

Section No.	Footnote Reference	Footnote Number	Footnote Comment.	Comment Category	Changes for Final Warrant
1.1	Authority	1	New and necessary language; the current ZBL contains no references to the sources of authority for it	Explanatory	
2.1	Agriculture definition	2	This is the statutory definition of agriculture	Explanatory	
2.1	Elderly	3	Please consider changing this to "Older Adult"	Suggestion: Denied	
2.1	Family	4	This definition of "family" should be discussed as part of the second reading review.	Suggestion to be discussed	
2.1	Home Occupation	5	In a future revision process, the Bylaw definition of home occupation should be updated, as should the associated regulations. Today, home occupation bylaws usually focus on regulating impacts instead of trying to specify which type of occupation is allowed. This helps to simplify the definition of home occupation as well.	note for future	
2.1	In-Law	6	See our notes about this in section 6, Use Regulations	resolved. No changes	
2.1	Permit Granting Authority	7	What does this mean?	language updated	"The Zoning Board of Appeals shall be the authority having jurisdiction that authorizes variances, appeals, and findings for nonconformities. "
4.1	Purpose of Regulations	8	Billerica has an existing paragraph like this at the beginning of every section that has been reorganized under the new Section 4. It is not necessary to state the "purpose of regulations" for each part of Section 4 because the regulations can speak for themselves. We kept the "purpose of regulations" text in for this first draft, but we recommend that you consider removing it.	suggestion approved	
4.7.C	Site Plan Review	9	Site Plan Review in Billerica appears to operate entirely as a special permit process. We raised concerns about this in the Zoning Audit (April 2023). We recommend that you consider overhauling the site plan review process as part of a "Phase 2" zoning revision. Do we need to discuss this?	note for future	
4.7.G.2	Review Criteria: Traffic	10	We removed this sentence that currently exists in your ZBL: "If access is not adequate, the applicant shall apply for approval of a definitive subdivision plan from the Planning Board in accordance with G.L., Ch. 41, §§ 81K - 81GG." The Planning Board has no legal authority to require someone to file a definitive subdivision plan because of access issues under a Site Plan Special Permit application.	explanatory	
5.1.A.1	Use Districts: Residential	11	Please note: the Use Districts are listed in the most restrictive to least restrictive sequence (Village Residence is the most restrictive residential district while Multi-family Residence is the least restrictive residential district, for example). However, the terms Most Restrictive and Least Restrictive do not apply at all to Billerica's Special Districts and they do not apply very well to the Overlay Districts. If the Town agrees with us, we need to modify the language highlighted in 5.2(H) (last page).	suggestion approved	
5.1.C	Overlay Districts	12	Note that for three of the overlays listed in your ZBL, there are adoption dates associated with only three. We suggest removing the dates to make the list consistent.	suggestion approved	
6.2.B	Prohibited Uses	13	Note: group homes for more than six people was removed from this list. Group homes are a protected educational use under G.L. c. 40A, § 3, as well as the Federal Fair Housing Act.	explanatory	
6.4.A	Dimensional Requirements	14	We originally had this in the section of findings for special permit uses. However, it contains a lot more than required findings. We decided to move it to a special regulations section under Section 6. Needs discussion.	suggestion approved.	
6.5.B.6.b	Connectons to power grid	15	I cannot determine what this refers to. In the existing ZBL, B10 is Height, as it is in this draft. Need direction from the Town.	resolved. Citation clarified.	

6.5.C.1.d	Permitting Procedures and Requirements	16	The existing ZBL wording for this section is confusing, but I believe the revised wording here captures the original intent. Please confirm.	resolved; revised wording approved	
7.4.B.2	Assisted Living-Required Findings	17	I inserted "maximum" here, as I doubt very much that Billerica requires all assisted living facilities to be exactly 12 units per acre.	explanatory	
7.5.B.1	Greenhouse non-agricultural - Required Findings	18	How is this determination made in the Commercial and Industrial districts, where the use is permitted by right?	discussed and resolved	
7.5.B.3	Greenhouse non-agricultural - Required Findings	19	Adequate what ... adequate facilities for parking and loading?	discussed and resolved	
7.6.A.3	Dog Kennel - Required Findings	20	This clause seems to be missing words	This topic was discussed a couple of times and it has been resolved	
7.7.D.2	Restaurant - Required Findings	21	Seriously? How is this enforced?	it was a question that involves town policy and I doubt it can be addressed as part of the record	
7.7.D.7	Restaurant - Required Findings	22	I'm not sure why these findings show up only in the Industrial District regulations but I'm trying to stay as close as possible to the existing ZBL, so...		
7.9.C	Swimming Pool (non-accessory) - Required Findings	23	Who makes these determinations in the Commercial and Industrial districts, where non-accessory pools are permitted by right?	discussed and resolved	
7.13.B.1	Industrial Uses: Utilities - Earth Migration	24	Is this already required under the State Building Code? Keep text.	discussed and resolved	
7.15.A	Accessory Uses - Residential	25	Should this be listed in the Table of Uses as an accessory use? Mark agrees. Consensus?	suggestion approved	
7.15.B	In-law Apartment - Required Findings	26	We recommend that the Town discuss with Town Counsel whether to leave this provision as-is or replace it with a conforming ADU bylaw. The new ADU provisions in Chapter 40A go into effect in February 2024. Alternatively, we could help you prepare a compliant ADU bylaw and it could be a separate warrant article.	discussed and resolved	
7.15.B	In-law Apartment - Required Findings	27	Mark raised a question about the findings listed here. We found them in the Village Residential District and I believe they are cross-referenced in other residential zones. Needs discussion	change approved	
7.16.A	Accessory Retail and Automotive Services. Required findings	28	We do not see this in the Town's current Table of Uses. Is this supposed to be "Accessory service and repair," which is in the Table of Uses? We can add it to the Table of Uses. (Mark says yes).	discussed and resolved	
8.3.B	Basic Lot Regulations	29	We are unable to find Section 5.3. In the version of the General Bylaws we have, Article II, Section 5 contains only two subsections, 5.1 and 5.2. Please clarify. Updated per Mark's note on the first draft.	discussed and resolved	
8.4.C	Special Dimensional Requirements	30	In the existing ZBL, the last item in the list of Childcare Center requirements refers to Section 7.D.2: "All nonresidential and nonagricultural uses within residential districts shall meet the yard requirements for the neighborhood business district," which in the Recodification Draft is 7.3C(2). It does not seem necessary to repeat it here because Subsection C(4) above addresses the same point. As a result, we have omitted it.	approved	

9.2.A	Non-Conforming Uses and Structures	31	This is a cleaned-up version of the Town's existing text: "Pre-existing, nonconforming buildings, structures, and uses of land or buildings are defined as ones that existed before the Town adopted zoning or ones where the building or structure was constructed or the use commenced in accordance with a legally issued permit, including those buildings and structures lawfully begun and uses lawfully commenced before the first notice of a public hearing to change this Zoning By-law, and which were constructed and commenced in accordance with the issued permits and the Zoning By-law in effect at the time of constructing the structure or building or commencing the use."	approved	
9.3.B	Alteration, etc to Single or Two Family	32	This is "and" in the existing ZBL. We believe it should be "or."	approved	
9.4.B	Change, etc to non-Single or Two Family	33	The existing text in this section of the ZBL is very difficult to understand. We have tried to revise it to say what we believe the ZBL intends and what this type of provision usually says. If we're wrong, we will correct it.	discussed and revision approved	
10.1.A.1	Off-Street Parking - General	34	What does this mean?	discussed and resolved	
10.2.G	Signs Permitted in Each Zoning District	35	The existing ZBL has the information shown in Section G and then repeats that information in a summary table. We have not included the table in this draft because duplication is never a good idea. It increases the risk of error as a bylaw is modified over time. If you prefer the table, we can remove the text above and replace it with the table.	discussed and revision approved	
11.3.E.2	Residential Cluster - Open Space	36	Who is the SPGA for residential cluster development? The Planning Board? It appears the answer is yes. If so, can we just replace SPGA with the Planning Board and make it easier for the reader to understand?	discussed and resolved	
11.4.C.6	Townhouse Overlay District	37	Is approval by Select Board or Sewer Commission? What is the Sewer Extension Commission?	discussed and resolved	
11.4.D.4	Density Incentive	38	But it seems that all Townhouse developmetns must include affordable housing. See Part D	discussed and resolved	
11.5.E	Elderly Housing District - Deed Restrictions	39	The Attorney General may disapprove this requirement.		
11.7.H.2	Mill Conversion District	40	We do not know what this refers to (Section 5.F.7 in old Bylaws)	discussed and resolved	
11.10.J.2.c	Mixed Use District Application	41	We removed SPGA here and replaced it with Planning Board as an aid to readers.	discussed and resolved	
11.10.J.2.d	Mixed Use District Application	42	Submission requirments should be in Planning Board regulations.	discussed and resolved	