



**SELECT BOARD**  
TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

RECEIVED

2025 SEP 18 P 3: 24

Jillian K. Pavidis, *Chair*  
John J. Burrows, *Vice Chair*  
Daniel R. Darris-O'Connor, *Secretary*  
Michael S. Rosa, *Member*  
Dina M. Favreau, *Member*

TOWN CLERK  
BILLERICA

<https://us02web.zoom.us/j/83477138002>

phone 1 929 205 6099

webinar id: 834 7713 8002

**BILLERICA SELECT BOARD AGENDA**  
**SEPTEMBER 22, 2025 @ 6:00 PM**  
**365 BOSTON ROAD, THOMAS CONWAY HEARING ROOM #205 AND HYBRID VIA**  
**ZOOM**

**Call to order 6:00 PM**

1. Open Microphone

**Announcements**

2. Vacancies on Boards and Committees
3. All other announcements may be viewed on the Town of Billerica website

**Proclamation and Public Recognition**

4. Billerica Girl Scouts Are Turning 100
5. Down Syndrome Awareness Month - October

**Public Hearings**

6. **Public Hearing – National Grid and Verizon - #31182613** – National Grid to install (1) JO Pole (Pole #89-50) on Allen Road beginning at a point ~635' southeast of the centerline of the intersection of Rolling Hill Road and Allen Road
7. **Public Hearing – National Grid and Verizon - #31181799** – National Grid to install (1) JO Pole (Pole #14-50) on Pollard Street beginning ~295' south of the centerline of the intersection of Salem Road. The pole will be a 50' class H1 pole between Poles P14 and P15 and be located on Town property intersected by Salem Road and Hayden Road
8. **Public Hearing – National Grid and Verizon - #31168498** – National Grid to install (1) JO Pole (Pole #P2-50) on Cook Street beginning at a point ~240' northeast of the centerline of the intersection of Boston Road mid-span between poles P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue.

**Interviews**

9. **Town Counsel Interviews:**
  - a. Brooks & DeRensis

### **New Business (Quick Items)**

10. **Discussion on Upcoming Veteran's Events** – Requested by Donnie Jarvis
11. **Signs in the Common** - Request (4) 18" x 24" Signs for the Billerica Honor Platoon – Veteran's Honor Stroll on November 2, 2025 from October 13<sup>th</sup> to November 2<sup>nd</sup> – Requested by Veteran's Agent Donnie Jarvis
12. **Signs on the Common** – Request (4) 18" x 24" Signs for Wreaths Across America from November 17<sup>th</sup> to December 5<sup>th</sup> – Requested by Veteran's Agent Donnie Jarvis
13. **Signs on the Common** – Request (4) 18" x 24" Signs for the North Billerica Baptist Church Annual Craft Fair on Saturday, October 18, 2025 from October 12<sup>th</sup> to October 18<sup>th</sup> – Requested by Diana Fowler
14. **Use of the Common** – Request Use of the Town Common on Saturday, October 18, 2025 from 2:00 PM to 6:00 PM for a Gospel Music Rally – Requested by Ester Lwebuga from Global Evangelical Church, 34 Linnel Circle
15. **Signs on the Common** – Request (4) 18" x 24" Signs for the BATV Annual Haunted House from October 11<sup>th</sup> to October 25<sup>th</sup> – Requested by Faith Brodi
16. **Discussion on the Resolution in Support of Paint Stewardship Legislation** – Requested by Thomas Irwin

### **Appointments**

17. **Local Cultural Council** – Angela LoGuidice (Expiration June 30, 2027)

### **Presentation**

### **Committee Reports**

### **Old Business**

18. **Town Manager's Report**
19. **Discussion and Possible Vote** – Design for the Police Station
20. **Preliminary Warrant Discussion and Possible Vote** – October Town Meeting
21. **Discussion and Possible Vote to Award the RFP for Town Owned Farm Land**
22. **Discussion and Vote on Gift Acceptance:**
  - a. **Veterans' Services**
    - i. Donation of a Pizza Oven to be used in office for Veterans (Estimated Value \$1,000)
    - ii. Donation of a Handicap Ramp to be used for Veterans (Estimated Value \$1,000)
  - b. **Billerica Public Library**
    - i. Donation of (5) Chromebooks (Estimated Value \$1,875) to be used by the library
    - ii. Donation of (35) Period Packs (Estimated Value \$40) to be offered to the public

- iii. Donation of (4) \$20 Gift Cards for Boom Boom Games for prizes in the Teen Summer Reading Program
- iv. Donation of (15) gently used board games (Estimated Value \$500) to be used as prizes, added to the library collection and made available in the Teen section
- v. Donation of (1) Neuroshield board game (Estimated Value \$40) to be added to the library collection
- vi. Donation of (20) Dental and Period Packs (Estimated Value \$50) to be offered to the public
- vii. Donation of (7) board games (Estimated Value \$15-\$30 per game) to be used as prizes
- viii. Donation of a bouquet of flowers (Estimated Value \$45) to be displayed in library

#### **Executive Session**

- 23. **Executive Session Pursuant to G.L. c. 30A, § 21A (2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Town Manager's Contract**

#### **New Business**

- 24. **Discussion and Possible Vote on Town Manager's Contract**
- 25. **Discussion and Possible Vote on Town Counsel Appointment**
- 26. **Discussion and Possible Vote on the Creation of a Town Counsel's Contract Negotiations Sub-Committee – Appointment by the Chair**

#### **Approval of Meeting Minutes**

- 27. June 2, 2025 Regular Meeting
- 28. June 11, 2025 Special Meeting

#### **Meeting Schedule**

October 6, 2025, October 7, 2025 (Town Meeting, If Needed), October 9, 2025 (Town Meeting, If Needed), October 20, 2025

RECEIVED  
2025 SEP 18 P 3:22  
TOWN CLERK  
BURLINGTON

## VACANCIES ON BOARDS AND COMMITTEES

### SELECT BOARD APPOINTMENTS

COMMITTEE	OPENINGS	TERM EXPIRES
Billerica Agricultural Commission	1 – Associate Member	2026
Cabot Land Re-Use Committee	2 – Members 2 – Members 2 – Member <b>6 TOTAL</b>	2028 2027 2026
Historic Commission	1 - Member 1 – Member (Alternate)	2028 2027
Historic District Commission	2 – Alternate Members (1 Center Dist. Res) 2 – Alternate Members (1 Center Dist. Res & 1 Mills Dist. Res) <b>4 TOTAL</b>	2027 2028
Local Cultural Council	2 – Members **	2027
Municipal Affordable Housing Trust	1 – Member (Attorney) 1 – Member (Banker) 1 – Resident 1 – Resident 1 – Member (Realtor) <b>5 TOTAL</b>	2027 2026 2026 2027 2027
Scholarship Committee	4 – Members	2028
250 <sup>th</sup> Committee	2 – Members	2026

**\*\*One member being appointed tonight.**

### MODERATOR APPOINTMENTS

COMMITTEE	OPENINGS	TERM EXPIRES
General Bylaw Review Committee	5 – Members	2028
Long Range Master Plan Committee	1 - Member	2028
Yankee Doodle Bike Path	1 - Member	2026
Zoning Bylaw Review Committee	3 – Members	2028



## PROCLAMATION

### Honoring 100 Years of Girl Scouts in Billerica

Whereas: the Girl Scouts organization has, for 100 years, fostered courage, confidence, and character in girls across the nation; and

Whereas: the Girl Scouts organization has, for 100 years, fostered courage, confidence, and character in girls across the nation; and

Whereas: the Girl Scouts of Billerica have empowered generations of girls to explore their potential, embrace challenges, and become strong, compassionate leaders; and

Whereas: this centennial milestone celebrates the commitment, achievements, and enduring spirit of Girl Scouts in shaping a brighter future for our community;

Now, Therefore, we, the Select Board of the Town of Billerica, proudly recognizes and congratulates the Billerica Girl Scouts on 100 years of remarkable service, leadership, and dedication to making a difference.

\_\_\_\_\_  
*Jillian K. Pavidis, Chair*

\_\_\_\_\_  
*John J. Burrows, Vice Chair*

\_\_\_\_\_  
*Daniel R. Darris-O'Connor, Secretary*

\_\_\_\_\_  
*Michael S. Rosa, Member*

\_\_\_\_\_  
*Dina M. Favreau, Member*





## PROCLAMATION

Recognizing October 2025 as **Down Syndrome Awareness Month**

Whereas: Down syndrome is a genetic condition that affects thousands of individuals and their families in our community, and

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Whereas: Down syndrome is a genetic condition that affects thousands of individuals and their families in our community, and

Whereas: recognizing the unique talents, achievements, and potential of those with Down syndrome encourages respect, equity, and opportunity for all;

Now, Therefore, we, the Select Board of the Town of Billerica, does hereby proclaim October 2025 as **Down Syndrome Awareness Month**, and calls upon all residents to honor and support individuals with Down syndrome and their families, and to celebrate the value of diversity and inclusion in our community.

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*Jillian K. Pavidis, Chair*

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*John J. Burrows, Vice Chair*

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*Daniel R. Darris-O'Connor, Secretary*

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*Michael S. Rosa, Member*

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*Dina M. Favreau, Member*





August 25, 2025

To the Board of Selectmen - Billerica, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit, please contact:

John Sheehan (781) 384-2312 or [jshcehan@cpteng.com](mailto:jshcehan@cpteng.com)

Please notify National Grid's Jenn Iannalfo of the **hearing date / time** to [Jennifer.Iannalfo@nationalgrid.com](mailto:Jennifer.Iannalfo@nationalgrid.com)

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Jennifer Iannalfo, 1101 Turnpike Street; North Andover, MA 01845.

Very truly yours,

*Dave Johnson*

Dave Johnson  
Supervisor, Distribution Design

Enclosures

Questions contact Design – John Sheehan – (781) 384-2312 or [jshreehan@cpteng.com](mailto:jshreehan@cpteng.com) or [john.sheehan@nationalgrid.com](mailto:john.sheehan@nationalgrid.com)

## PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To The Board of Selectmen  
Of Billerica, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Allen Road - National Grid to install 1 JO pole on Allen Road beginning at a point approximately 635 feet Southeast of the centerline of the intersection of Rolling Hill Road and Allen Road. National Grid will install new pole, P89-50 at approximately (42.556384, -71.247244), Billerica, MA.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Allen Road - Billerica, Massachusetts.

**No.# 31182613**

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

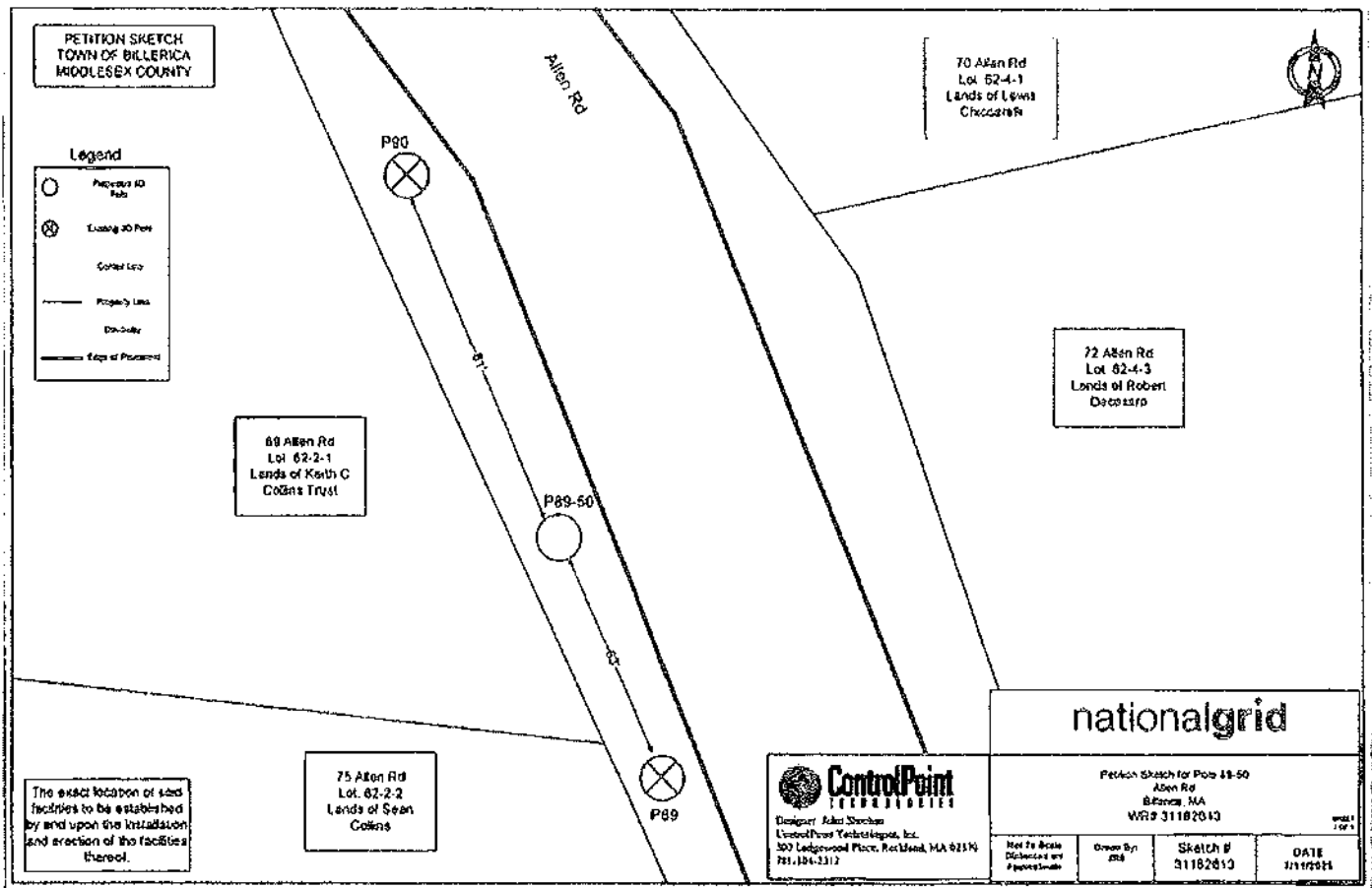
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a  
NATIONAL GRID *Dave Johnson*

BY \_\_\_\_\_  
Engineering Department

VERIZON NEW ENGLAND, INC.

BY *fb* \_\_\_\_\_  
Manager / Right of Way





July 24, 2025

Questions contact Design – John Sheehan – (781) 384-2312 or [jsheehan@cpteng.com](mailto:jsheehan@cpteng.com) or [john.sheehan@nationalgrid.com](mailto:john.sheehan@nationalgrid.com)

## **ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the Board of Selectmen - Billerica, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 16<sup>th</sup> day of July, 2025.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Allen Road - Billerica, Massachusetts.

**No.# 31182613**

Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Allen Road - National Grid to install 1 JO pole on Allen Road beginning at a point approximately 635 feet Southeast of the centerline of the intersection of Rolling Hill Road and Allen Road. National Grid will install new pole, P89-50 at approximately (42.556384, -71.247244), Billerica, MA.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
City/Town Clerk.  
\_\_\_\_\_  
Massachusetts 20\_\_\_\_.  
Received and entered in the records of location orders of the City/Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded,  
and that we mailed at least seven days before said hearing a written notice of the time and place of  
said hearing to each of the owners of real estate (as determined by the last preceding assessment  
for taxation) along the ways or parts of ways upon which the Company is permitted to erect  
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

#### CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing  
with notice adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_  
Massachusetts, on the \_\_\_\_\_ day of 20\_\_\_\_ and recorded with the records of location  
orders of the said City, Book \_\_\_\_\_, and Page \_\_\_\_\_. This certified copy is made under  
the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:  
City/Town Clerk



**HEARING NOTICES FOR  
NATIONAL GRID, VERIZON and COMCAST  
POLE LOCATIONS, CONDUIT, ETC.**

☒DPW

<b>Location of Pole/Conduit:</b>	<b>69 Allen Road (62-2-1)</b>
<b>Reason of Pole/Conduit:</b>	<b>National Grid to install (1) JO Pole (Pole #89-50) on Allen Road beginning at a point ~635' southeast of the centerline of the intersection of Rolling Hill Road and Allen Road</b>
<b>Plan #:</b>	<b>31182613</b>
<b>Comments on Plan:</b>  Installation of new pole 89-50 MUST adhere to the following general comments:  Applicant must have the Water Division mark out water, and Sewer Division must mark out sewer in area.  <b>The Water and Wastewater (Sewer) Divisions are not notified by Digsafe to mark utilities. Must call 978-671-0956 (Wastewater) and 978-671-0957 (Water) to request marking of water and sewer lines.</b>  <u><b>DO NOT PROCEED WITHOUT CONFIRMATION OF WATER AND SEWER MARKINGS.</b></u>  Contractor is responsible to locate and protect all existing drainage pipes and structures, as well as all other property within work site. Any damaged property must be reported to DPW, and promptly repaired by the contractor. Notify Engineering Office (978-671-1300) any time drainage pipes or structures are exposed.  A Street Opening Permit from DPW (978-436-9178) is required for any underground excavations for conduit, cables, wires, manholes, etc. placed within the right-of way. All Right of Way Opening Rules and Regulations must be followed. A site walk must be scheduled with DPW (978-436-9178) after water and sewer are marked out, prior to approval of any Street Opening Permit work (if required).  Contractor Acknowledgement Form is attached for signature.	
<b>Signature:</b>	<i>Stephen Robertson</i> DPW Representative
<b>Date:</b>	9/4/25
<b>Please return to the Select Board Office by: September 5, 2025</b>	





HEARING NOTICES FOR  
NATIONAL GRID, VERIZON and COMCAST  
POLE LOCATIONS, CONDUIT, ETC.

CONTRACTOR ACKNOWLEDGEMENT FORM

Location of Pole/Conduit:	69 Allen Road (62-2-1)
Reason of Pole/Conduit:	National Grid to install (1) JO Pole (Pole #89-50) on Allen Road beginning at a point ~635' southeast of the centerline of the intersection of Rolling Hill Road and Allen Road
Plan #:	31182613
<b>Comments on Plan:</b>  Installation of new pole 89-50 MUST adhere to the following general comments:  Applicant must have the Water Division mark out water, and Sewer Division must mark out sewer in area.  <b>The Water and Wastewater (Sewer) Divisions are not notified by Digsafe to mark utilities. Must call 978-671-0956 (Wastewater) and 978-671-0957 (Water) to request marking of water and sewer lines.</b>  <u>DO NOT PROCEED WITHOUT CONFIRMATION OF WATER AND SEWER MARKINGS.</u>  Contractor is responsible to locate and protect all existing drainage pipes and structures, as well as all other property within work site. Any damaged property must be reported to DPW, and promptly repaired by the contractor. Notify Engineering Office (978-671-1300) any time drainage pipes or structures are exposed.  A Street Opening Permit from DPW (978-436-9178) is required for any underground excavations for conduit, cables, wires, manholes, etc. placed within the right-of way. All Right of Way Opening Rules and Regulations must be followed. A site walk must be scheduled with DPW (978-436-9178) after water and sewer are marked out, prior to approval of any Street Opening Permit work (if required).	

I hereby certify that I am aware of these DPW comments regarding the work described.

*Dave Johnson*

Signature - Utility Company Representative

Date

9/5/25

*Dave R Johnson*  
Print Name - Utility Company Representative

*N Grid*  
Utility Company Name



HEARING NOTICES FOR  
NATIONAL GRID, VERIZON AND COMCAST  
POLE PETITION LOCATIONS, CONDUIT, ETC.

☐ DPW

☐ Electrical Inspector

☒ Safety Officer, Police

Location of Pole/Conduit:	69 Allen Road (62-2-1)
Purpose of Pole/Conduit:	National Grid to install (1) JO Pole (Pole #89-50) on Allen Road beginning at a point ~635' southeast of the centerline of the intersection of Rolling Hill Road and Allen Road
Plan #:	31182613
Comments on Plan:	NO COMMENTS
Any Interference with line of sight?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Markings for Fire Hydrant Needed?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Resident's Complaints?	NO KNOWN COMPLAINTS
Signature:	SGT. T. R.
Date:	2 SEPT 2025
Please return to the Select Board Office By: September 5, 2025	



HEARING NOTICES FOR  
NATIONAL GRID, VERIZON AND COMCAST  
POLE PETITION LOCATIONS, CONDUIT, ETC.

☐ DPW

☒ Electrical Inspector

☐ Safety Officer, Police

Location of Pole/Conduit:	69 Allen Road (62-2-1)
Purpose of Pole/Conduit:	National Grid to install (1) JO Pole (Pole #89-50) on Allen Road beginning at a point ~635' southeast of the centerline of the intersection of Rolling Hill Road and Allen Road
Plan #:	31182613
Comments on Plan:	NO
Any Interference with line of sight?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Markings for Fire Hydrant Needed?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Resident's Complaints?	NO
Signature:	<i>Mr. Balla</i>
Date:	8-27-25
Please return to the Select Board Office By: September 5, 2025	



Board of Assessors  
Town Hall  
365 Boston Road  
Billerica, Massachusetts 01821

JOHN B. SPEIDEL, *Chairman*  
RICHARD J. SCANLON, *Associate*  
RICK LADD, *Associate*

**Received**

AUG 25 2025

Tele: (978) 671-0971  
[assessors@town.billerica.ma.us](mailto:assessors@town.billerica.ma.us)

Board of Assessors  
**ABUTTERS LIST REQUEST**

Name National Grid Date August 25, 2025  
Address of Property: 69 Allen Road Plate 62-2-1  
Telephone Number \_\_\_\_\_ Parcel \_\_\_\_\_

I request one copy of the following abutters list and three copies of the labels for the above listed property. The cost of this service shall be \$2.00 per name. The list shall be available five to ten (5-10) working days from the requested date or earlier.

Signature of applicant

*John B. Speidel*

**Types of Abutters Lists**

There are four types of abutters lists which may be required in the Town of Billerica. The board or commission you are seeking approval from and the particular request you are making determines the type of list. You will need to contact the applicable board or commission to determine which of the following will be required in your case.

(Circle one - If no letter is circled a "D" list will be prepared.)

**A. Direct Abutters - Direct Abutters to Parcel and Roadway Being Improved**

This list contains direct abutters only. Properties across public right-of-ways or paper streets, which have not been discontinued, are not included. (This list should include direct abutters to the roadway being improved if road construction is involved.)

**B. Abutters Within 100 Feet**

This list contains all abutters within 100 feet of the parcel, notwithstanding public or private streets or ways, municipal borders or bodies of water.

**C. Abutter to Abutter Within 300 Feet**

This list contains abutters to direct abutters within 300 feet of the parcel. If there is more than one abutter between the subject parcel and the abutting property within 300 feet the owner will not be notified.

**D. All Property Owners Within 300 Feet (Cell Towers - All Property Within 500 Feet)**

This list contains all properties within 300 feet of the subject parcel. Abutters to abutter restrictions do not apply.

Assessor's  
Signature

*John B. Speidel*

Date

*8-27-25*

Amount

*\$28 -*

*NG please charge*

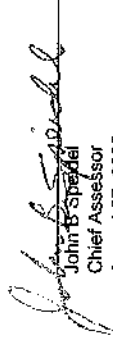
*15 parcel  
- 1 App  
0 Dups  
14*

Abutters List for Parcel 62-2-1 using direct abutters

Parcel ID	Location	Owner 1	Owner 2	Address 1	Address 2	City	State	Zip Code
62-215-1	3 KAME TR	PAGANIS STATHIS S	PAGANIS MICHELLE	3 KAME TERRACE		BILLERICA	MA	01821
62-215-2	5 KAME TR	CAPRARO JOSEPH A JR	CAPRARO KATHLEEN M	5 KAME TERRACE		BILLERICA	MA	01821
62-215-3	4 KAME TR	LOPES JOAO L	LOPES MARGARET C	4 KAME TERRACE		BILLERICA	MA	01821
62-215-4	4 ROLLING HILL RD	ROSENBERG KARA	ENGELS ALEXANDER	4 ROLLING HILL RD		BILLERICA	MA	01821-2897
62-10-1	85 ALLEN RD	GILMAN CHRISTOPHER	MCLAUGHLIN ANGELA	85 ALLEN RD		BILLERICA	MA	01821-3125
62-10-2	91 ALLEN RD	MULRY MARK J	PUOPLO JESSICA M	91 ALLEN RD		BILLERICA	MA	01821-3125
62-2-1	69 ALLEN RD	KEITH C COLLINS TRUST	ELLYN P COLLINS TRUST MANN FAMILY TRUST	69 ALLEN RD		BILLERICA	MA	01821
62-2-2	75 ALLEN RD	COLLINS SEAN T		75 ALLEN RD		BILLERICA	MA	01821
62-205-0	2 ROLLING HILL RD	HILL BRIAN H	HILL STEPHANIE L	2 ROLLING HILL RD		BILLERICA	MA	01821-2897
62-28-0	28 PORTER ST	COBB DANA E	COBB LEAH J	28 PORTER ST		BILLERICA	MA	01821
62-29-0	26 PORTER ST	BROWNE JAIME A	RESKA MICHAEL	26 PORTER ST		BILLERICA	MA	01821
62-30-0	24 PORTER ST	HEMENWAY CHRISTOPHER E	HEMENWAY ANGELA	24 PORTER ST		BILLERICA	MA	01821
62-31-0	22 PORTER ST	LIMA FAMILY TRUST	LIMA TERESA L TR	22 PORTER ST		BILLERICA	MA	01821
62-6-0	77 ALLEN RD	HOLEY JOSEPH F	HOLEY JOAN EILEEN	77 ALLEN RD		BILLERICA	MA	01821
62-7-0	83 ALLEN RD	KELLY GARRY F	KELLY EMMA	83 ALLEN RD		BILLERICA	MA	01821

DISCLAIMER: This list is certified based upon records held in this department as of the date on the abutter's list. It was completed to the best of our ability based upon the information we have available. We do not certify the accuracy of this list per se, only the names and addresses listed on it. In most cases, public disclosure of the hearing pertaining to this list is required and published in the local newspaper. Every effort has been taken to insure proper notification.

The Board of Assessors certifies the accuracy of the names and addresses on this list based upon our current records.



  
John B. Spindel  
Chief Assessor  
August 27, 2025



# Abutters Map for Parcel 62-2-1 using direct abutters

Printed on 08/27/2025 at 10:38 AM

## Legend

-  Parcel Boundary Selection
-  Parcel Boundary



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the release or other representation of the data.

0 760 1520 ft



**SELECT BOARD**  
TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

Jillian K. Pavidis, *Chair*  
John J. Burrows, *Vice Chair*  
Daniel R. Darris-O'Connor, *Secretary*  
Michael S. Rosa, *Member*  
Dina M. Favreau, *Member*

**NOTICE OF HEARING**

**To: NATIONAL GRID, VERIZON AND ALL ABUTTERS**

You are hereby notified that a hearing will be held by the Select Board on Monday, September 22, 2025 @ 6:00 PM in the Conway Hearing Room #205 in Town Hall, 365 Boston Road and via Zoom:

<https://us02web.zoom.us/j/83477138002>

phone 1 929 205 6099

webinar id: 834 7713 8002

National Grid #31182613

Parcel: 62-2-1  
69 Allen Road

**National Grid to install (1) JO Pole (Pole #89-50) on Allen Road beginning at a point ~635' southeast of the centerline of the intersection of Rolling Hill Road and Allen Road**

If there any questions on this hearing: Please call or email John Sheehan at (781) 384-2312 or [jsheehan@cpteng.com](mailto:jsheehan@cpteng.com) or [john.sheehan@nationalgrid.com](mailto:john.sheehan@nationalgrid.com)



July 30, 2025

To the Board of Selectmen - Billerica, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit, please contact:

Nikolaos Konstantinou - (508) 482-1052 or [nkonstantinou@chasolutions.com](mailto:nkonstantinou@chasolutions.com)

Please notify National Grid's Jenn Iannalfo of the hearing date / time to  
[Jennifer.Iannalfo@nationalgrid.com](mailto:Jennifer.Iannalfo@nationalgrid.com)

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Jennifer Iannalfo, 1101 Turnpike Street; North Andover, MA 01845.

Very truly yours,

*Dave Johnson*

Dave Johnson  
Supervisor, Distribution Design

Enclosures



Questions contact Design – Nikolaos Konstantinou (508) 482-1052 or  
[nkonstantinou@chasolutions.com](mailto:nkonstantinou@chasolutions.com)

## PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To The Board of Selectmen  
Of Billerica, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Pollard Street - National Grid to install 1 JO pole on Pollard Street beginning at a point approximately 285 feet South of the centerline of the intersection of Salem Road. National Grid will install 50ft class H1 mid-span pole between P14 and P15, Pollard Street. Pole will be located on town property intersected by Salem Road and Hayden Road. Pole to be labeled P14-50, Billerica, MA.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - Pollard Street - Billerica, Massachusetts.

No.# 31181799

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

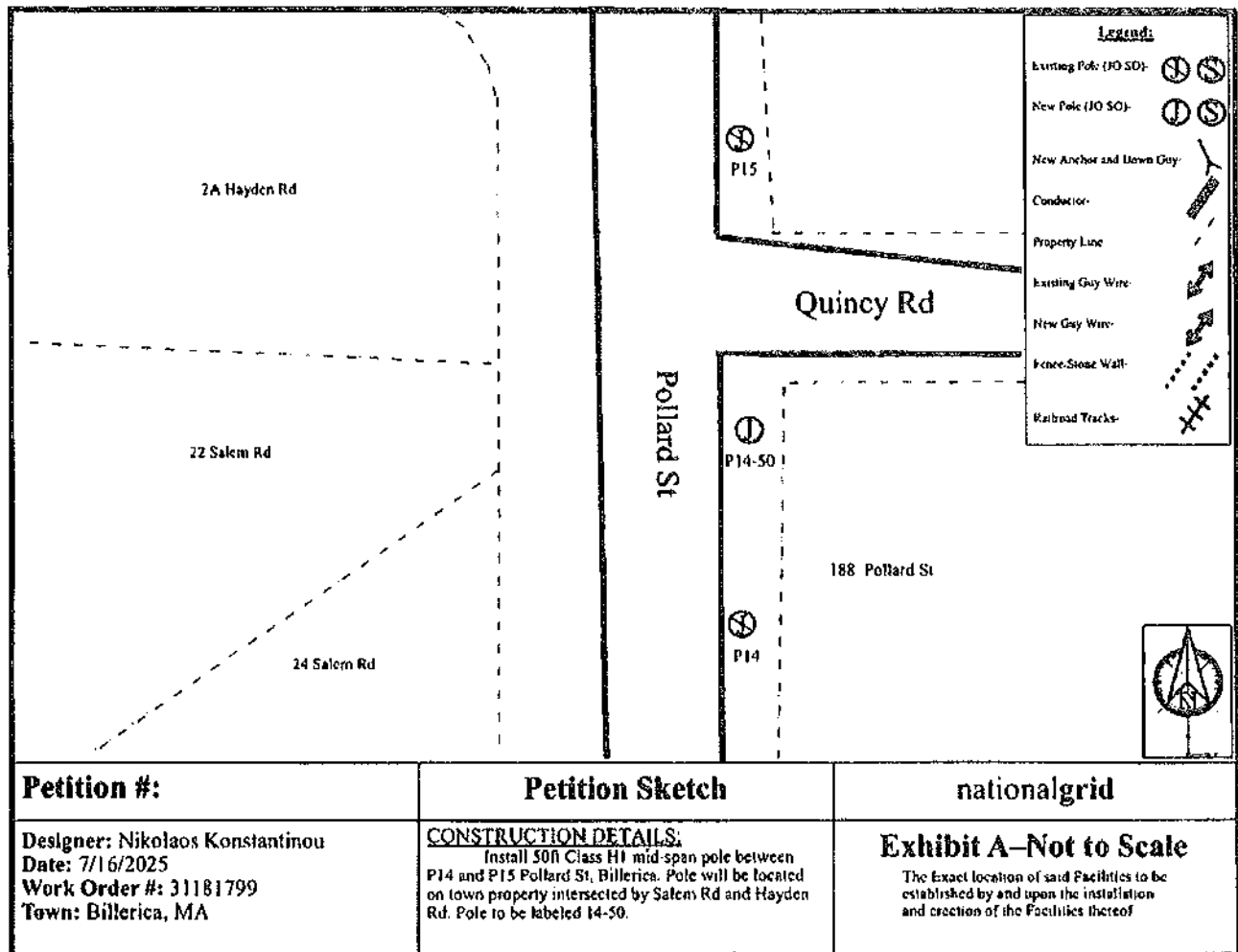
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a  
NATIONAL GRID *Dave Johnson*

BY \_\_\_\_\_  
Engineering Department

VERIZON NEW ENGLAND, INC.

BY *[Signature]*  
Manager / Right of Way



July 30, 2025

Questions contact Design – Nikolaos Konstantinou (508) 482-1052 or  
nkonstantinou@chasolutions.com

## **ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the Board of Selectmen - Billerica, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and  
VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND  
TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and  
permission to erect and maintain poles and wires to be placed thereon, together with such  
sustaining and protecting fixtures as said Companies may deem necessary, in the public way or  
ways hereinafter referred to, as requested in petition of said Companies dated the 16<sup>th</sup> day of July,  
2025.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points  
indicated upon the plan marked – Pollard Street - Billerica, Massachusetts.

**No.# 31181799**

Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID  
and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all  
of said wires and cables shall be placed at a height of not less than twenty (20) feet from the  
ground.

The following are the public ways or part of ways along which the poles above referred to may be  
erected, and the number of poles which may be erected thereon under this order:

Pollard Street - National Grid to install 1 JO pole on Pollard Street beginning at a point  
approximately 285 feet South of the centerline of the intersection of Salem Road. National Grid  
will install 50ft class H1 mid-span pole between P14 and P15, Pollard Street. Pole will be located  
on town property intersected by Salem Road and Hayden Road. Pole to be labeled P14-50,  
Billerica, MA.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or  
intersecting public ways for the purpose of making connections with such poles and buildings as  
each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
City/Town Clerk.  
\_\_\_\_\_  
Massachusetts 20\_\_  
Received and entered in the records of location orders of the City/Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
\_\_\_\_\_  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_, at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded,  
and that we mailed at least seven days before said hearing a written notice of the time and place of  
said hearing to each of the owners of real estate (as determined by the last preceding assessment  
for taxation) along the ways or parts of ways upon which the Company is permitted to erect  
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
City/Town Clerk.

.....  
.....  
.....  
.....  
Board or Council of Town or City, Massachusetts

#### CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing  
with notice adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_  
Massachusetts, on the \_\_\_\_\_ day of 20\_\_ and recorded with the records of location  
orders of the said City, Book \_\_\_\_\_, and Page \_\_\_\_\_. This certified copy is made under  
the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:  
\_\_\_\_\_  
City/Town Clerk



**HEARING NOTICES FOR  
NATIONAL GRID, VERIZON and COMCAST  
POLE LOCATIONS, CONDUIT, ETC.**

☒ DPW

<b>Location of Pole/Conduit:</b>	<b>188 Pollard Road (31-31-1)</b>
<b>Reason of Pole/Conduit:</b>	National Grid to install (1) JO Pole (Pole #14-50) on Pollard Street beginning ~295' south of the centerline of the intersection of Salem Road. The pole will be a 50' class H1 pole between Poles P14 and P15 and be located on Town property intersected by Salem Road and Hayden Road
<b>Plan #:</b>	<b>31181799</b>
<b>Comments on Plan:</b>  Installation of new pole 14-50 MUST adhere to the following general comments:  Applicant must have the Water Division mark out water, and Sewer Division must mark out sewer in area.  <b>The Water and Wastewater (Sewer) Divisions are not notified by Digsafe to mark utilities. Must call 978-671-0956 (Wastewater) and 978-671-0957 (Water) to request marking of water and sewer lines.</b>  <u><b>DO NOT PROCEED WITHOUT CONFIRMATION OF WATER AND SEWER MARKINGS.</b></u>  <b>Contractor is responsible to locate and protect all existing drainage pipes and structures, as well as all other property within work site.</b> Any damaged property must be reported to DPW, and promptly repaired by the contractor. Notify Engineering Office (978-671-1300) any time drainage pipes or structures are exposed.  A Street Opening Permit from DPW (978-436-9178) is required for any underground excavations for conduit, cables, wires, manholes, etc. placed within the right-of way. All Right of Way Opening Rules and Regulations must be followed. A site walk must be scheduled with DPW (978-436-9178) after water and sewer are marked out, prior to approval of any Street Opening Permit work (if required).  Contractor Acknowledgement Form is attached for signature.	
<b>Signature:</b>	<i>Stephen Robertson</i> DPW Representative
<b>Date:</b>	9/8/25
<b>Please return to the Select Board Office by: September 10, 2025</b>	



**HEARING NOTICES FOR  
NATIONAL GRID, VERIZON and COMCAST  
POLE LOCATIONS, CONDUIT, ETC.**

**CONTRACTOR ACKNOWLEDGEMENT FORM**

<b>Location of Pole/Conduit:</b>	<b>188 Pollard Road (31-31-1)</b>
<b>Reason of Pole/Conduit:</b>	<b>National Grid to install (1) JO Pole (Pole #14-50) on Pollard Street beginning ~295' south of the centerline of the intersection of Salem Road. The pole will be a 50' class H1 pole between Poles P14 and P15 and be located on Town property intersected by Salem Road and Hayden Road</b>
<b>Plan #:</b>	<b>31181799</b>
<b>Comments on Plan:</b>  Installation of new pole 14-50 MUST adhere to the following general comments:  Applicant must have the Water Division mark out water, and Sewer Division must mark out sewer in area.  <b>The Water and Wastewater (Sewer) Divisions are not notified by Digsafe to mark utilities. Must call 978-671-0956 (Wastewater) and 978-671-0957 (Water) to request marking of water and sewer lines.</b>  <b><u>DO NOT PROCEED WITHOUT CONFIRMATION OF WATER AND SEWER MARKINGS.</u></b>  Contractor is responsible to locate and protect all existing drainage pipes and structures, as well as all other property within work site. Any damaged property must be reported to DPW, and promptly repaired by the contractor. Notify Engineering Office (978-671-1300) any time drainage pipes or structures are exposed.  A Street Opening Permit from DPW (978-436-9178) is required for any underground excavations for conduit, cables, wires, manholes, etc. placed within the right-of way. All Right of Way Opening Rules and Regulations must be followed. A site walk must be scheduled with DPW (978-436-9178) after water and sewer are marked out, prior to approval of any Street Opening Permit work (if required).	

**I hereby certify that I am aware of these DPW comments regarding the work described.**

Dave Johnson  
Signature - Utility Company Representative

9/10/2025  
Date

Dave Johnson  
Print Name - Utility Company Representative

N.G.R.I.D.  
Utility Company Name



HEARING NOTICES FOR  
NATIONAL GRID, VERIZON AND COMCAST  
POLE PETITION LOCATIONS, CONDUIT, ETC.

☐ DPW

☐ Electrical Inspector

☒ Safety Officer, Police

Location of Pole/Conduit:	188 Pollard Road (31-31-1)
Purpose of Pole/Conduit:	National Grid to install (1) JO Pole (Pole #14-50) on Pollard Street beginning ~295' south of the centerline of the intersection of Salem Road. The pole will be a 50' class H1 pole between Poles P14 and P15 and be located on Town property intersected by Salem Road and Hayden Road
Plan #:	31181799
Comments on Plan:	NO COMMENTS
Any Interference with line of sight?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Markings for Fire Hydrant Needed?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Resident's Complaints?	NO KNOWN COMMENTS
Signature:	SGT. T. F. M.
Date:	5 SEPT 2025
Please return to the Select Board Office By: September 10, 2025	



HEARING NOTICES FOR  
NATIONAL GRID, VERIZON AND COMCAST  
POLE PETITION LOCATIONS, CONDUIT, ETC.

☐ DPW

☒ Electrical Inspector

☐ Safety Officer, Police

Location of Pole/Conduit:	188 Pollard Road (31-31-1)
Purpose of Pole/Conduit:	National Grid to install (1) JO Pole (Pole #14-50) on Pollard Street beginning ~295' south of the centerline of the intersection of Salem Road. The pole will be a 50' class H1 pole between Poles P14 and P15 and be located on Town property intersected by Salem Road and Hayden Road
Plan #:	31181799
Comments on Plan:	NO
Any Interference with line of sight?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Markings for Fire Hydrant Needed?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Resident's Complaints?	NO
Signature:	<i>Mr. Baller</i>
Date:	9-11-25
Please return to the Select Board Office By: September 10, 2025	





Board of Assessors  
Town Hall  
365 Boston Road  
Billerica, Massachusetts 01821



JOHN B. SPEIDEL, *Chairman*  
RICHARD J. SCANLON, *Associate*  
RICK LADD, *Associate*

Tele: (978) 671-0971  
[assessors@town.billerica.ma.us](mailto:assessors@town.billerica.ma.us)

**ABUTTERS LIST REQUEST**

Name National Grid Date September 4, 2025  
Address of Property: 188 Pollard Street Plate 31-31-1  
Telephone Number \_\_\_\_\_ Parcel \_\_\_\_\_

I request one copy of the following abutters list and three copies of the labels for the above listed property. The cost of this service shall be \$2.00 per name. The list shall be available five to ten (5-10) working days from the requested date or earlier.

Signature of applicant *Paul McDonald*

**Types of Abutters Lists**

There are four types of abutters lists which may be required in the Town of Billerica. The board or commission you are seeking approval from and the particular request you are making determines the type of list. You will need to contact the applicable board or commission to determine which of the following will be required in your case.

(Circle one – If no letter is circled a “D” list will be prepared.)

**A. Direct Abutters - Direct Abutters to Parcel and Roadway Being Improved**

This list contains direct abutters only. Properties across public right-of-ways or paper streets, which have not been discontinued, are not included. (This list should include direct abutters to the roadway being improved if road construction is involved.)

**B. Abutters Within 100 Feet**

This list contains all abutters within 100 feet of the parcel, notwithstanding public or private streets or ways, municipal borders or bodies of water.

**C. Abutter to Abutter Within 300 Feet**

This list contains abutters to direct abutters within 300 feet of the parcel. If there is more than one abutter between the subject parcel and the abutting property within 300 feet the owner will not be notified.

**D. All Property Owners Within 300 Feet (Cell Towers – All Property Within 500 Feet)**

This list contains all properties within 300 feet of the subject parcel. Abutters to abutter restrictions do not apply.

Assessor's Signature *John B. Speidel* Date *9-9-25* Amount *\$18*


*11 Parcels - 2 Dups = 9*

*OK Job, please Invoice.*

Parcel ID	Location	Owner 1	Owner 2	Address 1	Address 2	City	State	Zip Code
31-31-2	190 POLLARD ST	HOANG DAVID	HOANG JAMIE	190 POLLARD ST		N BELLERICA	MA	01862
31-27-0	DANE AV	MASS ELECTRIC COMPANY	C/O PROPERTY TAX DEPT.	40 SYLVAN RD		WALTHAM	MA	02451
31-28-0	DANE AV	MASS ELECTRIC COMPANY	C/O PROPERTY TAX DEPT.	40 SYLVAN RD		WALTHAM	MA	02451
31-289-0	22 SALEM RD	PANCHU CHANDRA	PANCHU ANAND P	22 SALEM ROAD		BELLERICA	MA	01821
31-30-0	POLLARD ST	MASS ELECTRIC COMPANY	C/O PROPERTY TAX DEPT.	40 SYLVAN RD		WALTHAM	MA	02451
31-31-1	188 POLLARD ST	DINH VINCENT H		188 POLLARD ST		N BELLERICA	MA	01862-2431
31-33-0	36 SALEM RD	ETIENNE FABIOLA	TOUSSAINT CHANTALE	36 SALEM RD		N BELLERICA	MA	01862-2705
31-57-0	24 SALEM RD	JEAN-PHILIPPE OBERGE	JEAN-PHILIPPE MIMOSE	24 SALEM RD		N BELLERICA	MA	01862-2602
31-58-0	2A HAYDEN RD	THOMAS PAUL C	THOMAS DANIELLE M	2A HAYDEN RD		N BELLERICA	MA	01862
31-59-0	1 HAYDEN RD	UPOMI AMANDA M		1 HAYDEN RD		N BELLERICA	MA	01862-2703
31-71-0	38 SALEM RD	EIGHTEEN BELMONT LLC		9 MCKENZIE CIRCLE		TEWKSBURY	MA	01876

DISCLAIMER: This list is certified based upon records held in this department as of the date on the abutter's list. It was completed to the best of our ability based upon the information we have available. We do not certify the accuracy of this list per se, only the names and addresses listed on it. In most cases, public disclosure of the hearing pertaining to this list is required and published in the local newspaper. Every effort has been taken to insure proper notification.

The Board of Assessors certifies the accuracy of the names and addresses on this list based upon our current records.

  
 Jennifer B. Spitzer  
 Chief Assessor  
 September 9, 2025





**SELECT BOARD**  
TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

Jillian K. Pavidis, *Chair*  
John J. Burrows, *Vice Chair*  
Daniel R. Darris-O'Connor, *Secretary*  
Michael S. Rosa, *Member*  
Dina M. Favreau, *Member*

**NOTICE OF HEARING**

**To: NATIONAL GRID, VERIZON AND ALL ABUTTERS**

You are hereby notified that a hearing will be held by the Select Board on Monday, September 22, 2025 @ 6:00 PM in the Conway Hearing Room #205 in Town Hall, 365 Boston Road and via Zoom:

<https://us02web.zoom.us/j/83477138002>  
phone 1 929 205 6099  
webinar id: 834 7713 8002

National Grid #31181799

Parcel: 31-31-1  
188 Pollard Street

**National Grid to install (1) JO Pole (Pole #14-50) on Pollard Street beginning ~295' south of the centerline of the intersection of Salem Road. The pole will be a 50' class H1 pole between Poles P14 and P15 and be located on Town property intersected by Salem Road and Hayden Road**

If there any questions on this hearing: Please call or email Nikolaos Konstantinou at (508) 482-1053 or [nkonstantinou@chasolutions.com](mailto:nkonstantinou@chasolutions.com)



July 23, 2025

To the Board of Selectmen - Billerica, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit, please contact:

**Nikolaos Konstantinou (508) 482-1053 or [nkonstantinou@chasolutions.com](mailto:nkonstantinou@chasolutions.com)**

Please notify National Grid's Jenn Iannalfo of the **hearing date / time** to [Jennifer.Iannalfo@nationalgrid.com](mailto:Jennifer.Iannalfo@nationalgrid.com)

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Jennifer Iannalfo, 1101 Turnpike Street; North Andover, MA 01845.

Very truly yours,

*Dave Johnson*

Dave Johnson  
Supervisor, Distribution Design

Enclosures

Questions contact Design Nikolaos Konstantinou (508) 482-1053 or  
[nkonstantinou@chasolutions.com](mailto:nkonstantinou@chasolutions.com)

## PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To The Board of Selectmen  
Of Billerica, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Cook Street - National Grid to install 1 JO pole on Cook Street beginning at a point approximately 240 feet Northeast of the centerline of the intersection of Boston Road. National Grid will install 50ft class H1 mid-span pole between P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue. Pole will be labeled P2-50, Billerica, MA.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - Cook Street - Billerica, Massachusetts.

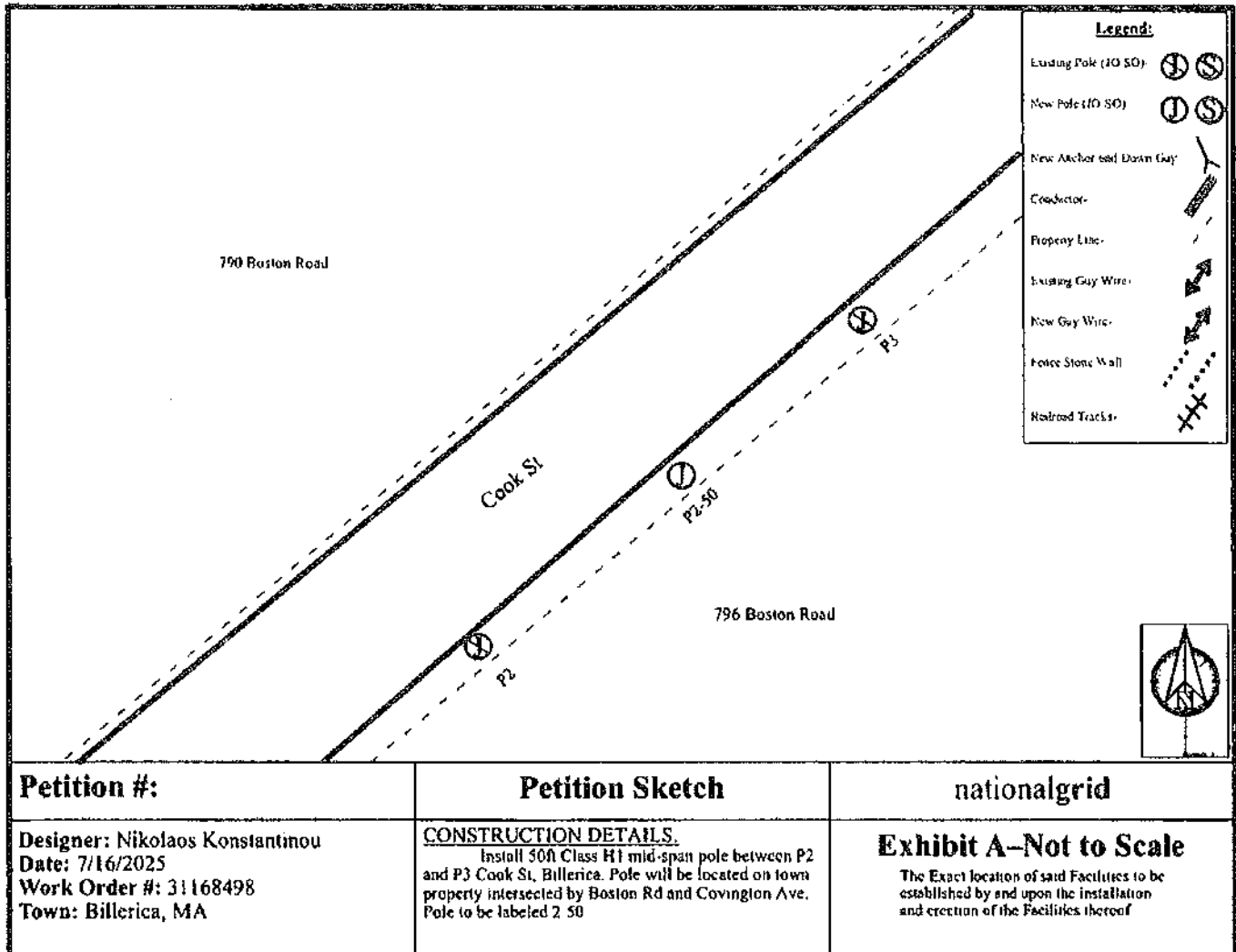
No.# 31168498

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a  
NATIONAL GRID *Dave Johnson*  
BY \_\_\_\_\_  
Engineering Department

VERIZON NEW ENGLAND, INC.  
BY *[Signature]*  
Manager / Right of Way



**Petition #:**

**Petition Sketch**

**nationalgrid**

**Designer:** Nikolaos Konstantinou  
**Date:** 7/16/2025  
**Work Order #:** 31168498  
**Town:** Billerica, MA

**CONSTRUCTION DETAILS.**

Install 50ft Class H1 mid-span pole between P2 and P3 Cook St, Billerica. Pole will be located on town property intersected by Boston Rd and Covington Ave. Pole to be labeled 2 50

**Exhibit A--Not to Scale**

The Exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof



July 23, 2025

Questions contact Design – Nikolaos Konstantinou (508) 482-1053 or  
[nkonstantinou@chasolutions.com](mailto:nkonstantinou@chasolutions.com)

## **ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the Board of Selectmen - Billerica, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 16<sup>th</sup> day of July, 2025.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Cook Street - Billerica, Massachusetts.

**No.# 31168498**

Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Cook Street - National Grid to install 1 JO pole on Cook Street beginning at a point approximately 240 feet Northeast of the centerline of the intersection of Boston Road. National Grid will install 50ft class H1 mid-span pole between P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue. Pole will be labeled P2-50, Billerica, MA.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.



I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
City/Town Clerk.  
\_\_\_\_\_  
Massachusetts 20 \_\_\_\_  
Received and entered in the records of location orders of the City/Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20 \_\_, at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,  
INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded,  
and that we mailed at least seven days before said hearing a written notice of the time and place of  
said hearing to each of the owners of real estate (as determined by the last preceding assessment  
for taxation) along the ways or parts of ways upon which the Company is permitted to erect  
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

#### CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing  
with notice adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_  
Massachusetts, on the \_\_\_\_\_ day of 20 \_\_\_\_ and recorded with the records of location  
orders of the said City, Book \_\_\_\_\_, and Page \_\_\_\_\_. This certified copy is made under  
the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:  
City/Town Clerk



**HEARING NOTICES FOR  
NATIONAL GRID, VERIZON and COMCAST  
POLE LOCATIONS, CONDUIT, ETC.**

☒ DPW

<b>Location of Pole/Conduit:</b>	<b>796 Boston Road (Corner of Boston Road/Cook Street)</b>
<b>Reason of Pole/Conduit:</b>	National Grid to install (1) JO Pole (Pole #P2-50) on Cook Street beginning at a point ~240' northeast of the centerline of the intersection of Boston Road mid-span between poles P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue.
<b>Plan #:</b>	<b>31168498</b>
<b>Comments on Plan:</b>  Installation of new pole 2-50 MUST adhere to the following specific AND general comments:  <b>This pole is proposed in the paved sidewalk. Sidewalk must be widened if installation of pole reduces sidewalk clear width to less than 36" wide. A Street Opening Permit would be required for sidewalk widening work if required.</b>  Applicant must have the Water Division mark out water, and Sewer Division must mark out sewer in area. Applicant should be aware that there are communication cables under the sidewalk.  <b>The Water and Wastewater (Sewer) Divisions are not notified by Digsafe to mark utilities. Must call 978-671-0956 (Wastewater) and 978-671-0957 (Water) to request marking of water and sewer lines.</b>  <u><b>DO NOT PROCEED WITHOUT CONFIRMATION OF WATER AND SEWER MARKINGS.</b></u>  Contractor is responsible to locate and protect all existing drainage pipes and structures, as well as all other property within work site. Any damaged property must be reported to DPW, and promptly repaired by the contractor. Notify Engineering Office (978-671-1300) any time drainage pipes or structures are exposed.  A Street Opening Permit from DPW (978-436-9178) is required for any underground excavations for conduit, cables, wires, manholes, etc. placed within the right-of way. All Right of Way Opening Rules and Regulations must be followed. A site walk must be scheduled with DPW (978-436-9178) after water and sewer are marked out, prior to approval of any Street Opening Permit work (if required).  Contractor Acknowledgement Form is attached for signature.	
<b>Signature:</b>	<i>Stephen Robertson</i> DPW Representative
<b>Date:</b>	9/4/25
<b>Please return to the Select Board Office by: September 5, 2025</b>	



**HEARING NOTICES FOR  
NATIONAL GRID, VERIZON and COMCAST  
POLE LOCATIONS, CONDUIT, ETC.**

**CONTRACTOR ACKNOWLEDGEMENT FORM**

<b>Location of Pole/Conduit:</b>	<b>796 Boston Road (Corner of Boston Road/Cook Street)</b>
<b>Reason of Pole/Conduit:</b>	<b>National Grid to install (1) JO Pole (Pole #P2-50) on Cook Street beginning at a point ~240' northeast of the centerline of the intersection of Boston Road mid-span between poles P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue.</b>
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**I hereby certify that I am aware of these DPW comments regarding the work described.**

*Dave Johnson*

9/5/25

Signature – Utility Company Representative

Date

*Dave R Johnson*

Print Name – Utility Company Representative

*NGRID*

Utility Company Name



HEARING NOTICES FOR  
NATIONAL GRID, VERIZON AND COMCAST  
POLE PETITION LOCATIONS, CONDUIT, ETC.

☐ DPW

☐ Electrical Inspector

☒ Safety Officer, Police

Location of Pole/Conduit:	796 Boston Road (Corner of Boston Road/Cook Street)
Purpose of Pole/Conduit:	National Grid to install (1) JO Pole (Pole #P2-50) on Cook Street beginning at a point ~240' northeast of the centerline of the intersection of Boston Road mid-span between poles P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue.
Plan #:	31168498
Comments on Plan:	NO COMMENTS
Any Interference with line of sight?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Markings for Fire Hydrant Needed?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Resident's Complaints?	NO KNOWN COMPLAINTS
Signature:	SCOTT F M
Date:	3 SEPT 2025
Please return to the Select Board Office By: September 5, 2025	




HEARING NOTICES FOR  
NATIONAL GRID, VERIZON AND COMCAST  
POLE PETITION LOCATIONS, CONDUIT, ETC.

☐ DPW

☒ Electrical Inspector

☐ Safety Officer, Police

Location of Pole/Conduit:	796 Boston Road (Corner of Boston Road/Cook Street)
Purpose of Pole/Conduit:	National Grid to install (1) JO Pole (Pole #P2-50) on Cook Street beginning at a point ~240' northeast of the centerline of the intersection of Boston Road mid-span between poles P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue.
Plan #:	31168498
Comments on Plan:	No
Any Interference with line of sight?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Markings for Fire Hydrant Needed?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Resident's Complaints?	No
Signature:	
Date:	8-28-25
Please return to the Select Board Office By: September 5, 2025	



Board of Assessors  
Town Hall  
365 Boston Road  
Billerica, Massachusetts 01821

JOHN B. SPEIDEL, *Chairman*  
RICHARD J. SCANLON, *Associate*  
RICK LADD, *Associate*

AUG 25 2025

Tele: (978) 671-0971  
[assessors@town.billerica.ma.us](mailto:assessors@town.billerica.ma.us)

Board of Assessors  
Billerica, MA

ABUTTERS LIST REQUEST

Name National Grid Date August 25, 2025  
Address of Property: 796 Boston Road (Corner of Cook Street) Plate 90  
Telephone Number \_\_\_\_\_ Parcel 160-1

I request one copy of the following abutters list and three copies of the labels for the above listed property. The cost of this service shall be \$2.00 per name. The list shall be available five to ten (5-10) working days from the requested date or earlier.

Signature of applicant

*John McDowell*

Types of Abutters Lists

There are four types of abutters lists which may be required in the Town of Billerica. The board or commission you are seeking approval from and the particular request you are making determines the type of list. You will need to contact the applicable board or commission to determine which of the following will be required in your case.

(Circle one - If no letter is circled a "D" list will be prepared.)

A. Direct Abutters - Direct Abutters to Parcel and Roadway Being Improved

This list contains direct abutters only. Properties across public right-of-ways or paper streets, which have not been discontinued, are not included. (This list should include direct abutters to the roadway being improved if road construction is involved.)

B. Abutters Within 100 Feet

This list contains all abutters within 100 feet of the parcel, notwithstanding public or private streets or ways, municipal borders or bodies of water.

C. Abutter to Abutter Within 300 Feet

This list contains abutters to direct abutters within 300 feet of the parcel. If there is more than one abutter between the subject parcel and the abutting property within 300 feet the owner will not be notified.

D. All Property Owners Within 300 Feet (Cell Towers - All Property Within 500 Feet)

This list contains all properties within 300 feet of the subject parcel. Abutters to abutter restrictions do not apply.

Assessor's  
Signature

*John B. Speidel*

Date

*8-27-25*

Amount

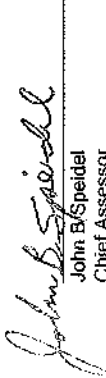
*\$4*

*4 Parcels  
1 App.  
1 Dup  
2  
NB - please charge.*

Parcel ID	Location	Owner 1	Owner 2	Address 1	Address 2	City	State	Zip Code
90-194-1	780 BOSTON RD	NPSSA PINEHURST LLC		30 SPEEN ST		FRAMINGHAM	MA	01701
90-216-1	COOK ST	CPI PINEHURST OWNER LLC	C/O CALARE PROPERTIES INC	30 SPEEN ST		FRAMINGHAM	MA	01701
90-160-2	BOSTON RD	CAPIA REALTY TRUST CLX11 LLC		280 MERRIMACK STREET		METHUEN	MA	01844
90-160-4	BOSTON RD	CAPIA REALTY TRUST CLX11 LLC		280 MERRIMACK STREET		METHUEN	MA	01844

DISCLAIMER: This list is certified based upon records held in this department as of the date on the abutter's list. It was completed to the best of our ability based upon the information we have available. We do not certify the accuracy of this list per se, only the names and addresses listed on it. In most cases, public disclosure of the hearing pertaining to this list is required and published in the local newspaper. Every effort has been taken to insure proper notification.

The Board of Assessors certifies the accuracy of the names and addresses on this list based upon our current records.



  
John B. Speidel  
Chief Assessor  
August 27, 2025



# Abutters Map for Parcel 90-160-2 using direct abutters

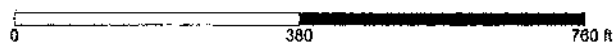
Printed on 08/27/2025 at 10:28 AM

## Legend

-  Parcel Boundary Selection
-  Parcel Boundary



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the release or misrepresentation of the data.







**SELECT BOARD**  
TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

Jillian K. Pavidis, *Chair*  
John J. Burrows, *Vice Chair*  
Daniel R. Darris-O'Connor, *Secretary*  
Michael S. Rosa, *Member*  
Dina M. Favreau, *Member*

**NOTICE OF HEARING**

**To: NATIONAL GRID, VERIZON AND ALL ABUTTERS**

You are hereby notified that a hearing will be held by the Select Board on Monday, September 22, 2025 @ 6:00 PM in the Conway Hearing Room #205 in Town Hall, 365 Boston Road and via Zoom:

<https://us02web.zoom.us/j/83477138002>

phone 1 929 205 6099

webinar id: 834 7713 8002

National Grid #311668498

Parcel: 90-160-1

796 Boston Road (Corner of Cook Street)

**National Grid to install (1) JO Pole (Pole #P2-50) on Cook Street beginning at a point ~240' northeast of the centerline of the intersection of Boston Road mid-span between poles P2 and P3 Cook Street. Pole will be located on town property intersected by Boston Road and Covington Avenue.**

If there any questions on this hearing: Please call or email Nikolaos Konstantinou at (508) 482-1053 or [nkonstantinou@chasolutions.com](mailto:nkonstantinou@chasolutions.com)

74 West Central Street  
Natick, MA 01760  
(508) 655-1960  
(508) 653-8853 (Fax)

 **BROOKS & DERENSIS**  
2 Atlantic Avenue  
6<sup>th</sup> Floor  
Boston, MA 02110  
(857) 259-5200  
(857) 259-5212 (Fax)

69-71 Main Street  
Hudson, MA 01749  
(978) 568-0111 (Tel/Fax)

Paul R. DeRensis, Esq.  
[pderensis@bdboston.com](mailto:pderensis@bdboston.com)

August 19, 2025

Jillian K. Pavidis, Chair  
Billerica Select Board  
Billerica Town Hall  
Room #203  
365 Boston Road  
Billerica, MA 01821

Re: Response to RFP for Legal services: Town of Billerica

Dear Select Board:

With this letter we submit a proposal in response to the RFP to continue to provide Town Counsel and other legal services for the Town of Billerica, as follows:

On May 6, 2024, we provided a comprehensive response to the town's 2024 Request for proposals for legal services that outline detailed answers to RFP questions; the purpose of this response is to supplement earlier information. In particular, in this response, we are not changing nor increasing any price or cost item from that 2024 response; we are holding pricing steady.

The town is already familiar with the team of attorneys we have been providing, which team would continue to be available to the town as needed going forward. As a reminder, copies of resumes of our team members are attached as Supplement 1.

Going forward, we agree to continue our weekly status reporting with which the town is already familiar, which was developed during the last year as events unfolded, so that the Town is informed on a weekly basis about the progress on matters assigned to us.

Although our contract expires with the town on September 1, we do intend to keep the town legally protected and safe during the pendency of the RFP process however long it takes, we will not abandon the town or walk away on September 1.

The scope of services we offer to provide are described in Supplement 2. During the past year and some months, as the town already knows, we have answered numerous procedural questions, addressed numerous open meeting law issues and public records issues, handled a number of litigations and real estate issues and transactions, reviewed certain Select Board Policies and Procedures, helped various town departments and town boards and committees on a variety of issues, assisting preparation of the town meeting warrant and articles for both annual town meetings and special town meetings. We

TO Billerica Select Board

August 19, 2025

Page 2

assisted with the maintenance of continuity for the town of Billerica through the change of three Town Managers in less than one year, helping with keeping the executive branch functioning while protecting the town from multiple interim legal threats along the way; we helped town with a variety of legal matters- including zoning and various contracts- including the paperwork for the New Public Works facility. We won a summary judgment relative to Shannon and Anthony DeOliveira's lawsuit v. Mark LaLumiere as Billerica Building Commissioner. We established a tracking system for the Town Manager to easily reference updates on all open legal matters. We assisted with the gift of Rangeway Road property to the Town and with the ongoing development of the Yankee Doodle Bike Path. We successfully resolved 444 North Road Complaint, obtaining settlement agreement and successfully defended an OML complaint by Michaela Michaud against Donna McCoy, obtaining order of dismissal and finding that mandamus claim was not appropriate.

We worked on contract negotiations with copyright counsel to defend in copyright matter, assisted in farmland procurement matters, addressed beaver dam removal/DPW rights, worked on Heroes Act (PACT), assisted with AT&T water tower scraping matter, provided advice regarding council on aging release of information matter and worked on Floodplain / Flood zoning matters.

We have been informed by Chris Dillon that the Town is most interested in hearing from us about pricing opportunities and has asked us specifically to address pricing options in our response to this RFP.

By this response, we present three alternative pricing options for the town:

**Option 1. Continuation of the present retainer arrangement.** This is the agreement that is expiring September 1 and provides for a retainer of \$11,500 per month for certain usual town counsel legal services as set forth in that agreement. We have provided periodic financial reports that indicate the town has done very well financially by this arrangement.

We previously provided a report and documentation that the month of April alone had us provide \$20,223.00 of retainer legal services beyond the amount paid to us for retainer.

More recently, we provided a six-month report for the period Jan 1, 2025 through June 30, 2025, which is the last half of Fiscal Year 2025, which report indicates that the town received \$40,993.00 of retainer legal services above and beyond the amount the town paid in retainer fees.

Two days ago, at the request of Chris Dillon, we provided our backup calculations, which showed the total write off at our end for retainer services above and beyond the retainer amount, of a total of \$42,044.00; of this amount, \$40,993 was the write off to the retainer account, but an additional amount that was in the form of credits issued to the town in other hourly billable accounts.

**Option 2. Reversion to hourly rates.** When we started with the town in 2024, we initially received compensation on the basis of hourly rates, where there were no issues at all about what was covered or not covered by any retainer. Under this Option, we are not seeking any increase in the hourly rates originally proposed in the May 2024 response to legal services, so these would remain

TO Billerica Select Board  
August 19, 2025  
Page 3

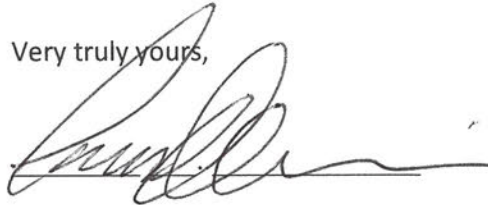
the same as last year's rates. The advantage of hourly rates is that it avoids any issues as to the Town wanting to have more than agreed to in the retainer and therefore is fairer to both sides.

**Option 3. Negotiate a new retainer arrangement.** We are open to negotiating a new retainer arrangement that could include more, or include less, categories of legal services, with adjustments to the monthly retainer amount accordingly, to be negotiated. We envision a process similar to last year's negotiations where the parties would meet and discuss adjustments to the retainer package until a new agreement was reached.

**Conclusion:**

In the meantime, as you consider our proposal, we will not abandon the town and will make sure the town is covered legally.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Paul DeRensis', written over a horizontal line.

Paul DeRensis



# YOU'RE INVITED

Billerica Veterans Services is hosting  
the following events and we would  
love for you to join us:

**SATURDAY, OCTOBER 25, 2025**

**VETERAN RESOURCE FAIR**

**10:00 AM - 2:00 PM**

**BILLERICA TOWN HALL**

**SUNDAY, NOVEMBER 2, 2025**

**VETERAN HONOR STROLL**

**11:00 AM - 2:00 PM**

**VIETNAM VETERANS PARK, BILLERICA**

**TUESDAY, DECEMBER 16, 2025**

**VETERANS HOLIDAY PARTY**

**12:00 PM**

**BILLERICA ELKS, WEBB BROOK RD**



HOSTED BY  
BILLERICA VETERANS SERVICES



# VETERAN RESOURCE FAIR

Connecting veterans with local, state, and  
federal programs, job assistance, wellness  
services, and more.



FREE HAIR CUTS WILL BE  
OFFERED BY LOCAL BARBERS



SATURDAY  
**OCT 25, 2025**  
10 AM - 2 PM



BILLERICA TOWN HALL  
365 BOSTON RD  
BILLERICA, MA 01821



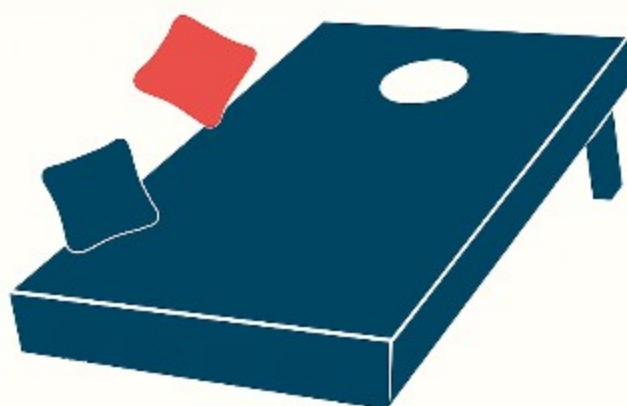
LUNCH WILL BE PROVIDED BY THE  
99 RESTAURANT IN BILLERICA



**BILLERICA HONOR PLATOON**

# **FRIENDLY CORNHOLE TOURNAMENT**

**AT THE VETERANS HONOR STROLL**



**SUNDAY, NOVEMBER 2, 2025**

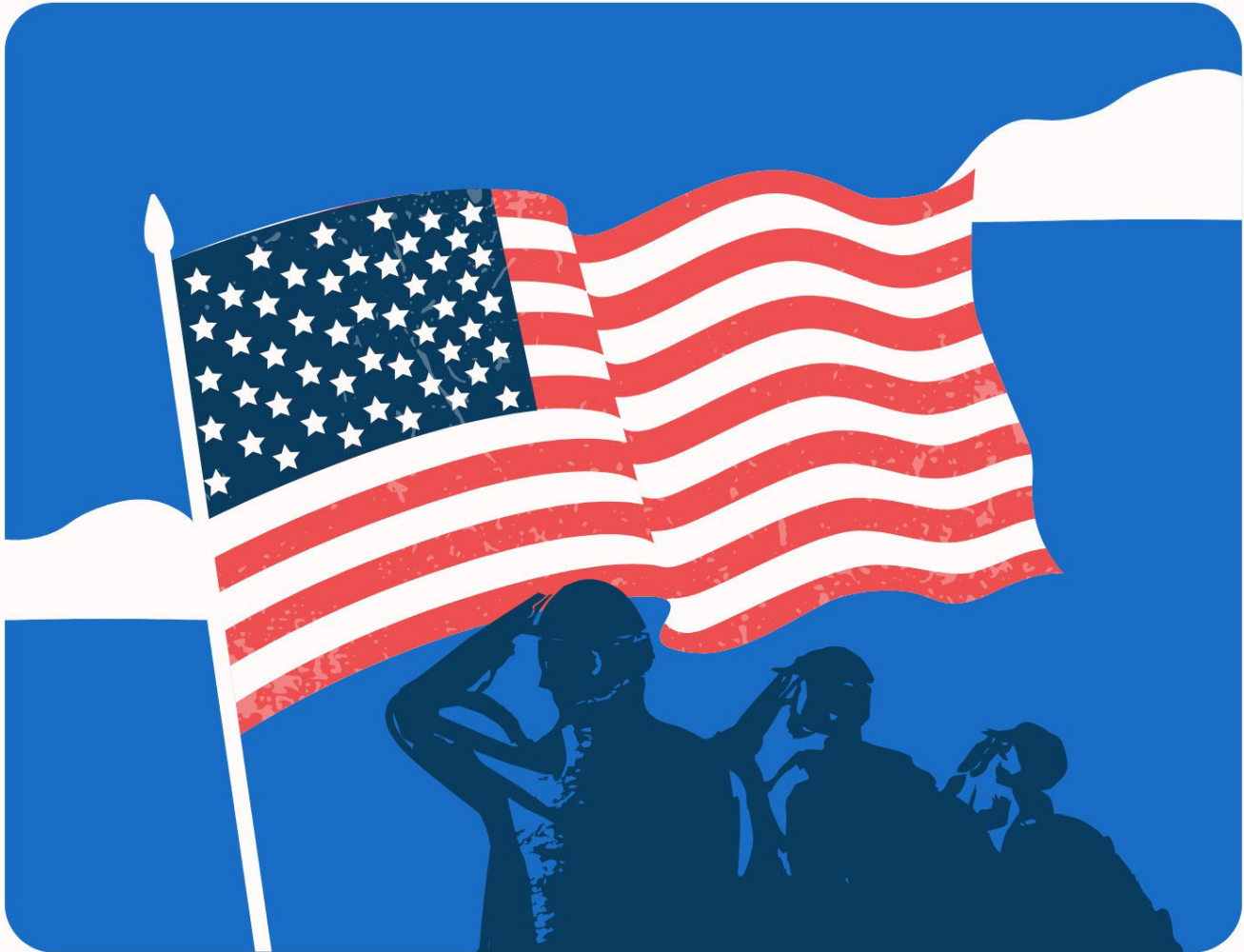
**11 AM – 2 PM**

**VIETNAM VETERANS PARK**

**FREE COMMUNITY EVENT**

★ **VETERANS  
HONOR STROLL** ★  
**FREE COMMUNITY EVENT**

**ACTIVITIES - FOOD - AND MORE**



**COME HONOR OUR  
COMMUNITY HEROES**

**SUNDAY, NOV 2, 2025**

**11 AM - 2 PM**

**VIETNAM VETERANS PARK**

**FOR MORE INFORMATION**

**LIKE US ON FACEBOOK 'BILLERICA HONOR PLATOON'**



**TAKE A STROLL OR RUCK**

**★ VETERANS  
HONOR STROLL ★**



**AROUND VIETNAM  
VETERANS PARK**

One lap is approximately one mile.

- Terrain is uneven—wear proper footwear and use caution.
- Walking or rucking only—running is not recommended due to terrain.



**SUNDAY, NOVEMBER 2, 2025 • 11 AM-2 PM  
VIETNAM VETERANS PARK, BILLERICA**

# **SWEET SALUTE**

## **COOKIE DECORATING STATION**



### **DECORATE & SHARE**



- Create delicious, patriotic cookies to take home or gift to veterans on site as a token of thanks and appreciation.
- Fun for kids, adults, and families – all supplies provided



### **WANT TO HELP?**

Donations of blank cookies or frosting are welcome.

**VIETNAM VETERANS PARK**  
**SUNDAY, NOVEMBER 2, 2025**  
**11 AM – 2 PM**



For more information please email  
**[BillericaHonorPlatoon@gmail.com](mailto:BillericaHonorPlatoon@gmail.com)**

# THANK YOU CARD STATION

**CREATE A THANK YOU  
CARD FOR A VETERAN**



## HOW IT WORKS

- Visit our Thank You Card Station and craft a message of gratitude.
- Cards can be handed directly to veterans on site or collected for later distribution.
- Basic supplies will be provided – donations of card-making supplies are needed and appreciated

**SUNDAY, NOVEMBER 2, 2025**

**VIETNAM VETERANS PARK,**

**11 AM – 2 PM BILLERICA**



If you would like to donate supplies  
please email: [BillericaHonorPlatoon@gmail.com](mailto:BillericaHonorPlatoon@gmail.com)



**FREE PIG ROAST BBQ  
FOR ALL VETERANS IN  
CELEBRATION OF THE  
US NAVY 250TH BIRTHDAY  
MONDAY, OCTOBER 13  
★ STARTS AT NOON**



**ALL VETERANS WELCOME  
VFW POST 2597  
775 BOSTON RD, PINEHURST**

**HOSTED BY**



# ★ VETERANS ★ HONOR STROLL



**COME HONOR OUR  
COMMUNITY HEROES**

**SUNDAY, NOV 2, 2025**

**11 AM – 2 PM**

**VIETNAM VETERANS PARK**

# HONOR OUR VETERANS



WREATHS  
— *across* —  
AMERICA

[www.WreathsAcrossBillerica.com](http://www.WreathsAcrossBillerica.com)



NO<sup>TH</sup> BILLE<sup>JCA</sup>  
BA1'TIST CHU<sup>CH</sup>



# HOLIDAY FALL FAIR

Saturday, October 18

ENJOY THE FAMILY-FRIENDLY ACTIVITIES

9:00AM - 2:00PM

FISH CHOWDER LUNCH



ARTS & CRAFTS - KIDS ZONE -BAKED GOODS-  
VENDORS - & BLESSING BAG RAFFLE

FOR MORE INFORMATION:

[www.nbillericabaptistchurch.org](http://www.nbillericabaptistchurch.org)





## GLOBAL EVANGELICAL CHURCH INC.

34 Linnell Cir. Billerica, MA 01821

Phone: (781)750 8008 Fax: (781)750 8012

Email: [world@global.org](mailto:world@global.org)

September 11, 2025

To: The Select Board, Town of Billerica

Attention: Chairman Jillian Pavidis

Re: Request to Use the Billerica Common for a Gospel Music Rally

Dear Chairman Pavidis and Members of the Select Board,

Permission is respectfully requested to use the Billerica Common on Saturday, October 18, 2025, on behalf of Global Evangelical Church, located at 34 Linnell Circle, Billerica, MA. The event is scheduled from 2:00 PM to 6:00 PM.

Global Evangelical Church headed by Reverend John Baker Katende, has been part of the Greater Boston community for over 20 years, establishing its Billerica address in 2020. The congregation includes several Billerica residents. The church is actively seeking ways to participate in and give back to the community.

A gospel music rally is planned to increase public awareness of the church and engage with the community. The event will feature live praise and worship music. A public address system will be used, and compliance with related town bylaws or permits will be confirmed. Sign post about the Church's mission will be displayed as well.

To ensure a smooth event, a detail will be arranged to assist participants with safely crossing adjacent roads to access the Common.

The consideration and approval of this request is greatly appreciated. The church looks forward to the opportunity to bring the community together through music and fellowship.

Serving Him to the ends of the Earth (Matthew 28:19)

Thank you for your time.

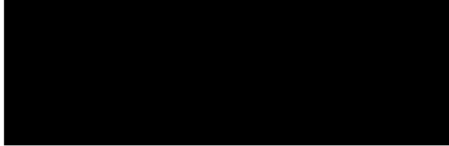
Sincerely,

Ester Lwebuga



Missions Director

Global Evangelical Church



**Dawn McDowell**

---

**From:** Faith Brodi [REDACTED]  
**Sent:** Monday, September 15, 2025 11:53 AM  
**To:** Dawn McDowell  
**Subject:** Sign Request for Center

**[EXTERNAL EMAIL]**

**DO NOT CLICK** links or open attachments unless you recognize the sender and know the content is safe.

---

Hello there,

My name is Faith Brodi, and I am the Educational Coordinator at Billerica Access Television (BATV).

It's that time of the year again, so I'm inquiring about having signs in the center for my annual haunted house event at BATV. I've been running this haunted house since I graduated from BMHS in 2017, and it has become a Billerica tradition to have this event every year!

I am requesting permission to have four 18x24 signs displayed in the Town Center for two weeks leading up to the event (from Saturday, October 11th to Saturday, October 25th).

We've been so thankful that the Select Board has approved our signs for the center in the past, and so we hope they will approve them again for this year.

Thank you so much for your consideration!

Faith Brodi  
[REDACTED]



**SELECT BOARD**  
TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

Jillian K. Pavidis, *Chair*  
John J. Burrows, *Vice Chair*  
Daniel R. Darris-O'Connor, *Secretary*  
Michael S. Rosa, *Member*  
Dina M. Favreau, *Member*

**Resolution in Support of Paint Stewardship Legislation**

**WHEREAS:**

- Landfill capacity in Massachusetts has rapidly declined and no new capacity is expected; and
- The costs of hauling and disposal of waste materials have increased by over 30% in the last five years and are expected to continue increasing at similar rates; and
- A paint stewardship law would create a convenient collection network to properly manage all architectural paint from business and residential sectors and substantially decrease inappropriate discarding of paint, which is a toxic substance that can cause harmful environmental pollution; and
- A paint stewardship law will divert paint from waste disposal to its best and highest use, whereby there will be a small but real decrease in the total waste going to landfills; and
- Paint stewardship laws have been demonstrated as an effective means of diverting paint from landfills in our neighboring states of Connecticut, Rhode Island, Maine, Vermont, and New York; and
- A law supporting discarding of latex and oil-based paints at participating retail stores and transfer stations has strong support from constituents; and
- Municipal waste management systems were established a century ago to manage wastes like ashes, food scraps and horse manure, rather than the wide array of manufactured goods, including paint, which dominate today's municipal waste, and
- The Massachusetts Municipal Association passed a resolution which supports statewide producer responsibility legislation in January 2019,

NOW, THEREFORE BE IT RESOLVED that the **Select Board of Billerica** urges the Massachusetts General Court and the leadership of both chambers to view in this and in future sessions the pending Paint Stewardship legislation favorably and take whatever actions are necessary to pass the Paint Stewardship bills into law, including voting favorably out of any and all committees. A Paint Stewardship law will begin relieving municipalities and consumers of ever-rising solid waste management costs, significantly reduce a toxic waste going to landfills and decrease greenhouse gases generated by the paint industry by 4%.

Pending Paint Stewardship legislation in the 2025-2026 legislative session includes Bills

H.886 "*An Act Relative to Paint Recycling*" and  
S.647 "*An Act Relative to Paint Recycling*"

Resolution Adoption Date:        /        /

Vote:    Ayes                      Nays:                      Abstentions:

Signed:

**Billerica Select Board**

\_\_\_\_\_  
Julian K. Pavidis, Chair

\_\_\_\_\_  
John J. Burrows, Vice Chair

\_\_\_\_\_  
Daniel R. Darris-O'Connor, Clerk

\_\_\_\_\_  
Michael S. Rosa

\_\_\_\_\_  
Dina M. Favreau



## WIDE SPREAD SUPPORT ACROSS MASSACHUSETTS

### PAINT STEWARDSHIP HAS BROAD SUPPORT

The following municipalities, businesses, and organizations have signed an endorsement of paint stewardship. They are constituents from across Massachusetts. Municipalities representing 31% of the state population have voiced their support.

#### Local Governments

City of Boston\*  
 County of Barnstable\*  
   (representing 15 municipalities)  
 City of Worcester\*  
 City of Springfield\*  
 South Shore Recycling Cooperative\*  
   (representing 18 municipalities)  
 City of Cambridge\*  
 City of Lynn\*  
 City of New Bedford  
 City of Newton\*  
 City of Somerville  
 City of Malden\*  
 City of Brookline\*  
 Town of Weymouth\*  
 City of Revere\*  
 City of Chicopee\*  
 City of Peabody\*  
 City of Methuen\*  
 City of Everett\*  
 Town of Arlington\*  
 City of Salem\*  
 Franklin County Solid Waste  
   Management District\*  
   (representing 21 municipalities)  
 City of Pittsfield\*  
 City of Westfield\*  
 City of Leominster  
 City of Fitchburg\*  
 City of Woburn  
 Town of Braintree  
 Town of Amherst\*  
 City of Holyoke\*  
 Northern Berkshire Solid Waste  
   Management District\*  
   (representing 14 municipalities)  
 Town of Falmouth  
 City of Gloucester\*  
 City of Northampton\*  
 Town of West Springfield\*  
 Town of Agawam\*  
 Town of Yarmouth\*  
 Town of Middleborough  
 Town of Danvers\*  
 Town of Yarmouth\*  
 Town of Ludlow\*  
 Town of Sandwich\*  
 Town of Bourne\*  
 Town of Marblehead  
 Town of Grafton\*

#### Local Governments

City of Newburyport\*  
 Town of Somerset\*  
 Town of Webster\*  
 City of Greenfield\*  
 Town of Abington  
 Town of Auburn\*  
 Town of Swampscott  
 Town of East Longmeadow\*  
 City of Easthampton\*  
 Town of Longmeadow\*  
 Town of Belchertown\*  
 Town of Wilbraham\*  
 Ipswich Waste Reduction Advisory  
   Committee  
 Town of Kingston  
 City of North Adams\*  
 Hilltown Resource Management  
   Cooperative\*  
   (representing 10 municipalities)  
 Town of Tyngsborough  
 Town of Palmer\*  
 Town of Brewster\*  
 Town of Littleton\*  
 Town of Ware\*  
 Town of Southwick\*  
 Town of Lancaster\*  
 Town of Montague\*  
 Town of Sterling\*  
 Town of Boxford  
 Town of Monson\*  
 Town of Adams\*  
 Town of West Boylston\*  
 Town of Williamstown\*  
 Town of Great Barrington\*  
 Town of Stow\*  
 Town of Rockport\*  
 Town of Chatham\*  
 Town of Harvard\*  
 Town of Shirley\*  
 Town of Orleans\*  
 Town of Dalton\*  
 Town of Southampton\*  
 Town of Granby\*  
 Town of Lee\*  
 Town of Sherborn  
 Town of Manchester-by-the-Sea\*  
 Town of Hadley\*  
 Town of Deerfield\*  
 Town of Lenox\*  
 Town of Wenham\*

#### Local Governments

Town of Provincetown\*  
 Town of Sunderland\*  
 Town of Sheffield\*  
 Town of Lanesborough\*  
 Town of Northfield\*  
 Town of Williamsburg\*  
 Town of Bernardston\*  
 Town of Stockbridge\*  
 Town of Becket\*  
 Town of Hinsdale\*  
 Town of Shutesbury  
 Town of Ashfield\*  
 Town of Erving\*  
 Town of Shelburne\*  
 Town of Leverett\*  
 Town of Conway\*  
 Town of Clarksburg\*  
 Town of Colrain\*  
 Town of Whately\*  
 Town of Otis\*  
 Town of Gill\*  
 Town of Egremont\*  
 Town of West Stockbridge\*  
 Town of Worthington\*  
 Town of Chesterfield\*  
 Town of Cummington\*  
 Town of Windsor\*  
 Town of Peru\*  
 Town of Florida\*  
 Town of Savoy\*  
 Town of Plainfield\*  
 Town of Hawley\*

#### Businesses

Aubuchon Hardware\*  
 Home Decor Group\*  
 Hamshaw Hardware\*  
 Brewster Ace Hardware\*  
 Recolor Paints\*  
 Ailonnia  
 Black Earth Compost Clean-Seas, Inc.  
 Helpsy  
 Manchester Marine  
 NEC Solar  
 Pinto Recycling, Inc.

#### Non-Government Organizations

Massachusetts Municipal Association\*  
 American Coatings Association\*  
 Product Stewardship Institute, Inc.  
 National Stewardship Action Council  
 League of Women Voters of  
   Massachusetts  
 Keep Massachusetts Beautiful  
 Connecticut River Conservancy  
 Seaside Sustainability  
 Green Newton  
 Cape Cod Anti-Litter Coalition, Inc.  
 Cape Cod's Faith Communities  
 Environmental Network  
 Energy and Climate Committees of the  
   Cape and Islands  
 350 Mass Berkshires  
 Salem Sound Coastwatch  
 Keep Salem Beautiful  
 Zero Waste Arlington  
 Greening Greenfield  
 Zero Waste Melrose  
 Lee Greener Gateway Committee  
 Saugus Action Volunteers for the  
   Environment  
 Sheffield Saves  
 Shutesbury Recycling and Solid Waste  
   Committee  
 Sustainability Committee of Tyngsboro, MA  
 Wachusett Earthday, Inc.  
 Zero Waste Amherst  
 First Parish Church of Stow and  
   Acton Climate Task Force

\*Municipalities that have passed a resolution or endorsement letter motion in support of product stewardship.

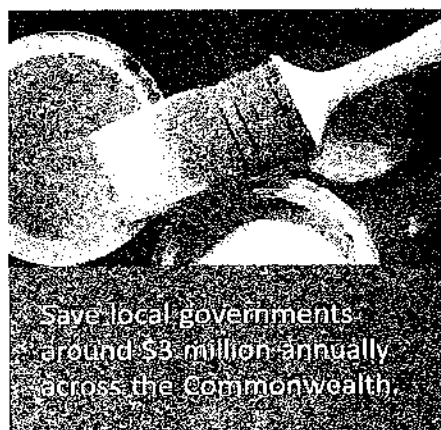


By passing a paint stewardship law, Massachusetts will:

**SAVE MUNICIPALITIES  
MONEY, SUPPORT LOCAL  
RECYCLERS, & PROTECT  
OUR ENVIRONMENT**

A paint stewardship law will make it easy for all Massachusetts residents to properly manage both oil-based and latex paint. Recycling paint through the PaintCare program, which the language from H.886/S.647 would establish, will lower disposal costs for taxpayers, keep our waterways clean, and reduce the amount of hazardous waste going to landfills and incinerators.

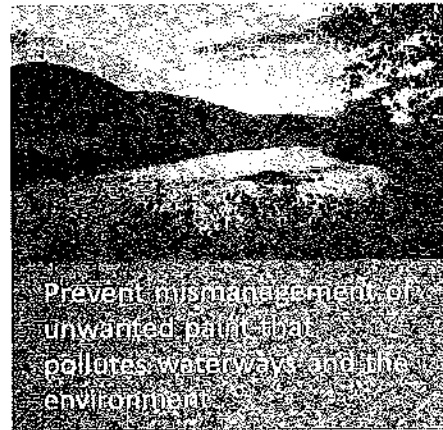
#### A PAINT STEWARDSHIP LAW WILL:



Save local governments  
around \$3 million annually  
across the Commonwealth.



Make paint recycling easy  
and free for all MA  
residents, including those  
living in rural areas.



Prevent mismanagement of  
unwanted paint that  
pollutes waterways and the  
environment.

#### HOW A PAINT STEWARDSHIP SYSTEM WORKS

A point-of-sale fee of less than \$1.25 per gallon is collected by all paint retailers. The collected funds are managed by a non-profit producer responsibility organization, which represents paint manufacturers. Funds are used to establish paint collection sites, transport paint for processing, and distribute public education materials on proper management of paint.

#### PRODUCT STEWARDSHIP IS A PROVEN SOLUTION

Twelve states & Washington, D.C. have implemented paint stewardship laws, including the neighboring states of NY, RI, CT, VT, and ME. According to the Product Stewardship Institute, a Boston-based non-profit, paint stewardship programs have saved governments and taxpayers nearly \$300 million, and established more than 2,300 collection sites, over 70% of which are at voluntary retail locations.

SEE REVERSE FOR A LIST OF SUPPORTING MUNICIPALITIES AND ORGANIZATIONS IN MASSACHUSETTS



Waneta Trabert  
MA Product Stewardship Council  
City of Newton DPW  
wtrabert@newtonma.gov

Sharon Byrne Kishida  
MA Product Stewardship Council  
Former MassDEP MAC  
sbkishida@gmail.com

For more  
information on  
paint stewardship  
laws, visit:  
[PaintCare.org](http://PaintCare.org)



## **Paint Stewardship Bills H.886 and S.647**

Thank you for this opportunity to share information about the environmentally important Paint Stewardship legislation that is once again before our legislature. My name is Tom Irwin. I live on Central Ave in Dalton, MA. I am a retired chemical engineer and physician who while a member of the Dalton Waste Management Committee was dealing with the same waste crisis municipalities across the state are dealing with, no landfill, hauling our waste out of state and dealing with the rapidly escalating cost of disposal. Paint Stewardship was discovered while looking for alternatives. The concept seemed perfect and after visiting CT, VT, and NY to confirm the program was well received by retailers and residents, I became an advocate for this legislation in MA.

### **Why is Paint Stewardship needed?**

Massachusetts generates 6.0 million tons of trash annually but only has 3.2 million tons of annual trash incineration capacity. The remaining trash needs to be landfilled, but with only 5 active municipal landfills in Massachusetts and no new landfills planned, the majority of the remaining trash needs to be hauled out of state to places as far away as Ohio and South Carolina. A Product Stewardship approach applied to waste streams such as paint, mattresses, and packaging, which are amenable to this approach, will help us begin decreasing this expensive burden.

### **What is Paint Stewardship?**

Paint Stewardship is a program that allows residents to discard unwanted liquid Latex and Oil-based paints at participating paint retail stores any day the stores are open without a disposal fee and without regard for where the paint was purchased. Participation by retailers is voluntary, and almost all small retailers do participate. The retailers collect the returned paint in totes and when a tote is full call PaintCare, the non-profit created by paint manufacturers to manage the discarded paint. PaintCare then picks up the full tote and hauls it to a paint reprocessing plant where the returned paint is rebled to like-new condition and sold to entities like Restore and Habitat for Humanity. The Consumer's part is paying an eco-fee of \$0.75 to \$1.25 per gallon at time of purchase. This program has been working well in 12 states including our neighboring states of CT, RI, ME, VT, and NY.

### **What benefits will your community see from Paint Stewardship?**

1. It will be a service your residents will value. The desire to recycle rather than discard has resulted in between 30% and 60% of unwanted paint returned to the Enfield, CT Sherwin Williams store coming from MA residents. This experience is felt by all 5 states surrounding Massachusetts that have the Paint Stewardship law
2. It will present no cost to municipalities or the state and will decrease HHW day costs
3. It will also significantly decrease a toxic waste that occurs more often than we would like when oil-based paint is discarded inappropriately
4. Paint Stewardship begins addressing the solid waste crisis by decreasing one category of waste going to our landfills.
5. It defines an approach based on involving of all stakeholders that will help future Product Stewardship legislation, if similarly drafted, successfully address additional larger items, such as mattresses, carpeting, electronic waste, rechargeable car batteries, and packaging.

### **Next Steps**

The Paint Stewardship Bills are once again under review by the Joint Committee on Environment & Natural Resources prior to being sent to the House Ways & Means Committee. To move this important legislation forward and get passed into law, a majority of the 351 municipalities across the State must demonstrate that addressing solid waste is a municipal priority. A strong, visible show of support will send a powerful message to the Ways & Means Committee and legislative leadership, encouraging them to act and bring the bill to a vote. For this reason, I respectfully urge the Select Board to consider including Paint Stewardship on an upcoming agenda and to consider adopting a resolution in support of this important Bill. This is a great opportunity to take the first step toward a cleaner, more sustainable future. Together we can ensure that this important legislation becomes a reality soon.

## What Products are Covered?

Updated – November 2023



Products covered by the PaintCare program and accepted for drop-off are defined as interior and exterior architectural coatings sold in containers of 5 gallons or smaller. They do not include aerosol coatings, industrial maintenance (IM), original equipment manufacturer (OEM), or specialty coatings.

### PaintCare Products

These products have a fee when purchased and are accepted for free at drop-off sites:

- Interior and exterior architectural paints: latex, acrylic, water-based, alkyd, oil-based, enamel (including textured coatings)
- Deck coatings, floor paints (including elastomeric)
- Primers, sealers, undercoaters
- Stains
- Shellacs, lacquers, varnishes, urethanes (single component)
- Waterproofing concrete/masonry/wood sealers and repellents (not tar or bitumen-based)
- Metal coatings, rust preventatives
- Field and lawn paints

### Non-PaintCare Products

These products do not have a fee when purchased and are not accepted at drop-off sites:

- Paint thinners, mineral spirits, solvents
- Aerosol coatings
- Auto and marine paints
- Art and craft paints
- Caulking compounds, epoxies, glues, adhesives
- Paint additives, colorants, tints, resins
- Wood preservatives (containing pesticides)
- Roof patch and repair
- Asphalt, tar and bitumen-based products
- 2-component coatings
- Deck cleaners
- Traffic and road marking paints
- Industrial Maintenance (IM) coatings
- Original Equipment Manufacturer (OEM) (shop application) paints and finishes

Containers that are leaking, empty, or without the original printed manufacturer's label are not accepted at drop-off sites.

## Retailer Participation as a Paint Collection Site is Voluntary!

In the table below, the number of paint retailers participating from year to year varies, indicating that retail stores are able to join or leave the program based on what best suits their business.

### SITES PARTICIPATING IN VERMONT'S YEAR-ROUND PAINT DROP-OFF PROGRAM\*

Site Type	2015	2016	2017	2018	2019	2020	2021	2022
HHW Facility	4	4	4	4	4	4	4	4
<b>Paint Retailer</b>	<b>63</b>	<b>64</b>	<b>63</b>	<b>65</b>	<b>67</b>	<b>73</b>	<b>75</b>	<b>69</b>
Recycling Center	1	1	1	1	1	1	1	1
Transfer Station	5	5	5	5	5	6	6	6
Total Sites	73	74	73	75	77	84	86	80

- - Data from Vermont's PaintCare Annual Reports.

## Those objecting to the Paint Stewardship legislation

The MRF in Springfield operated by the national corporation, Waste Management Recyclers of America, objects primarily to the plastics legislation that will extend the number of plastic bottles that will have a mandated deposit, which they feel will meaningfully decrease their profitability. Consequently, they have taken a position of opposition to all EPR legislation.

Lobbyist reports from the 2019-202 and 2021-2022 legislative sessions show both the Retailers Association of Massachusetts and the National Federation of Independent Business were opposed to the bill. During the 2019-2020 session the Northeastern Retail Lumber Dealers Association was also opposed. Their reasons were not available from these reports.

However, in a November 25, 2015 Lowell Sun article the interview of a VP of the Retailers Association of Massachusetts shared the Associations concerns about Paint Stewardship. (A similar interview was also reported in the April 17, 2023 Berkshire Eagle article.)

1. **Concern:** That passage of the paint stewardship bill could lead to similar recovery fees or takeback programs for an array of products, such as thermostats, tires, carpets, mattresses and televisions, potentially driving up consumer costs and burdening retailers.  
**Response:** Solid Waste disposal is a huge problem, and we certainly hope that paint stewardship is a model that helps eliminate other items from the solid waste stream and brings relief to communities. Additionally, implementing well thought out Stewardship programs like that for paint will save residents and communities money and is cost transparent to manufacturers. Also, a properly designed program, which includes retailer input in its creation, will also present minimum burden to retailers.
2. **Concern:** The stewardship program would hurt local paint sellers, putting them at a competitive disadvantage with internet sellers and stores in New Hampshire that do not charge sales tax or paint assessment fees.  
**Response:** A study by CT DEP showed that CT residents did not travel to Massachusetts to acquire paint without the fee. Internet paint sellers do collect the Paint Stewardship fee from residents of states with Paint Stewardship laws.
3. **Concern:** Most RAM members and most consumers would argue that this is not a fee at all, but rather a TAX.  
**Response:** The collected money does not go to the a State's general fund as a true tax would. Further PaintCare operates as a non-profit organization making no profit, which the state confirms through an annual 3<sup>rd</sup> party audit of PaintCare's financial records.
4. **Concern:** Smaller paint retailers, like Ace, TrueValue, Carr, Aubuchon or Sherwin Williams, will be disadvantaged by the law and will be compelled to participate whether they wish to or not.  
**Response:** Retailers and transfer stations participate on a voluntary basis. Loews, Home Depot, and Walmart typically decline participation and small retailers typically do become collection points. The smaller paint retailers in CT, NY, and VT that I have spoken to have found the program requires minimal effort and significantly increases their foot traffic, which they like. To become a collection site retailers or transfer stations must complete the simple 2-page application form on the PaintCare website.

Overall consumers in our neighboring states with Paint Stewardship find the minimal fee charged is more than offset by the ease of discarding unused paint. Our neighboring states all feel strongly that PaintCare is a benefit. The MassDEP believes that this program is essential to the success of their plan for a 90% reduction in waste by 2050.



APPLICATION FOR TOWN BOARDS, COMMITTEES, AND COMMISSIONS  
BILLERICA, MA

"GOOD GOVERNMENT STARTS WITH YOU"

If you are interested in in serving on an appointed Town committee, please fill out this form and mail to:

Select Board  
Billerica Town Hall  
365 Boston Road  
Billerica, MA 01821

Filling out this form in no way assures appointment. All vacancies will be filled by citizens deemed most qualified to serve in a particular capacity.

Applying for (please check one):

☒ Regular Member Only

☐ Alternate Member Only

☐ Will Accept Either

Name: Angela LoGuidice

Cell Home Phone: [REDACTED]

Address: [REDACTED]

Email Address: [REDACTED]

Amount of Time Available: \_\_\_\_\_

Interest in What Town Committees: Billerica Cultural Council

Present Business Affiliation and Work: Classroom Teacher

Business Experience: \_\_\_\_\_

Education or Special Training: I have been a member of the Council ~~previously~~ previously.

Date Appointed/Elected

Town Offices Held

Term Expired

Reason for Applying: They are in need of another member and I am happy to step in.

Signature: Angela LoGuidice

Date: 9/15/2025

☒ Please Note: All Appointees of the Select Board are required to read the Code of Conduct. By checking this box, you agree to adhere to the Code of Conduct set forth by the Select Board Policies and Procedures, Section 38.0.



## MEMORANDUM

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**TO:** Select Board

**FROM:** Christopher Dillon, Acting Town Manager

**SUBJECT:** Town Manager's Report, September 22, 2025

**DATE:** September 19, 2025

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The focus of this Town Manager's report is to address questions from a previous Board meeting regarding roads and sidewalks. Prior to reporting on Kelley Conway's memo (attached), I did want to update the Board on a few other items. Although Fred and Kelley cannot attend the September 22<sup>nd</sup> meeting, I can have them attend the meeting on October 6<sup>th</sup> should the board like to discuss items further.

### **Free Cash, Water and Wastewater Retained Earnings Certified**

Earlier this week, the Town's Free Cash, Water and Wastewater retained earnings were certified by the State. Free Cash was certified at \$5,362,862. The Water Retained Earnings was certified at \$1,642,414 and Sewer or Wastewater at \$3,502,299. I believe you should have received the documents from the State, but if you did not please let us know so we can have you added to the distribution list.

### **Planning and Economic Development**

I would like to take a second to recognize Katherine Malgieri and also Mark LaLumiere who are working tirelessly on keeping and attracting businesses to the Town of Billerica. I have sat in numerous meetings since I started with them and business owners to ensure the Town is meeting their needs and working with others to promote what our community has to offer. A few items the Board should be aware of include:

- The grant application for a Rt 3 Corridor Study should be announced in the next few weeks. If awarded, this grant would pay for a consultant to further study the Route 3 corridor study and to see what other actions may be necessary to attract development at key locations.
- Business in Focus magazine has published a feature on Billerica, highlighting the commercial and capital facilities projects done in town over the last 10 years. A second publication (also a national B2B) is in the drafting phase.
- Small Business Administration (SBA) is working with staff to host an educational event to attract more manufacturing jobs. Event will include information like how to access capital and technical assistance. An exhibitor hall will also be open. Tentative date: November 18<sup>th</sup>.
- A global company in town (with over 400 jobs currently) is outgrowing their space. They have conducted a "Stay or Go" assessment and are considering leaving Billerica instead of building on to what they have here. If they stay, the expansion will create 200 additional jobs. Additional discussion at a future Select Board meeting is expected.



## Department of Public Works – Engineering Division

Town Hall, 365 Boston Road, Billerica, Massachusetts 01821  
PH: (978) 671-1300

Frederick W. Russell, PE, Director  
Kelley J. Conway PE, Town Engineer

### MEMORANDUM

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To: Christopher Dillon

From: Frederick Russell  
Kelley Conway

Date: September 5, 2025

Re: Responses to Questions from SB Member Favreau

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#### **Complete Streets Policy:**

1. Has the Town conducted the required annual reviews of the Complete Streets Policy since its adoption in 2017? If so, where can those reports be accessed?

To my knowledge, there have not been annual reviews. Changes are not needed at this time; the policy is still valid, and we are still in compliance with the Complete Streets Program. Suggest modifying language in policy to state “as needed” instead of “annually,” similar to other Town policies.

2. Has the Town completed a town-wide sidewalk inventory and maintenance plan, as specifically required by the policy? I could not find any documentation confirming that this inventory has been done, which is critical for prioritizing repairs and ensuring safe access for all users.

In 2020, the Town developed a [Sidewalk Inventory and Assessment.pdf](#) and a [Curb Ramp Inventory and Assessment.pdf](#).

3. Are Complete Streets principles being consistently applied to roadway management? If so, how is compliance with the Complete Streets Policy documented in current and upcoming infrastructure plans and projects?

Yes, our annual paving program and other Town roadway projects comply with the Town’s Complete Streets policy.

4. Have Complete Streets considerations been incorporated into Community Development Block Grant (CDBG) or MassWorks Infrastructure Program applications? Both programs prioritize walkability, accessibility, and connectivity, and alignment with Complete Streets principles can directly impact eligibility and competitiveness for these funding opportunities.

There are no current applications in progress but yes, meeting complete streets guidelines would be important to include in any of these applications.

**Town-wide Sidewalk Inventory and Maintenance Plan:**

1. Does this inventory and maintenance plan exist? If so, where is it located and how can it be accessed? And how often is it reviewed and updated?

In 2020, the Town developed a [Sidewalk Inventory and Assessment.pdf](#). Our current policy is to perform maintenance on existing sidewalks in conjunction with our annual paving program. The document has not been updated since development. We are in the process of moving to a PeopleGIS platform for roads, sidewalks and ramps. This should give us a starting point for more regular updates of this data.

2. If not, can we develop one? And what would be the ETA on having it completed?

**Paving Plan and Budget:**

1. Billerica Venture Sidewalk \$450,000 – What is Billerica Venture Sidewalk and how is the \$450K funded? What is the source of the funding and how is it being allocated?

This is a 2019 payment from Alliance Residential (developer for what is now the Val) for sidewalks on Middlesex Turnpike.

2. Complete Streets grant \$500,00 - Since Billerica did not apply for the Complete Streets grant in the most recent funding round, do any adjustments need to be made to the FY26 budget to reflect the absence of those anticipated grant funds?

In January 2025, we received a \$500,000 award from the Complete Streets Program for a sidewalk on Middlesex Turnpike. We had a prior award in January 2020, where we received \$378,320 for work on Glad Valley Drive and Campbell Road. Under the current program, a municipality may receive a maximum of \$500,000 in Tier 3 grant funding on a rolling four-fiscal-year basis. In other words, municipalities may receive one full (\$500,000) grant or several smaller grants within any four-fiscal-year timeframe (FY2023-2026). Billerica is maximizing our participation in this program.

3. Estimated Chapter 90 Funding \$ 1,000,000 – The Governor recently announced the apportionment of Chapter 90 funds for FY26 with a significant increase to the town under the new formulas. Of the \$300M base increase apportionment, Billerica will receive \$1,969, 001.30 and of the \$80M supplemental apportionment that was just passed under the Fair Share Supplemental bill, Billerica will receive \$526,094.52 for a total of \$2,495,095.82 in Chapter 90 funding for FY26. Since we only budgeted \$1M, do we need to adjust these figures in the budget that town meeting approved



to reflect the \$2.49M in funding? If not, why, and how/where are these changes captured for future reference and transparency?

On July 29, 2025, the Town received notification that these funds are available to be allocated to projects. Annual road projects are developed in fall/winter for the following year's construction. These funds are anticipated to be used during next construction season.

4. More broadly, I found it difficult to locate key information on the Town's paving and preservation efforts. The Paving and Preservation Plan and Roadway Management data are housed across separate pages on the Town's website, making it difficult to access and understand the status of projects or planned improvements. By contrast, surrounding towns present their roadway and sidewalk information, including project schedules, status updates, and timelines for completion, all in one centralized location. This greatly improves transparency and ease of access for the public, and I believe Billerica could benefit from adopting a similar approach. Can we explore ways and come up with a plan to consolidate and streamline the information on paving and sidewalk improvements, so it is publicly available in an easy-to-access central webpage, that includes project statuses, schedules, and timelines to enhance public transparency and engagement?

The Town's new website will give us the opportunity to improve in this area.



## MEMORANDUM

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**TO:** Select Board

**FROM:** Christopher Dillon, Acting Town Manager

**SUBJECT:** Police Station Design

**DATE:** September 19, 2025

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The Preliminary Warrant for fall Town Meeting included a \$11,000,000 appropriation in Article 17 to Fund the Construction of the Billerica Police Headquarters Renovation. You will recall the Chief and members of his staff attended the August 11, 2025, Board meeting to discuss the findings of their feasibility study. During that presentation, there were two options presented regarding renovations to the station to address the needs of the department. The Board seemed supportive but asked how this would impact debt stabilization and if we could afford the project.

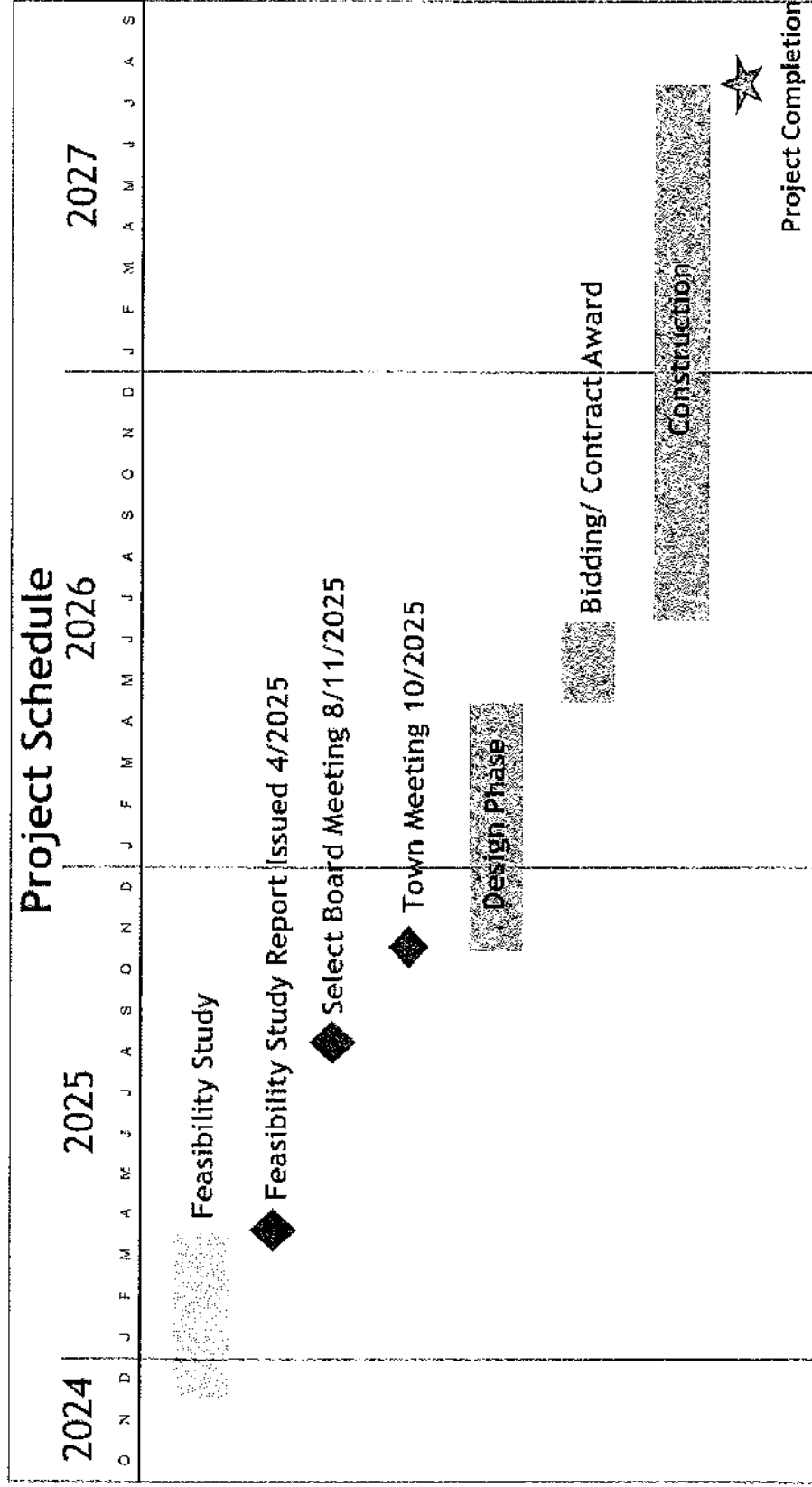
As an acting Town Manager, I did not feel it was my place to set a direction for the Town a different manager may not agree with. In my current role, I recommend and believe the best path forward for the Town/Police Department is to use \$640,000 in Free Cash for design work for the Police Department.

If you review the presentation from the August Board meeting, the last slide included a schedule for the project to move forward. After consulting with staff and consultants, if we execute the design phase of the project, it will provide a better estimate and plan for the Police renovations. I am not comfortable with asking for \$11,000,000 for renovations based on a feasibility study.

Therefore, I am recommending we fund the design work for the Police Department Renovations out of free cash (\$640,000) while reviewing, evaluating current projects and possibly modifying the current capital plan to address the most urgent needs.

Chief Frost will be attending Monday's meeting and between him and I, we would be happy to answer any questions the Board may have.

# Billerica Police Headquarters Feasibility Study Schedule



# **TOWN OF BILLERICA**

## **PRELIMINARY WARRANT**



## **ANNUAL FALL TOWN MEETING**

**Annual Fall Town Meeting  
Tuesday, October 7, 2025 at 7:00 PM**

**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 Committee			Select Board	Reserves Recommendation
2	To Hear Reports of Town Committees & Officers			Town Manager; authorized by Select Board	Reserves Recommendation

*Financial Articles*

3	Fiscal Year 2026 Budget Amendment	\$6,000,000	Raise & Appropriate	Town Manager; authorized by Select Board	Reserves Recommendation
4	To Vote a Sum of Money from Free Cash and Retained Earnings to the Debt Stabilization Fund	\$1,800,000	Transfer & Appropriate from General Fund Free Cash & Retained Earnings	Town Manager; authorized by Select Board	Reserves Recommendation
5	To Transfer and Appropriate a Sum of Money from the Town Debt Stabilization Fund to Fund the Debt Service Budget	\$6,000,000	Transfer & Appropriate from Town Debt Stabilization Fund	Town Manager; authorized by Select Board	Reserves Recommendation
6	To Vote from Free Cash to the Land Bank Account	\$6,000,000	Transfer & Appropriate from General Fund Free Cash	Select Board	Reserves Recommendation
7	Community Preservation Committee Appropriation Recommendations	\$63,245	Transfer from Community Preservation Fund	Community Preservation Committee	Reserves Recommendation
8	To Fund Collective Bargaining Agreement – School Teachers		Raise & Appropriate or Transfer from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation
9	To Fund Collective Bargaining Agreement – School Paraprofessionals		Raise & Appropriate or Transfer from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
10	To Fund Collective Bargaining Agreement – School Administrators		Raise & Appropriate or Transfer from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation
11	To Fund Collective Bargaining Agreement – School Custodial		Raise & Appropriate or Transfer from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation
12	To Fund Collective Bargaining Agreement – School Clerical		Raise & Appropriate or Transfer from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation
13	To Fund Collective Bargaining Agreement – School Cafeteria		Raise & Appropriate or Transfer from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation
14	To Fund Collective Bargaining Agreement for IAEP Police EMT's and Paramedics		Raise & Appropriate or Transfer from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
15	To Fund Fiscal Year 2026 Town Capital Budget	\$6,000,000	Transfer & Appropriate from Available Funds	Town Manager; authorized by Select Board	Reserves Recommendation
16	To Fund Fiscal Year 2026 School Capital Budget	\$6,000,000	Raise & Appropriate or Transfer from Available Funds	Superintendent; authorized by School Committee	Reserves Recommendation
17	To Fund the Construction of the Billerica Police Headquarters Renovation	\$11,000,000	Raise & Appropriate, Transfer or Borrow	Town Manager; authorized by Select Board	Reserves Recommendation
18	To Fund the 250th Celebration in July 2026	\$25,000	Transfer & Appropriate from General Fund Free Cash	250 <sup>th</sup> Committee	Reserves Recommendation
19	To Fund the Requirements for Street Acceptance	\$50,000	Transfer & Appropriate from General Fund Free Cash	Town Manager; authorized by Select Board	Reserves Recommendation
20	To Fund Construction of 2-inch Water Main Replacements and Looping of Dead-End Water Mains	\$3,000,000	Borrow	Town Manager; authorized by Select Board	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
21	To Fund Cost Over-Runs on the Entry, Cleaning and Lining of the Diesel Fuel Tanks for the Town Fleet	\$75,000	Transfer from General Fund Free Cash	Town Manager; authorized by Select Board	Reserves Recommendation
22	To Provide Additional Funds for the Restoration of the Crosby Hill and Boston Road Water Storage Tanks	\$2,500,000	Borrow	Town Manager; authorized by Select Board	Reserves Recommendation
23	To Fund Roof Replacement for the Administration and Sludge Buildings at the Wastewater Treatment Plant	\$690,000	Raise & Appropriate, Transfer or Borrow from Wastewater Retained Earnings	Town Manager; authorized by Select Board	Reserves Recommendation
24	To Fund the Design of the Darby Street and Waterview Avenue Sewer Pump Station Rehabilitation Projects	\$500,000	Raise & Appropriate, Transfer or Borrow from Wastewater Retained Earnings	Town Manager; authorized by Select Board	Reserves Recommendation
25	To Fund Hydrant and Valve Replacements	\$100,000	Transfer & Appropriate from Water Retained Earnings Enterprise Fund	Town Manager; authorized by Select Board	Reserves Recommendation
26	To Vote from Free Cash to the Debt Stabilization Fund	\$6,000,000	Raise & Appropriate or Transfer from General Fund Free Cash & Enterprise Fund Retained Earnings	Finance Committee	Reserves Recommendation
27	To Vote from Free Cash to the Stabilization Fund	\$6,000,000	Raise & Appropriate or Transfer from General Fund Free Cash & Enterprise Fund Retained Earnings	Finance Committee	Reserves Recommendation
28	To Vote from Free Cash to the Land Bank Account	\$6,000,000	Raise & Appropriate or Transfer from General Fund Free Cash & Enterprise Fund Retained Earnings	Finance Committee	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
29	To Vote from Free Cash A Sum of Money to be Applied or Expended for the Purpose of Reducing the Fiscal Year 2026 Tax Levy		Transfer from General Fund Free Cash & Enterprise Fund Retained Earnings	Finance Committee	Reserves Recommendation

*Land Use and Easements Articles*

30	To Grant an Easement to National Grid for Electric Distribution			Town Manager; authorized by Select Board	Reserves Recommendation
31	To Vote to Deed Certain Town-Owned Parcels to the Conservation Commission			Open Space and Recreation Committee	Reserves Recommendation

*Charter Amendment*

32	Charter Amendment to Ensure all Referendum Elections are Decided by a Majority Vote			Select Board Member Daniel Darris-O'Connor	Reserves Recommendation
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*General By-Law Articles*

33	To Vote to Amend the Zoning By-Law Section 7.6 (B)			Planning Board	Reserves Recommendation
34	To Vote on an Act Authorizing the Town of Billerica to Establish an Age Limit for Original Appointment to the Position of Police Officer			Town Manager; authorized by Select Board	Reserves Recommendation
35	To Vote to Amend the Zoning By-Law Table of Use Regulations, Section 6.3, Appendix A			Planning Board & Select Board Member Michael Rosa	Reserves Recommendation
36	Amend Article IV, Section 1, Snow Removal 1.1(B)			Select Board Member Daniel Darris-O'Connor	Reserves Recommendation



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

37	To Vote to Accept Chapter 60, Section 3F of the Massachusetts General Laws			Veterans Director Donnie Jarvis	Reserves Recommendation
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*Petitioner Articles*

38	Petitioner Article (To Amend Zoning By-Laws and Zoning Map)				Reserves Recommendation
39	Petitioner Article (To Amend Zoning By-Laws and Zoning Map)				Reserves Recommendation

**PRELIMINARY WARRANT  
OCTOBER 7, 2025  
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 7, 2025 at 7:00 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 COMMITTEE**

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

Submitted by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 1 Explanation: The Bowers Fund Committee 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 \$7,573.07 and the principal balance is \$161,285.59. The Town Meeting appoints members to the Bowers Fund Committee. Committee member Marie O'Rourke's term is expiring in October of 2025 and she is requesting that she be reappointed for another 5-year term.

**ARTICLE 2 - TO HEAR REPORTS OF TOWN MEETING COMMITTEES AND OFFICERS**

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

Submitted by the Town Manager; authorized by the Select Board

*Finance Committee has not yet made final recommendation.*

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

**ARTICLE 3 - FISCAL YEAR 2026 BUDGET AMENDMENT**

To see if the Town will vote to raise and appropriate the sum of \$6,000,000 to amend various budgets for Fiscal Year 2026; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

*Finance Committee has not yet made final recommendation.*

Article 3 Explanation: This article is currently a placeholder.

**ARTICLE 4 - TO VOTE A SUM OF MONEY FROM FREE CASH AND  
RETAINED EARNINGS TO THE DEBT STABILIZATION FUND**

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

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 4 Explanation: The Town, through the Select Board, has re-established a Debt Stabilization Policy that sets the appropriation from the tax levy year to year due to increased Capital demands.

**ARTICLE 5 - TO TRANSFER AND APPROPRIATE A SUM OF MONEY FROM  
THE TOWN DEBT STABILIZATION FUND TO FUND THE DEBT SERVICE  
BUDGET**

To see if the Town will vote to transfer and appropriate the sum of \$6,000,000 the Town Debt Stabilization Fund to fund the Debt Service Budget; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

*Finance Committee has not yet made final recommendation.*

Article 5 Explanation: This article is intended to address the Debt Stabilization Policy. This number is currently a placeholder.

**ARTICLE 6 - TO VOTE FROM FREE CASH TO THE LAND BANK ACCOUNT**

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

Submitted by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 6 Explanation: The Land Bank Account was established by special legislation. The balance as of June 30, 2025, of the Town Land Fund is \$422,164.49.



**ARTICLE 7 - COMMUNITY PRESERVATION COMMITTEE  
APPROPRIATION RECOMMENDATIONS**

To determine whether the Town will vote to transfer from the Community Preservation Fund or otherwise fund for community preservation purposes the sum of \$63,245 shown below for the referenced projects; and in connection therewith to authorize the Select Board to acquire any interests in land that may be necessary to effectuate the purposes of this vote, or to grant any interests in land as may be necessary to comply with M.G.L. c.44B; and further, to authorize the Select Board to execute any documents or instruments necessary to effectuate the purpose of this article; all in accordance with Massachusetts General Laws c. 44B or other applicable law; with sums appropriated hereunder to be expended under the direction of the Town Manager; or act in relation thereto.

Recreation		
Project	Funding Source	Amount
Kids Konnection Playground	Undesignated Fund Balance	\$19,495
Historic Resources Inventory Phase 1	Undesignated Fund Balance	\$43,750

Submitted by the Community Preservation Committee

***Finance Committee has not yet made final recommendation.***

Article 7 Explanation: The Community Preservation Committee has recommended that the Town spend Community Preservation Funds on the Kids Konnection Playground and conducting Phase 1 of the Historic Resources Inventory.

**ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT -  
SCHOOL TEACHERS**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO; or act in relation thereto.

Submitted by the School Superintendent; authorized by the School Committee

*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 -  
SCHOOL PARAPROFESSIONALS**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Federation of Teachers, Local 1677, AFT-MA, AFT, AFL-CIO; or act in relation thereto.

Submitted by the School Superintendent; authorized by the School Committee

*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 -  
SCHOOL ADMINISTRATORS**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators; or act in relation thereto.

Submitted by the School Superintendent; authorized by the School Committee

***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 -  
SCHOOL CUSTODIAL**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money 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 School Superintendent; authorized by the School Committee

***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 COLLECTIVE BARGAINING AGREEMENT -  
SCHOOL CLERICAL**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money 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, Clerical Employees; or act in relation thereto.

Submitted by the School Superintendent; authorized by the School Committee

***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 CAFETERIA**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money 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 School Superintendent; authorized by the 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 - IAEP  
POLICE EMT'S AND PARAMEDICS**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town of Billerica and the IAEP (International Association of EMT's and Paramedics); or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

*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 FUND FISCAL YEAR 2026 TOWN CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from various funds the sum of \$6,00,000.00 to fund the Town Capital Budget as follows; or act in relation thereto:

To transfer and appropriate from General Fund Free Cash the sum of \$420,000 for the purchase and equipping of the following department vehicles and capital expenses including an ambulance for Emergency Management Services:

**Emergency Management**

Ambulance	\$420,000
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To transfer and appropriate from Wastewater Retained Earnings the sum of \$30,000 for the purchase and equipping of the following department vehicle:

**DPW Wastewater**

Arctic Cat UTV	\$30,000
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Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 15 Explanation: This article is a placeholder. These decisions will be made when the Free Cash numbers become available prior to Town Meeting.

**ARTICLE 16 - TO FUND FISCAL YEAR 2026 SCHOOL CAPITAL BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,000,000 to fund the Fiscal Year 2026 School Capital Budget; or act in relation thereto.

Submitted by the Superintendent; authorized by the School Committee

***Finance Committee has not yet made final recommendation.***

Article 16 Explanation: This article is a placeholder. These decisions will be made when the Free Cash numbers become available prior to Town Meeting.

**ARTICLE 17 - TO FUND THE CONSTRUCTION OF THE BILLERICA POLICE HEADQUARTERS RENOVATION**

To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$11,000,000 to pay for the design, engineering and construction of renovation to the Billerica Police Headquarters, including the payment of all costs incidental and related thereto; and that to meet this appropriation the Treasurer, with approval of the Select Board, be authorized to borrow the sum of \$11,000,000 under and pursuant to the provisions of M.G.L. Chapter 44, Section 7, and or any other enabling authority; and further, to authorize the Select Board to execute such documents and enter into such agreements as it deems in the best interest of the Town in the furtherance of the objectives of this article; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee recommends approval.***

Article 17 Explanation: In the Fall of 2024, the Town conducted a feasibility study of the Billerica Police Headquarters to identify the needs of the department and designed a renovation to address those needs. This article will fund the construction of renovating the Billerica Police Headquarters.

Currently, the Police Department has large areas of underutilized space while other areas have grown and are unable to accommodate demand. Women's locker rooms are undersized, Shift Commanders have very little space, the briefing room is oversized, paramedic sleeping quarters about the prisoners, dispatch has vacated the first floor and records are dispersed throughout the building.

**ARTICLE 18 - TO FUND THE 250<sup>TH</sup> CELEBRATION IN JULY 2026**

To see if the Town will vote to transfer and appropriate from General Fund Free Cash the sum of \$25,000 for the 250<sup>th</sup> anniversary Celebration next July including planning, vendor costs, fireworks, or act in relation thereto.

Submitted by the 250<sup>th</sup> Committee

***Finance Committee has not yet made final recommendation.***

Article 18 Explanation: This article proposes to appropriate money from General Fund Free Cash for the 250<sup>th</sup> anniversary Celebration in July 2026.



**ARTICLE 19 - TO FUND THE REQUIREMENTS FOR STREET ACCEPTANCE**

To see if the Town will vote to transfer and appropriate from General Fund Free Cash the sum of \$50,000 for the development of Street Acceptance Plans, including survey and associated work for unaccepted roads, or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 19 Explanation: This article proposes to appropriate money from this source to fund the development of Street Acceptance Plans to support accepting additional streets. This was done previously in an Article in Spring 2018.

**ARTICLE 20 - TO FUND CONSTRUCTION OF 2-INCH WATER MAIN REPLACEMENTS AND LOOPING OF DEAD-END WATER MAINS**

To see if the Town will vote to borrow the sum of \$3,000,000 to fund the construction of 2-inch water main replacements and looping of dead-end water mains; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 20 Explanation: This article proposes to borrow money to fund the construction of 2-inch water main replacements and looping of dead-end water mains. Locations have been developed from an update of the water distribution model and analysis of 2 inch and dead-end mains.

**ARTICLE 21 - TO FUND COST OVER-RUNS ON THE ENTRY, CLEANING  
AND LINING OF THE DIESEL FUEL TANKS FOR THE TOWN FLEET**

To see if the Town will vote to transfer the sum of \$75,000 from General Fund Free Cash, to fund the cost over-runs for the entry, cleaning, lining, engineering services, and any other services related to the completion of the Diesel Fuel Storage Tank Project for the Town Fleet and to be spent under the direction of the Town Manager and in conjunction with the DPW Director; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 21 Explanation: In FY25 - the Town appropriated \$80,000 for this work, however after receiving the bids for the work the cost was far greater than what had been anticipated. Therefore, the Town needs these additional funds to complete the work.

**ARTICLE 22 - TO PROVIDE ADDITIONAL FUNDS FOR THE RESTORATION OF THE CROSBY HILL AND BOSTON ROAD WATER STORAGE TANKS**

To see if the Town will vote to borrow a sum of \$2,500,000 for bidding and construction for the complete restoration of the Boston Road Water Storage Tank and partial restoration of the Crosby Hill Water Storage Tank, including any costs incidental or related thereto, and that to meet this appropriation the Treasurer, with approval of the Select Board, be authorized to borrow the sum of \$2,500,000 under and pursuant to the provisions of G.L. Chapter 44,. Section 7, or any other enabling authority, and further, to authorize the Select Board to execute such documents and enter into such agreements as it deems in the best interest of the Town in furtherance of the objectives of this article; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 22 Explanation: This article proposes to appropriate money from this source to fund complete restoration of the Boston Road Water Storage Tank and partial restoration of the Crosby Hill Water Storage Tank to improve water quality in accordance with American Water Works Association best practices. Previous funding was in an Article in Spring 2023.

**ARTICLE 23 - TO FUND ROOF REPLACEMENT FOR THE  
ADMINISTRATION AND SLUDGE BUILDINGS AT THE WASTEWATER  
TREATMENT PLANT**

To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$690,000 from Wastewater Retained Earnings, to fund the replacement of the Administration Building and Sludge Building roofs including any costs incidental or related thereto; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 23 Explanation: This article proposes to approve funding for the roof replacement of the Administration and Sludge Buildings in accordance with the Assessment Report prepared by the Garland Companies in 2024.

**ARTICLE 24 - TO FUND THE DESIGN OF THE DARBY STREET AND  
WATERVIEW AVENUE SEWER PUMP STATION REHABILITATION  
PROJECTS**

To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$500,000 to fund the design of the Darby Street and Waterview Avenue Sewer Pump Station Rehabilitation Projects; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

*Finance Committee has not yet made final recommendation.*

Article 24 Explanation: Funding under this article will convert Waterview Avenue pump into a duplex submersible station, as recommended in the Comprehensive Wastewater Management Plan, and include a stand-by pump and backup power. Darby Avenue pump station improvements/upgrades include pump equipment replacement, SCADA upgrades, electrical and instrumentation upgrades (including generator and VFDs), upgrades to the existing building, rehabilitation of the existing wet and dry wells, and HVAC upgrades to fix the corrosion in the dry well.



**ARTICLE 25 - TO FUND HYDRANT AND VALVE REPLACEMENTS**

To see if the Town will vote to transfer and appropriate the sum of \$100,000 from the Water Retained Earnings Enterprise Fund for the purchase and installation of replacement hydrants and valves in the Water Distribution System, including the payment of all costs incidental and related thereto; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee recommends approval.***

Article 25 Explanation: Under this article existing fire hydrants and water main valves will be replaced throughout the Water Distribution System as required.

**ARTICLE 26 - TO VOTE FROM FREE CASH TO THE DEBT STABILIZATION FUND**

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

Submitted by the Finance Committee

***Finance Committee has not yet made final recommendation.***

Article 26 Explanation: The purpose of this fund is to set aside money to be used to fund the Town's Debt Policies. The balance as of June 30, 2025 of the Debt Stabilization Fund is \$26,025,201.91. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2025.

**ARTICLE 27 - TO VOTE FROM FREE CASH TO THE STABILIZATION FUND**

To see if the Town will vote to raise and appropriate or transfer from General Fund Free Cash and Enterprise Fund Retained Earnings 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 27 Explanation: The purpose of this fund is to set money aside to be used at a later time for unforeseen or unanticipated circumstances. The balance as of June 30, 2025 of the Stabilization Fund is \$6,175,033.96 for the Town and \$964,456.24 for the School Department. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2025.

**ARTICLE 28 - TO VOTE FROM FREE CASH TO THE LAND BANK ACCOUNT**

To see if the Town will vote to raise and appropriate or transfer from General Fund Free Cash and Enterprise Fund Retained Earnings 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 28 Explanation: The Land Bank Account was established by special legislation. The balance as of June 30, 2025 of the Town Land Fund is \$422,164.49. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2025.

**ARTICLE 29 - TO VOTE FROM FREE CASH A SUM OF MONEY TO BE  
APPLIED OR EXPENDED FOR THE PURPOSE OF REDUCING THE FISCAL  
YEAR 2026 TAX LEVY**

To see if the Town will vote to transfer from General Fund Free Cash and Enterprise Fund Retained Earnings a sum of money to be applied or expended for the purpose of reducing the Fiscal Year 2026 Tax Levy; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 29 Explanation: To be presented at Town Meeting. At the time this warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2025.

**ARTICLE 30 - TO GRANT AN EASEMENT TO NATIONAL GRID FOR ELECTRIC DISTRIBUTION**

To see if the Town will vote to authorize the Select Board to grant an easement to National Grid for 250 Treble Cove Road (DPW Facility) and 270 Treble Cove Road (Water Treatment Plant); or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 30 Explanation: The Town has granted a license agreement to National Grid for this location. This article authorizes the Select Board to establish a permanent easement for Electric Service to the Water Treatment Plant and DPW Facility.

**ARTICLE 31 - TO VOTE TO DEED CERTAIN TOWN-OWNED PARCELS TO THE CONSERVATION COMMISSION**

To see if the Town will vote to transfer the care, custody, management and control of the parcels listed below from the Select Board to the Conservation Commission, for conservation purposes, to support the goals of the Open Space and Recreation Plan Committee; or act in relation thereto.

**Parcels for Conservation Status Are:**

Map 93, Parcels 30-0, 32-0, and 41-0  
Map 85, Parcels 50-0, 51-0, 54-0, 55-0, 58-1, 60-0, 62-0, 154-0, 155-0, 215-0, 248-0, and 255-0  
Map 76, Parcels 37-0, 38-0, 39-0, 42-0, 44-0, 65-0, 66-0, and 67-0, 58-0 and 215-0  
Map 59, Parcels 76-0, 80-0, and 85-0  
Map 60, Parcels 102-0, 111-0, 113-1, 113-2, 114-0, and 115-1  
Map 31, Parcels: 82-0, 102-0, 104-0, 106-0, 108-0, 109-0, 113-0, 115-0, 243-0, 142-0, 129-0, and 128-0  
Map 40, Parcels 65-0 and 66-0  
Map 98, Parcels 30-0, 31-0, 41-0, 42-0, 43-0, 44-0, 45-0, 46-0, 47-0, 50-0, 51-0, 56-0, 57-0, 58-1, 58-2, 59-0, 61-0, 62-0, 63-0, 65-0, and 66-2  
Map 90, Parcels 119-0, 121-0, and 218-0  
Map 94, Parcels 55-0 and 56-0  
Map 102, Parcels 22-0 and 1-0

Submitted by the Open Space and Recreation Committee

***Finance Committee has not yet made final recommendation.***

**Article 31 Explanation:** In the Spring of 2025, a team of Tufts University's Urban and Environmental Policy and Planning graduate students reviewed the town-owned parcels in town (approximately 800 properties) and how they align with conservation characteristics (wildlife, wetlands, soil attributes, etc). The result is a report which recommends which properties are more suitable for conservation than others. The most suitable properties should be placed into conservation and protection with the "most suitable" meaning that the soil attributes and proximity for wildlife and vernal pool connections without other development existing scored highest of all town-owned parcels. There were a total of 27 parcels with such perfect scores. All 27 properties are similar: riverfront access with a high presence of wetlands. Additional town-owned properties surround those lots and should also be included.



**ARTICLE 32 - CHARTER AMENDMENT TO ENSURE ALL REFERENDUM ELECTIONS ARE DECIDED BY A MAJORITY VOTE**

To see if the Town will vote, pursuant to M.G.L. Chapter 43B, Subsection 10, to amend the Town Charter, Section 2-13 Referendum Procedures, Subsection (e) Election, by inserting the fold underlined text and deleting the strike through text as follows; or act in relation thereto:

- (e) Election – All votes upon any question so submitted shall be taken by ballot, and the conduct of such election shall be in accordance with the provisions of law relating to elections, generally. ~~The questions so submitted shall be determined by a vote of the same proportion of the voters voting thereon as would have been required for the matter to be adopted by the Representative Town Meeting.~~ **The questions so submitted shall be determined by a majority vote.** Provided, however that no vote the effect of which is the reverse of the vote taken at the Representative Town Meeting shall be operative unless at least twenty percent of the total number of persons registered to vote as of the date of the preceding Town Election shall have participated in the Special Election.

Submitted by Select Board Member Daniel Darris-O'Connor

***Finance Committee has not yet made final recommendation.***

Article 32 Explanation: Section 2-13 Subsection (e) Election of the Billerica Town Charter establishes certain election procedures for referendum elections.

Under the current version of this subsection, any referendum of an action by Representative Town Meeting must be passed by the “Same proportion of the voters voting thereon as would have been required for the matter to be adopted by the Representative Town Meeting”.

This means that if an action by Representative Town Meeting requires a two-thirds vote to pass is taken to a referendum, a two-thirds vote of the voters-at-large would also be required for the action to pass. This has the potential to lead to situations where an article could be “rejected”, even if over 65% of voters support it.

This article proposes a charter amendment that would ensure that all referendums are decided by a simple majority vote. If a majority of voters vote “No”, the article would fail. If a majority of voters vote “Yes”, the article would pass.

Note: An action to approve this article will not directly amend the Charter. It will only initiate the Charter amendment process. Ultimately, it is up to the voters-at-large to decide whether or not to adopt a charter amendment at the next Annual Town Election.

**ARTICLE 33 - TO VOTE TO AMEND THE ZONING BY-LAW SECTION 7.6(B)**

To vote to amend the Required Findings for Dog Daycare special permits in Section 7.6(B) of the May 2025 Zoning By-Laws as follows; or act in relation thereto:

**7.6 Business and Commercial Uses; Services****B. Dog Daycare or Dog Training. Required Findings:**

1. The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited to client traffic and parking effects.
2. ~~There is a maximum of 15 dogs at any one time on the premises in the General Business District, nor more than 20 dogs at a time on the premises in the Industrial District.~~  
**The business must maintain a Kennel License in good standing, pursuant to Massachusetts General Law, c140, §137A.**
3. There is a minimum of 1,000 square feet of interior gross floor area in the General Business District and a minimum of 1,500 square feet in the Industrial District.
4. There is a minimum of 1,000 square feet of exterior space in the General Business District and a minimum of 1,500 square feet of exterior space in the Industrial District, enclosed by an eight-foot non-chain link fence with the finished surface facing in and a similar gate for the dogs to exercise.
5. An attendant is on the premises at all times when there are dogs at the site.
6. There are no dogs on the site before ~~7:00~~ **6:30** a.m. or after 9:00 p.m. in the General Business District or before 6:00 a.m. or after 10:00 p.m. in the Industrial District.
7. ~~For Dog Training, there shall be no outside on-premises training.~~

Submitted by the Planning Board

***Finance Committee has not yet made final recommendation.***

Article 33 Explanation: Dog daycare businesses are currently limited to a set maximum number of dogs on site, regardless of the size of property or any operational considerations. Kennel licensing is required for these businesses per State Law, Chapter 140, Section 137A. Such licensing is filed with Town Clerk's Office and reviewed and inspected by Animal Control Office. These licenses are renewed annually and include a determination for the maximum number of dogs allowed at the site. The licensing may be a better indicator of how many dogs should be allowed on site instead of zoning. Zoning control remains in effect for perceived noise or nuisance under Required Finding #1.

**ARTICLE 34 - TO VOTE ON AN ACT AUTHORIZING THE TOWN OF  
BILLERICA TO ESTABLISH AN AGE LIMIT FOR ORIGINAL  
APPOINTMENT TO THE POSITION OF POLICE OFFICER**

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation substantially in the form set forth below, to establish an age limit for original appointment to the position of police officer in the Town of Billerica; provided, however, that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition; or act in relation thereto.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding section 58A of chapter 31 of the General Laws or any other general or special law to the contrary, no person shall be eligible to have their name certified for original appointment to the position of police officer in the town of Billerica if such person has reached their 40th birthday on the date of the entrance examination.

SECTION 2. This act shall take effect upon its passage.

Submitted by the Town Manager; authorized by the Select Board

***Finance Committee has not yet made final recommendation.***

Article 34 Explanation: This article authorizes the Select Board to seek special legislation raising the maximum hiring age for original appointment to the position of police officer in Billerica from 31 to 40.

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BILLERICA

I hereby certify that the foregoing Home Rule Petition was adopted by vote of the Town Meeting of Billerica, duly held on \_\_\_\_\_, 2025.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Billerica this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Donna McCoy, Town Clerk  
Town of Billerica

(SEAL)

**ARTICLE 35 - TO VOTE TO AMEND THE ZONING BY-LAW TABLE OF USE REGULATIONS, SECTION 6.3, APPENDIX A**

To vote to amend the Table of Uses in Section 6.3 (Appendix A) of the May 2025 Zoning By-Laws as follows; or act in relation thereto:

**6.3 Table of Use Regulations**

A. See Appendix A, Table 1.

B. Symbols in the Table of Use Regulations shall mean the following:

Y – A permitted use

N – A prohibited use

SZ – A use requiring a special permit from the Zoning Board

SP – A use requiring a special permit from the Planning Board

SA – A use requiring a special permit and site plan approval from Planning Board

Appendix A  
Table of Use Regulations (Section 6.3)

	VR	NR	RR	MF	NB	GB	C	I	Ref.
<b>CONSERVATION, RECREATION, AGRICULTURE</b>									
<b>Conservation and Agriculture</b>									
Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	
Conservation	Y	Y	Y	Y	Y	Y	Y	Y	
Facility for Sale of Produce, Wine, and Dairy Products	Y	Y	Y	Y	Y	Y	Y	Y	
<b>Public or Non-Profit Recreation</b>									
Driving Range	Y	Y	Y	Y	Y	Y	Y	Y	
Fairs and Bazaars	Y	Y	Y	Y	Y	Y	Y	Y	
Non-Municipal Athletics	Y	Y	Y	Y	Y	Y	Y	Y	
Other Recreational Events	Y	Y	Y	Y	Y	Y	Y	Y	
Outdoor Recreation	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.1(A)
<b>PUBLIC, INSTITUTIONAL</b>									
Municipal	Y	Y	Y	Y	Y	Y	Y	Y	
Non-Profit Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	
Cemetery	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.2(A)
Nursing Home	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.2(B)
Adult Day Care	SZ	SZ	SZ	SZ	SZ	Y	Y	Y	
<b>NON-PROFIT PHILANTHROPIC USES</b>									
Club	SZ	SZ	SZ	SZ	SZ	SZ	SZ	N <del>Y</del>	7.3(A)
Lodge	SZ	SZ	SZ	SZ	SZ	SZ	SZ	N <del>Y</del>	7.3(A)
Other Philanthropic	SZ	SZ	SZ	SZ	SZ	SZ	SZ	N <del>Y</del>	7.3(A)

	VR	NR	RR	MF	NB	GB	C	I	Ref.
<b>RESIDENTIAL USES</b>									
Affordable Housing on an Undersized Lot	SZ	SZ	SZ	SZ	Y	N	N	N	7.4(A)
Assisted Living Residence	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.4(B)
Dwelling, Multifamily	N	N	N	SA	N	N	N	N	6.4
Dwelling, Single-Family	Y	Y	Y	Y	Y	Y	N	N	
Dwelling, Two-Family	N	N	N	SZ	N	N	N	N	7.4(B)
<b>BUSINESS &amp; COMMERCIAL USES</b>									
<b>Retail Sales</b>									
Antique Shows	N	N	N	N	Y	Y	Y	Y	
Christmas Tree Sales	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
Garden Shop	N	N	N	N	N	SZ	<del>N</del> Y	<del>N</del> Y	7.5(A)
Greenhouse (Non-Agricultural)	SZ	SZ	SZ	N	N	N	Y	Y	<del>7.5</del> (B)
Open Air Sales	N	N	N	N	N	SZ	Y	<del>N</del> Y	7.5(C)
Pet Shop	N	N	N	N	N	Y	Y	<del>N</del> Y	
Retail Store	N	N	N	N	Y	Y	<del>N</del> Y	<del>SZ</del> Y	<del>7.5</del> (D)
Supermarket	N	N	N	N	N	SA	<del>N</del> Y	<del>N</del> Y	7.5(E)
<b>Services</b>									
Dog Kennel	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	<del>7.6</del> (A)
Dog Daycare	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
Dog Training	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
For-Profit Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	
Funeral Home	N	N	N	N	SZ	SZ	N	N	7.6(C)
Personal Services	N	N	N	N	Y	Y	Y	Y	
Repair Shop	N	N	N	N	Y	Y	<del>N</del> SZ	SZ	7.6(D)
Veterinarian	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
<b>Accommodations and Food Services</b>									
Drive-Up/Through Restaurant	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.7(A)
Fast-Order Food Establishment	N	N	N	N	SZ	SZ	SZ	SZ	7.7(B)
Motel or Hotel	N	N	N	N	SZ	SZ	N	SZ	7.7(C)
Restaurant	N	N	N	N	SZ	SZ	<del>N</del> SZ	<del>SZ</del> Y	7.7(D)
<b>Financial, Offices</b>									
Bank	N	N	N	N	Y	Y	<del>N</del> Y	<del>SZ</del> Y	<del>7.8</del> (A)
Loan Agency	N	N	N	N	Y	Y	Y	Y	
Offices	N	N	N	N	Y	Y	Y	Y	
<b>Amusement, Recreation Businesses</b>									
Bowling Alley	N	N	N	N	Y	Y	Y	Y	
Golf Course	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(A)
Indoor Amusement	N	N	N	N	Y	Y	Y	<del>N</del> Y	
Riding Stable	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(B)
Swimming Pool, Non-Accessory	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.9(C)
<b>Unclassified; Other Business &amp; Commercial</b>									

	VR	NR	RR	MF	NB	GB	C	I	Ref.
Fully Automated Business	N	N	N	N	N	SZ	SZY	SZY	7.10(A)
Research Facility	N	N	N	N	SA	SA	SA	Y	7.10(B)
Tradesman's Shop	N	N	N	N	Y	Y	Y	Y	
<b>Vehicle-Related Uses</b>									
Auto sales	N	N	N	N	N	SZ	SZ	SZ	7.11(B)
<del>Auto-services</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>SZ</del>	<del>7.11(A)</del>
Auto repair	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto service	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto washing	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Truck body shop	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck leasing	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck repair	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck sales	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck service	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck washing	N	N	N	N	N	N	Y	Y	7.11(C)
<b>INDUSTRIAL USES</b>									
<b>Manufacturing, Distribution</b>									
Light Manufacturing	N	N	N	N	N	SZ	<del>N</del> SZ	Y	7.12(A)
Wholesale	N	N	N	N	N	SZ	N	<del>SZY</del>	7.12(B)
<b>Utility Uses</b>									
Above-ground utilities, non- municipal	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(A)
Above-ground utilities, Municipal	Y	Y	Y	Y	Y	Y	Y	Y	
Earth migration of less than 500 cubic yards for:	Y	Y	Y	Y	Y	Y	Y	Y	
Earth migration over 500 cubic yards	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(B)
(SECS) Non-freestanding	Y	Y	Y	Y	Y	Y	Y	Y	
(SECS) Freestanding	SP	SP	SP	SP	SP	SP	SP	SP	6.5
Underground utilities	Y	Y	Y	Y	Y	Y	Y	Y	
Wireless communications facility	SP	SP	SP	SP	SP	SP	SP	SP	6.6
<b>Waste Disposal</b>									
Recyclable Materials Transfer Center	N	N	N	N	N	N	N	SA	
Temporary Construction Trailer	N	N	N	Y	Y	Y	Y	Y	
<b>Other Industrial</b>									
Contractor's Yard	N	N	N	N	N	N	SP	SP	7.14(A)
<b>ACCESSORY USES</b>									
<b>Residential Accessory Uses</b>									
Accessory Residential Uses	Y	Y	Y	Y	Y	Y	N	N	
Home Occupation <sup>1</sup>	Y	Y	Y	Y	N	N	N	N	7.15(A)

<sup>1</sup> Except a special permit shall be required for a Home Occupation employing one or more nonresidents of the premises.

	VR	NR	RR	MF	NB	GB	C	I	Ref.
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	N	N	
In-Law Apartment	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(B)
Keeping of Horses: <sup>2</sup>	Y	Y	Y	N	N	N	N	N	
Keeping of Hens	Y	Y	Y	N	N	N	N	N	
Room Rental (5 Or Less)	Y	Y	Y	Y	Y	Y	N	N	
Room Rental (More Than 5)	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(C)
Storage of One Vehicle or Trailer	Y	Y	Y	Y	Y	Y	N	N	
Storage of More than One Vehicle or Trailer	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(D)
<b>Nonresidential Accessory Uses</b>									
Accessory Retail and Automotive Services	N	N	N	N	N	N	N	SZ	7.16(A)
Accessory uses to scientific research or development	N	N	N	N	SZ	SZ	<del>SZ</del> Y	Y	7.16(B)
Accessory service and repair	N	N	N	N	N	N	N	SZ	7.16(C)
For professional office or R&D Buildings over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy not less than 20% of the net square footage can be allowed by right. These can include retail, restaurant, personal services, and other amenity uses.	N	N	N	N	N	Y	Y	Y	
<b>Miscellaneous Accessory Uses</b>									
Auto parking	N	N	N	N	N	SZ	SZ	N	7.17(A)
Garaging or parking of one heavy commercial vehicle	SZ	SZ	SZ	SZ	SZ	Y	Y	Y	7.17(B)
Garaging or parking of one light commercial vehicle	Y	Y	Y	Y	Y	Y	Y	Y	7.17(B)
Garaging or parking of two light commercial vehicles	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.17(B)
Garaging or parking of two or more heavy commercial vehicles	N	N	N	N	N	SZ	Y	Y	7.17(B)
Truck parking	N	N	N	N	N	<del>N</del> SZ	<del>SZ</del> Y	<del>N</del> Y	7.17(B)

And to further amend Section 2 Definitions and Section 7 Required Findings for Special Permit Uses as necessary to account for the changes in the Table of Uses.

Submitted by the Planning Board and Select Board Member Michael Rosa

***Finance Committee has not yet made final recommendation.***

<sup>2</sup> Minimum land requirement per horse: <10,000 S.F., no horses; 10,000 – 19,999 S.F., 1 horse; 20,000 – 29,999 S.F., 2 horses; and 30,000 or more S.F., 3 horses.



Article 35 Explanation: The allowance of additional use categories may encourage and attract new businesses, specifically into the vacant and underutilized Industrial District areas where vacancy rates are having a direct impact on the town's commercial tax revenue. New businesses and filled vacancies would also create job growth and provide more amenities in the area.

**ARTICLE 36 - TO AMEND ARTICLE IV, SECTION 1, SNOW REMOVAL  
SUBSECTION 1.1(B) OF THE GENERAL BY-LAWS**

To see if the Town will vote to amend Article IV, Section 1, Snow Removal, Subsection 1.1(B) of the General By-Laws, by inserting the bold underlined text and deleting the strike through text as follows; or act in relation thereto.

Any property owner who fails to remove the snow from a sidewalk abutting property shall pay a sum of Ten Dollars ~~\$10.00~~ **\$75.00** for each offense.

Submitted by Select Board Member Daniel Darris-O'Connor

***Finance Committee has not yet made final recommendation.***

Article 36 Explanation: This article increases the fine for failing to remove the snow from a sidewalk abutting property from \$10.00 to \$75.00. The purpose of the article is to improve sidewalk accessibility during winter months by adjusting the fine to a reasonable amount.

**ARTICLE 37 - TO VOTE TO ACCEPT CHAPTER 60, SECTION 3F OF THE MASSACHUSETTS GENERAL LAWS**

To see if the town will accept the provisions of M.G.L., c.60, §3F, (inserted by c.141 of the Acts of 2016 known as an Act Relative to Housing, Operations, Military Service, and Enrichment (“HOME Act”)), signed into law July 14, 2016, which provides that a city, town or district that accepts this section may designate a place on its municipal property tax bills or motor vehicle excise bills or mail with such bills a separate form whereby taxpayers of the city, town or district may voluntarily check off, donate and pledge an amount of money which shall increase the amount already due to establish and fund a municipal veterans assistance fund which shall be under the supervision of the local veterans agent or the town collector of taxes.

Any amounts donated to the fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. Money in the fund shall be used to provide support for veterans and their dependents in need of immediate assistance with food, transportation, heat and oil expenses. The Veterans' Services Department shall be responsible for reviewing each applicant and fairly applying the eligibility and level-of-need standards.

Or act in relation thereto.

Submitted by the Veterans Director

***Finance Committee has not yet made final recommendation.***

Article 37 Explanation: This law, with local adoption, allows citizens to add a donation to the amount paid for property and motor vehicle excise tax bills in order to support local Veterans, their widows and dependents, and for various Veterans’ services, supplies, activities, and those in need of assistance. Such donations would go into the already established Veterans’ Gift Fund of the town.

**ARTICLE 38 - PETITIONER ARTICLE (TO AMEND ZONING BY-LAWS AND ZONING MAP)**

To see if the Town will vote to amend the Zoning Bylaws and Zoning Map of the Town of Billerica by overlaying and applying the Elderly Housing Overlay District on the Rural Residence zoned land owned by Kyle L. Proehl and Michelle K. Proehl identified as Billerica Assessor's Map 38, Parcel 6-1, having a present address of 222 Rangeway Road, Billerica, and shown as "Lot 1" on the attached perimeter plan entitled, "Rezoning Plan in Billerica, Mass.", dated August 11, 2025, by Dresser, Williams and Way, Inc. and also on the Rural Residence zoned land owned by Swanson Meadows Golf Course, Inc, identified as Billerica Assessor's Map 38, Parcel 5-10, having a present addresses of 216 1/2 Rangeway Road, Billerica, and shown as "Lot 3" on said attached perimeter plan dated August 11, 2025 and also on the Neighborhood Residence zoned land owned by Bedford Woods Development, LLC, identified as Billerica Assessor's Map 58, Parcel 2-4, having a present address of Parcel B off Republic Road, Billerica, and shown as "Parcel B" on said attached perimeter plan dated August 11, 2025, bounded and described as follows:

Submitted by Ralph Deldon and Messrs. Goldman, Rosario, Piantes, Tassone, Frechette, LeBlanc, Mason and Madames Deldon, Goldman, Contreras, Laramée, Piantes, Frechette, Tassone, Colon and Mason.

***Finance Committee has not yet made final recommendation.***

**ARTICLE 39 - PETITIONER ARTICLE (TO AMEND ZONING BY-LAWS AND ZONING MAP)**

To see if the Town will vote to amend the Zoning By-Laws and Official Zoning Map by re-zoning from a **NEIGHBORHOOD RESIDENCE ZONE** to a **NEIGHBORHOOD BUSINESS ZONE**, the land owned by Jason B. Tholander, identified as Billerica Assessor's Map 69, Parcel 77-1, having a present street address of 164 Concord Road, Billerica and as shown on the attached perimeter plan entitled, "Rezoning Plan, 164 Concord Road, Billerica, MA, dated August 6, 2025," bounded and described as follows:

Beginning at the northeasterly corner of Lot 1;  
thence S 16°44' 57" E a distance of 129.07' ;  
thence S 64°17' 30" W a distance of 25.66' ;  
thence S 64°16' 52" W a distance of 162.64' ;  
thence N 26°21' 30" W a distance of 30.02' ;  
thence N 24°04' 00" W a distance of 74.85' ;  
thence with a curve turning to the right with an arc length of 80.83' , with a radius of 46.13' , ;  
thence with a curve turning to the left with an arc length 152.46' , with a radius of 1072.93' , ;  
to the point of beginning, having an area of 27,291 square feet

Said land is also shown as Lot 1 on a plan entitled, "Plan of Land in Billerica, MA, owned by Doris L. Casey" dated June 17, 1995, by Raymond Engineering Service, 574 Boston Road, Billerica, and recorded with Middlesex North District Deeds in Plan Book 188, Plan 132.....**OR ACT IN RELATION THERETO.**

Submitted by Brian Goguen and Messrs. Fitzpatrick, Fredrickson, Flynn, Berrett, Berrett, Fitzpatrick, Fitzpatrick, Sardina, Malone, Gravel, Dangora and Madames Goguen, Finn, Sardina, Sardina and Dangora.

***Finance Committee has not yet made final recommendation.***



And you are hereby directed to serve this Preliminary Warrant by posting true and attested copies thereof, one copy at Augusta Market, 599 Boston Road, one copy at Belly Buster Restaurant, 306 Boston Road, one copy at the Billerica Center Police Station, 6 Good Street, one copy at the Billerica Center Post Office, 460 Boston Road, one copy at the Billerica Public Library, 15 Concord Road, one copy at the Billerica Town Hall, 365 Boston Road, one copy at the East Billerica Fire Station, 295 Salem Road, one copy at Market Basket, Towne Plaza, 700 Boston Road, one copy at the Ninety-Nine Restaurant, 160 Lexington Road, one copy at the North Billerica Fire Station, 21 Lowell Street, one copy at the North Billerica Post Office, 95 Boston Road, one copy at the Nutting Lake Post Office, 612 Middlesex Turnpike, one copy at the Pinehurst Fire Station, 832 Boston Road, one copy at the Pinehurst Post Office, 880 Boston Road, one copy at Sal's Pizza, 328 Boston Road, one copy at Stelio's Family Restaurant, 293 Boston Road and one copy at the West Billerica Fire Station, 359 Treble Cove Road.

Given under our hands this 28<sup>th</sup> day of August 2025.

SELECT BOARD OF BILLERICA

  
JILLIAN K. PAVIDIS, CHAIRMAN

  
JOHN J. BURROWS, VICE CHAIRMAN

  
DANIEL R. DARRIS-O'CONNOR, SECRETARY

  
MICHAEL S. ROSA, MEMBER

  
DINA M. FAVREAU, MEMBER

A true copy attest



Constable, Town of Billerica



**ARTICLE 35- TO VOTE TO AMEND THE ZONING BYLAW TABLE OF USE REGULATIONS, SECTION 6.3, APPENDIX A**

To vote to amend the Table of Uses in Section 6.3 (Appendix A) of the May 2025 Zoning Bylaws

### 6.3 Table of Use Regulations

A. See Appendix A, Table 1.

B. Symbols in the Table of Use Regulations shall mean the following:

Y – A permitted use

N – A prohibited use

SZ – A use requiring a special permit from the Zoning Board

SP – A use requiring a special permit from the Planning Board

SA – A use requiring a special permit and site plan approval from the Planning Board

## Appendix A

### Table of Use Regulations (Section 6.3)

[illegible]

	VR	NR	RR	MF	NB	GB	C	I	Ref.
<b>BUSINESS &amp; COMMERCIAL USES</b>									
<b>Retail Sales</b>									
Antique Shows	N	N	N	N	Y	Y	Y	Y	
Christmas Tree Sales	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
Garden Shop	N	N	N	N	N	SZ	<del>N</del> Y	<del>N</del> Y	7.5(A)
Greenhouse (Non-Agricultural)	SZ	SZ	SZ	N	N	N	Y	Y	<del>7.5</del> (B)
Open Air Sales	N	N	N	N	N	SZ	Y	<del>N</del> Y	7.5(C)
Pet Shop	N	N	N	N	N	Y	Y	<del>N</del> Y	
Retail Store	N	N	N	N	Y	Y	<del>N</del> Y	<del>SZ</del> Y	<del>7.5</del> (D)
Supermarket	N	N	N	N	N	SA	<del>N</del> Y	<del>N</del> Y	7.5(E)
<b>Services</b>									
Dog Kennel	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	<del>7.6</del> (A)
Dog Daycare	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
Dog Training	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
For-Profit Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	
Funeral Home	N	N	N	N	SZ	SZ	N	N	7.6(C)
Personal Services	N	N	N	N	Y	Y	Y	Y	
Repair Shop	N	N	N	N	Y	Y	<del>N</del> SZ	SZ	7.6(D)
Veterinarian	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
<b>Accommodations and Food Services</b>									
Drive-Up/Through Restaurant	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.7(A)
Fast-Order Food Establishment	N	N	N	N	SZ	SZ	SZ	SZ	7.7(B)
Motel or Hotel	N	N	N	N	SZ	SZ	N	SZ	7.7(C)
Restaurant	N	N	N	N	SZ	SZ	<del>N</del> SZ	<del>SZ</del> Y	7.7(D)
<b>Financial, Offices</b>									
Bank	N	N	N	N	Y	Y	<del>N</del> Y	<del>SZ</del> Y	<del>7.8</del> (A)
Loan Agency	N	N	N	N	Y	Y	Y	Y	
Offices	N	N	N	N	Y	Y	Y	Y	
<b>Amusement, Recreation Businesses</b>									
Bowling Alley	N	N	N	N	Y	Y	Y	Y	
Golf Course	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(A)
Indoor Amusement	N	N	N	N	Y	Y	Y	<del>N</del> Y	
Riding Stable	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(B)
Swimming Pool, Non-Accessory	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.9(C)
<b>Unclassified; Other Business &amp; Commercial</b>									
Fully Automated Business	N	N	N	N	N	SZ	<del>SZ</del> Y	<del>SZ</del> Y	7.10(A)
Research Facility	N	N	N	N	SA	SA	SA	Y	7.10(B)
Tradesman's Shop	N	N	N	N	Y	Y	Y	Y	
<b>Vehicle-Related Uses</b>									
Auto sales	N	N	N	N	N	SZ	SZ	SZ	7.11(B)
<del>Auto-services</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>SZ</del>	<del>7.11</del> (A)
Auto repair	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto service	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto washing	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Truck body shop	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck leasing	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)

	VR	NR	RR	MF	NB	GB	C	I	Ref.
Truck repair	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck sales	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck service	N	N	N	N	N	N	SZ	<del>N</del> SZ	7.11(C)
Truck washing	N	N	N	N	N	N	Y	Y	7.11(C)
<b>INDUSTRIAL USES</b>									
<b>Manufacturing, Distribution</b>									
Light Manufacturing	N	N	N	N	N	SZ	<del>N</del> SZ	Y	7.12(A)
Wholesale	N	N	N	N	N	SZ	N	<del>S</del> ZY	7.12(B)
<b>Utility Uses</b>									
Above-ground utilities, non- municipal	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(A)
Above-ground utilities, Municipal	Y	Y	Y	Y	Y	Y	Y	Y	
Earth migration of less than 500 cubic yards for:	Y	Y	Y	Y	Y	Y	Y	Y	
Earth migration over 500 cubic yards	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(B)
(SECS) Non-freestanding	Y	Y	Y	Y	Y	Y	Y	Y	
(SECS) Freestanding	SP	SP	SP	SP	SP	SP	SP	SP	6.5
Underground utilities	Y	Y	Y	Y	Y	Y	Y	Y	
Wireless communications facility	SP	SP	SP	SP	SP	SP	SP	SP	6.6
<b>Waste Disposal</b>									
Recyclable Materials Transfer Center	N	N	N	N	N	N	N	SA	
Temporary Construction Trailer	N	N	N	Y	Y	Y	Y	Y	
<b>Other Industrial</b>									
Contractor's Yard	N	N	N	N	N	N	SP	SP	7.14(A)
<b>ACCESSORY USES</b>									
<b>Residential Accessory Uses</b>									
Accessory Residential Uses	Y	Y	Y	Y	Y	Y	N	N	
Home Occupation <sup>1</sup>	Y	Y	Y	Y	N	N	N	N	7.15(A)
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	N	N	
In-Law Apartment	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(B)
Keeping of Horses: <sup>2</sup>	Y	Y	Y	N	N	N	N	N	
Keeping of Hens	Y	Y	Y	N	N	N	N	N	
Room Rental (5 Or Less)	Y	Y	Y	Y	Y	Y	N	N	
Room Rental (More Than 5)	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(C)
Storage of One Vehicle or Trailer	Y	Y	Y	Y	Y	Y	N	N	
Storage of More than One Vehicle or Trailer	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(D)
<b>Nonresidential Accessory Uses</b>									
Accessory Retail and Automotive Services	N	N	N	N	N	N	N	SZ	7.16(A)
Accessory uses to scientific research or development	N	N	N	N	SZ	SZ	<del>S</del> ZY	Y	7.16(B)
Accessory service and repair	N	N	N	N	N	N	N	SZ	7.16(C)

<sup>1</sup> Except a special permit shall be required for a Home Occupation employing one or more nonresidents of the premises.

<sup>2</sup> Minimum land requirement per horse: <10,000 S.F., no horses; 10,000 – 19,999 S.F., 1 horse; 20,000 – 29,999 S.F., 2 horses; and 30,000 or more S.F., 3 horses.

	VR	NR	RR	MF	NB	GB	C	I	Ref.
For professional office or R&D Buildings over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy not less than 20% of the net square footage can be allowed by right. These can include retail, restaurant, personal services, and other amenity uses.	N	N	N	N	N	Y	Y	Y	
<b>Miscellaneous Accessory Uses</b>									
Auto parking	N	N	N	N	N	SZ	SZ	N	7.17(A)
Garaging or parking of one heavy commercial vehicle	SZ	SZ	SZ	SZ	SZ	Y	Y	Y	7.17(B)
Garaging or parking of one light commercial vehicle	Y	Y	Y	Y	Y	Y	Y	Y	7.17(B)
Garaging or parking of two light commercial vehicles	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.17(B)
Garaging or parking of two or more heavy commercial vehicles	N	N	N	N	N	SZ	Y	Y	7.17(B)
Truck parking	N	N	N	N	N	<del>N</del> SZ	<del>SZ</del> Y	<del>N</del> Y	7.17(B)

And to further amend Section 2 Definitions and Section 7 Required Findings for Special Permit Uses as follows to account for the changes in the Table of Uses:

Section 2: Definition of Adult Day Care:

~~“Daytime services, such as skilled care and supervision, group activities, provisions of meals, transportation, trips, and light exercise, provided to elderly adults and the physically challenged who require assistance with daily needs of living.”~~

A facility offering daytime programs for adults providing health care and assessment, personal care, social programs, recreational activities, meals and transportation, but not providing overnight or residential accommodations.

Section 7: Required Findings for Special Permit Uses

7.5.D Retail Store Required Findings.

DELETE Section 7.5.D and subbullets 7.5.D(1-6).

7.6.A Dog Kennel Required Findings

AMEND references of “Industrial District” to “Industrial and Commercial Districts”.

7.6.B Dog Daycare or Dog Training Required Findings

AMEND references of “Industrial District” to “Industrial and Commercial Districts”.

7.7.D Restaurant Required Findings

AMEND reference to “Industrial District” (7.7.D.7) to “Commercial District”

7.8.A Bank Required findings

DELETE SECTION 7.8.A and subbullets 7.8.A(1-2)

7.12.B Wholesale Required findings

DELETE SUBSECTION 7.12.B.5

Submitted by Planning Board and Select Board Michael Rosa

Article Explanation:

The allowance of additional use categories may encourage and attract new businesses, specifically into the vacant and underutilized Industrial District areas where vacancy rates are having a direct impact on the town's commercial tax revenue. New businesses and filled vacancies would also create job growth and provide more amenities in the area.

By editing the Table of Uses, there would now requirements for Special Permits where uses were previously prohibited. Other uses would now be permitted by right where previously requiring Special Permits or previously prohibited. Any use permitted by right is still subject to technical review standards such as Site Plan, Wetlands, and Stormwater. Section 7 lists the required findings for a use when a special permit is required. Text changes were necessary to match which zones would require or not require special permits.

**To:**

Select Board of Billerica

**September 18, 2025**

**From:**

Swanson Meadows Condominium I Association, 216 Rangeway Road, North Billerica  
(Phase I)

Swanson Meadows Condominium II Association, 218 Rangeway Road, North Billerica  
(Phase II)

**Subject: Opposition to Rezoning Petition for Swanson Meadows Golf Course (Overlay for 55+ Senior Housing)**

---

**Dear Members of the Select Board,**

On behalf of the residents of 216 and 218 Rangeway Road, we respectfully submit this letter to highlight our **serious and unresolved concerns** regarding the petition to rezone the Swanson Meadows golf course and associated parcels from Rural Residential into an Elderly Housing Overlay District.

This is not a matter of neighborhood preference alone. The record shows:

- **Supermajority opposition:** 73.5% of Phase I residents and 87.5% of Phase II residents oppose rezoning, based on duly noticed, validated votes with high turnout. These results can be independently verified.
- **Legal uncertainty:** The properties are encumbered by recorded covenants and conservation restrictions in perpetuity.
- **Environmental risks:** Past industrial waste and restrictive covenants on the Bedford Woods/DuPont land raise unresolved contamination and deforestation issues.
- **Procedural irregularities:** Town Counsel advised the Select and Planning Board, that no article should advance from Select Board to the Planning Board without a properly open public meeting and Select Board recommendation. This procedure was not followed before the Planning Board meeting on September 15<sup>th</sup> that discussed this article and was voted on.

To address these uncertainties, **a formal letter has been sent to the Town Manager requesting legal opinions** on the covenants, conservation restrictions, and environmental declarations. Until those answers are provided, the Town and its residents cannot know whether the petition is even legally viable.

Accordingly, we respectfully request that the Select Board **delay any further consideration of this rezoning petition** until all outstanding legal and environmental questions are answered. Proceeding prematurely would unfairly disadvantage residents and risk invalidating subsequent actions.

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## **Key Concerns**

### **1. Covenant restrictions and timing**

Residents bought their homes with the expectation—based on Town approvals—that if the golf course closed, zoning would revert to ~45 single-family homes, not a high-density massive development. The covenant language references use “in perpetuity,” while the owners suggest a 2030 horizon. This ambiguity can only be resolved by Town Counsel. Approving rezoning now, while the owner has openly indicated an intent to seek early termination of covenants, invites immediate pressure to extinguish them before residents’ protections lapse.

### **2. Noise bylaw violations (clubhouse)**

The annex building is already a source of serious disturbance, with measured nighttime noise reaching **90 decibels inside homes**—far above the Town’s residential bylaw limits (40–50 decibels). Residents’ requests for relief have been dismissed, and the owners have prioritized commercial entertainment licenses over neighborhood peace. To expand zoning capacity while unresolved bylaw violations persist would magnify harm and reward noncompliance.

### **3. Unclear future of the clubhouse**

The owners have suggested selling ~3.25 acres, including the clubhouse, to the current manager. No clear zoning plan has been presented. The clubhouse is an accessory building to the golf course. If detached from the golf course, the building could become an independent entertainment venue, which is wholly incompatible with abutting residential use. This must be resolved *before* any rezoning discussion.

### **4. Loss of residents’ ability to object**

Rezoning now would diminish residents’ rights to raise legitimate objections in future site plan reviews. Past experience with the clubhouse shows that once money is invested in planning, abutters’ voices are sidelined. It is unreasonable to weaken abutters’ protections while trust is already eroded.

### **5. Infrastructure, sewer, and wetlands constraints**

The sewer line currently under construction on Rangeway Road does **not** have the capacity to serve the proposed 162–190 units. In response, the owners suggested constructing a

private sewer system, which would be located in wetland-adjacent areas. This raises major concerns: the same developer's prior septic systems have already failed well before their expected lifespan, with Phase II residents forced to spend nearly \$1 million on emergency repairs, and the Phase I system presently failing and given an extension until the Town line is complete. Introducing a larger and riskier private system in these sensitive areas would pose **unacceptable environmental, financial, and public health risks** for both residents and the Town.

## **6. Environmental and health hazards**

The DuPont/Bedford Woods parcel is burdened by recorded **Declarations of Restriction** due to prior chemical dumping. These restrictions expressly limit disturbance and prohibit residential use without state and/or city approvals. This is not a theoretical concern: without appropriate agency(s) clearance, rezoning could expose the residents to severe health risks, and the Town to environmental liability.

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## **Conclusion & Request**

Given these unresolved legal, environmental, and procedural issues, and because **a letter requiring formal legal answers has been submitted to the Town Manager**, we respectfully urge the Select Board to:

1. **Delay any consideration or recommendation** on this rezoning petition until written responses are received from Town Counsel and relevant regulatory authorities.
2. Require written clarification on:
  - The validity, duration, and effect of the "in perpetuity" and 2030 language.
  - The legal status of conservation restrictions, restrictive covenants, and environmental declarations on the golf course and adjacent parcels.
  - The intended future use of the clubhouse property.
  - MassDEP and/or Conservation Commission's position on whether any residential use is permissible.

The Select Board has a duty to protect residents from unlawful or imprudent zoning changes. To proceed now, without legal clarity and environmental due diligence, would expose the Town to litigation, environmental liability, and irreparable harm to its neighborhoods.



We respectfully request that you **defer consideration** and ultimately vote **not to recommend** this petition unless and until all questions are fully answered.

Sincerely,

Janet Moran, President of HOA on behalf of Swanson Meadows Condominiums Phase 2 residents (jamoran294@comcast.net)

Rose Olshevsky, President of HOA on behalf of Swanson Meadows Condominiums Phase 1 residents (rolshevskyj@gmail.com)

CONSERVATION RESTRICTION

RANGEWAY FARMS, LLC. , a Massachusetts Limited Liability Company, having its usual place of business at 10 Longbow Road, Wakefield, Massachusetts, hereby imposes on the land in Billerica, Middlesex County, Massachusetts, shown as "Conservation Restricted Land" on a plan entitled "Rezoning Plan of Land" dated September 9, 2000, by Raymond Engineering Service, 574 Boston Road, Billerica, MA, which said plan is recorded with the Middlesex North Registry of Deeds, Plan Book 20r, Plan , the following Conservation Restrictions in perpetuity and exclusively for the benefit of The Inhabitants of the Town of Billerica, a municipal corporation with offices at 365 Boston Road, Billerica, Massachusetts, reserving to the Grantor, and its successors in title, nonetheless, the fee simple in the premises and all other rights not expressly prohibited for the benefit of the Grantee .

The purpose of these restrictions are to retain said land in perpetuity and predominantly in their natural , scenic, and open condition and to prevent any use of said land that will significantly alter or interfere with the conservation value of same. Accordingly, the following are prohibited on said land without a superseding Order of Conditions from the Billerica Conservation Commission:

- 1 . ) The construction of buildings or structures on or above the ground;
- 2 . ) Dumping or placing of soil, trash, or other materials;
- 3 . ) Removal of trees, shrubs, or other vegetation;
- 4 . ) Removal of loam, rock, or other mineral substances .
- 5 . ) Surface use, other than passive recreational activities, such as hiking, bird watching, or the like which do not significantly disturb said land;
- 6 . ) Activities detrimental to drainage, flood control, water conger-vat ion, erosion control or soil conservation; or
- 7 . ) Other acts or uses detrimental to such retention of said land.

Being a portion of the premises conveyed to the Grantor by Deed of Weston E. Swanson and Norman H. Jackson, dated Novetnber 23 , 1999, and recorded with said Deeds at Book 10550, Page 140.

Witness the hand and seal of RANGEWAY FARMS, LLC. by Rocco Scippa, its Manager, this 5th day of October, 2000 .

EXHIBIT A

BK/'OIJ%' PG / % °DOC TYPE deed

by : Rocco Scippa  
R c o Scippa  
Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

October 5, 2000

Then personally appeared Rocco Scippa, the Manager of  
RANGEWAY FARMS, LLC. and  
acknowledged the foregoing to  
be his free act and deed,  
before me .

Stephen J. Z  
Notary Public: cnh.  
My commission expires:

& /f(aa



END OF DOCUMENT

Richard P. Howe Jr

## OPTION

Rangeway Farms, LLC, a Massachusetts Limited Liability Company having its usual place of business at 10 Longbow Road, Wakefield, Middlesex County, Massachusetts, in consideration of One (\$1. 00) Dollar, and other valuable consideration paid do hereby grant to the Inhabitants of the Town of Billerica, a municipal corporation, with offices at 365 Boston Road, Billerica, Massachusetts, the option described in the attached letter of October 3, 2000, to Peter Coppinger, Esq. , Chairman of the Billerica Board of Selectmen.

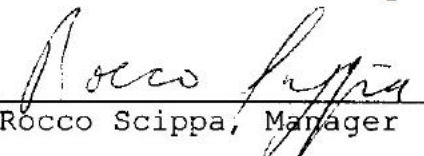
This option is valid only if recorded with all Special Permits, Variances, Orders of Conditions and the like necessary to construct eighty (80) two-bedroom townhouse style condominium units and a nine-hole golf course on the land of the Grantor identified as Parcels 1, 2 and 3 on a plan entitled "Rezoning Plan of Land in Billerica, Mass. " dated September 9, 2000, by Raymond Engineering Service, recorded with Middlesex North District Registry of Deeds, Plan Book 2 , Plan 82 .

Said Parcels 1, 2 and 3 being a portion of the land granted to the Grantor by deed of Weston E. Swanson and Norman H. Jackson dated November 23, 1999, and recorded with said Deeds, Book 10550, Page 140 .

Witness the hand and seal of RANGEWAY FARMS, LLC, by Rocco Scippa, its Manager, this 5th day of October, 2000 .

RANGEWAY FARMS, LLC

by:

  
Rocco Scippa, Manager

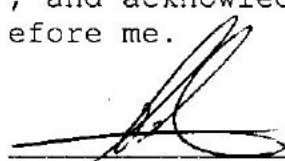
COMMONWEALTH  
OF  
MASSACHUSETTS

Middlesex, ss.

Then personally appeared the above-named Rocco Scippa, Manager of RANGEWAY FARMS, LLC, and acknowledged the foregoing to be his free act and deed, before me.

October 5, 2000

the above-named Rocco Scippa, , and acknowledged the foregoing before me.

  
Notary Public: Stephen J. Lentine  
My commission expires: 8/4/02

DOCUMENT





MARGINAL REFERENCE REQUESTED

K/0530 PG / y e DOC TYPE deed

EXHIBIT B

END OF

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EXHIBIT C

AGREEMENT

OWNER : RANGEWAY FARMS, LLC .

BENEFITTED

PARTY : The Inhabitants of the Town of Billerica

PREMISES : Parcels 1, 2, and 3 on Rezoning Plan of Land  
in Billerica, Mass. , dated September 9,  
9, 2000, Raymond Engineering Service

DATE : October 5, 2000

in consideration of the Approval of Articles 2  
and 3 of the October 5, 2000, Special Town Meeting, and 3 of  
the above-stated Owner hereby agrees for the benefit -stated  
of The Inhabitants of the Town of Billerica, that is of  
any sale of the land identified above as the Premises shall  
be conditioned upon any Buyer accepting the terms of the  
Restrictive Covenant , Conservation Restriction, and Option

Witness the hand and seal of RANGEWAY FARMS, LLC. by  
Rocco Scippa its Manager this 5th day of October, 2000.

RANGEWAY FARMS, LLC .

by :

Manager

Rocco Scippa

COMMONWEALTH OF  
MASSACHUSETTS

Middlesex, ss .

October 5, 2000

Then personally appeared Rocco Scippa, Manager of  
RANGEWAY FARMS, LLC. and acknowledged the foregoing to be his  
me.

Notary Public: Stephen Thetua  
My commission expires: 8/5/02 .

free act and deed, before me

REFERENCE REQUESTED

14c DOC TYPE deed

END OF DOCUMENT

*Richard P. Howe Jr.*



MARGINAL REFERENCE

BKPSS<sup>v</sup> PG

## RESTRICTIVE COVENANT

RANGWAY FARMS, LLC., a Massachusetts Limited Liability Company, having its usual place of business at 10 Longbow Road, Wakefield, Massachusetts, in consideration of One (\$1.00) Dollar, and other valuable consideration paid do hereby declare for the benefit of The Inhabitants of the Town of Billerica, a municipal corporation with its offices at 365 Boston Road, Billerica, MA, that it will construct no greater than eighty (80) two bedroom townhouse-style condominium units on Parcels 1 and 2 and nothing other than a nine-hole golf course and structures appurtenant thereto (e.g. clubhouse, pro-shop and parking facilities) on Parcel 3, all as shown on a plan entitled "Rezoning Plan of Land in Billerica, Mass." dated September 9, 2000, by Raymond Engineering Service, recorded with Middlesex North Registry of Deeds, Plan Book 205, Plan 82, regardless of any additional units or greater size of golf course, which may otherwise be allowed by the Zoning By-Laws of the Town of Billerica or any superseding state or federal law or regulation.

Rangeway Forms, LLC., further agrees that it will apply for Mass. Gen. Law Chapter 61B recreational tax classification on said Parcel 3 which will allow the Town of Billerica a right of first refusal over said parcel pursuant to Section 9 of said Chapter.

This Restrictive Covenant is not enforceable unless recorded with all Special Permits, Variances and/or Orders of Condition necessary to construct said eighty (80) townhouse-style condominium units and said nine-hole golf course.

Said Parcels 1, 2 and 3 being a portion of the land granted to the Grantor by Deed of Weston E. Swanson and Norman H. Jackson dated November 23, 1999, and recorded with said Deeds, Book 10550, Page 140.

Witness the hand and seal of RANGWAY FARMS, LLC. by Rocco Scippa, its Manager, this 5th day of October, 2000.

RANGWAY FARMS, LLC.

by:

Rocco Scippa  
Manager

END OF DOCUMENT

Richard P. Howe Jr.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

October 5, 2000

Then personally appeared Rocco Scippa, the Manager of RANGWAY FARMS, LLC. and acknowledged the foregoing to be his free act and deed, before me.

MARGINAL REFERENCE REQUESTED

BK 10530 PG 140 DOC TYPE deed

Notary Public: Stephen D. Lentine  
My commission expires: 8/4/02



Street Address: 311 Treble Cove Road  
Billerica, Massachusetts

Prepared by: Henry H. Silliman, III, Esq.  
E. I. du Pont de Nemours and Company  
Legal Department  
Barley Mill Plaza Building 11-1204  
Wilmington, Delaware 19880-0011

Return To: DUPONT PHARMA, LTD.  
924 Centre Road  
Wilmington, Delaware 19880



### **DECLARATION OF RESTRICTIONS**

This Declaration of Restrictions (this "Declaration") is made as of the 1<sup>st</sup> day of October, 2001, by DUPONT PHARMACEUTICALS COMPANY, a Delaware general partnership, whose address is 924 Centre Road, Wilmington, Delaware 19880, formerly known as DUPONT MERCK PHARMACEUTICALS COMPANY, a Delaware general partnership ("Declarant"), with reference to the following:

#### **BACKGROUND:**

A. Declarant is the owner in fee simple title of certain real property located at 311 Treble Cove Road, Town of Billerica, Middlesex County, Commonwealth of Massachusetts, as set forth on Exhibit "A" attached hereto and made a part hereof, together with all easements, rights and appurtenances thereunto belonging (the "Property").

B. In order to ensure that the Property is used solely for industrial use (including, without limitation, manufacturing, research and development, laboratory, warehousing and distribution, production or assembly of goods and/or materials (including, without limitation, any on-site waste disposal area directly associated with such use, but

**MARGINAL REFERENCE REQUESTED**

BK 5419 PG 307 DOC TYPE  deed

excluding mineral extraction, private and commercial sand and gravel extraction) and related office and other ancillary uses other than the operation of a day care facility) (the "Permitted Use"), Declarant desires to declare and impose upon the Property the restrictions set forth in this Declaration.

NOW, THEREFORE, KNOW ALL MEN by these presents that Declarant does covenant and declare that it shall hold and stand seized of the Property under and subject to the following restrictions, covenants and agreements, which shall be covenants running with the land in perpetuity and which shall be binding upon Declarant and all other parties having any right, title or interest in the Property, or any part thereof, and their respective successors and assigns.

1. Restrictions on Use. The Property is presently used for the Permitted Use. The following restrictions are hereby imposed and shall forever apply to the use and enjoyment of the Property: The Property may only be used for the Permitted Use or other uses compatible with the Permitted Use.

2. Enforcement.

(A) Declarant and its successors and assigns shall have the right to proceed at law or in equity to compel compliance with or to prevent violation or breach of the terms of this Declaration. In addition to Declarant, E. I. DU PONT DE NEMOURS AND COMPANY shall be entitled to all rights and privileges hereunder accruing to parties entitled to enforce this Declaration upon the recordation hereof.

(B) Notwithstanding anything to the contrary contained herein, no party shall have any obligation to enforce the terms of this Declaration.

3. Amendments. The restrictions, covenants and agreements contained in this Declaration are hereby imposed for the benefit of Declarant and its successors and assigns

and DuPont and its successors and assigns (together, the "Beneficiaries"), and may not be altered, amended or modified in whole or in part without the written approval of both Beneficiaries, which shall be the only consents required.

4. Severability. The provisions of this Declaration are declared to be severable to the end that the invalidity or unenforceability of any one provision hereof shall have no effect upon the validity or enforceability of any other provision hereof.

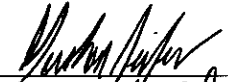
5. Governing Law. The Declaration shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

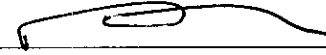
6. Effective Date. This Declaration shall become effective on the date on which it has been duly entered in the public land records of Middlesex County, Commonwealth of Massachusetts.

IN WITNESS WHEREOF, Declarant has executed this Declaration under seal the  
day and year first above written.

Witness:

DUPONT PHARMACEUTICALS COMPANY.  
a Delaware general partnership

By:   
Name: Gaston S. P. S.  
Title: witness

By:   
Name:  
Title: ROBERT E. PELZER  
SENIOR VICE-PRESIDENT  
& GENERAL COUNSEL  
(seal)

STATE OF NEW YORK :  
 :  
 COUNTY OF NEW YORK : SS

On this 1<sup>st</sup> day of October 2001, before me personally came Robert E. Pelzer, to me known, who, being by me duly sworn, did depose and say that he resides in Wilmington, Delaware and is the Sr. Vice Pres. / Gen Counsel of DUPONT PHARMACEUTICALS COMPANY the general partnership described in and which executed the above instrument; and that he signed his name thereto by authority of the partners of said general partnership.

Mary Jayne Ignozza  
 Notary Public  
 Name: MARY JAYNE IGNOZZA  
 My commission expires: 6/30/02

[Notarial Seal]

MARY JAYNE IGNOZZA  
 Notary Public, State of New York  
 No. 01IG4631469  
 Qualified in Richmond County  
 Commission Expires June 30, 1998 2002

**EXHIBIT A**

**Legal Description**

**Tract One:**

All of those two certain parcels of land together with the buildings and improvements thereon shown on a plan entitled "Proposed Subdivision of Land of Helen Dunn, Treble Cove Road, Billerica, Mass.," dated June 14, 1965, prepared by Joseph T. Devlin and recorded with Middlesex North Registry of Deeds, in Plan book 102, Plan 44, and more particularly described as follows:

**Parcel One:**

Beginning at a point on the Northerly side of Treble Cove Road, two hundred (200) feet Westerly along said road from the Southeast corner of the Parcel described in a certain plan entitled "Plan of the Estate of Lucy H. Foster, Billerica, Massachusetts, 1871" By R. M. Baker, C.E., and recorded in Middlesex North District Registry of Deeds, Plan Book 32, Plan 52, as sixty-one and 6/10 (61.6) acres; thence

- (1) Making a right angle with said road Northerly one hundred fifty (150) feet to a point; thence
- (2) Westerly one hundred twenty (120) feet parallel with said road; thence
- (3) Southerly one hundred fifty (150) feet to said road; thence
- (4) Easterly along said road one hundred twenty (120) feet to the point of beginning.

Containing according to said Plan dated June 14, 1965, 18,000 square feet, more or less.

**Parcel Two:**

- (1) Westerly by land of Helen Dunn by two (2) lines thirty (30) feet more or less and five hundred twenty-five (525) feet respectively; thence
- (2) Northerly by land of Helen Dunn, three hundred seventy (370) feet more or less; thence
- (3) Northeasterly by land of Middlesex County House of Correction, two hundred five (205) feet more or less; thence
- (4) Easterly by land of Middlesex County House of Correction, one hundred (100) feet more or less; thence
- (5) Southerly by land of Minotti, one hundred ninety and 39/100 (190.39) feet; thence
- (6) Easterly again by land of Minotti, ninety five and 00/100 (95.00) feet; thence
- (7) Southerly again by land of Wiggins, one hundred twenty (120) feet; thence
- (8) Easterly again by land of Wiggins, one hundred fifty (150) feet; thence
- (9) Southerly by Treble Cove Road as shown on said plan to the point of Beginning.

Containing according to said Plan dated June 14, 1965, 186,080 square feet more or less.

**Tract Two:**

All that certain tract of land together with the buildings and other improvements thereon, situated on the northwesterly side of Treble Cove Road and the easterly side of Nashua Road in Billerica, Middlesex County, Massachusetts, bounded and described as follows:

- (1) Southeasterly by Treble Cove Road by three lines measuring respectively four hundred ninety-three and 40/100 (493.40) feet, three hundred eighty-two and 63/100 (382.63) feet, and one hundred sixty-eight and 53/100 (168.53) feet, the first such line being a curved line having a radius of thirteen hundred seventy-five and 11/100 (1375.11) feet and the third such line being a curved line having a radius of eight hundred sixty and 42/100 (860.42) feet; thence
- (2) Southwesterly and Southeasterly again by land of Town of Billerica by two lines measuring respectively one hundred eighty-seven and 41/100 (187.41) feet and the one hundred ninety and 00/100 (190.00) feet; thence
- (3) Westerly by Nashua Road by two lines measuring respectively seven hundred thirteen and 67/100 (713.67) feet and five hundred six and 98/100 (506.98) feet; thence
- (4) Northerly and Northeasterly by land now or late of New England Nuclear Corp. and by land now or late of Silva by eight lines measuring respectively one hundred ninety-six and 84/100 (196.84) feet, ninety-eight and 11/100 (98.11) feet, two hundred fifty-three and 69/100 (253.69) feet, seventy-one and 39/100 (71.39) feet, four hundred eighty-three and 71/100 (483.71) feet, seventy-four and 75/100 (74.75) feet, twenty-three and 54/100 (23.54) feet, and nine and 58/100 (9.58) feet.

Said Premises are shown as a parcel containing 17.00 acres, more or less, on a Plan of Industrial Land in Billerica, Massachusetts, prepared for New England Nuclear Corp., Scale 1" = 60', dated September 25, 1981 by Fleming, Bienvenu & Associates, Inc., Engineers and Surveyors, Billerica, Massachusetts, recorded with Middlesex County North District Registry of Deeds on October 13, 1981 in Plan Book 135, Plan 17.

**Tract Three:**

All that certain tract of land together with the buildings and improvements thereon, situated on the Northwestern side of Treble Cove Road, sometimes known as Triple Cove Road, shown as the parcel marked 61.6 acres on a plan entitled "Plan of the Estate of Lucy H. Foster, Billerica, Massachusetts, 1871, R. W. Baker, C. Engr.," duly recorded in Middlesex North District Deeds, Plan Book 32, Plan 52.

There are excepted from said premises three (3) parcels totaling 25,361 square feet, more or less, described in deeds duly recorded in Middlesex North District Registry of Deeds in Book 785, Page 550, Book 800, Page 85 and Book 803, Page 273 respectively.

Also excepted are the parcel shown as Lot 2 on a plan entitled "Plan of Land in Billerica, Massachusetts. Surveyed for Helen W. Dunn, dated November, 1964," by Emmons & Fleming, Inc. and recorded with Middlesex North District Registry of Deeds in Plan Book 101 as Plan 32, said Lot 2 having been conveyed to Aldo A. Minotti by deed dated November 30, 1964, and containing approximately 46,988 square feet and the parcel of land on said Treble Cove Road, being shown as lot containing 186,080 square feet, more or less, on a plan entitled "Proposed Subdivision of Land of Helen Dunn", dated June 14, 1965, Joseph T. Devlin, Registered Land Surveyor, recorded with said Middlesex North District Registry of Deeds, in Plan Book 102, Plan 44.

**Tract Four:**

All that certain tract of land together with the buildings and improvements thereon, situated on Treble Cove Road, beings shown as Lot 2 on plan entitled "Plan of Land in Billerica, Mass. Surveyed for Helen W. Dunn, dated November 1964," Emmons & Fleming, Inc. Engineers & Surveyors, recorded with Middlesex North District Registry of Deeds in Plan Book 101 as Plan 32, and being bounded and described in accordance with said Plan as follows:

- (1) Southerly by Treble Cove Road, by two lines, one hundred sixty-one and 88/100 (161.88) feet, and thirty-one and 91/100 (31.91) feet; thence
- (2) Westerly by land now or formerly of Wiggins and of Helen W. Dunn, two hundred forty-five (245) feet; thence
- (3) Northerly by land now or formerly of Helen W. Dunn, one hundred ninety and 39/100 (190.39) feet; thence
- (4) Easterly by land of Middlesex County House of Correction, seventy-four and 28/100 (74.28) feet and one hundred sixty-one and 72/100 (161.72) feet, respectively.

Containing according to said plan 46,988 square feet.

**Tract Five:**

All that certain tract of land together with the buildings and improvements thereon situated in the Westerly part of Billerica and bounded as follows:

- (1) Southwesterly by the road leading from Chelmsford to Bedford, now called the Boston Road; thence
- (2) Southerly by land now or formerly of George R. and Ralph C. Dyer, on three (3) lines, nine (9) chains and sixty-four (64) links; thence
- (3) Easterly by a ditch separating the premises hereby conveyed from land now or formerly of Richard H. Judkins twenty-four (24) chains and seventy-six (76) links; thence
- (4) Northerly by said Judkins land five (5) chains and fifty-eight (58) links; thence
- (5) Easterly by said Judkins land, on three (3) lines, eight (8) chains, three (3) chains and six (6) chains and fifty-eight (58) links; thence
- (6) Southerly by said Judkins land and land of The County of Middlesex eighteen (18) chains and ninety-five (95) links; thence
- (7) Easterly by land now or formerly of Anthony Jones three (3) chains eighty (80) links, one (1) chain forty-seven (47) links and three (3) chains; thence
- (8) Northeasterly by land of owner unknown on three (3) lines, four (4) chains twenty-five (25) links, six (6) chains and five (5) chains and seventy-five (75) links; thence
- (9) Southeasterly by the same fifty (50) links; thence
- (10) Northeasterly by land now or formerly of the estate of John Harrington five (5) chains and sixty-eight (68) links; thence



- (11) Northwesterly by land now or formerly of James Whittemore one (1) chain nine (9) links and seventeen (17) chains and seventy (70) links; thence
- (12) Westerly by land now or formerly of Henry Duren two (2) chains and twenty-two (22) links; thence
- (13) Southerly by said Duren land one (1) chain and fifty-five (55) links; thence
- (14) Southwesterly by said Duren land on three (3) lines, one (1) chain ten (10) links, one (1) chain eighty (80) links and one (1) chain and seventy (70) links; thence
- (15) Northerly by said Duren land on two (2) lines two (2) chains eighty (80) links and five (5) chains; thence
- (16) Northwesterly by land now or formerly of Charles P. Comerford five (5) chains and forty-eight (48) links; thence
- (17) Northeasterly by said Comerford land two (2) chains and ninety-six (96) links; thence
- (18) Northwesterly by said Comerford land ten (10) chains and eighty-eight (88) links; thence
- (19) Southwesterly by said Comerford land one (1) chain fifty-five (55) links and by land now or formerly of Howard G. Simonds sixteen (16) chains and twelve (12) links; thence
- (20) Northwesterly by said Simonds land on three (3) lines, about twenty (20) chains.

Containing one hundred forty (140) acres, more or less. Being all of the premises marked "F. J. Smith", on a plan entitled, "Plan of the Sumner Brown Estate, Billerica, Mass., July 1892, Albert E. Wood, Surveyor," recorded in the Middlesex North Registry of Deeds, Plan Book 7, Plan 48, reference to which plan may be had for a more particular description of the premises. So much of the above described premises as is included within the lines of said Boston Road as relocated and defined by the County Commissioners of said County of Middlesex by their taking dated June 9, 1925, and recorded in said Registry Book 725, Page 32, and shown on Plan recorded in said Registry, Plan Book M, Plan 143, Sheets 5 and 6, is subject to its use for all purposes for which highways are commonly used.

For title see 5419/307

END OF DOCUMENT

*Richard P. Howe Jr.*

378  
310 CMR 10.99

DEP File No. 109-799

Form 5

City/Town: Billerica, MA

Applicant: Rangeway Road Farms LLC

Commonwealth  
of MassachusettsOrder of Conditions  
Massachusetts Wetlands Protection Act  
G.L. c. 131, Sec. 40From: BILLERICA CONSERVATION COMMISSION

Issuing Authority

To: Rangeway ~~Road~~ Farms, LLC  
(Name of Applicant)Rangeway ~~Road~~ Farms, LLC  
(Name of Property Owner)Address: 10 Longbow Road  
Wakefield, MA 01880

Address: Same

☐ by hand delivery to applicant or representative \_\_\_\_\_ (date)☒ by certified mail, return receipt requested on April 19, 2001 \_\_\_\_\_ (date)

This project is located at: Rangeway Road (Assessors Plate 38, Parcels 5-4 and 5-5).

The property is recorded at the Registry of Middlesex North

Book \_\_\_\_\_ 7164 \_\_\_\_\_ Page \_\_\_\_\_ 223 \_\_\_\_\_

Certificate (if registered) No: \_\_\_\_\_

The Notice of Intent for this project was filed on February 9, 2001The Public Hearing was closed on April 11, 2001.

Findings:

The Billerica Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project Based on the information available to the Billerica Conservation Commission at this time, the Billerica Conservation Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Areas Subject to Protection Under the Act (check as appropriate):

<input type="checkbox"/> Public Water Supply	<input checked="" type="checkbox"/> Flood Control	<input type="checkbox"/> Land Containing Shellfish
<input type="checkbox"/> Private Water Supply	<input checked="" type="checkbox"/> Storm Damage Prevention	<input type="checkbox"/> Fisheries
<input checked="" type="checkbox"/> Ground Water Supply	<input checked="" type="checkbox"/> Prevention of Pollution	<input type="checkbox"/> Protection of Wildlife Habitat

Total Filing Fee Submitted \$6,300.00State Share \$3,137.50  
(1/2 fee in excess of \$25.00)City Town Share \$3,162.50

Total Refund Due \_\_\_\_\_

City/Town Portion \_\_\_\_\_  
(1/2 Total)

State Portion \_\_\_\_\_

(1/2 Total)

**MARGINAL REFERENCE REQUESTED**BK 11641 PG 140 DOC TYPE deed

Therefore, the Billerica Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standard set forth in the regulations, to protect those interests checked above. The Billerica Conservation Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

**General Conditions:**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. The issuing authority may extend this Order for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Billerica Conservation Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number **109-799**"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the Applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:

**Plans Description:**

I. Plan of Swanson Meadows Townhouses/Golf Course on Rangeway Road in Billerica, MA prepared for Rangeway Road Farms, LLC February 28, 2001 by Raymond Engineering Service"

**Signed and Stamped By:**

Raymond J. Garcia  
P.L.S.

**On File With:**

Billerica  
Conservation  
Commission

II. Temporary Gravel Construction Entrance/Exit (TGE) Plan of Swanson Meadows Townhouses and Golf Course on Rangeway Road in Billerica, MA prepared for Rangeway Road Farms, LLC March 22, 2001 by Raymond Engineering Service"

**PHASE I – PRELIMINARY CONDITIONS:**

13. The project described in the Notice of Intent and shown on the plan listed above shall be carried out in phases (see Conditions below). All conditions in each individual phase must be complied with and verified by the Conservation Commission or its agent(s) before the applicant may proceed to the next phase.
14. A copy of this Order of Conditions, approved construction plans and specifications shall be kept on site upon commencement of any work for contractors to view and adhere. It shall be the responsibility of the applicant owners of the property, and any successor(s) in title to inform all contractors and subcontractors of the applicable conditions and provisions of this Order concerning their work.
15. Any departures from, or changes made to the plans, specifications and submitted data, other than that described in this Order of Conditions must be approved in writing by the Billerica Conservation Commission prior to implementation. Where the Commission deems that a change is major or substantial, a new public hearing may be required.
16. The Applicant, their site engineer or the general contractor for this project shall notify the Conservation Commission or its agent(s) at least 24 hour in advance of specific times when work will begin in any area covered by this Order of Conditions.
17. Members, agents, and subcontractors of the Billerica Conservation Commission shall have the right to enter and inspect the premises, evaluate and ensure compliance with the conditions and the performance standards stated in this Order, the Wetlands Protection Act and its associated regulations (310 CMR 10.00). Also, the Conservation Commission Director and/or the Conservation Assistant shall represent the Commission and act as their representative on the construction sites in the absence of any Commission member. Said agent may acquire any information, measurements, photographs, observation and/or materials or may require the submittal of any data or information deemed reasonable by this Commission for that evaluation.
18. If any unforeseen problem occurs during and after construction and certification, which affects any of the eight statutory interests of the Wetlands Protection Act, then upon discovery, the Billerica Conservation Commission shall notify the applicant or his successor in interest immediately. Then, an immediate meeting shall be held between the Billerica Conservation Commission, the applicant and/or his successor in interest, and other concerned parties to determine the corrective measure to be employed. The applicant or successor in interest shall then immediately act to correct the problem using the corrective measures agreed upon.
19. To avoid misunderstandings, a meeting shall be held with the Conservation Commission or its agents, the Applicant and/or his or her representative to discuss these conditions contained in this Order of Conditions before any work begins on this project.  
Prior to commencement of work, the Applicant shall complete the following:
  - a. post a sign with the project File Number in a conspicuous place on the lot (see Condition #9);
  - b. record this Order of Conditions at the Registry of Deeds in Lowell (see Condition #8) and provide proof with a copy of the receipt and a copy of the first page of the Order of Conditions with the Book, Page, and instrument information (the Applicant may wait until after the meeting to fulfill this condition);
  - c. pay the legal advertisement bill in full for the public hearing notices AND provide proof of payment of said bill to the Conservation Commission.

The Applicant shall notify the Conservation Commission when these items have been completed at which time the Conservation Commission will verify the Applicant's claims. Only after verification has been made will a building permit pre-application be signed and/or will site work be allowed to begin.

20. The approved plans show no filling or alteration of floodplain or wetlands is to be done, therefore NO filling or altering of wetlands or floodplain is permitted by this Order. More specifically, no filling, landscaping or general alteration of land, by the current owner or any and al successors in interest, shall be allowed by this Order beyond or below the boundary of Bordering Vegetated Wetland and floodplain as shown on the plan submitted.

**PHASE II – INITIAL SITE PREPARATION CONDITIONS:**

21. Before any site work commences, the approved wetland boundary shall be flagged or demarcated in the field and remain flagged throughout the entire project to facilitate future inspections by the Conservation Commission or its agents.
22. A siltation control fence and/or row of staked haybales shall be installed as shown on the approved plan and as described in the Notice of Intent BEFORE any clearing, regrading, or alteration of the proposed work site take place. Once said siltation barrier has been installed and the Conservation Commission or its agent has verified its location the construction may commence. Said siltation control barrier shall be maintained throughout the project and any damaged or ineffective sections of fencing or haybales shall be replaced immediately as they are found. Also, the siltation must be periodically removed from these areas so that the silt fencing and/or haybales will remain effective. **THESE SILTATION CONTROL BARRIERS SHALL REMAIN IN PLACE UNTIL ALL DISTURBED AREAS ARE SATISFACTORILY STABILIZED AND APPROVED BY THE CONSERVATION COMMISSION.**
23. The proposed Wet Ponds, Sediment Forebays, Detention Basin and Constructed Wetland shall be installed and their surfaces lined with crushed stone (rip rap), loamed and seeded or planted with wetland vegetation during the initial stages of the project to allow as much time as possible for the stone to become settled (stabilized) and the grass and wetland plants to become established BEFORE runoff from the paved parking areas and driveways and the golf course is directed toward these areas on the lot. This will prevent erosion and ensure that there is never any increase in the rate and volume of runoff leaving the lot after construction of the parking lot and the industrial building.

If winter conditions set in before surfaces of the Wet Ponds, Sediment Forebays, Detention Basin and Constructed Wetland become stabilized, then the drainage control areas shall be temporarily lined with erosion control matting, rip rap to minimize the erosion of surface sediments during the winter months. Said matting, rip rap, or mulch can be removed when the growing season resumes in the **Spring of 2002.**

Also, a planting plan for the Constructed Wetland shall be prepared by the Applicant and submitted to the Conservation Commission Director for his review and approval prior to implementation. Only the final approved plan shall be followed to plant this Constructed Wetland.

24. An adequate reserve of erosion control materials shall be on site at all times for emergency or routine replacement, and shall include a minimum of the following: **200** linear feet of silt fence material and/or **100** linear feet of haybales and stakes.
25. The Applicant will make every effort to leave undisturbed as many large trees as possible that currently exist on the property.

**GENERAL PROJECT CONDITIONS:**

26. All disturbed slopes shall be 2:1 or flatter except where appropriate rip rap or retaining walls are planned, and all slopes not to be rip rapped or paved shall be vegetated for stabilization (loamed and seeded).
27. All disturbed areas of subject property shall be graded in such a manner to ensure free drainage, and any fill placed in conjunction with this project shall be done so as not to create any pockets of standing water.

28. Prior to the commencement of any construction on site, the Applicant shall submit a list of the names and phone numbers of the General Contractor, Project Foreman and a project contact person so that the Commission or their Agents have the ability to notify someone immediately upon discovery of a problem or violation on site or following an emergency situation.
29. Excess fill, excavated material, stumps, brush, logs, debris, rocks and ledge, etc. generated by this project shall not be disposed of on project land. Such dumping shall be deemed in violation of the Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40 as amended) and/or any other applicable Federal, State or local statutes, ordinances, bylaws and/or regulations. The Conservation Commission shall be consulted on locations of excess material disposal to assure there will not be a violation of the Wetlands Protection Act.

Also, no fill material shall be stored or stockpiled near or in close proximity to any wetland area of the site. The Commission may require erosion control measures to prevent erosion from stockpiled material.

30. During and after construction of the golf course and town houses, **NO** dirt or soil shall ever be tracked out of the site onto Rangeway Road. To help prevent the tracking of soil offsite, the Applicant shall install a Temporary Gravel Construction Entrance/Exit (as shown on the approved plan) or a similar device at all points of access and/or egress to this site. These sediment control devices shall be properly maintained by the Applicant during the entire construction period and they shall remain in place until all disturbed areas of the site are sufficiently stabilized and approved by the Conservation Commission or their agent.
31. The Town of Billerica's on site consulting engineer (Howe Surveying Associates, Inc.) shall monitor the effectiveness of the erosion and siltation control methods being employed on site on a continuous basis during the construction phase of this project and they shall report their findings to the Conservation Commission on a monthly basis. The Applicant shall pay for this engineering service as agreed to during the public hearing process.
32. The Wet Ponds, Sediment Forebays, Detention Basins, Constructed Wetlands, Infiltrator Units and other parts of the drainage system shall be completed as shown on the approved plan.

The project engineer shall certify in writing that this drainage system was installed properly before the Conservation Commission will consider issuing a Certificate of Compliance.

33. The final drainage system on this property shall be operated and maintained in accordance with the approved "Swanson Meadows Townhouses and Golf Course Operation and Maintenance Plan" prepared by Raymond Engineering Service. A copy of said "Plan" is included with this Order of Conditions as Attachment D.

In the future, any changes to the Operation and Maintenance Program shall be approved in writing by the Conservation Commission or their agent **before** these changes are implemented.

34. The final stormwater management (drainage) system for the Swanson Meadows Townhouses shall be operated and maintained in accordance with the approved "Swanson Meadows Townhouses and Golf Course Operation and Maintenance Plan" **and** the final approved "Agreement" and Swanson Meadows Drainage Maintenance Trust Documents. The Final Agreement and Homeowners Trust Document will be completed and signed within 30 days of the issuance of this Order of Conditions following review and approval by Town Counsel of Billerica, MA (Brackett and Lucas).

Included with this Order is a copy of the Operation and Maintenance Plan as Attachment D, a copy of the draft Agreement as Attachment E and a copy of the draft Drainage Maintenance Trust Document as Attachment F.

In the future, any changes to the **Final** Operation and Maintenance Plan, Agreement or Drainage Maintenance Trust Document shall be approved **before** these changes are implemented.

35. The Applicant or any and all successors in interest to the property identified as Swanson Meadows Townhouses and Golf Course shall agree in writing as members of the Swanson Meadows Drainage Maintenance Trust or as operators of the golf course to accept the responsibility for the Operation and Maintenance of the proposed Stormwater Management System for the golf course or the residential portion of the site in accordance with the approved Swanson Meadows Townhouses and Golf Course Operation and Maintenance Plan and the Final Agreement and Final Drainage Maintenance Trust Document. The O&M Plan is included in this Order as Attachment D.

The final Agreement and Drainage Maintenance Trust Document will be completed within 30 days .  
No Certificate of Compliance will be issued by the Conservation Commission until these written agreements have been received from the Applicant.

36. The completed (signed) Order of Conditions, Final Agreement Document and the Final Swanson Meadows Drainage Maintenance Trust Document shall be recorded at the North Middlesex Registry of Deeds **BEFORE** any unit deeds are prepared for these townhouses and **BEFORE** any individual units within the complex are sold and/or transferred so that these Documents can be properly referenced in future deeds prepared for each unit in this Townhouse Complex.
37. The Final Agreement Document, the Final Drainage Maintenance Trust Document and the Final Order of Conditions for this project shall be referenced in Purchase and Sales Agreements for units in this Townhouse Complex and copies of EACH document shall be provided to prospective buyers at the time of the signing of the Purchase and Sales Agreement so that said buyers will be aware of all conditions covering the unit they propose to purchase. The Applicant shall submit signed letters to the Conservation Commission from each buyer acknowledging that they received said Documents when the Purchase and Sales Agreement was signed.
38. The Applicant and any and all successors in interest to the property shall notify the Conservation Commission in writing each time monitoring or maintenance is performed on the drainage system. Each notification letter shall explain the current status or condition of the system and shall describe any repairs that have been made or problems that are occurring so that the Commission can make sure that the drainage system is operating properly and being maintained on a continual basis.
39. The drainage system shall be **maintained and upgraded** when necessary in the future to ensure that there is never any increase (0%) in the rate or volume of surface runoff that is discharged from this property. Any work to upgrade the drainage system in the future must be approved in advance by the Conservation Commission.

Also, maintenance of the drainage system (including the catch basins, Wet Ponds, Detention Basins, Sediment Forebays, Constructed Wetland and Infiltrator Units.) shall be "on going" after construction and final certification by the Applicant or any successors in interest. In no way shall the Town of Billerica be responsible for the maintenance or operation of the drainage system on this property.

This Condition specifically allows the Applicant or successor in interest to perpetually maintain the approved drainage system or drainage areas (including the removal of silt, debris and pollutants) without the need to file for a new Wetland Permit (Order of Conditions).

40. The proposed irrigation well must be a deep artesian type (200 – 300' deep) to ensure that it draws water from the surrounding **deep** aquifer not the shallow water table associated with the adjacent Dolly Brook.

This well shall be used for emergency watering purposes only in extended periods of drought when there is insufficient water in the wet ponds to properly water the golf course.

The Applicant or the golf course managers shall notify the Conservation Commission prior to using this well so that they can ensure that the use is for emergency purposes only. Well testing and routine maintenance is exempt from this notification requirement.

41. No road salt is to be used in parking areas and driveways and any arrangement for snow removal shall so stipulate (other environmentally safe deicing agents may Be used). No pollutant discharges from the residential site or golf course are to enter the drainage system ever.  
Also, any snow removed from the proposed driveway shall be plowed to the side of the pavement opposite the wetland as shown on the approved plan. In no way shall snow be plowed directly into existing vegetated wetland on any portion of this property.
42. The Applicant shall post permanent signs at various locations along the east and west sides of the paved parking areas and driveways stating that the cutting of vegetation and the storage of snow and landscaping debris (clippings, leaves, etc.) between the pavement and the adjacent vegetated wetland is prohibited in the future.
43. To prevent silt from entering the drainage system during construction, block and stone filters shall be placed around each catch basin or "Siltsacks" (or other similar device) shall be inserted in each basin until all surrounding disturbed areas are stabilized to the satisfaction of the Conservation Commission. Copies of detail sheets for each method are included with this Order as Attachment A and B.

44. In areas where dewatering becomes necessary, all discharge water shall either be pumped into a sediment trap (see Attachment C of this Order of Conditions) constructed on the proper upland area or through a series of filter pipes, or by other methods acceptable to the Conservation Commission (such as through the use of "Pumpbags" – See Attachment B) in order to remove all suspended sediments within the water and thereby prevent siltation of nearby water courses and vegetated wetlands.

The Conservation Commission shall be notified in advance as to what method will be employed on site. Maintenance of these sediment traps, filter pipes, etc. shall be ongoing to ensure that they remain effective throughout the project. In no way shall silty water ever be discharged into any protected Resource Areas by the contractor or any other subcontractor involved in this project.

45. Equipment storage and refueling operations shall be situated in an upland area at a distance of at least fifty (50) feet from the wetland. If there is a spill or discharge of any pollutant during any phase of construction, the Billerica Conservation Commission shall be notified by the Applicant as soon as practical.
46. A continuous length of post and rail fence or other visual barrier shall be installed in an upland area and at a distance of at least fifteen (15) feet from the existing wetland boundary. If shrubs and trees are used, they shall be not less than 3 feet tall and 2 feet wide AND shall not be planted more than 8 feet apart. No work shall be performed beyond this barrier without prior approval of the Conservation Commission. This visual barrier shall be maintained FOREVER by the Applicant or any and all successors in interest to this property. Any damaged, rotted or ineffective sections of the fencing shall be repaired or replaced immediately as they are found (see Attachment G).
47. No fertilizers, pesticides, or herbicides shall be used on any part of the site within 15-feet of the boundary of Bordering Vegetated Wetland. Also, no grass clippings, leaves, brush, or other yard debris from this lot shall ever be stored or disposed of in the wetlands or within 15-feet of the wetlands (see Attachment G).
48. The golf course shall implement an integrated pest and fertilizer management program that will restrict or limit the use of fertilizers and pesticides on site.

When the "program" is prepared, the Conservation Commission shall be given a copy for their approval and files.

Once the golf course is fully established, this integrated pest and fertilizer management program shall be updated on an annual basis and copies of these updated programs shall be submitted to the Conservation Commission before they are implemented on site.

49. Copies of all other local, State or Federal (401 or 404) permits, easement plans and documents, right of entry, etc. obtained for this project shall be submitted to the Billerica Conservation Commission for their files. Until



the Applicant has complied with this condition, the Certificate of Compliance will be held.

50. Town Counsel (Brackett & Lucas) shall review the wording of the Conservation Restriction to be placed on the western portion of this site in the future. Any changes that are recommended by the Town Counsel shall be made to the final document and only this final approved version shall be put in place (recorded).
51. The Conservation Restriction on the western portion of this property shall remain in place **in perpetuity**. If necessary, this Restriction shall be extended by the Applicant after 30 years (or whenever it expires) and the Applicant or owner of the affected property shall notify the Conservation Commission in writing each time that it is extended.
52. This Order is applicable to any successor in interest or control of the subject lot and shall be attached to the Deed and Title for this property. A copy of the final As-Built Plan and Certificate of Compliance shall also be recorded at the Registry of Deeds.

In addition, the Applicant shall provide the owner or successor in interest to this property with a copy of the Order of Conditions and the final As-Built Plan so that these individuals are made aware of the restrictions placed on the property by said Order. The current owner will describe to the new buyer the environmental limitations (floodplain, wetland, etc.) associated with this property. This shall be done before the property is issuance of a Certificate of Compliance.

53. If all the conditions in this Order have not been satisfactorily completed by the time an Occupancy Permit is sought and/or the sale of the property is about to take place, then the Commission will not issue a Certificate of Compliance. Should this situation occur, the applicant may request the Commission issue a Status Letter. Such a request must be made at least 10 business days before a regular meeting of the Conservation Commission to allow the members time to inspect the site and determine the completeness of the project. At that next meeting, the Commission will then vote to direct their agent to issue said letter. The Commission's agent may not issue Status Letters without formal authorization from the Conservation Commission.

Status Letters will NOT be issued for this lot **(identified as Assessors Plate 38, Parcels 5-4 and 5-5)** if the drainage system has not been installed or is not yet operational and the visual barrier has not been put in place. However, the Commission may issue a Status Letter if a bond (in the form of a passbook account amounting to 1.5 times the cost to perform this work) is provided to the Conservation Commission. Said bond shall be kept in the possession of the Conservation Commission until a Final Certificate of Compliance is issued.

54. The Applicant and/or Project Engineer (Raymond Engineering Service) shall resolve any outstanding issues that the Town's Consulting Engineer (Howe Surveying Associates, Inc.) currently has with the project plans before any **regrading or construction work** commences on site (especially the issue of potential impacts to Bordering Vegetated Wetland due to the seasonal diversion of groundwater by portions of the Stormwater Management System). However, this condition shall not delay the commencement of tree clearing and grubbing on this property.

The proposed regrading and construction work shall not begin until the Conservation Commission is in receipt of a letter from the Consulting Engineer stating that all outstanding issues have been resolved to their satisfaction.

55. The procedure for obtaining a Certificate of Compliance is as follows:
  - a. The Applicant shall submit a letter of request for a Certificate of Compliance when all work is done and applicable conditions have been met. The Applicant shall also request to be scheduled for the next Regular Meeting of the Conservation Commission.
  - b. Not less than 7 days prior to the Meeting, the Applicant shall submit the following items to the Conservation Office:
    1. a letter from a Registered Professional Engineer certifying, condition by condition, that all work was done according to the approved plans. If deviations from the plan exist the Engineer must explain the reasons for the deviations.

2. an As-Built Plan prepared, stamped and signed by a Registered Professional Engineer
- c. Site inspections will not be scheduled until the Conservation Commission has received ALL items. Only when all information has been received and stamped, will the request be deemed complete and the 21 day time clock begin (State Wetlands Regulations 310 CMR 10.05(9)). After the Commission inspects the project a decision will be made at the next Regular Meeting and issue a Certificate of Compliance or Denial Letter within 21 days. The Certificate and As-Built Plans shall then be recorded at the Registry of Deeds in Lowell. The Applicant will provide the Conservation Commission with proof that this condition was completed

NOTE: CONDITION #8 (LISTED ABOVE) SHALL BE COMPLIED WITH IMMEDIATELY!  
FAILURE TO DO SO SHALL BE DEEMED CAUSE TO REVOKE OR MODIFY THIS ORDER.

Issued by the Billerica Conservation Commission

Signatures

JoAnne Giovino Ilana Freedman

This Order must be signed by a majority of the Conservation Commission.

On this 17th day of April, 2001, before me personally appeared

Thomas Woodford, \*\*, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

\*\* JoAnne Giovino, Ilana Freedman and Norman Beloin, Jr.

Marie Ogunde  
Notary Public

April 10, 2003  
My Commission expires

The applicant, the owner aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Billerica Conservation Commission prior to commencement of work.

To Billerica Conservation Commission (Issuing Authority)

Please be advised that the Order of Conditions for the project at: Rangeway Rd (Pl. 38, Pcls. 5-4 & 5-5).

File Number 109-799 has been recorded at the Registry of Middlesex North and has been noted in the chain of title of the affected property in accordance with General Condition #on \_\_\_\_\_.

If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_.  
If registered land, the document number which identifies this transaction is \_\_\_\_\_.

Signature of Applicant \_\_\_\_\_

*Definition: A sediment control barrier formed around a storm drain inlet by the use of standard concrete block and gravel.*

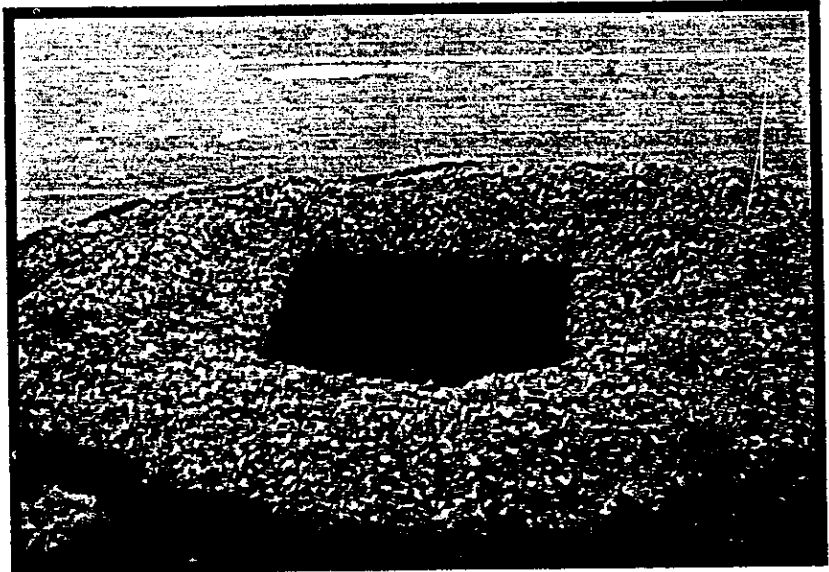
## BLOCK AND GRAVEL INLET PROTECTION -TEMPORARY (BGI)

### Purpose:

- To help prevent sediment from entering storm drains before stabilizing the contributing watershed. This practice allows for early use of the storm drainage system.

### Conditions Where Practice Applies:

- This method of inlet protection is valuable where storm drain inlets are to be made operational before permanent stabilization of the disturbed drainage area.



- This method of inlet protection applies to both drop inlets and curb inlets where heavy flows are expected and an overflow capacity is necessary to prevent excessive ponding around the structure.

### Planning Considerations:

- This method uses standard concrete block and gravel to provide a small, sturdy barrier to trap sediment at the entrance to a storm drain.
- Concrete blocks are laid closely without mortar around the perimeter of the drain. Gravel is then placed around the outside of the blocks to restrict the flow and form a sediment pool. For slower drainage and therefore more settlement time, the concrete blocks could be eliminated and the device made entirely of gravel.
- Drainage area for this practice should be limited to 1 acre and pool depth should be limited to a maximum of 2 feet.
- Frequent maintenance is vital for this practice.





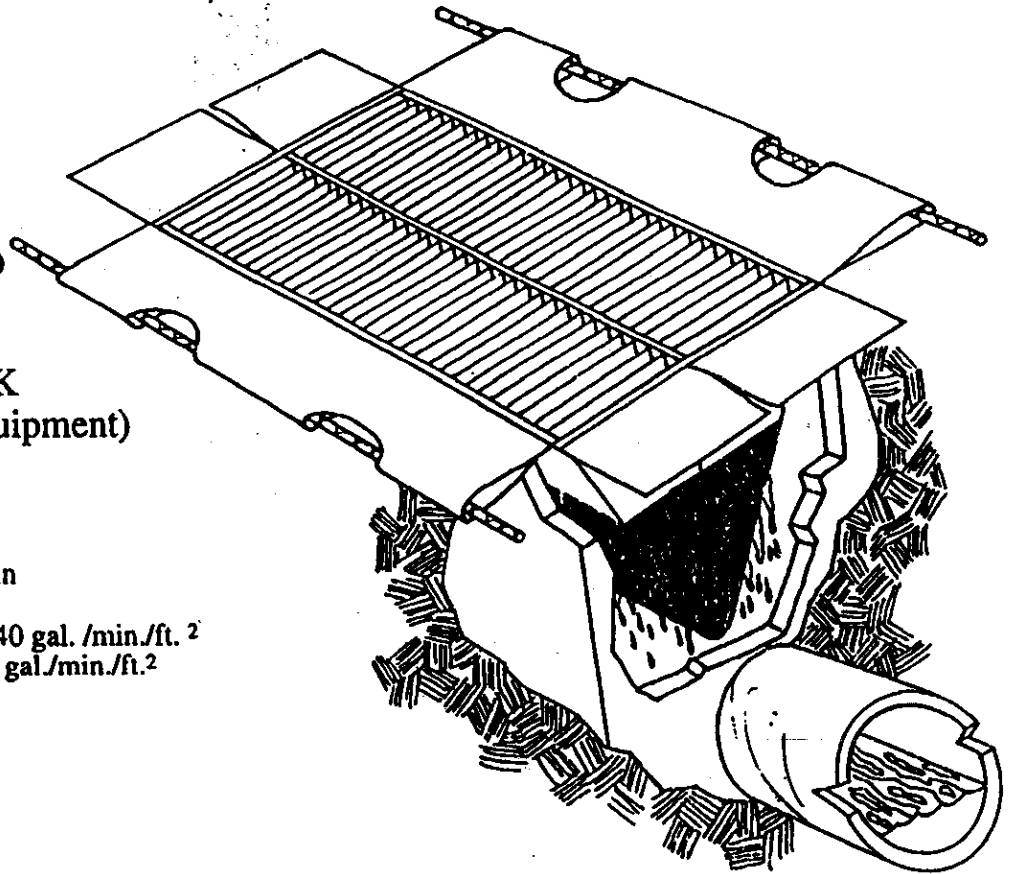
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  - UPS Shippable



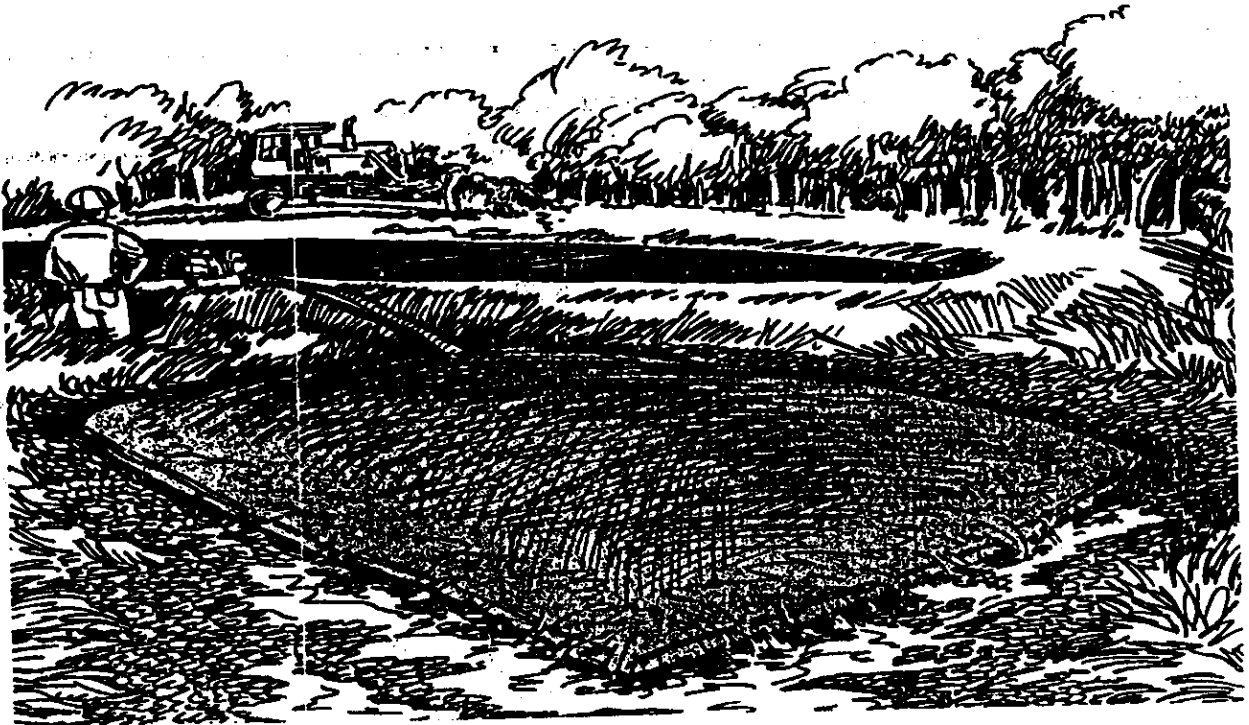
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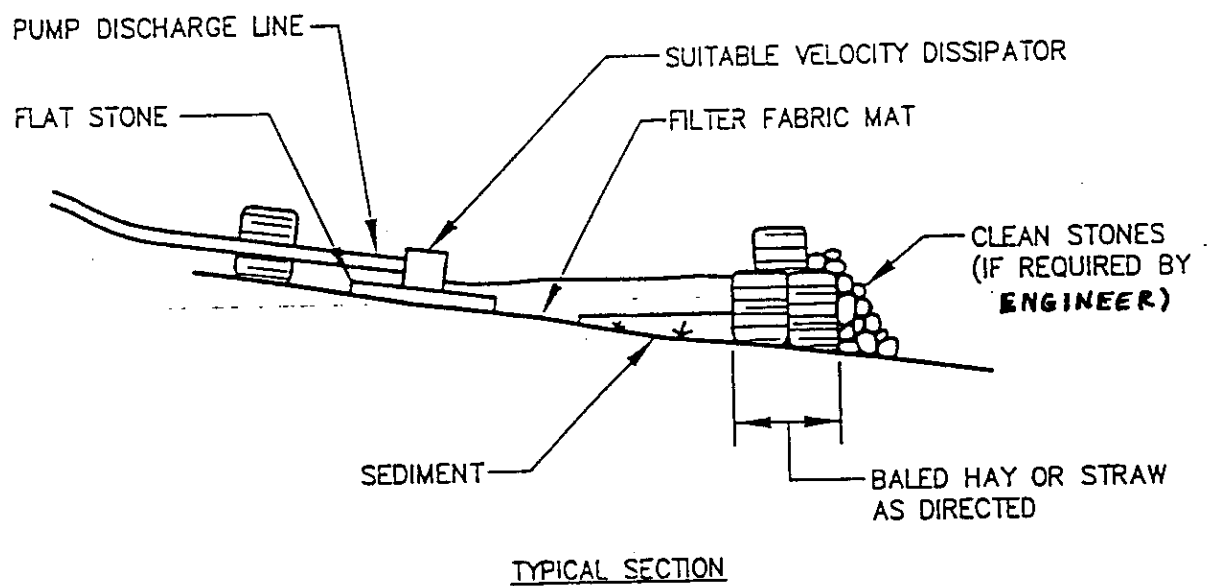
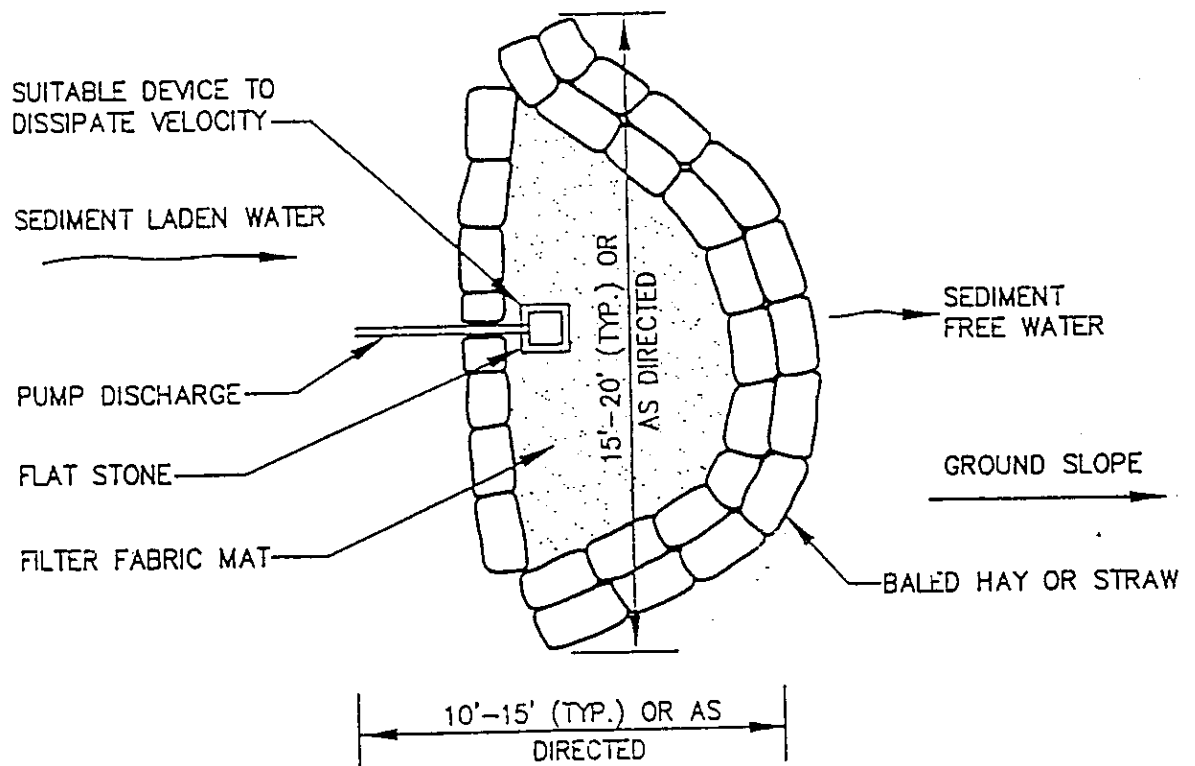
PROTECT THE ENVIRONMENT BY  
PREVENTING SEDIMENTS FROM  
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**SWANSON MEADOWS  
TOWNHOUSES AND GOLF COURSE  
BILLERICA, MA  
2/7/2001**

**OPERATION AND  
MAINTENANCE PLAN**

Responsibility for Operation and Maintenance

The developer will be responsible for the maintenance of all drainage system components prior to completion of the site work. When greater than 50% of the units have been sold an association will be formed and a Homeowners Association will be formed. As part of the Association a covenant will be formed stating that each unit owner has equal responsibility to maintain the catch basins and piped drainage system and correct any problems which may arise. The covenant shall also state that each individual unit owner will be responsible for the maintenance of their own recharge dry well. All purchase and sales agreements shall include verbiage making all potential unit owners aware of this situation. The forebays, drainage basins, wet ponds and constructed wetland are to be considered part of the golf course and will be maintained by the golf course maintenance staff.

Description of System.

The stormwater management system consists of four separate systems which incorporate hooded outlet catch basins with deep sumps, forebays, drainage basins, wet ponds and a constructed wetland. Each individual unit contains roof drains which empty into dry wells for the purpose of groundwater recharge.

The systems are described as follows:

1. The East Phase Townhouse development consists of hooded outlet catch basins with deep sumps which are piped to a forebay/ wet pond detention area. This wet pond connects to an additional wet pond at the sixth hole. The northerly portion of the seventh and eighth holes and the northeasterly corner of the ninth hole will flow into the first wet pond. The remaining portions of the seventh, eighth and ninth holes will flow into the second wet pond.
2. The West Phase Townhouse development consists of hooded outlet catch basins with deep sumps which are piped to a forebay/ wet pond detention area between the first and fifth holes. This wet pond connects to a constructed wetland located at the fifth hole. The first hole and a portion of the second hole will flow into the wet pond. The remaining portion of the second hole, a portion of the third hole and all of the fifth hole flow to the constructed wetland.
3. The remaining portion of the third hole will flow into two separate detention basins.
4. The fourth hole will flow into two separate detention basins.

It should be noted that all runoff from the golf course will flow to a treatment area and not flow directly into the wetland.



MAINTENANCE PROCEDURESDuring Construction

1. Sedimentation control shall be placed in or around the catch basin during construction.
2. All detention basins shall be cleaned of debris and sedimentation prior to issuance of certificate of compliance or release of the property.
3. All catch basins shall be cleaned of debris and sedimentation prior to issuance of certificate of compliance or release of the property.
4. All pipes shall be flushed to remove of debris and sedimentation prior to issuance of certificate of compliance or release of the property.

Catch Basins

1. After all major storms (two years or greater) and twice each year (Once in the Spring and again in the Fall) remove the catch basin grates and inspect the amount of grit which has accumulated in the sumps.
2. At least once a year or when necessary, remove all accumulated debris.
3. Street cleaning shall occur each Spring and Fall.

Recharge Dry Wells

1. Roof gutters shall be cleaned annually.
2. After all storms, the overflow shall be checked for signs of rainwater backup.

Wet Ponds, Constructed Wetland,Drainage Basins and Forebay

1. After all major storms (two years or greater) and twice each year (Once in the Spring and again in the Fall) inspect for signs of accumulated grit and debris in the basin, the forebay, the inlet and outlet pipes and remove if necessary.
2. Brush shall not be allowed to grow on the pond berms.
3. All trash and debris should be removed when observed.
4. The forebay should be inspected monthly during the summer and cleaned four times per year.

General

1. Dispose of the collected grit, debris and oil in accordance with current Town and State regulations.

**AGREEMENT**

By and between Rocco Scippa, Trustee of Swanson Meadow Drainage Maintenance Trust u/d/t dated \_\_\_\_\_ and recorded herewith (hereinafter called the "Trust") and Rangeway Farms, LLC, a Massachusetts Limited Liability Company, (hereinafter called the "Developer") and the Inhabitants of the Town of Billerica (hereinafter called "Billerica" or "The Town").

Whereas, the Developer wishes to create an eighty (80) unit condominium complex and nine (9) hole golf course, in said Billerica as shown on a plan entitled "Townhouses / Golf Course Plan of Land in Billerica, Mass.", dated March 17, 2001, made by Raymond Engineering Service, which plan is recorded with Middlesex North Registry of Deeds herewith (hereinafter called the "Plan") and

Whereas Billerica cannot guarantee timely inspection and maintenance of the drainage system and structures appurtenant thereto required for the development of units and golf course as shown on the plan.

Now, therefore, the Developer, its successors and assigns, the Trust, and Billerica agree as follows:

- 1.) That the trust will maintain the aforesaid drainage system and structures appurtenant thereto in accordance with the approved O and M Plan by the Billerica Conservation Commission Director.
  - 2.) The Developer shall pay in full all cost, charges and expenses arising out of or in respect to the construction of the drainage system and structures appurtenant thereto.
  - 3.) To secure its obligations hereunder, the Developer shall open an account in a bank located in Billerica, Massachusetts, standing in the joint names of the Town of Billerica or Swanson Meadows Drainage Maintenance Trust, or some other entity as is approved in writing by Billerica, (hereinafter called the "Account Owner").
-

Said account shall be funded with Eight Thousand (\$8,000.00) Dollars no later than December 31, 2003.

- 4.) Thereafter the trust shall assess fees as needed to meet the anticipated annual maintenance cost of said drainage system.

Interest earned from time to time on the account shall be credited and added to the account. The Account Owner shall draw upon the account only after receipt from the Town of its written consent to each withdrawal following seven days prior written notice to the Town (through its Conservation Commission Director) of Account Owner's intent to do so solely for the purposes of this Agreement; and then the Account Owner shall withdraw only so much monies out of said account as are reasonably required at that particular time to put the drainage system and structures appurtenant thereto in good working order.

The Trust further agrees that if the Town, through its Conservation Commission Director, determines that proper maintenance is not being met for the drainage system and structures appurtenant thereto, then the Town has the right to enforce the provisions of this Agreement, as well as the Swanson Meadows Drainage Maintenance Trust, recorded herewith, against the Trustees and/or the individual unit owners. Included in said enforcement rights, but not limited thereto, is the right to recoup any costs incurred by the Town in assuming any of the Trustee's maintenance duties either by withdrawing same directly from said joint account or on direct application to the unit owners through the Trust's right to assess for common expenses.

Signed this            day of            , 2001

TOWN OF BILLERICA

Swanson Meadows Drainage  
Maintenance Trust

By: \_\_\_\_\_  
Martin Houlne, Director  
Conservation Commission

By: \_\_\_\_\_  
Rocco Scippa, Trustee

Rangeway Farms, LLC

By: \_\_\_\_\_  
Rocco Scippa, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2001

Then personally appeared the above-named Martin Houlne, Conservation Commission Director for the Town of Billerica, and acknowledged the foregoing instrument to be his free act and deed, before, me.

\_\_\_\_\_  
Notary Public  
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2001

Then personally appeared the above-named Rocco Scippa, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before, me.

\_\_\_\_\_  
Notary Public  
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2001

Then personally appeared the above-named Rocco Scippa, Manager of Rangeway Farms, LLC as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before, me.

\_\_\_\_\_  
Notary Public  
My commission expires:

**SWANSON MEADOWS DRAINAGE MAINTENANCE TRUST**

Rangeway Farms, LLC is the owner of three certain parcels of as shown on a plan entitled "Townhouses/Golf Course Plan of Land in Billerica, Mass.", dated March 17, 2001, prepared by Raymond Engineering Service, (hereinafter "the development"), which plan is recorded with Middlesex North District Registry of Deeds, Plan Book \_\_\_\_, Plan \_\_\_\_.

Rangeway Farms, LLC, intends to convey an easement to that portion of the development identified as "Drainage Area" (hereinafter "Drainage Areas") on said plan to Rocco Scippa, as Trustee of Swanson Meadows Drainage Maintenance Trust hereunder for the purpose of maintaining said easements and the structures appurtenant thereto. As used herein, "Developer" shall mean the said Rangeway Farms, LLC, its respective successors and assigns, and said corporation's undertakings and obligations hereunder shall bind and run with the land in perpetuity, whether described by the plan identified above or by any modification thereof. The Developer agrees that this Trust shall be recorded with Middlesex North District Registry of Deeds prior to conveyance of any condominium unit out of the development. If Rangeway Farms, LLC, sells its interest in the units so as to remove it from responsibility hereunder, its Grantee shall be responsible to assume such responsibility with notice to and approval of the Billerica Conservation Commission. Thereafter the word "Developer" herein shall mean such Grantee.

**ARTICLE I**

I, Rocco Scippa of Wakefield, Middlesex County, Massachusetts, agree to serve as Trustee of Swanson Meadows Drainage Maintenance Trust hereunder according to the terms hereof. This Trust is established for the initial and primary purpose of entering into and carrying out the obligations undertaken by the said Trustee of Swanson Meadows Drainage Maintenance Trust and by the Developer and their respective successors and assigns, set forth in the Agreement of even date between them and the inhabitants of the Town of Billerica, Massachusetts, a copy of which Agreement is attached hereto and incorporated herein by reference. Said Agreement is hereafter referred to as the "Drainage System Maintenance Agreement".

**ARTICLE II**

**SECTION 2.1.** The beneficiaries of this Trust shall be the owners of Units 1 through 80 inclusive, of the Swanson Meadows Condominium (hereinafter "Unit Owners"). Consistent with Section 2.4 below, a person shall become a beneficiary automatically upon becoming a unit owner and shall cease to be a beneficiary automatically upon ceasing to be such an owner. By acceptance of the deed to any unit, the unit owner agrees to be bound by all of the terms of this Trust and Rules and Regulations promulgated herein, to be recorded at Middlesex North District Registry of Deeds.

**SECTION 2.2.** The beneficial interest in the Trust shall be divided among the owners of said units in proportion to the number of units owned by each, with each unit entitling the owner thereof to a one-eightieth (1/80%) percent undivided beneficial interest in the Trust.

**SECTION 2.3.** The beneficial interest appertaining to each unit shall be held and exercised as a unit and shall not be divided among several owners of any such unit. To that end, whenever any of the units of record are owned by more than one person, the several owners of such unit shall (a) determine and designate which one of such owners shall be authorized and entitled to cast votes, execute instruments and otherwise exercise the rights appertaining to such unit hereunder, and (b) notify the Trustee(s) of such designation by a notice in writing signed by all the record owners of such unit. Any such designation shall take effect upon receipt of the notice thereof by the Trustee(s) and may be changed at any time and from time to time by notice as aforesaid. In the absence of such notice of designation, the Trustee(s) may designate any such owner for such purposes.

**SECTION 2.4.** The undivided beneficial interest in this Trust appertaining to each unit shall not be separated from ownership of the unit and shall be deemed conveyed or encumbered with the unit even though such interest is not expressly mentioned or fully described in the conveyance or other instrument.

**SECTION 2.5.** It is hereby expressly declared that a trust, and not a general partnership, limited partnership, joint venture or other association, has been created by this instrument and that the unit owners are the beneficiaries, and not partners or associates between themselves with respect to the trust property, and hold no relation to the trustees other than beneficiaries, with only such rights as are conferred upon them as such beneficiaries hereunder.

### **ARTICLE III – TRUSTEES**

**SECTION 3.1.** Successor Trustees

Until the “Takeover Event,” the trustee shall be able to appoint any successor trustee and during this period the trustee may consist of as few as one. The “Takeover Event” shall occur at the earlier of (a) 120 days after the sale of the 80<sup>th</sup> unit by the developer or (b) five years from the recording of this trust, whichever shall first occur.

Thereafter, the trustees will be the same individuals then serving as trustee of the Swanson Meadows Condominium Trust and their successors to said office. The trustees after the “Takeover Event” shall at all times be unit owners. Upon the appointment of any succeeding trustee, such succeeding trustee shall have the rights, powers, authority and privileges as if named as an original trustee hereunder.

**SECTION 3.2.** Resignation of Trustees

Any trustee may resign or be discharged from the trust hereof at anytime by an instrument in writing signed and acknowledged in the manner required in Massachusetts for acknowledgment of deeds, and such resignation shall take effect upon the recording of such instrument with the Registry of Deeds.

**SECTION 3.3.** No Bond Required

No trustee named or appointed as hereinbefore provided, whether as original trustee or as

a successor to or a substitute for another, shall be obliged to give any bond or other security for the performance of any of his duties hereunder; except if by a majority vote at a duly called unit owners meeting, said trustee(s) are required to be bonded, they shall immediately do so, said cost being a common expense.

**SECTION 3.4.** Meeting of Trustees

Meetings of the trustees may be called by any trustee (if there be no more than three then in office) or by any two trustees (if there be more than three then in office) or in such other manner as the trustees may establish: provided, however, that notice of each such meeting, stating the place, day and hour thereof shall be given at least three (3) days before such meeting of each trustee, unless such notice shall be waived in writing either before or after the meeting by those trustees not so receiving it. A majority of the number of trustees, or a single trustee, if there be only one, then in office shall constitute a quorum at all meetings of trustees and such rules the trustees may adopt. Unless otherwise provided by the trustees in such rules, all action by the trustees shall be by a majority vote of a quorum thereof. Any action required or permitted to be taken at any meeting of the trustees may be taken without a meeting if all the trustees consent to the action in writing and the written consents are filed with the records of the meetings of trustees.

**SECTION 3.5.** Meeting of Unit Owners

Meetings of the unit owners may be called at any time by the trustee(s) and shall be called by them upon the written request of unit owners holding more than twenty-five percent (25%) of the beneficial interest hereunder. Written notice of any such meeting designating the place, day and hour thereof shall be given by the trustee(s) to the unit owners at least seven (7) days prior to the date so designated. Whenever trustees deem it necessary or appropriate, the notices sent to the unit owners shall specify the matters to be discussed at said meeting. Meetings of unit owners shall be conducted in accordance with such rules as the unit owners may adopt.



**SECTION 3.6.** Trustee Remuneration

No trustee shall receive remuneration for his services unless he shall be appointed as manager in accordance with the provisions of ARTICLE VI below; provided, however, that if approved by a vote of the unit owners holding no less than fifty-one (51%) percent of the beneficial interest hereunder, a trustee may receive reasonable remuneration for extraordinary or unusual service, legal or otherwise, rendered by him in connection with the trust hereof.

**SECTION 3.7.** Limitation on Disqualification of Trustee Dealing.

No trustee shall be disqualified by his office from contracting or dealing with the Trustees or with one or more unit owners as vendor, purchaser or otherwise, nor shall any such dealing, contract or arrangement entered into with respect to this trust in which any trustee shall be in any way interested be avoided nor shall any trustee so dealing or contracting or being so interested be liable to account for any profit realized by any such dealing, contract or arrangement by reason of which trustee's holding office or of the fiduciary relation hereby established, provided the trustee shall act in good faith and shall disclose the nature of his interest before the dealing, contract or arrangement is entered into.

**SECTION 3.8.** Limitation of Trustee(s) Liability

No trustee shall be liable to the trust or to any trustee for any act or omission of any other trustee, officer or agent of the trust or be held to any personal liability whatsoever in tort, contract or otherwise in connection with the affairs of this trust except only that arising from his own willful malfeasance, bad faith, gross negligence, or reckless disregard of duty; provided however that the trustees and the trust shall be liable to the Town of Billerica for the due administration and performance of the Drainage System Maintenance Agreement.

**SECTION 3.9.** Indemnification of Trustee(s) Liability

Any person made a party to any action, suit or proceeding or against whom a claim or liability is asserted by reason of the fact that he, his testator or intestate was or is a trustee of the

Attachment F

trust or active in such capacity on behalf of the trust shall be indemnified and held harmless by trust against judgments, fines, amounts paid on account thereof (whether in settlement or otherwise) and reasonable expenses, including attorney's fees, actually and reasonable incurred by him in connection with the defense of such action, suit, proceeding, claim or alleged liability or in connection with any appeal therein, whether or not the same proceeds to judgment or is settled or otherwise brought to a conclusion; provided, however, that no such person shall be so indemnified or reimbursed for any claim, obligation or liability which arose out of the trustee's willful malfeasance, bad faith, gross negligence or reckless disregard of duty; and provided further, that such person gives prompt notice thereof, executes such documents and takes such action as will permit the trust to conduct the defense or settlement thereof and cooperates therein. The cost of such indemnification shall be charged to all the unit owners as a common expense. The rights accruing to any person under these provisions shall not exclude any other right to which he may be lawfully entitled, nor shall anything contained herein restrict such right of a trustee to contribution as may be available under applicable law.

**ARTICLE IV - DUTIES AND POWERS OF TRUSTEE(S)****SECTION 4.1.** General Duties

The trustee(s) shall have the duty of managing, maintaining and controlling the Drainage Areas (and structures appurtenant thereto) and all improvements made thereto for the benefit of the beneficiaries and to this end shall have, hereinafter specified, the following powers:

- (i) To appoint and remove at pleasure all officers, agents and employees of the trust, prescribe their duties, fix their compensation, and require of them such security or fidelity bond(s) as they may deem expedient. Nothing contained in this trust shall be construed to prohibit the employment of any unit owner or trustee in any capacity whatsoever.

- (ii) To establish, levy and assess, and collect general and special assessments for common expenses referred to in Article VI hereof. The trustees shall have the duty to take such action as they deem reasonably required under the circumstances to collection from unit owners who fail to pay such assessments within thirty (30) days of the due date or within such shorter period of time as may be determined by the trustees, including without thereby limiting the generality of the foregoing, the commencement of legal action.
- (iii) To do all things necessary to operate, maintain, repair, or replace, alter and otherwise administer and care for the Drainage Areas and structures appurtenant thereto.
- (iv) To obtain all policies of insurance required by this trust and such other insurance as may be required by law or as the trustee may from time to time determine.
- (v) To obtain any legal, accounting, administrative and other services deemed advisable by the trustees, to whom the trustees may delegate certain of its powers and duties. The trustees shall be entitled to rely upon the advice and counsel of attorneys, accountants and other advisors hired by them and shall be protected in so doing.
- (vi) To adopt, amend, modify and rescind from time to time and enforce rules and regulations governing the use of the Drainage Areas (and structures appurtenant thereto) and the personal conduct of the unit owners and their customers, clients and tenants thereon. These rules and regulations shall be binding upon all unit owners and residents of the development, unless and until they shall be modified or rescinded by vote of the unit owners holding no less than fifty-one (51%) percent of the beneficial interest in the trust.

- (vii) To cause to be kept a complete record of all its acts and the affairs of the trust and to present a statement thereof to the unit owners at the annual meeting of the unit owners.
- (viii) To purchase, or otherwise acquire title to or an interest in, sell, and otherwise maintain, manage, hold, use and encumber and dispose of any property, real or personal, tangible or intangible, in the course of their administration and management of the Drainage Areas and structures appurtenant thereto.
- (ix) To open and maintain bank accounts, and to authorize the drawing of checks and other financial instruments, and to keep a full and complete record of all financial transactions for unit owners and to prepare periodic financial reports and accountings as may be reasonably required by the unit owners.
- (x) To borrow or in any manner raise such sum or sums of money or other property as it shall deem advisable in any manner and on any terms, and to evidence the same by notes bonds securities or other evidence of indebtedness, which may mature at time or times, and subject to any limitations imposed by law, mortgage, pledge, or other instrument to secure any such borrowing; provided, however, that the trustees shall have no authority to bind the unit owners personally.
- (xi) To establish committees from among the unit owners, define their powers and duties, and appoint and remove their members.
- (xii) To grant easements and rights with respect to utilities to be installed in, upon, under or over the Drainage Areas and to enter into such agreements and undertakings as shall be necessary therefor, and to grant the same rights to any owner of contiguous land, provided that such grants do not materially adversely interfere with the intended use of the Drainage Areas, provided that no such easements or rights within streets shall be granted without the approval of the

Town of Billerica Department of Public Works; provided, however, that no such grant shall impair the obligation of the trust or its trustees under the Drainage System Maintenance Agreement.

- (xiii) To approve the location and relocation of easements and rights for utilities which have been installed in, upon, under or over the Drainage Areas, and to execute, acknowledge and register such instruments and plans identifying such easements as the trustees deem necessary or desirable. Provided however, that no such easements or rights within streets shall be relocated without approval of Town of Billerica Department of Public Works.
- (xiv) To sign, seal, acknowledge, deliver and register in any one or more public offices or places or registering all such instruments and documents as the trustee shall deem necessary or desirable in the exercise of their powers and the discharge of their duties.
- (xv) To assess the cost of repair and/or replacement to any unit owner causing an obstruction of the Drainage Areas or structures appurtenant thereto.
- (xvi) To take such steps, including the expenditure of funds, to protect and preserve the Drainage Areas and structures appurtenant thereto.
- (xvii) To be responsible for the inspection and maintenance schedules required for the Drainage Areas (and structures appurtenant thereto) storm water management system and the proper recording in the records of the trust of all actions taken with respect to same.

**SECTION 4.2. Taxes and Municipal Assessments**

The trustee(s) shall pay all real estate taxes and other municipal assessments, if any, assessed to the trust, arising out of the trust's ownership, operation and control of the Drainage Areas (and structures appurtenant thereto) and improvements thereon, and such taxes and assessments shall be charged to all the unit owners as common expenses.

**SECTION 4.3. INSURANCE**

The Trustee shall obtain and maintain policies of (a) comprehensive public liability, (b) casualty and physical damage insurance, and (c) Workman's Compensation insurance, as appropriate, naming "Trustee(s) of Swanson Meadow Drainage Maintenance Trust as Insurance Trustee(s) for the benefit of "Swanson Meadow Drainage Maintenance Trust" prior to any repair being commenced on the Drainage Areas and structures appurtenant thereto. The cost of obtaining and maintaining such insurance agreements shall be charged to all the unit owners as common expenses. Each unit owner shall provide that the comprehensive public liability on his unit shall cover his liability resulting from his beneficial interest in the Drainage Areas.

**ARTICLE V - Appointment of a Manager**

**SECTION 5.1.** The original trustee or a majority of the successor trustees may recommend to the unit owners that a Manager be hired to manage and maintain the Drainage Areas and structures appurtenant thereto and shall, in such recommendation, state the proposed terms of employment and the cost thereof. If approved by unit owners holding no less than seventy-five (75%) percent of the beneficial interest hereunder, such manager shall be hired upon the terms proposed and approved, and the cost of his services shall be charged to all the unit owners as a common expense.

**ARTICLE VI - ASSESSMENT FOR COMMON EXPENSES**

**SECTION 6.1.** By becoming beneficiaries of this trust, the owners of said units 1 through 80 agree to pay the common expense of the trust. These expenses shall be assessed against each unit owner in proportion to his beneficial interest in the trust and shall be payable within thirty (30) days. Interest on amounts remaining unpaid after thirty (30) days shall accrue at the rate of 18% per annum. The unit owners shall also be responsible for all attorneys' fees and costs in any action to collect past due common expenses.

THE DEVELOPER WILL BE RESPONSIBLE FOR ITS PRO-RATA SHARE OF COMMON EXPENSES UNTIL THE TAKEOVER EVENT.

NOTWITHSTANDING THE ABOVE, FOLLOWING THE TAKEOVER EVENT THE DEVELOPER WILL NOT BE RESPONSIBLE FOR THE COMMON EXPENSES FOR ANY UNIT THAT IS NOT SOLD OR RENTED.

The trustees shall in their discretion, prior to the commencement of each fiscal year of the trust, estimate the common expenses to be incurred by the trust during such forthcoming fiscal year and assess each unit owner as aforesaid for such estimated expenses. In the event the actual common expenses incurred by the trust exceed such estimated expenses, supplemental assessments may be made by the trustee(s) as aforesaid.

THAT PORTION OF A UNIT OWNER'S SHARE OF THE COMMON EXPENSES REMAINING UNPAID THIRTY (30) DAYS AFTER THE DATE STIPULATED FOR PAYMENT THEREOF, ALONG WITH ANY INTEREST AND COSTS ACCRUING THEREON, SHALL CONSTITUTE A LIEN UPON HIS UNIT.

This lien shall take effect without the necessity of recording a notice thereof with the Registry of Deeds and shall be binding on all subsequent owners. At the end of each fiscal year of the trust, the trustee(s) shall render a written account to each unit owner of the receipts of and disbursements made by the trust during said year. Upon request, the trustee(s) shall issue a certificate that no lien for common expenses exists on any specified unit in a form recordable at the Registry of Deeds.

**SECTION 6.2. Foreclosure of Liens and Subordination to Mortgages.**

The liens provided for in Article VI, Section 6.1 above may be enforced in case of non-payment when due, by sale of the premises subject thereto, in the manner provided by law for the foreclosure of mortgages containing a power of sale, provided that notice of the commencement of such proceedings or an affidavit of such sale, is filed or recorded in said Registry within two years of the date on which payment is due.

The liens provided for herein shall be subordinate to the lien of any mortgage given by the owner of any such unit to any bank or other lending institution; provided, however, that any such mortgagee when in possession and any purchaser at any foreclosure sale, and all persons claiming under them, shall hold such unit subject to the obligations and liens set forth in Article VI, Section 6.1 which have accrued after sale or possession.

**SECTION 6.3. Reserve Funds**

The trustees shall, to the extent they deem advisable, set aside common funds for reserve or contingent liabilities, and may use the funds so set aside for reduction of indebtedness or other lawful capital purposes, or for repair or restoration of Drainage Areas or improvements thereto, and the funds so set aside shall not be deemed to be common profits available for distribution.

An initial funding of the Common Expense Fund shall be made at the time of closing of each unit at which time the buyer of the unit shall pay One Hundred (\$100.00) Dollars to the trustee for deposit in the Trust Common Expense Fund account.



**ARTICLE VII - RIGHTS AND OBLIGATIONS OF  
THIRD PARTIES DEALING WITH TRUSTEE**

**SECTION 7.1.** Any contract, conveyance or other instrument signed by the original trustee(s) or a majority of the successor trustee(s) shall be conclusive evidence in favor of every person relying thereon or claiming thereunder that at the time of delivery thereof the execution and delivery of that instrument was duly authorized by all the trustees. No person shall be bound to inquire concerning the validity of any such instrument thus purported to be made by the trustee(s) nor be liable to see to the application of any monies paid.

**SECTION 7.2.** No recourse shall at any time be had under or upon any note, bond, contract, covenant, or agreement whether oral or written, made, issued, or executed by the trustee(s) individually, or against any such agent or employee, or against any beneficiary, either directly or indirectly, by legal or equitable proceeding, or by virtue of any suit or otherwise, and all persons extending credit to, contracting with or having any claim against the trustee(s), shall look only to the trust property for payment under such contract or claim, or for the payment of any debt, damage, judgment or decree, or of any money that may otherwise become due or payable to them from the Trustee(s) nor the beneficiaries, present or future, shall be personally liable therefor; provided however, that neither this provision or any other provision of this trust shall prevent the Town of Billerica from filing an action to enforce the Developer's (including the trustees and their successors in trust) obligations to install, maintain and operate in perpetuity the Drainage Areas.

**SECTION 7.3.** Every note, bond, contract, order, instrument, certificate, undertaking, obligation, covenant or agreement whether oral or written, made, issued, or executed by the Trustee(s), or by an agent or employee of the Trustee(s), shall be deemed to have been entered into subject to the terms, conditions, provisions and restrictions hereof, whether or not express reference shall have been made to this instrument.

**ARTICLE VIII - NOTICE TO ALL UNIT OWNERS**

Every notice to a unit owner required under the provisions hereof or other communication which may be deemed by the trustee(s) to be necessary or desirable in connection with the execution of this trust or which may be ordered in any judicial proceeding shall be deemed sufficient and binding if a written or printed copy of such notice or communication shall be given by one or more of the trustees to such unit owner by leaving such or mailing it postage prepaid and addressed to such unit owner at his address in the development or at such other address as shall appear on the records of the trustee(s).

**ARTICLE IX - BANKING**

The trustee(s) shall constitute as a depository for Trust funds, such bank or trust company as the trustee(s) shall from time to time select. Checks, notes, drafts and other instruments for the payment of money drawn or endorsed in the names of the trustee(s) or of the trust may be signed by any two (2) trustee(s) or by one trustee if there is only one, or by any manager to whom such power at any time or from time to time be delegated by not less than a majority of the trustees.

**ARTICLE X - FISCAL YEAR**

The fiscal year of the trust shall be the year ending with the last day of December or such other date as may from time to time be determined by the trustee(s).

This trust may be amended from time to time by an instrument in writing signed by unit owners holding at least two-thirds (2/3) of the beneficial interest thereunder, provided, however, that no amendment shall be made to this Article and Articles I, II, VI and XII, and provided further that no amendment shall (a) abridge the limitation on trustee liability or a trustee's right to indemnification hereunder, or (b) provide that any unit owner's action may be taken by a vote of unit owners holding less than fifty-one (51%) percent of the beneficial interest hereunder, or

that improvements, the cost of which are to be charged as a common expense, be authorized by a vote of unit owners holding less than eighty (80%) percent of the beneficial interest hereunder. Amendments shall not be effective unless approved by the Town of Billerica, Conservation Commission Director, or his designee which approval shall not be withheld if such amendments do not affect the interests of the Town. Amendments to this trust shall not take effect until the instrument of amendment shall be recorded in the Registry of Deeds.

#### **ARTICLE XI - TERMINATION**

This trust shall terminate automatically if the Town of Billerica accepts ownership of the Drainage Areas. This trust may also be terminated by an instrument in writing signed by unit owners holding no less than eighty (80%) percent of the beneficial interest hereunder at a meeting duly called for such purpose with not less than seven (7) days written notice to all unit owners, provided, however, that on or before the date set for termination (a) written consent to the termination are obtained from the holders of all liens upon the Drainage Areas and any of the units and (b) a substitute form of owners association is established and existing to assume the maintenance and management of the Drainage Areas (and structures appurtenant thereto) and all improvements thereto. If the above prerequisites for termination of the trust are satisfied, on the date set for such termination, the trustees shall by instrument(s) duly executed by a majority of their number convey the Drainage Areas and improvements thereof to the said substituted form of owner's association. Termination pursuant to this Article shall become effective upon the recording with the Registry of Deeds of the aforementioned instrument signed by the unit owners authorizing termination, the consents of the lien holders and the appropriate trustee deed(s); provided, however, that there shall be no termination of this trust and no change in form of the owner's association without the approval of the Town of Billerica Conservation Commission Director or his designee including consent to the documents reflecting such change.

IN WITNESS WHEREOF, the said Rangeway Farms, LLC, and Rocco Scippa, Trustee, have hereunto set their hands and seals this      day of      , 2001.

Swanson Meadows Drainage  
Maintenance Trust

Rangeway Farms, LLC

By: \_\_\_\_\_  
Rocco Scippa, Trustee

By: \_\_\_\_\_  
Rocco Scippa, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

, 2001

Then personally appeared the above-named Rocco Scippa, Trustee as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before, me.

\_\_\_\_\_  
Notary Public

My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

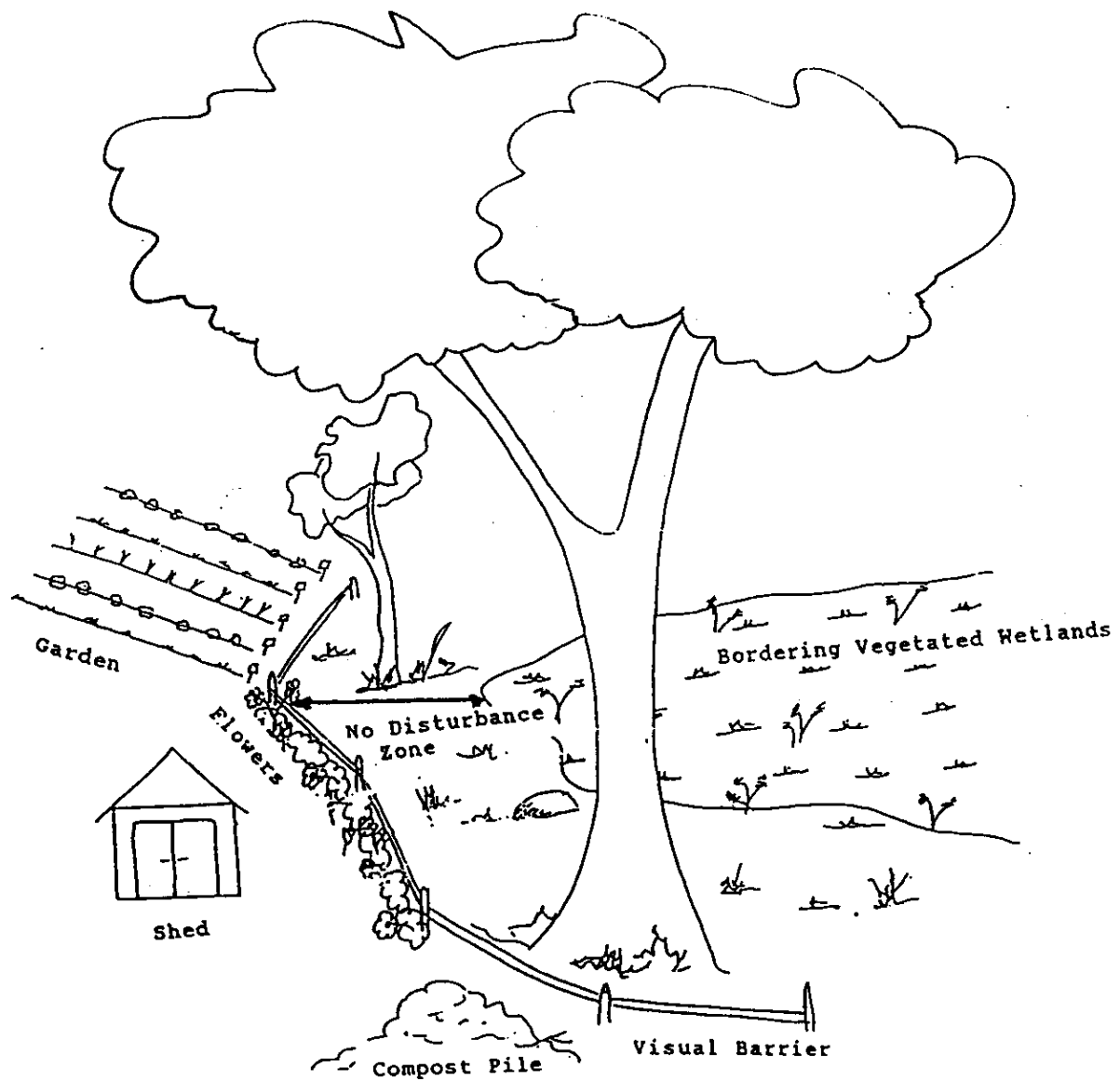
, 2001

Then personally appeared the above-named Rocco Scippa, Manager of Rangeway Farms, LLC as aforesaid, and acknowledged the foregoing instrument to be his free act and deed, before, me.

\_\_\_\_\_  
Notary Public

My commission expires:

## No Disturbance Zone



**Billerica Conservation Commission  
Town Hall, 365 Boston Road  
Billerica MA 01821  
(979) 671-0966**

## What is the No Disturbance Zone?

The No Disturbance Zone (NDZ) is a continuous strip of undisturbed vegetative cover set at a distance of 15 feet from the boundary of wetlands. The State Wetlands Protection Act distinguishes a 100-foot Buffer Zone; however, the Buffer Zone is not a prohibitive one. The law does not state that there cannot be construction within that zone; it simply notes this 100-foot area as being an important resource. Here are few examples of why protecting wetland resource areas is important to the homeowner:

- Leaves and branches dumped into wetlands can lead to an increase in water temperature resulting in a change of aquatic plants able to grow in the area.
- Water quality can also be affected. Many wetland plants, like the cattails, can purify water by acting as giant filters. This purification helps to keep the water from smelling.
- Wetlands house many different types of plants and animals, and act as a rest stop for migrating birds. Imagine driving from Billerica to Florida without a place to stop to rest, bathe, or eat. Their habitat loss could mean certain animals might never be seen in this area again. Also, frogs and bats living in wetlands feed on mosquitoes and other bugs.
- Removing silt fence before lawn has a chance to grow, rainwater can easily carry away topsoil and cause erosion. Eroding soils collect sand and silt. Sand and silt entering a wetland can reduce the capacity of the wetlands to store rainwater. If water does not have this place to be stored, it could flow straight into your basement.

These examples illustrate the value of wetlands concerning wildlife habitat, purification of waterways, storm damage control, and noise pollution buffers. Therefore, the Conservation Commission aims to maintain the Buffer Zone through the restrictive 15-foot NDZ.

## How do I know where the NDZ starts and what are prohibited?

Filings for Wetlands permits now require the NDZ to be marked with a Visual Barrier. This barrier can be made of wooden fencing material, stone wall, rip rap, boulders, and/or vegetation planted at approximately three foot intervals. To fully protect the Resource Areas listed in the Wetlands Protection Act, the NDZ must remain unaltered. Therefore, certain activities are NOT permitted in this area. These include, but are not limited to:

- Clearing the land by tree cutting, tree stump removal, branch cutting, brush removal, raking, mowing;
- Regrading the land by filling depressions, digging channels to transport water, removal of soil, building retaining walls;
- Storage, stockpiling, and dumping of leaves, lawn litter, grass clippings, tree branches, stumps or limbs;
- Disposal of any household goods, automotive parts, swingsets, old fencing material;
- Construction or installation of sheds, compost bins, animal houses;
- Disposal of animal feces;
- Snow storage;
- Gardening, mulching, planting flowers. These activities may take place against the visual barrier on the upland side but not on the wetland side.

The above activities are subject to fines as activities within the Buffer Zone and Wetlands. The Conservation Commission regards violations of the Wetlands Protection Act and its Regulations very seriously and will act accordingly should violations occur. If you have questions or are unsure about these activities, or the location of the wetland boundary on property that does not currently have a visual barrier, please contact the Conservation Commission Office.

END OF DOCUMENT

Richard P. Hawn



Bk: 27810 Pg: 37 Page: 1 of 2  
Recorded: 11/08/2013 01:27 PM

MASSACHUSETTS EXCISE TAX  
Middlesex North ROD #14 001  
Date: 11/08/2013 01:27 PM  
Ctrl# 055203 30644 Doc# 00059220  
Fee: \$5,608.80 cons: \$1,230,000.00

## QUITCLAIM DEED

Lantheus MI Real Estate, LLC, formerly known as ACP Lantern Real Estate, LLC, a Delaware Limited Liability Company of North Billerica, Middlesex County, Massachusetts

for consideration paid and in full consideration of One Million Two Hundred Thirty Thousand and 00/100 Dollars (\$1,230,000.00)

grants to Bedford Woods Development, LLC, a Massachusetts Limited Liability Company, with a business address at 204 Andover Road, Billerica, Middlesex County, Massachusetts 01821

with quitclaim covenants

Three certain parcels of vacant land located in Billerica, Middlesex County, Massachusetts shown as Lot 1 and Parcels A and B on a plan entitled "Plan of Land, Nashua Road, Billerica (Middlesex County)" dated October 21, 2013 as revised October 28, 2013, prepared by the Beals and Thomas, Inc. and recorded with the Middlesex County North District Registry of Deeds in Plan Book 236 as Plan No. 122.

Containing approximately 127.12 acres of land according to said plan.

As successor in interest to Dupont Pharmaceuticals Company, Grantor hereby releases the Permitted Use restriction referenced in a Declaration of Restrictive Covenant dated October 1, 2001 and recorded in said Deeds in Book 12188 at Page 091.

Said property is a portion of the premises conveyed to Grantor by deed from Bristol-Myers Squibb Pharma Company to ACP Lantern Real Estate, LLC recorded on January 10, 2008 in Middlesex County North District Registry of Deeds in Book 21867 at Page 190.

Witness my hand and seal on this 8<sup>th</sup> day of November, 2013.

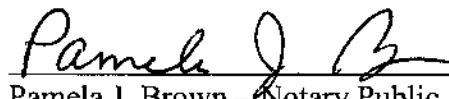
LANTHEUS MI REAL ESTATE, LLC

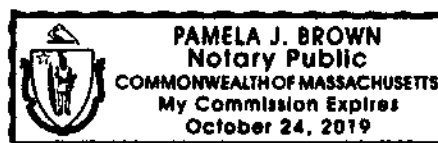
  
By: Michael Duffy  
Vice President & Secretary, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 8<sup>th</sup> day of November, 2013 before me, the undersigned notary public, personally appeared the above-named Michael Duffy, proved to me through satisfactory evidence of identification being (check whichever applies): ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☒ my own personal knowledge of the identity of the signatory, to be the persons whose names are signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Lantheus MI Real Estate, LLC.

  
Pamela J. Brown - Notary Public  
My Commission Expires October 24, 2019





## POWER OF ATTORNEY

*herewith* It is the intent of the Grantor, RANGEWAY FARMS, LLC, that the Restrictive Covenant and Conservation Restriction *Recorded* attached hereto as ~~EXHIBITS "A" and "B"~~ granted this day to the Town of Billerica shall be unlimited as to time and be binding upon its successors and assigns, in perpetuity. Accordingly, RANGEWAY FARMS, LLC, of Wakefield, Middlesex County, Massachusetts, hereby make, constitute and appoint THE TOWN OF BILLERICA by its Board of Selectmen, its true and lawful attorney, for it and in its name, to execute any and all documents relating to the extension and/or renewal of said Restrictive Covenant and Conservation Restriction and to do all things necessary or convenient to accomplish the extension and/or renewal of said Restrictive Covenants and Conservation Restriction.

This Power of Attorney shall not be affected by the subsequent disability, incapacity or death of the Grantor.

Further, this Power of Attorney shall be binding upon the successors and assigns of RANGEWAY FARMS, LLC.

Witness the hand and seal of RANGEWAY FARMS, LLC, BY Rocco Scippa, its Manager, this 5th day of October, 2000.

RANGEWAY FARMS, LLC

by:

*Rocco Scippa*  
Rocco Scippa  
Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

October 5, 2000

Then personally appeared the above-named Rocco Scippa and acknowledged the foregoing instrument to be his free act and deed, before me.

*[Signature]*

Notary Public: *Stephen J. Levine*  
My commission expires: *8/9/02*

**MARGINAL REFERENCE REQUESTED**

BK 10550 PG 140 DOC TYPE deed

END OF DOCUMENT

*Richard P. Howe Jr.*

331 Treble Cove Road  
Billerica, Massachusetts

21/02/91 01:59:06

57 35.00 3

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See B 9205 P 180  
See B 9205 P 243

THAT Grantor does hereby grant and convey unto Grantee, its successors and assigns, forever, in fee simple absolute, with warranty covenanted, all those five tracts of land situated in Tilden Town West, in the County of Alameda, within and among the boundaries of Incorporated Cities and Towns, to-wit:

TRACT ONE:

All of those two certain parcels of land together with the buildings and improvements thereon shown on a plan entitled "Proposed Subdivision of Land of Helen Dunn, Treble Cove Road, Billerica, Mass." dated June 14, 1965, prepared by Joseph T. Devlin and recorded with Middlesex North Registry of Deeds, in Plan Book 102, Plan 44, and more particularly described as follows:

Parcel One

Beginning at a point on the Northerly side of Treble Cove Road, two hundred (200) feet Westerly along said road from the Southeast corner of the Parcel described in a certain plan entitled "Plan of the Estate of Lucy H. Foster, Billerica, Massachusetts, 1871" By R. M. Baker, C.E., and recorded in Middlesex North District Registry of Deeds, Plan Book 32, Plan 52, as sixty-one and 6/10 (61.6) acres; thence

(1) Making a right angle with said road Northerly one hundred fifty (150) feet to a point; thence

(2) Westerly one hundred twenty (120) feet parallel with said road; thence

(3) Southerly one hundred fifty (150) feet to said road; thence

(4) Easterly along said road one hundred twenty (120) feet to the point of Beginning.

Containing according to said Plan dated June 14, 1965, 18,000 square feet, more or less.

Parcel Two

(1) Westerly by land of Helen Dunn by two (2) lines thirty (30) feet more or less and five hundred twenty-five (525) feet respectively; thence

(2) Northerly by land of Helen Dunn, three hundred seventy (370) feet more or less; thence

(3) Northeasterly by land of Middlesex County House of Correction, two hundred five (205) feet more or less; thence

(4) Easterly by land of Middlesex County House of Correction, one hundred (100) feet more or less; thence

(5) Southerly by land of Minotti, one hundred ninety and 39/100 (190.39) feet; thence

(6) Easterly again by land of Minotti, ninety five and 00/100 (95.00) feet; thence

(7) Southerly again by land of Wiggins, one hundred twenty (120) feet; thence

(8) Easterly again by land of Wiggins, one hundred fifty (150) feet; thence

(9) Southerly by Treble Cove Road as shown on said plan to the point of Beginning.

Containing according to said Plan dated June 14, 1965, 186,080 square, feet more or less.

BEING the same tract of land conveyed to the Grantor by Deed of William D. Barrington and Barbara L. Barrington, dated June 15, 1984, recorded with Middlesex North District Registry of Deeds in Book 2778, Page 71 on June 20, 1984.

TRACT TWO:

All that certain tract of land together with the buildings and other improvements thereon, situated on the northwesterly side of Treble Cove Road and the easterly side of Nashua Road in Billerica, Middlesex County, Massachusetts, bounded and described as follows:

(1) Southeasterly by Treble Cove Road by three lines measuring respectively four hundred ninety-three and 40/100 (493.40) feet, three hundred eighty-two and 63/100 (382.63) feet, and one hundred sixty-eight and 53/100 (168.53) feet, the first such line being a curved line having a radius of thirteen hundred seventy-five and 11/100 (1375.11) feet and the third such line being a curved line having a radius of eight hundred sixty and 42/100 (860.42) feet; thence

(2) Southwesterly and Southeasterly again by land of Town of Billerica by two lines measuring respectively one hundred eighty-seven and 41/100 (187.41) feet and one hundred ninety and 00/100 (190.00) feet; thence

(3) Westerly by Nashua Road by two lines measuring respectively seven hundred thirteen and 67/100 (713.67) feet and five hundred six and 98/100 (506.98) feet; thence

(4) Northerly and Northeasterly by land now or late of New England Nuclear Corp. and by land now or late of Silva by eight lines measuring respectively one hundred ninety-six and 84/100 (196.84) feet, ninety-eight and 11/100 (98.11) feet, two hundred fifty-three and 69/100 (253.69) feet, seventy-one and 39/100 (71.39) feet, four hundred eighty-three and 71/100 (483.71) feet, seventy-four and 75/100 (74.75) feet, twenty-three and 54/100 (23.54) feet, and nine and 58/100 (9.58) feet.

Said Premises are shown as a parcel containing 17.00 acres, more or less, on a Plan of Industrial Land in Billerica, Massachusetts, prepared for New England Nuclear Corp., Scale 1" = 60', dated September 25, 1981 by Fleming, Bienvenu & Associates, Inc., Engineers and Surveyors, Billerica, Massachusetts, recorded with Middlesex County North District Registry of Deeds on October 13, 1981 in Plan Book 135, Plan 17.

BEING the same tract of land conveyed to the Grantor by Deed of Maislin Transport of Delaware Inc., dated October 12, 1981, recorded with the Middlesex North District Registry of Deeds in Book 2504, Page 618 on October 13, 1981.

TRACT THREE:

All that certain tract of land together with the buildings and improvements thereon, situated on the North-westerly side of Treble Cove Road, sometimes known as Triple Cove Road, shown as the parcel marked 61.6 acres on a plan entitled "Plan of the Estate of Lucy H. Foster, Billerica, Massachusetts, 1871, R. W. Baker, C. Engr," duly recorded in Middlesex North District Deeds, Plan Book 32, Plan 52.

There are excepted from said premises three (3) parcels totalling 25,361 square feet, more or less, described in deeds duly recorded in Middlesex North District Registry of Deeds in Book 785, Page 550, Book 800, Page 85 and Book 803, Page 273 respectively.

Also excepted are the parcel shown as Lot 2 on plan entitled "Plan of Land in Billerica, Massachusetts. Surveyed for Helen W. Dunn, dated November, 1964," by Emmons & Fleming, Inc. and recorded with Middlesex North District Registry of Deeds in Plan

Book 101 as Plan 32, said Lot 2 having been conveyed to Aldo A. Minotti by deed dated November 30, 1964, and containing approximately 46,988 square feet and the parcel of land on said Treble Cove Road, being shown as lot containing 186,080 square feet, more or less, on a plan entitled "Proposed Subdivision of Land of Helen Dunn", dated June 14, 1965, Joseph T. Devlin, Registered Land Surveyor, recorded with said Middlesex North District Registry of Deeds, in Plan Book 102, Plan 44.

BEING the same premises which Helen W. Dunn by deed dated October 19, 1967 and recorded in the Middlesex North Registry of Deeds, Book 1820, Page 292 on October 27, 1967 conveyed unto New England Nuclear Corporation; said New England Nuclear Corporation having thereafter merged with and into Grantor as evidenced by a Certificate of Merger filed with the Secretary of State of the State of Delaware on June 29, 1984 and intended to be recorded with the Middlesex North District Registry of Deeds with this Deed.

TRACT FOUR:

All that certain tract of land together with the buildings and improvements thereon, situated on Treble Cove Road, being shown as Lot 2 on plan entitled "Plan of Land in Billerica, Mass. Surveyed for Helen W. Dunn, dated November 1964," Emmons & Fleming, Inc. Engineers & Surveyors, recorded with Middlesex North District Registry of Deeds in Plan Book 101 as Plan 32, and being bounded and described in accordance with said Plan as follows:

- (1) Southerly by Treble Cove Road, by two lines, one hundred sixty-one and 88/100 (161.88) feet, and thirty-one and 91/100 (31.91) feet; thence
- (2) Westerly by land now or formerly of Wiggins and of Helen W. Dunn, two hundred forty-five (245) feet; thence
- (3) Northerly by land now or formerly of Helen W. Dunn, one hundred ninety-and 39/100 (190.39) feet; thence
- (4) Easterly by land of Middlesex County House of Correction, seventy-four and 28/100 (74.28) feet and one hundred sixty-one and 72/100 (161.72) feet, respectively.

Containing according to said plan 46,988 square feet.

BEING the same premises which David L. Quinn, et al. conveyed to New England Nuclear Corporation by deed dated September 29, 1970 and recorded in the Middlesex North Registry of Deeds, Book 1935, Page 532 on September 30, 1970; said New England Nuclear Corporation having thereafter merged with and into Grantor as evidenced by Certificate of Merger filed with the Secretary of State of the State of Delaware on June 29, 1984 and intended to be recorded with the Middlesex North District Registry of Deeds with this Deed.

TRACT FIVE:

All that certain tract of land together with the buildings and improvements thereon situated in the Westerly part of Billerica and bounded as follows:

(1) Southwesterly by the road leading from Chelmsford to Bedford, now called the Boston Road; thence

(2) Southerly by land now or formerly of George R. and Ralph C. Dyer, on three (3) lines, nine (9) chains and sixty-four (64) links; thence

(3) Easterly by a ditch separating the premises hereby conveyed from land now or formerly of Richard H. Judkins twenty-four (24) chains and seventy-six (76) links; thence

(4) Northerly by said Judkins land five (5) chains and fifty-eight (58) links; thence

(5) Easterly by said Judkins land, on three (3) lines, eight (8) chains, three (3) chains and six (6) chains and fifty-eight (58) links; thence

(6) Southerly by said Judkins land and land of the County of Middlesex eighteen (18) chains and ninety-five (95) links; thence

(7) Easterly by land now or formerly of Anthony Jones three (3) chains eighty (80) links, one (1) chain forty-seven (47) links and three (3) chains; thence

(8) Northeasterly by land of owner unknown on three (3) lines, four (4) chains twenty-five (25) links, six (6) chains and five (5) chains and seventy-five (75) links; thence

(9) Southeasterly by the same fifty (50) links; thence

(10) Northeasterly by land now or formerly of the estate of John Harrington five (5) chains and sixty-eight (68) links; thence

(11) Northwesterly by land now or formerly of James Whittemore one (1) chain nine (9) links and seventeen (17) chains and seventy (70) links; thence

(12) Westerly by land now or formerly of Henry Duren two (2) chains and twenty-two (22) links; thence

(13) Southerly by said Duren land one (1) chain and fifty-five (55) links; thence

(14) Southwesterly by said Duren land on three (3) lines, one (1) chain ten (10) links, one (1) chain eighty (80) links and one (1) chain and seventy (70) links; thence

(15) Northerly by said Duren land on two (2) lines two (2) chains eighty (80) links and five (5) chains; thence

(16) Northwesterly by land now or formerly of Charles P. Comerford five (5) chains and forty-eight (48) links; thence

(17) Northeasterly by said Comerford land two (2) chains and ninety-six (96) links; thence

(18) Northwesterly by said Comerford land ten (10) chains and eighty-eight (88) links; thence

(19) Southwesterly by said Comerford land one (1) chain fifty-five (55) links and by land now or formerly of Howard G. Simonds sixteen (16) chains and twelve (12) links; thence

(20) Northwesterly by said Simonds land on three (3) lines, about twenty (20) chains.

Containing one hundred forty (140) acres, more or less. Being all of the premises marked "F. J. Smith", on a plan entitled, "Plan of the Sumner Brown Estate, Billerica, Mass., July 1892, Albert E. Wood, Surveyor," recorded in the Middlesex North Registry of Deeds, Plan Book 7, Plan 48, reference to which plan may be had for a more particular description of the premises. So much of the above described premises as is



included within the lines of said Boston Road as relocated and defined by the County Commissioners of said County of Middlesex by their taking dated June 9, 1925, and recorded in said Registry Book 725, Page 32, and shown on Plan recorded in said Registry, Plan Book M, Plan 143, Sheets 5 and 6, is subject to its use for all purposes for which highways are commonly used.

BEING the same premises which the Roman Catholic Archbishop of Boston by deed dated September 27, 1977 and recorded in the Middlesex North Registry of Deeds, Book 2269, Page 544 on October 3, 1977 conveyed unto New England Nuclear Corporation; said New England Nuclear Corporation having thereafter merged with and into Grantor as evidenced by a Certificate of Merger filed with the Secretary of State of the State of Delaware on June 29, 1984 and intended to be recorded with the Middlesex North District Registry of Deeds with this Deed.

All of the Premises and every part and parcel thereof are conveyed together with all rights, ways, alleys, privileges, easements, and appurtenances thereto belonging or in anywise appurtenant, and all of Grantor's rights, title and interest in and to any land lying in the bed of any and all public or private streets, roads, avenues, highways, open or proposed, abutting the Premises.

Grantor warrants that this conveyance and the covenants of Grantor are made subject only to the easements, limitations and other matters of record which are set forth below insofar as the same shall now have any force or effect (recording references are to the Middlesex North District Registry of Deeds):

Instrument dated August 12, 1941 in Book 968  
Page 190

Instrument dated August 8, 1941 in Book 968  
Page 191

Instrument dated June 16, 1959 in Book 1443  
Page 178

Instrument dated August 30, 1950 in Book 1151  
Page 127

Instrument dated June 2, 1952 in Book 1199  
Page 77

Instrument dated August 29, 1972 in Book 2032  
Page 193

Instrument dated December 12, 1973 in Book 2096  
Page 698

Instrument dated June 14, 1978 in Book 2314  
Page 415

Instrument dated September 4, 1985 in Book 3225  
Page 118

Instrument dated May 2, 1989 in Book 4920  
Page 181

Instrument dated June 14, 1978 in Book 2314  
Page 415

Instrument dated October 22, 1980 in Book 2466  
Page 441

Instrument dated April 30, 1975 in Book 2148  
Page 501

Instrument dated November 23, 1981 in Book 2512  
Page 720

The following appear on the plan referred to as "Plan of Land in Billerica, Mass. prepared for New England Nuclear Corporation" dated February 23, 1981, Fleming, Bienvenue & Associates, Inc. recorded in Plan Book 133 as Plan 76:

(1) A path extending from land of Jay Raymond Brown across westerly portion of Parcel B of said plan to an area designated "BALLFIELD."

(2) A portion of Parcel B on said plan near Nashua Road is traversed by a way designated "9' WIDE ROAD" "12' WIDE ROAD."

Grantor is conveying the Premises to Grantee as a capital contribution to Grantee. Grantee being a partnership owned fifty (50%) percent by Grantor and fifty (50%) percent by Calgon Corporation, the value of this conveyance for purposes of the Massachusetts Deeds Excise Tax is Eight Million Nine Hundred and Twenty-Nine Thousand Dollars (\$8,929,000).

[Remainder of page intentionally left blank.]

B05419 P311

IN WITNESS WHEREOF the Grantor has caused its corporate seal to be hereto affixed, and these presents to be executed by its duly authorized officer the day and year first above written.

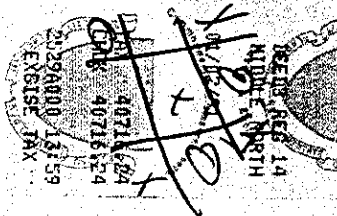
Signed, Sealed, and Delivered  
in the presence of:

Witness:

E.I. DU PONT DE NEMOURS AND  
COMPANY

By D. J. Hellmann  
Name: D. J. HELLMANN  
Title: Assistant Secretary

By M. T. Sharples (SEAL)  
Michael T. Sharples  
Vice President and Treasurer



STATE OF DELAWARE           )  
                                  ) SS:  
COUNTY OF NEW CASTLE    )

The foregoing instrument was acknowledged before me as the free act and deed of E. I. du Pont de Nemours and Company this 28th day of December, 1990, by M.T. SHARPLES, of E. I. DU PONT DE NEMOURS AND COMPANY, a Delaware corporation, who, being duly authorized to do so, executed the foregoing instrument by signing his name thereto on behalf of the corporation.

Lois R. Billings  
Notary Public  
[Affix Notarial Seal]

My commission expires 3-23-94

Name Printed: Lois R. Billings

State of Delaware




## Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP & MERGER OF E. I. DU PONT DE NEMOURS AND COMPANY FILED IN THIS OFFICE ON THE TWENTY-NINTH DAY OF JUNE, A.D. 1984, AT 10 O'CLOCK A.M.



983685836

  
Michael Harkins, Secretary of State

AUTHENTICATION: 12981798

DATE: 12/26/1998

8481810012

B05419 P314

EICED

JUN 29 1984

10am

## CERTIFICATE OF OWNERSHIP AND MERGER

OF

NEW ENGLAND NUCLEAR CORPORATION

INTO

E. I. DU PONT DE NEMOURS AND COMPANY



The undersigned corporation, organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each of the constituent corporations involved in the merger are as follows:

<u>Name</u>	<u>State of Incorporation</u>
New England Nuclear Corporation	Indiana
E. I. du Pont de Nemours and Company	Delaware

SECOND: That E. I. du Pont de Nemours and Company owns all of the outstanding shares of common stock, without par value, of New England Nuclear Corporation, and such stock is the only class of stock New England Nuclear Corporation is authorized to issue.

THIRD: That the Board of Directors of E. I. du Pont de Nemours and Company, by duly adopted resolution at a meeting held on November 21, 1983, voted to merge New England Nuclear Corporation into E. I. du Pont de Nemours and Company which resolution is set forth as follows:

RESOLVED, that the Board of Directors of E. I. du Pont de Nemours and Company (the "Company") hereby approves the merger of New England Nuclear Corporation ("NEN", a wholly owned subsidiary, into the Company and the assumption by the Company of the obligations of NEN.

B05419 P313  
FOURTH: That this merger shall become effective on

June 29, 1984.

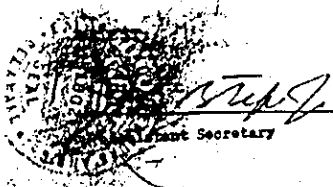
FIFTH: That this corporation survives the merger.

E. I. DU PONT DE NEMOURS AND COMPANY

Dated: 6/18/84

By

  
Vice President





TO Board of Selectmen,

My Computer would not allow  
my proposal to format to the  
application, and my penmanship  
would be somewhat unreadable.

Kanen

Aug 20, 2025

To: **Town of Billerica**  
Board of Selectmen

Town Managers Office

Received

10:42 AM

8/20/25

At Yl



# LA FAMILIA FARMS

Nature Is Our Teacher

“The philosophy of this classroom in this generation will be the revolutionary philosophy of the next for a thousand years and beyond,”

## **The Vision**

Creating a farm where good vibrations thrive and everyone is welcome as la familia. A place where we learn, do, grow, and show others how to help humanity heal our hurt and right our wrongs through successful ecological and ethically sound farming practices that are morally right and serve the community's and town's best interests. This includes addressing food scarcity, nutritional deficiencies, and other social and economic issues by responsibly farming the land. It's a place where we come together to fellowship, have fun, and learn about our interconnectedness as species living interdependently at La Familia Farm, on planet Earth, and in our universe—our habitat and home. It highlights how the land provides for and sustains all of nature, including us, through its produce, while teaching how to be responsible stewards of it and its inhabitants. By recognizing our role within it, we learn to care for it properly and create a symbiotic, ecologically sound environment on farms where all life matters, and we can express this vision through LA FAMILIA FARM.

I believe, "If you feed a man for a day, he'll eat for a day, but teach a human to farm, and she'll eat for a lifetime".

## **Proposal for “The Property”:**

### **Summary**

My LA FAMILIA FARM initiative aims to help humanity heal the hurt, right our wrongs, and restore our natural beauty through my Farming 4 Health initiative, along with other projects. My programs promote and teach life-affirming, thriving ecological farming practices that “work with nature, not against it”. This will serve as the guiding philosophy for this revolutionary education for this generation, for a thousand years, and beyond.

At the farm, our community will focus on producing organic, trace mineral-dense foods that promote and support health and wellness. We will achieve this by improving soil and land fertility through farming and agricultural practices such as permaculture, Garden of Eden, and regenerative farming methods aligned with best management practices. This approach will serve the town’s community while preserving the land and engaging in commercial agriculture and farming.

We will enhance “The Property” soil and land to promote optimal agricultural practices while also improving literacy, health, and well-being in the community. This includes adopting ethical, moral, and ecologically responsible and sound farming and agricultural practices, pest management, natural organic pollination, and other eco-friendly, thriving methods that foster sound interdependent relationships. These efforts aim to create a harmonious habitat for everyone, using “The Property” to serve the best interests of the Town and the planet.

This approach encourages community involvement and overall well-being for all participants. It helps socially and economically disadvantaged individuals and veterans learn by caring for other beings and one another on the farm. This also addresses food scarcity and promotes natural health and wellness through maximizing the potential of “The Property” for commercial use while serving the community’s best interests.

Over the coming years, my aim is to create a flourishing orchard and garden entirely with organic, non-GMO, and non-GE seeds and plants. This includes wild and hardy varieties such as fruit-bearing bushes, trees, vines, vegetables, herbs, and flowers, as well as pollinator-friendly plants and natural predator boxes. We will cultivate native wild edible plants and flowering attractors to support pollinators such as butterflies, bees ~~su~~, and hummingbirds, along with other beneficial interconnected species that are ecologically linked to farm life.

This effort aims to mimic BiosVesta, enhancing health and well-being for the soil, environment, habitat, and its inhabitants, in line with best management practices.

This is among other essential activities involved in the daily operations of maintaining a successful farm and agricultural practices, will be establishing an apiary for beeswax and honey, raising a flock of chickens for eggs, and pest control, such as ticks, managing a small herd of goats used for non-toxic removal of poison ivy and invasive plant species, along with caring for other livestock animals. These activities include the crucial aspects of regenerative farming and agricultural practices, as well as the educational and community components that are necessary in this endeavor.

The project also includes “portables,” such as the farm stand for produce and product sales on a commercial scale, education stations where our activities will take place to promote community involvement and expeditionary learning on the farm, along with any other portable building structures and utilities necessary for the farm's successful daily operations. All “portables” (building structures) will be built in compliance with M.G.L. c.61A Sec. 1 & 2, and any building codes required.

Garden of Eden and permaculture farming practices take a comprehensive approach to naturally balancing minerals, maintaining proper soil pH, and supporting microbial life, promoting soil regeneration and health. These methods have been used throughout history and consistently result in beneficial, harmonious soil that is regenerative and renews the land, enhances mineral content, microbial activity, and worm populations while supporting plant growth.

These practices help keep the soil pH at an optimal level for growing and cultivating healthier, tastier, and nutrient-dense fruits, vegetables, herbs, and flowers. Additionally, natural predators help these plants resist pests, diseases, and fungi better.

These farming practices and techniques, along with other proven methods That supports a no-pesticide, no-herbicide, non-GMO, and non-GE approach In farming, they have achieved great success in growing and producing tasty, nutritious, and health-promoting foods that boost well-being, are recognized as environmentally responsible practices, and improve the property's soil health within a symbiotic regenerative life cycle that creates a thriving ecosystem.

My proposal complies with the regulations outlined in M.G.L. Chapter 128, Sections 7A-7F, and the APR Agreement. It aims to secure the license to farm the 9.65+ acres designated for agricultural use under M.G.L. c.61A Sec 1 & 2, known as "The Property," at 597 Boston Road in Billerica, Massachusetts, and to designate it as a "Beginner Farmer."

On the farm, we will principally and substantially engage in farming and agriculture for commercial purposes, and we will adhere to the maximum number of people and animals allowed on "The Property" daily, as set by the Board of Health, unless a special permit is obtained from the Board of Selectmen for any special events.

I will oversee this initiative as the founder and manager of the project and am qualified to do so. I have the ability to apply for and obtain 501(c)3 status, and I will explore this once the license is obtained.

My proposal for the 2025 five-year license is to support my 2030 application for a five-year re-licensing period, with ongoing five-year renewals on a rolling basis. This will help establish a foundation for the BIG VISION of acquiring the entire adjacent farm and other nearby properties to expand and enhance the farm's successful daily operations while serving the town's community through its educational, enrichment, and supportive social programs, and helping disadvantaged individuals and veterans, alleviating food scarcity, and helping to ensure that the farm's, the community's, and the town's best interests are preserved and maintained for a thousand years and beyond. -KarenK.



## **“Land Use Plan”**

### **(5-Year) span from Autumn 2025 to Autumn 2030**

Starting at the license date in Autumn 2025 with transitions through Autumn, Winter, Spring, and Summer, continuing until Autumn 2030 harvest.

### **4 Season Phase Implementation Plan as outlined below:**

#### **2025/26 - 4 Season Phase Implementation Plan**

##### **Autumn**

Phase 1: Obtain all required licenses, insurances, and approvals. Then, start community outreach and build relationships for the educational programs. Harvest wild crops if feasible, and plan the site layout. Establish compost piles and apply green matter (compost) where needed. Coordinate with the Town to establish a permanent water source for irrigation, dig irrigation trenches, place 400-gallon water tanks where necessary, and install utilities if needed. Create drawings for signage, portable structures (“portables”), and species boxes, then submit all the required documents to the Board of Selectmen for approval. Explore obtaining 501(c)3 status.

##### **Winter**

Phase 2: Continue preparing and operating the farm, including creating designated areas for the portables, advancing the construction of the portables, and planting seeds in the hoop houses to be ready for spring planting. Also, maintain and keep implementing the educational programs, community outreach, and support.

##### **Spring**

Phase 3: Conduct soil testing, add organic amendments if needed, then apply mulch using the sheet mulching method, and plant crop seeds and seedlings. This method helps improve the soil’s nutrient profile, increase carbon sequestration, enhance water retention, and continue creating designated spaces for the portable structures needed at this stage. Also, maintain and continue to implement the educational programs, community outreach, and support.

Continue with the site layout, coordinate with the Town to evaluate the viability and sustainability of the permanent water source for irrigation, dig additional irrigation trenches where needed, place additional 400-gallon water tanks where needed, lay out additional lines where needed, and install any additional utilities as necessary. Erect deer fencing, continue building the portables and species boxes, install signage, seed, and plant the crops.

## Summer

Phase 4: Nurture, cultivate, plant crops, continue developing the site layout, continue building the portables, harvest the crops, sell, and donate produce. Also, maintain and continue implementing the educational programs, community outreach, and support.

## Autumn Transition:

Nurture, cultivate, plant crops, submit an annual update report, maintain all insurances, and complete re-licensing as needed. I want to further discuss with the Board of Selectmen the opportunities to expand lot use for the upcoming spring season of 2027 to include beekeeping for honey and pollination efforts, chickens for eggs, tick (pest) management, and goats for poison ivy and invasive plant control, as well as products such as soaps, all integrated with the farm's educational component and commercial sales. I aim to establish a relationship with Angel Memorial for veterinary care for the animals and collaborate with a local, ethical, reputable beekeeper and goat herder, pending approval by the Board of Selectmen.

## **2026/27 - 4 Season Phase Implementation Plan**

### Autumn

Phase 1: Nurture, cultivate, and plant crops; continue developing the site layout; continue building the portables; harvest the crops, sell, and donate produce; prepare beds with organic compost and mulch for winter; install necessary utilities (with prior approval); ready the apiary and animals for winterization during the winter rest cycle; winterize all water tanks and systems; and continue implementing best farming practices. Also, maintain and expand educational programs, community outreach, and support.

### Winter

Phase 2: Continue preparing and operating the farm, including creating designated areas for the portables, advancing the construction of the portables, and planting seeds in the hoop houses to be ready for spring planting. Also, maintain and keep implementing the educational programs, community outreach, and support.

### Spring

Phase 3: Conduct soil testing, add organic amendments if necessary, and apply green mulch to boost the soil's nutrient levels, which improves carbon sequestration and water retention. Continue setting up 100-gallon water tanks, laying out lines where needed, installing utilities as needed, and repairing fencing and species boxes. Seed and plant crops, set up the "portables," and erect portable animal enclosures for chickens and goats. Establish the apiary site and bring in the honeybees, chickens, and goats.

Continue building and erecting deer fencing, species boxes, signage, and portables essential for a successful farm. Also, maintain and continue implementing the educational programs, community outreach, and support activities.

#### Summer

Phase 4: Nurture, cultivate, and plant crops, harvest the crops, sell, and donate produce; continue developing the site layout, and build the portable structures. Also, maintain and continue to implement the educational programs, community outreach, and support.

Autumn Transition: submit an annual update report, maintain all insurances, and complete re-licensing as needed

### **2027/28 - 4 Season Phase Implementation Plan**

#### Autumn

Phase 1: Nurture, cultivate, and plant crops; continue developing the site layout; continue building the portables; harvest the crops, sell, and donate produce; prepare beds with organic compost and mulch for winter; install necessary utilities (with prior approval); ready the apiary and animals for winterization during the winter rest cycle; winterize all water tanks and systems; and continue implementing best farming practices. Also, maintain and expand educational programs, community outreach, and support.

#### Winter

Phase 2: Continue preparing and operating the farm, including creating designated areas for the portables, advancing the construction of the portables, and planting seeds in the hoop houses to be ready for spring planting. Also, maintain and keep implementing the educational programs, community outreach, and support.

#### Spring

Phase 3: Conduct soil testing, add organic amendments if necessary, and apply green mulch to boost the soil's nutrient levels, which improves carbon sequestration and water retention. Continue setting up 100-gallon water tanks, laying out lines where needed, installing utilities as needed, and repairing fencing and species boxes. Seed and plant crops, set up the "portables," and erect portable enclosures for chickens and goats. Establish the apiary site and bring in the apiary, chickens, and goats. Continue building and erecting deer fencing, species boxes, signage, and portables essential for a successful farm. Also, maintain and continue implementing the educational programs, community outreach, and support activities.

Summer

Phase 4: Nurture, cultivate plants, animals, harvest the crops, sell, and donate produce. Also, maintain and continue to implement the educational programs, community outreach, and support.

Autumn Transition: submit an annual update report, maintain all insurances, and complete re-licensing as needed.

## **2028/29 - 4 Season Phase Implementation Plan**

Autumn

Phase 1: Nurture, cultivate, and plant crops; continue developing the site layout; continue building the portables; harvest the crops, sell, and donate produce; prepare beds with organic compost and mulch for winter; install necessary utilities (with prior approval); ready the apiary and animals for winterization during the winter rest cycle; winterize all water tanks and systems; and continue implementing best farming practices. Also, maintain and expand educational programs, community outreach, and support.

Winter

Phase 2: Continue preparing and operating the farm, including creating designated areas for the portables, advancing the construction of the portables, and planting seeds in the hoop houses to be ready for spring planting. Also, maintain and keep implementing the educational programs, community outreach, and support.

Spring

Phase 3: Conduct soil testing, add organic amendments if necessary, and apply green mulch to boost the soil's nutrient levels, which improves carbon sequestration and water retention. Continue setting up 100-gallon water tanks, laying out lines where needed, installing utilities as needed, and repairing fencing and species boxes. Seed and plant crops, set up the "portables," and erect portable enclosures for chickens and goats. Establish the apiary site and bring in the apiary, chickens, and goats. Continue building and erecting deer fencing, species boxes, signage, and portables essential for a successful farm. Also, maintain and continue implementing the educational programs, community outreach, and support activities.

Summer

Phase 4: Nurture and cultivate plants, animals, harvest the crops, sell, and donate produce.. Also, maintain and continue to implement the educational programs, community outreach, and support.

Autumn Transition: submit an annual update report, maintain all insurances, and complete re-licensing as needed.

## **2029/30 - 4 Season Phase Implementation Plan**

### **Autumn**

Phase 1: Nurture, cultivate, plant animals, harvest the crops, sell, and donate produce. Continue developing the site layout, keep building the portable structures, prepare beds with organic compost and mulch for winter, install necessary utilities (with prior approval), ready the apiary and animals for winterization during the winter rest cycle, winterize all water tanks and systems, and maintain best farming practices. Also, sustain and expand the educational programs, community outreach, and support.

### **Winter**

Phase 2: Continue preparing and operating the farm, including creating designated areas for the portables, advancing the construction of the portables, and planting seeds in the hoop houses to be ready for spring planting. Also, maintain and keep implementing the educational programs, community outreach, and support.

### **Spring**

Phase 3: Conduct soil testing, add organic amendments if necessary, and apply green mulch to boost the soil's nutrient levels, which improves carbon sequestration and water retention. Continue setting up 100-gallon water tanks, laying out lines where needed, installing utilities as needed, and repairing fencing and species boxes. Seed and plant crops, set up the "portables," and erect portable enclosures for chickens and goats. Establish the apiary site and bring in the apiary, chickens, and goats. Continue building and erecting deer fencing, species boxes, signage, and portables essential for a successful farm. Also, maintain and continue implementing the educational programs, community outreach, and support activities.

### **Summer**

Phase 4: Nurture and cultivate plants, animals, harvest the crops, sell, and donate produce.. Also, maintain and continue to implement the educational programs, community outreach, and support.

Autumn Transition: submit an annual update report, maintain all insurances, and complete re-licensing as needed.

## **2030/31 - 4 Season Phase Implementation Plan**

### **Autumn**

Phase 1: Nurture, cultivate, plant crops and animals, harvest the crops, sell, and donate produce. Continue developing the site layout and building the portable structures; prepare beds with organic compost and mulch for winter; install necessary utilities (with prior approval); ready the apiary and animals for winterization during the winter rest cycle; winterize all water tanks and systems; and continue practicing the best farming methods. Also, maintain and expand educational programs, community outreach, and support.

### **Winter**

Phase 2: Continue preparing and operating the farm, including creating designated areas for the portables, advancing the construction of the portables, and planting seeds in the hoop houses to be ready for spring planting. Also, maintain and keep implementing the educational programs, community outreach, and support.

### **Spring**

Phase 3: Conduct soil testing, add organic amendments if necessary, and apply green mulch to boost the soil's nutrient levels, which improves carbon sequestration and water retention. Continue setting up 100-gallon water tanks, laying out lines where needed, installing utilities as needed, and repairing fencing and species boxes. Seed and plant crops, set up the "portables," and erect portable enclosures for chickens and goats. Establish the apiary site and bring in the apiary, chickens, and goats. Continue building and erecting deer fencing, species boxes, signage, and portables essential for a successful farm. Also, maintain and continue implementing the educational programs, community outreach, and support activities.

### **Summer**

Phase 4: Maintain and cultivate the orchard, garden, and animals on the farm, and harvest the crops, sell, and donate produce. Apply for re-licensing of the entire "The Property".

Autumn Transition: Submit an annual update report. After re-licensing the entire "The Property" on September 20, 2030, all necessary insurance and licensing re-contracting will be completed, and Best Farming Practices will begin. When the re-licensing of the entire "The Property" is granted on September 20, 2030, the Farm Plan (5-Year) covering Autumn 2030 through Autumn 2035 will continue, along with all other operational components of the farm. Any expansions will proceed to support the successful implementation of these best farming practices that bolster our educational programs, community outreach, and engagement, in the town's best interests.

**Site Map to be presented after licensing agreement is established**

- Permaculture and Bio-Geometric Planting Map: This planting method and layout harnesses the most natural magnetic energy to boost higher vibrational frequencies of the soil, which helps improve the health, nutrition, and vitality of crops through soil exchange transfer, increasing plants' nutritional value and disease resistance.
- I understand that before applying any spring or fall soil or farm amendments, or expanding farming practices with necessary livestock, I must first obtain approval from the Board of Selectmen.

**Pesticides and Pest Management**

No pesticides or herbicides will be used or applied. Instead, a series of organic sprays—including compost teas, micronized minerals, seaweed or fish emulsions, seawater, solar inoculants, and Neem Oil—will be applied as needed.

To improve the overall health of the orchard and garden, we plan to install bird, bat, and owl boxes for pest control, along with a small flock of hens to help maintain the edges of the orchard and possibly extend into the wooded areas, which will also help reduce tick populations. They will also assist in naturally controlling other pests. The plan is to use a “holistic organic approach” and eventually pursue organic certification as our farming practices grow and expand.

**Crops Plants**

The crop plants will be of a “wild” variety, such as bilberries, blueberries, blackberries, currants, elderberries, gooseberries, raspberries, and rhubarb. Additionally, I plan to grow herbs such as celery, garlic, oregano, parsley, peppermint, and thyme. I also intend to cultivate naturally germinating herbs like dandelion, purslane, and yarrow.

The orchard and garden need well-drained sandy or loamy soil with an acidic pH for optimal growth. Adding organic matter to the soil surface helps restore beneficial microbial species, which are crucial for healthy soil, aeration, drainage, and better water retention, thereby enhancing soil health.

**Crop rotation** is neither necessary nor recommended with Garden of Eden farming methods. The reason is that, as crops decompose in place along with the annual soil amendments of organic matter compost, soil health and fertility are maintained naturally, enabling the crops to thrive. However, the land must have a seventh-year rest, following the natural and cosmic laws that govern our planet.

## **Crop Production**

Around the fifth to seventh year, we expect to harvest over 250 pounds of berries, 500 pounds of vegetables, more than 75 pounds of herbs, and over 50 pounds of flowers. The crop yields will increase in subsequent years as they mature. Honey and egg yields are TBD (depending on the size of the Apiary and hen brood), as permitted by the Board of Selectmen.

## **Cover Crops**

Choosing the right materials for the garden is essential. Cover crops will provide food and, through composting, allow rain and sun to break them down so the nutrients leach into the soil as a slow-release fertilizer, mainly for creating “Green Manure”.

Benefits of “Green Manure” from cover crops:

- Promotes healthy microbial activity in the soil after decomposition is complete.
- Supports worm populations and other beneficial insects.
- Enhances magnetic energy by supporting “rocks” that promote beneficial vibrational frequencies in the soil.
- Creates richer, looser, healthier, and more fertile soil.
- Enhances water retention in soil, prevents soil erosion, keeps nitrogen and other nutrients from washing away, and supports carbon sequestration.
- Effectively controls weeds and grass.

## **Irrigation**

Irrigation can be supplied by pumping water from the pond on the west side of the field to three or four 100-gallon tanks located on the south side of Lot A as a water delivery system (used only when needed). Soil drenches will be applied, and water will be pumped through drip line irrigation hoses running down the rows.

## **Soil Testing**

The plan is to conduct a soil test each year, continuously regenerate the soil and its natural balance, and naturally enhance it over time. Appropriate organic treatments will be added as needed to improve the soil's health and fertility.

Logan Labs will perform annual soil testing and mineral analysis of “The Property’s” soil each year, as long as the lab follows ethical standards.

Ref: Logan Labs in Lakeview, OH.



### **Wetland Buffer Strips**

My aim is to do this naturally by planting and cultivating vegetation, such as shrubs, that naturally grow in the soil conditions on The Property. I may also use Wetland Buffer Strips if needed while the vegetation is maturing to protect the wetlands.

### **Animal Control Issues**

Improving the overall health of the orchard and gardens involves installing bird, bat, and owl boxes to control pests. I also plan to set up deer fencing with natural wood posts and wire because they are the most natural and visually appealing options. Once the bushes reach their fruit-bearing years, I intend to use hoop netting and other natural, eco-friendly fencing or netting as temporary barriers during harvest.

### **Composting**

It includes "Green Manure," meaning the cover crop is cut down and laid in place before it seeds. Then, a mixture of layered mushroom compost, leaf matter, and grass clippings is added, all of which are non-pesticidal. The compost is layered and topped off with a "seawater shower" using clean Atlantic Ocean water or desalinated seawater. This process will be repeated each spring.

### **Sheet Mulching**

It will be a three-layer, one-time process planned for Spring 2026 that mimics our planet's natural soil renewal method and helps prevent runoff and soil erosion. This method uses "Green Manure," meaning the cover crop is cut down and left in place *before it sets seed*. Then, a thick layer of organic brown paper is laid over it, topped with 4 inches of compost made from mushroom compost, leaf matter, and grass clippings. It is followed by a "seawater shower" using clean Atlantic Ocean water or desalinated seawater, and finished with a 4- to 6-inch layer of crop-compatible organic mulch.

### **Crop Rotation**

Crop rotation is unnecessary and not recommended with Garden of Eden farming practices, as annual soil amendments of organic matter will determine soil health and fertility. However, the land must have a seventh-year rest; this helps produce higher yields in the following years afterward.

### **Field Edge Maintenance**

A light mulch border will be added, and a small flock of hens will serve as the "border patrol" to oversee the orchard, garden edges, and woods when permission is granted. This method eliminates the need to mow grass and naturally helps control ticks and pests.

## **Signage**

There will be a farm sign at the entrance of the farm located at 597 Boston Road, along with educational signage that identifies the crops, offers food recipe suggestions, and provides educational information about the apiary, chickens, and goats. It will also include bird, bat, and owl boxes, detailing their uses, health benefits, and other essential knowledge about best management practices to educate the community and support our long-term goals. The signage has not yet been designed—sketches will be drawn and submitted to the Board of Selectmen for approval before they are produced and installed.

## **All Farm Structures will be “Portables”**

- Except for the hoops, all structures will be portable, appropriately sized, and built with materials that ensure the safety, health, and well-being of animals, livestock, land, and people while maintaining the appearance and feel of farm life.
- Portable housing, supply and tool sheds, and the Farm Stand/Store are vital parts of regenerative farming methods needed to run a successful farm, and all plans for the “Portables” will be submitted to the Board of Selectmen for approval. ...
- Once the Board of Selectmen, Board of Health, and the Conservation Committee approve the brood and herd sizes, these sketches and plans will be finalized and submitted for approval before being placed on the lot.

## **Soil Management, Fertilizer Use, and Soil Amendments**

Describe your soil management plan, including any licenses or amendments applied for and the results of annual soil tests in the attached worksheet. If composting on-site, detail the method used, materials, and volume.

## **Spring 2025 to 2030:**

After receiving each year's soil analysis results from Logan Labs, we will take necessary steps using “organic support” to help improve the soil's health and fertility if needed.

- Increase exchange capacity to improve soil health.
- Enhance natural electrical conductivity to increase soil nutrient availability and support microbial health.
- Adjust soil pH to optimal levels by adding essential organic minerals.
- Use seawater or desalinated seawater to provide essential trace minerals to the soil.
- Apply crop-specific compost and mulch that help build healthy soil, improve soil water retention, and reduce water use.

These BiosVesta (“organic harmony”) methods, like the Garden of Eden and permaculture for planting and cultivating orchards and gardens, are based on nature’s symbiotic interdependence ecosystems and ancient practices that mimic the planet’s natural regenerative cycles of life.

Note: as an example, if soil amendments are necessary, they might include: 12 tons of basalt, 500 pounds of green sand, 500 pounds of carbonatite, 1 ton of aged horse manure, amended with 7 pounds of solubor, 15 pounds of manganese sulfate, 2 pounds of copper sulfate, 2 pounds of cobalt sulfate, and 8 ounces of molybdenum (sodium molybdate @39%) (ingredient ratios may vary), applied on four acres. Soil amendments always depend on the soil testing results.

#### **Autumn 2025 to 2030:**

To further improve soil health and fertility, the following will be applied annually during land preparation for winter rest.

- Organic compost (non-GMO, non-GE) and crop-specific layering mulch
- Seawater or desalinated seawater that provides essential minerals and trace elements to the soil. ...
- We may also apply, if needed, including but not limited to: Carbonatite, Calhoun, Soul-po-mag, and traces such as manganese sulfate, boric acid, humic acid, cobalt, copper sulfate, zinc sulfate, and sodium molybdate.

#### **Access**

Access to the site will be via the Boston Road entrance off Route 3A, and a parking area will be created. No farming practices, portable sheds, or hoops will block the access point.

#### **Employees**

There are no plans to hire additional staff at this time. However, if needed, we will consider hiring.

#### **Liability Insurance**

I will secure the necessary comprehensive general liability coverage for visitors, volunteers, and helpers on the land, including vehicle liability insurance and workers’ compensation insurance if employees are involved, along with any other required insurance for the 2025-2030 “The Property” license. We will keep this coverage in place throughout the entire lease period.

**Outreach**

Initially, I will work with the Billerica community, building alliances and strengthening local connections. Then, we will expand to other communities as our farming practices, needs, and relationships to our produce, products, programs, events, and services grow.

**Educational Programs and Outreach Initiatives**

The programs will be carried out through Green Acres' "Farming 4 Health" Initiative.

The Farming 4 Health outreach program promotes holistic farming and lifestyle practices that establish "BiosVesta" (organic harmony). It uses an expeditionary learning approach that immerses students in interactive nature experiences, such as the Garden of Eden farming. This connects with our planet's cosmic consciousness (circadian rhythm, bios), fostering health, wealth, and well-being —working with nature, not against it!

**Collaborations**

I will collaborate with our public and private schools on literacy and regenerative farming practices that promote best management methods, such as permaculture and Garden of Eden farming, with the goal of restoring the health and well-being of our relationship with planet Earth, the land, and its inhabitants.

**Utilities - Infrastructure**

The portable sanitation toilet for individuals, including those with physical challenges, will be rented and placed on a 9+ acre lot, and a foot-pumped hand washing station will be provided, when approved by the Board of Health.

**Retail and Donations**

The crops grown on the 9+ acre lot will serve local needs and support our struggling community members. This goal will be achieved by increasing yields to establish a local CSA and Farmers Market (with approval), among other initiatives.

**License Fee**

I am willing to accept the Town's offer of a license fee of \$1.00 per year for the first three years and would like to further discuss the terms with the Board of Selectmen for the following years.

### **Current Farming Activities**

Over the years, I have planted and cultivated non-GMO, organic plants, growing produce such as berry bushes, grapevines, pumpkins, other fruits and vegetables, and herbs like oregano, thyme, lettuce, and celery. I have also nurtured wild edible plant species by creating favorable soil conditions, including comfrey, St. John's Wort, purslane, and red clover, as part of my green thumbprint, and have assisted with larger farming efforts.

Like many others who believe responsible agriculture should leave the soil healthier and more nutrient-rich at the end of each growing season, I have used permaculture and Garden of Eden farming methods. These approaches have helped me achieve great success in producing higher yields of organic, nutrient-dense, delicious food that promotes health. They far surpass other farming and gardening techniques and lead to significant soil improvements for the land, along with yield results that benefit the community in wonderful ways.

I believe,

"If you feed a child for a day, they'll eat for a day, but if you teach them how to farm, they can eat and teach for a lifetime."

Karen Kaminski



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# KAREN KAMINSKI

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## Professional Summary:

Dedicated and dynamic professional with in-depth experience, knowledgeable and dedicated agriculture practitioner in astrological almanacs, the Garden of Eden, and permaculture farming practices. Passionate about and skilled in integrating astrology, astronomy, biology, biochemistry, and ancient cultural practices to develop productive and thriving farming systems that work with nature, not against it.

## Currently

I work as a consultant and life coach specializing in animal and human behavior, care, and nutrition, integrating astrological and astronomical data, and sound ecological practices like farming. I use this expertise to develop educational programs that follow a holistic, regenerative life-cycle approach, tailored for diverse audiences.

## Experience:

### Permaculture Gardening

Locations: at various community and private gardens,  
2012 – Present;

- Recreated, developed, and implemented sustainable gardening systems using permaculture principles.
- Integrated astronomy and astrology to optimize planting and harvesting schedules.
- Managed soil health through natural green composting, sheet mulching, and regenerative practices.
- Educated clients on sound and sustainable agriculture practices.

### Garden of Eden Farming

Locations: at community and private gardens,  
2012 – Present;

- Cultivated a diverse range of crops using ancient farming methods.
- Conducted research on cultural gardening and farming practices and integrated findings into modern agriculture.
- Integrated astronomy and astrology to optimize planting and harvesting schedules.
- Worked with people at community gardens to promote organic biodiversity and ecological balance.
- Managed soil health through natural green composting, sheet mulching, and regenerative practices.
- Educated clients on sound and sustainable agriculture practices.

## Education

Lifelong expeditionary learner and student of Agriculture and its sciences, and in astronomy and astrology sciences.

Locations: Gaia - planet Earth, natural habitats, and growing up in a gardening family with long generational experience and practices, along with traditional and metadata analysis,

1979–Present;

- Specializing in thriving agriculture design.
- Studies and coursework in astronomy, astrology, biology, and behavioral science as they relate to Gaia, natural habitats and their inhabitants, cosmic governance, and its interconnectedness to ecosystems such as agriculture, including humanity.

## Skills

- Specialization in the Garden of Eden and permaculture farming practices.
- In-depth knowledge of almanac farming, astronomy, astrology, and their applications in agriculture.
- Strong understanding of ancient cultural farming practices
- Proficient in communication and educational skills
- Ability to design and implement sustainable and thriving sound ecological farming systems.

## References:

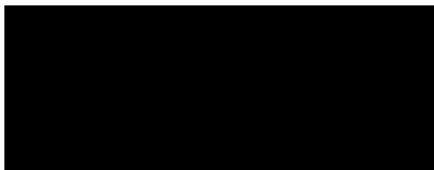
Roberto De Souza, gardener and conservationist, and inventor of the CrapTrap at Horn Pond. For more info, visit [hornpondcraptrap](#) on Instagram. Contact: (781) 290-7776.

Jenna Webb, a clinician with Indurance Behavioral Health, was a former client from 2022 to 2025. Contact: (617) 549-7953

Jack Webb, Supervisor at National Grid, was a former client from 2025 to 2025. Contact: (978) 804-1735.

Other references will be provided upon rest.

Karen Ann Kaminski



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# KAREN KAMINSKI

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## Professional Summary

Dedicated professional with extensive experience in education, program creation, and consultancy. Proven success in animal behavior, care, and nutrition for both animals and humans. Founder of Kids & K9 Assist, Inc., a non-profit organization dedicated to empowering youth through canine training programs. Strong background in leadership, media campaigns, fundraising, grant writing, and community outreach. Skilled in building and maintaining business relationships with educational institutions, law enforcement, and community organizations.

## Professional Experience

Kids & K9 Assist, Inc.

Founder & Executive Director

Essex County, Massachusetts

1999- 2009

- Established a non-profit organization focused on empowering youth through training service dogs.
- Developed and implemented educational programs and community outreach efforts.
- Managed media campaigns, fundraising, events, grant writing, and lobbying.
- Developed relationships with organizations such as Harbor Schools, Essex County Sheriff's Department, K9 Unit, public elementary schools, Lawrence Technical High School, and community groups.
- United community members, businesses, and corporations for collective causes.

## Consultant & Educator

1996- 2009

- Provided consultancy services in animal behavior, care, and nutrition.
- Created educational programs tailored to diverse audiences.
- Conducted educational workshops and training sessions for community members and organizations.

## Education

Lifelong learner and student of animal behavior, nutritional sciences, and the sciences of astronomy and astrology. With extensive training in program development, animal behavior, nutrition and care, fundraising and grant writing, media campaigns, public relations, community outreach and education, leadership, team management, and relationship development.



#### Skills

- Program Development
- Animal Behavior, Nutrition & Care
- Fundraising & Grant Writing
- Media Campaigns & Public Relations
- Community Outreach & Education
- Leadership & Team Management
- Relationship Development/Building

#### Affiliations

1999- 2009

- Harbor Schools, Newbury, Massachusetts
- Essex County Sheriff's Department, K9 Unit
- Essex County Public Schools.
- Lawrence Technical High School
- Essex County Community groups such as the YMCA, Lions Club, Rotary Club, veterans groups, and conservation committees.

#### References

Please see attached letters and news articles.

Karen Kaminski







# KIDS AND K9 ASSIST

*"Helping Where Help is Needed"*

**SERVICE DOGS**

**SAFETY AROUND  
DOGS PROGRAM**

**PARTNERSHIPS FOR  
INDEPENDENCE**

**SOCIAL THERAPY  
DOGS**

501(C)3 Non-Profit Organization



## Partnerships for Independence

We help kids to overcome their

challenges and empower them to be safe, healthy, responsible and beneficial contributors to society by teaching them to train and prepare puppies as service dogs that will benefit physically disabled individuals and our community-at-large.

Our goal is to help end the cycle of abuse, neglect, violence and discrimination by teaching kids especially those who are at-risk and in-need kids, safety, responsibility, empathy and compassion through our educational and inspirational programs.

We pair our service puppies in training with at-risk and in-need youth as they learn how to train, raise and prepare the puppies as service dogs.

The kids learn about individual's differences, such as people with disabilities and the elderly. They learn to help make our world a better place!

Kids and K9 Assist programs provides children with the opportunity to gain confidence, learn safety, grow friendships and become empowered to help those who are less fortunate.

## Safety Around Dogs

### Demonstrations

- Our most Popular
- Great for Public/Private Schools

- Educational demonstration teaches kids and educators how to be safe with and around dogs.

- Increases community awareness about service dogs in our society.

- Helps alert kids about how animals can be used by people that want to harm them.

- Keeps kids safe by identifying harmful pets that can hurt them.

- Adaptable to all age groups.
- One to two hour program length depending on audience size.

## Scheduling Now!

## Pet Therapy program

Interactive Pet/Patient program serves nursing homes, hospitals and special need schools.

Community Outreach program is delivered by our Partnerships for Independence Program participants or will work and train your volunteers to handle our service dogs.

Proper animal interaction has been proven to reduce stress, anxiety and helps in the healing process.





*For Karen Kaminski, the Kids and K9 Assist is the product of a dream that found a home in Amesbury.*

## Must love dogs ... and people

### At-risk youth train service dogs

BY PRITI C. PRABHAKAR  
STAFF WRITER

**A**MESBURY — Since Jacob was 8 weeks old, virtually each step he's taken has followed in Karen Kaminski's footsteps. Now a year old, the scruffy black labradoodle — a cross between the Labrador retriever and the standard poodle — knows about 70 different commands, from taking out the laundry to turning on a light switch.

In a sense, Jacob is the poster dog for Amesbury-based Kids and K9 Assist Inc., a grass-roots, town-based nonprofit organization whose Partnership in Independence program helps at-risk youth by teaching them to help train service dogs for the disabled.

But that's not all Kaminski and Jacob do. Yesterday, they were at the Newburyport YWCA's Scamper Camp, a group of children age 3 to 5, for a program called "Safety Around Dogs."

For Kaminski, the Kids and K9 Assist is the product of a dream that found a home in Amesbury.



BRYAN EATON/Staff photo

Jessie Reyes, 9, gets acquainted with Jacob as Karen Kaminski instructs her on how to approach dogs. Kaminski brought her "Safety Around Dogs" program to the YWCA yesterday.

"When I tried to get the program started in Maine, they couldn't grasp the concept of at-risk youth training dogs," Kaminski said. "When I came to Amesbury, I visited the Harbor Schools to do a public dog training session, and after that the program was started right up."

To fund the project, Kaminski sold her home in Maine and used some of the profit to make the program a reality.

"This was something I knew I needed to do, to

work for the betterment of animal and child welfare," Kaminski said. "I hope it helps children overcome their challenges and empower them to be safe while helping disabled individuals, the elderly and community at large."

The real focus of the company's Partnership in Independence program is for young people to train puppies between 8 and 12 weeks old as service dogs for the physically disabled.

Please see KAMINSKI, Page A2



# The Daily News

AN EAGLE-TRIBUNE COMPANY

## Kids' best friend



Children at Amesbury's Summer Program touch Jacob, the dog, at the town park yesterday. Karen Kaminski of Kids and K9 Assist brought Jacob for her program "Safety Around Dogs" to show children how to behave around and understand dogs.



# KAMINSKI: Kids train puppies as service dogs

■ Continued from Page A1

The puppies are mostly donated from breeders — mixed breeds, retrievers and other purebred breeds — but are also rescued from shelters. The puppies learn to perform up to 70 commands during the training process before being placed as a service dog. The dogs are then donated to kids and adults who are physically disabled.

Along with the Partnership in Independence and Safety Around Dogs programs, Kaminski also visits nursing homes, hospitals and special-needs schools to provide pet therapy.

Yesterday's program at the YWCA was a big hit with the kids in attendance.

"We have a German shepherd and a pug at home," said counselor Allison Reyes, whose two daughters, Taylor, 3, and Jesse, 9, are part of the camp. "This is great training for my kids, as well as all who are here today, to learn how to properly pet a dog and approach one on the street."

But while the visits to nursing homes and kids are fun, Kaminski's true dream is to expand the Partnership in Independence program.

In the two years of its existence, the organization has trained and placed two dogs, one in upstate New York, and another to assist a cerebral palsy patient. Kaminski has also worked in partnership with the Essex County Sheriff's Department.

Two more dogs are in training

— Jacob, who works full time with Kaminski, and Reggie, a goldendoodle, who works with the school therapist at the Greater Lawrence Regional Vocational Technical School.

Each dog typically runs through 24 months of training.

In the future, Kaminski hopes to raise enough money to train five social therapy puppies to work with therapists in schools and hospitals.

Kaminski has had 20 years of experience training dogs and working with children. She also has credentials in the areas of education, business, psychology and veterinary medicine.

But now a roadblock lies in finding more space and more funding to fully make the program work.

"I have lists and lists of volunteers who want to work with the dogs, but we have nowhere to put them," Kaminski said.

She has been eyeing an old farmhouse at 211 Lions Mouth Road as a possible location, which would be 100 percent handicapped accessible, and large enough to house 25 training dogs, a vet center and a living space where handicapped children could stay during training sessions. She also hopes to employ a full-time staff.

It would cost about \$2 million to make that dream into a reality, she said.

"This property would fall under what we need to do, with the zoning and dog issues for the property," Kaminski said. "It's going to

take a lot more fundraising, and maybe a few good donors who'd like to help out."

To start, the first Paws for Peace Festival will be held at Woodsom Farm on Lions Mouth Road on Sunday, Sept. 11 from 1 to 7 p.m. All proceeds will benefit the service dog training program. The festival will include service dog demonstrations, hot air balloons, live music, a car and motorcycle show, food vendors and a helicopter.

Since the program started two years ago, Kaminski says there's no looking back. She said proper contact with animals has been proven to reduce stress, anxiety and help in the healing process.

"The goal is to be helping all children with challenges," she said. "In working with another being — an animal, a puppy — there is a connection that takes place in which children learn to naturally overcome those challenges. I can't express how much is learned through this simple interaction."

*The first Paws for Peace Festival will take place Sunday, Sept. 11 at Woodsom Farm from 1 to 7 p.m. The cost is \$3 for children under 15, \$5 for children 15 or over, and \$10 per family. Families are urged to attend. All proceeds benefit the Kids and K9 Assist Inc. organization. For more information or to make a donation, contact Karen Kaminski at (978) 388-8849 or send to P.O. Box 1184 Amesbury, MA 01913.*

■ AMESBURY NEWS IN BRIEF

*Her Board members here*



# The Salem News

AN EAGLE-TRIBUNE COMPANY

## Local nonprofit group shows children K9 safety

By BRAD HAYNES  
STAFF WRITER

**HAYNES** — A half-dozen kids squatted, their palms extended, and turned their chins to their shoulders, blinking feverishly and closing their lips.

Jacob understood the cues and eagerly lapped up their attention. The 1-year-old "labradoodle" — a Labrador retriever, part poodle — was a part of Kids and K9, an educational nonprofit that visited the Essex County Leadership Academy on Friday. The kids were there for their final in the program, which is run by Essex County Sheriff's Department. Now in its fifth year, the academy provides a week of free day camp to two dozen Essex County kids for eight consecutive sessions. Originally, we started out military-style, yelling at them in uniform, marching them around," camp director John O'Connor, 47, said. "Now I get every-

thing from parents calling me and saying, 'My kid needs a kick in the butt,' to kids who want to be officers when they grow up." Privileges have also expanded to include trips to Newburyport's Custom House Maritime Museum, to the Morraire Farm Project's venture course and fishing and Plum Island. The end of the week features a graduation

*The dogs come out of the program ready to assist disadvantaged owners, with training in more than 70 commands — from turning on light switches to changing laundry.*



Karen Kaminski, director of Kids and K9 Assist, demonstrates how people often approach a dog by patting them on the head with student Brinna Burk, 12, of Peabody. She explains that isn't a good way to approach dogs or people.

ceremony and a visit from the Sheriff's K9 Unit, preceded by the Kids and K9 Assist safety presentation. "Maine for the seed money to forge the two interests."

While school visits and a partnership with the Sheriff's K9 Unit are an important part of her work, Kaminski, Kids and K9 Assist is a culmination of its founder's passion. Having trained dogs for more than 20 years and worked with kids her whole life, Kaminski



Karen Kaminski, director of Kids and K9 Assist, teaches students, from left, Andrew Ball, Donald Leighton and Stephan Deas, all 13, and of Haverhill, how to properly approach a dog with her service "labradoodle," Jacob, during the final class of the Essex County Sheriff's Department's leadership course at Essex Academy on Friday.

dogs after school for a few days every week. The dogs come out of the program ready to assist disadvantaged owners, with training in more than 70 commands — from turning on light switches to changing laundry. And the kids, often seriously abused, have learned to fearlessly approach dogs. "The program is run at area schools, but to grow further, we need to get it to other schools," Kaminski says. She will lead a de-

PHOTO BY GUY ARAUJO



# A 'paws'ible situation

Local peace festival planned for Sept. 11

On the fourth anniversary of one of the most violent and horrific events in this country's history, an Amesbury woman is planning a fund-raiser based on peace.

Karen Kaminski announced earlier this week the Paws for Peace Festival will take place Sunday, Sept. 11 at Woodson Farm. The festival will feature hot-air balloon rides, live music, dog demonstrations, police demonstrations, a farmers market and raffles.

The goal, according to Kaminski, is to raise enough money to train five dogs to be "peace puppies."

The puppies would assist school therapists and counselors to help promote health, wellness and peace within schools throughout the state.

Kaminski said it would cost \$100,000 to train five dogs.

And while she is hoping for a large turnout, she does not expect to raise all the money necessary at the fund-raiser. Instead, she would take whatever money is raised and train as many dogs as possible.

Trained dogs would be able to help therapists teach children how to avoid physical confrontations and walk away from negative situations. The dogs would act as role models

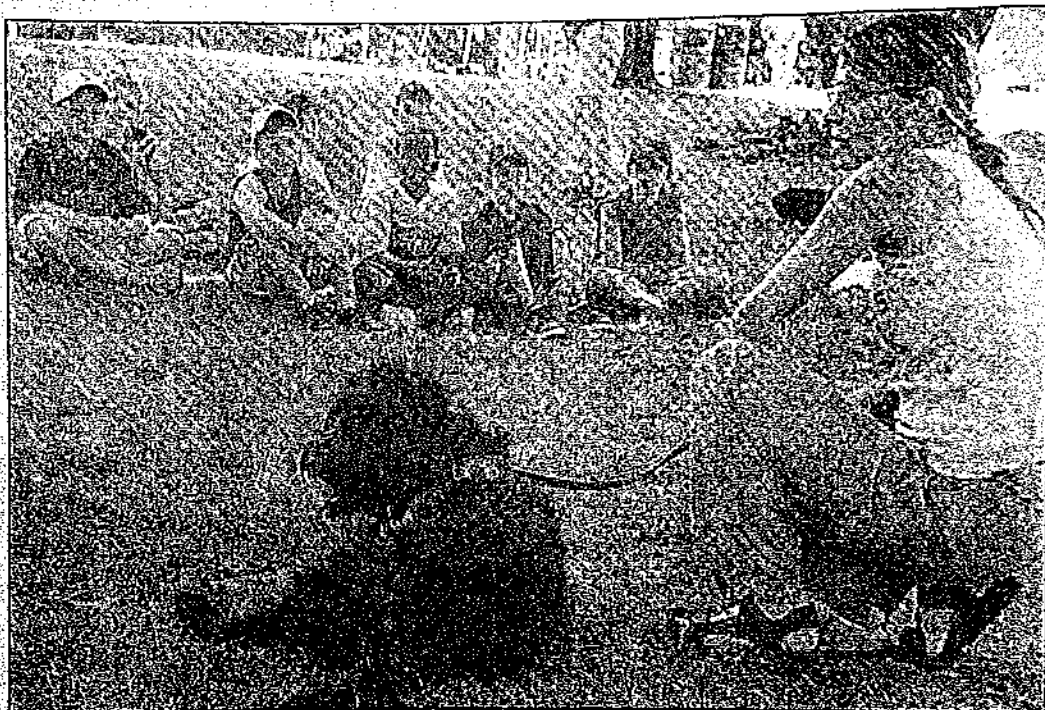


PHOTO BY DAVID ROGERS

**Part of Karen Kaminski's discussion with campers focused on recognizing those who use dogs to lure children and how to avoid those situations.**

keeping their cool even if they are harassed.

"Dogs don't discriminate unless you abuse them," Kaminski said.

Kaminski operates Kids and K9 Assist, a program that trains puppies to become service dogs that benefit disabled children and adults and the elderly. Training is done by Kaminski with the aid of at-risk children. For more than a year Kaminski, who operates Kids and K9 Assist out of her Old Country Road home, has been looking for a separate location for her school.

Kaminski is already teaching children the basics of dog safety as part of the town's summer youth program. Each Wednesday, Kaminski and one of her trained pups visit the Pine Street site, where she spends an hour talking to campers. Amesbury Crime Prevention Police Officer Thomas Hanshaw praised Kaminski's course, saying it teaches campers the proper way to approach dogs.

"They (children) just assume an-

other dog is as friendly as their dog but they might not be," Hanshaw said.

The majority of dog bites, Kaminski added, are caused by people approaching dogs in a manner that seems aggressive to the animal.

Kaminski said she is still looking for sponsors to help pay for festival events and area restaurants to set up tables at the fund-raiser.

Entrance fee for the event, which takes place Sunday, Sept. 11, 7-5 p.m., is \$5 for those 14 and older and \$3 for anyone younger. Hot-air balloon flights leave at 6 p.m. and cost \$195 per person. All dogs attending the event must be leashed and be dog- and kid-friendly. For information on the fund-raiser call 978-388-3849 or e-mail [kidassist@juno.com](mailto:kidassist@juno.com).

—David Rogers



**Kids and K9 Assist**

# Going to the dogs

## *Spring Spirit Fair set for tomorrow*

**By Kevin Doyle**

[kdoyle@cnc.com](mailto:kdoyle@cnc.com)

Before completely dismissing out of hand tomorrow's second Spring Spirit Fair being sponsored by Kids and K9 Assist as pseudoscience, open your mind to the possibility that non-traditional modes of communication do exist.

The notions of mind-reading, extra-sensory perception, and psychic mediums have been around for ages. During the Cold War, the CIA's Stargate Program dealt with what the spy agency labeled

"remote viewing" by training subjects to hone their minds as psychic weapons.

"Evidential mediums like John Edwards go through extensive training and classes designed to teach them to use all of their senses to communicate. We all have the capability but most of us have to learn to be aware of it," said Kids and K9 Assist owner Karen Kaminski Tuesday in her cramped second-floor Water Street office.

Tomorrow's event runs from 10

The notions of mind-reading, extra-sensory perception, and psychic mediums have been around for ages. During the Cold War, the CIA's Stargate Program dealt with what the spy agency labeled

and K9 Assist owner Karen Kaminski Tuesday in her cramped second-floor Water Street office. Tomorrow's event runs from 10

➤ SEE **ASSIST**, PAGE 13

➤ **ASSIST**, FROM PAGE 1

a.m. to 5 p.m. at Union Congregational Church on Main Street and meshes Kaminski's dual interest and background in training service dogs and spirituality. She hopes to one day train search and rescue dogs used in missing person cases.

"I have a connection with various mediums who have worked with the FBI. When the call comes in, the mediums are asked to get a reading, or a feeling as to where a missing person may be. When they get that reading, the dogs are sent," said Kaminski. "Statistics show that if a dog is on site within four hours, there is a much better chance of finding a living person."

Kaminski said evidential mediums piece together information on a subject through impressions.

"They get bits and pieces of information coming through. It may be a smell, a feeling they get in their own body that relates to the person, or an event which took place in the person's distant past," Kaminski said.

Kaminski said last year's show drew true believers and the curious, but few skeptics.

"The mediums were booked all day. Most of the people who come to these types of events come either because they're interested in the subject matter to begin with, or

because they already know about it, understand it, and get it. They're open about it," she said.

Skeptics, she said, often leave shaking their heads about what they may have just experienced or witnessed.

"Some people get spooked but, in general, they leave hearing wondering how did that person know that? I've seen people leave with tears of joy, and comforted knowing there is a hereafter," Kaminski said.

Visitors this year will have a wide range of booths to choose from. They include angel card readings, astrology and birth charts, animal communicators, medium artists, and spirit readings. Those cost \$20 each or a 15-minute sitting while aura photography costs \$30. Those wishing to have readings done are encouraged to reserve a spot, although walk-ins will be accepted on a first-come, first-served basis. All proceeds benefit Kids and K9 Assist's dog training program directly.

Kaminski relocated to Amesbury from Maine in 2003. Thus far, Kids and K9 Assist has placed two dogs, trained by at-risk youth as aids for those who are physically disabled. Before they are donated, the dogs learn upwards of 70 commands.

Kaminski visits schools, hospitals and nursing homes throughout the area with Jacob, her labradoodle.

Reggie, a goldendoodle, was placed at Greater Lawrence Regional Vocational High School as part of a six-month on-site pilot program. Kaminski hopes to eventually develop a training program with The Academy For Strategic Learning in town.

## About Kids and K9 Assist

Kids and K9 Assist is a 501(C)(3) non-profit organization dedicated to helping kids overcome the challenges and empowering them to be safe, healthy, responsible and beneficial contributors to society by teaching them to train and prepare puppies as service dogs that will benefit physically disabled individuals and our community at large. The goal is to help end the cycle of abuse, neglect, violence and discrimination by teaching kids, especially those who are at risk and in-need kids, safety, responsibility, empathy and compassion through educational and inspirational programs. Kids and K9 Assist will also hold its second Paws For Peace Festival at Woodsom Farm in September.

To book a reading at tomorrow's Spirit Fair or for more information about Kids and K9 Assist, call 978-388-8849 or visit the website at [www.kidsandk9assist.org](http://www.kidsandk9assist.org).



Frank G. Cousins, Jr.  
Sheriff

# Essex County Correctional Facility &

## Sheriff's Department

20 Manning Avenue  
P.O. Box 807  
Middleton, MA 01949-2807



Telephone  
(978) 750-1900  
EXT. 302  
FAX  
(978) 750-1999

### K-9 UNIT

November, 16, 2004

To Whom It May Concern.

I have been working with Ms. Kaminski, the Executive Director of KIDS and K9 ASSIST Inc., in forming alliances/partnerships with the Police Departments within Essex County Massachusetts on bringing forth through the departments their "Partnerships For Independence" program for at-risk and in-need children (ages 13 to 18.) Also with their "Safety Around Dogs" program, teaching children (ages 6 to 12) proper human behavior, and safety around dogs.

As Captain of The Essex County Sheriff's Department's K-9 Unit, I have trained and worked with hundreds of police officers and their K-9 partners. Our K-9 division is seeing the overwhelming need for service dogs (assistance, search and rescue, and K-9 officers) in today's society, and with the rapid growth of our troubled youth in our County, State and Nation.

Ms. Kaminski's pioneering and inspiring programs have brought us together to form partnerships with the Police Departments within Essex County for their after-school programs. This organizations effort is of great benefit to all children; especially those who are at- risk and in-need by helping them to overcome challenges and learn to become positive contributors to society through their service dog-training program.

Any assistance that you could give to this non-profit organization would be of great help. This is a winning situation for our children and the communities-at-large.

Respectfully,

A handwritten signature in cursive script, reading "Steve M. Shoreman".

Captain Steve M. Shoreman  
OIC Essex County Sheriff's Dept. K-9 Unit/Armory





# Greater Lawrence Technical School

Greater Lawrence Regional Vocational Technical High School District  
Frank S. Vacirca, Superintendent/Director

December 6, 2004

To Whom It May Concern:

I am pleased to write this letter of support relative to Kids and K9 Assist, Inc. The organization under the leadership of Ms. Karen Kaminski, will provide much needed care to deserving individuals and provide educational opportunities to youngsters and adults working with the dogs. Ms. Kaminski's passion for this very worthy cause reflects a spirit of altruism that is inspirational.

Ms. Kaminski has started Kids and K9 Assist, Inc. as a grassroots operation. She is presently using her home as an instructional area for the dogs and for volunteers. She is also working with community groups, such as the Essex County Sheriff Department. One of her many goals is to integrate this program into public and private schools. Her energy alone cannot sustain the expectations she has for this outreach. Funding will be the life source in providing sustained growth and opportunity to the program.

It is without reservation that I support this outreach. Kindly give Kids and K9 Assist, Inc. your utmost consideration. Thank you.

Sincerely,

Frank S. Vacirca  
Superintendent/Director

# APPLICATION FORM

Date Received: \_\_\_\_\_  
Received By: \_\_\_\_\_

Application for RFR #: Town of Billerica

All of the information on this application must be completed or identified as Not Applicable.

## Attachment A: PROPOSAL TO LICENSE TOWN-OWNED AGRICULTURAL FIELDS

### 1. Agricultural Operation Information:

Applicant Name: <u>WILLIAM GIBBS</u>	Operation Name: <u>GIBBS FARM</u>
Legal Structure: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> LLC <input type="checkbox"/> Other _____	
OR Employer: _____	
<input type="checkbox"/> I do not currently own or lease land but am an experienced farm worker seeking to lease land	
Historically Underserved Farmer <sup>1</sup> : <input type="checkbox"/> Limited Resource Farmer <input type="checkbox"/> Beginning Farmer <input type="checkbox"/> Socially Disadvantaged Farmer <input type="checkbox"/> Veteran Farmer	
Mailing Address: <u>GIBBS FARM</u>	
City, State, Zip: _____	
Email: _____	Home Phone: _____
Mobile Phone: _____	County: _____

### 2. Current Agricultural Operation Details:

Type of Operation:	<input type="checkbox"/> Maple	<input type="checkbox"/> Beef	<input checked="" type="checkbox"/> Produce	<input type="checkbox"/> Cranberry	<input checked="" type="checkbox"/> Greenhouse	<input type="checkbox"/> Livestock
	<input type="checkbox"/> Dairy	<input type="checkbox"/> Nurse	<input type="checkbox"/> Other _____			
Acreage Owned: <u>29</u>	Acreage Leased: _____	Acreage In Production: <u>10</u>				

### 3. Site Address for Current Operation (if different from above):

Site Address:	_____
City, State, Zip:	_____

RCVD AUG 27 2025  
Billerica Town Manager PM2:34

<sup>1</sup>As defined in the 2018 US Farm Bill. For reference please see USDA definitions:  
[https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/people/outreach/slbfr/?cid=nrcsdev11\\_001040](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/people/outreach/slbfr/?cid=nrcsdev11_001040)

4. Identify which parcels and / or license areas you wish to license (farmers may seek licenses for more than one parcel and/ or license area). Please identify ALL parcels you are interested in licensing.

PARCEL	Interested	Not Interested	Somewhat Interested
Front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Back	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notes:			

5. Proposal Details: *Complete each section.*

**AGRICULTURAL LAND USE PLAN**

- a. Provide a clear description of how you intend to use the licensed parcels for agricultural purposes including crops grown and/or livestock raised and a planting/ growing/ harvesting schedule. Where will the agricultural products be sold? (Submit separate information for each parcel if necessary). This will be considered your "land use plan" and granted a license, you will be required to maintain the land according to this plan:

SQUASH, PUMPKIN MELON  
CORN?  
GOOSE CONTROL

a. AGRICULTURAL LAND USE PLAN (cont.)



b. Describe your farming experience.

B.S. PLANT & SOIL UMass AMHERST  
GRIGGS FARM TO PRESENT

c. Provide any other relevant information

d. Describe equipment you possess to allow you to utilize, maintain and work the agricultural resource to its fullest potential?

COMPLANTER  
4000 SUBTRACTOR  
RESENT OUTDOOR SHOP  
PLOW  
CULTIVATOR  
HARROW  
2 SPRAYERS  
IRRIGATION  
INGROUND  
PIPES PRINHLERS

e. Please provide the name, address and phone number of three references, at least one of which shall be from a landowner from whom you currently rent/use land.

1. NAME:	
POSITION/TITLE	
RELATIONSHIP TO YOU:	
PHONE:	
EMAIL:	

2. NAME:	
POSITION/TITLE	
RELATIONSHIP TO YOU:	
PHONE:	
EMAIL:	

f. What is the proposed rent or community benefit per year?

PARCEL	\$ Proposed Rent (If Interested)

6. Attestation:

By signing this application, you attest all statements herein are accurate and true. By signing this application, you give permission to have a site visit by MDAR staff which may be necessary before a decision is made. All site visits will be arranged with you in advance.

Signature: William Gibbs

Date: AUG 27/25

Print Name: WILLIAM GIBBS

Please complete and return the proposal response form along with your resume and a resume for all others involved in the farming operation by the appropriate deadline listed in the RFR Document.

TOWN

FEDERAL GRANT FOR  
DESIGN WORK  
RT. 110 WEST FORD MB  
PART SERVICE AGENCY

ESA

PROPERTY LINE -

0.478 HAPT

0.478 HAPT

0.478 HAPT

0.478 HAPT

GR/GG

0.478 HAPT

ROADWAY

TOP

STONE WALL



## **BID RESPONSE FROM GRIGGS FARM TO TOWN OF BILLERICA, MA**

*August 22, 2025*

Griggs Farm is pleased to submit this response to bid regarding the license or lease available for town land adjacent to Griggs Farm on Boston RD in Billerica, MA. Griggs is responding to the RFR on or about July 23, 2025, notifying the public of land available to license on parcel 79-322-0 that is available for agricultural use

### **OBJECTIVE**

Griggs Farm is requesting to continue to formally lease and/or license the land that we have farmed on this same parcel since 1982. This parcel land was transferred by Billy and Gil Griggs to the Town of Billerica in the early 1990's to preserve our agricultural heritage and to save our remaining farmland and open space. Griggs Farm would like to continue to plant on the town parcel throughout the entire year. Main crops include corn, apples, pumpkins and other seasonal fruits and vegetables that can be sold at Griggs farm stand in our main greenhouse.

### **TIMELINE AND FEES**

Griggs Farm is suggesting we can continue to license and/or lease this parcel of land for \$1,000.00 USD per year with a 5-year agreement. Griggs Farm would adhere to the Town rules and regulations and if this date range is not possible Griggs is able to reapply each year if applicable. Our farming needs and farming/agricultural operations are long-term. Griggs' long-term strategy would be to plant crops, till, maintain and farm the land to sell produce at Griggs Farm's stand during the growing season. In addition, there are existing trails that may be used for educational purposes, with appropriate educators.

### **QUALIFICATIONS**

Griggs Farm has been farming in Billerica for 82 years. Griggs produces a variety of plants, flowers and vegetables throughout the year. The land that is available for the license was the parcel that most of the corn was planted and harvested every year. Griggs has the equipment and knowledge of this parcel of land and can access it easily. Griggs has been instrumental in forming the Billerica Agricultural Committee and has some members appointed already; Billy Griggs, owner and operator of Griggs Farm, is Vice Chair. We have also been working with the Town to make Billerica a Right to Farm community and that law was passed at the last Town Meeting. Griggs understand the

laws surrounding the licensing requirements, etc. Griggs has the history, education and qualifications; and since the main farm, greenhouses and water sources are on Griggs property, it makes Griggs a meaningful choice to be awarded this license.

## CONCLUSION

We look forward to working with the Town of Billerica and supporting efforts to improve the use of this land adjacent to our farm. We have not been able to farm this land and are excitedly awaiting a licensing/lease agreement and believe that Griggs Farm will contribute to the Billerica community and make good use of this land.

**NOTE:** We request a meeting to discuss geese control. This will include the Agricultural Commission and ideally a Massachusetts Wildlife professional.

In addition, we would like to inform the Town there are 4 hydrants on the property that connect back to the pond on Griggs property. Federal funds and engineering from (Farm Service Agency, Westford, MA) went into establishing these resources, and they need to be protected. There is a large underground infrastructure (that connects to Griggs pond) that could be damaged.

If you have questions on this proposal, feel free to contact Billy Griggs at [REDACTED]

Thank you for your consideration,

William Griggs

A handwritten signature in black ink, appearing to read 'William Griggs', written in a cursive style.

Griggs Farm Owner, Operator

[REDACTED]

The Town of Billerica is soliciting responses for the agricultural use of approximately 9.65 +/- acres located in Billerica, Massachusetts (map/parcel number 79-322-0). The Property is owned by the Town and is under the care and control of the Select Board subject to the restrictions of an Agricultural Preservation Restriction Agreement and related regulations and policies. The property is to be licensed (not leased) to one or more eligible applicants. A license will be awarded to the responsive and eligible respondent offering the Town the most advantageous deal while meeting all the evaluation criteria as set forth in this request for responses (RFR). Filed Bids are due at the Billerica Town Manager's Office, 365 Boston Road, Billerica MA 01821 by 11:00AM, Wednesday August 29th, 2025. By: Robert Maynard, Assistant Town Manager, July 23, 2025 July 25 #NY0151926

29 TH ?  
or  
29 TH



**SELECT BOARD**  
**TOWN HALL**  
**365 BOSTON ROAD**  
**BILLERICA, MASSACHUSETTS 01821**  
**978-671-0939**  
**FAX: 978-671-0947**

**GIFT ACCEPTANCE FORM SUMMARY**

**TO: Town Accountant**

The officer or department listed below has requested acceptance of the following gift pursuant to Massachusetts General Laws, Chapter 44, Section 53A and further requests that the Select Board authorize the expenditure of funds for the stated purpose.

<b>Town Department</b>	<b>Gift Description</b>	<b>Gift Amount</b>	<b>Purpose</b>
Veteran's Service	Pizza Oven	\$1,000 Estimated Value	To Be used in the office for Veterans
Veteran's Services	Handicap Ramp	\$1,000 Estimated Value	To Be used for Veterans in need
Public Library	(5) Chromebooks	\$1,875 Estimated Value	To be used by the library
Public Library	(35) Period Packs	\$40 Estimated Value	To be used offered to the public
Public Library	(4) \$20 Gift Cards for Boom Boom Games	\$80	To be used for prizes in the Teen Summer Reading Program
Public Library	(15) gently used board games	\$500 Estimated Value	To be used as prizes, added to the library collection and made available in the Teen section
Public Library	(1) Neuroshield board game	\$40 Estimated Value	To be added to the library collection
Public Library	(20) Dental and Period Packs	\$50 Estimated Value	To be used offered to the public
Public Library	(7) board games	\$210 Estimated Value	To be used as prizes
Public Library	bouquet of flowers	\$45 Estimated Value	To be displayed in the library

*America's Yankee Doodle Town*





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Daniel R. Darris O'Connor, *Secretary*  
Dina M. Favreau, *Member*  
Michael Rosa, *Member*

## MEMO

**TO:** Select Board

**FROM:** Dina M. Favreau, Member

**SUBJECT:** June 2, 2025, and June 11, 2025, Meeting Minutes

**DATE:** August 19, 2025

---

I am writing to respond to the recent memorandum dated August 7, 2025, from Dawn McDowell, and presented to us at our August 11, 2025, meeting regarding the June 2 and June 11, 2025, meeting minutes. While I appreciate the clarification that two versions of the minutes have been circulated, I believe it is important to explain why the revisions I submitted on August 4 are both necessary and appropriate under the Massachusetts Open Meeting Law (OML).

### **Legal Basis for Revisions**

Under *M.G.L. c. 30A, § 22(e)*:

“The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes, and all documents and exhibits used at the session, shall be public records in their entirety.”

This section explicitly includes **notes** as part of the public record and as valid source material for preparing minutes. My revisions were based on my contemporaneous notes, cross-checked against the official video recordings. I devoted over five hours to this review, rewatching the recordings, to ensure that the corrections I proposed were careful, precise, and compliant with OML. These are not subjective recollections but documented, verifiable corrections grounded in materials that the statute recognizes as part of the public record.

### **Accuracy of the Record**

The purpose of minutes is not to create a transcript, but to provide an accurate summary of discussions, motions, votes, and procedural actions. My edits are not a transcript. They are a legally compliant summary that incorporates key points of deliberation, motions, votes, and procedural actions that were either omitted, inaccurately recorded, or misattributed in the original drafts. Several issues in the packet versions must be corrected, such as:

- The June 11 draft attributed to me a statement about “creating an environment supportive to developers,” which I did not make.

*America's Yankee Doodle Town*



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Dina M. Favreau, *Member*  
Michael Rosa, *Member*

- The June 2 packet included a blue note suggesting the timing of a roll call vote was unclear. The video confirms otherwise: the motion was made at 43:12, Member Darris-O'Connor briefly interrupted, Member Rosa called a point of order at 43:42, and the Chair called for the vote at 43:47. Each member voted "aye," with no votes in opposition, making the action unanimous. That fact should be recorded clearly.

Omitting or mischaracterizing such details compromises the accuracy of the record and risks misrepresenting the Board's proceedings.

#### **August 4 Email and Submitted Revisions**

In my August 4 email to the recording secretary, I explained that my changes were necessary to correct missing information, eliminate references to topics not actually discussed, and address quotes misattributed or inaccurately paraphrased. I also highlighted several procedural actions and discussion points missing from the original draft. These edits were carefully prepared, formatted for ease of incorporation, and intended solely to ensure compliance with the Open Meeting Law.

For reference, the full August 4 email is appended to this memo below.

#### **Concerns with Versions Provided**

What is most troubling is that the June 2<sup>nd</sup> version included in the packet for approval is not the version I submitted on August 4<sup>th</sup>. The "Edited Minutes" circulated to the Board is not the copy I submitted on August 4<sup>th</sup>, nor do they incorporate Member Rosa's suggested changes. As a result, the Board is being asked to approve minutes that are demonstrably incomplete and inaccurate, which undermines the integrity of the official record.

#### **Policy Considerations**

The memorandum suggests adopting a new policy regarding the "appropriate level of detail" in minutes. Respectfully, such a policy is unnecessary. The Open Meeting Law already establishes the standard, and any attempt to narrow the level of detail below those standard risks noncompliance and undermines transparency.

#### **Conclusion**

Since joining the Board, I have consistently reviewed and offered edits to ensure accuracy and transparency. My revisions were prepared in good faith and formatted for ease of use. They are intended solely to ensure that the official record reflects the discussions and decisions that actually occurred. My suggested edits were prepared in a format requiring no more than a copy-paste to incorporate.

The Open Meeting Law already provides the governing framework for preparing and maintaining accurate minutes. No new policy is required; what is required is compliance. The minutes must reflect an accurate, fair, and complete summary of our deliberations and votes, and my suggested edits ensure that standard is met.

*America's Yankee Doodle Town*



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Michael Rosa, *Member*

Finally, I must stress that approving inaccurate or incomplete minutes exposes the Board to potential Open Meeting Law complaints and undermines public trust in the transparency of our proceedings. For these reasons, I respectfully request that the Board incorporate my August 4 revisions into the June 2nd and June 11th minutes before approving them and forego any such requested policy that hinders the duly elected members of the board from being able to fully carry out their duties and responsibilities, which includes ensuring legal compliance and full accuracy of the record of the proceedings.

---

**August 4, 2025 Email to Recording Secretary**

“Good morning Dawn, I hope you enjoyed the long weekend. Attached are my changes to the recent meeting minutes sent last week. After reviewing them closely, and watching the videos, I needed to make a significant number of edits to ensure the record accurately reflects the discussions that took place. Some of the revisions were necessary due to missing information on key discussion points, as well as the inclusion of statements or references to topics that were not part of the meeting. In a few cases, there were quotes attributed to individuals that did not match what was actually said. There are also a few recommendations to add pertinent discussion points to the 6/11 minutes that weren’t included in the original version. I’ve highlighted my changes and recommendations in red.

I understand how challenging it can be to capture everything accurately, especially during fast-moving or complex discussions, and I appreciate the work that goes into preparing the minutes. I just wanted to flag these items for you, so we're all aligned moving forward and can ensure clarity and accuracy in the official record.”

*America's Yankee Doodle Town*



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Daniel R. Darris-O'Connor, *Secretary*  
Michael S. Rosa, *Member*  
Dina M. Favreau, *Member*

## MEMO

**TO:** Select Board  
**FROM:** Dawn McDowell, Executive Confidential Assistant to the Select Board  
**SUBJECT:** June 2 and June 11, 2025 Select Board Meeting Minutes – Versions for Review and Approval  
**DATE:** August 7, 2025

---

Please be advised that there are **two sets of minutes** provided for both the **June 2, 2025** and **June 11, 2025** Select Board meetings:

1. **Original Draft Minutes** – These are the initial versions sent to Members Rosa and Favreau for review.
2. **Edited Minutes** – These include suggested changes and comments submitted by Member Favreau (*comments in red*).

As a reminder, the **Open Meeting Law (OML)** requires that meeting minutes include a **summary** of discussions and actions, not a verbatim transcript or excessive detail. Below is the relevant excerpt from the **OML Guide**:

**“Meeting minutes must include:**

- The date, time, and place of the meeting;
- The members present or absent;
- A summary of the discussions on each subject;
- A list of documents and other exhibits used at the meeting;
- The decisions made and actions taken, including a record of all votes.”

— *Open Meeting Law Guide, Massachusetts Attorney General's Office*

Also attached is the **OML Minutes Checklist**, a tool provided by the AG's Office to assist public bodies in preparing minutes that comply with the law.

I am requesting that the Board vote to approve one version of the minutes for each meeting date. I would also like to request that the Board make a policy decision going forward regarding the appropriate level of detail for the minutes. This will help ensure consistency and compliance with OML standards while aligning with the Board's expectations.

Thank you.

## **Public Body Checklist for Creating and Approving Meeting Minutes**

Issued by the Attorney General's Division of Open Government – September 25, 2017

- ☐ Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- ☐ Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- ☐ The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- ☐ The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely. 940 CMR 29.10(7)(b).
- ☐ If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- ☐ Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- ☐ The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). A “timely manner” will generally be considered to be within the next **three** public body meetings or within **30 days**, whichever is later, unless the public body can show good cause for further delay. 940 CMR 29.11(2).

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please visit [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).**





**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
JUNE 02, 2025**

**Members Present:** Chair Jillian Pavidis, Vice Chair John Burrows, Secretary Daniel Darris-O'Connor, Member Michael Rosa, and Member Dina Favreau

**Members Absent:** None

**Staff Present:** Acting Town Manager Christopher Dillon, Assistant Town Manager Robert Maynard and Recording Secretary Dawn McDowell

**Call to Order 6:00 PM**

Chair Pavidis called the meeting to order at 6:00 PM.

The Pledge of Allegiance was recited.

Chair Pavidis read a statement regarding the challenges this Board has faced and the reorganization that recently happened. We need to move forward together and professionally.

Member Rosa read a statement. He disagreed with the process that three members did to reorganize the Board ignoring legal advice but we need to move forward and stop the chaos. He will continue to work professionally with the Board and all the committees he is on.

**1. Open Microphone**

Deb Meagher – Ms. Meagher spoke in favor of Tom Davis for the Billerica Housing Authority appointment.

Barbara Reidy from 10 Maplewood Ave – Ms. Reidy stated that members of the Board acted unprofessional at the meeting of May 21<sup>st</sup> but the meeting of May 29<sup>th</sup> trumped it. Members ignored and dismissed legal advice on the premises of collaboration at what potential legal costs.

Steve Strykowski of 16 River Street – Mr. Strykowski stated that he supports Tom Davis for the Billerica Housing Authority. The turmoil within the Select Board has to stop.

Dawn McDowell of 46 Rogers Street – Ms. McDowell read a statement regarding the investigation of Select Board member Dina Favreau and the feelings of the employees that were involved.

Kelley Sardina of 95 Grey Street – Ms. Sardina stated that it is difficult to attend Select Board meetings with a 6:00 PM start and asked that Open Mic be in the middle of the meeting or at the end. She put in a FOIA request for legal bills and she was told it needs to go through the chair first. We shouldn't waste time or money.

Richard Colantuoni of 5 Marlyn Road – Mr. Colantuoni stated that he has lived in Billerica for 56 years and has been on the ZBA for 26 years. He supports Eric Anable for ZBA.

Patricia Doherty of 16 River Street – Ms. Doherty stated that she supports Lewis Martakos for the Billerica Housing Authority. She know both of them and Tom is a great guy but Lewis likes everyone, is a bright and a good guy.

Guy LaPointe of 13 River Street – Mr. LaPointe stated he supports Tom Davis. He is like the Mayor of the housing.

Kathy Moschner of 16 River Street – Ms. Moschner stated that she likes both but Lewis is his own person. The Board needs to support everyone and Lew is the guy.

Darlene Torre of 47R Sheldon Street – Ms. Torre stated that each Board member took an oath to uphold the bylaws and Charter. You represent all residents. This is the highest elected officials in the Town and you need to work collaboratively. She doesn't have a lot of confidences in the Select Board with everything that has happened. The Chair position is very important and should be held by someone with experience. The Board needs to put all their feelings aside and do what is right.

Laureen Knowles of 3 Radcliff Road – Ms. Knowles stated that she supports Tom Davis for Billerica Housing Authority. He is a strong advocate for the residents.



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Diana Saunders of 20 Oxford Road – Ms. Saudners stated that every board member should not be calling Town Counsel. We can't afford the legal bills and the lawyers have been wrong. Let's work together and someone should monitor who is talking with Town Counsel. It shouldn't be a free for all.

Grace Tucci of 7 Carson Street – Ms. Tucci stated that it's troubling on the direction of the Select Board. There is a lack of respect, the Board is fractured and there are double standards and inconsistencies. The leadership positions should be earned and shouldn't be a popularity vote. The process should be respected as well as each member and the legal advice should be respected. With the status of the Board, what law firm or Town Manager would want to come here.

**Announcements**

**2. Vacancies on Boards and Committees**

Secretary Darris-O'Connor read the vacancies on Boards and Committees.

**3. All other announcements may be viewed on the Town of Billerica website**

**Proclamation and Public Recognition**

**4. Pride Month Proclamation**

Secretary Darris-O'Connor read the Pride Month Proclamation.

**5. Juneteenth Proclamation**

Secretary Darris-O'Connor read the Juneteenth Proclamation

**Public Hearings**

**6. Public Hearing – Approval of a Grant of License from the Town of Billerica -#31061903 - to Massachusetts Electric Company at 250 Treble Cove Road for National Grid to install ~2460' +/- #4/0 cu 3-1c primary UG cable in customer installed 4" conduits, 2 new manholes, manhole switchgear and manhole primary meter in order to accommodate relocation of underground facilities and install 300 KVA xfmr 277/480 for new building at Billerica Water Treatment Plant.**

**MOTION** - Secretary Darris-O'Connor made a motion to open the public hearing at 6:42 PM for National Grid #31061903 Grant of License for 250 Treble Cove Road. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

Vazz Eang from National Grid appeared for the public hearing.

Member Rosa stated that the easement needs to go to Town Meeting so this is a license agreement. Fred Russell, DPW Director joined the meeting. Mr. Russell replied that was correct. This is for the new connection to the DPW and the easement will be submitted to Town Meeting in the Fall. Member Rosa asked if we should add a reference to this on the license. Mr. Russell replied he doesn't think it's needed.

Secretary Darris-O'Connor stated that there is no issue with the license as presented but could that statement be added. Mr. Russell replied correct, but if the Board feels more comfortable, they can add that statement.

There were no public comments from the audience or online.

**MOTION** - Secretary Darris-O'Connor made a motion to close the public hearing at 6:47 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to approve the grant of license to National Grid #31061903 with the addition of the following language "The final step will be to go to Town Meeting for a permanent easement". The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.



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7. **Public Hearing –National Grid and Verizon- #31032929 –National Grid to install (1) JO Pole on Tamarak Street beginning at a point ~100’ southeasterly from exiting pole 3 location. New Pole 3 was previously petitioned to move ~50’ southeasterly (Hearing 12/9/24). The new pole 3 has been installed by the customer who wants the new pole 3 moved. On behalf of the customer at 8 Tamarak Street, National Grid request to keep the original pole 3 location, remove new pole 3 location and install a new pole 4 ~100’ southeasterly from original pole 3 location to supply electrical service to new home at 8 Tamarak Street.**

**MOTION** - Secretary Darris-O’Connor made a motion to open the public hearing at 6:47 PM for National Grid Pole Petition #31032929 for 8 Tamarak Street. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Vazz Eang from National Grid appeared for the public hearing.

Member Rosa asked if asked if any abutters had reached out. Mr. Eang replied no. Member Rosa asked if you have read the DPW comments and know that you need to reach out to them directly to mark the water and sewer.. Mr. Eang replied yes.

There were no public comments from the audience or online.

**MOTION** - Secretary Darris-O’Connor made a motion to close the public hearing at 6:48 PM. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O’Connor made a motion to approve the National Grid pole petition #31032929 for 8 Tamarak Street. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

8. **Public Hearing –National Grid and Verizon- #31117689 – National Grid to install (1) JO Pole (pole 4) on Ingersoll Road beginning at a point ~110’ westerly from existing pole 3 in the public way with anchor in order to support pole 3 and existing pole line**

**MOTION** - Secretary Darris-O’Connor made a motion to open the public hearing at 6:49 PM for National Grid Pole Petition #31117689 on Ingersoll Road. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Vazz Eang from National Grid appeared for the public hearing.

Member Rosa asked if asked if any abutters had reached out. Mr. Eang replied no. Member Rosa asked if you have read the DPW comments and know that you need to reach out to them directly to mark the water and sewer.. Mr. Eang replied yes.

There were no public comments from the audience or online.

**MOTION** - Secretary Darris-O’Connor made a motion to close the public hearing at 6:50 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O’Connor made a motion to approve the National Grid pole petition #31117689 for Ingersoll Road. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**New Business (Quick Items)**

9. **New Common Victualler’s License for Under the Radar Culinary, LLC dba Big Al’s Pizza located at 240D Nashua Road – Manager Mallory Shackford**

Mallory Shackford appeared for the new Common Victualler’s License for Big Al’s Pizza located at 240D Nashua Road. They are a small family business and they deal with primarily takeout but they will have 16 seats. They have their Serve Safe Certificates and they will wait on the final Board of Health inspection before they can open.

There were no questions.





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**MOTION** - Secretary Darris-O'Connor made a motion to approve the Common Victualler's License for Under the Radar Culinary, LLC dba Big Al's Pizza located at 240D Nashua Road with the manager of Mallory Shackford. The hours of operation will be 11:00 AM – 11:00 PM Monday-Friday, 7:00 AM – 11:00 PM Saturday and Sunday and with the incorporation of the ZBA Decision Case #25-16 conditions 1-7. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**10. Discussion and Possible Vote on Gift Acceptance:**

- a. Billerica Public Library
  - i. Donation of Artificial Flowers and Pots (Estimated Value) ~\$30
  - ii. Donation of \$3,500
  - iii. Donation of T-shirts (Estimated Value) ~\$40
- b. Veterans' Services
  - i. Donation of \$200 Market Basket Gift Cards
- c. Council on Aging
  - i. Donation of \$150
  - ii. Donation of \$45

**MOTION** - Secretary Darris-O'Connor made a motion to accept the gifts as presented pursuant to MGL, Chapter 44, Section 53A and authorize expenditure of the funds for the stated purpose. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**Appointments**

**11. Police Constables – (Expires 06/30/2028)**

- a. Cory Bandouveres
- b. Timothy McKenna

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Cory Bandouveres as a police constable with an expiration date of June 30, 2028. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Timothy McKenna as a police constable with an expiration date of June 30, 2028. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**12. Appointments that Require Interviews:**

- a. **Billerica Housing Authority - Tenant Member (1 Open)** (Expires 04/30/2029)
  - i. Lewis Martakos

Lewis Martakos appeared before the Board. He has made a lot of friends at his housing complex. He was a small business owner before he retired and has attended many of the BHA meeting. He wants to help. He doesn't have all the answers but wants to help his community.

Member Rosa thanked Mr. Martakos and Mr. Davis for applying. We are always looking to get people involved. Member Rosa asked how long you have lived at the Housing Authority. Mr. Martakos replied about a year and half. He has read the handbook and understands the residents' concerns. He has also been involved with budgets with his business.

- ii. Thomas E. Davis

Thomas Davis appeared before the Board. Mr. Davis stated that he has lived in his community for seven years and has met a lot of the residents. He is an Army Veteran from 1969-1972. He has been a Private Investigator, a small business owner and has worked at Home Depot. He gets along with 99% of the residents and we watch out for everyone. He would like to represent the residents on the Board.

Member Rosa thanked Mr. Davis for his service and he noted that there are multiple letters of recommendation for him from the residents.



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Steve Strykowski a resident stated that the tenant Board member should represent the residents, not the Director.

**MOTION** - Secretary Darris-O'Connor made a motion to recommend Lewis Martakos as Tenant Member on the Billerica Housing Authority with the expiration date of April 30, 2029. The motion was seconded by Member Rosa and voted 3-2-0. Secretary Darris-O'Connor, Vice Chair Burrows and Chair Pavidis voting in favor, Member Rosa and Member Favreau voting opposed.

Secretary Darris-O'Connor stated that there are other volunteer opportunities that you could apply for.

Member Favreau stated that there are considerable tenant recommendations for Mr. Davis and she would like to reconsider the last vote.

**MOTION** - Member Rosa made a motion to reconsider the appointment of Lewis Martakos as Tenant Member on the Billerica Housing Authority. The motion was seconded by Member Favreau and voted 2-3-0. Member Rosa and Member Favreau voting in favor, Secretary Darris-O'Connor, Vice Chair Burrows and Chair Pavidis voting against. The motion fails.

b. **Board of Appeals (1 Regular Open) – 2 Applicants (Expires 06/30/2028)**

iii. Christopher Sennott

Christopher Sennott appeared before the Board. Mr. Sennott stated that he has been a contractor for 20 years and has been at many meetings on the other side of the Board. He would like to make the process easier.

Member Favreau asked what do you know about the ZBA and how it relates to the zoning bylaws and litigation. Mr. Sennott stated that the decisions should be black and white based on the law. He knows that the zoning is in process of being redone and he is not familiar with litigation procedures. Member Favreau asked why a variance would be given. Mr. Sennott stated that the applicant can't be the setbacks, a variance is needed. He would be more lenient to a side or rear setback than with a front setback. Member Favreau asked if you would work with the Planning Board on issues. Mr. Sennott replied absolutely.

Vice Chair Burrows stated that the ZBA granted variances to 279 Boston Road and what would his thoughts be on that. What would you have done with St. Mary's? Mr. Sennott stated on 279 Boston Road, he probably wouldn't have voted for that because it's too close to the road and there should have been more negotiations and at St. Mary's as long as the project did not interfere with traffic, he would have granted the variance.

Secretary Darris-O'Connor thanked Mr. Sennott for applying and asked if he had any special skills or abilities to help with the ZBA. Mr. Sennott stated that he has the ability to collaborate and his negotiation skills. Secretary Darris-O'Connor asked if he knows of the authority the ZBA has. Mr. Sennott replied that the ZBA approves or denies applications for variances. Secretary Darris-O'Connor asked if a project meets the requirements but there are a lot of residents who oppose the project, what would you do. Mr. Sennott replied if they meet the requirements, it's hard to go against it. Secretary Darris-O'Connor asked how would you get residents involved. Mr. Sennott replied that he would post the agenda and share all the information that he receives.

Member Rosa stated that the ZBA grants variances and a former ZBA member used to help residents who come before the ZBA, would you also. Mr. Sennott replied absolutely. Member Rosa asked if he was aware of the reasons a variance may be granted. Mr. Sennott replied yes.

iv. Eric Anable (Incumbent)

Eric Anable appeared before the Board. Mr. Anable stated that he has lived in Billerica for 25 years and has spent the last six years on the ZBA, three as an alternate and three as a regular member. The last year, he has been the Chair.

Member Favreau asked what do you know about the ZBA and litigation. Mr. Anable stated that the vast majority that the ZBA deals with is variances and special permits. There is not a lot of litigation. There was the Dunkin Donuts that we denied that has been remanded back to us, so he is not sure how they will handle this. Member Favreau asked what



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the biggest issues are. Mr. Anable replied lot splits. They are not approving them as much as they were approved before.

Vice Chair Burrows stated that 279 Boston Road should not have been approved in his opinion and the Dunkins should have been approved. What are the criteria for variances? Mr. Anable stated that Dunkins was before us twice and they went to the Planning Board. Vice Chair Burrows stated that you should have compromised. Mr. Anable stated that if it is reasonable he would entertain it, but when residents come out against a project, it makes him think about it. He tries to get the neighbors together. Vice Chair Burrows stated that developers have endless bank accounts and in the end, you should negotiate to get the best project for everyone.

Secretary Darris-O'Connor asked how the public should get involved. Mr. Anable stated that we want people to be heard. He posts to social media when there are contentious hearings.

Member Rosa stated that it is good advice to talk with neighbors before the hearing. Some bad examples the ZBA has approved are 279 Boston Road which is way too close to the street, the Val has a forty-seat restaurant with no parking and it was never intended for that. That project was originally 200 units, came before the ZBA to reconfigure the rooms to 211. When there is business and residents there are always conflicts. He agreed with the Dunkin Donuts decision in Pinehurst but there were no reasons on why it was denied. One question, on big projects similar to the Val how would you address it now? Mr. Anable stated that they came in for a hundred-seat restaurant and was told no. They came back with forty and extra parking across the street. We typically don't negotiate; the Planning Board does.

Chair Pavidis asked how do you deal with a developer who constantly continues the public hearing. Mr. Anable stated that residents have said that they lose track of projects when they are always continued, so they made Dunkin Donuts re-notice abutters. They must have a good reason to continue.

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Christopher Sennott as a regular member of the Board of Appeals. The motion was seconded by Member Rosa and voted 2-3-0. Member Rosa and Vice Chair Burrows voting in favor, Secretary Darris-O'Connor, Member Favreau and Chair Pavidis voting against. The motion fails.

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Eric Anable as a regular member of the Board of Appeals. The motion was seconded by Member Rosa and voted 3-2-0. Secretary Darris-O'Connor, Member Favreau and Chair Pavidis voting in favor, Member Rosa and Vice Chair Burrows voted against.

**13. Appointments that Secretary Darris-O'Connor NOT Require Interviews:**

- a. **Agricultural Commission (2 Associate Open)** – 1 Applicant (Expires 06/30/2028)
  - i. Jon Larson

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Jon Larson as an associate member of the Agricultural Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

- b. **Board of Appeals (1 Associate Open)** – 1 Applicant (Expires 06/30/2028)
  - i. John LaFauci

**MOTION** - Secretary Darris-O'Connor made a motion to appoint John LaFauci as an associate member of the Board of Appeals. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- c. **Commission on Disabilities (2 Regular Open)** – 2 Applicants (Expires 06/30/2028)
  - i. Maria Martin (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Maria Martin as a regular member of the Commission on Disabilities. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. Jason Gale (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Jason Gale as a regular member of the Commission on Disabilities. The motion was seconded by Member Rosa and unanimously voted 5-0-0



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- d. **Community Preservation Committee – (1 Regular Open)** – 1 Applicant (Expires 06/30/2028)
  - i. Bryan Bertram

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Bryan Bertram as a regular member of the Community Preservation Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- e. **Conservation Commission – (2 Regular Open)** – 2 Applicants (Expires 06/30/2028)
  - i. Diane DePaso (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Diane DePaso as a regular member of the Conservation Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. Jeff Connell (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Jeff Connell as a regular member of the Conservation Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- f. **Constable (Bonded) – 2 Applicants (Renewal)** – (Expires 06/30/2028)
  - i. Guy J. Gill

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Guy Gill as a bonded constable. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. David Babineau

**MOTION** - Secretary Darris-O'Connor made a motion to appoint David Babineau as a bonded constable. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- g. **Council on Aging (2 Regular Open)** – 2 Applicants (Expires 06/30/2028)
  - i. Barbara Flaherty (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Babara Flaherty as a regular member of the Council on Aging. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. John Pellegrino (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint John Pellegrino as a regular member of the Council on Aging. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- h. **Historic Commission (2 Regular Open)** – 1 Applicant (Expires 06/30/2028)
  - i. Travis Brown (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Travis Brown as a regular member of the Historic Commission. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0

- i. **Local Cultural Council - 2 Year Appointment (3 Positions Open)** – 1 Applicant (Expires 06/30/2027)
  - i. Parashu Phuyal (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Parashu Phuyal as a regular member of the Local Cultural Council. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- j. **Open Space and Recreation Commission (1 Position Open)** – 1 Applicant (Expires 06/30/2027)
  - i. Maria Martin

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Maria Martin as a regular member of the Open Space and Recreation Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- k. **Scholarship Foundation Committee (6 Open Positions)** – 2 Applicants (Expires 06/30/2028)
  - i. Lawrence Norman



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**MOTION** - Secretary Darris-O'Connor made a motion to appoint Larry Norman as a regular member of the Scholarship Foundation Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0

ii. Michael Rosa

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Michael Rosa as a regular member of the Scholarship Foundation Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0

**Presentation**

**14. Water and Sewer Rates Presentation – 1<sup>st</sup> Reading**

Fred Russell, DPW Director appeared for the presentation for the water and sewer rate. Gavin Foles from Waterworth gave the presentation. His presentation included walkthrough with financial models.

Member Favreau stated that there was no narrative to follow the slides and she would like the detailed information that was given that the charts were based on. Member Favreau asked how long have we known that we will be operating in the deficit in 2027. Mr. Russell stated that we will be operating in the deficit in 2027 without any rate increases. He will provide the charts with the information.

Member Rosa stated that on page 5, we need to be careful. There is no water subsidy so everything spent out of the account needs to be for water. Mr. Russell agreed. Member Rosa stated that on page 6, is the orange with the subsidy and what is the purple. Mr. Russell replied yes and the purple shows penalties and interest and fees and permits. Member Rosa stated on page 8, does that show retained earnings. Mr. Russell replied no, the red line shows the operating threshold. Member Rosa asked what the balance of the retained earnings is. Amit Chhyani joined the meeting. Mr. Chhyani replied he is not sure, but can get that number. Member Rosa stated that on page 13, tier 1 are mostly seniors who have the least ability to pay. The second tier is families and the third tier is the businesses. We need to help the first two tiers. He would suggest increasing the percentage less on the first two tiers and higher on the third tier and we should also increase outside users more with a 0, 5 and 7% increase. Mr. Russell stated that he would have to take a deep dive and they can look at this. He did note that there are not a lot of outside users. Member Rosa stated that on page 15, the project capital improvements are flat except in 2025-2028, is this because of the ARPA money. Mr. Russell stated that they haven't realized the debt service. This was used for design. Member Rosa stated that on page 19, did the cash position drop due to the Brown Street project and was it to raise and appropriate. Mr. Russell replied yes. Member Rosa stated that we need to look at creative ways to fund one-time capital expenses.

Member Rosa stated that on the sewer rates, 7-10% is steep. Are we phasing out the \$200k subsidy in 2030? He is concerned with the rate increases on the sewer side. Mr. Russell stated that these are just projections. What you are voting on are for next year only. Member Rosa stated that he appreciates the forecasting but it doesn't take into effect our push on economic development. If we can look at creative ways to lower this, he would appreciate that.

Vice Chair Burrows stated that staff has provided three options on what is best for Billerica.

Chair Pavidis asked that at the next meeting, the analytics used to create the proposal are provided.

**Committee Reports**

**Old Business**

**15. Vote to Make the Investigation Report into the Conduct of Select Board Member Dina Favreau a Public Document and Send Attachments to Town Counsel for Possible Redactions Before Release – Per Legal Opinion from May 21, 2025 Advisory Opinion #9**

Member Favreau recused herself.

Secretary Darris-O'Connor stated that this is inherently a public document.

**MOTION** - Secretary Darris-O'Connor made a motion to formerly accept the investigation report completed on May 12, 2025 from Discrimination and Harassment Solutions, LLC from Regina Ryan titled Investigation Report on





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Allegations of Misconduct and Inappropriate Treatment of Town Employees, Along with Violations of the Town Charter, Bylaws, and Policies by Dina Favreau. The motion was seconded by Vice Chair Burrows. On a Point of Order. Member Rosa read the opinion from Town Counsel. The motion was unanimously voted 4-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to accept the report, give a copy to the Town Clerk and post it online. The motion was seconded by Vice Chair Burrows and unanimously voted 4-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to send the exhibits to Town Counsel for possible redactions prior to public release. The motion was seconded by Member Rosa. After the following discussion, it was unanimously voted 4-0-0.

Vice Chair Burrows stated that his report was never sent for redactions. This is setting a precedent.

Member Rosa stated that Town Counsel has some concerns with some of the exhibits and we should go with the recommendations of Town Counsel.

Secretary Darris-O'Connor doesn't see the harm with Town Counsel review.

Vice Chair Burrows added that sharing emails from Town Counsel on social media are also privileged.

**16. Update on Community One-Stop Grant Submission for Real Estate Services Technical Assistance – Requested by Katherine Malgieri**

Katherin Malgieri joined the meeting. Ms. Malgieri stated that the Board voted to support the submission of the grant last time she was here. She provided a copy of the grant that will be submitted and asked if there were any questions.

Member Rosa stated that he read through and it is well done. On page 1, there is a selection of mixed uses. Ms. Malgieri replied it was a drop-down menu so we had no choice.

Vice Chair Burrows asked how long it took to put this together. Ms. Malgieri replied the actual grant application about 2 hours but she is still working on it and it takes a while to gather the information.

**17. Town Manager's Update**

Mr. Dillon gave the Town Manager's Report.

**Spring Town Meeting**

After three nights, Spring Town Meeting has concluded. The FY2026 budget passed as well as the Zoning Recodification and a number of other articles. He would like to thank the IT Department, Town Clerks office, and the Facilities Department for all of their hard work to make Town Meeting a success.

**Kohlrausch Park Improvement**

The Kohlrausch Park Improvement project is moving along, albeit a little slower than anticipated. The significant amount of rain that we've received over the last few weeks slowed progress, but to date the new swings and Zip Line features have been installed. We are hoping the playground improvement will be completed in the next couple of weeks. The pavilion install will take place shortly after.

**Old Ditson (Pinehurst Park) Project**

The Town was successful in applying for a \$400,000 PARC Grant this past winter to help fund the Old Ditson Park project. Those funds will become available as of July 1. To avoid any disruption on the Farmer's Market, this project will plan to break ground in early October. As a refresher, this project will include the installation of a walking path, picnic pavilion, new playground, basketball courts, fitness court, improved parking, as well as other improvements.

Chair Pavidis asked what the timeline was for the park. Mr. Maynard replied about a year.

**Green Communities**



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Recently the Town submitted the FY2024 Green Communities annual report to secure grant funding to reduce energy uses and costs by implementing clean energy projects. Our most recent Green Communities project was completed in 2022, \$180,000 of grant funds were used to weatherize and install LED lights at the Library, Town Hall, Police Station, Fire HQ, COA, and the Wastewater Treatment Plant.

**Boston Road Pinehurst**

Crews are preparing the roadway over the next two weeks for paving. Paving is scheduled to start on June 15 and will be done at night similar to when they milled the road. It is anticipated that this work will take about 2 weeks to complete, weather permitting. Paving should be completed by July 4th.

Vice Chair Burrows stated that grass is coming up in the sidewalk that was just done on Boston Road.

**Town Audit**

The annual audit field work and all the financial reporting are complete. The audit firm has gone through 2 acquisitions within the last year. These acquisitions have caused disruptions in timelines and the Town anticipates the audit report by the end of June.

**Playgrounds**

Last week 75 cubic yards of wood chips were delivered to the Kids Konnection playground along with outdoor surfacing mats. The Facilities and Parks Department will be working together to install the mats and surfacing material.

Vice Chair Burrows gave a shout out to facilities for spreading all the mulch.

**Recreation Center**

The Recreation Center has reached the milestone of 100% Construction Design. The first set of bids are out, and site mobilization is planned for July. There has been a lot of hard work behind the scenes by many to keep the project charging forward throughout the design phase, and we are thrilled to be heading into the construction phase soon. Special shoutout to Building Commissioner, Mark LaLumiere, for his leadership role throughout this process.

Member Rosa stated that the bids came in higher than anticipated. Mr. Maynard stated that the bids have not been sent out yet, we just got approval with Conservation last week, so they will be going out to bid this week.

**Energy Advocate Program**

Recently the Town of Chelmsford and Town of Billerica secured grant funds for an energy advocate between both communities. This individual once hired will work to help residents discover the benefits of the Mass Save program. As well as helping the two Towns achieve their sustainability goals.

Member Rosa asked if there was a schedule for the energy advocate. Mr. Dillon stated that they can be reached by phone or email and will have a schedule that they will be available at Town Hall. Member Rosa replied that this is a great program.

Member Favreau asked if they can help with residents living in multi-family dwellings or is it just single family. Mr. Dillon replied he was not sure, but they should be able to help with questions from the residents.

**Town Website**

On June 2nd and 3rd, the website redesign consultant, JGPR will be in Town to photograph various departments and sites around Town for the new website.

**Skate Park Project**

The Skate Park project is set to kick-off the week of June 2nd with site prep and demo of the existing park. Over the past couple of months, many of the new ramps and obstacles have been being built and pre-cast off-site, and will be



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delivered over the first two weeks of June. Residents will see a lot of progress over the next few weeks. We are currently targeting a grand opening for the Skate Park in mid-late August.

Member Favreau stated that this is great for the Town.

**New Business**

**18. Gift Acceptance Policy – Section 46 – 1<sup>st</sup> Reading – Requested by Member Rosa**

Member Rosa stated that he worked with the Town Accountant and the Executive Secretary on this policy. This will put a policy in place for gift acceptances.

There were no questions.

**19. Set a Date for a Special Meeting to Discuss Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties – Requested by Member Rosa**

Member Rosa stated that we need to set a special meeting to target specific items to help with economic development. A brochure is being worked on and we should be proactive for Billerica including getting as many grants as possible and allowing by-right uses in zoning. We need to look at TIFs and retain existing businesses.

Chair Pavidis stated that we should go after some low hanging fruit and look at long-term steps to bring in economic development and set priorities for this Board and staff.

**20. Set a Date for a Special Meeting to Discuss Water Line Infrastructure – Focusing on Lining Pipes and Accelerating the Replacement of the 2” Water Lines in Pinehurst – Requested by Member Rosa**

Member Rosa stated that this is similar to the previous agenda item. We need to have a separate meeting to discuss water line infrastructure. This is a top priority for residents and it will improve the fire insurance rating.

**21. Discussion and Possible Vote on Creating a Remote Town Meeting Committee – Requested by Vice Chair Burrows**

Vice Chair Burrows stated that he is going to bring back the article for remote Town Meeting next spring but with a 3–4-year deadline. We should get a committee up and running for this with members including the Town Clerk, Town Manager’s office, Electronic Committee members, Town Accountant and the IT Director.

Chair Pavidis agreed with this.

Member Rosa asked that this comes back at the next meeting to discuss membership.

**22. Discussion on Grants – MassWorks Infrastructure Program, Massachusetts Downtown Initiative, Housing Choice Grant Program, Community Planning Grant Program, HousingWorks Infrastructure Program, Underutilized Properties Program, Site Readiness Program, Transformative Development Initiative Equity Investment Program – Requested by Member Favreau**

Chair Pavidis stated that the original agenda was to also possibly vote which was concerning with Town Staff.

Member Favreau stated that she is concerned with how this request was handled. The vote was removed and what authority did you change my agenda item. This undermined the urgency of this agenda. Chair Pavidis stated that this interfered with day-to-day operations and there wasn’t time to address these goals. Member Favreau stated that we approved goals and we can’t vote on items that are in the Town Manager’s report. The vote does not interfere with day-to-day operations. Per our policies, 2.2 – 2.5, all items received by the deadline should be included. This is time sensitive because we lost the opportunity for \$13 million in grants by missing the June 4<sup>th</sup> deadline. This was a failure to act since we discussed this in January. This increases the burden to the residents. Chair Pavidis stated that there was not time to submit the goals this year. Member Favreau stated that no one should alter the agenda. Vice Chair Burrows stated that this happened to him last week with Member Rosa as chair. Chair Pavidis stated that we need to define day-to-day operations and we as Board members need to respect that.





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Mr. Dillon stated that he would like to speak on the grants. He's been here for 12 days. The Town just received the MBTA compliance letter, which we needed to be eligible for these grants. Prior to this letter, we were not allowed to submit for these grants so we could not apply. When projects come up, staff looks for all grants that may apply. We can't just apply for grants if there is no corresponding project. He asked if there were projects that the Board knows about that some of these grants would be eligible for.

Member Favreau stated that we were in interim compliance. The only grant that required a project was the Housing Works Grant. There were other grants available for technical assistance and infrastructure repair.

Secretary Darris-O'Connor stated that all grants are important but we have limited resources and we need to be strategic applying for grants. We just got approval for the MBTA and it's silly to waste time to write grants when we were not in compliance. It is inappropriate to order town employees to apply for grants when there is not a project to go with them. This interferes with day-to-day operations.

Chair Pavidis stated that we will discuss day-to-day operations and our role as Select Board members in a separate meeting.

Member Rosa stated that grant we discussed with the Planning Department required the Select Board approval. Some of these grants also require Select Board approval. Not interfering with day to day, we are exercising are role in the grant process.

**23. Discussion and Possible Vote on Open Meeting Law (OML) Complaints: Dina Favreau dated and received on 05/29/25, and Chris Raven dated 05/23/25 received on 05/30/25 – Acknowledge Receipt and Review Complaints, Authorize Submission of Responses by Town Counsel**

Secretary Darris-O'Connor stated that we received a lot of these complaints and we often send them to Town Counsel but he believes that both of these are frivolous and we have spent a lot of wasted money on legal bills.

**MOTION** - Secretary Darris-O'Connor made a motion to take no action. The motion was seconded by Vice Chair Burrows. The favorable vote was 3 but the vote for the negative was not called for. After the following discussion, the motion was rescinded.

Member Favreau asked what right does Secretary Darris-O'Connor have to determine if these complaints are frivolous.

Member Rosa stated that you can't take "no action", we need to respond to the complaints and who is going to respond. Secretary Darris-O'Connor stated that he would. One of these is not an actual OML violation, a Board member filed it.

**MOTION** - Secretary Darris-O'Connor made a motion not to send the OML complaints to Town Counsel. There was no second.

**MOTION** - Secretary Darris-O'Connor made a motion to respond to the OML complaint that we found no OML violation. There was no second.

**MOTION** - Vice Chair Burrows made a motion to send the two OML complaints to Town Counsel to have them acknowledge and address them. After the following discussion, the motion was seconded by Member Favreau and voted 4-1-0. Member Rosa voting against.

Member Rosa stated that we should not send this to Town Counsel because they have already provided an opinion on May 28<sup>th</sup>.

Secretary Darris-O'Connor stated that Town Counsel did not make a determination of the OML complaint.

**Approval of Meeting Minutes**

**24. April 7, 2025 Regular Meeting**



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**MOTION** - Secretary Darris-O'Connor made a motion to approve the Select Board minutes of April 7, 2025 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**25. April 15, 2025 Special Meeting**

**MOTION** - Secretary Darris-O'Connor made a motion to approve the Select Board minutes of April 15, 2025 as presented. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**26. April 28, 2025 Regular Meeting**

**MOTION** - Secretary Darris-O'Connor made a motion to approve the Select Board minutes of April 28, 2025 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**27. May 01, 2025 Acting Town Manager Negotiation Committee Meeting**

**MOTION** - Secretary Darris-O'Connor made a motion to approve the Select Board Acting Town Manager Negotiation Committee minutes of May 1, 2025 as presented. The motion was seconded by Member Rosa and voted 4-0-1. Secretary Darris-O'Connor abstained from voting.

**28. May 05, 2025 Regular Meeting**

**MOTION** - Secretary Darris-O'Connor made a motion to approve the Select Board minutes of May 05, 2025 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**Meeting Schedule**

June 16, 2025 and July 14, 2025

**MOTION** - Secretary Darris-O'Connor made a motion to adjourn the regular meeting of June 2, 2025 at 9:20 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,  
Recording Secretary*



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**Exhibits for the Select Board Meeting – June 02, 2025**

**Call to order 6:00 PM**

1. **Open Microphone – No Exhibits**

**Announcements**

2. **Vacancies on Boards and Committees – Vacancy List dated 04/23/25**
3. **All other announcements may be viewed on the Town of Billerica website – No Exhibits**

**Proclamation and Public Recognition**

4. **Pride Month Proclamation – Proclamation**
5. **Juneteenth Proclamation – Proclamation**

**Public Hearings**

6. **Public Hearing – Approval of a Grant of License from the Town of Billerica -#31061903 - to Massachusetts Electric Company at 250 Treble Cove Road for National Grid to install ~2460' +/- #4/0 cu 3-1c primary UG cable in customer installed 4" conduits, 2 new manholes, manhole switchgear and manhole primary meter in order to accommodate relocation of underground facilities and install 300 KVA xfmr 277/480 for new building at Billerica Water Treatment Plant. – Grant of License undated, Electric Distribution Easement dated 04/04/25, DPW Comments dated 05/27/25, Contractor Comments undated, Police Comments undated, Electrical Comments dated 05/23/25, Abutters List dated 05/12/25, Notice of Hearing undated, Email from G. Moriera dated 05/01/25**
7. **Public Hearing –National Grid and Verizon- #31032929 –National Grid to install (1) JO Pole on Tamarak Street beginning at a point ~100' southeasterly from exiting pole 3 location. New Pole 3 was previously petitioned to move ~50' southeasterly (Hearing 12/9/24). The new pole 3 has been installed by the customer who wants the new pole 3 moved. On behalf of the customer at 8 Tamarak Street, National Grid request to keep the original pole 3 location, remove new pole 3 location and install a new pole 4 ~100' southeasterly from original pole 3 location to supply electrical service to new home at 8 Tamarak Street. – Application dated 03/24/25, DPW Comments dated 05/27/25, Contractor Comments dated 05/28/25, Police Comments 05/23/25, Electrical Comments dated 05/23/25, Abutters List dated 05/12/25, Notice of Hearing undated**
8. **Public Hearing –National Grid and Verizon- #31117689 – National Grid to install (1) JO Pole (pole 4) on Ingersoll Road beginning at a point ~110' westerly from existing pole 3 in the public way with anchor in order to support pole 3 and existing pole line – Application dated 03/24/25, DPW Comments dated 05/27/25, Contractor Comments dated 05/28/25, Police Comments 05/23/25, Electrical Comments dated 05/23/25, Abutters List dated 05/12/25, Notice of Hearing undated**

**New Business (Quick Items)**

9. **New Common Victualler's License for Under the Radar Culinary, LLC dba Big Al's Pizza located at 240D Nashua Road – Manager Mallory Shackford – Billerica application dated 05/02/25, ZBA decision dated 04/16/25, Board of Health Plan Approval dated 04/08/25, Board of Health Letter of approval dated 04/16/25**
10. **Discussion and Possible Vote on Gift Acceptance: - Gift Acceptance Summary undated**
  - d. **Billerica Public Library**
    - i. **Donation of Artificial Flowers and Pots (Estimated Value) ~\$30**
    - ii. **Donation of \$3,500**
    - iii. **Donation of T-shirts (Estimated Value) ~\$40**
  - e. **Veterans' Services**
    - i. **Donation of \$200 Market Basket Gift Cards**



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- f. Council on Aging**
  - i. Donation of \$150**
  - ii. Donation of \$45**

**Appointments**

**11. Police Constables – (Expires 06/30/2028)**

- c. Cory Bandouveres** – Application dated 05/07/25
- d. Timothy McKenna** – Application dated 05/06/25

**12. Appointments that Require Interviews:**

- c. Billerica Housing Authority - Tenant Member (1 Open) (Expires 04/30/2029)** – Emails from D. Harbarger dated 05/30/25, Email from K. Gould dated 05/31/25, Email from J. Ryan dated 05/31/25
  - iii. Lewis Martakos** – Application dated 04/11/25
  - iv. Thomas E. Davis** – Application dated 04/18/25
- d. Board of Appeals (1 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - iii. Christopher Sennott** – Application dated 04/11/25
  - iv. Eric Anable (Incumbent)** – Application dated 04/24/25

**13. Appointments that Secretary Darris-O'Connor NOT Require Interviews:**

- l. Agricultural Commission (2 Associate Open) – 1 Applicant (Expires 06/30/2028)**
  - i. Jon Larson** – Application dated 05/05/25
- m. Board of Appeals (1 Associate Open) – 1 Applicant (Expires 06/30/2028)**
  - i. John LaFauci** – Application dated 04/11/25
- n. Commission on Disabilities (2 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - i. Maria Martin (Incumbent)** – Application dated 05/14/25
  - ii. Jason Gale (Incumbent)** – Application dated 05/28/25
- o. Community Preservation Committee – (1 Regular Open) – 1 Applicant (Expires 06/30/2028)**
  - i. Bryan Bertram** – Application dated 05/16/25
- p. Conservation Commission – (2 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - i. Diane DePaso (Incumbent)** – Application dated 01/15/25
  - ii. Jeff Connell (Incumbent)** – Application dated 02/24/25
- q. Constable (Bonded) – 2 Applicants (Renewal) – (Expires 06/30/2028)**
  - i. Guy J. Gill** – Application dated 05/07/25
  - ii. David Babineau** – Application dated 05/15/25
- r. Council on Aging (2 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - i. Barbara Flaherty (Incumbent)** – Application dated 04/10/25
  - ii. John Pellegrino (Incumbent)** – Application dated 04/11/25
- s. Historic Commission (2 Regular Open) – 1 Applicant (Expires 06/30/2028)**
  - i. Travis Brown (Incumbent)** – Application dated 05/16/25
- t. Local Cultural Council - 2 Year Appointment (3 Positions Open) – 1 Applicant (Expires 06/30/2027)**
  - i. Parashu Phuyal (Incumbent)** – Application dated 05/09/25
- u. Open Space and Recreation Commission (1 Position Open) – 1 Applicant (Expires 06/30/2027)**
  - i. Maria Martin** – Application dated 08/30/24
- v. Scholarship Foundation Committee (6 Open Positions) – 2 Applicants (Expires 06/30/2028)**
  - i. Lawrence Norman** – Application dated 04/07/25
  - ii. Michael Rosa** – Application dated 05/14/25

**Presentation**

- 14. Water and Sewer Rates Presentation – 1<sup>st</sup> Reading – Waterworth Presentation undated**

**Committee Reports**



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**Old Business**

- 15. Vote to Make the Investigation Report into the Conduct of Select Board Member Dina Favreau a Public Document and Send Attachments to Town Counsel for Possible Redactions Before Release – Per Legal Opinion from May 21, 2025 Advisory Opinion #9 – Memo from Brooks & DeRensis dated 05/21/25**
- 16. Update on Community One-Stop Grant Submission for Real Estate Services Technical Assistance – Requested by Katherine Malgieri – Grant application undated**
- 17. Town Manager’s Update – Town Manager’s Report dated 05/28/25**

**New Business**

- 18. Gift Acceptance Policy – Section 46 – 1<sup>st</sup> Reading – Requested by Member Rosa – Gift Acceptance Policy undated**
- 19. Set a Date for a Special Meeting to Discuss Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties – Requested by Member Rosa – No Exhibits**
- 20. Set a Date for a Special Meeting to Discuss Water Line Infrastructure – Focusing on Lining Pipes and Accelerating the Replacement of the 2” Water Lines in Pinehurst – Requested by Member Rosa – No Exhibits**
- 21. Discussion and Possible Vote on Creating a Remote Town Meeting Committee – Requested by Vice Chair Burrows – No Exhibits**
- 22. Discussion on Grants – MassWorks Infrastructure Program, Massachusetts Downtown Initiative, Housing Choice Grant Program, Community Planning Grant Program, HousingWorks Infrastructure Program, Underutilized Properties Program, Site Readiness Program, Transformative Development Initiative Equity Investment Program – Requested by Member Favreau – No Exhibits**
- 23. Discussion and Possible Vote on Open Meeting Law Complaints: Dina Favreau dated and received on 05/29/25, and Chris Raven dated 05/23/25 received on 05/30/25 – Acknowledge Receipt and Review Complaints, Authorize Submission of Responses by Town Counsel – OML Complaints from D. Favreau dated 05/29/25 & Chris Raven dated 05/23/25, Email from P. DeRensis dated 05/30/25**

**Approval of Meeting Minutes**

- 24. April 7, 2025 Regular Meeting– April 7, 2025 Minutes**
- 25. April 15, 2025 Special Meeting– April 15, 2025 Minutes**
- 26. April 28, 2025 Regular Meeting– April 28, 2025 Minutes**
- 27. May 01, 2025 Acting Town Manager Negotiation Committee Meeting– May 01, 2025 Minutes**
- 28. May 05, 2025 Regular Meeting – May 05, 2025 Minutes**

**Meeting Schedule**

**June 16, 2025 and July 14, 2025 – No Exhibits**

**Approved On: \_\_\_\_\_**



**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
JUNE 02, 2025**

**Members Present:** Chair Jillian Pavidis, Vice Chair John Burrows, Secretary Daniel Darris-O'Connor, Member Michael Rosa, and Member Dina Favreau

**Members Absent:** None

**Staff Present:** Acting Town Manager Christopher Dillon, Assistant Town Manager Robert Maynard and Recording Secretary Dawn McDowell

**Call to Order 6:00 PM**

Chair Pavidis called the meeting to order at 6:00 PM.

The Pledge of Allegiance was recited.

Chair Pavidis read a statement regarding the challenges this Board has faced and the reorganization that recently happened. We need to move forward together and professionally.

Member Rosa read a statement. He disagreed with the process that three members did to reorganize the Board ignoring legal advice but we need to move forward and stop the chaos. He will continue to work professionally with the Board and all the committees he is on.

**1. Open Microphone**

Deb Meagher – Ms. Meagher spoke in favor of Tom Davis for the Billerica Housing Authority appointment.

Barbara Reidy from 10 Maplewood Ave – Ms. Reidy stated that members of the Board acted unprofessional at the meeting of May 21<sup>st</sup> but the meeting of May 29<sup>th</sup> trumped it. Members ignored and dismissed legal advice on the premises of collaboration at what potential legal costs.

Steve Strykowski of 16 River Street – Mr. Strykowski stated that he supports Tom Davis for the Billerica Housing Authority. The turmoil within the Select Board has to stop.

Dawn McDowell of 46 Rogers Street – Ms. McDowell read a statement regarding the investigation of Select Board member Dina Favreau and the feelings of the employees that were involved.

Kelley Sardina of 95 Grey Street – Ms. Sardina stated that it is difficult to attend Select Board meetings with a 6:00 PM start and asked that Open Mic be in the middle of the meeting or at the end. She put in a FOIA request for legal bills and she was told it needs to go through the chair first. We shouldn't waste time or money.

Richard Colantuoni of 5 Marlyn Road – Mr. Colantuoni stated that he has lived in Billerica for 56 years and has been on the ZBA for 26 years. He supports Eric Anable for ZBA.

Patricia Doherty of 16 River Street – Ms. Doherty stated that she supports Lewis Martakos for the Billerica Housing Authority. She know both of them and Tom is a great guy but Lewis likes everyone, is a bright and a good guy.

Guy LaPointe of 13 River Street – Mr. LaPointe stated he supports Tom Davis. He is like the Mayor of the housing.

Kathy Moschner of 16 River Street – Ms. Moschner stated that she likes both but Lewis is his own person. The Board needs to support everyone and Lew is the guy.

Darlene Torre of 47R Sheldon Street – Ms. Torre stated that each Board member took an oath to uphold the bylaws and Charter. You represent all residents. This is the highest elected officials in the Town and you need to work collaboratively. She doesn't have a lot of confidences in the Select Board with everything that has happened. The Chair position is very important and should be held by someone with experience. The Board needs to put all their feelings aside and do what is right.

Laureen Knowles of 3 Radcliff Road – Ms. Knowles stated that she supports Tom Davis for Billerica Housing Authority. He is a strong advocate for the residents.





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Diana Saunders of 20 Oxford Road – Ms. Saunders stated that every board member should not be calling Town Counsel. We can't afford the legal bills and the lawyers have been wrong. Let's work together and someone should monitor who is talking with Town Counsel. It shouldn't be a free for all.

Grace Tucci of 7 Carson Street – Ms. Tucci stated that it's troubling on the direction of the Select Board. There is a lack of respect, the Board is fractured and there are double standards and inconsistencies. The leadership positions should be earned and shouldn't be a popularity vote. The process should be respected as well as each member and the legal advice should be respected. With the status of the Board, what law firm or Town Manager would want to come here.

**Announcements**

**2. Vacancies on Boards and Committees**

Secretary Darris-O'Connor read the vacancies on Boards and Committees.

**3. All other announcements may be viewed on the Town of Billerica website**

**Proclamation and Public Recognition**

**4. Pride Month Proclamation**

Secretary Darris-O'Connor read the Pride Month Proclamation.

**5. Juneteenth Proclamation**

Secretary Darris-O'Connor read the Juneteenth Proclamation

**Public Hearings**

**6. Public Hearing – Approval of a Grant of License from the Town of Billerica -#31061903 - to Massachusetts Electric Company at 250 Treble Cove Road for National Grid to install ~2460' +/- #4/0 cu 3-1c primary UG cable in customer installed 4" conduits, 2 new manholes, manhole switchgear and manhole primary meter in order to accommodate relocation of underground facilities and install 300 KVA xfmr 277/480 for new building at Billerica Water Treatment Plant.**

**MOTION** - Secretary Darris-O'Connor made a motion to open the public hearing at 6:42 PM for National Grid #31061903 Grant of License for 250 Treble Cove Road. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

Vazz Eang from National Grid appeared for the public hearing.

Member Rosa stated that the easement needs to go to Town Meeting so this is a license agreement. Fred Russell, DPW Director joined the meeting. Mr. Russell replied that was correct. This is for the new connection to the DPW and the easement will be submitted to Town Meeting in the Fall. Member Rosa asked if we should add a reference to this on the license. Mr. Russell replied he doesn't think it's needed.

Secretary Darris-O'Connor stated that there is no issue with the license as presented but could that statement be added. Mr. Russell replied correct, but if the Board feels more comfortable, they can add that statement.

There were no public comments from the audience or online.

**MOTION** - Secretary Darris-O'Connor made a motion to close the public hearing at 6:47 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to approve the grant of license to National Grid #31061903 with the addition of the following language "The final step will be to go to Town Meeting for a permanent easement". The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.



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7. **Public Hearing –National Grid and Verizon- #31032929 –National Grid to install (1) JO Pole on Tamarak Street beginning at a point ~100’ southeasterly from exiting pole 3 location. New Pole 3 was previously petitioned to move ~50’ southeasterly (Hearing 12/9/24). The new pole 3 has been installed by the customer who wants the new pole 3 moved. On behalf of the customer at 8 Tamarak Street, National Grid request to keep the original pole 3 location, remove new pole 3 location and install a new pole 4 ~100’ southeasterly from original pole 3 location to supply electrical service to new home at 8 Tamarak Street.**

**MOTION** - Secretary Darris-O’Connor made a motion to open the public hearing at 6:47 PM for National Grid Pole Petition #31032929 for 8 Tamarak Street. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Vazz Eang from National Grid appeared for the public hearing.

Member Rosa asked if asked if any abutters had reached out. Mr. Eang replied no. Member Rosa asked if you have read the DPW comments and know that you need to reach out to them directly to mark the water and sewer.. Mr. Eang replied yes.

There were no public comments from the audience or online.

**MOTION** - Secretary Darris-O’Connor made a motion to close the public hearing at 6:48 PM. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O’Connor made a motion to approve the National Grid pole petition #31032929 for 8 Tamarak Street. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

8. **Public Hearing –National Grid and Verizon- #31117689 – National Grid to install (1) JO Pole (pole 4) on Ingersoll Road beginning at a point ~110’ westerly from existing pole 3 in the public way with anchor in order to support pole 3 and existing pole line**

**MOTION** - Secretary Darris-O’Connor made a motion to open the public hearing at 6:49 PM for National Grid Pole Petition #31117689 on Ingersoll Road. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Vazz Eang from National Grid appeared for the public hearing.

Member Rosa asked if asked if any abutters had reached out. Mr. Eang replied no. Member Rosa asked if you have read the DPW comments and know that you need to reach out to them directly to mark the water and sewer.. Mr. Eang replied yes.

There were no public comments from the audience or online.

**MOTION** - Secretary Darris-O’Connor made a motion to close the public hearing at 6:50 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O’Connor made a motion to approve the National Grid pole petition #31117689 for Ingersoll Road. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**New Business (Quick Items)**

9. **New Common Victualler’s License for Under the Radar Culinary, LLC dba Big Al’s Pizza located at 240D Nashua Road – Manager Mallory Shackford**

Mallory Shackford appeared for the new Common Victualler’s License for Big Al’s Pizza located at 240D Nashua Road. They are a small family business and they deal with primarily takeout but they will have 16 seats. They have their Serve Safe Certificates and they will wait on the final Board of Health inspection before they can open.

There were no questions.





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**MOTION** - Secretary Darris-O'Connor made a motion to approve the Common Victualler's License for Under the Radar Culinary, LLC dba Big Al's Pizza located at 240D Nashua Road with the manager of Mallory Shackford. The hours of operation will be 11:00 AM – 11:00 PM Monday-Friday, 7:00 AM – 11:00 PM Saturday and Sunday and with the incorporation of the ZBA Decision Case #25-16 conditions 1-7. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**10. Discussion and Possible Vote on Gift Acceptance:**

- a. Billerica Public Library
  - i. Donation of Artificial Flowers and Pots (Estimated Value) ~\$30
  - ii. Donation of \$3,500
  - iii. Donation of T-shirts (Estimated Value) ~\$40
- b. Veterans' Services
  - i. Donation of \$200 Market Basket Gift Cards
- c. Council on Aging
  - i. Donation of \$150
  - ii. Donation of \$45

**MOTION** - Secretary Darris-O'Connor made a motion to accept the gifts as presented pursuant to MGL, Chapter 44, Section 53A and authorize expenditure of the funds for the stated purpose. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**Appointments**

**11. Police Constables – (Expires 06/30/2028)**

- a. Cory Bandouveres
- b. Timothy McKenna

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Cory Bandouveres as a police constable with an expiration date of June 30, 2028. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Timothy McKenna as a police constable with an expiration date of June 30, 2028. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**12. Appointments that Require Interviews:**

- a. **Billerica Housing Authority - Tenant Member (1 Open)** (Expires 04/30/2029)
  - i. Lewis Martakos

Lewis Martakos appeared before the Board. He has made a lot of friends at his housing complex. He was a small business owner before he retired and has attended many of the BHA meeting. He wants to help. He doesn't have all the answers but wants to help his community.

Member Rosa thanked Mr. Martakos and Mr. Davis for applying. We are always looking to get people involved. Member Rosa asked how long you have lived at the Housing Authority. Mr. Martakos replied about a year and half. He has read the handbook and understands the residents' concerns. He has also been involved with budgets with his business.

- ii. Thomas E. Davis

Thomas Davis appeared before the Board. Mr. Davis stated that he has lived in his community for seven years and has met a lot of the residents. He is an Army Veteran from 1969-1972. He has been a Private Investigator, a small business owner and has worked at Home Depot. He gets along with 99% of the residents and we watch out for everyone. He would like to represent the residents on the Board.

Member Rosa thanked Mr. Davis for his service and he noted that there are multiple letters of recommendation for him from the residents.



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Steve Strykowski a resident stated that the tenant Board member should represent the residents, not the Director.

**MOTION** - Secretary Darris-O'Connor made a motion to recommend Lewis Martakos as Tenant Member on the Billerica Housing Authority with the expiration date of April 30, 2029. The motion was seconded by Member Rosa and voted 3-2-0. Secretary Darris-O'Connor, Vice Chair Burrows and Chair Pavidis voting in favor, Member Rosa and Member Favreau voting opposed.

Secretary Darris-O'Connor stated that there are other volunteer opportunities that you could apply for.

Member Favreau stated that there are considerable tenant recommendations for Mr. Davis and she would like to reconsider the last vote.

**MOTION** - Member Rosa made a motion to reconsider the appointment of Lewis Martakos as Tenant Member on the Billerica Housing Authority. The motion was seconded by Member Favreau and voted 2-3-0. Member Rosa and Member Favreau voting in favor, Secretary Darris-O'Connor, Vice Chair Burrows and Chair Pavidis voting against. The motion fails.

b. **Board of Appeals (1 Regular Open) – 2 Applicants (Expires 06/30/2028)**

iii. Christopher Sennott

Christopher Sennott appeared before the Board. Mr. Sennott stated that he has been a contractor for 20 years and has been at many meetings on the other side of the Board. He would like to make the process easier.

Member Favreau asked what do you know about the ZBA and how it relates to the zoning bylaws and litigation. Mr. Sennott stated that the decisions should be black and white based on the law. He knows that the zoning is in process of being redone and he is not familiar with litigation procedures. Member Favreau asked why a variance would be given. Mr. Sennott stated that the applicant can't be the setbacks, a variance is needed. He would be more lenient to a side or rear setback than with a front setback. Member Favreau asked if you would work with the Planning Board on issues. Mr. Sennott replied absolutely.

Vice Chair Burrows stated that the ZBA granted variances to 279 Boston Road and what would his thoughts be on that. What would you have done with St. Mary's? Mr. Sennott stated on 279 Boston Road, he probably wouldn't have voted for that because it's too close to the road and there should have been more negotiations and at St. Mary's as long as the project did not interfere with traffic, he would have granted the variance.

Secretary Darris-O'Connor thanked Mr. Sennott for applying and asked if he had any special skills or abilities to help with the ZBA. Mr. Sennott stated that he has the ability to collaborate and his negotiation skills. Secretary Darris-O'Connor asked if he knows of the authority the ZBA has. Mr. Sennott replied that the ZBA approves or denies applications for variances. Secretary Darris-O'Connor asked if a project meets the requirements but there are a lot of residents who oppose the project, what would you do. Mr. Sennott replied if they meet the requirements, it's hard to go against it. Secretary Darris-O'Connor asked how would you get residents involved. Mr. Sennott replied that he would post the agenda and share all the information that he receives.

Member Rosa stated that the ZBA grants variances and a former ZBA member used to help residents who come before the ZBA, would you also. Mr. Sennott replied absolutely. Member Rosa asked if he was aware of the reasons a variance may be granted. Mr. Sennott replied yes.

iv. Eric Anable (Incumbent)

Eric Anable appeared before the Board. Mr. Anable stated that he has lived in Billerica for 25 years and has spent the last six years on the ZBA, three as an alternate and three as a regular member. The last year, he has been the Chair.

Member Favreau asked what do you know about the ZBA and litigation. Mr. Anable stated that the vast majority that the ZBA deals with is variances and special permits. There is not a lot of litigation. There was the Dunkin Donuts that we denied that has been remanded back to us, so he is not sure how they will handle this. Member Favreau asked what



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the biggest issues are. Mr. Anable replied lot splits. They are not approving them as much as they were approved before.

Vice Chair Burrows stated that 279 Boston Road should not have been approved in his opinion and the Dunkins should have been approved. What are the criteria for variances? Mr. Anable stated that Dunkins was before us twice and they went to the Planning Board. Vice Chair Burrows stated that you should have compromised. Mr. Anable stated that if it is reasonable he would entertain it, but when residents come out against a project, it makes him think about it. He tries to get the neighbors together. Vice Chair Burrows stated that developers have endless bank accounts and in the end, you should negotiate to get the best project for everyone.

Secretary Darris-O'Connor asked how the public should get involved. Mr. Anable stated that we want people to be heard. He posts to social media when there are contentious hearings.

Member Rosa stated that it is good advice to talk with neighbors before the hearing. Some bad examples the ZBA has approved are 279 Boston Road which is way too close to the street, the Val has a forty-seat restaurant with no parking and it was never intended for that. That project was originally 200 units, came before the ZBA to reconfigure the rooms to 211. When there is business and residents there are always conflicts. He agreed with the Dunkin Donuts decision in Pinehurst but there were no reasons on why it was denied. One question, on big projects similar to the Val how would you address it now? Mr. Anable stated that they came in for a hundred-seat restaurant and was told no. They came back with forty and extra parking across the street. We typically don't negotiate; the Planning Board does.

Chair Pavidis asked how do you deal with a developer who constantly continues the public hearing. Mr. Anable stated that residents have said that they lose track of projects when they are always continued, so they made Dunkin Donuts re-notice abutters. They must have a good reason to continue.

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Christopher Sennott as a regular member of the Board of Appeals. The motion was seconded by Member Rosa and voted 2-3-0. Member Rosa and Vice Chair Burrows voting in favor, Secretary Darris-O'Connor, Member Favreau and Chair Pavidis voting against. The motion fails.

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Eric Anable as a regular member of the Board of Appeals. The motion was seconded by Member Rosa and voted 3-2-0. Secretary Darris-O'Connor, Member Favreau and Chair Pavidis voting in favor, Member Rosa and Vice Chair Burrows voted against.

**13. Appointments that Secretary Darris-O'Connor NOT Require Interviews:**

- a. **Agricultural Commission (2 Associate Open)** – 1 Applicant (Expires 06/30/2028)
  - i. Jon Larson

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Jon Larson as an associate member of the Agricultural Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

- b. **Board of Appeals (1 Associate Open)** – 1 Applicant (Expires 06/30/2028)
  - i. John LaFauci

**MOTION** - Secretary Darris-O'Connor made a motion to appoint John LaFauci as an associate member of the Board of Appeals. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- c. **Commission on Disabilities (2 Regular Open)** – 2 Applicants (Expires 06/30/2028)
  - i. Maria Martin (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Maria Martin as a regular member of the Commission on Disabilities. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. Jason Gale (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Jason Gale as a regular member of the Commission on Disabilities. The motion was seconded by Member Rosa and unanimously voted 5-0-0



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- d. **Community Preservation Committee – (1 Regular Open)** – 1 Applicant (Expires 06/30/2028)
  - i. Bryan Bertram

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Bryan Bertram as a regular member of the Community Preservation Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- e. **Conservation Commission – (2 Regular Open)** – 2 Applicants (Expires 06/30/2028)
  - i. Diane DePaso (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Diane DePaso as a regular member of the Conservation Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. Jeff Connell (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Jeff Connell as a regular member of the Conservation Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- f. **Constable (Bonded) – 2 Applicants (Renewal)** – (Expires 06/30/2028)
  - i. Guy J. Gill

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Guy Gill as a bonded constable. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. David Babineau

**MOTION** - Secretary Darris-O'Connor made a motion to appoint David Babineau as a bonded constable. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- g. **Council on Aging (2 Regular Open)** – 2 Applicants (Expires 06/30/2028)
  - i. Barbara Flaherty (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Babara Flaherty as a regular member of the Council on Aging. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- ii. John Pellegrino (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint John Pellegrino as a regular member of the Council on Aging. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- h. **Historic Commission (2 Regular Open)** – 1 Applicant (Expires 06/30/2028)
  - i. Travis Brown (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Travis Brown as a regular member of the Historic Commission. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0

- i. **Local Cultural Council - 2 Year Appointment (3 Positions Open)** – 1 Applicant (Expires 06/30/2027)
  - i. Parashu Phuyal (Incumbent)

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Parashu Phuyal as a regular member of the Local Cultural Council. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- j. **Open Space and Recreation Commission (1 Position Open)** – 1 Applicant (Expires 06/30/2027)
  - i. Maria Martin

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Maria Martin as a regular member of the Open Space and Recreation Commission. The motion was seconded by Member Rosa and unanimously voted 5-0-0

- k. **Scholarship Foundation Committee (6 Open Positions)** – 2 Applicants (Expires 06/30/2028)
  - i. Lawrence Norman



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**MOTION** - Secretary Darris-O'Connor made a motion to appoint Larry Norman as a regular member of the Scholarship Foundation Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0

ii. Michael Rosa

**MOTION** - Secretary Darris-O'Connor made a motion to appoint Michael Rosa as a regular member of the Scholarship Foundation Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0

**Presentation**

**14. Water and Sewer Rates Presentation – 1<sup>st</sup> Reading**

Fred Russell, DPW Director appeared for the presentation for the water and sewer rate. Gavin Foles from Waterworth gave the presentation. His presentation included walkthrough with financial models.

Member Favreau stated that there was no narrative to follow the slides and she would like the detailed information that was given that the charts were based on. Member Favreau asked how long have we known that we will be operating in the deficit in 2027. Mr. Russell stated that we will be operating in the deficit in 2027 without any rate increases. He will provide the charts with the information.

Member Rosa stated that on page 5, we need to be careful. There is no water subsidy so everything spent out of the account needs to be for water. Mr. Russell agreed. Member Rosa stated that on page 6, is the orange with the subsidy and what is the purple. Mr. Russell replied yes and the purple shows penalties and interest and fees and permits. Member Rosa stated on page 8, does that show retained earnings. Mr. Russell replied no, the red line shows the operating threshold. Member Rosa asked what the balance of the retained earnings is. Amit Chhyani joined the meeting. Mr. Chhyani replied he is not sure, but can get that number. Member Rosa stated that on page 13, tier 1 are mostly seniors who have the least ability to pay. The second tier is families and the third tier is the businesses. We need to help the first two tiers. He would suggest increasing the percentage less on the first two tiers and higher on the third tier and we should also increase outside users more with a 0, 5 and 7% increase. Mr. Russell stated that he would have to take a deep dive and they can look at this. He did note that there are not a lot of outside users. Member Rosa stated that on page 15, the project capital improvements are flat except in 2025-2028, is this because of the ARPA money. Mr. Russell stated that they haven't realized the debt service. This was used for design. Member Rosa stated that on page 19, did the cash position drop due to the Brown Street project and was it to raise and appropriate. Mr. Russell replied yes. Member Rosa stated that we need to look at creative ways to fund one-time capital expenses.

Member Rosa stated that on the sewer rates, 7-10% is steep. Are we phasing out the \$200k subsidy in 2030? He is concerned with the rate increases on the sewer side. Mr. Russell stated that these are just projections. What you are voting on are for next year only. Member Rosa stated that he appreciates the forecasting but it doesn't take into effect our push on economic development. If we can look at creative ways to lower this, he would appreciate that.

Vice Chair Burrows stated that staff has provided three options on what is best for Billerica.

Chair Pavidis asked that at the next meeting, the analytics used to create the proposal are provided.

**Committee Reports**

**Old Business**

**15. Vote to Make the Investigation Report into the Conduct of Select Board Member Dina Favreau a Public Document and Send Attachments to Town Counsel for Possible Redactions Before Release – Per Legal Opinion from May 21, 2025 Advisory Opinion #9**

Member Favreau recused herself.

Secretary Darris-O'Connor stated that this is inherently a public document.

**MOTION** - Secretary Darris-O'Connor made a motion to formerly accept the investigation report completed on May 12, 2025 from Discrimination and Harassment Solutions, LLC from Regina Ryan titled Investigation Report on





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Allegations of Misconduct and Inappropriate Treatment of Town Employees, Along with Violations of the Town Charter, Bylaws, and Policies by Dina Favreau. The motion was seconded by Vice Chair Burrows. On a Point of Order. Member Rosa read the opinion from Town Counsel. The motion was unanimously voted 4-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to accept the report, give a copy to the Town Clerk and post it online. The motion was seconded by Vice Chair Burrows and unanimously voted 4-0-0.

**MOTION** - Secretary Darris-O'Connor made a motion to send the exhibits to Town Counsel for possible redactions prior to public release. The motion was seconded by Member Rosa. After the following discussion, it was unanimously voted 4-0-0.

Vice Chair Burrows stated that his report was never sent for redactions. This is setting a precedent.

Member Rosa stated that Town Counsel has some concerns with some of the exhibits and we should go with the recommendations of Town Counsel.

Secretary Darris-O'Connor doesn't see the harm with Town Counsel review.

Vice Chair Burrows added that sharing emails from Town Counsel on social media are also privileged.

**16. Update on Community One-Stop Grant Submission for Real Estate Services Technical Assistance – Requested by Katherine Malgieri**

Katherin Malgieri joined the meeting. Ms. Malgieri stated that the Board voted to support the submission of the grant last time she was here. She provided a copy of the grant that will be submitted and asked if there were any questions.

Member Rosa stated that he read through and it is well done. On page 1, there is a selection of mixed uses. Ms. Malgieri replied it was a drop-down menu so we had no choice.

Vice Chair Burrows asked how long it took to put this together. Ms. Malgieri replied the actual grant application about 2 hours but she is still working on it and it takes a while to gather the information.

**17. Town Manager's Update**

Mr. Dillon gave the Town Manager's Report.

**Spring Town Meeting**

After three nights, Spring Town Meeting has concluded. The FY2026 budget passed as well as the Zoning Recodification and a number of other articles. He would like to thank the IT Department, Town Clerks office, and the Facilities Department for all of their hard work to make Town Meeting a success.

**Kohlrausch Park Improvement**

The Kohlrausch Park Improvement project is moving along, albeit a little slower than anticipated. The significant amount of rain that we've received over the last few weeks slowed progress, but to date the new swings and Zip Line features have been installed. We are hoping the playground improvement will be completed in the next couple of weeks. The pavilion install will take place shortly after.

**Old Ditson (Pinehurst Park) Project**

The Town was successful in applying for a \$400,000 PARC Grant this past winter to help fund the Old Ditson Park project. Those funds will become available as of July 1. To avoid any disruption on the Farmer's Market, this project will plan to break ground in early October. As a refresher, this project will include the installation of a walking path, picnic pavilion, new playground, basketball courts, fitness court, improved parking, as well as other improvements.

Chair Pavidis asked what the timeline was for the park. Mr. Maynard replied about a year.

**Green Communities**



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Recently the Town submitted the FY2024 Green Communities annual report to secure grant funding to reduce energy uses and costs by implementing clean energy projects. Our most recent Green Communities project was completed in 2022, \$180,000 of grant funds were used to weatherize and install LED lights at the Library, Town Hall, Police Station, Fire HQ, COA, and the Wastewater Treatment Plant.

**Boston Road Pinehurst**

Crews are preparing the roadway over the next two weeks for paving. Paving is scheduled to start on June 15 and will be done at night similar to when they milled the road. It is anticipated that this work will take about 2 weeks to complete, weather permitting. Paving should be completed by July 4th.

Vice Chair Burrows stated that grass is coming up in the sidewalk that was just done on Boston Road.

**Town Audit**

The annual audit field work and all the financial reporting are complete. The audit firm has gone through 2 acquisitions within the last year. These acquisitions have caused disruptions in timelines and the Town anticipates the audit report by the end of June.

**Playgrounds**

Last week 75 cubic yards of wood chips were delivered to the Kids Konnection playground along with outdoor surfacing mats. The Facilities and Parks Department will be working together to install the mats and surfacing material.

Vice Chair Burrows gave a shout out to facilities for spreading all the mulch.

**Recreation Center**

The Recreation Center has reached the milestone of 100% Construction Design. The first set of bids are out, and site mobilization is planned for July. There has been a lot of hard work behind the scenes by many to keep the project charging forward throughout the design phase, and we are thrilled to be heading into the construction phase soon. Special shoutout to Building Commissioner, Mark LaLumiere, for his leadership role throughout this process.

Member Rosa stated that the bids came in higher than anticipated. Mr. Maynard stated that the bids have not been sent out yet, we just got approval with Conservation last week, so they will be going out to bid this week.

**Energy Advocate Program**

Recently the Town of Chelmsford and Town of Billerica secured grant funds for an energy advocate between both communities. This individual once hired will work to help residents discover the benefits of the Mass Save program. As well as helping the two Towns achieve their sustainability goals.

Member Rosa asked if there was a schedule for the energy advocate. Mr. Dillon stated that they can be reached by phone or email and will have a schedule that they will be available at Town Hall. Member Rosa replied that this is a great program.

Member Favreau asked if they can help with residents living in multi-family dwellings or is it just single family. Mr. Dillon replied he was not sure, but they should be able to help with questions from the residents.

**Town Website**

On June 2nd and 3rd, the website redesign consultant, JGPR will be in Town to photograph various departments and sites around Town for the new website.

**Skate Park Project**

The Skate Park project is set to kick-off the week of June 2nd with site prep and demo of the existing park. Over the past couple of months, many of the new ramps and obstacles have been being built and pre-cast off-site, and will be



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delivered over the first two weeks of June. Residents will see a lot of progress over the next few weeks. We are currently targeting a grand opening for the Skate Park in mid-late August.

Member Favreau stated that this is great for the Town.

**New Business**

**18. Gift Acceptance Policy – Section 46 – 1<sup>st</sup> Reading – Requested by Member Rosa**

Member Rosa stated that he worked with the Town Accountant and the Executive Secretary on this policy. This will put a policy in place for gift acceptances.

There were no questions.

**19. Set a Date for a Special Meeting to Discuss Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties – Requested by Member Rosa**

Member Rosa stated that we need to set a special meeting to target specific items to help with economic development. A brochure is being worked on and we should be proactive for Billerica including getting as many grants as possible and allowing by-right uses in zoning. We need to look at TIFs and retain existing businesses.

Chair Pavidis stated that we should go after some low hanging fruit and look at long-term steps to bring in economic development and set priorities for this Board and staff.

**20. Set a Date for a Special Meeting to Discuss Water Line Infrastructure – Focusing on Lining Pipes and Accelerating the Replacement of the 2" Water Lines in Pinehurst – Requested by Member Rosa**

Member Rosa stated that this is similar to the previous agenda item. We need to have a separate meeting to discuss water line infrastructure. This is a top priority for residents and it will improve the fire insurance rating.

**21. Discussion and Possible Vote on Creating a Remote Town Meeting Committee – Requested by Vice Chair Burrows**

Vice Chair Burrows stated that he is going to bring back the article for remote Town Meeting next spring but with a 3–4-year deadline. We should get a committee up and running for this with members including the Town Clerk, Town Manager's office, Electronic Committee members, Town Accountant and the IT Director.

Chair Pavidis agreed with this.

Member Rosa asked that this comes back at the next meeting to discuss membership. **Member Burrows requested a recommendation from Robert Maynard. Mr. Maynard recommended a committee make up similar to the screening committee. Member Darris-O'Connor asked if we should push the vote out so we can work on the details of the committee make up to be. Member Rosa replied to just put it back on the next agenda.**

**22. Discussion on Grants – MassWorks Infrastructure Program, Massachusetts Downtown Initiative, Housing Choice Grant Program, Community Planning Grant Program, HousingWorks Infrastructure Program, Underutilized Properties Program, Site Readiness Program, Transformative Development Initiative Equity Investment Program – Requested by Member Favreau**

Chair Pavidis stated that the original agenda was to also possibly vote which was concerning with Town Staff **to meet the June 4<sup>th</sup> deadline.**

**Member Favreau formally expressed concern regarding the handling of her original agenda item request. She stated that her submission, which included both discussion and a vote, was critical to advancing proposed initiatives. Following the prior Thursday's meeting, which, according to town counsel, was improperly held, her agenda item was removed, altered, and reintroduced without the vote component. Member Favreau emphasized that this change undermined the purpose and urgency of her request. She further noted that recent concerns have been raised by both Board members and the public regarding procedural fairness, specifically about agenda items being excluded or**





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modified without transparency. She requested clarification on the authority used to remove and alter her agenda submission and questioned why one of the Chair's first actions was to diminish a fully compliant and time-sensitive agenda item.

Chair Pavidis stated that the employees approached her and advised that they felt that this interfered in the day-to-day and that they did not have the bandwidth to apply and even if we were to vote on it there wasn't time to submit them. Member Favreau responded, thanking the Chair for the explanation but also citing the policies and procedures governing agenda items were not followed and that she should have been contacted prior to the changes taking place.

Member Favreau explained that the grants referenced in her agenda item had been publicly discussed for nearly a year and aligned with the town's approved goals. Her submission served as a placeholder following a meeting with Chris Dillon, during which it was acknowledged that several grant deadlines, unrelated to the One Stop program, had already been missed, with remaining opportunities due by June 4th. She was informed that a grant update would be included in the Town Manager's report but reminded the Board that according to the established procedures, votes cannot occur on items unless listed independently. She stated that requesting a vote to authorize grant submissions constitutes adherence to proper procedure and Board responsibility, not interference. Characterizing her request as overreach, in her view, misrepresented the facts. Her intention was to uphold the town's stated commitment to aggressively pursue grant funding. She noted that delaying a vote until June 16th would be too late to meet grant deadlines.

Member Favreau cited the following procedural rules to support her position:

- **Section 2.2:** Requires the Chair to allow the Town Manager or sponsor of the agenda item to present and recommend the requested action.
- **Section 2.5:** Mandates that all agenda requests received by 12:00 p.m. on the third business day before a meeting shall be included in the agenda in the order received.
- **Section 2.6:** Allows for Chair discretion only in the order of agenda items—not in the removal of action items such as votes.

She emphasized that the agenda item was time-sensitive due to the June 4, 2025, deadline for several major grant programs, which could have provided funding for infrastructure, economic development, and town center revitalization and safety improvements. The total potential grant funding available was approximately \$13 million. She expressed concern that the removal of the vote had delayed essential infrastructure improvements, such as road and water system repairs, and jeopardized efforts to address the town's pressing needs.

Member Favreau concluded by noting that despite ongoing efforts since January, the delay caused by altering her agenda item could result in the town missing key funding opportunities until FY27. Given the \$300 million in projected water infrastructure needs, she warned that this inaction would increase the financial burden on residents. She characterized the situation as ironic, pointing out that the very dysfunction cited as justification for the Board's reorganization had now led to further delays and costly setbacks for taxpayers.

Chair Pavidis stated that the employees approached her because they did not have the bandwidth and even if we were to vote on it there wasn't time to submit them.

Vice Chair Burrows stated that this happened to him last week with Member Rosa as chair. Member Favreau responded and stated that was the point she was making because the justification used for the chaos on the board over the last few weeks related to the reorg was said to be due to the exact same action the Chairwoman took in her first act as the Chair to set the record straight. Chair Pavidis apologized if she had not followed the policies correctly and Member Favreau thanked her for her apology but pointed out that is why she raised the concern with her that interference with day-to-day operations is used inappropriately at times. Chair Pavidis agreed and confirmed that they had discussed the need to define day-to-day operations, so we can collaborate with each other effectively.

Mr. Dillon stated that he would like to speak on the grants. He's been here for 12 days. The Town just received the MBTA compliance letter, which we needed to be eligible for these grants. Prior to this letter, we were not allowed to



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submit for these grants so we could not apply. When projects come up, staff looks for all grants that may apply. We only became eligible a few weeks ago and for a lot of these do we have projects already in the queue to complete the grants. He asked if there were projects that the Board knows about that some of these grants would be eligible for.

Member Favreau stated that we received the MBTA compliance letter on May 8<sup>th</sup>, however, were in interim compliance since last year and every one of the applications has a check box for interim compliance to be considered. The only grant that required a project was the Housing Works Grant, which was a 5-million-dollar grant, but there were other grants available for technical assistance and infrastructure repair or upgrades.

Secretary Darris-O'Connor stated that all grants are important, but we have limited human resources, and we need to be strategic applying for grants. We just got approval for the MBTA and it's ridiculous to waste time writing grants on standby, it would be a waste of money and a waste of resources. Secretary Darris-O'Connor stated that he thinks it is inappropriate for the board to take votes to order town departments or officials to apply for grants in 3 days, that's not how it's supposed to work, that is not our authority and I don't agree with that but as a town we should promote and support taking advantage of as many grant opportunities as we can. But it has to be done in the right way, and we can't get involved with day-to-day operations.

Chair Pavidis stated that we will discuss day-to-day operations and our role as Select Board members in a separate meeting.

Member Rosa stated to that point the grant we discussed with the Planning Department on Tuesday, and the reason is that it's not interfering with day-to-day operation because it is a requirement of the Select Board to vote to do it. Some of these grants require Select Board approval. We have a specific seat at the table within the grant that requires us to do it. Member Rosa stated that he heard at least 3 times that it's interfering with day-to-day, but that is not what is happening here. We are exercising our role as a Select Board, which is a requirement within the in the grant application, and that is very different.

**23. Discussion and Possible Vote on Open Meeting Law (OML) Complaints: Dina Favreau dated and received on 05/29/25, and Chris Raven dated 05/23/25 received on 05/30/25 – Acknowledge Receipt and Review Complaints, Authorize Submission of Responses by Town Counsel**

Member Favreau called a point of order for Secretary Darris-O'Connor embellishing verbiage that he read into the record that was not contained within the agenda item. Member Favreau asked Darris-O'Connor why he read the agenda item the way he did. Secretary Darris-O'Connor stated that he chose to read it the way that he did. Member Favreau stated that it should be read the way the item is listed on the agenda.

**MOTION** - Secretary Darris-O'Connor made a motion to take no action. The motion was seconded by Vice Chair Burrows. After the following discussion, the motion was withdrawn.

Member Favreau stated that she was unsure what we were voting on. Secretary Darris-O'Connor stated that we received a lot of these complaints, and we often send them to Town Counsel, but he believes that both of these are frivolous, and we have spent a lot of wasted money on legal bills.

**MOTION** - Member Favreau asked what law degree does Secretary Darris-O'Connor have that leads him to believe that these complaints are frivolous and asked him to explain the legal reasoning on why it is frivolous not to use an expert to make that determination. Secretary Darris-O'Connor stated that there is an appeals process and it's our decision to do that and he doesn't think it's worth wasting tax dollars on Town Counsel so you can rack up hundreds of thousands on legal bills by just every meeting doing an open meeting law complaint. Member Favreau responded and stated that the racking up of legal bills is not resultant on someone filing an OML Complaint, it's resultant upon members of the board violating the OML.

Secretary Darris-O'Connor stated that the complaint is that the meeting wasn't called to order. Member Favreau stated that is right, it wasn't called to order by the presiding officer, which is prescribed under the OML. Secretary Darris-O'Connor stated that he thinks it is ridiculous.



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Member Rosa called a Point of Order and asked if the motion was to take “no action.” Secretary Darris-O’Connor replied yes. Member Rosa stated that you want to take no action on an OML complaint where we have a limited amount of time. If you say you don’t want to send it to Town Counsel, I’m good with that, however, you can’t take no action. Secretary Darris-O’Connor apologized for his error and rescinded the motion.

**MOTION** - Secretary Darris-O’Connor made a motion to not send the OML Complaint to Town Counsel. There was no second.

**MOTION** - Secretary Darris-O’Connor made motion to respond to the OML complaints that we found no OML violation. There was no second.

Member Burrows stated that you have to send it to Town Counsel because someone has to respond to an OML Complaint, and town counsel would formulate a template letter that they do. Secretary Darris-O’Connor stated that he doesn’t agree with that practice because other committees receive OML Complaints that don’t have access to Town Counsel, and they deal with it in different ways. Member Burrows stated that any committee that receives an OML complaint, it gets sent to Town Counsel.

Member Rosa asked if the Secretary was suggesting he respond to the OML Complaints to save legal fees. Secretary Darris-O’Connor stated that if there is a legitimate OML Complaint he could respond to them. He sees the problem is if members are just filing OML Complaints as political. Member Favreau stated that she finds that members violating the OML is the originating problem. Secretary Darris-O’Connor stated that he could file a hundred of them and you just can’t use it as a way to rack up a bill. Member Favreau stated it is not about racking up a bill, it is about accountability and following the law.

**MOTION** - Vice Chair Burrows made a motion to send the two OML complaints to Town Counsel to have them acknowledge and address them. After the following discussion, the motion was seconded by Member Favreau and voted 4-1-0. Member Rosa voting against.

Member Rosa stated that we should not send this to Town Counsel because they have already provided an opinion on May 28<sup>th</sup>. Member Rosa read the opinion from counsel into the record.

Secretary Darris-O’Connor stated that Town Counsel did not make a determination of the OML complaint.

**Approval of Meeting Minutes**

**24. April 7, 2025 Regular Meeting**

**MOTION** - Secretary Darris-O’Connor made a motion to approve the Select Board minutes of April 7, 2025 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**25. April 15, 2025 Special Meeting**

**MOTION** - Secretary Darris-O’Connor made a motion to approve the Select Board minutes of April 15, 2025 as presented. The motion was seconded by Vice Chair Burrows and unanimously voted 5-0-0.

**26. April 28, 2025 Regular Meeting**

**MOTION** - Secretary Darris-O’Connor made a motion to approve the Select Board minutes of April 28, 2025 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**27. May 01, 2025 Acting Town Manager Negotiation Committee Meeting**

**MOTION** - Secretary Darris-O’Connor made a motion to approve the Select Board Acting Town Manager Negotiation Committee minutes of May 1, 2025 as presented. The motion was seconded by Member Rosa and voted 4-0-1. Secretary Darris-O’Connor abstained from voting.

**28. May 05, 2025 Regular Meeting**



**TOWN OF BILLERICA  
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**MOTION** - Secretary Darris-O'Connor made a motion to approve the Select Board minutes of May 05, 2025 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

**Meeting Schedule**

June 16, 2025 and July 14, 2025

**MOTION** - Secretary Darris-O'Connor made a motion to adjourn the regular meeting of June 2, 2025 at 9:20 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,  
Recording Secretary*



**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
JUNE 02, 2025**

**Exhibits for the Select Board Meeting – June 02, 2025**

**Call to order 6:00 PM**

1. **Open Microphone – No Exhibits**

**Announcements**

2. **Vacancies on Boards and Committees – Vacancy List dated 04/23/25**
3. **All other announcements may be viewed on the Town of Billerica website – No Exhibits**

**Proclamation and Public Recognition**

4. **Pride Month Proclamation – Proclamation**
5. **Juneteenth Proclamation – Proclamation**

**Public Hearings**

6. **Public Hearing – Approval of a Grant of License from the Town of Billerica -#31061903 - to Massachusetts Electric Company at 250 Treble Cove Road for National Grid to install ~2460' +/- #4/0 cu 3-1c primary UG cable in customer installed 4" conduits, 2 new manholes, manhole switchgear and manhole primary meter in order to accommodate relocation of underground facilities and install 300 KVA xfmr 277/480 for new building at Billerica Water Treatment Plant. – Grant of License undated, Electric Distribution Easement dated 04/04/25, DPW Comments dated 05/27/25, Contractor Comments undated, Police Comments undated, Electrical Comments dated 05/23/25, Abutters List dated 05/12/25, Notice of Hearing undated, Email from G. Moriera dated 05/01/25**
7. **Public Hearing –National Grid and Verizon- #31032929 –National Grid to install (1) JO Pole on Tamarak Street beginning at a point ~100' southeasterly from exiting pole 3 location. New Pole 3 was previously petitioned to move ~50' southeasterly (Hearing 12/9/24). The new pole 3 has been installed by the customer who wants the new pole 3 moved. On behalf of the customer at 8 Tamarak Street, National Grid request to keep the original pole 3 location, remove new pole 3 location and install a new pole 4 ~100' southeasterly from original pole 3 location to supply electrical service to new home at 8 Tamarak Street. – Application dated 03/24/25, DPW Comments dated 05/27/25, Contractor Comments dated 05/28/25, Police Comments 05/23/25, Electrical Comments dated 05/23/25, Abutters List dated 05/12/25, Notice of Hearing undated**
8. **Public Hearing –National Grid and Verizon- #31117689 – National Grid to install (1) JO Pole (pole 4) on Ingersoll Road beginning at a point ~110' westerly from existing pole 3 in the public way with anchor in order to support pole 3 and existing pole line – Application dated 03/24/25, DPW Comments dated 05/27/25, Contractor Comments dated 05/28/25, Police Comments 05/23/25, Electrical Comments dated 05/23/25, Abutters List dated 05/12/25, Notice of Hearing undated**

**New Business (Quick Items)**

9. **New Common Victualler's License for Under the Radar Culinary, LLC dba Big Al's Pizza located at 240D Nashua Road – Manager Mallory Shackford – Billerica application dated 05/02/25, ZBA decision dated 04/16/25, Board of Health Plan Approval dated 04/08/25, Board of Health Letter of approval dated 04/16/25**
10. **Discussion and Possible Vote on Gift Acceptance: - Gift Acceptance Summary undated**
  - d. **Billerica Public Library**
    - i. **Donation of Artificial Flowers and Pots (Estimated Value) ~\$30**
    - ii. **Donation of \$3,500**
    - iii. **Donation of T-shirts (Estimated Value) ~\$40**
  - e. **Veterans' Services**
    - i. **Donation of \$200 Market Basket Gift Cards**



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- f. Council on Aging**
  - i. Donation of \$150**
  - ii. Donation of \$45**

**Appointments**

**11. Police Constables – (Expires 06/30/2028)**

- c. Cory Bandouveres** – Application dated 05/07/25
- d. Timothy McKenna** – Application dated 05/06/25

**12. Appointments that Require Interviews:**

- c. Billerica Housing Authority - Tenant Member (1 Open) (Expires 04/30/2029)** – Emails from D. Harbarger dated 05/30/25, Email from K. Gould dated 05/31/25, Email from J. Ryan dated 05/31/25
  - iii. Lewis Martakos** – Application dated 04/11/25
  - iv. Thomas E. Davis** – Application dated 04/18/25
- d. Board of Appeals (1 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - iii. Christopher Sennott** – Application dated 04/11/25
  - iv. Eric Anable (Incumbent)** – Application dated 04/24/25

**13. Appointments that Secretary Darris-O'Connor NOT Require Interviews:**

- l. Agricultural Commission (2 Associate Open) – 1 Applicant (Expires 06/30/2028)**
  - i. Jon Larson** – Application dated 05/05/25
- m. Board of Appeals (1 Associate Open) – 1 Applicant (Expires 06/30/2028)**
  - i. John LaFauci** – Application dated 04/11/25
- n. Commission on Disabilities (2 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - i. Maria Martin (Incumbent)** – Application dated 05/14/25
  - ii. Jason Gale (Incumbent)** – Application dated 05/28/25
- o. Community Preservation Committee – (1 Regular Open) – 1 Applicant (Expires 06/30/2028)**
  - i. Bryan Bertram** – Application dated 05/16/25
- p. Conservation Commission – (2 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - i. Diane DePaso (Incumbent)** – Application dated 01/15/25
  - ii. Jeff Connell (Incumbent)** – Application dated 02/24/25
- q. Constable (Bonded) – 2 Applicants (Renewal) – (Expires 06/30/2028)**
  - i. Guy J. Gill** – Application dated 05/07/25
  - ii. David Babineau** – Application dated 05/15/25
- r. Council on Aging (2 Regular Open) – 2 Applicants (Expires 06/30/2028)**
  - i. Barbara Flaherty (Incumbent)** – Application dated 04/10/25
  - ii. John Pellegrino (Incumbent)** – Application dated 04/11/25
- s. Historic Commission (2 Regular Open) – 1 Applicant (Expires 06/30/2028)**
  - i. Travis Brown (Incumbent)** – Application dated 05/16/25
- t. Local Cultural Council - 2 Year Appointment (3 Positions Open) – 1 Applicant (Expires 06/30/2027)**
  - i. Parashu Phuyal (Incumbent)** – Application dated 05/09/25
- u. Open Space and Recreation Commission (1 Position Open) – 1 Applicant (Expires 06/30/2027)**
  - i. Maria Martin** – Application dated 08/30/24
- v. Scholarship Foundation Committee (6 Open Positions) – 2 Applicants (Expires 06/30/2028)**
  - i. Lawrence Norman** – Application dated 04/07/25
  - ii. Michael Rosa** – Application dated 05/14/25

**Presentation**

- 14. Water and Sewer Rates Presentation – 1<sup>st</sup> Reading – Waterworth Presentation undated**

**Committee Reports**





**TOWN OF BILLERICA  
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**Old Business**

- 15. Vote to Make the Investigation Report into the Conduct of Select Board Member Dina Favreau a Public Document and Send Attachments to Town Counsel for Possible Redactions Before Release – Per Legal Opinion from May 21, 2025 Advisory Opinion #9 – Memo from Brooks & DeRensis dated 05/21/25**
- 16. Update on Community One-Stop Grant Submission for Real Estate Services Technical Assistance – Requested by Katherine Malgieri – Grant application undated**
- 17. Town Manager’s Update – Town Manager’s Report dated 05/28/25**

**New Business**

- 18. Gift Acceptance Policy – Section 46 – 1<sup>st</sup> Reading – Requested by Member Rosa – Gift Acceptance Policy undated**
- 19. Set a Date for a Special Meeting to Discuss Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties – Requested by Member Rosa – No Exhibits**
- 20. Set a Date for a Special Meeting to Discuss Water Line Infrastructure – Focusing on Lining Pipes and Accelerating the Replacement of the 2” Water Lines in Pinehurst – Requested by Member Rosa – No Exhibits**
- 21. Discussion and Possible Vote on Creating a Remote Town Meeting Committee – Requested by Vice Chair Burrows – No Exhibits**
- 22. Discussion on Grants – MassWorks Infrastructure Program, Massachusetts Downtown Initiative, Housing Choice Grant Program, Community Planning Grant Program, HousingWorks Infrastructure Program, Underutilized Properties Program, Site Readiness Program, Transformative Development Initiative Equity Investment Program – Requested by Member Favreau – No Exhibits**
- 23. Discussion and Possible Vote on Open Meeting Law Complaints: Dina Favreau dated and received on 05/29/25, and Chris Raven dated 05/23/25 received on 05/30/25 – Acknowledge Receipt and Review Complaints, Authorize Submission of Responses by Town Counsel – OML Complaints from D. Favreau dated 05/29/25 & Chris Raven dated 05/23/25, Email from P. DeRensis dated 05/30/25**

**Approval of Meeting Minutes**

- 24. April 7, 2025 Regular Meeting– April 7, 2025 Minutes**
- 25. April 15, 2025 Special Meeting– April 15, 2025 Minutes**
- 26. April 28, 2025 Regular Meeting– April 28, 2025 Minutes**
- 27. May 01, 2025 Acting Town Manager Negotiation Committee Meeting– May 01, 2025 Minutes**
- 28. May 05, 2025 Regular Meeting – May 05, 2025 Minutes**

**Meeting Schedule**

**June 16, 2025 and July 14, 2025 – No Exhibits**

**Approved On: \_\_\_\_\_**



**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
JUNE 11, 2025**

**Members Present:** Chair Jillian Pavidis, Vice Chair John Burrows, Secretary Daniel Darris-O'Connor, Member Michael Rosa, and Member Dina Favreau

**Members Absent:** None

**Staff Present:** Acting Town Manager Christopher Dillon, Assistant Town Manager Robert Maynard, Building Commissioner Mark LaLumiere, Planning Director Katherine Malgieri, Chair of the Planning Board Michael Parker (Remote) and Recording Secretary Dawn McDowell

**Call to Order 6:15 PM**

Chair Pavidis called the meeting to order at 6:15 PM.

The Pledge of Allegiance was recited.

**1. Open Microphone**

There was no one for open microphone.

**New Business**

**2. Discussion and Possible Votes – Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties**

Chair Pavidis stated that Economic Development means a lot of things. This working session is being used to bring ideas from all the attendees and make these ideas come to fruition.

Member Rosa stated that he has six points on Economic Development. The first deals with the Use Table and the similar uses within Commercial and Industrial. After looking at the zoning map, there are only 2 fragments of commercial zoning. He would like to submit an article to change the uses to be allowed in both Commercial and Industrial. Member Rosa had many changes to the Appendix A including clarification of similar uses in Commercial and Industrial, changing by right uses, adding adult day care etc. The proposed changes are attached to the minutes. He will work with Ms. Malgieri and come back with a finalized document to hopefully submit a warrant article for the Fall Town Meeting.

Ms. Malgieri stated that Industrial was originally thought to be “dirty” uses. The majority of industrial uses are not like that anymore.

Chair Pavidis asked if the consultant we have would make recommendations. Ms. Malgieri stated that removing these two Commercial zones and making these proposed changes would loosen up the uses and the consultant would only look at the rezoning Tech Park.

Member Rosa stated that the second item is to generate a list of vacancies that may be eligible for TIFs. He spoke with a commercial realtor and they don't know about properties that are vacant. We should generate a list of vacancy and put them on the website and have it in the Planning Office. Member Rosa stated that third ties into the second point is to partner with commercial real estate brokers to push Billerica. Member Rosa stated that the fourth point is to finalize the commercial brochure. The draft is presented, if there are any comments, you should send them to Mr. Maynard. He would suggest adding that Billerica is close to New Hampshire, has a train station and the LRTA bus route. Billerica has Rte. 495 & Rte. 3 in the town and the Town is open to TIFs. Member Rosa stated that the fifth point is to create a policy to waive building fees for filling open space. There will be criteria based on property and personal property taxes. Member Rosa stated that the last point is to create a fast track for permitting with Commercial and Industrial building permits.

Chair Pavidis stated that we should update the website to let businesses know once we make a policy decision that the Town is open to TIFs, waiving building fees, fast track permitting, etc.. Member Rosa agreed, we need to let them know the options available to them and what the criteria is for each. Town Meeting has to approve all TIFs.





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Member Favreau asked if any of these proposed changes impact the recodification. Ms. Malgieri replied no, the recodification has been done, so now we can make changes to the actual zoning.

Vice Chair Burrows stated that the zoning bylaw is supposed to be looked at with years ending in 0 and 5.

Member Favreau asked if these proposed changes would be a Select Board warrant article. Member Rosa replied it could be a joint Select Board and Planning Board and the public hearing would be handled through the Planning Board.

Mr. Dillon stated that this is a great conversation to have. With the waiving of fees, should this be expanded to include expansions or renovations of existing tenants? Member Rosa stated that makes sense.

Member Favreau does not necessarily agree to waiving permitting fees.

**MOTION** - Member Rosa made a motion that the Select Board continue to pursue changing to Appendix A (Use Table) of the Zoning Bylaw to make Commercial and Industrial Uses more accessible. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

Member Favreau stated that she submitted her ideas with 3 bullet items. The first is to offer incentive programs like the Massachusetts Vacant Storefront Program (MVSP) grant and the Underutilized Properties Program by MassDevelopment as described in the document provided. The second is to create a supportive environment for developers and the third is to market and promote Billerica.

**MOTION** - Member Favreau made a motion to authorize staff to apply for the Massachusetts Vacant Storefront Program (MVSP) grant and the Underutilized Properties Program by MassDevelopment. The motion was seconded by Member Rosa and unanimously voted 3-2-0. Secretary Darris-O'Connor and Vice Chair Burrows voted no.

Secretary Darris-O'Connor asked if these programs need Select Board approval.

Mr. LaLumiere stated that the permit fees set Billerica apart from everyone else. This can be a negotiation tool. The grants are available to everyone.

Member Favreau stated that she is not totally opposed. This is a revenue source for the Towns and you just asked us to increase the permit fees last year and we discussed how to streamline the process.

Member Rosa stated that this would be for vacant buildings, not across the board.

Member Favreau asked if this required a zoning change. Mr. LaLumiere replied no, it's a Select Board policy.

Mr. Parker stated that this would be great if it happens and we can look at waiving Planning Board fees also.

Chair Pavidis stated that the brochure is a great start and added that the target may change so we should make sure the website is updated.

**MOTION** - Member Rosa made a motion to support the creation of a commercial vacancy list to include square footage, zoning location, eligibility for a TIF and any contact information that can be put into a database. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

Member Rosa stated that once the list is done, we need to disseminate the information to Commercial Realtors.

Ms. Malgieri stated that we did have a 3-year contract with a marketing firm, but we are not getting enough for the money that was paid. Chair Pavidis stated that we can look into partnering with a commercial real estate agent to help with marketing.

Mr. Maynard reminded the Board, that Factorial came to the Town for a TIF and was told no, because it was an existing business. The Board needs to clarify what businesses would be allowed to apply for a TIF.

Mr. Dillon stated that TIFs need to have criteria associated with them including; number of jobs, square footage of space, etc.



**TOWN OF BILLERICA  
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Mr. Dillon stated that he is concerned about creating a list of vacant properties and who and how this will be maintained and how will the Town be notified. Member Rosa stated that it would take assistance from the Assessor's Office, Planning Office and it would be maintained on the website. Member Favreau asked if a database can be maintained on the website. Mr. Maynard stated that they would have to look at it and with the new website coming online, he hopes something could be done.

Vice Chair Burrows stated that we can use CoStar or Sales Force which lists all vacant commercial properties which all commercial realtors have access to. We are just making work for staff. This may be as easy as providing a point of contact.

Mr. LaLumiere stated that in the General Bylaw there is a vacant property registration bylaw but that has not been the focus of his office in a long time.

Chair Pavidis asked if we are looking at a full blow change Tech Park and Federal Street. Ms. Malgieri stated that it is tough with big properties like Tech Park and Federal Street are not owned by one entity. Any changes should include neighborhood meetings or an HOA.

Mr. Dillon stated that the biggest complaint he's heard at the ribbon cutting ceremony he's attended is that there isn't enough amenities like restaurants for the employees.

Secretary Darris-O'Connor stated that he agrees with some of the points but not others. We need to talk about overlays and mixed use for Tech Park and Federal Street. Was the grant we just applied for included mixed use. Ms. Malgieri stated that if we put mixed use in any of the grants, the State focuses in on the housing. Federal Street already has mixed use.

Secretary Darris-O'Connor stated that the State changed the voting requirements at Town Meeting for zoning changes that used to require a super majority now only requires a simple majority at Town Meeting.

Mr. LaLumiere stated that we tried to change the zoning at Tech Park in 2015 and got a lot of push back from residents but there were accessory uses added.

Member Rosa stated that mixed use is on the books, so that can go on any property with Town Meeting approval. Industrial zoning pays more taxes than residential zoning.

Chair Pavidis if a developer comes in for a big property with a housing component, how do we handle that. Vice Chair Burrows stated that we need to have the proper zoning in place now and not have the developer waiting for Town Meeting to approve.

Chair Pavidis stated that we need to go after the low hanging fruit and fill the vacant space we have.

Ms. Malgieri stated that we could look at rezoning the two commercial zones and change them to industrial and make sure the uses are consistent. Member Rosa agreed and we should also look at the uses in General Business zoning. Middlesex 3 Coalition is working on marketing the region to out-of-state companies. NMCOG has also developed a strategy for regional prosperity which has been included in the package.

**MOTION** - Member Rosa made a motion to finalize the business brochure. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

Member Rosa stated that we need to work on the policy to waive all fees. He can write it and send it out for a first reading. Mr. LaLumiere stated that there is already a general bylaw that allows the Town Manager to waive the fees.

Ms. Malgieri stated that the fast track of permitting has already started with Permit Alley. We could look at having one meeting with the Select Board, Planning Board and Zoning Board of Appeals but logistically that may be hard to do. We could also look at removing the Special Permit requirement for some of the uses and coordinating all their public hearing notices that are sent out.



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Mr. LaLumiere stated we also should look at only having the applicant have to go before the Planning Board only instead of having them go before the ZBA and Planning Board. Mr. Parker stated that we also talked about administrative review instead of a full Planning Board review. Ms. Malgieri stated that she loves the idea of having the applicants go to one Board. The Planning Board are looking at Site Plan as a whole. Depending on the scope of the project, have tiered review; i.e. Administration Review, Minor Site Plan and Site Plan.

Mr. Maynard stated that we had UMass Lowell worked on a Capstone project last year and some of the issues brought up by our local businesses was lack of amenities but also the bouncing around to the multiple boards which delays the permits. In Acton and Burlington, they have a permit coordinator that walks a project through all the statutory boards and a point of contact for the developers. We could look at funding this position next year and take a lot of the work load off of Mark and Kat.

Member Rosa asked if this would be full or part-time. Mr. Maynard stated that we could fill the time with other jobs just as helping with enforcement. Member Rosa stated that we have to be careful of the budget constraints.

**Meeting Schedule**

June 16, 2025, June 26, 2026 (Special) and July 14, 2025

**MOTION** - Member Rosa made a motion to adjourn the special meeting of June 11, 2025 at 7:54 PM. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,  
Recording Secretary*

**Exhibits for the Select Board Meeting – June 11, 2025**

**Call to order 6:00 PM**

1. **Open Microphone** – No Exhibits

**New Business**

2. **Discussion and Possible Votes – Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties** – Table of Use Regulations (Section 6.3) dated 04/23/25, Billerica Business Brochure undated, Massachusetts Vacant Storefront Program Guidelines dated 02/13/25, SB Member Favreau’s Economic Development Strategy Recommendations dated 06/11/25, Underutilized Properties Program FY2025, Zoning Map dated 05/05/25, NMCOG Comprehensive EcDev Strategy 05/28/25

**Meeting Schedule**

**June 16, 2025, June 26, 2026 (Special) and July 14, 2025 – No Exhibits**

**Approved On: \_\_\_\_\_**

(Proposed) Billerica Zoning Bylaw

APPENDIX A

Table of Use Regulations (Section 6.3)

	VR	NR	RR	MF	NB	GB	C	I	Ref.
<b>CONSERVATION, RECREATION, AGRICULTURE</b>									
<b>Conservation and Agriculture</b>									
Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	
Conservation	Y	Y	Y	Y	Y	Y	Y	Y	
Facility for Sale of Produce, Wine, and Dairy Products	Y	Y	Y	Y	Y	Y	Y	Y	
<b>Public or Non-Profit Recreation</b>									
Driving Range	Y	Y	Y	Y	Y	Y	Y	Y	
Fairs and Bazaars	Y	Y	Y	Y	Y	Y	Y	Y	
<del>Non-Municipal</del> Athletics	Y	Y	Y	Y	Y	Y	Y	Y	
Other Recreational Events	Y	Y	Y	Y	Y	Y	Y	Y	
<del>Outdoor</del> Recreation (Remove?)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.1(A)
<b>PUBLIC, INSTITUTIONAL</b>									
Municipal	Y	Y	Y	Y	Y	Y	Y	Y	
Non-Profit Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	
Cemetery	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.2(A)
Nursing Home (allow? Add footnote if abuts residential)	SZ	SZ	SZ	SZ	SZ	SZ	<del>SZ</del> Y	<del>SZ</del> Y	7.2(B)
Add Adult Day Care	<del>SZ</del>	<del>SZ</del>	<del>SZ</del>	<del>SZ</del>	<del>SZ</del>	Y		Y	
<b>NON-PROFIT PHILANTHROPIC USES</b>									
Club (Yes but buffer)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	<del>N</del> Y	7.3(A)
Lodge (Yes but buffer)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	<del>N</del> Y	7.3(A)
Other Philanthropic (Yes but buffer)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	<del>N</del> Y	7.3(A)
<b>RESIDENTIAL USES</b>									
Affordable Housing on an Undersized Lot	SZ	SZ	SZ	SZ	Y	N	N	N	7.4(A)
Assisted Living Residence	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.4(B)
Dwelling, Multifamily	N	N	N	SA	N	N	N	N	6.4

Y=permitted as of right; SZ = allowed by special permit, Board of Appeals; SP=allowed by special permit from the Planning Board; SA=allowed by special permit with site plan approval from the Planning Board; N=prohibited.

(Proposed) Billerica Zoning Bylaw

	VR	NR	RR	MF	NB	GB	C	I	Ref.
Dwelling, Single-Family	Y	Y	Y	Y	Y	Y	N	N	
Dwelling, Two-Family	N	N	N	SZ	N	N	N	N	7.4(B)
<b>BUSINESS &amp; COMMERCIAL USES</b>									
<b>Retail Sales</b>									
Antique Shows	N	N	N	N	Y	Y	Y	Y	
Christmas Tree Sales	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
Garden Shop	N	N	N	N	N	SZ	<del>N</del> Y	<del>N</del> Y	7.5(A)
Greenhouse (Non-Agricultural)	SZ	SZ	SZ	N	N	N	Y	Y	7.5(B)
Open Air Sales (not more than 4 times per year?)	N	N	N	N	N	SZ	Y	<del>N</del> Y	7.5(C)
Pet Shop	N	N	N	N	N	Y	Y	<del>N</del> Y	
Retail Store	N	N	N	N	Y	Y	<del>N</del> Y	<del>N</del> Y	7.5(D)
Supermarket	N	N	N	N	N	SA	<del>N</del> Y	<del>N</del> Y	7.5(E)
<b>Services</b>									
Dog Kennel	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(A)
Dog Daycare	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
Dog Training	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
For-Profit Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	
Funeral Home	N	N	N	N	SZ	SZ	N	N	7.6(C)
Personal Services	N	N	N	N	Y	Y	Y	Y	
Repair Shop	N	N	N	N	Y	Y	<del>N</del> SZ	SZ	7.6(D)
Veterinarian	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
<b>Accommodations and Food Services</b>									
Drive-Up/Through Restaurant	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.7(A)
Fast-Order Food Establishment	N	N	N	N	SZ	SZ	SZ	SZ	7.7(B)
Motel or Hotel	N	N	N	N	SZ	SZ	<del>N</del> SZ	SZ	7.7(C)
Restaurant	N	N	N	N	SZ	SZ	<del>N</del> SZ	Y	7.7(D)
<b>Financial, Offices</b>									
Bank (drivethru clarified in definition?)	N	N	N	N	Y	Y	<del>N</del> Y	<del>N</del> Y	7.8(A)
Loan Agency	N	N	N	N	Y	Y	Y	Y	
Offices	N	N	N	N	Y	Y	Y	Y	

Y=permitted as of right; SZ = allowed by special permit, Board of Appeals; SP=allowed by special permit from the Planning Board; SA=allowed by special permit with site plan approval from the Planning Board; N=prohibited.

(Proposed) Billerica Zoning Bylaw

	VR	NR	RR	MF	NB	GB	C	I	Ref.
<b>Amusement, Recreation Businesses</b>									
Bowling Alley	N	N	N	N	Y	Y	Y	Y	
Golf Course	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(A)
Indoor Amusement	N	N	N	N	Y	Y	Y	<del>N</del> Y	
Riding Stable	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(B)
Swimming Pool, Non-Accessory	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.9(C)
<b>Unclassified; Other Business &amp; Commercial</b>									
Fully Automated Business	N	N	N	N	N	SZ	<del>SZ</del> Y	<del>SZ</del> Y	7.10(A)
Research Facility	N	N	N	N	SA	SA	SA	Y	7.10(B)
Tradesman's Shop	N	N	N	N	Y	Y	Y	Y	
<b>Vehicle-Related Uses</b>									
Auto sales	N	N	N	N	N	SZ	SZ	SZ	7.11(B)
<del>Auto services (remove)</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>SZ</del>	<del>7.11(A)</del>
Auto repair	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto service	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto washing	N	N	N	N	N	SZ	SZ	SZ	7.11(A)
Truck body shop	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck leasing	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck repair	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck sales	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck service	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck washing	N	N	N	N	N	N	Y	Y	7.11(C)
<b>INDUSTRIAL USES</b>									
<b>Manufacturing, Distribution</b>									
Light Manufacturing	N	N	N	N	N	SZ	<del>SZ</del> Y	Y	7.12(A)
Wholesale	N	N	N	N	N	SZ	<del>N</del> Y	<del>SZ</del> Y	7.12(B)
<b>Utility Uses</b>									
Above-ground utilities, non- municipal	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(A)
Above-ground utilities, Municipal	Y	Y	Y	Y	Y	Y	Y	Y	

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(Proposed) Billerica Zoning Bylaw

	<b>VR</b>	<b>NR</b>	<b>RR</b>	<b>MF</b>	<b>NB</b>	<b>GB</b>	<b>C</b>	<b>I</b>	<b>Ref.</b>
Earth migration of less than 500 cubic yards for:	Y	Y	Y	Y	Y	Y	Y	Y	
Earth migration over 500 cubic yards	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(B)
(SECS) Non-freestanding (=mounted to building)	Y	Y	Y	Y	Y	Y	Y	Y	
(SECS) Freestanding	SP	SP	SP	SP	SP	SP	SP	SP	6.5
Underground utilities	Y	Y	Y	Y	Y	Y	Y	Y	
Wireless communications facility	SP	SP	SP	SP	SP	SP	SP	SP	6.6
<b>Waste Disposal</b>									
Recyclable Materials Transfer Center	N	N	N	N	N	N	N	SA	
Temporary Construction Trailer	N	N	N	Y	Y	Y	Y	Y	
<b>Other Industrial</b>									
Contractor's Yard	N	N	N	N	N	N	SP	SP	7.14(A)
<b>ACCESSORY USES</b>									
<b>Residential Accessory Uses</b>									
Accessory Residential Uses	Y	Y	Y	Y	Y	Y	N	N	
Home Occupation <sup>1</sup>	Y	Y	Y	Y	N	N	N	N	7.15(A)
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	N	N	
In-Law Apartment	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(B)
Keeping of Horses: <sup>2</sup>	Y	Y	Y	N	N	N	N	N	
Keeping of Hens	Y	Y	Y	N	N	N	N	N	
Room Rental (5 Or Less)	Y	Y	Y	Y	Y	Y	N	N	
Room Rental (More Than 5)	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(C)
Storage of One Vehicle or Trailer	Y	Y	Y	Y	Y	Y	N	N	
Storage of More than One Vehicle or Trailer	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(D)
<b>Nonresidential Accessory Uses</b>									
Accessory Retail and Automotive Services	N	N	N	N	N	N	<del>N</del> SZ	SZ	7.16(A)
Accessory uses to scientific research or development	N	N	N	N	SZ	SZ	Y	Y	7.16(B)

<sup>1</sup> Except a special permit shall be required for a Home Occupation employing one or more nonresidents of the premises.

<sup>2</sup> Minimum land requirement per horse: <10,000 S.F., no horses; 10,000 – 19,999 S.F., 1 horse; 20,000 – 29,999 S.F., 2 horses; and 30,000 or more S.F., 3 horses.

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(Proposed) Billerica Zoning Bylaw

	VR	NR	RR	MF	NB	GB	C	I	Ref.
Accessory service and repair	N	N	N	N	N	N	N	SZ	7.16(C)
For professional office or R&D Buildings over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy not less than 20% of the net square footage can be allowed by right. These can include retail, restaurant, personal services, and other amenity uses.	N	N	N	N	N	Y	Y	Y	
Miscellaneous Accessory Uses									
Auto parking	N	N	N	N	N	SZ	SZ	N	7.17(A)
Garaging or parking of one heavy commercial vehicle	SZ	SZ	SZ	SZ	SZ	Y	Y	Y	7.17(B)
Garaging or parking of one light commercial vehicle	Y	Y	Y	Y	Y	Y	Y	Y	7.17(B)
Garaging or parking of two light commercial vehicles	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.17(B)
Garaging or parking of two or more heavy commercial vehicles	N	N	N	N	N	SZ	Y	Y	7.17(B)
Truck parking	N	N	N	N	N	<del>N</del> SZ	<del>SZ</del> Y	<del>N</del> Y	7.17(B)





**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
JUNE 11, 2025**

**Members Present:** Chair Jillian Pavidis, Vice Chair John Burrows, Secretary Daniel Darris-O'Connor, Member Michael Rosa, and Member Dina Favreau

**Members Absent:** None

**Staff Present:** Acting Town Manager Christopher Dillon, Assistant Town Manager Robert Maynard, Building Commissioner Mark LaLumiere, Planning Director Katherine Malgieri, Chair of the Planning Board Michael Parker (Remote) and Recording Secretary Dawn McDowell

**Call to Order 6:15 PM**

Chair Pavidis called the meeting to order at 6:15 PM.

The Pledge of Allegiance was recited.

**1. Open Microphone**

There was no one for open microphone.

**New Business**

**2. Discussion and Possible Votes – Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties**

Technical problems video for Zoom participant at 6:16:30 p.m. – meeting resumed at 6:19 p.m.

Chair Pavidis stated that Economic Development means a lot of things. **We all agree in one of the last Select Board meetings to get together and get the right people here and treat this as a working session.** This working session is being used to bring ideas from all the attendees and make these ideas come to fruition.

Member Rosa stated that he has six points on Economic Development. The first deals with the Use Table and the similar uses within Commercial and Industrial. After looking at the zoning map, there are only 2 fragments of commercial zoning. He would like to submit an article to change the uses to be allowed in both Commercial and Industrial. Member Rosa had many changes to the Appendix A including clarification of similar uses in Commercial and Industrial, changing by right uses, adding adult day care etc. The proposed changes are attached to the minutes. He will work with Ms. Malgieri and come back with a finalized document to hopefully submit a warrant article for the Fall Town Meeting.

Ms. Malgieri stated that Industrial was originally thought to be “dirty” uses. The majority of industrial uses are not like that anymore.

Chair Pavidis asked if the consultant we have would make recommendations. Ms. Malgieri stated that removing these two Commercial zones and making these proposed changes would loosen up the uses and the consultant would only look at the rezoning Tech Park.

Member Rosa stated that the second item is to generate a list of vacancies that may be eligible for TIFs. He spoke with a commercial realtor and they don't know about properties that are vacant. We should generate a list of vacancy and put them on the website and have it in the Planning Office. Member Rosa stated that third **point** ties into the second point is to partner with commercial real estate brokers to push Billerica. Member Rosa stated that the fourth point is to finalize the commercial brochure. The draft is presented, if there are any comments, you should send them to Mr. Maynard. He would suggest adding that Billerica is close to New Hampshire, has a train station and the LRTA bus route. Billerica has Rte. 495 & Rte. 3 in the town and the Town is open to TIFs. Member Rosa stated that the fifth point is to create a policy to waive building fees for filling open space. There will be criteria based on property and personal property taxes. Member Rosa stated that the last point is to create a fast track for permitting with Commercial and Industrial building permits.



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Chair Pavidis stated that we should update the website to let businesses know once we make a policy decision that the Town is open to TIFs, waiving building fees, fast track permitting, etc.. Member Rosa agreed, we need to let them know the options available to them and what the criteria is for each. Town Meeting has to approve all TIFs.

Member Favreau asked if any of these proposed changes impact the recodification. Ms. Malgieri replied no, the recodification has been done, so now we can make changes to the actual zoning.

Vice Chair Burrows stated that the zoning bylaw is supposed to be looked at with years ending in 0 and 5.

Member Favreau asked if these proposed changes would be a Select Board warrant article. Member Rosa replied it could be a joint Select Board and Planning Board and the public hearing would be handled through the Planning Board.

Mr. Dillon stated that this is a great conversation to have. With the waiving of fees, should this be expanded to include expansions or renovations of existing tenants? Member Rosa stated that makes sense.

Member Favreau asked a housekeeping question in terms of having the roundtable discussion and taking the votes at the end or if we would be voting on each item individually. Member Favreau also stated that she had a number of recommendations to make. Chair Pavidis stated that we would vote on the items individually.

**MOTION** - Member Rosa made a motion that the Select Board continue to pursue changing to Appendix A (Use Table) of the Zoning Bylaw to make Commercial and Industrial Uses more accessible. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

Member Favreau asked that Member Rosa hold on a couple of his because she believes a number of her recommendations would be in tandem with his, but she doesn't exactly agree to waiving the permitting fees. Member Rosa agreed to the hold. Member Favreau stated that she submitted her recommendations in the online packet. Two of the incentive programs that she has been looking at for a couple of years now are the MSVP and the UPP by MassDevelopment. The first is to offer incentive programs like the Massachusetts Vacant Storefront Program (MVSP) grant and the Underutilized Properties Program by MassDevelopment to address blighted and abandoned properties along the 3A corridor as described in the document provided. Member Favreau stated that there may be a caveat that some of that funding could be used toward permitting fees for businesses. Member Favreau stated that there is also a pre-development portion of this incentive program that allows for assistance to include activities for building conditions studies, structural engineering reports, code compliance studies, development feasibility studies, indoor surveys and architectural design.

The second is to create a supportive environment that addresses zoning, research environmental conditions to understand the status of sites to address cleanup and mitigation efforts, streamline the permitting process to make it easier to obtain necessary approvals, promote infill development that encourages the development of projects that utilize existing infrastructure and building relationships with local business, community orgs and other government agencies to help support and spur EcDev across town.

The third is for targeted marketing and targeted campaigns that increase visibility of available spaces and highlight the benefits of certain locations within town and networking with real estate brokers to connect potential tenants with suitable properties and online promotions through the town website and social media platforms to showcase available spaces across Billerica.

**MOTION** - Member Favreau made a motion to authorize staff to apply for the Massachusetts Vacant Storefront Program (MVSP) grant and the Underutilized Properties Program by MassDevelopment. The motion was seconded by Member Rosa and unanimously voted 5-0-0. \*At 43.12 of the meeting, the motion was made and there were 3 votes in affirmative but Darris-O'Connor and Burrows did not vote yes.

Secretary Darris-O'Connor asked if these programs need Select Board approval. Chris Dillon stated that most of the grants that we apply for they do require the Select Board approval.



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Mr. LaLumiere stated that he agrees with everything that Selectwoman Favreau brought up. Waiving the permitting fees would be something specific to Billerica and would set us out differently. This can be a negotiation tool. The grants are available to everyone in the Commonwealth. We do bring in a substantial amount of money in permit fees but waiving them could outweigh the costs to bring in more tax revenue in the future.

Member Favreau stated that she is not totally opposed but the reason why she hesitates with waiving the fees is because it contradicts past meetings where you came before us and asked us to increase permitting fees and streamline the permitting process and it is a revenue source for the Towns that offsets the impact on the residents. I understand that we need to spur economic growth, but it contradicts what we already voted on and what we were going to do last year.

Member Rosa stated that this would be for vacant buildings, not across the board.

Member Favreau asked if this would be a policy with specific language that provided a timeframe that a property has been vacant would then be eligible to the waiving of fees incentive. Member Rosa stated examples of how the policy would work. Member Favreau asked if it would be a Bylaw change or if it would be a Building Dept. policy change. Mr. LaLumiere replied no, it's a Select Board policy.

Mr. Parker stated that this would be great if it happens and we can look at waiving Planning Board application fees also.

Chair Pavidis stated that the brochure is a great start and added that the target may change so we should make sure the website is updated.

**MOTION** - Member Rosa made a motion to support the creation of a commercial vacancy list to include square footage, zoning location, eligibility for a TIF and any contact information that can be put into a database. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

Member Rosa stated that once the list is done, we need to disseminate the information to Commercial Realtors.

Ms. Malgieri stated that we did have a 3-year contract with a marketing firm, but we are not getting enough for the money that was paid. Chair Pavidis stated that we can look into partnering with a commercial real estate agent to help with marketing.

Mr. Maynard reminded the Board, that Factorial came to the Town for a TIF and was told no, because it was an existing business. The Board needs to clarify what businesses would be allowed to apply for a TIF.

Mr. Dillon stated that TIFs need to have criteria associated with them including; number of jobs, square footage of space, etc.

Mr. Dillon stated that he is concerned about creating a list of vacant properties and who and how this will be maintained and how will the Town be notified. Member Rosa stated that it would take assistance from the Assessor's Office, Planning Office and it would be maintained on the website. Member Favreau stated that she believes the original question asked was whether or not it would be a list vs a database. I think a database would be most efficient and with the roll out of the new website there should be a backend option where we could add something like that, and that would help with the promotion of these properties where we could do a carousel type of thing at the top of the page that highlights the available properties. Mr. Maynard stated that they would have to look at it and with the new website coming online, he hopes something could be done.

Vice Chair Burrows stated that we can use CoStar or Sales Force which lists all vacant commercial properties which all commercial realtors have access to. We are just making work for staff. This may be as easy as providing a point of contact.

Mr. LaLumiere stated that in the General Bylaw there is a vacant property registration bylaw but that has not been the focus of his office in a long time.



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Chair Pavidis asked if we are looking at a full blow change Tech Park and Federal Street. Ms. Malgieri stated that it is tough with big properties like Tech Park and Federal Street are not owned by one entity. Any changes should include neighborhood meetings or an HOA. **After watching the video of the meeting, this section does not accurately capture the discussion and should be corrected.**

Mr. Dillon stated that the biggest complaint he's heard at the ribbon cutting ceremony he's attended is that there isn't enough amenities like restaurants for the employees. **Recommendation is not captured here, should be added.**

Secretary Darris-O'Connor stated that he agrees with some of the points but not others. We need to talk about overlays and mixed use for Tech Park and Federal Street. Was the grant we just applied for included mixed use. Ms. Malgieri stated that if we put mixed use in any of the grants, the State focuses in on the housing. Federal Street already has mixed use. **Underlying industrial zoning discussion is not captured here. Should be added.**

Secretary Darris-O'Connor stated that the State changed the voting requirements at Town Meeting for zoning changes that used to require a super majority now only requires a simple majority at Town Meeting.

Mr. LaLumiere stated that we tried to change the zoning at Tech Park in 2015 and got a lot of push back from residents but there were accessory uses added. **Exemptions provided are not captured here, should be added. He also noted that it has not spurred any business, that should also be captured.**

Member Rosa stated that mixed use is on the books, so that can go on any property with Town Meeting approval. Industrial zoning pays more taxes than residential zoning.

Chair Pavidis if a developer comes in for a big property with a housing component, how do we handle that. **Kat Malgieri's statement is missing, should be captured.** Vice Chair Burrows stated that we need to have the proper zoning in place now and not have the developer waiting for Town Meeting to approve.

Chair Pavidis stated that we need to go after the low hanging fruit and fill the vacant space we have and **then look at creating a highway overlay district. This was not discussed, unclear where this came from and why it is in our minutes.** \*The underlined was removed.

Ms. Malgieri stated that we could look at rezoning the two commercial zones and change them to industrial and make sure the uses are consistent. Member Rosa agreed and we should also look at the uses in General Business zoning. Middlesex 3 Coalition is working on marketing the region to out-of-state companies. NMCOG has also developed a strategy for regional **development plan** which has been included in the package.

**MOTION** - Member Rosa made a motion to finalize the business brochure. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

Member Rosa stated that we need to work on the policy to waive all fees. He can write it and send it out for a first reading. Mr. LaLumiere stated that there is already a general bylaw that allows the Town Manager to waive the fees.

Ms. Malgieri stated that the fast track of permitting has already started with Permit Alley. We could look at having one meeting with the Select Board, Planning Board and Zoning Board of Appeals but logistically that may be hard to do. We could also look at removing the Special Permit requirement for some of the uses and coordinating all their public hearing notices that are sent out.

Mr. LaLumiere stated we also should look at only having the applicant have to go before the Planning Board only instead of having them go before the ZBA and Planning Board. Mr. Parker stated that we also talked about administrative review instead of a full Planning Board review. Ms. Malgieri stated that she loves the idea of having the applicants go to one Board. The Planning Board are looking at Site Plan as a whole. Depending on the scope of the project, have tiered review; i.e. Administration Review, Minor Site Plan and Site Plan.

Mr. Maynard stated that we had UMass Lowell worked on a Capstone project last year and some of the issues brought up by our local businesses was lack of amenities but also the bouncing around to the multiple boards which delays the permits. In Acton and Burlington, they have a permit coordinator that walks a project through all the statutory boards



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and a point of contact for the developers. We could look at funding this position next year and take a lot of the work load off of Mark and Kat.

Member Rosa asked if this would be full or part-time. Mr. Maynard stated that we could fill the time with other jobs just as helping with enforcement. Member Rosa stated that we have to be careful of the budget constraints.

**Meeting Schedule**

June 16, 2025, June 26, 2026 **5** (Special) and July 14, 2025

**MOTION** - Member Rosa made a motion to adjourn the special meeting of June 11, 2025 at 7:54 PM. The motion was seconded by Member Favreau and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,  
Recording Secretary*

**Exhibits for the Select Board Meeting – June 11, 2025**

**Call to order 6:00 PM**

1. **Open Microphone** – No Exhibits

**New Business**

2. **Discussion and Possible Votes – Economic Development – Specifically What Can be Done to Facilitate Filling our Vacant Commercial and Industrial Properties** – Table of Use Regulations (Section 6.3) dated 04/23/25, Billerica Business Brochure undated, Massachusetts Vacant Storefront Program Guidelines dated 02/13/25, SB Member Favreau’s Economic Development Strategy Recommendations dated 06/11/25, Underutilized Properties Program FY2025, Zoning Map dated 05/05/25, NMCOG Comprehensive EcDev Strategy 05/28/25

**Meeting Schedule**

**June 16, 2025, June 26, 2026 (Special) and July 14, 2025** – No Exhibits

**Approved On:** \_\_\_\_\_

(Proposed) Billerica Zoning Bylaw

APPENDIX A

Table of Use Regulations (Section 6.3)

	VR	NR	RR	MF	NB	GB	C	I	Ref.
<b>CONSERVATION, RECREATION, AGRICULTURE</b>									
<b>Conservation and Agriculture</b>									
Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	
Conservation	Y	Y	Y	Y	Y	Y	Y	Y	
Facility for Sale of Produce, Wine, and Dairy Products	Y	Y	Y	Y	Y	Y	Y	Y	
<b>Public or Non-Profit Recreation</b>									
Driving Range	Y	Y	Y	Y	Y	Y	Y	Y	
Fairs and Bazaars	Y	Y	Y	Y	Y	Y	Y	Y	
<del>Non-Municipal</del> Athletics	Y	Y	Y	Y	Y	Y	Y	Y	
Other Recreational Events	Y	Y	Y	Y	Y	Y	Y	Y	
<del>Outdoor</del> Recreation (Remove?)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.1(A)
<b>PUBLIC, INSTITUTIONAL</b>									
Municipal	Y	Y	Y	Y	Y	Y	Y	Y	
Non-Profit Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	
Cemetery	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.2(A)
Nursing Home (allow? Add footnote if abuts residential)	SZ	SZ	SZ	SZ	SZ	SZ	<del>SZ</del> Y	<del>SZ</del> Y	7.2(B)
Add Adult Day Care	<del>SZ</del>	<del>SZ</del>	<del>SZ</del>	<del>SZ</del>	<del>SZ</del>	Y		Y	
<b>NON-PROFIT PHILANTHROPIC USES</b>									
Club (Yes but buffer)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	<del>N</del> Y	7.3(A)
Lodge (Yes but buffer)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	<del>N</del> Y	7.3(A)
Other Philanthropic (Yes but buffer)	SZ	SZ	SZ	SZ	SZ	SZ	SZ	<del>N</del> Y	7.3(A)
<b>RESIDENTIAL USES</b>									
Affordable Housing on an Undersized Lot	SZ	SZ	SZ	SZ	Y	N	N	N	7.4(A)
Assisted Living Residence	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.4(B)
Dwelling, Multifamily	N	N	N	SA	N	N	N	N	6.4

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(Proposed) Billerica Zoning Bylaw

	VR	NR	RR	MF	NB	GB	C	I	Ref.
Dwelling, Single-Family	Y	Y	Y	Y	Y	Y	N	N	
Dwelling, Two-Family	N	N	N	SZ	N	N	N	N	7.4(B)
<b>BUSINESS &amp; COMMERCIAL USES</b>									
<b>Retail Sales</b>									
Antique Shows	N	N	N	N	Y	Y	Y	Y	
Christmas Tree Sales	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
Garden Shop	N	N	N	N	N	SZ	<del>N</del> Y	<del>N</del> Y	7.5(A)
Greenhouse (Non-Agricultural)	SZ	SZ	SZ	N	N	N	Y	Y	7.5(B)
Open Air Sales (not more than 4 times per year?)	N	N	N	N	N	SZ	Y	<del>N</del> Y	7.5(C)
Pet Shop	N	N	N	N	N	Y	Y	<del>N</del> Y	
Retail Store	N	N	N	N	Y	Y	<del>N</del> Y	<del>N</del> Y	7.5(D)
Supermarket	N	N	N	N	N	SA	<del>N</del> Y	<del>N</del> Y	7.5(E)
<b>Services</b>									
Dog Kennel	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(A)
Dog Daycare	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
Dog Training	N	N	N	N	N	SZ	<del>N</del> SZ	SZ	7.6(B)
For-Profit Educational Use	Y	Y	Y	Y	Y	Y	Y	Y	
Funeral Home	N	N	N	N	SZ	SZ	N	N	7.6(C)
Personal Services	N	N	N	N	Y	Y	Y	Y	
Repair Shop	N	N	N	N	Y	Y	<del>N</del> SZ	SZ	7.6(D)
Veterinarian	N	N	N	N	N	Y	<del>N</del> Y	<del>N</del> Y	
<b>Accommodations and Food Services</b>									
Drive-Up/Through Restaurant	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.7(A)
Fast-Order Food Establishment	N	N	N	N	SZ	SZ	SZ	SZ	7.7(B)
Motel or Hotel	N	N	N	N	SZ	SZ	<del>N</del> SZ	SZ	7.7(C)
Restaurant	N	N	N	N	SZ	SZ	<del>N</del> SZ	Y	7.7(D)
<b>Financial, Offices</b>									
Bank (drivethru clarified in definition?)	N	N	N	N	Y	Y	<del>N</del> Y	<del>N</del> Y	7.8(A)
Loan Agency	N	N	N	N	Y	Y	Y	Y	
Offices	N	N	N	N	Y	Y	Y	Y	

Y=permitted as of right; SZ = allowed by special permit, Board of Appeals; SP=allowed by special permit from the Planning Board; SA=allowed by special permit with site plan approval from the Planning Board; N=prohibited.

(Proposed) Billerica Zoning Bylaw

	VR	NR	RR	MF	NB	GB	C	I	Ref.
<b>Amusement, Recreation Businesses</b>									
Bowling Alley	N	N	N	N	Y	Y	Y	Y	
Golf Course	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(A)
Indoor Amusement	N	N	N	N	Y	Y	Y	<del>N</del> Y	
Riding Stable	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.9(B)
Swimming Pool, Non-Accessory	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.9(C)
<b>Unclassified; Other Business &amp; Commercial</b>									
Fully Automated Business	N	N	N	N	N	SZ	<del>SZ</del> Y	<del>SZ</del> Y	7.10(A)
Research Facility	N	N	N	N	SA	SA	SA	Y	7.10(B)
Tradesman's Shop	N	N	N	N	Y	Y	Y	Y	
<b>Vehicle-Related Uses</b>									
Auto sales	N	N	N	N	N	SZ	SZ	SZ	7.11(B)
<del>Auto services (remove)</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>SZ</del>	<del>7.11(A)</del>
Auto repair	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto service	N	N	N	N	N	SZ	SZ	<del>N</del> SZ	7.11(A)
Auto washing	N	N	N	N	N	SZ	SZ	SZ	7.11(A)
Truck body shop	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck leasing	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck repair	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck sales	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck service	N	N	N	N	N	N	SZ	SZ	7.11(C)
Truck washing	N	N	N	N	N	N	Y	Y	7.11(C)
<b>INDUSTRIAL USES</b>									
<b>Manufacturing, Distribution</b>									
Light Manufacturing	N	N	N	N	N	SZ	<del>SZ</del> Y	Y	7.12(A)
Wholesale	N	N	N	N	N	SZ	<del>N</del> Y	<del>SZ</del> Y	7.12(B)
<b>Utility Uses</b>									
Above-ground utilities, non- municipal	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(A)
Above-ground utilities, Municipal	Y	Y	Y	Y	Y	Y	Y	Y	

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(Proposed) Billerica Zoning Bylaw

	<b>VR</b>	<b>NR</b>	<b>RR</b>	<b>MF</b>	<b>NB</b>	<b>GB</b>	<b>C</b>	<b>I</b>	<b>Ref.</b>
Earth migration of less than 500 cubic yards for:	Y	Y	Y	Y	Y	Y	Y	Y	
Earth migration over 500 cubic yards	SZ	SZ	SZ	SZ	SZ	SZ	SZ	SZ	7.13(B)
(SECS) Non-freestanding (=mounted to building)	Y	Y	Y	Y	Y	Y	Y	Y	
(SECS) Freestanding	SP	SP	SP	SP	SP	SP	SP	SP	6.5
Underground utilities	Y	Y	Y	Y	Y	Y	Y	Y	
Wireless communications facility	SP	SP	SP	SP	SP	SP	SP	SP	6.6
<b>Waste Disposal</b>									
Recyclable Materials Transfer Center	N	N	N	N	N	N	N	SA	
Temporary Construction Trailer	N	N	N	Y	Y	Y	Y	Y	
<b>Other Industrial</b>									
Contractor's Yard	N	N	N	N	N	N	SP	SP	7.14(A)
<b>ACCESSORY USES</b>									
<b>Residential Accessory Uses</b>									
Accessory Residential Uses	Y	Y	Y	Y	Y	Y	N	N	
Home Occupation <sup>1</sup>	Y	Y	Y	Y	N	N	N	N	7.15(A)
Accessory Dwelling Unit	Y	Y	Y	Y	Y	Y	N	N	
In-Law Apartment	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(B)
Keeping of Horses: <sup>2</sup>	Y	Y	Y	N	N	N	N	N	
Keeping of Hens	Y	Y	Y	N	N	N	N	N	
Room Rental (5 Or Less)	Y	Y	Y	Y	Y	Y	N	N	
Room Rental (More Than 5)	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(C)
Storage of One Vehicle or Trailer	Y	Y	Y	Y	Y	Y	N	N	
Storage of More than One Vehicle or Trailer	SZ	SZ	SZ	SZ	SZ	SZ	N	N	7.15(D)
<b>Nonresidential Accessory Uses</b>									
Accessory Retail and Automotive Services	N	N	N	N	N	N	<del>N</del> SZ	SZ	7.16(A)
Accessory uses to scientific research or development	N	N	N	N	SZ	SZ	Y	Y	7.16(B)

<sup>1</sup> Except a special permit shall be required for a Home Occupation employing one or more nonresidents of the premises.

<sup>2</sup> Minimum land requirement per horse: <10,000 S.F., no horses; 10,000 – 19,999 S.F., 1 horse; 20,000 – 29,999 S.F., 2 horses; and 30,000 or more S.F., 3 horses.

(Proposed) Billerica Zoning Bylaw

	VR	NR	RR	MF	NB	GB	C	I	Ref.
Accessory service and repair	N	N	N	N	N	N	N	SZ	7.16(C)
For professional office or R&D Buildings over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy not less than 20% of the net square footage can be allowed by right. These can include retail, restaurant, personal services, and other amenity uses.	N	N	N	N	N	Y	Y	Y	
Miscellaneous Accessory Uses									
Auto parking	N	N	N	N	N	SZ	SZ	N	7.17(A)
Garaging or parking of one heavy commercial vehicle	SZ	SZ	SZ	SZ	SZ	Y	Y	Y	7.17(B)
Garaging or parking of one light commercial vehicle	Y	Y	Y	Y	Y	Y	Y	Y	7.17(B)
Garaging or parking of two light commercial vehicles	SZ	SZ	SZ	SZ	Y	Y	Y	Y	7.17(B)
Garaging or parking of two or more heavy commercial vehicles	N	N	N	N	N	SZ	Y	Y	7.17(B)
Truck parking	N	N	N	N	N	<del>N</del> SZ	<del>SZ</del> Y	<del>N</del> Y	7.17(B)