

TOWN OF BILLERICA

PRELIMINARY WARRANT



**ANNUAL SPRING
TOWN MEETING**

**Annual Spring Town Meeting
Tuesday, May 6, 2014 at 7:30 PM**

At

Billerica Town Hall Auditorium

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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1	To Set Compensation of Elected Officials			Finance Committee	
2	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by BOS	

Financial Articles

3	To Fund Collective Bargaining Agreement for IUPE Clerical Unit			Town Manager; authorized by BOS	
4	To Fund Collective Bargaining Agreement for IAFF Civilian Fire Alarm Operators			Town Manager; authorized by BOS	
5	To Fund Collective Bargaining Agreement for IAEP Police EMT's & Paramedics			Town Manager; authorized by BOS	
6	To Fund Collective Bargaining Agreement for NEPBA Police Civilian Dispatchers			Town Manager; authorized by BOS	
7	To Fund Collective Bargaining Agreement BMEA DPW Workers			Town Manager; authorized by BOS	
8	To Fund Collective Bargaining Agreement for SEIU Local 888 Administrative Unit			Town Manager; authorized by BOS	
9	To Fund Collective Bargaining Agreement for IAFF Firefighters			Town Manager; authorized by BOS	
10	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (A) Patrolmen			Town Manager; authorized by BOS	
11	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (B) Superior Officers			Town Manager; authorized by BOS	
12	To Transfer Funds Between 2014 Budget Line Items	\$ 3,000,000		Town Manager; authorized by BOS	
13	Fiscal Year 2015 Town and School Budget			BOS, Town Manager & FINCOM	
14	To Allow Town Manager and Finance Committee to Transfer Funds			Finance Committee	
15	To Fund Elementary Health Education and Coordinate School/Municipal Preventive Health Measures	\$250,000		School Committee	
16	To Authorize Departmental Revolving Funds	\$1,180,000		Town Manager; authorized by BOS	
17	To Fund a Nitchwall at the Fox Hill Cemetery	\$200,000		Town Manager; authorized by BOS	
18	To Purchase Water Valves	\$200,000		Town Manager; authorized by BOS	
19	To Fund Allen Road Improvements	\$1,300,000		Town Manager; authorized by BOS	

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
20	To Fund Areas 2 and 8 Construction of Wastewater Collection System	\$14,000,000		Town Manager; authorized by BOS	
21	To Reauthorize Unexpended Balances of Previous Warrant Articles			School Committee	
22	To Match a Grant from the Commonwealth of Mass for Renovations and Improvements to the Peggy Hannon Rizza Complex	\$400,000		Recreation Commission	
23	To Rescind Previous Borrowing Authorizations			Town Manager; authorized by BOS	

Local Acceptance of State Statutes and Petition to General Court

24	To Establish a Fee for Roadway Preservation Fund			Town Manager; authorized by BOS	
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By-Law Changes

25	To Amend the Zoning By-Laws to Establish a Medical Marijuana Overlay District			Planning Board	
26	To Amend the Zoning Map to Establish Medical Marijuana Overlay Districts			Planning Board	
27	To Amend the General By-Laws Regarding Medical Marijuana			Planning Board	
28	To Amend the Zoning By-Laws with Respect to Recycling Centers			Planning Board	
29	To Amend Zoning By-Laws Regarding Signage			Building Commissioner	

Town Meeting Committees

30	To Amend the Terms of the High School Building Committee			High School Building Committee	
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Petitioner Articles

31	Petitioner Article			Petitioner	
32	Petitioner Article			Petitioner	
33	Petitioner Article			Petitioner	
34	Petitioner Article			Petitioner	

PRELIMINARY
WARRANT
2014 ANNUAL SPRING 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, May 6, 2014 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 SET COMPENSATION OF ELECTED OFFICIALS

To see if the Town will vote to fix the compensation of the following six elected officers of the Town and determine any salary increase that shall become effective July 1, 2014; or act in relation thereto.

Selectmen, Chairman - \$2,000
Selectmen, Members - \$1,800
Town Clerk - \$99,955; or act in relation thereto.

Submitted by the Billerica Finance Committee

Article 1 Explanation: In accordance with M.G.L. Chapter 41, Section 108, the salary and compensation of all elected officials shall be fixed annually by a vote of Town Meeting.

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

Article 2 Explanation: In accordance with M.G.L. Chapter 40, Section 49, this article allows Town Meeting to hear and act upon reports submitted in the FY 2013 Annual Town Report.

ARTICLE 3 - 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

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

ARTICLE 5 - 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

ARTICLE 6 - 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

ARTICLE 7 - 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

ARTICLE 8 - 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

ARTICLE 9 - 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

ARTICLE 10 - 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

ARTICLE 11 - 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 the 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

ARTICLE 12 - TRANSFER FUNDS BETWEEN 2014 BUDGET LINE ITEMS

To see if the Town will vote to transfer from available funds the sum of \$3,000,000 to amend various Fiscal Year 2014 budget line items; or act in relation thereto.

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

ARTICLE 13 - FISCAL YEAR 2015 TOWN AND SCHOOL BUDGET

To see if the Town of Billerica will vote to adopt, pursuant to Article 5 of the Billerica Home Rule Charter, the following proposed line item budget for fiscal year beginning July 1, 2014 and ending June 30, 2015. It is anticipated that \$96,925 will be transferred from the Hallenborg Rink Fund to fund a portion of the Debt Service Budget.

This budget was produced under the direction of the Board of Selectmen and represents a complete financial plan of all Town funds and activities that are subject to appropriation, including the budget as requested by the School Committee (Department Account #300-5100 - #300-5800) and provisions for a Reserve Fund (Account #13170-7063) administered by the Finance Committee.

The line item budget is arranged to show the actual expenditures for the current year and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office. The following budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee; or act in relation thereto.

Submitted by the Board of Selectmen, Town Manager and Finance Committee

ARTICLE 14 - TO ALLOW TOWN MANAGER AND FINANCE COMMITTEE TO TRANSFER FUNDS

To see if the Town will vote to allow the Town Manager, upon the request of a Department Head, Board or Commission, to make a transfer of funds between budget line items not-to-exceed a difference of \$5,000 from the amount voted at Town Meeting per line item for the Fiscal Year 2015, with the exclusion of the travel accounts within the same department. Transfers within department line items in excess of \$5,000 for Fiscal Year 2015 must be approved by the Finance Committee. A written report from the Town Manager on all transfers of \$5,000 and under must be provided to the Finance Committee on the first Tuesday of each month; or act in relation thereto.

Submitted by the Finance Committee

ARTICLE 15 - TO FUND ELEMENTARY HEALTH EDUCATION AND COORDINATE SCHOOL/MUNICIPAL PREVENTATIVE HEALTH MEASURES

To see if the Town of Billerica will vote to raise and appropriate the sum of \$250,000 to implement Elementary Health Education in the Billerica Public Schools and to coordinate School/Municipal Preventative Health Measures; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 16 - TO AUTHORIZE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote to authorize revolving funds for certain Town departments under M.G.L. Chapter 44, Section 53E^{1/2} for the Fiscal Year beginning July 1, 2014 as follows; or act in relation thereto.

<u>REVOLVING FUND</u>	<u>AUTHORIZED TO SPEND FUND</u>	<u>REVENUE SOURCE</u>	<u>USE OF FUND</u>	<u>FISCAL YEAR 15 SPENDING LIMIT</u>
Wetlands By-Law	Town Manager	Fees from Wetland By-Law	Enforcement of Wetland By-Law	\$30,000
C.O.A. Programs	Council on Aging Director	Fees from Senior Center Programs	Support of the Senior Center Programs	\$60,000
BEAM Program	School Superintendent	Revenues from Medicaid and Health Insurance	Support of BEAM Program	\$850,000
Respite Care Program	C.O.A. Director	Fees from Respite Care Program	Support of Respite Care Program	\$120,000
Backflow Prevention	DPW Director	Fees for Backflow Prevention Inspections	Backflow Prevention Program	\$120,000
TOTAL:				\$1,180,000

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

ARTICLE 17 - TO FUND A NITCHWALL AT THE FOX HILL CEMETERY

To see if the Town will vote to fund from the Cemetery Sale of Lots the amount of \$200,000 for costs associated with the construction of a Nitchwall at the Fox Hill Cemetery; or act in relation thereto.

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

ARTICLE 18 - TO PURCHASE WATER VALVES

To see if the Town will vote to appropriate from Water Conservation Funds the amount of \$200,000 to purchase water valves; or act in relation thereto.

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

ARTICLE 19 - TO FUND ALLEN ROAD IMPROVEMENTS

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sum of money to fund \$1,300,000 for the following Allen Road Improvements:

Water	\$660,000
Dry Sewer	<u>\$640,000</u>
	\$1,300,000

and to authorize the Board of Selectmen to acquire, accept as a gift or take by eminent domain permanent and or temporary easement for public utilities, the construction and maintenance of Allen Road Project and that the Board of Selectmen may take any other action necessary to carry out this project; or act in relation thereto.

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

ARTICLE 20 - TO FUND AREAS 2 AND 8 CONSTRUCTION OF WASTEWATER COLLECTION SYSTEM

To see if the Town of Billerica will vote to raise and appropriate, borrow and/or transfer from available funds from the Massachusetts Water Pollution Abatement Trust, the sum of \$14,000,000 for the construction of Areas 2 and 8 Wastewater Collection System as detailed in the Comprehensive Wastewater management Plan (CWMP) and Sanitary Sewer Overflow Abatement Plan; or act in relation thereto, including the adoption of the following vote:

Voted: that \$14,000,000 is appropriated for the purpose of financing the construction of Areas 2 and 8 Wastewater Collection System 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 \$14,000,000 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.

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

ARTICLE 21 - TO REAUTHORIZE UNEXPENDED BALANCES OF PREVIOUS WARRANT ARTICLES

To see if the Town will vote to appropriate the unexpended balances of the following previously approved Town Meeting articles:

Article 13 from October 2011 Annual Town Meeting
Article 14 from October 2011 Annual Town Meeting
Article 29 from October 2010 Annual Town Meeting

to fund the Billerica School Capital Plan; or act in relation thereto.

Submitted by the Billerica School Committee

ARTICLE 22 - TO MATCH A GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS FOR RENOVATIONS AND IMPROVEMENTS TO THE PEGGY HANNON-RIZZA COMPLEX

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of \$400,000. To fund the match to a grant from the Commonwealth of Massachusetts PARC Grant for renovations and improvements to the Peggy Hannon-Rizza Complex.

- The Recreation Department submitted an application for the PARC Grant for the renovation and development of the Peggy Hannon-Rizza Complex located on Campbell Rd., Billerica. The \$400,000 represents the match that the Town would be required to fund if we are awarded the grant. The total cost of the project is \$800,000. We requested \$400,000 in PARC funding. The Town's share is \$400,000.
- See attached document for additional information.

Or act in relation thereto.

Submitted by John Bartlett, Chairperson, Recreation Commission

ARTICLE 23 - 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

ARTICLE 24 - TO ESTABLISH A FEE FOR ROADWAY PRESERVATION FUND

To see if the Town will vote to Authorize the Town Manager and DPW Director to develop and implement a program to have contractors and utility companies pay a set fee established by the Director of Public Works for the purpose of roadway maintenance. Money shall be deposited in a revolving funds account that can be used toward roadway maintenance and any other related task as recommended by the Director of Public Works; or act in relation thereto.

Submitted by the Director of Public Works

ARTICLE 25 - 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 MMOD 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, 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

ARTICLE 26 - TO AMEND THE ZONING MAP TO ESTABLISH MEDICAL MARIJUANA OVERLAY DISTRICTS

To see if the Town will vote to amend the Zoning By-Laws and Zoning Map to establish the following areas on Republic Road, Esquire Road, and Sterling Road as Medical Marijuana Overlay Districts:

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

ARTICLE 27 - TO AMEND THE GENERAL BY-LAWS REGARDING MEDICAL MARIJUANA

To see if the Town will vote to amend the General By-Laws, to create a new Article XXVI “Medical Marijuana By-Law” as follows; or act in relation thereto:

XXVI MEDICAL MARIJUANA BY-LAW

Whereas, Massachusetts voters approved the legal cultivation, processing, distribution, sale and use of marijuana for medical purposes through Chapter 369 of the Acts of 2012, An Act for the Humanitarian Medical Use of Marijuana; and

Whereas, nothing in that Act or its implementing regulations at 105 CMR 725 supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, or sale of marijuana for nonmedical purposes; and

Whereas; the prevention of the illegal sale and use of marijuana, particularly by the town’s youth, is a public health priority; and

Whereas; Registered Marijuana Dispensaries and similar clinics in other jurisdictions have been found to present unique and challenging threats to public health and safety; and

Whereas, the state regulation at 105 CMR 725.600 allows for lawful local oversight and regulation, including fee requirements; and

Whereas, reasonable and effective local oversight of the cultivation, processing, distribution, sale and use of marijuana for medical purposes is needed to protect community health and safety while ensuring legitimate patient access;

Therefore, in furtherance of its mission to protect, promote, and preserve the health and wellbeing of all Billerica residents, particularly the most vulnerable, and pursuant to the authority granted to it under M.G.L. c 111 § 31, the Town enacts a Regulation to Ensure Safe Access to Medical Marijuana in the Town of Billerica as follows:

1. GUIDELINES

1.1 The Billerica Board of Health (“BOH”) may issue guidelines for the implementation of this By-Law, including but not limited to definitions of terms used in the State regulations and in the guidelines. In the event of a conflict between this By-Law and the guidelines, as either may be amended, the By-Law shall control.

2. PERMITTING

2.1. Any proposed Registered Marijuana Dispensary (“RMD”) shall obtain an Operating Permit in the form and manner prescribed by the Board of Health, as may be further set forth in the Guidelines.

- 2.2 In order to support execution of responsibilities set forth in this regulation, an annual Operating Permit fee shall be assessed in an amount that shall be set by the Board of Health and may be amended by the BOH following a public meeting on the fee structure.
- 2.3 The RMD operator shall post the Operating Permit in a clear and conspicuous manner.
- 2.4 No Dispensary Agent shall sell or otherwise distribute marijuana or marijuana products within the town of Billerica without first obtaining a Dispensary Agent Permit issued annually by the BOH. For purposes of this regulation, Dispensary Agent will include board member, director, employee, executive, manager, or volunteer of a Registered Marijuana Dispensary, who is at least 21 years of age and who has received approval from the Commonwealth of Massachusetts Department of Public Health (“DPH”) under 105 CMR 725.030. Employee includes a consultant or contractor who provides on-site services to a Registered Marijuana Dispensary related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.
- 2.5 As part of the Permit application process, the applicant will be provided with all appropriate By-Laws and regulations. Each applicant is required to sign a statement declaring that the applicant has read said By-Laws and regulations.
- 2.6 Each applicant is required to provide proof by means of a valid government-issued photographic identification containing the bearer’s date of birth that the applicant is 21 years old or older.
- 2.7 Each applicant is required to provide proof of a current Dispensary Agent registration, issued by the DPH, before a Permit can be issued.
- 2.8 In order to support execution of responsibilities set forth in this regulation, a Dispensary Agent Permit fee shall be assessed in an amount that shall be set by the Board of Health.
- 2.9 All Dispensary Agent and Operating Permits expire annually on December 31st and shall be valid for a maximum term of one year, renewable annually on January 1st.
- 2.10 No permit issued under this regulation may be transferred to any other person or entity.

3. REQUIREMENTS AND PROHIBITIONS

- 3.1 The cultivation, processing, distribution, sale and use of marijuana for medical purposes shall be conducted in compliance with all laws, ordinances, regulation or policies applicable to similar activities. This shall include, but not be limited to compliance with Food Service Health Permit requirements, Weights and Measures requirements, Noise Regulations, Public Nuisance bylaws, Clean Air bylaws, Workplace Smoking and E-Cigarette Regulations, State and local Building Codes, and any and all requirements associated with zoning and permitting.

- 3.2 In no instance shall an Operating Permit be issued to any RMD that is within a radius of one thousand feet of a school, daycare center, or any facility in which children commonly congregate.
- 3.3 The cultivation, processing, distribution, or sale of marijuana for medical purposes shall not exempt any person or entity from complying with all state and local laws, ordinances, regulation and policies. Violation of any other such law shall constitute a violation of this regulation and be subject to the fines and penalties described herein. Nothing in this Regulation gives any immunity under federal law or poses an obstacle to federal enforcement of federal law.
- 3.4 The issuance of an Operating Permit under this regulation shall be conditioned on Registration approval by the Massachusetts DPH as required by state law and regulation. Any revocation of an RMD's state registration shall result in an automatic suspension of that RMD's Operating Permit.
- 3.5 RMDs shall submit a security plan for review to the BOH and Billerica Police Department detailing all security measures taken to ensure patient and community safety and eliminate unauthorized access to the premises. The BOH and/or Police Department may issue guidelines or other procedure setting forth specific security requirements. Unless specified by any other state or local requirement or agreement as to the hours of operation of a RMD, the Board of Health, in consultation with the Board of Selectmen, Planning Board, and Police Department, may set limitations on the hours of operation of any RMD.
- 3.6 Each RMD must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the RMD's operating practices, policies and plans.
- 3.7 RMDs must offer a secure patient or personal caregiver home delivery system that serves every address within Billerica and provides patient or personal caregiver home delivery service to any patient or personal caregiver residing in Billerica who suffers a physical incapacity to access transportation as described by 105 CMR 725.035(A)(2).
- 3.8 A RMD shall submit a plan for review to the BOH detailing its plans to provide reduced cost or free marijuana to patients with documented verified financial hardship as required by 105 CMR 725.100(A)(6). If said plan is deemed insufficient to ensure adequate patient access, no Operating Permit shall be issued.
- 3.9 The BOH may set further limitations on signage and advertising of RMDs, and may require the distribution of educational materials. Signage limitations may include, but need not be limited to those set forth in 105 CMR 725(105)(L), including restrictions on the use of images related to marijuana or marijuana paraphernalia, size and visibility of marijuana displays from outside a RMD. Educational materials to be distributed may include a "patients' bill of rights" along with information on addiction and treatment resources.

- 3.10 A RMD may not sell any products other than marijuana. For purposes of this subsection, “marijuana” may include Marijuana Infused Products, marijuana seeds, and other products that facilitate the use of marijuana for medical purposes, such as vaporizers. RMDs may not sell any tobacco product, or other nicotine delivery product, including e-cigarette cartridges or liquids that contain nicotine.
- 3.11 RMDs shall submit annual reports to the BOH, BOS, Planning Board and Police Department in a form and manner determined by the BOH.
- 3.12 The issuance or renewal of an Operating Permit may be conditioned up the approval of any plan or compliance with this By-Law or any guideline or requirement issued under the authority of this By-Law.
- 3.13 Issuance and maintaining a Dispensary Agent Permit shall be conditioned on an applicant’s ongoing compliance with current Commonwealth of Massachusetts requirements and policies regarding marijuana sales.
- 3.14 A Dispensary Agent Permit will not be renewed if the Permit Holder has failed to comply with any corrective action plan and/or has not satisfied any outstanding Permit suspensions.
- 3.15 Dispensary Agents must present their state Registration Card and Dispensary Agent Permit to any law enforcement official or municipal agent who questions the agent concerning their marijuana-related activities.
- 3.16 Inhaling, exhaling, burning or carrying any lighted or vaporized substance in any manner or form, including marijuana used for medical or any other purpose in a workplace shall constitute a violation of this regulation and shall be subject to the fines and penalties of applicable laws and regulations.

4. ENFORCEMENT AND PENALTIES

- 4.1 Authority to inspect RMDs for compliance and to enforce this regulation shall be granted to the BOH, the Building Commissioner, and the Billerica Police Department.
- 4.2 Any person may register a complaint under this By-Law to initiate an investigation and enforcement with the BOH. Unscheduled compliance inspections shall be conducted at a minimum of three inspections annually.
- 4.3 It shall be the responsibility of the RMD Occupancy Permit holder and/or individual in charge of the RMD to ensure compliance with all applicable sections of this By-Law. Any RMD found to be in violation of any of the provisions of this By-Law may receive a written warning citation, Operating Permit suspension, Dispensary Agent Permit suspension, Operating Permit revocation, or Dispensary Agent revocation. For any violation, the BOH may order the RMD permit holder appear for a hearing and/or enter into a corrective action plan to address any and all violations and prevent future violations.

- 4.4 No provision, clause or sentence of this section of this By-Law shall be interpreted as prohibiting the BOH, Building Commissioner or Planning Board from suspending or revoking any license or permit issued by and within the jurisdiction of such department or agency for repeated or egregious violations of this regulation.
- 4.5 The BOH may file a complaint in any court of competent jurisdiction and/or pursue any other remedy as warranted by law to enforce the provisions of this regulation.

5. APPEALS

- 5.1 Any RMD Operating Permit holder, Dispensary Agent, or any person or entity charged with violation of any provision of this regulation shall receive a citation from a designated agent of the BOH. Such citation and any subsequent hearing notification shall be deemed a Notice of Action within the meaning of 801 CMR 1.02(6).
- 5.2 Any RMD Operating Permit holder, Dispensary Agent, or any person or entity cited for violation of this regulation wishes to appeal the findings or rulings of the BOH shall file a written appeal, and any supporting memoranda and documents, within twenty-one (21) days of the date the violation notice is issued. The BOH shall conduct an Administrative Hearing in accordance with procedures in its guidelines to determine the facts of the violation, the appropriate corrective action measures, term of suspension, if any, and/or issue a permit revocation order. The BOH shall file any response to the appeal within fifteen (15) days after the hearing is closed.
- 5.3 Failure to comply with any corrective action plan, suspension or revocation, shall result in automatic suspension of the permit.

6. RETALIATION

- 6.1 No person, retailer, or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this regulation or exercises any right conferred by this regulation.

7. SEVERABILITY

- 7.1 If any provision, clause, sentence, paragraph or word of this By-Law or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this By-Law are declared severable.

8. EFFECTIVE DATE

- 8.1 This By-Law shall take effect on June 1, 2014.

Submitted by the Planning Board

ARTICLE 28 - TO AMEND THE ZONING BY-LAWS WITH RESPECT TO RECYCLING CENTERS

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

To amend Section 2.C by adding the following definition of Recyclable Materials Transfer Center:

“Recyclable Materials Transfer Center: A facility wherein used materials, namely paper, glass, plastic, aluminum and tin cans, cardboard, and electronics, 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. Such facility shall be located at least 500 feet from any residential district boundary and within 1500 feet of a limited access highway.”

And further to Amend Section 5.D.1.d(1)(b) to insert the words “Recyclable Materials Transfer Center” after the words Refuse Transfer Station, thereby permitting Recyclable Materials Transfer 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 Recyclable Materials Transfer 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

ARTICLE 29 – TO AMEND ZONING BY-LAWS REGARDING SIGNAGE

To see if the Town will vote to amend The Zoning By-Laws, as amended on Town Meeting floor, to change and or add the following wording as noted below; or act in relation thereto:

Billerica Zoning By-Law**Section 7 - DIMENSIONAL REGULATIONS****Section 7.B.12 - IN GENERAL**

Existing:

12. On a corner lot in a residential district no fence, wall, structure, planting or shrubbery, or foliage more than three and one-half (3 ½) feet in height above the plane of the established grade of the street shall be erected in any part of the area that is included within the street lines and a line drawn diagonally across the lot connecting the street lines at points twenty (20) feet distant from the point of intersection measured along said street, which would obstruct the view of a driver of a vehicle approaching the intersection.

Proposed:

12. *On a corner lot in a residential district no fence, wall, **sign**, structure, planting or shrubbery, or foliage more than three and one-half (3 ½) feet in height above the plane of the established grade of the street shall be erected in any part of the area that is included within the street lines and a line drawn diagonally across the lot connecting the street lines at points twenty (20) feet distant from the point of intersection measured along said street, which would obstruct the view of a driver of a vehicle approaching the intersection.*

*Proposed change adds the word “**sign**” to the existing regulation.

Section 9 - SIGNS AND LIGHTING**Section 9.C - DEFINITIONS**

Add:

- 16.9 *Political: A temporary sign used in conjunction with a Town, County, State, National election or Ballot Question/ Referendum.*

Section 9.D - SIGNS NOT REQUIRING A PERMIT

Existing:

1. One, maximum 1 square foot non-commercial sign per residential lot.

Proposed:

13. One, maximum 1 square foot non-commercial sign per residential lot. **A double sided sign shall not constitute an increase in square footage so long as both sides are identical. Said sign shall be located a minimum of 10' from the edge of the road, as measured on the ground or installed onto a fence that complies with this By-Law.**

Add:

14. **Political Sign(s)**, signs shall not exceed 6 square feet per sign, a maximum of 4 signs are allowed per lot. A double sided sign shall not constitute an increase in square footage so long as both sides are identical. Said signs must be located on private property. Signs may be erected no sooner than 30 days prior to the election/ ballot question and must be removed within 4 days following said election/ ballot question. Said sign shall be located a minimum of 10' from the edge of the road, as measured on the ground or installed onto a fence that complies with this By-Law.
15. **Handheld Sign(S)**, The size(s) and time(s) of display of signs which are carried or held aloft by individuals are not subject to the restrictions of this By-Law; however once a sign is no longer carried or held aloft it is considered a portable sign, which are prohibited by this By-Law and will be subject to removal/ enforcement action.

Section 9.E - PROHIBITED SIGNS

Add:

Signs, banners, and advertisements affixed to a vehicle, trailer or chassis and placed/parked in such a manner as to draw attention to a business, sale or event. This Regulation shall not apply to vehicles that are permanently lettered or Political Signs.

Submitted by Mark LaLumiere – Building Commissioner

ARTICLE 30 - TO AMEND THE TERMS OF THE HIGH SCHOOL BUILDING COMMITTEE

To see if the Town will vote to amend the member terms of the High School Building Committee as established by Article 28 of the first session of the October 1, 2013 Annual Fall Town Meeting by changing the words “members are appointed on an annual basis” to “members are appointed for three year terms”; or act in relation thereto.

Submitted by the High School Building Committee

ARTICLE 31 - (PETITIONER ARTICLE)

To see if the Town will vote to allow a portion of the Lowell Regional Transit Parking Lot located on Station Street and owned by the Town to be used by Town residents on Saturdays, Sundays and Federal Holidays for free parking. The parcel is approximately 20,000 square feet and is identified on Map 10-48 of the Billerica Assessors Office as Town-owned property. The parcel currently contains 50-60 parking spaces. The land appears to have been deeded to the inhabitants of Billerica by James and Charles Faulkner in 1870; or act in relation thereto.

Submitted by Alan Ramos and Messrs. Boermeester, Fiumara, Deslaurier, Rosa, Piscatelli, Miller and Madames Day-Rawlings, Henderson, Ramos and Ramos.

ARTICLE 32 - (PETITIONER ARTICLE)

To see if the Town will vote to amend the Zoning By-Law by REZONING from a Rural Residence District to a Neighborhood Residence District a parcel of land located on Nashua Road in said town, bounded and described as follows:

Lot 1, Plan Book 236 Plan 122

Beginning on the northeasterly side of Nashua Road at the southwesterly corner of said Lot 1; thence N 30°25'59" W a distance of 2.56'; thence N 31°37'29" W a distance of 440.61'; thence with a curve turning to the left with an arc length of 244.14', with a radius of 1240.66', with a chord bearing of N 37°15'44" W, with a chord length of 243.75'; thence N 42°53'59" W a distance of 603.24'; thence with a curve turning to the left with an arc length of 6.77', with a radius of 3661.91', with a chord bearing of N 42°57'10" W, with a chord length of 6.77'; thence N 43°28'46" E a distance of 203.91'; thence N 43°32'42" E a distance of 616.30'; thence N 30°08'08" E a distance of 212.09'; thence N 30°18'08" E a distance of 194.81'; thence N 28°30'03" E a distance of 76.92'; thence N 79°02'38" E a distance of 122.47'; thence S 17°22'06" E a distance of 111.09'; thence N 78°55'21" E a distance of 153.29'; thence with a curve turning to the left with an arc length of 90.27', with a radius of 75.00'; thence with a curve turning to the right with an arc length of 8.68', with a radius of 8.00'; thence N 72°08'22" E a distance of 243.15'; thence S 01°55'47" W a distance of 2041.79'; thence S 80°14'41" W a distance of 253.69'; thence S 80°59'16" W a distance of 98.11'; thence S 83°47'26" W a distance of 196.84'; which is the point of beginning, having an area of 1862470+- square feet, 42.756+- acres.

Or act in relation thereto.

Submitted by Robert Murphy and Messrs. Marshall, Ballota, Riel, Hogan, Tierney, McKenna, Swift, Durand and Madames Marshall, Ballota, Hogan, Cushman, McKenna, Lentine-McConnon, Tedford-Tierney, Falewicz and Murnane.

ARTICLE 33 - (PETITIONER ARTICLE)

To see if the Town will vote to amend the Zoning By-Law by REZONING from an Industrial District to a Neighborhood Residence District a parcel of land located on Rear Nashua Road in said town, bounded and described as follows:

Parcels A and Parcel B, Plan Book 236 Plan 122

Beginning at the southwesterly corner of said parcel A; thence N 28°30'03" E a distance of 11.84'; thence N 11°23'46" E a distance of 48.40'; thence N 59°51'07" W a distance of 107.37'; thence N 58°20'01" W a distance of 339.48'; thence N 58°20'01" W a distance of 728.19'; thence N 11°52'29" E a distance of 552.36'; thence N 11°45'07" E a distance of 162.39'; thence S 58°32'16" E a distance of 199.51'; thence N 04°58'24" E a distance of 192.27'; thence N 04°31'10" E a distance of 176.21'; thence N 68°48'09" E a distance of 211.76'; thence N 66°29'27" E a distance of 191.13'; thence N 68°41'56" E a distance of 94.14'; thence N 52°07'38" W a distance of 113.08'; thence N 86°40'10" W a distance of 11.77'; thence N 65°53'13" W a distance of 69.04'; thence N 48°14'42" W a distance of 38.18'; thence N 30°13'17" W a distance of 77.29'; thence N 88°14'49" W a distance of 98.92'; thence N 14°19'13" W a distance of 142.76'; thence N 60°31'13" E a distance of 287.77'; thence N 58°55'06" E a distance of 146.27'; thence N 61°29'56" E a distance of 153.47'; thence N 59°41'36" E a distance of 193.33'; thence N 56°56'24" E a distance of 181.72'; thence N 55°27'21" E a distance of 204.20'; thence N 32°54'24" E a distance of 130.81'; thence S 54°09'50" E a distance of 261.30'; thence S 53°57'07" E a distance of 116.11'; thence S 67°43'01" W a distance of 29.70'; thence S 30°24'24" E a distance of 439.36'; thence S 37°47'36" E a distance of 377.11'; thence S 38°32'31" E a distance of 201.27'; thence S 36°36'44" E a distance of 107.34'; thence S 16°31'20" W a distance of 295.10'; thence S 00°49'46" E a distance of 250.64'; thence S 68°31'47" W a distance of 243.00'; thence S 69°09'11" W a distance of 1023.01'; thence S 02°11'27" E a distance of 146.64'; thence S 02°32'06" E a distance of 244.39'; thence S 07°05'12" E a distance of 238.19'; thence S 78°56'16" W a distance of 127.89'; thence S 17°22'06" E a distance of 54.41'; thence S 79°02'38" W a distance of 122.47'; which is the point of beginning, having an area of 3674895.98 square feet, 84.364 acres. Parcel A is subject to a Power Line Easement recorded in Book 2512 Page 720.

Or act in relation thereto.

Submitted by Robert Murphy and Messrs. Marshall, Ballota, Riel, Hogan, Tierney, McKenna, Swift, Durand and Madames Marshall, Ballota, Hogan, Cushman, McKenna, Lentine-McConnon, Tedford-Tierney, Falewicz and Murnane.

ARTICLE 34 - (PETITIONER ARTICLE)

To see if the Town will vote:

- To grant permission for the petitioner to install a radio frequency (RF) broadcast antenna system on top of the Town-owned multimillion-gallon drinking-water standpipe at 486 Boston Road and on top of the Town-owned multimillion-gallon drinking-water standpipe at 549 Boston Road prior to the start of Spring Town Meeting of the year 2016.
- To grant permission for the petitioner to install a RF broadcast radio system that complies with all applicable codes and regulations and a computer system running an internet-based program within each of the data-communications sheds near the base of each of the aforementioned Town-owned multimillion-gallon drinking-water standpipes prior to the start of Spring Town Meeting of the year 2016.
- To grant permission for the aforementioned equipment installed by the petitioner to access the internet through a Town-owned internet connection and to consume electricity through Town-owned electricity receptacles.
- To grant permission for all installation fees associated with this petitioner's article to be waived for all recurring fees, such as internet access and electricity consumption, to be waived until the start of Spring Town Meeting of the year 2018.

Or act in relation thereto.

Submitted by James Stevens and Messrs. MacDougall, Burlamachi, Dumas, Maillet, Libby, Hanlon, Ducey, Jamieson, Stevens, Shea and Madames McCluskey, Bellardino, MacDougall, Dumas, Stevens, Stevens, Catherwood and Shea.

NOTES

And you are hereby directed to serve this Preliminary Warrant by posting true and attested copies thereof, one copy at the Town Hall, one copy at the Billerica Public Library, one copy at the Billerica Police Station, one copy at the Belly Buster Diner, one copy at Pinehurst Post Office, one copy at the Center Post Office, Boston Road, one copy at Market Basket, Town Plaza, Boston Road, one copy at the West Billerica Fire Station, one copy at the Nutting Lake Post Office, one copy at Jim's Barber Shop, 8 Andover Road, one copy at the Ninety-Nine Restaurant, Lexington Road, one copy at the Pinehurst Fire Station, one copy at the East Billerica Fire Station, one copy at the North Billerica Post Office and one copy at the North Billerica Fire Station.

Given under our hands this 27th day of March 2014.

BOARD OF SELECTMEN


DAVID A. GAGLIARDI, CHAIRMAN

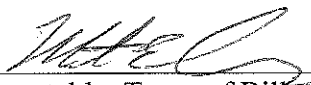

ROBERT B. ACCOMANDO, VICE CHAIRMAN


MICHAEL S. ROSA, SECRETARY


ANDREW N. DESLAURIER, MEMBER


GEORGE J. SIMOLARIS, MEMBER

A true copy attest


Constable, Town of Billerica