ARTICLE 23 - TO FUND THE DESIGN, BIDDING AND CONSTRUCTION OF ENHANCEMENTS TO THE WASTEWATER TREATMENT FACILITY TO ALLOW FOR SINGLE SHIFT OPERATION

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$231,500 for the Design, Bidding and Construction of enhancements to the Wastewater Treatment Facility to allow for single shift operation; or act in relation thereto. Enhancements will include installation of a main gate with key pad access, repairs to the perimeter fencing, installation of security cameras, replacement of non-functional door locks and hardware, installation of intrusion alarms, and SCADA system enhancements to allow for remote operation; or act in relation thereto.

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

Finance Committee recommends approval.

Article 23 Explanation: The Wastewater Treatment Facility is currently staffed 24 hours per day, 7 days per week, 365 days per year. The Town has made the following significant investments in the wastewater infrastructure instrumentation, controls, remote monitoring, alarming and SCADA capabilities over the past 5 years:

- WWTF SCADA system installed as part of the Tertiary Project.
- Licensed Radio system installed eliminating the need for phone lines for alarms.

- All Pump Stations connected to SCADA as part of recently completed upgrades.

With completion of a few remaining tasks, the wastewater system will no longer need to be staffed 24 /7 allowing the second and third shift operators to be brought onto the first shift to complete many more preventative maintenance tasks.

The Funding (\$231,500) will be used for the design, bidding and construction of the capital upgrades required to be in place prior to moving to one shift operation. Required upgrades include improvements to the security system, remote operation capabilities and alarms. Specifically the upgrades include:

- Installation of a main gate with key pad access.
- Repair / replacement of the portions of perimeter fence currently in disrepair.
- Installation of security camera with recording capabilities.
- Replacement of non-functioning exterior doors, hardware and locks.
- Installation of intrusion alarms on all exterior doors.
- Installation of a “Man-Down” system for employees answering alarms on the off shift.
- Purchase of three lap top computers for on-call operators.
- Installation of a back-up alarm system and connection of the primary clarifiers into SCADA.

ARTICLE 24 - TO FUND THE DESIGN OF SEWER NEEDS AREA 2 & 8

To see if the Town will vote to authorize the Treasurer, with approval of the Board of Selectmen, to borrow under M.G.L. Chapter 44, Section 7(1), or any other relevant statute, the sum of \$900,000, to be spent under the direction of the DPW Director, for the Design of Sewer Need Area 2 & 8; or act in relation thereto.

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

Finance Committee recommends approval.

Article 24 Explanation:

Design of Sewer Needs Area 2 & 8

<i>Road</i>	<i>From</i>	<i>To</i>
ACRE RD-02	MERIDIEN WAY	TOWER FARM RD
AGAWAM CIR	ALLEN RD	CUL DE SAC
ALDIE LN	ALLEN RD	DEAD END
ALLEN RD-01	ANDOVER RD	AGAWAM CIR
ALLEN RD-02	AGAWAM CIR	ALLEN RD EXT
ALLEN RD-04	ARAKELIAN DR	HEIDI LN
ALLEN RD-05	HEIDI LN	ALDIE LN
ALLEN RD-06	ALDIE LN	TOWER FARM RD
ALLEN RD-07	TOWER FARM RD	ICHABOD LN
ALLEN RD-08	ICHABOD LN	SHANE LN
ALLENHURST RD	ANDOVER RD	DEAD END
ALTON ST	BALDWIN RD	CUL DE SAC
ANDOVER RD-08	ALLEN RD EXT	ALLEN RD
ANDOVER RD-09	ALLEN RD	MOHAWK DR

ANDOVER RD-10	MOHAWK DR	SANBERG RD
ANDOVER RD-11	SANBERG RD	DRESDEN LN
ANDOVER RD-12	DRESDEN LN	KENRICK AVE
ANDOVER RD-13	KENRICK AVE	ALLENHURST RD
ANDOVER RD-14	ALLENHURST RD	GOVERNOR CARVER RD
BOYNTON LN	ANDOVER RD	DEAD END
BROOKDALE CIR	BALDWIN RD	CUL DE SAC
CELTIC AVE-02	ROBERTS RD	DEAD END
CHERYL LN	HEIDI LN	CUL DE SAC
CIDER MILL WY	ANDOVER RD	DEAD END
DRESDEN LN	ANDOVER RD	DEAD END
HEIDI LN-01	ALLEN RD	MILLER'S FARM RD
HEIDI LN-02	MILLER'S FARM RD	CHERYL LN
HEIDI LN-03	CHERYL LN	DEAD END
ICHABOD LN-01	ALLEN RD	CHAMPA RD
JOBE LN-01	SHANE LN	WOODCREST CIR
JOBE LN-02	WOODCREST CIR	CUL DE SAC
KENRICK AVE-01	ANDOVER RD	TERCENTENNIAL DR
MARLYN RD-01	POND ST	ROBERTS RD
MARLYN RD-02	ROBERTS RD	CUL DE SAC
MOHAWK DR	ANDOVER RD	ARAKELIAN DR
NICKERSON DR	BALDWIN RD	CUL DE SAC
PONDOVER RD-01	POND ST	ROSA CIR
PONDOVER RD-02	ROSA CIR	ANDOVER RD
ROBERTS RD-01	MARLYN RD	CELTIC AVE

ARTICLE 25 - TO FUND THE REHABILITATION OF THE WATER MAINS PROGRAM

To see if the Town will vote to transfer and appropriate from Free Cash the sum of \$1,000,000 for the installation of water mains; or act in relation thereto.

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

Finance Committee recommends approval.

Article 25 Explanation: The Town is focusing on areas that have frequent water breaks, Town Meeting voted to replace Dyer Street Water Main last year, and we anticipate the replacement of Rio Vista Street which is on high priority on the water main breaks list.

Location	Size	Length		Est. \$/LF	Total
Rio Vista St.	12"	3,500	LF	\$304.80	\$1,066,800.00
Liberty Dr.	8"	1,800	LF	\$262.80	\$473,040.00
Walton St.	10"	1,230	LF	\$286.80	\$352,764.00
Savoy St.	8"	1,715	LF	\$262.80	\$450,702.00
Rexham St.	8"	1,194	LF	\$262.80	\$313,783.20
Pelham St.	8"	1,230	LF	\$262.80	\$323,244.00
Veteran's Cir.	6"	303	LF	\$238.80	\$72,356.40
Christina Ave.	8"	1,974	LF	\$262.80	\$518,767.20
William Rd.	8"	1,997	LF	\$262.80	\$524,811.60
Montbatten Rd.	8"	2,070	LF	\$262.80	\$543,996.00
Lupine Ln.	8"	1,238	LF	\$262.80	\$325,346.40
Ossamequin Rd.	8"	1,018	LF	\$262.80	\$267,530.40
Handle Rd.	8"	2,453	LF	\$262.80	\$644,648.40
Beaver Pl.	8"	594	LF	\$262.80	\$156,103.20

ARTICLE 26 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 27 - TO FUND YANKEE DOODLE BIKE PATH DESIGN

To see if the Town will vote to transfer and appropriate the sum of \$200,000 from Free Cash to fund design, survey and legal costs associated with the construction of the Yankee Doodle Bike Path; or act in relation thereto.

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

Finance Committee recommends approval.

Article 27 Explanation: The Board of Selectmen proposed to fund engineering and legal costs associated with the design of the Yankee Doodle Bike Path. Two hundred thousand dollars (\$200,000) is enough to fund the full design of the first leg of the bike path from Middlesex Turnpike to Concord Road which is approximately one mile. Alternatively, the funds can be used towards 25% design of the whole project. This will provide a more accurate cost of the whole project including construction and takings.

ARTICLE 28 - TO ESTABLISH A HIGH SCHOOL BUILDING COMMITTEE

To see if the Town will vote to form a High School Building Committee composed of the following thirteen (13) members: a member of the Board of Selectmen or their designee, the Superintendent of Schools, the Assistant Superintendent of Business, the Town Manager, the Director of School Building Maintenance, the Billerica Memorial High School Principal, a member of the School Committee, a member of the Planning Board, a member of the Finance Committee or their designee, the Building Commissioner, a member knowledgeable in the educational mission and function of facility appointed by the School Committee, a member with architectural, engineering and/or construction experience appointed by the Board of Selectmen and a member from the community appointed by the Town Moderator. Vacancies on this committee shall be filled by the proper appointing authority; or act in relation thereto.

Submitted by the Town Manager and Billerica School Committee; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 28 Explanation: This article seeks to establish a thirteen-member High School Building Committee, comprised of the members listed in the article. This committee will be charged with investigating educational and physical plant concerns at the High School. In addition, the Committee will be responsible for overseeing, if approved, a High School Feasibility Study as well as any associated construction projects. This committee will be subject to the Open Meeting Law.

ARTICLE 29 - TO APPROPRIATE FUNDS FOR A HIGH SCHOOL FEASIBILITY STUDY

To see if the Town will vote to transfer and appropriate the sum of \$2,000,000 from Free Cash to be expended under the direction of the High School Building Committee for the purpose of conducting a feasibility study which shall include, but not be limited to, engaging an architect and a project manager, obtaining soil borings, topographical studies, land surveys, wetlands surveys, preliminary site development plans, schematic designs, architectural and engineering designs, cost estimates, bid documents, and construction and site alternatives for the renovation or replacement of the Billerica Memorial High School located at 35 River Street, Billerica, Massachusetts, for which feasibility study the MSBA has not invited the Town of Billerica school district into the “Eligibility Period” for this project at this time but the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or act in relation thereto.

Submitted by the Town Manager and Billerica School Committee; authorized by the Board of Selectmen

Finance Committee recommends approval.

Article 29 Explanation: This article seeks to use \$2,000,000 of Free Cash to fund a Feasibility Study for Billerica Memorial High School, contingent upon approval from the Massachusetts School Building Authority (MSBA). A study of this type is a required step in the MSBA process for school construction for any renovation, renovation / addition or new construction project. For more information about the MSBA process, please visit <http://www.massschoolbuildings.org>, where the Feasibility Study and Schematic Design process is explained in great detail in Modules 3 and 4 under “Building with Us”.

If approved, these funds will be used to contract with an Owner’s Project Manager (OPM) and a designer (architect) consistent with the guidelines established by the MSBA. The study will be conducted under the oversight of the High School Building Committee, and will lead to the identification of a preferred project, along with that project’s scope, budget and schematic design. A preferred project would then be required to be approved by Town Meeting and the voters of Billerica prior to any construction.

Furthermore, if approved by the MSBA, funds expended during the Feasibility Study and Schematic Design phases are eligible for reimbursement by the MSBA. For the recent Parker School Project, this reimbursement rate was 55.69%. Any unexpended balance in the warrant article, along with any MSBA reimbursement, will be used to help mitigate the impact of a debt exclusion for future construction.

ARTICLE 30 - TO FUND WASTEWATER TREATMENT FACILITY CRITICAL NEEDS IMPROVEMENTS

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds from the Massachusetts Water Pollution Abatement Trust the sum of \$4,966,600 for high priority Wastewater Treatment Facility improvements in the Town as detailed in the Comprehensive Wastewater Management Plan (CWMP); or act in relation thereto, including the adoption of the following vote:

Voted: that \$4,966,600 is appropriated for the purpose of financing the construction of Wastewater Treatment Facility including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$4,966,600 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Article Explanation:

Preliminary Treatment

Architectural and Structural	\$100,000
Electrical	\$ 10,000
HVAC and Plumbing	\$130,000
Isolation Gates	\$140,000

Primary Treatment

Architectural and Structural	\$ 85,000
Electrical	\$ 10,000
Primary Settling Tank Drives & Mechanisms	\$880,000
Primary Sludge Pumps	\$510,000
Primary Scum Pump	\$ 90,000
Scum Grinder, Concentrator & Pump	\$170,000

Primary Sump Pump	\$ 5,000
Secondary Treatment/Administration Building	
Aeration Tank Repairs gates, valves & Diffusers	\$1,006,600
Third Blower	\$ 530,000
Disinfection & Post-aeration	
Diffusers, Piping, Valves & Gates	\$ 350,000
Sludge Processing	
Inclined Screw Conveyor	\$200,000
Second Rotary Sludge Press	<u>\$750,000</u>
	\$ 4,966,600

Or act in relation thereto.

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

Finance Committee recommends approval.

Article 30 Explanation: The Town had previously funded two major upgrades to the WWTF; the Tertiary System Upgrade for phosphorus removal and the Phase 1 Expansion to allow for sewerage additional needs areas:

- The Phase 1 expansion currently under construction will allow the Town to sewer approximately half of the remaining sewer needs areas.
- The remaining equipment at the WWTF is approaching 25 years old and is well past its useful life, in many cases equipment is no longer functional.
- This article will fund rehabilitation of the remaining mechanical and process systems in order to maintain proper operation of the WWTF.

Specifically the upgrades include:

1. Rehabilitation of the Preliminary Treatment Building including roof, doors, windows, masonry, isolation gates, HVAC, plumbing and electrical.
2. Replacement of the primary settling tank mechanisms, primary sludge pumps, primary scum pumps, scum grinders, and scum concentrator.
3. Rehabilitation of the aeration tanks and post-aeration tanks including concrete repair, isolation gates, valves, piping and diffusers.

4. Installation of a third air blower for process air.
5. Replacement of the inclined sludge conveyor.
6. Installation of a second sludge dewatering press.

Funds (\$4,966,600) will be used for design, bidding and construction of the critical needs as identified in the Town's CWMP Capital Improvement Plan.

ARTICLE 31 - TO VOTE FREE CASH TO THE DEBT STABILIZATION FUND

To see if the Town will vote to transfer and appropriate the sum of \$753,836 from Free Cash to the Debt Stabilization Fund; or act in relation thereto.

Submitted by the Billerica School Committee

Finance Committee recommends approval.

Article 31 Explanation: This article seeks to use \$753,836 of Free Cash to transfer into Debt Stabilization, earmarked to help mitigate the impact of future debt for school construction. If approved, this transfer will be added to the \$1,000,000 allocated for school debt stabilization during the Fall 2012 Town Meeting.

ARTICLE 32 - TO VOTE FREE CASH TO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds 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 32 Explanation: The purpose of this fund is to set money aside to be used at a later time for unforeseen or unanticipated circumstances. The current balance of the Town Stabilization Fund is \$4,134,236. Department of Revenue Certified Free Cash as of July 1, 2013 is \$6,065,336.

ARTICLE 33 - TO VOTE FREE CASH TO THE LAND BANK ACCOUNT

To see if the Town will vote to raise and appropriate or transfer from available funds 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 33 Explanation: The Land Bank account was established by special legislation. The text of that legislation can be found in Appendix C. The current balance of the Town Land Fund is \$478,683. Department of Revenue Certified Free Cash as of July 1, 2013 is \$6,065,336.

ARTICLE 34 - TO VOTE FROM FREE CASH A SUM OF MONEY TO BE APPLIED OR EXPENDED FOR THE PURPOSE OF REDUCING THE FISCAL YEAR 2014 TAX LEVY

To see if the Town will vote to transfer from Free Cash a sum of money to be applied or expended for the purpose of reducing the Fiscal Year 2014 tax levy; or act in relation thereto.

Submitted by the Finance Committee

Finance Committee has not yet made final recommendation.

Article 34 Explanation: Department of Revenue Certified Free Cash as of July 1, 2013 is \$6,065,336.

ARTICLE 35 - TO RESCIND PREVIOUS BORROWING AUTHORIZATIONS

To see if the Town will vote to rescind borrowing authorizations previously approved at Town Meeting; 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 35 Explanation: This article proposes to rescind unnecessary authorizations for projects that have been completed and are closed out.

ARTICLE 36 - TO APPROPRIATE THE PREMIUM PAID TO THE TOWN UPON THE SALE OF BONDS OR NOTES ISSUED FOR THE PARKER SCHOOL PROJECT

To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds or notes issued for the Parker School Project, which are the subject of a Proposition 2 ½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount; 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 36 Explanation: This article is required by the Department of Revenue. The premium for the Parker School debt authorization was used to reduce the debt.

ARTICLE 37 - TO ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 59, SECTION 5N

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 5N, as adopted by Section 8A of Chapter 108 of the Acts of 2012, which would authorize the Town to establish a program to allow Veterans, qualified as such under Clause 43 of Section 7 of M.G.L. Chapter 4, to obtain real property tax reductions in exchange for volunteer services rendered to the Town; 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 37 Explanation: The Town has historically adopted this local option law to allow the Board of Assessors to offer an additional 60% increase on to existing property tax exemption amounts for Disabled Veterans, the Blind, and financially qualified Elderly and Widowed property owners.

ARTICLE 38– TO ACCEPT THE PROVISIONS OF CHAPTER 126 OF THE ACTS OF 1988 AND CHAPTER 73 OF THE ACTS OF 1986

To see if the Town will vote to accept the provisions of Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986 in order to offer optional additional real estate tax exemptions to persons who qualify for current property tax exemptions under Clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C of Section 5 of M.G.L. Chapter 59 in the amount of a uniform 60% increase for all persons qualified; or act in relation thereto.

Submitted by the Board of Assessors and the Town Manager, authorized by the Board of Selectmen

Finance Committee has not yet made final recommendation.

Article 38 Explanation: This article authorizes the Board of Assessors to offer property tax exemptions as authorized by State Law.

ARTICLE 39 – TO AMEND GENERAL BY-LAW, ARTICLE XXII, BILLERICA WETLANDS PROTECTION BY-LAW, SECTION 2.2 ENFORCEMENT, TO INCLUDE AND INCORPORATE AND ADOPT THE PROVISIONS OF M.G.L. CHAPTER 40, SECTION 21D

To see if the Town will to vote to amend Article XXII, Section 2.2 to create a new Section 2.2.F as follows:

Section 2.2 Enforcement:

- F. In accordance with the provisions of M.G.L. Chapter 40, Section 21D, the Conservation Commission may use the non-criminal method of disposition to enforce this By-Law, associated regulations and By-Law permit requirements. The enforcement agents shall be the Conservation Commission, its agents or its designees.

Or act in relation thereto.

Submitted by the Conservation Commission

Finance Committee has not yet made final recommendation.

Article 39 Explanation: This adoption of M.G.L. Chapter 40, Section 21D into the Wetlands Protection By-Law would allow the Conservation Commission to issue non-criminal disposition tickets in addressing violations of the By-Law. Non-criminal disposition is a practical tool commonly used by municipal boards charged with administering and enforcement local By-Laws. In essence, it provides local boards the ability to levy limited monetary penalties for violations of By-Laws or permits issued under By-Laws as a deterrent for illegal behavior and incentive for ensuring prompt and full correction of violations.

ARTICLE 40 - TO AUTHORIZE POLICE DEPARTMENT MUTUAL AID PROGRAMS

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Subsection 8G, which will authorize the Town to enter into agreements with other cities and towns for the purpose of providing Police Department Mutual Aid Programs; or act in relation thereto.

Submitted by the Billerica Police Department

Finance Committee has not yet made final recommendation.

Article 40 Explanation: This article asks Town Meeting to accept a local option statute, M.G.L. Chapter 40, Section 8G, which allows the Town to enter into formal written Mutual Aid Agreements with other communities to share services during times of emergency or other law enforcement needs. This article was believed to be accepted by Town Meeting in 1973, but the language was unclear. Town Counsel recommends a re-acceptance to correct the existing language.

ARTICLE 41 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 42 - TO AMEND THE ZONING BY-LAWS TO ESTABLISH A MEDICAL MARIJUANA OVERLAY DISTRICT

To see if the Town will vote to amend the Zoning By-Laws, to create a new Section 3.A.3.h and to create a new Section 5.E.8 “Medical Marijuana Overlay District”, as follows:

SECTION 3 – ESTABLISHMENT OF DISTRICTS

3. Overlay Districts:

h. Medical Marijuana Overlay District

SECTION 5 – REGULATION OF USES, BUILDINGS, AND STRUCTURES

E. Uses, Buildings, and Structures Permitted in the Overlay Zoning Districts.

8. Medical Marijuana Overlay District

1. Establishment: The Medical Marijuana Overlay District (“MMOD”) is established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MDOD may be used either for (1) a Registered Marijuana Dispensary (“RMD”), in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.
2. Purpose: To provide for the placement of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.
3. Definitions: where not expressly defined in the Zoning By-Laws, terms used in the MMOD By-Law shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.

- a. Registered Marijuana Dispensary: also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

4. Location

- a. RMDs may be permitted in the MMOD pursuant to a Special Permit granted by the Planning Board.
- b. RMDs may not be located within 1,000 feet of the following:
 - (1) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - (2) Child Care Facility;
 - (3) Library;
 - (4) Playground;
 - (5) Public Park;
 - (6) Youth center;
 - (7) Public swimming pool;
 - (8) Video arcade facility; or
 - (9) Similar facility in which minors commonly congregate.
- c. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section 4.b. to the nearest point of the property line of the proposed RMD.
- d. The distance requirement may be reduced by twenty-five percent or less, but only if:
 - (1) The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;
 - (2) The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

5. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) for a RMD special permit.
 - a. Application: In addition to the materials required under Section 6.E and Section 13.B of this By-Law, the applicant shall submit the following:
 - (1) A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);
 - (2) a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
 - (3) detailed site plans that include the following information:
 - (a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this By-Law;
 - (b) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - (c) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 - (d) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - (e) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - (f) Adequacy of water supply, surface and subsurface drainage and light.
 - (4) a description of the security measures, including employee security policies, approved by DPH for the RMD;
 - (5) a copy of the emergency procedures approved by DPH for the RMD;
 - (6) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
 - (7) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;

- (8) a copy of proposed waste disposal procedures; and
 - (9) a description of any waivers from DPH regulations issued for the RMD.
 - b. The Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, and the Engineering Division of the Department of Public Works. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.
 - c. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the Planning Board may act upon such a permit.
6. Special Permit Conditions on RMDs: The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD, the Planning Board shall include the following conditions in any special permit granted under this By-Law:
- a. Hours of Operation, including dispatch of home deliveries.
 - b. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Building Commissioner, Police Chief, and the Planning Board within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
 - c. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Building Commissioner, Police Chief, and Planning Board within 48 hours of receipt by the RMD.
 - d. The permit holder shall provide to the Building Commissioner and Police Chief, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

- e. The special permit shall lapse within five (5) years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
 - f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.
 - g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
 - h. The permit holder shall notify the Building Commissioner, Police Chief, and Planning Board in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.
7. Exemption from RMD Special Permit Requirement: RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section 6 of this By-Law.
8. Prohibition Against Nuisances: No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
9. Severability: The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

Or act in relation thereto.

Submitted by the Planning Board

Finance Committee recommends approval.

Article 42 Explanation: Articles 42 and 43 propose to establish local Zoning By-Law regulations and a Zoning Map amendment to accommodate Registered Marijuana Dispensaries. The proposed By-Law is based upon a model prepared by Kopelman & Paige, legal counsel to 130 communities and formerly Billerica. The proposed By-Law builds upon the State regulations to provide the regulatory framework for location limitations and facility operations. Two overlay districts are initially proposed. The first encompasses the commercial/industrial corridor of Republic Road, Esquire Road and Sterling Road, which provides adequate separation from residential neighborhoods and access to Route 3 from Treble Cove Road. The second proposed district is the commercial/industrial portion of Billerica Avenue, again seeking to provide some separation from residential areas, but acknowledging that residential uses exist on both the north and south of this corridor.

ARTICLE 43 - TO AMEND THE ZONING MAP TO ESTABLISH MEDICAL MARIJUANA OVERLAY DISTRICTS

To see if the Town will vote to amend the Zoning By-Law and Zoning Map to establish the following areas as Medical Marijuana Overlay Districts:

Billerica Avenue area (north of power line):

- Map 1 Parcel 1;
- Map 2 Parcels 1, 2, 3, 4, and 5
- Map 3 Parcels 3, 20, and 20-1
- Map 5 Parcels 13, 14, and 15

Republic/Esquire/Sterling Roads:

- Map 38 Parcels 5-2, 5-6, 11-1, 15-1, 28, 30-1, 30-2, 30-3-1, 30-5, 32-1, 32-2, and 33
- Map 39 Parcels 18-1, 18-2, 18-3, 18-4, 33-1, and 93-1
- Map 48 Parcels 5-2, 5-3, 7, 11-1, 16-1, 23-1, 24, 25, 26, 27-1, 29, 30, 32, 33, 34, 36-1, 37-1, 38, 39, 41-3, 43, 44, 45-1, 46-1, 48, 49, 53, and 61
- Map 58 Parcels 17 and 18

Or act in relation thereto.

Submitted by the Planning Board

Finance Committee recommends approval.

Article 43 Explanation: Articles 42 and 43 propose to establish local Zoning By-Law regulations and a Zoning Map amendment to accommodate Registered Marijuana Dispensaries. The proposed By-Law is based upon a model prepared by Kopelman & Paige, legal counsel to 130 communities and formerly Billerica. The proposed By-Law builds upon the State regulations to provide the regulatory framework for location limitations and facility operations. Two overlay districts are initially proposed. The first encompasses the commercial/industrial corridor of Republic Road, Esquire Road and Sterling Road, which provides adequate separation from residential neighborhoods and access to Route 3 from Treble Cove Road. The second proposed district is the commercial/industrial portion of Billerica Avenue, again seeking to provide some separation from residential areas, but acknowledging that residential uses exist on both the north and south of this corridor.

ARTICLE 44 - TO AMEND THE ZONING BY-LAWS FOR PLANNED DEVELOPMENT DISTRICT REGULATIONS

To see if the Town will vote to amend the Zoning By-Law to create a new Section 5.I “Planned Development District”, as follows:

I. PLANNED DEVELOPMENT DISTRICT

1. Purpose and Intent

The Planned Development District (PDD) is intended to:

Permit an entity to propose, and for Town Meeting to vote on, a development proposal that specifies a mixture of commercial, industrial, residential, open space or other uses and the site development requirements to be used for a specific site.

Permit some flexibility in the development of individual tracts of land by required and predetermined standards.

Permit the use of development standards tailored to a specific site and more detailed than those for the standard zoning districts.

Permit the Town to evaluate the potential impacts of a proposed development and to authorize the Planning Board, as the Special Permit Granting Authority, to require that the development of the site substantially conforms to site development standards approved as part of the rezoning to a PDD, including mitigation of a project’s impacts.

2. Permissible Uses and Requirements

A Planned Development District may be composed of commercial, industrial, residential, open space, or other uses, alone or in combination. A Planned Development District requires a rezoning amendment to the Billerica Zoning By-Law. The minimum lot size for a PDD is 2 acres.

3. Procedures

Proponents for a PDD Rezoning Amendment shall follow the following procedures in order to promote review of the proposed amendment and to facilitate public-private cooperation in the establishment of the PDD.

3.1 Pre-Application Review

Proponents are strongly encouraged to schedule a pre-application review with the Building Commissioner and Director of Planning. The Pre-Application Review should precede the preparation of detailed plans or specifications. Documents recommended for the Pre-Application review include, but are not limited to: An existing conditions plan of subject propert(ies), a project description (either in narrative or sketch form), a listing of proposed uses to be permitted or allowed by special permit, which may be a narrative describing the type and character of uses and/or a listing, by cross reference, of uses to be permitted as they appear in the "Table of Use Regulations". An explanation of why existing zoning districts do not meet the needs of the proposal shall also be submitted.

3.2 Rezoning Warrant Article Submission

The Proponent shall submit a proposed warrant article to the Board of Selectmen and Planning Board, in hard copy and electronic format for the PDD rezoning. The Planning Board may determine that the assistance of outside consultants, including attorneys, is warranted. This review shall include but is not limited to the size, scale and/or complexity of a proposed project and a project's potential impacts. The Planning Board shall request that Proponent enter into a Memorandum of Agreement with the Board of Selectmen to set up an account, under MGL Chapter 44, Section 53A consisting of the reasonable costs incurred by the Town for the employment of outside consultants to conduct a review engaged by the Town to assist in the review of a proposed project.

3.3 Statutory Requirements

The zoning amendment shall thereafter be processed in accordance with G.L. c. 40A, s. 5.

4. Submission Requirements for a PDD Rezoning

The application for a PDD Rezoning shall include a Development Proposal which consists of the following 5 (five) requirements. All materials shall be submitted in both hard copy and electronic format.

1. Completed Application to the Planning Board
2. Submission Fee
3. Concept Plan (Preliminary Site Plan)
4. Zoning and Special Conditions
5. Impact Analysis

4.1 Completed PDD Rezoning Application

PDD rezoning Applications can be obtained from the Planning Department.

4.2 Submission Fee

The Planning Board shall specify submission fees for a PDD rezoning in its Rules and Regulations. The required fee shall be submitted with the PD rezoning Application to the Planning Board.

4.3 Concept Plan (Preliminary Site Plan)

- a. A Concept Plan shall include the following, at a scale of no smaller than 1:40 unless otherwise noted, containing all of the following proposed site construction information:
 1. Location of buildings; number of stories, approximate floor area and maximum height of each building; the distance in feet between buildings.
 2. Existing and proposed contours.
 3. Proposed lot lines.
 4. Grading and landscaping.
 5. Location and dimensions of drives and parking areas.
 6. Location and characteristics of any common open space or usable open space.
 7. Proposed drainage system.
 8. Proposed landscaping.
 9. Building elevations.
 10. Building Envelope.

- b. A table within the plan set containing all of the following information:
 1. Total land area (square feet).
 2. Building envelope (square feet and percentage of the total land area).
 3. Common and open space, if any (square feet and percentage of the total land area).
 4. Site coverage of buildings (square feet and percentage of the total land area).
 5. Impervious surface area (square feet and percentage of the total land area).
 6. Pervious surface area (square feet and percentage of the total land area).
 7. Gross floor area of all nonresidential buildings.
 8. Floor area ratio if applicable
 9. Density of dwelling units, or their equivalent, if applicable.
 10. Number of off-street parking spaces and, if applicable, loading bays.

- c. A locus-context map of all land within 500 feet of any part of the proposed PDD containing all of the following information (the scale on this map may be no smaller than 1:600):
 1. All dwellings and principal buildings.
 2. Land use of each lot.
 3. Lot and right-of-way lines.
 4. Existing contours at two-foot intervals.
 5. Principal natural features in general, including but not limited to: Significant rock outcroppings, Water systems (including standing surface water, brooks or streams, the direction of drainage, wetlands, and the 100-year flood elevation.)
 6. Significant vegetation, including, but not limited to: mature trees, unique specimens of vegetation, and vegetation that indicates wetlands.
 7. Zoning district boundaries.
 9. Recorded easements on the proposed PDD and within the 500-foot limit.
 10. Public facilities, including, but not limited to: conservation or recreation land, footpaths, bicycle paths, and streets.
 11. Significant noise/visual impact, including, but not limited to: views from the site and sources of noise affecting the site.
 12. Historically or architecturally significant structures and sites on or adjacent to the proposed PDD.
 13. Areas of known contamination and a delineation of the disposal site area within 500 feet.

- d. A property rights and dimensional standards plan containing the following information:
 1. The location of existing easements or other property rights affecting the proposed development.
 2. The approximate locations of any sections of the land to which the Town would be granted property rights, either easements or transfer of ownership for street, utility, conservation or other purposes.
 3. The anticipated division of the property into parcels in private ownership, if any, if it affects zoning provisions.
 4. The yard setback in feet for buildings and parking lots from lot lines and, where applicable, a zoning district boundary, a brook or a pond.
 5. The boundaries of any common open space or usable open space.

- e. A utilities analysis showing:
 - 1. The location and size of the Town's existing water mains, fire hydrants, sanitary sewers, and storm drains.
 - 2. The proposed locations and the approximate size of utilities to be constructed on the site and their proposed connections to the Town's utilities, and any special features, such as culverts or pumping stations, that might affect the ability of the Town to service the development.
- f. An existing conditions plan.

4.4 Zoning and Special Conditions

- a. "Use Table" - Uses to be permitted by right or allowed by special permit in the buildings by cross reference, of uses to be permitted as they appear in Section 5 "Table of Use Regulations".
- b. "Zoning Provisions" - Describing special regulations unique to the development and/or a cross reference to provisions of this Bylaw that will apply to the PD District.
- c. "Special Conditions" - Applicable to the proposed development which may include but are not limited to, grants of benefits to the Town such as land for public purposes, traffic mitigation, drainage mitigation, construction of improvements or financial contributions on behalf of the Town, or other development limitations such as but are not limited to aesthetic features.

4.5 Impact Analysis

The Proponent shall submit an impact statement, the purpose of which is to enable the officials of the Town to determine what methods are used by the Proponent to promote the environmental health of the community and to minimize adverse effects on the natural resources and the Town's roads and utilities. The analysis must include the following components: Traffic, Drainage, Utility, Environmental, and Community Impact as set forth below.

In reviewing the statement, the Planning Board shall consider the degree to which impact on Town roads and utilities is mitigated, to which stormwater is recycled back into the ground, the maintenance and improvement of the flow and quality of surface water, the preservation or promotion of wildlife refuges, historic sites, unique geological, botanical and archaeological features, existing or potential trails, access to open space areas, and the health and safety of the inhabitants of the area.

a. Traffic Analysis

To address traffic flow and safety, including parking and loading. To be conducted by a traffic engineer certified as qualified as a member of the Institute of Transportation Engineers (ITE). The analysis shall include:

1. Traffic counts on arterial streets that provide access to the proposed PDD showing data on Average Daily Traffic (ADT) and a.m. and p.m. peak periods (conducted for two hours divided into fifteen-minute segments).
2. Intersection turning movement counts at intersections likely to be affected by the proposed development.
3. An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of sidewalks and their conditions.
4. Estimated trip generation showing the projected inbound and outbound vehicular trips for the a.m. and p.m. peak periods and a typical one hour off-peak trip generation.
5. The estimated distribution of new trips by approach streets.
6. The effect of additional traffic generated by the development on traffic "levels of service" on each approach street.
7. Estimated off-street parking and loading requirements and time of peak accumulation.

b. Stormwater and Drainage Analysis

1. Infiltration, including soils analysis and contamination if applicable.
2. Watershed analysis.
3. Pre and Post Development Drainage Calculations, including Peak Flow analysis (2, 10, 25 and 100 year storm events).
4. Narrative of how the proposed project meets the State Stormwater Standards (including how LID features have been incorporated)
5. Proposed land grading and permanent vegetative cover.

c. Utility Analysis

1. Describe the effect of the project on the public sewer system.
2. Describe the effect of the project on the Town water supply and distribution system.
3. Describe the effect of the project on the natural gas and electrical power distribution system.

d. Environmental Impact report

1. Neighborhood character: Describe how the proposed development proposal fits in with the neighborhood, surrounding properties and land uses.
2. Impacts on the natural environment: Describe any impacts on archaeological or historical resources, rare or irreplaceable natural areas, including the habitat of endangered species. Describe how the proposal will affect these features.

e. Community Impact Report

1. Social, economic, or community needs which are served by the proposed development.
2. Preliminary fiscal impact, including impact on town services, tax base, and employment.
3. The special impact, if any, on municipal and governmental services.
4. If the proposed project includes a residential component, an estimate of the number of additional children who will attend school and the number of total new persons added to the Town's population.

4.6 Additional Requirements

In addition to the submission requirements outlined in this section, the Planning Board may impose additional submission requirements through the adoption of Rules and Regulations for a PD District rezoning.

5. Administrative Requirements

The Proponent of a PD Rezoning shall submit an application and all supporting documentation to the Planning Department, together with the required filing fee as specified in this Section and in the Planning Board’s PD Rules and Regulations:

5.1 Distribution:

The Proponent shall submit (14) hard copies of all of the items required under Subsection 1.4 and (2) compact disc copies of the electronic data to be distributed as follows:

Interdepartmental review: The Planning Board shall distribute one (1) copy each of the application and all supporting documentation to the Building Commissioner, the Board of Selectmen, the Town Engineer, the Board of Health, the Conservation Commission, the Fire Chief, and the Police Chief, all of whom shall consider the application and submit a report thereon with recommendations to the Planning Board. The Planning Board shall not make a finding and determination upon the application until it has received the reports from the Building Commissioner, the Board of Selectmen, the Board of Health, the Fire Chief or designated representative, the Police Chief or designated representative, the Town Engineer, and the Conservation Commission or until thirty-five (35) days shall have elapsed without such reports being submitted and until a public hearing has been held.

Town Clerk: The Planning Board shall distribute one (1) copy each of the application and all supporting documentation to the Town Clerk to provide additional public access to such documents prior to Town Meeting.

The Planning Board: shall retain the remaining hard copies and compact disc for review

The Planning Board may require and if that is the case, the proponent shall provide additional copies as deemed necessary for review.

5.2 Hearing: A hearing shall be held pursuant to MGL 40A, §5 with the following additional criteria and requirements.

- a. The Planning Board shall prepare the legal notice for the rezoning.
- b. The legal notice of the public hearing shall be mailed, by the Proponent, post prepaid, to all current Town Meeting Members, based on the active list of Town Meeting Members as maintained by the Town Clerk at the time of submission of the application.

- c. The Planning Board shall open the public hearings within 30 days of receipt of a completed application submission. If within 30 days there is not a regularly scheduled Planning Board, then the hearing for the rezoning must be scheduled for the next regularly scheduled Planning Board Meeting and noticed pursuant to MGL 40A, §5.
- d. Any supplemental and/or revised documents from the Proponent must be submitted to the Planning Department no later than the Friday prior to Planning Board meetings at which the rezoning will be considered.

5.3 Warrant Preparation and distribution

- a. After the original warrant submission to the Board of Selectman by the Proponent, the Planning Department staff shall be responsible for preparation and editing of all zoning requirements and special conditions.
- b. All zoning documents and special conditions submitted to Town Meeting Members shall be sent by the Planning Department staff. All postage shall be paid by the Proponent.
- c. The Planning Board Chair shall review and confirm that the draft motion submitted to the Town Clerk that is to be voted on at Town Meeting is the same as the version recommended and voted by the Planning Board. This is not meant to preclude further amendments at Town Meeting.

5.4 Covenant Agreement

After any Special Conditions have been approved by the Planning Board, the Planning Board may request the Board of Selectmen to include any special conditions in the PDD rezoning article in a Covenant Agreement with the Proponent. The Proponent shall prepare the Covenant Agreement in consultation with the Planning Department. If agreed to, the Board of Selectmen shall execute the Covenant Agreement on behalf of the Town.

5.5 Covenant Administration

The Covenant shall be held in escrow until such time as Town Meeting votes on the article to rezone the PDD. If Town Meeting votes to approve the PDD rezoning, the Covenant shall be recorded, at the Middlesex South Registry of Deeds. Within fifteen (15) days of recording the Proponent must promptly inform the Board of Selectman and the Planning Board of the book and page reference as proof of the recording.

6. Lapse

The development and uses approved in a rezoning to a PDD may not be commenced unless the Planning Board issues a PD Special Permit, as required in Section 2.0, for substantial development or reuse within the PD, within two (2) years from the date of approval by Town Meeting. Until such time as a PD Special Permit is granted by the Planning Board pursuant to Section 2.0 and recorded by the property owner the development of the property shall be governed by the zoning provisions in effect for the zoning district for which the land was zoned immediately prior to its inclusion in a PDD. If a PD Special permit is not obtained within two (2) years, the PDD zoning shall lapse and the development of the property shall be governed by the zoning provisions in effect for the zoning district which the land was zoned immediately prior to its inclusion in a PDD.

The foregoing two (2) year time period shall not be applicable to any Planned Development District which involves land owned by the Town. For any such Planned Development District involving such Town owned land as part of the original PD rezoning proposal, the zoning established by the Planned Development District shall be effective upon the date of approval by Town Meeting.

7. PD Special Permit Requirements

Development pursuant to a PDD rezoning is subject to the approval of a PDD Special Permit as set forth in this section. An application for a PDD Special Permit will be made to the Town Clerk by submitting (12) copies of all submission materials. The materials shall include a Final Site Development and Use Plan, as described in this section, together with the required submission fee. The PDD Special Permit application to Town Departments shall be distributed as outlined in Article IX Section 9.2.2.1. The Planning Board shall specify a submission fee for a PDD Special Permit in its PDD Rules and Regulations. The required submission fee shall be submitted with the Final Development and Use Plan and following accompanying materials:

7.1 Final Site Development and Use Plan Requirements:

The Final Site Development and Use Plan shall include the following information.

- a. Information typically required on a site plan in accordance with Planning Board Site Plan Rules and Regulations.
- b. A Utilities Plan showing the location, size, materials and connections to the Town's utilities.
- c. A Property Rights Plan based on an instrument survey identifying parcels, if any, to be conveyed to the Town by deed or easement.
- d. A Site Grading Plan showing changes in contours and identifying landscaping materials, species of plants and sizes and specific plans for any open space.
- e. A Traffic Analysis including proposed mitigating measures, if any, to maintain an acceptable traffic level of service.

- f. A Storm water and Drainage Analysis.
- g. A Utility Analysis.
- h. An Environmental Impact report.
- i. A Fiscal Impact Report.
- j. Preliminary drafts of any deed, easement, offer or agreement to carry out any special condition.
- k. Such information as the Planning Board may specify in its Rules and Regulations or in response to matters which may arise in the course of public hearings.
- l. A PD Zoning Block table.

7.2 Additional Requirements

Application for a special permit for a particular use within a PD District shall be made concurrent with a PDD Special Permit or at any time following approval of a PDD Special Permit. The approval criteria for the special permit for a particular use shall be those set forth in Section 13. In addition to the submission requirements set forth in this section, the Planning Board may adopt Rules and Regulations for a PD District rezoning that establish additional submission requirements.

7.3 Public Hearing

The Public Hearing shall be held in accordance with the provisions of Section 13. Additionally, notice of the public hearing shall be mailed, by the Proponent, post prepaid, to all current Town Meeting Members, based on the active list of Town Meeting Members as maintained by the Town Clerk at the time of submission of the Application.

7.4 Criteria for Approval

The Planning Board may approve the PD Special Permit if the Board finds that all the following conditions are met:

1. The Final Site Development and Use Plan is substantially in conformance with the PDD Rezoning Amendment approved by Town Meeting. The Planning Board may permit insubstantial changes in view of the more detailed survey and engineering design, provided that such changes do not conflict with the intent of the PDD Rezoning Amendment. The following changes are not “insubstantial” and thus may not be approved by the Planning Board as part of a PD Special Permit:
 - a. Any change in the composition or number of uses that result in any increase over the maximum limitations specified in the PDD Zoning Provisions and/or Special Conditions.

- b. A use(s) which results in an increase in traffic generation above the vehicle trips predicted in the traffic study submitted as part of the PDD Rezoning Application.
 - c. A proposal that is inconsistent with the PDD Rezoning Amendment as approved by Town Meeting.
 - d. A use(s) which results in an increase in Town services or infrastructure needs above the predicted impacts identified within the impact analyses submitted as part of the PDD Rezoning Application and that cannot or will not be mitigated by the Applicant.
2. The PDD Rezoning Amendment approved by Town Meeting and the Site Development and Use Plan are incorporated into the PD Special Permit by reference.
 3. Methods satisfactory to the Planning Board of ensuring the performance of any Special Conditions and/or applicable Covenant Agreement included in the PDD Rezoning Amendment have been submitted by the developer.
 4. Any land designated as common or open space on the PDD Rezoning Amendment shall, at the Town's discretion, be either conveyed to the Town or protected by an easement granted to the Town.
 5. The Planning Board reserves the right to require that up to 30% of all new housing units be made affordable to persons of low and moderate income, according to the standards of the State and/or Town of Billerica, as determined by the Planning Board.
 6. The project meets the criteria specified in the Planning Board's Planned Development District Rules and Regulations.

The Planning Board may impose additional mitigation conditions if it finds that the proposed development results in impacts that differ from those identified during the PDD rezoning process.

The Planning Board in granting a PDD Special Permit may impose such additional conditions as the Planning Board finds will serve the public interest and are consistent with the intent of the PDD Rezoning Amendment approved by Town Meeting.

The Planning Board may deny an application for PDD Special Permit and base its denial on the finding that the development proposed in the Final Site Development and Use Plan did not meet one or more of the above listed criteria for approval. In the event the Planning Board determines that the Final Site Development and Use Plan is not in substantial conformance with the PDD Rezoning Amendment approved by Town Meeting, the application for a PDD Special Permit shall be denied. A new PDD Rezoning would be required in order to proceed.

No changes to the obligations contained in the special conditions or to the specifications contained in the PD Zoning Table, or changes in uses as shown on the Development Proposal, may be permitted except by a vote of Town Meeting.

7.5 Changes in a Final Site Development and Use Plan

All improvements shall be constructed in accordance with the Approved Site Development and Use Plan. No deviations from the Site Development and Use Plan may be permitted without prior approval from the Planning Board. If the Proponent and property owner seek to make minor modification to the Approved Site Development and Use Plan, prior to undertaking any such modification they must consult with the Planning Staff, who shall determine if the proposed modification is minor and may be undertaken without further approval, or if an application must be filed for further review and determination by the Planning Board.

8.0 Changes in a Proposed PD District While a PD Rezoning is Pending

8.1 Alterations to existing buildings prior to the adoption of the PD District shall be governed by the zoning district provisions for which the land was zoned immediately prior to its inclusion in a PD District.

8.2 Minor changes to existing structures after the commencement of the PD premises but prior to the submission of a Site Development and Use Plan for the affected area shall be governed by the PDD Zoning Provisions but may be submitted under the Site Plan Waiver, Minor Engineering Change or Insignificant Change requirements specified in the Planning Board Site Plan Rules and Regulations as may be applicable.

8.3 In addition to the requirements outlined in this section, the Planning Board may impose additional submission requirements through the adoption of Rules and Regulations for a PD District rezoning.

9.0 Amendment

Amendments to this By-Law and any Planned Development District shall be made pursuant to Section 17 of this By-Law.

Or act in relation thereto.

Submitted by the Planning Board

Finance Committee recommends approval.

Article 44 Explanation: Article 44 proposes to enable Planned Development Districts, a mixed use zoning mechanism used in Burlington and Lexington. The intent is to allow for combinations of one or more mixtures of office, retail, housing and open space that are not otherwise permitted under current zoning, but which proposal is deemed worthy of consideration. The PDD process is a 2-step process. The first is creation of a Concept Plan for development of a specific project on specific property which is submitted to Town Meeting for approval. It is essentially like writing a mini-Zoning By-Law for the affected property. If the Concept Plan is approved by Town Meeting, the second step is review and approval by special permit of specific structures or phases granted by the Planning Board.

ARTICLE 45 - TO AMEND THE ZONING BY-LAWS WITH RESPECT TO RECYCLING CENTERS

To see if the Town will vote to amend the Zoning By-Law as follows:

To amend Section 2.C “Definitions” by deleting the existing definition for Light Manufacturing and substituting the following definition:

“Light Manufacturing: Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.”

And further to amend Section 2.C by adding the following definition of Recycling Center:

“Recycling Center: A facility wherein used materials, namely paper, glass, plastic and cardboard, which are commonly and purposely separated from trash, garbage and refuse, are received, sorted and transported off-site, but not including processing such materials into new products for reuse or use by consumers.”

And further to Amend Section 5.D.1.d(1)(b) to insert the words “Recycling Center” after the words Refuse Transfer Station, thereby permitting Recycling Centers by special permit in the Refuse Transfer Station Specialty District.

And further to Amend Section 5.F “Table of Use Regulations” by inserting a new row for Recycling Center and indicating “SA” in the RT District, “N” in the VR, NR, RR, MF, NB, GB, C, I, DG, AD, CP, and AE Districts, and “*” in the FP, H, RC, TH, EH, SS, and MC Districts.

Or act in relation thereto.

Submitted by the Planning Board

Finance Committee recommends approval.

Article 45 Explanation: This Zoning By-Law Amendment is submitted in response to various concerns expressed about the four existing recycling centers in Billerica. Recycling centers were historically interpreted to be a “light manufacturing” use under the Zoning By-Law. This amendment proposes to revise the definition for “Light Manufacturing”, and create a new definition for “Recycling Center”, and to permit future recycling centers only in Refuse Transfer Station Specialty Districts as may be approved

by Town Meeting. Any existing recycling center would become a nonconforming use if this article is passed by Town Meeting.

The revised pertinent sections of the Zoning By-Law would appear as follows (new text in **BOLD** print:

SECTION 2 - DEFINITIONS

C. Definitions

~~LIGHT MANUFACTURING: Includes uses such as a printing or publishing plant; bottling works, fabrication and packaging, finishing, or processing.~~

Light Manufacturing: Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Recycling Center: a facility wherein used materials, namely paper, glass, plastic and cardboard, which are commonly and purposely separated from trash, garbage and refuse, are received, sorted and transported off-site, but not including processing such materials into new products for reuse or use by consumers.

~~REFUSE TRANSFER STATION: A facility for the transfer of solid or liquid waste materials, including garbage and rubbish, sludge and residual waste, but not including radioactive materials or sewage.~~

SECTION 5 – REGULATION OF USES, BUILDINGS AND STRUCTURES

D. USES, BUILDINGS, AND STRUCTURES PERMITTED IN THE SPECIAL ZONING DISTRICTS
A use that is not expressly permitted by right or by special permit is not **listed**.

1. REFUSE TRANSFER STATION SPECIALTY DISTRICT

a. AGRICULTURAL USES

(1) By right:

All uses permitted by right in the Multi-Family District are permitted by right in the Refuse Transfer Station District

b. EDUCATIONAL USES

(1) By right:

(a) Non-profit

c. GOVERNMENTAL USES

(1) By right:

All uses permitted by right in the Village Residence District are permitted by right in the Refuse Transfer Station District

d. INDUSTRIAL USES

(1) By special permit:

(a) Private sewage treatment plant

Required Findings:

- The use complies with the state sanitary code
- The use is not detrimental to the neighborhood in which it is located
- The use is not noxious due to noise, fumes, vibrations, or other characteristics of the use
- There are adequate provisions for maintenance of the use as a private facility

(b) Refuse transfer station; **Recycling center**

Requirements:

AREA AND FRONTAGE

- The proposed site shall have a minimum area of 45,000 square feet and a minimum of 500 feet frontage on an accepted street.

BUFFERS

- The proposed site shall have a buffer zone of not less than 500 feet deep when abutting any residentially used or zoned land or 100 foot buffer with a banking at least eight feet high.
- The buffer zone shall have sufficient trees and bankings to completely shield the operations of the transfer station from the street and all abutters.
- Any facility used as a refuse transfer station including buffer zone shall not be located within 250 feet of wetlands, or the flood plain of a brook, stream, river, pond, or lake, or the Town's water supply.

ACCESS

- The access road for the use shall be constructed so that the transfer station is not visible from the street.

BUILDING HEIGHT

- No building or structure associated with the use shall exceed 30 feet in height.

Required Findings:

- The use complies with the site plan approval requirements of the Zoning By-law
- No buildings or access facilities are placed on any portion of the land determined by the Board of Health to be unsuitable for such construction.
- The applicant has demonstrated by written or other exhibits the use of best available control technology
- The proposed use will not be noxious, offensive, or detrimental to the neighborhood or to the Town by reason of special danger of fire or explosion; pollution of water-ways; emission of corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises, vibrations, or other objectionable characteristics.

e. RECREATIONAL USES

(1) By right:

All uses permitted by right in the Industrial District are permitted by right in the Refuse Transfer Station District

(2) By special permit:

All uses permitted by special permit in the Commercial District are permitted by special permit in the Refuse Transfer Station District

f. RELIGIOUS USES

(1) By right:

All uses permitted by right in the Village Residence District are permitted by right in the Refuse Transfer Station District

g. RESIDENTIAL USES

(1) By special permit:

All uses permitted by special permit in the Commercial District are permitted by right in the Refuse Transfer Station District

h. SERVICE USES

(1) By right:

All uses permitted by right in the Village Residence District are permitted by right in the Refuse Transfer Station District

(2) By special permit:

All uses permitted by special permit in the Village Residence District are permitted by special permit in the Refuse Transfer Station District

i. UTILITY USES

(1) By right:

All uses permitted by right in the Village Residence District are permitted by right in the Refuse Transfer Station District

(2) By special permit:

All uses permitted by special permit in the Village Residence District are permitted by special permit in the Refuse Transfer Station District

F. TABLE OF USE REGULATIONS

INDUSTRIAL USES	VR	NR	RR	MF	NB	GB	C	I	RT	DG	AD	CP	AE	FP	H	RC	TH	EH	SS	MC
Accessory service and repair	N	N	N	N	N	N	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*
Automotive sales	N	N	N	N	N	N	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*
Automotive services	N	N	N	N	N	N	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*
Composting facilities	N	N	N	N	N	N	N	N	N	N	N	Y	N	*	*	*	*	*	*	*
Light manufacturing	N	N	N	N	N	N	SZ	SZ	Y	N	N	N	SZ	*	*	*	*	*	*	*
Private sewage treatment plant	N	N	N	N	N	N	N	N	SP	N	N	N	N	*	*	*	*	*	*	*
Recycling Center	N	N	N	N	N	N	N	N	SA	N	N	N	N	*	*	*	*	*	*	*
Refuse composting plant	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Refuse incinerator	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Refuse transfer station	N	N	N	N	N	N	N	N	SA	N	N	N	N	*	*	*	*	*	*	*
Residual waste storage	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Temp. Construction Trailer	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	*	*	*	*	*
Truck terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	*	*	*	*	*	*	*
Waste treatment plant	N	N	N	N	N	N	N	N	N	SA	N	N	N	*	*	*	*	*	*	*
Wholesale	N	N	N	N	N	SZ	N	SZ	N	N	N	N	N	*	*	*	*	*	*	*

ARTICLE 46 - TO CHANGE PURPOSE OF MICOZZI BEACH FROM CONSERVATION TO PARKS, PLAYGROUNDS AND RECREATION

To see if the Town will vote to change the purpose for which a 2 acre, more or less, portion of the parcel of land acquired by the Town in 1970, containing 22 acres, more or less, as more particularly described in the Order of Taking recorded at the Middlesex County Registry of Deeds, Northern District, at Book 1921, Page 718, which parcel is located on Nuttings Lake and commonly referred to as Micozzi Beach, from conservation purposes to park, playground and recreation purposes; to transfer jurisdiction and control over said 2 acre, more or less, parcel from the Conservation Commission to the Town; and to authorize the Board of Selectmen to petition the General Court for special legislation, as may be necessary, under Article 97 of the Amendments to the Massachusetts Constitution to effect said change in use and jurisdiction; 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 46 Explanation: This article was submitted to correct the classification of the area commonly known as Micozzi Beach from Conservation to Parks, Playgrounds and Recreation purposes. This land has been used for this purpose for 45 years.

ARTICLE 47 - THIS ARTICLE HAS BEEN WITHDRAWN

ARTICLE 48 - 12 HARNDEN ROAD LAND TRANSFER AUTHORIZATION

To see if the Town will vote to authorize the Treasurer and/or the Board of Selectmen to execute a deed conveying all right, title or interest of the Town of Billerica acquired by tax foreclosure on March 15, 1940 in and to the parcel of land identified on the Billerica Assessors' Maps as Lot 38, Block 4, being a portion of the property currently identified as 12 Harnden Road, to rectify an inadvertent omission of said Lot 38 from the deed executed in relation to a land transaction conducted by the Town thereafter, for the purpose of clearing the title of the current equitable interest holders, Timothy Raczynski and Maggie English; 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 48 Explanation: This article was submitted to correct an inadvertent omission of a portion of 12 Harnden Road from a deed executed from an old land transfer from 1940.

ARTICLE 49 - (PETITIONERS ARTICLE)

To see if the Town will vote to transfer the sum of \$500,000 from the "Free Cash" account to the Sidewalk Department account for the purpose of hastening the construction/and or repair of sidewalks in the Town; or act in relation thereto.

Submitted by Jonathan Wright and Messrs. Killeen, Wright, DiGiovanni, DiGiovanni, Giannino, Doherty, Jenkins and Madames Wright, Vargus, Vargus, DiGiovanni and Jenkins.

Finance Committee does not recommend approval.