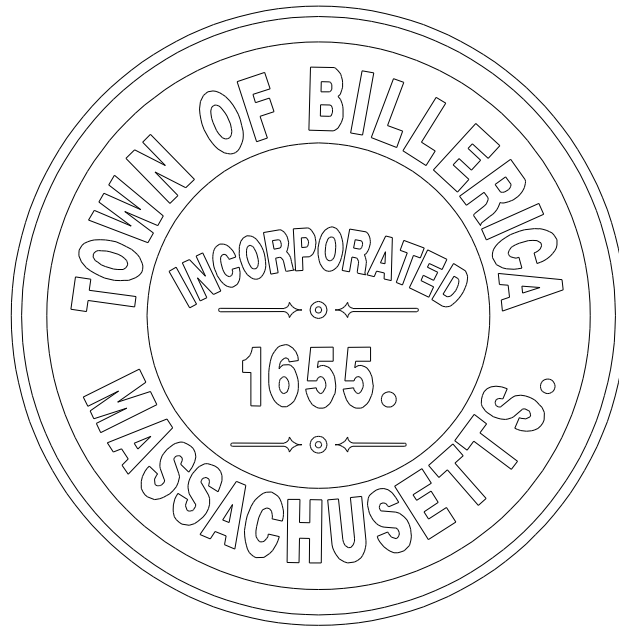


**TOWN OF BILLERICA**  
**FINAL WARRANT**



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

**Annual Fall Town Meeting**  
**Tuesday, October 4, 2016 at 7:30 PM**  
**At**  
**Billerica Town Hall Auditorium**

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

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

*Financial Articles*

3	To Fund Collective Bargaining Agreement for IUPE Clerical Unit		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
4	To Fund Collective Bargaining Agreement for IAFF Civilian Fire Alarm Operators		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
5	To Fund Collective Bargaining Agreement for IAEP Police EMT's & Paramedics		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
6	To Fund Collective Bargaining Agreement for NEPBA Police Civilian Dispatchers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
7	To Fund Collective Bargaining Agreement for BMEA DPW Workers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
8	To Fund Collective Bargaining Agreement for SEIU Local 888 Administrative Unit		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
9	To Fund Collective Bargaining Agreement for IAFF Firefighters		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
10	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (A) Patrolmen		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
11	To Fund Collective Bargaining Agreement for NEPBA Police Officers – Group (B) Superior Officers		Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
12	Fiscal Year 2017 Budget Amendment	\$947,300	Raise & Appropriate	Town Manager; authorized by BOS	Reserves Recommendation
13	To Vote from Free Cash to the Debt Stabilization Fund	\$6,000,000	Raise & Appropriate / Available Funds	Finance Committee	Reserves Recommendation
14	To Fund Fiscal Year 2017 Town Capital Budget	\$1,048,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
15	To Fund Fiscal Year 2017 School Capital Budget	\$500,000	Raise & Appropriate / Available Funds	School Committee	Recommends
16	To Fund the Purchase of a New Ambulance and Construction Costs to Perform Expansion and Renovation to the EMS Vehicle Storage Garage	\$425,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Recommends

<b>Article Number</b>	<b>Purpose</b>	<b>Value</b>	<b>Funding Source</b>	<b>Submitted by:</b>	<b>Finance Committee Recommendation</b>
17	To Fund Fire Station Feasibility Study	\$100,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
18	To Fund the Replacement of the Town Vehicles Fuel Facility	\$1,500,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
19	To Fund Design and Permitting Costs for the Yankee Doodle Bike Path	\$450,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
20	To Fund Aquatic Treatment of Nutting Lake	\$35,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Recommends
21	To Fund PanAm Right of Way Taking to Access Alumni Field	This Article has been Withdrawn			
22	To Fund the Rehabilitation of the Water Mains Program	\$500,000	Raise & Appropriate / Available Funds	Town Manager; authorized by BOS	Reserves Recommendation
23	To Fund the Inflow Infiltration Removal Phase III	This Article has been Withdrawn			
24	To Fund the Lease/Purchase of DPW Capital Equipment	This Article has been Withdrawn			
25	To Fund the Roof Replacement and Repairs for Town Buildings	\$2,000,000	Raise & Appropriate / Available Funds / Borrowing	Town Manager; authorized by BOS	Reserves Recommendation
26	To Fund Phase III WWTP Improvement Design	This Article has been Withdrawn			
27	To Fund the Fox Hill Cemetery Expansion Project	This Article has been Withdrawn			
28	To Fund Certain Items on the Town Recreation Capital Plan	This Article has been Withdrawn			
29	To Vote from Free Cash to the Stabilization Fund	\$6,000,000	Raise & Appropriate / Available Funds	Finance Committee	Reserves Recommendation
30	To Vote From Free Cash to the Land Bank Account	\$6,000,000	Raise & Appropriate / Available Funds	Finance Committee	Reserves Recommendation
31	To Vote from Free Cash a Sum of Money to be Applied or Expended for the Purpose of Reducing the Fiscal Year 2017 Tax Levy		Raise & Appropriate / Available Funds	Finance Committee	Reserves Recommendation
32	To Vote from Free Cash a Sum of Money to Fund the Snow and Sand Deficit	\$1,000,000	Raise & Appropriate / Available Funds	Finance Committee	Reserves Recommendation

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

33	To Accept the Provisions of M.G.L. Chapter 126 of the Acts of 1988 and Chapter 73 of the Acts of 1986			Board of Assessors & Town Manager; authorized by BOS	Recommends
34	To Accept M.G.L. Chapter 40U Relative to Procedures for Collecting Fines and Fees	This Article has been Withdrawn			
35	To Accept M.G.L. Chapter 90, Sections 17C and 18B, Inserted by Sections 193 and 194 of the Municipal Modernization Act, Chapter 218 of the Acts of 2016			Town Manager; authorized by BOS	Recommends

*Land Articles*

36	To Authorize the Board of Selectmen to Accept as Public Ways			Town Manager; authorized by BOS	Does Not Recommend
37	To Transfer Custody and Control of Certain Town Owned Parcels on Republic Road			Town Manager; authorized by BOS	Recommends

*Miscellaneous*

38	To Approve Amendments to the Town Charter as Recommended by the Charter Review Committee			Charter Review Committee	Recommends
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*By-Law Change Articles*

39	Water Conservation By-Law Modification			Town Manager; authorized by BOS	Recommends
40	Proposed Zoning By-Law Changes Regarding Parking Requirements for Industrial Users			Planning Board	Recommends
41	Proposed Zoning By-Law Changes Regarding Contractor's Yard			Planning Board	Recommends
42	Proposed Zoning By-Law Changes to Add PUD Overlay Language			Planning Board	Recommends
43	Proposed Zoning Map Changes to Add PUD Overlay Districts			Planning Board	Recommends
44	Proposed Zoning Map Changes to Add PUD Overlay Districts			Planning Board	Recommends
45	Proposed Zoning Map Changes to Add PUD Overlay Districts			Planning Board	Recommends
46	Proposed Zoning By-Law and Zoning Map Change			Planning Board	Recommends
47	To Amend General By-Law Article VII.2. Regulation of Dogs			Town Manager; authorized by BOS	Reserves Recommendation

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

48	Petitioner Article			Petitioner	Reserves Recommendation
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**FINAL WARRANT  
OCTOBER 4, 2016  
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 4, 2016 at 7:30 PM and subsequent Thursdays and Tuesdays until all of the business in the Warrant shall have been acted upon, then and there to vote on the following articles:

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

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

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

*Finance Committee recommends approval.*

Article 1 Explanation: The Bowers Fund was established in the late 1800's when the Bower sisters left their entire estate to the Town of Billerica, approximately \$11,000, with the express intent of assisting the poor of Billerica. The current expendable balance in the fund is \$ 10,242 and the principal balance is \$ 132,054. Town Meeting appoints members to the Bowers Fund. Committee member Jeanne LeGallo's term is expiring and she is requesting that she be reappointed.

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

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

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

*Finance Committee recommends approval.*

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

**ARTICLE 3 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IUPE CLERICAL UNIT**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and IUPE Clerical Unit (Independent Union of Public Employees), which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 3 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

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

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and IAFF Civilian Fire Alarm Operators (International Association of Firefighters), which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

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

**ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAEP POLICE EMT'S & PARAMEDICS**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and IAEP Police EMT's & Paramedics (International Association of EMT's & Paramedics), which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

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

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**ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE CIVILIAN DISPATCHERS**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and NEPBA Police Civilian Dispatchers (New England Police Benevolent Association, Inc.), which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

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



**ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - BMEA DPW WORKERS**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and BMEA DPW Workers (Billerica Municipal Employees Association), which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

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

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**ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SEIU LOCAL 888 ADMINISTRATIVE UNIT**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and SEIU Local 888 Administrative Unit (Service Employees International Union), which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

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

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

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters), which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

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

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**ARTICLE 10 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (A) PATROLMEN**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and the NEPBA (New England Police Benevolent Association, Inc.) Group (A) Patrolmen, which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 10 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 11 - TO FUND COLLECTIVE BARGAINING AGREEMENT - NEPBA POLICE OFFICERS - GROUP (B) SUPERIOR OFFICERS**

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items of the first fiscal year of a Collective Bargaining Agreement between the Town and NEPBA (New England Police Benevolent Association, Inc.) Group (B) Superior Officers, which has a term of July 1, 2016 through June 30, 2019; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 11 Explanation: At the time of printing, there was no Collective Bargaining Agreement.

**ARTICLE 12 – FISCAL YEAR 2017 BUDGET AMENDMENT**

To see if the Town will vote to raise and appropriate the sum of \$212,300 to amend the Fiscal Year 2017 Town and School Operating Budget as listed below; or act in relation thereto.

	<b>Original</b>		<b>Final Amended</b>
	<b>Appropriation</b>	<b>Amendment</b>	<b>Appropriation</b>
General Government	\$ 4,785,702	\$ 37,300	\$ 4,823,002
Public Safety	18,319,190	25,000	18,344,190
Public Works	7,502,847		7,502,847
Public Schools	59,643,860		59,643,860
Shawsheen	10,122,691		10,122,691
Library and Recreation	1,924,980		1,924,980
Human Services	1,025,810		1,025,810
Shared Costs	31,614,184	885,000	32,499,184
<b>Total Budget</b>	<b>\$ 134,939,264</b>	<b>\$ 947,300</b>	<b>\$ 135,886,564</b>

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

*Finance Committee has not yet made final recommendation.*

Article 12 Explanation: The Police Training budget is being increased to provide training to our officers to equip them for the ever changing dynamics of police enforcement. The Town Manager’s budget is being amended to pay for a retirement in this office and to fund the Town Manager’s Contract. Worker’s Compensation is being adjusted to reflect actual claims history. An appropriation to Debt Stabilization is being made to fulfill our debt policy.

91070-7020	Workers' Compensation	\$ 150,000
210-5400	Police Supplies and Expenses	25,000
123-5110	Town Manager Personel	17,300
123-5190	Town Manager Contractual Obligations	20,000
91700-5966	Debt Stabilization Appropriation	735,000
		<b>\$ 947,300</b>

**ARTICLE 13 – 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 Wastewater Enterprise 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 13 Explanation: The Town, through its' Board of Selectmen, has established a Debt Stabilization Policy that maintains the same level of appropriation from the tax levy year to year - \$9.066 million. This is accomplished in the following two ways:

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

The balance in the Debt Stabilization Account is used to minimize the tax levy impact that would otherwise be realized with addition of sewer debt and school capital debt. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash and Enterprise Water and Sewer Retained Earnings Funds as of July 1, 2016.

**ARTICLE 14 – TO FUND FISCAL YEAR 2017 TOWN CAPITAL BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,048,000 to fund the Fiscal Year 2017 Town Capital Budget; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 14 Explanation: These funds will be used to fund items off the Town Capital Plan as seen in the back of the Town Meeting book. In addition, the infiltration/inflow (I/I) removal is mandated as a condition of the NPDES permit for the Town of Billerica as agreed to with the DEP. The NPDES permit allows the Town to withdraw water from the Concord River. Infiltration/inflow (I/I) is the water that gets into the Wastewater Collection System that should not be there. There is a balance of \$140,471 as of September 1<sup>st</sup> in the Infiltration and Inflow Fund. The items on the list below are the most likely to be funded:

**Town Capital - Article 14**

	Source				
	Free Cash	I/I Funds	Water Enterprise Retained Earnings	Plant Expansion Fund	Total Transfer
Recreation Roof	25,000				
Reconstruct Locke Courts	25,000				
PHR Softball Backstops and Cameras	29,000				
Dutile Field Repair	15,000				
F550 to replace S-7	\$60,000				
F150 to replace S-9	\$35,000				
1.5 Ton Dump Truck to replace H-9	\$62,000				
Vactor Truck to Replace 1999 Model				375,000	
F250 to replace W-4			\$38,000		
F250 to replace W-10			\$38,000		
F250 to replace W-12			\$38,000		
5 Ton dump truck/with sander & plow, replacement for W-20			168,000		
Infiltration/Inflow Removal		140,000			
	<b>\$ 251,000</b>	<b>\$ 140,000</b>	<b>\$ 282,000</b>	<b>\$ 375,000</b>	<b>\$ 1,048,000</b>

At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash and Enterprise Water and Sewer Retained Earnings Funds as of July 1, 2016.

**ARTICLE 15 – TO FUND FISCAL YEAR 2017 SCHOOL CAPITAL BUDGET**

To see if the Town will vote to transfer and appropriate from free cash the sum of \$500,000 to fund the Fiscal Year 2017 School Capital Budget; or act in relation thereto.

Submitted by the School Committee

*Finance Committee recommends approval.*

Article 15 Explanation: This article seeks to use \$500,000 from Free Cash to fund Capital projects for the Billerica Public Schools. In particular, this article is designed to address the following projects:

Bridge, sidewalk and handrail replacement – Ditson	\$250,000
Sidewalk replacement – Marshall	\$28,200
Window panel and door repair, painting – Locke	\$21,000
Asbestos abatement and hallway tile replacement – Marshall	\$130,500
Parking lot paving – Hajjar	\$51,300
Infield groomer with attachments – Grounds	\$19,000

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**ARTICLE 16 – TO FUND THE PURCHASE OF A NEW AMBULANCE AND CONSTRUCTION COSTS TO PERFORM EXPANSION AND RENOVATION TO THE EMS VEHICLE STORAGE GARAGE**

To see if the Town will vote to transfer and appropriate from free cash the sum of \$425,000 to purchase a new ambulance and related equipment, and construction costs to perform expansion and renovation to the EMS vehicle storage garage; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 16 Explanation: The Town currently owns 3 ambulances; a 2014 Chevy with \$66,310 miles, a 2012 Chevy with 97,248 miles and a 2009 Ford with 121,060 miles. Every three years, the Town updates the fleet maintain a reliable fleet of ambulances. The EMS garage needs to be retrofitted to accommodate the specifications of the new ambulance the Town will purchase. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.

**ARTICLE 17 – TO FUND FIRE STATION FEASIBILITY STUDY**

To see if the Town will vote to transfer and appropriate from free cash the sum of \$100,000 to conduct an assessment of all fire stations in Town to determine if the Town is responding to calls in the most efficient and timely manner possible given the current locations of the Town fire stations and to make capital and facility needs recommendations. This study will establish what changes could or should be made to improve responses Town wide, including but not be limited to where the call volume demand is in relation to the existing stations and a capital improvements schedule for existing stations; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 17 Explanation: The Town needs to assess the response times based on the locations of the existing facilities to determine if the current facilities are providing the most efficient response time possible. It will also include a capital and facility needs assessment and a schedule. This study was primarily precipitated by the Pinehurst Station. It no longer meets the facility needs of the Town. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.

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**ARTICLE 18 – TO FUND THE REPLACEMENT OF THE TOWN VEHICLES FUEL FACILITY**

To see if the Town will vote to transfer and appropriate from free cash the sum of \$1,500,000 for the replacement of the Town Vehicles Fuel Facility and removal of the old facility; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 18 Explanation: The Town is subject to a Department of Environmental Protection Mandate to remove all underground fuel storage facilities by August of 2017. This appropriation will fulfill that mandate. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.



**ARTICLE 19 – TO FUND DESIGN AND PERMITTING COSTS FOR THE YANKEE DOODLE BIKE PATH**

To see if the Town will vote to transfer and appropriate from free cash the sum of \$450,000 to complete supplemental surveys, preliminary structural design, pay for permitting costs and the 75% design of the Yankee Doodle Bike Path ; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 19 Explanation: This is the next phase of the Yankee Doodle Bike Path Project. The Town is financially responsible for all design costs. This article seeks to bring the Town up to 75% design and complete additional survey and permitting work. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.

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**ARTICLE 20 – TO FUND AQUATIC TREATMENT OF NUTTING LAKE**

To see if the Town will to transfer and appropriate from free cash the sum of \$35,000 to conduct aquatic treatment of Nutting Lake; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 20 Explanation: This program will focus on treatment of nuisance algae as well as optional nutrient inactivation treatment in the East Basin and herbicide treatment of the West Basin of Nuttings Lake. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.

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**ARTICLE 21 – WITHDRAWN**

**ARTICLE 22 – TO FUND THE REHABILITATION OF THE WATER MAINS PROGRAM**

To see if the Town will vote to transfer and appropriate from the Water Enterprise Retained Earnings the sum of \$500,000 for the replacement of water mains in accordance with the new Water Master Plan 2016; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 22 Explanation:

The projects listed below are the projects the DPW will choose from for this warrant article:

<u>Location</u>	<u>Size</u>	<u>Length</u>	<u>Est. \$LF</u>	<u>Total</u>
William Rd.	8"	1,997 LF	\$262.80	\$524,811.60
Montbatten	8"	2,070 LF	\$262.80	\$543,996.00
Liberty Drive	8"	1,800 LF	\$262.80	\$473,040.00
Walton St.	10"	1,230 LF	\$286.80	\$352,764.00
Savoy St.	8"	1,715 LF	\$262.80	\$450,702.00
Rexham St.	8"	1,194 LF	\$262.80	\$313,783.20
Pelham St.	8"	1,230 LF	\$262.80	\$323,244.00
Veteran’s Cr.	6"	303 LF	\$238.80	\$ 72,356.40
Ossamequin	8"	1,018 LF	\$262.80	\$267,530.40
Handle Rd.	8"	2,453 LF	\$262.80	\$644,648.40
Beaver Pl.	8"	594 LF	\$262.80	\$156,103.20

At the time the warrant was printed, the Department of Revenue had not yet certified Enterprise Water Retained Earnings Funds as of July 1, 2016.

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**ARTICLE 23 - WITHDRAWN**

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**ARTICLE 24 - WITHDRAWN**

**ARTICLE 25 - TO FUND THE ROOF REPLACEMENT AND REPAIRS FOR TOWN BUILDINGS**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$2,000,000 for the roof replacement and repair program at all Town buildings including, but not limited to, the Town Hall, Police and Fire Buildings, the Highway, Recreation, Library and Howe Buildings; or act in relation thereto.

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

*Finance Committee has not yet made final recommendation.*

Article 25 Explanation: The Town is looking to replace the roof on the Town Hall, Police and Fire buildings. The Town also seeks to repair or replace the roofs on the Library, the Howe Building and the Recreation/DPW Building. The Town intends to borrow this money. This article will require a 2/3<sup>rd</sup>s vote.

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**ARTICLE 26 - WITHDRAWN**

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**ARTICLE 27 - WITHDRAWN**

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**ARTICLE 28 – WITHDRAWN**

**ARTICLE 29 – 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 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 29 Explanation: The purpose of this fund is to set money aside to be used at a later time for unforeseen or unanticipated circumstances. The current balance of the Town Stabilization Fund is \$4,427,587 for the Town and \$688,281 for the School Department. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.

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**ARTICLE 30 – 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 Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 30 Explanation: The Land Bank account was established by special legislation. The text of that legislation can be found in Appendix C. The balance as of September 1<sup>st</sup> of the Town Land Fund is \$509,564.

**ARTICLE 31 – TO VOTE FROM FREE CASH A SUM OF MONEY TO BE APPLIED OR EXPENDED FOR THE PURPOSE OF REDUCING THE FISCAL YEAR 2017 TAX LEVY**

To see if the Town will vote to transfer from General Fund Free Cash a sum of money to be applied or expended for the purpose of reducing the Fiscal Year 2017 Tax Levy; or act in relation thereto.

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 31 Explanation: To be presented at Town Meeting. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.

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**ARTICLE 32 – TO VOTE FROM FREE CASH A SUM OF MONEY TO FUND THE SNOW AND SAND DEFICIT**

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

Submitted by the Finance Committee

*Finance Committee has not yet made final recommendation.*

Article 32 Explanation: To be presented at Town Meeting. At the time the warrant was printed, the Department of Revenue had not yet certified Free Cash as of July 1, 2016.

**ARTICLE 33 – TO ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 126 OF THE ACTS OF 1988 AND CHAPTER 73 OF THE ACTS OF 1986**

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

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

*Finance Committee recommends approval.*

Article 33 Explanation: The Town has historically adopted this local option law to allow the Board of Assessors to offer an additional 60% increase onto existing property tax exemption amounts for Disabled Veterans, the Blind and financially qualified Elderly and Widowed property owners.

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**ARTICLE 34 – WITHDRAWN**

**ARTICLE 35 - TO ACCEPT MASSACHUSETTS GENERAL LAW CHAPTER 90, SECTIONS 17C AND 18B, INSERTED BY SECTIONS 193 AND 194 OF THE SO-CALLED MUNICIPAL MODERNIZATION ACT, CHAPTER 218 OF THE ACTS OF 2016**

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 90, Sections 17C and 18B, inserted by Sections 193 and 194 of the so-called Municipal Modernization Act, Chapter 218 of the Acts of 2016 authorizing the Town to establish 25 mph zones in any thickly settled or business district and 20 mph so-called “safety zones”, and the provisions of General Law Chapter 90, Section 18A relative to establishment of rules and regulations as to use of public ways by pedestrians, with such acceptance to be effective November 7, 2016; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 35 Explanation: This article is a local acceptance of a 2016 law allowing the Town to regain local control over speed limits on thickly settled Town owned roads. This new law will give the Board of Selectmen new authority to modify thickly settled speed limits from the current 30 MPH to 25 MPH or 20 MPH respectively. Previously this was a cumbersome and costly procedure for the Town.

**ARTICLE 36 – TO AUTHORIZE THE TOWN TO ACCEPT AS PUBLIC WAYS CERTAIN STREETS AND WAYS**

To see if the Town will vote pursuant to M.G.L. c. 82, §21-24 to accept as public ways of the Town of Billerica those streets and ways listed below, the layout of which is shown on the official Town of Billerica Map of 1831, a copy of which is on file in the Office of the Town Clerk, and further to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, such interests in land as may be necessary to provide for the use and maintenance of said ways for all purposes for which public ways are used in the Town of Billerica; or act in relation thereto:

1831 List of Roads

<b>Current Street Name</b>	<b>From</b>	<b>To</b>
Alexander Road	Cook Street	Wilmington Town Line
Allen Road	Boston Road	Andover Road
Allen Road Extension	Allen Road	Andover Road
Andover Road	Boston Road	Tewksbury Town Line
Baldwin Road	Allen Road	Salem Road
Bridge Street	Treble Cove Road	Boston Road
Charnstaffe Lane	Concord Road	Boston Road
Chelmsford Road	Chelmsford Town Line	Boston Road
Colson Street	Treble Cove Road	Lowell Street
Concord Road	Bedford Town Line	Boston Road
Cook Street	Boston Road	Wilmington Town Line
Cummings Street	Concord Road	Boston Road
Dudley Road	Concord Road	Bedford Town Line
Faulkner Street	Mt. Pleasant Street	Old Elm Road
Floyd Street	Boston Road	Salem Road
Gray Street	Andover Road	Tewksbury Town Line



High Street	Pollard Street	Tewksbury Town Line
Lexington Road	Bedford Town Line	Boston Road
Middlesex Turnpike	Bedford Town Line	Concord Road
Mt. Pleasant Street	Faulkner Street	High Street
Nashua Road	Chelmsford Town Line	Bedford Town Line
Oak Street	Sheldon Street	Pond Street
Old Elm Road	Faulkner Street	Colson Street
Old Middlesex Turnpike	Concord River	Dead End passing River Street Extension
Patten Road	Gray Street	Tewksbury Town Line
Pollard Street	Boston Road	950' passing High Street
Pond Street	Andover Road	Tewksbury Town Line
Rangeway Road	Carlisle Town Line	Boston Road
River Street	Boston Road	River Street Extension
River Street	Rosewood Avenue	Treble Cove Road
River Street Extension	River Street	Dead End
Rogers Street	High Street	Mt. Pleasant Street
Salem Road	Dead End	Wilmington Town Line
School House Lane	Lexington Road	Wyman Road
Sheldon Street	High Street	Tewksbury Town Line
Sprague Street	Treble Cove Road	Boston Road
Springs Road	Concord Road	Bedford Town Line

Sullivan Road	Dead End	1,250' passing Rangeway Road Northward
Treble Cove Road	Carlisle Town Line	Pollard Street
Tufts Lane	Boston Road	Dead End
Webb Brook Road	Boston Road	Allen Road
West Street	Chelmsford Town Line	Treble Cove Road
Whipple Road	George Brown Street	Wilmington Town Line
Wyman Road	Dead End where pavement ends	Boston Road

The following roads shown on the 1831 map have already been accepted:

Current Street Name	From	To	
Bicknell Road	Cook Street	Burlington Town Line	Accepted 10/01/1996
George Brown Street	Whipple Road	Salem Road	Accepted 04/05/1975
Manning Road	Lexington Road	Dead End	Accepted 03/15/1886
Orchard Road	Bedford Town Line	Bridge Over Route 3	Accepted 03/15/1886

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

***Finance Committee does not recommend.***

Article 36 Explanation: The roads listed in this article are already recognized by the State as accepted ways as evidenced by an 1846 map that shows these ways as ANRs (Approval Not Required). However, the Town does not recognize these ways as accepted ways with the exception of the four streets called out in this article. Since these ways are not recorded with the Town Clerk as accepted ways, the Town cannot expend funds to maintain them. This article seeks to accept these ways to allow the Town to maintain roads that are widely known as public ways. It is not practical to go through the normal process laid out in the By-Law as the process is intended for the acceptance of new subdivisions. The streets in this article have been traveled ways in the Town for 186 years.

**ARTICLE 37 - TO TRANSFER CUSTODY AND CONTROL OF CERTAIN TOWN OWNED PARCELS ON REPUBLIC ROAD**

To see if the Town will vote to transfer the custody and control of all or a portion of the following Town owned parcels located on Republic Road (Map 48, Parcel 48-0, Book 7832, Page 144 and Map 48, Parcel 49-0, Book 7407, Page 149) as depicted on a plan entitled “Subdivision Plan of Land in Billerica Massachusetts” prepared by VHB, Inc. dated September 10, 2016 from the Treasurer/Collector as tax title custodian, to the Conservation Commission, for Conservation purposes pursuant to M.G.L. Chapter 40, Section 8C; or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 37 Explanation: This article seeks to transfer Town land to the Conservation Commission to fulfill mitigation requirements of the Department of Environmental Protection as part of Phase III of the Middlesex Turnpike Project. Restricting these parcels will protect the adjacent Blue Heron Rookery.

**ARTICLE 38 – TO APPROVE AMENDMENTS TO THE TOWN CHARTER AS RECOMMENDED BY THE CHARTER REVIEW COMMITTEE**

To see if the Town will vote, pursuant to the provisions of M.G.L. Chapter 43B, Subsection 10(a), to approve the amendments to the Town Charter as recommended by the Charter Review Committee as shown in a document entitled “Billerica Charter – 2016 Proposed Amendments”, as on file in the Office of the Town Clerk and posted on the Town’s website at <http://www.town.billerica.ma.us> with proposed deletions shown by strike-through text and proposed insertions shown in bold underlined text; or act in relation thereto.

Submitted by the Charter Review Committee

*Finance Committee recommends approval.*

Article 38 Explanation: The Charter Review Committee is recommending changes to the Town Charter in accordance with Sections 7-9 of the Billerica Charter. At least once in every ten years the Town Charter must be reviewed by a Special Committee appointed by the Town Moderator and such committee shall make recommendations to Town Meeting.

**ARTICLE 39 - WATER CONSERVATION BY-LAW MODIFICATION**

To see if the Town will vote to modify Town of Billerica By-Law Article VIII Section 6 by inserting in said By-Law the bold, underlined italic text:

6. WATER CONSERVATION  
Definitions

**Water User:** All public and private users connected to the Town's water supply, irrespective of any user's responsibility for billing purposes for water used on any particular site. Included within this definition are water users whose properties are located, or whose use of water will take place in Billerica.

**RGPCD:** Residential Gallons per Capita Day. The Water Management Act sets 65 RGPCD or less as the performance standard for residential water use per person per day.

**Drought Triggered Restrictions:** Are incorporated into seasonal limits on outdoor water use when a drought has been declared by the Massachusetts Drought Management Task Force. Drought-based water restrictions may be implemented before a Drought Advisory because drought conditions can begin to impact local water supply prior to a regional advisory being declared.

**Nonessential Outdoor Water Uses that are Subject to Mandatory Restrictions:**

- Irrigation of lawns via sprinklers or automatic in-ground irrigation systems.
- Washing of vehicles, except in a commercial car wash or as necessary for operator safety.
- Washing of exterior building surfaces, parking lots, driveway or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.
- Exceptions to non-essential outdoor water uses are listed in section 6.8 **Exemptions** of this By-Law.

**Outdoor water uses that may be allowed when mandatory restrictions are in place:**

- Use for health or safety reasons
- By regulation
- For the production of food and fiber
- For the maintenance of livestock: or

- To meet the core function of a business (Golf courses, plant nurseries, etc.)
- *Irrigation to establish a new lawn and new plantings during the months of May to September. (A permit must be obtained from the DPW for this use.) No watering outside from 9:00 AM until 5:00 PM.*
- *Irrigation of lawns, gardens, flowers and ornamental plants by means of a HAND-HELD hose. No watering outside from 9:00 AM until 5:00 PM.*
- *Irrigation of public parks and recreational fields by means of automatic sprinklers outside the hours of 9 am to 5 pm.*

Or act in relation thereto.

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

*Finance Committee recommends approval.*

Article 39 Explanation: The purpose of this article is to modify the bylaw to reflect the terms of Water Withdrawal Permit with the Department of Environmental Protection.

**ARTICLE 40 – PROPOSED ZONING BY-LAW CHANGES REGARDING PARKING REQUIREMENTS FOR INDUSTRIAL USERS**

To see if the Town will vote to amend Section 8.C.3 of the Zoning By-Laws to change the parking requirements for industrial uses as follows; or act in relation thereto:

CURRENT (All Industrial Uses)

One (1) space per each two (2) employees of the maximum working shift, plus one (1) space per each six hundred (600) square feet of floor area

PROPOSED

One (1) space per each two (2) employees of the maximum working shift, plus one (1) space per each eight hundred (800) square feet of floor area

Submitted by the Planning Board

***Finance Committee recommends approval.***

Article 40 Explanation: The current industrial parking requirement for industrial uses can sometimes be a limiting factor for new construction and redevelopment of existing structures since it requires more paving than may be required for the employee numbers. Additionally, less paving in the industrial parks will have environmental, open space, and storm water benefits since there will be less impervious surfaces and the opportunity to increase landscaping. Therefore, Billerica is aligning with its competitors and better environmental standards by adjusting the parking requirements.

**ARTICLE 41 – PROPOSED ZONING BY-LAW CHANGES REGARDING CONTRACTOR’S YARD**

To see if the Town will vote to amend the Zoning By-Laws to change “Contractor’s Yard” from a *By Right* use to a use *By Special Permit* by the Planning Board within the following sections and in the Zoning Use table in Section 5.F; or act in relation thereto.

SECTION 5-C-7-c  
and  
SECTION 5-C-8-c

Submitted by the Planning Board

***Finance Committee recommends approval.***

Article 41 Explanation: Billerica has made the decision to promote a variety of higher and better uses within its industrial parks, and while many of these businesses come to the community for Special Permits, Contractor’s Yards are allowed By Right in the industrial and commercial districts. This zoning article change is aimed to allow public input through a permitting authority into whether or not the use fits the neighborhood.



**ARTICLE 42 – PROPOSED ZONING BY-LAW CHANGES TO ADD REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS**

To see if the Town will vote to amend the Zoning B-Laws to allow for Planned Unit Developments (PUD) by special permit in newly-established overlay districts to promote a higher and better mix of uses while allowing flexibility to focus development in areas beneficial to the community. A PUD will encourage construction in designated Districts within the Town. Planned Unit Developments are intended to:

- a) Permit a mix of land uses, densities and building types in one development.
- b) Facilitate high quality, integrated planning of large-scale developments beneficial to the Town and constructed in a manner which is highly responsive to specific sites and their surroundings.
- c) Require more rigorous development standards than those found in other zoning districts.

The Planned Unit Development District By-Law shall read as follows:

**TABLE OF CONTENTS**

**SECTION 5. REGULATION OF USES, BUILDINGS, AND STRUCTURES**

**E. USES, BUILDINGS, AND STRUCTURES PERMITTED IN THE OVERLAY ZONING DISTRICTS**

**9. *PLANNED UNIT DEVELOPMENT DISTRICT***

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**5.E.9 PLANNED UNIT DEVELOPMENT DISTRICT**

**1. Statement of Purpose and Authority**

The purpose of this Section is to encourage the construction of Planned Unit Developments (PUDs) in designated Districts within the Town. Planned Unit Developments shall:

- a. Permit a mix of land uses, densities and building types in one development.

- b. Facilitate high quality, integrated planning of large-scale developments beneficial to the Town and constructed in a manner which is highly responsive to specific sites and their surroundings.
- c. Require more rigorous development standards than those found in other zoning districts.

## 2. Definitions:

- a. **FLOOR AREA RATIO (OR "FAR"):** In a PUD, the ratio of total gross building floor area in a PUD to the area of the development parcel. Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility space on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or non-habitable areas enclosed by ornamental roofs. Structured parking shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in MGL, Chapter 131, Section 40, as amended, may not exceed 10% of the development parcel area used to compute FAR.
- b. **INDEPENDENT/CONGREGATE LIVING COMMUNITY (OR "ICLC"):** a facility providing housing accommodations and personal services to residents aged fifty-five (55) or older, which may include health care services, at one location. ICLCs offer an environment and services necessary for residents to age in place. These facilities generally provide or make available some combination of the following: 1) independent living units; 2) emergency assistance; 3) twenty-four (24) hour staffing; 4) meals, usually in a designated or community dining area or restaurant; 5) laundry services; 6) recreational and social activities supporting the mental and physical well-being of residents; 7) transportation services; and 8) various accessory products and services which may be appropriately offered to residents of the facility.

## 3. Overlay Districts

Planned Unit Development Districts shall take the form of overlay districts covering all or part of Industrial and General and Neighborhood Business Districts and designated portions of Residential Districts on the Billerica Zoning Map. For any land within a PUD District, a Developer may choose to conform either to the zoning regulations which govern the underlying district or to the PUD overlay regulations and procedures set forth by this Section, whose specific provisions shall supersede all other provisions in the Zoning Bylaw with respect to the underlying district including, without limitation, use, intensity, dimensions, parking and site plan review; however, the provisions of any other overlay district shall continue to apply.

Planned Unit Development Districts are overlaid on three zoning districts: Industrial, Business and Residential Zones. Section 5 controls development in this overlay utilizing the following terms: PUD-G for Planned Unit Development General District – for PUD’s overlaid in the industrial and general and neighborhood business zones, PUD-R for Planned Unit Development District-Residential overlaid in industrial and residential zones. Any reference noted herein to “PUD” generally denotes the requirements and controls are for developments for PUD’s in Business, Residential and Industrial zones.

**4. Special Permit for Planned Unit Development**

The Planning Board, as the Special Permit Granting Authority, shall have authority to grant a Special Permit to construct a Planned Unit Development (“PUD”) by a vote of at least five members of the seven member Planning Board. The Board shall evaluate proposed PUD projects and require all such projects to conform to the Planned Unit Development requirements, standards and guidelines set forth as to a PUD –G in the Industrial and General and Neighborhood Business Districts and as set forth as to a PUD -R to ensure that the benefits to the Town of a proposed project outweigh any adverse impacts before granting a Special Permit. The Planning Board shall adopt and from time to time may amend regulations for the review of PUD Developments as provided in Massachusetts General Law, Chapter 40A, Section 9. The Board shall interpret all provisions of this PUD Bylaw and all definitions and regulations pertinent thereto and shall provide such interpretations upon request by an applicant for a Special Permit to construct a PUD.

**5. Overview of Special Permit Process**

A Developer choosing to construct a Planned Unit Development in a PUD District shall apply for a Special Permit with the Planning Board. The Special Permit process shall include:

- a. Pre-Application Conference (Optional)
- b. Preliminary PUD Plan Review
- c. Final PUD Plan Review

**6. Pre-Application Conference**

A Developer desiring to obtain a Special Permit to construct a Planned Unit Development may request a Pre-Application Conference with the Planning Board prior to submitting an application for the Special Permit.

The purpose of the Pre-Application Conference shall be to discuss both the Developer’s intentions and the Board’s requirements with respect to the proposed PUD. Although not required, this preliminary meeting is desirable since it should help to clarify many procedural and policy issues.

At the Pre-Application Conference, the Planning Board shall discuss with the Developer the process for obtaining a Special Permit to construct a PUD and explain to him/her issues and scopes of studies that should be considered in planning the project, including specific submission items, such as appropriate vantage points for visual analysis and extent of the traffic study area. The Board shall review existing studies pertinent to the development and the status of other approved PUDs which should be considered in the Developer’s analyses. The Developer may discuss his/her development concept and range of options concerning development. Any statement at the Pre-Application Conference made by either the Board or the Developer concerning potential disposition of a Special Permit application or the final form of the development shall not be legally binding.

The Developer shall not be required to present any written, quantitative, or graphic materials at the Pre-Application Conference. The Board shall make available to the Developer at this time any forms required for application for a Special Permit to construct a PUD.

**7. Special Permit Application**

A Developer who wishes to apply for a Special Permit to construct a PUD shall submit to the Board an application including a Preliminary PUD Plan submission for the entire proposed project. If the Developer of the PUD comprises more than one entity, all participating entities shall be signatories to the Special Permit application. Two copies of the Preliminary PUD Plan shall remain available to the public during the application process and shall be located in the Town Clerk’s Office and Billerica Public Library.

**8. Preliminary Plan Submission**

The Preliminary PUD Plan shall include a complete set of written, quantitative, and graphic materials in the appropriate number according to the PUD Plan Submission Regulations adopted by the Planning Board and amended by it from time to time in accordance with Massachusetts General Law, Chapter 40A, Section 9.

**9. Town Review**

Between the date a Developer submits a complete application for a Special Permit to construct a PUD and the date of the first Public Hearing, the Planning Board may distribute the Preliminary PUD Plan for review to Town Departments, elected and appointed Town Boards, and such professional planning, architecture, and engineering consultants as the Board deems appropriate and whose fees are paid for by the developer. All comments on the Preliminary PUD Plan shall be submitted in writing to the Board before the scheduled date of the first Public Hearing. All written comments shall be made a part of the public record on the application for a Special Permit and shall remain a public record.

**10. Public Hearing**

Within 65 days of the date of receipt of a complete application for a Special Permit to construct a PUD, the Planning Board shall hold a Public Hearing. The purpose of the Public Hearing shall be to solicit public comments concerning the proposed PUD application.

**11. Action on Preliminary Plan**

Within 21 days after the opening of said Public Hearing, the Planning Board shall make a determination concerning the Preliminary PUD Plan. The developer shall submit a final PUD Plan, as specified in this Section.

**12. Public Improvements Compensation**

When reviewing a Developer's Preliminary PUD Plan, the Planning Board shall analyze the proposed PUD to determine what if any extraordinary public improvements are necessary to accommodate or service the project. The Developer shall be required by the Board to provide such needed improvements at no cost to the Town, or alternatively, to offset the expense of such improvements to be provided by the Town. The Board shall engage a consultant, at the expense of the applicant to estimate the costs of any such improvements. Such estimate shall be reviewed by the Billerica Public Works Director and the Town Engineer.

**13. Submission of Final Plan**

The Final PUD Plan shall be a definitive plan of development with design sufficiently developed to provide the basis for the Planning Board's determinations regarding the requirements, standards, and guidelines of this PUD Bylaw, and shall include a complete set of written, quantitative, and graphic materials in the appropriate number according to the PUD Plan Submission Regulations adopted by the Board and amended by it

from time to time in accordance with Massachusetts General Law, Chapter 40A, Section 9. The Final PUD Plan shall be consistent with the Preliminary PUD Plan except for changes by amendment or in accordance with comments of the Board on the Preliminary PUD Plan and shall satisfy all such comments. Two copies of the Final PUD Plan shall remain available to the public during the application process and shall be located in the Town Clerk's Office and the Billerica Public Library.

**14. Additions or Amendments to the Preliminary Plan**

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

**15. Decision on Final Plan**

The Planning Board shall consider issuance of a Special Permit to construct a PUD in accordance with the Final PUD Plan. Approval of the Special Permit shall be granted upon determination by the Board that the Final PUD Plan conforms with and meets the applicable requirements, standards, and guidelines set forth in Sections 5.E.9. The Board may grant the Special Permit with conditions, and the conditions shall be agreed to in writing by the Developer before the Special Permit is granted. If not granting a Special Permit to construct a PUD, the Board shall make its final decision in writing and shall specify its reasons for denial. If the Board makes no decision after the close of the Public Hearing, then the Final PUD Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.

**16. Amendments to Final Plan**

After approval of the Special Permit by the Board, the Developer may seek amendments to the Final PUD Plan. Amendments to the Final PUD Plan shall be considered major or minor. Minor amendments as specified in this Section shall be authorized by written approval of the Board. Major amendments, as specified in this Section shall be grounds for reconsideration of the Special Permit to construct a PUD and shall be reviewed subject to procedures specified above, as applicable. Denial of a proposed major amendment shall not invalidate the Special Permit to construct a PUD in conformance with the previously approved Final PUD Plan.

**17. Minor Amendments**

Minor Amendments are changes which do not substantially alter the concept of the approved PUD in terms of floor area ratio, use, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to the following: small changes in floor area, mix of uses, site coverage, height, setbacks, or open space; small changes in the location of buildings, open space, or parking; or small changes in the alignment of minor streets on-site.

**18. Major Amendments**

Major Amendments represent substantial deviations from the PUD concept approved by the Planning Board. Major amendments shall include but not be limited to the following: large changes in floor area, mix of uses, site coverage, height, setbacks, or open space; large changes in the location of buildings, open space, or parking; or large changes in the circulation system, including the number and location of access ways.

**19. Development Schedule**

The Developer shall begin construction of the PUD within 24 months of the date of the granting of the Special Permit (or, if applicable, following appeal as provided in Massachusetts General Law, Chapter 40A, Section 9) in reasonable conformance with the development schedule submitted with the Final PUD Plan. The Planning Board shall grant in writing an extension of this time period of up to an additional 24 months upon determination of good cause. If the Developer fails to commence construction of the PUD within 24 months plus any approved extension period, the Special Permit shall lapse.

**20. Phased Development**

If a phased development is proposed by the Developer, the Final PUD Plan shall contain all required written, quantitative, and graphic information necessary to evaluate the proposed PUD as a whole and to serve as a basis for granting the Special Permit, plus a final Development Schedule for the completion of the PUD indicating the proposed dates and scope of work to be accomplished in each phase. Site improvements may be phased only in conformity with the phasing schedule included in the approved Final PUD Plan, and only to the extent that all requirements, standards, and guidelines of this PUD Bylaw are met in each phase. The initial phase shall include at a minimum the site improvements necessary for one or more buildings and may, at the Developer's option, include one or more buildings.

Deviations from the Final PUD Plan in any phase shall be designated a major or minor amendment to the Final PUD Plan by the Planning Board and treated as such.

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

**21. Conformity with PUD Plan and Special Permit**

The Planning Board shall include as a condition to all Special Permits granted for construction of PUDs that no construction of a PUD or any phase thereof may be authorized until the Board has reviewed and approved a Design Submission for work to be done, such submission to include architectural, site, and landscape design documents, sufficiently developed to permit review of conformance to the Final PUD Plan and Special Permit conditions, in accordance with the PUD Plan Submission Regulations of the Board.

If deemed necessary by the Planning Board, a Public Hearing may be held for review of any Design Submission. Design Submissions shall be reviewed by the Board solely for conformity with the Final PUD Plan, with Special Permit conditions, and, only to the extent not already reviewed and approved, with the requirements, standards, and guidelines applicable to the construction of the phase in question. If the Board makes no decision upon a Design Submission within 90 days of receipt of all required materials, said Special Permit condition shall be deemed to be satisfied regarding said PUD or phase thereof.

The Planning Board shall adopt regulations requiring one or more of the following in amounts and duration sufficient to guarantee that all commitments in the approved PUD Plan to provide public improvements or to take other actions are properly completed: performance bonds, deposit of money or negotiable securities with the Town, or a satisfactory agreement with a lending institution to retain funds pending completion of such improvements or actions. If a PUD Plan is being developed in phases such guarantees may be provided in the discretion of the Board in increments relative to the phases being developed.



Upon satisfaction of all applicable Special Permit conditions, the Planning Board shall issue a certificate of compliance for one or more PUD phases. No certificate of occupancy shall be issued for a given PUD phase until a certificate of compliance has been issued.

**22. Use and Dimensional Requirements at PUD**

The following paragraphs shall serve as the basic Use and Dimension Requirements to which all PUD projects shall adhere within each PUD overlay district and shall be used by the Planning Board to evaluate any proposed project.

**a. PUD Parcel Size and Eligibility**

The minimum size of a PUD development parcel shall be 60,000 square feet.

A development parcel may consist of land in more than one ownership, provided that all lots comprised by the parcel lie entirely within the PUD overlay district and are contiguous. Lots separated by a minor street or right-of-way may be considered contiguous for this purpose.

Proposed developments may include pre-existing buildings provided that all PUD requirements are satisfied by each new or existing building and for the PUD as a whole. More than one principal building may be located on a lot.

**b. PUD Permitted Uses**

Planned Unit Developments in an Industrial or General of Neighborhood Business District may contain two or more of the following uses subject to the findings of the Planning Board as to net benefit and adverse impacts of the proposed PUD:

- (1) Office use
- (2) Research and Development uses
- (3) Hotel
- (4) Restaurant (with no drive-thru service), place of assembly, and recreational use
- (5) Retail
- (6) Financial institution
- (7) Consumer service, ancillary to a permitted primary use
- (8) Parking (including structured parking) to accommodate the above
- (9) Light Manufacturing;

- (10) Residential uses within 200 feet of Residence Districts
- (11) Open space.

All other uses are excluded from a Planned Unit Development.

**c. PUD Intensity of Use**

The permitted intensity of use in a PUD development shall be expressed as the ratio of total gross building floor area to the area of the development parcel (Floor Area Ratio or “FAR”). Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility space on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or non-habitable areas enclosed by ornamental roofs. Structured parking shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in Massachusetts General Law, Chapter 131, Section 40, as amended, may not exceed 10% of the development parcel area used to compute FAR. The basic allowable FAR for PUD developments is 0.50 for small PUDs and 0.55 for large PUDs.

**d. PUD Discretionary Intensity and Height Determination**

The Planning Board may approve additional FAR above the basic ratio for PUDs and additional height above the basic limit if it finds that the net benefits to the Town are thereby increased. The Planning Board may in no case increase the permitted Floor Area Ratio beyond 0.65 for small PUDs and 0.70 for large PUDs nor may it increase permitted height beyond the maximum limitations of this Section.

**e. Criteria for Determining Increased Development Intensity and Height in a PUD District**

The basic allowable intensity of use may be increased in a PUD if the Planning Board finds that provision of one or more of the following public improvements or amenities provide substantial public benefits. The additional building area permitted should be commensurate with the quality and value to the Town of one or more of the following improvements and amenities:

- (1) Significant improvement of the environmental condition of a site
- (2) Provision of or contribution to off-site public facility improvements which enhance the general condition of the district and surrounding areas

- (3) Dedication of open space or recreational facilities for use by the general public
- (4) Provision of open space beyond 15% of the parcel area, or of outdoor recreational facilities for use by a PUD project's occupants or by the general public, and of sufficient size and quality to offset fully any adverse aesthetic effects of proposed parking garages
- (5) Work with other owners and tenants of a PUD overlay district to develop and achieve district wide and adjacent neighborhood improvement goals
- (6) Provision of public art, distinctive and appropriate design, or other amenities that a Developer may propose which will provide unique advantages to the general public or contribute to achieving Town-wide improvement goals
- (7) Provision of low or moderate income or elderly housing within the PUD in conformance with this PUD Bylaw and/or off site in a manner acceptable to the Billerica Housing Partnership.

**f. PUD Dimensional Requirements**

Each PUD development shall be governed by the dimensional requirements of this Section. These requirements apply only to the development parcel as a whole, not to individual lots within the PUD.

The basic maximum height within a PUD shall be the lesser of 54 feet or five stories. Height shall be measured in the manner defined by this Bylaw.

The maximum height of residential structures within a PUD shall not exceed 40 feet or three stories. If 10 percent of such units are restricted for low or moderate income or elderly housing, the maximum height of all proposed residential structures shall not exceed 50 feet or four stories.

**g. PUD Setbacks and Buffers**

All non-residential buildings shall be located at least 50 feet from the boundary of the PUD parcel. All non-residential buildings shall be located at least 150 feet from residential structures in existence at the time of Preliminary PUD Plan submission.

All residential buildings within a PUD shall be at least 30 feet from the parcel boundary but no further than 200 feet from a Residential District. There shall be a landscaped and/or naturally vegetated

buffer at least 50 feet wide where the development parcel abuts residential properties. Alternatively, where residential uses occur in the PUD, a landscaped and/or naturally vegetated buffer at least 30 feet wide shall be provided.

Along major arterial streets buildings shall be set back at least 75 feet (or the height of the building if greater than 75 feet), and a landscaped and/or naturally vegetated buffer at least 50 feet wide shall be provided along such major streets, except where site entrances occur.

No buffer may contain parking or paved surfaces except for pedestrian paths and site entrances. Between 9 00 a.m. and 3 00 p.m. (EST) from February 21 to October 21, no building may cast a shadow on any residential structure in existence at the time of Preliminary PUD Plan submission.

A PUD shall set aside at least 15% of its total parcel area as required open space; additional open space will be considered in proposed development intensities in excess of the basic permitted FAR and height.

Required Open Space shall have a minimum dimension of 20 feet (which may include the dimension across a water body) and shall be open to tenants and customers within the PUD; access by the general public is desirable and will be considered in proposals for additional development intensity and height.

A PUD which includes residential use shall delineate the area of residential use and shall set aside at least 25% of the site within this area as open space available to and usable by the occupants of the residential units.

Required Open Space may include:

- (1) Wetlands and water bodies, including the normal water surface area of detention or retention ponds up to 50% of the required open space area
- (2) Vegetated/landscaped area, including buffers
- (3) Pedestrian paths, sidewalks, and covered walkways
- (4) Public plazas and hard surfaced recreation areas.

**23. Environmental Standards and General Development Guidelines**

In addition to conforming to the Use and Dimensional Requirements governing all PUD Overlay Districts, approval of a Special Permit to construct a PUD shall be granted also upon determination by the Planning

Board that a proposed PUD satisfies the findings in this Section; in any disapproval of a PUD, the Board shall state in writing the specific reasons for its determination that the proposed PUD does not satisfy one or more of the findings. Mitigation measures proposed by the Developer, at no cost to the Town, shall be considered. Mitigation measures may include, among other options the advancement or contribution to long term capital improvement projects.

**a. Environmental Standards**

A PUD shall conform in each phase to all applicable federal, state, and local laws and regulations (including all such regulations established by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection) regarding the environment such as those concerning noise, air quality, wetlands, water quality, and protection from flooding.

**b. Transportation, Site Circulation and Parking**

No vehicular access (except for emergency vehicles and structured parking access) shall be allowed between the portion of a PUD used for non-residential purposes and any residential street. Safeguards shall be imposed by the Planning Board to prohibit or minimize commercial traffic access across residential areas. Dwellings built pursuant to a PUD-R Special Permit and which are located within 300 feet of a Town Boundary shall be accessed through the abutting municipality to the extent lawful and feasible as determined by the Planning Board.

**c. Significant Traffic Impact**

The Planning Board may not approve a proposed PUD which in its opinion has significant adverse traffic impact, as determined following examination by the Board of the Developer's traffic analysis and any other traffic analysis of the affected area available to the Board which is germane to the proposed PUD. In making its determination, the Board shall consider the feasibility of any capacity improvements and mitigating measures proposed to be provided by the Developer at no cost to the Town. In making such determinations, the full traffic impact of all other previously approved and valid permits shall be considered, regardless of project phasing. Without limitation, the determination of significant adverse impact shall consider traffic volumes, speeds, and resulting levels of service on residential streets, approaches to the site of the proposed PUD, and other key locations, all of which may be identified in a Pre-Application Conference.

**d. Circulation**

Site circulation shall meet accepted design standards for private automobiles, service vehicles, and emergency vehicles.

It is highly desirable to consolidate access to PUD's in a small number of widely spaced principal access points, which may be driveways or Town-accepted side streets lying entirely within the PUD Overlay District. Principal access should be consolidated in as few locations as possible and, if feasible, it is desirable for adjacent developments to share principal access. Principal access points generally should be spaced and aligned or alternated according to good traffic engineering practice, and should be signalized if necessary.

**e. Parking**

Parking should be provided in at least the following ratios through each phase of development, unless the Planning Board determines that a larger number of spaces are dictated by special circumstances:

- (1) For office and research and development uses, and uses ancillary to them, three parking spaces per 1000 gross square feet of floor area
- (2) For hotels and customary uses within them, one parking space per rentable room or suite
- (3) For residential uses, a minimum of 1.25 parking spaces per unit, which parking spaces may be stacked (one space being located directly behind the other) to a depth of two spaces if serving the same residential unit. The Planning Board may allow shared parking on adjacent premises to count towards the residential parking requirement
- (4) For places of assembly, one parking space per four seats
- (5) For restaurants, one parking space for every four persons of the rated seating capacity of the facility, plus one parking space for every employee on the largest shift
- (6) For retail uses, one parking space per three hundred square feet of gross sales floor area
- (7) For financial institutions, one parking space for each one hundred square feet of floor area devoted to general banking services for public uses, including area for automatic teller machines, plus one parking space for each two hundred and fifty square feet devoted to office use, plus stacking lanes for six cars at each drive-thru, plus one bypass lane for the drive-thru area

Ancillary uses should not normally require additional parking spaces.

Loading requirements shall be determined based on activity analysis provided by the Developer.

Parking stall size shall be at least 8.5 by 18 feet, with provision for larger spaces as required by the Planning Board to accommodate short term parking, handicapped and large vehicles. Parking lots shall be landscaped in conformance with this Section.

**f. Shared Parking**

Shared parking may be approved by the Planning Board as part of the PUD decision subject to the following criteria:

- (1) Shared parking areas must be shown on a plan, be definable, be separated by topography from other shared parking areas, and be in close proximity to the uses they serve
- (2) Parking needs between the uses sharing parking areas shall be shown by the applicant to be different in terms of the times of the peak needs with little overlap of such peak needs
- (3) The number of parking spaces for a shared parking area shall be at least the required number for the larger of the needs
- (4) An executed lease or other form of agreement between or referencing the parties sharing parking must be filed with the Planning Board and the Town Clerk prior to issuance of a building permit for the uses sharing the parking, such agreement shall be approved as to form, only, by Town Counsel
- (5) If uses, or parties in interest noted in subsection d. above, change for the areas delineated on the PUD plan, then a modification subject to the requirements of this Section shall be filed and decided upon by the Planning Board prior to the issuance of building permits for the proposed areas.

**g. Roadways**

Roadways within a PUD shall be constructed in conformance with standards established by the Billerica Department of Public Works. The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in

“Recommended Practices for Subdivision Streets” prepared by the Institute of Traffic Engineers (1965).

**h. Public Works Standards**

All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers and other public improvements, shall be constructed according to the standards of the Billerica Public Works Department and other appropriate departments.

**i Design Quality**

Project design shall be reviewed by the Planning Board with input from Town officials, the review consultant(s) employed by the Board, and other property owners in the PUD Overlay District. The following are to be interpreted as guidelines to be applied flexibly by the Board and as appropriate to the situation under review, including factors such as foundation conditions and other extraordinary constraints. These guidelines apply to all site improvements, buildings and structures, including structured parking facilities.

**j. Building Placement**

- (1) Provide and preserve attractive views from major vantage points, especially from major thoroughfares and residential neighborhoods
- (2) Avoid regular spacing and building placements that will be viewed as continuous walls from important vantage points, which may be identified in a PUD Pre-Application Conference.

**k. Building Massing/Articulation**

- (1) Avoid unbroken building facades longer than 100 feet.
- (2) Provide human scale features, especially at street level.
- (3) Avoid unarticulated and monotonous building facades and window placement.

**l. Roofline Articulation**

- (1) Provide a variety of building heights and varied roofline articulation.
- (2) Provide step backs above the fourth level on buildings within 100 feet of major streets.



**m. Building Materials**

- (1) Use materials and building treatments that reduce the visibility of buildings from distant vantage points and are compatible with backgrounds and surroundings.
- (2) Use materials and colors compatible with other quality buildings of similar scale in the area.

**n. Landscape Treatment**

- (1) All open areas within a PUD should be landscaped in an appropriate manner utilizing both natural and manmade materials such as grass, trees, shrubs, attractive paving materials and outdoor furniture.
- (2) Deciduous trees should be planted along new and existing streets.
- (3) Plazas, arcades, malls, and similar amenities are encouraged.
- (4) Outdoor lighting should be considered in the landscaping plan and should be designed to complement both manmade and natural elements of the PUD and adjacent areas.
- (5) Intensive, high quality landscaping should be provided within the PUD where it abuts major streets and on internal drives to achieve a boulevard character.
- (6) Landscape treatment should be emphasized on site boundaries facing residential districts.
- (7) Existing vegetation shall be maintained wherever possible to provide buffers and enhance site development.

**o. Parking Lots**

- (1) Parking lots should use landscaping, screening, and terracing to break up large areas of pavement and to enhance the appearance of such areas to the greatest extent feasible, but no less than 5% of the total parking lot area.
- (2) Most parking lot landscaping should have a minimum dimension of five feet.
- (3) Trees and shrubs should be used to the maximum extent feasible.

**p. Pedestrian Amenities**

- (1) Emphasize pedestrian amenities such as covered walkways, landscaped open space, drop-off areas, and recreation

facilities such as pedestrian and/or jogging paths along on-site watercourses or which follow a PUD parcel boundary.

- (2) Tree lined or otherwise appropriately landscaped pedestrian walkways should link together areas designated as open space within the boundaries of a site and wherever possible with designated open space throughout a PUD Overlay District.

**q. Utilities**

To the extent feasible, all utilities should be located underground.

**24. Additional Use and Dimensional Requirements as to PUD-R**

The following paragraphs shall serve as the basic Use and Dimension Requirements to which all PUD-R projects shall adhere within each PUD-R overlay district and shall be used by the Planning Board to evaluate any proposed project.

**a. Parcel Size and Eligibility**

The minimum size of a PUD-R development parcel shall be 10 acres. A development parcel may consist of land in more than one ownership, provided that all land comprising the parcel lies entirely within the PUD-R overlay district and is contiguous. Lots separated by a minor street or right-of-way or private way may be considered contiguous for this purpose. Proposed developments may include pre-existing buildings provided that all PUD requirements are satisfied by each new or existing building and for the PUD as a whole. More than one principal building may be located on a lot.

**b. Permitted Uses in PUD-R**

A PUD-R may contain two or more of the following uses subject to the findings of the Planning Board as to net benefit and adverse impacts of the proposed PUD:

- (1) Any or all of the uses allowed in a PUD, housing for the elderly, day care facility, elder care facility.
- (2) Independent/Congregate Living Community (“ICLC”).
- (3) Retail, consumer service, restaurant (with no drive-thru service), and place of assembly and recreational use, but only if such use is located within 300 feet of a Town boundary and is specifically found by the Planning Board

to be ancillary to or supportive of a permitted use proposed in the PUD-R development.

- (4) Open space: Areas used for open space, yards, buffer areas, private ways, walkways, driveways, parking, recreation areas and areas classified as resource areas in Massachusetts General Law, Chapter 131, Section 40, as amended, and in the Billerica Wetlands Bylaw; such open spaces as may be included in determining open space requirements.
- (5) Recreational Uses
- (6) Public and Quasi-Public Uses
- (7) All other uses are excluded from a Planned Unit Development in a PUD-R. Adult Uses are expressly prohibited in a PUD-R District.

To encourage and promote the establishment of those uses permitted within portions of a PUD-R district that are within 300 feet of a Town boundary, no two-family dwellings, or multifamily dwellings shall be built pursuant to a PUD-R Special Permit on land that is within 300 feet of a Town boundary for a period of seven years after the adoption of the Zoning Bylaw placing such land within the PUD-R overlay district.

In recognition of increased density and economic benefits to the applicant pursuant to a PUD-R Plan, the Planning Board may consider and condition the number and interior layout of bedrooms in each residential unit that are being proposed by the developer in evaluating the criteria pursuant to this Section.

**c. Intensity of Use in PUD-R**

The basic permitted intensity of the residential use in a PUD-R development shall not average more than twelve (12) units to the acre for the portions of a PUD-R development that are more than 300 feet from a municipal boundary.

If developed residentially the basic permitted intensity of residential use in a PUD-R development shall not average more than fifteen (15) units to the acre for the portions of a PUD-R development that lies within 300 feet of a Town boundary.

The basic permitted intensity of commercial use in a PUD-R development, expressed as the Floor Area Ratio, is 0.55. In order to assist in making this calculation, plans submitted for a PUD-R Special Permit that contain a such use shall show what portion and area of the development parcel will be put to such use. Land under dwellings,

residential court yards, residential driveways, non-structured parking areas that serve only residential uses and roadways that serve only residential uses shall not be counted as part of the development parcel in calculating the FAR.

Areas which have been counted to satisfy the intensity limit for residential use may not be counted also to satisfy the intensity limit for commercial use and areas which have been counted to satisfy the intensity limit for commercial use may not be counted also to satisfy the intensity limit for residential use.

**d. Dimensional Requirements**

Each PUD-R development shall be governed by the dimensional requirements of this Section. These requirements apply only to the subject parcel as a whole, not to individual lots created within the PUD-R.

**Height**

The maximum building height within a PUD-R shall be as follows:

- (1) The maximum building height as to a dwelling shall be 45 feet except that a dwelling that is more than 50 feet from the PUD-R parcel boundary may be 50 feet in height and a dwelling that is at least 150 feet from dwellings that are outside of a PUD and in existence at the time of Preliminary PUD Plan submission, may have a maximum height of 55 feet, excepting that a dwelling that is within 300 feet of the Town boundary may have a maximum height of 60 feet.
- (2) The maximum height of a commercial building shall be 65 feet. Height shall be measured in the manner defined in Section 2 of this Bylaw.

**Setbacks and Buffers in a PUD-R**

The extent of buffering and setbacks shall in every case be based upon the following criteria as reviewed by the Planning Board:

- Existing topography
- Existing vegetation
- Existing and Proposed Structures within and outside the PUD-R district

**Non-residential Setbacks**

All non-residential buildings shall be located at least 50 feet from the boundary of the PUD parcel, excepting a boundary which is also the Town boundary. Nonresidential buildings (except structured parking) shall not be located less than 150 feet from dwellings outside of a PUD and in existence at the time of Preliminary PUD Plan submission without the written consent of the owner of such dwellings and shall not be less than 50 feet from dwellings in the PUD parcel. There shall be a landscaped and/or naturally vegetated buffer at least 50 feet wide where a non-residential area of a PUD-R parcel abuts residential properties outside the PUD-R district.

**Shadow Impact**

Between 9:00 a.m. and 3:00 p.m. (EST) from February 21 to October 21, no building may cast a shadow on any dwelling outside of the PUD-R parcel and in existence at the time of Preliminary PUD Plan submission.

**Residential Setbacks**

All dwellings within a PUD-R shall be at least 20 feet from the PUD-R parcel boundary, which 20 foot strip shall be landscaped and/or naturally vegetated, except that a dwelling that is between 30 and 35 feet in height must be at least 40 feet from the PUD-R parcel boundary (excluding a parcel boundary that is also a Town boundary) and a dwelling that is over 35 feet in height must be at least 50 feet from the PUD-R parcel boundary (excluding a parcel boundary that is also a Town boundary). Natural vegetation shall be preserved in the minimum setback area along the PUD-R parcel boundaries that abut property used for residential purposes as reviewed and determined by the Planning Board. Buildings within the PUD-R which contain residential units shall be no closer than 15 feet to each other. The Planning Board may allow the required 20 foot residential setback strip for dwellings in a PUD-R parcel to be measured from the outer boundary of an abutting parcel.

**Open Space**

A PUD-R shall set aside at least 25% of its total parcel area as required open space. Required Open Space may include wetlands and water bodies; vegetated/landscaped area, including buffers; pedestrian paths, side-walks, and covered walkways; public plazas and hard surfaced recreation areas. Required Open Space shall have a minimum dimension of 20 feet (which may include the dimension across a water body) and shall be open to occupants within the PUD-R; access by the general public is desirable.

**Recreation Space**

A PUD-R that includes land within three hundred (300') of the Town boundary must provide at least 15% of land within three hundred feet (300') of the municipal boundary for recreational uses, such uses being subject to approval of the Planning Board.

**Parking**

Parking within the PUD-R will be calculated at a minimum of 1.25 spaces per unit for residential developments with 125 or less units, and 0.75 spaces for residential developments with more than 125. The Planning Board may also waive some factor of parking if reduced parking is shown to not cause a detriment to the neighborhood.

**25. Required Findings**

The following are the findings the Planning Board shall use in making such satisfactory determinations:

- a. That it conforms as appropriate to the existing policy plans established by the Town Meeting, Selectmen, and Planning Board for the specific area of the Town in which the proposed PUD is located.
- b. That there is no significant adverse effect under any of the following:
  - (1) Quality of site design, building design, and landscaping as they affect occupants of the proposed development, the PUD Overlay District, adjacent residential districts, and the Town of Billerica as a whole

- (2) Traffic flow and safety in the context of this and other proposed developments in the PUD Overlay District and sensitive nearby areas, which may be identified in the scope of a State Environmental Impact Report and/or in a Pre-Application Conference
- (3) Water quality, air quality, wetlands, and the natural environment
- (4) Provision of open space
- (5) Adequacy of utilities and other public works and impact on existing public facilities within the Town
- (6) Potential fiscal impact to the Town of Billerica.
- (7) That approval of the proposed PUD provides benefits to the Town which outweigh all adverse effects, as evaluated under the above criteria.

Or act in relation thereto.

Submitted by the Planning Board

***Finance Committee recommends approval.***

Article 42 Explanation: A Planned Unit Development (PUD) is an overlay district that allows for a mix of uses on a collection of parcels identified by a municipality. The PUD language and identification of PUD districts is a business retention and recruitment tool that Billerica can use to: increase commercial activity, give greater site design standards for construction, focus mixed-use development, promote pedestrian safety, provide significant tax revenue and lower infrastructure costs, and lessen the effects of suburban sprawl.

**ARTICLE 43 – PROPOSED ZONING MAP CHANGE TO CREATE THE PUD-R OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Map to create a new zoning overlay district entitled: “Planned Unit Development-R” (“PUD-R”) comprised of those properties listed on the table below entitled “*Nashua Road PUD-R Parcel Inventory*”, and further to amend Section 3.A of the Zoning By-Laws to add this district as a new overlay district; or act in relation thereto.

<b>Nashua Road PUD-R Parcel Inventory</b>	
<b>Parcel Number</b>	<b>Address</b>
47-29-1	44 Nashua Road

Submitted by the Planning Board

***Finance Committee recommends approval.***

Article 43 Explanation: A PUD should be placed in areas identified for increased development, to leverage assets, and improve existing infrastructure. The identification of this as a PUD location will garner more for the community through tax revenue, job creation and infrastructure investments.



**ARTICLE 44 – PROPOSED ZONING MAP CHANGE TO CREATE THE PUD-G OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Map to create a new zoning overlay district entitled: “Planned Unit Development-G” (“PUD-G”), comprised of those properties listed on the table below titled “*Boston Road North PUD Parcel Inventory*”, and further to amend Section 3.A of the Zoning By-Laws to add this district as a new overlay district; or act in relation thereto.

<b>Boston Road PUD Parcel Inventory</b>	
<b>Parcel Number</b>	<b>Address</b>
14-281-0	8 Chelmsford Road
14-62-0	16 Chelmsford Road
14-63-1-1-1	3 Survey Circle
14-63-1-1-2	3 Survey Circle
14-63-1-1-3	3 Survey Circle
14-63-1-1-4	3 Survey Circle
14-63-2-1-1	1 Survey Circle
14-63-2-1-2	1 Survey Circle
14-63-2-2-1	2 Survey Circle
14-63-2-2-2	2 Survey Circle
14-67-0	Chelmsford Road
15-124-1	44 Treble Cove Road
15-126-1	184 Boston Road
15-126-2	Treble Cove Road
15-131-0	176 Boston Road
15-140-0	161 Boston Road
15-148-2	175 Boston Road
15-237-2	Boston Road
15-237-3	1 Chelmsford Road
15-248-1	186 Boston Road
22-10-1-2	179 Boston Road
22-10-3-1	Treble Cove Road
22-10-3-2	181 Boston Road
22-11-1	199 Boston Road
22-130-0	Rear Boston Road
22-132-1	202 Boston Road
22-137-1	192 Boston Road
22-15-0	Rear Boston Road
22-152-0	221 Boston Road
22-153-1	223 Boston Road
22-154-1	Boston Road

22-17-1	245-247 249 Boston Road
22-17-2	257 Boston Road
22-18-0	250 Boston Road
22-19-0	240 Boston Road
22-20-0	Boston Road
22-5-0	47 Treble Cove Road
22-7-1	188-190 Boston Road
22-7-2	188-190 Boston Road
22-7-5	188-190 Boston Road
22-8-2	220 Boston Road
22-8-3	210 Boston Road
22-9-0	200 Boston Road
31-12-0	Boston Road
31-151-0	2 Bridge Street
31-153-1	279 Boston Road
31-155-0	290 Boston Road
31-272-1	273 Boston Road
31-4-3	261 Boston Road
31-4-5	265 Boston Road
31-4-6	265 Boston Road
31-5-1-1	267 Boston Road
31-5-1-3	267 Boston Road

Submitted by the Planning Board

***Finance Committee recommends approval.***

Article 44 Explanation: A PUD should be placed in areas identified for increased development, to leverage assets, and improve existing infrastructure. Boston Road in North Billerica has significant opportunities for redevelopment and new construction, and although the area is already zoned industrial or business, a PUD will deter marginal and unsustainable uses.

**ARTICLE 45 – PROPOSED ZONING MAP CHANGES TO ADD PROPERTIES TO THE PUD-G OVERLAY DISTRICT**

To see if the Town will vote to amend the Zoning Map by placing within the Planned Unit Development-G overlay district previously established those properties listed on the table below titled “*Boston Road Center PUD Parcel Inventory*”; or act in relation thereto.

<b>Boston Road Center Parcel Inventory</b>	
<b>Parcel Number</b>	<b>Address</b>
51-34-1	12 Andover Road
51-35-0	10 Andover Road
51-37-0	2 Andover Road
51-39-1	8 Andover Road
51-40-0	406-408 Boston Road
51-41-0	Boston Road
51-78-1	15 Andover Road
51-80-0	13 Andover Road
51-81-1	9 Andover Road
51-83-5	5 Andover Road
51-83-6	7 Andover Road
51-84-1	420-428 Boston Road
51-85-0	432 Boston Road
51-86-2	446 Boston Road
51-88-1	464 Boston Road
51-92-0	1-C Andover Road
51-95-0	460 Boston Road
61-100-0	474 Boston Road
61-101-0	476 Boston Road
61-102-0	478 Boston Road
61-103-4	476 Boston Road
61-103-5	476 Boston Road
61-113-0	500 Boston Road
61-113-0	500 Boston Road
61-115-1	508 Boston Road
61-122-0	524 Boston Road
61-146-0	Boston Road
61-149-1	510 Boston Road
61-150-0	4 Tower Farm Road
61-151-0	Tower Farm Road
61-152-0	8 Tower Farm Road

61-153-1	Tower Farm Road
61-191-0	Tower Farm Road
61-192-1	Tower Farm Road
61-194-1	520 Boston Road
61-203-0	486 Boston Road
61-205-1	480 Boston Road
61-216-0	Rear Tower Farm Road
61-217-0	Boston Road
61-218-0	Boston Road
61-67-1	449 Boston Road
61-78-0	451 Boston Road
61-80-1	455 Boston Road
61-81-2	459 Boston Road
61-83-1	461 Boston Road
61-84-1	6 Cunningham Lane
61-98-0	Boston Road
61-99-0	Boston Road
61-68-0	8 Charnstaffe Lane
51-87-0	1 Cummings Street
61-33-1	405 Boston Road
61-33-2	405 Boston Road
61-33-3	405 Boston Road
61-33-4	405 Boston Road
61-33-5	405 Boston Road
61-33-6	405 Boston Road
61-46-0	407 Boston Road
61-47-0	409 Boston Road
61-48-1	413 Boston Road
61-48-2	411 Boston Road
61-49-0	415 Boston Road
61-50-0	419 Boston Road
61-52-1	Boston Road
61-55-0	423 Boston Road
61-56-0	427-429 Boston Road
61-58-0	433 Boston Road
61-59-1	435-437 Boston Road
61-62-1	441 Boston Road
61-63-0	7 Charnstaffe Lane
61-64-0	9 Charnstaffe Lane

Submitted by the Planning Board

*Finance Committee recommends approval.*

Article 45 Explanation: A PUD should be placed in areas identified for increased development, to leverage assets, and improve existing infrastructure. A PUD at the retail locus of Billerica creates a sustainable environment for the growth of existing and future businesses.

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**ARTICLE 46 – PROPOSED ZONING BY-LAW AND ZONING MAP CHANGE**

To see if the Town will vote to amend the Zoning Map by RE-ZONING from a NEIGHBORHOOD RESIDENCE DISTRICT TO A NEIGHBORHOOD BUSINESS DISTRICT the Land identified as Billerica Assessor’s Map 80, Parcel 1-0, having a present street address of 581 Boston Road; or act in relation thereto.

Submitted by the Planning Board

*Finance Committee recommends approval.*

Article 46 Explanation: This property is a former gas station located on Boston Road. Deed restrictions on the site disallow residential construction for a site previously used for commercial activity. A zoning change - to Neighborhood Business, the zoning on abutting parcels - can lead to Billerica’s goal of site cleanup and redevelopment.

**ARTICLE 47 – TO AMEND A GENERAL BY-LAW ARTICLE VII REGULATION OF DOGS**

To see if the Town will vote to amend Article VII, “Animals” of the Town’s General By-Laws by striking said article in its entirety and replacing it with the following:

**ARTICLE VII: ANIMALS**

**DEFINITIONS**

The terms used herein shall be as defined in M.G.L. Chapter 140, Section 136A.

**GENERAL**

In addition to the requirements set forth in this By-Law, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of M.G.L. Chapter 140, Sections 136A to 174E, inclusive, as may be amended from time to time.

**1. PASTURING**

Whoever shall pasture any cattle, horses or other animals, either with or without a keeper, upon any street or way in the Town, shall forfeit a sum not less than two nor exceeding ten dollars for each violation thereof; provided that nothing herein contained shall affect the right of a person to the use of the land within the limits of a street or way adjoining his own premises.

**2. REGULATION OF DOGS**

**2.1 ADMINISTRATION AND LICENSING**

The Board of Selectmen act as Hearing Authority for purposes of M.G.L. Chapter 140, Section 157.

The Town Manager, in accordance with Section 3-3 of the Town Charter, shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk. The Animal Control Officer and/or his assistants are not required to be a resident of the Town. The Animal Control Officer may be a salaried employee of the Town. The Animal Control Officer shall receive such compensation as agreed upon by the Animal Control Officer and the Board of Selectmen.

Annual dog and kennel licenses, as required by M.G.L. Chapter 140, Sections 137 and 137A, must be obtained from the Office of the Town Clerk by January 1 for a licensing period of January 1 through December 31.

When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee. There will be a late fee per dog for licensing after March 1<sup>st</sup>.

Applications for personal kennel licenses shall include the name, breed, age, proof of fixing (if applicable), proof of rabies vaccinations, a photograph of each dog, and the telephone number where the licensee can be reached at all times.

In addition to meeting all of the requirements of M.G.L. Chapter 140, Sections 137A to 137C and this By-Law, no commercial kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town’s Zoning By-Laws.

**2.2 FEES**

The annual fee for individual and kennel licenses shall be as follows:

- 1. Six Dollars (\$6.00) for every neutered male dog
- 2. Six Dollars (\$6.00) for every spayed female dog
- 3. Ten Dollars (\$10.00) for every unaltered dog
- 4. Twenty Dollars (\$20.00) for kennels with 4 dogs or less
- 5. Forty Dollars (\$40.00) for kennels with more than 4 but less than 10 dogs
- 6. Seventy-five Dollars (\$75.00) for kennels with more than 10 dogs
- 7. One Dollar (\$1.00) for replacement of lost tag
- 8. Ten Dollars (\$10.00) late license fee for individual dog or kennel

**2.3 RESTRAINT AND CONFINEMENT OF DOGS**

No person shall permit any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, including but not limited-to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained. A dog is under restraint for purposes of this By-Law if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog and the dog is held firmly on a leash of not more than six (6) feet.

All persons keeping, owning or having possession, charge, custody of any dog shall confine such dog on their own premises by means of a suitable enclosure. As used in this By-Law, the term “enclosure” shall include solid walls, wire or stockade fences and electric or so-called “invisible” fences, provided that any such enclosure be in good repair and serve to prevent the dog (s) from leaving the confines of the owner’s property at all times and furthermore, owners using electric or “invisible” fences shall provide proof of such fencing when registering the animal and also shall maintain a sign clearly visible from the street advising that their property has “invisible” or electric fence.

Notwithstanding the previous paragraphs, the Board of Selectmen may designate certain areas in which dogs will be permitted to run at large, subject to such rules and regulations as may be determined by the Board of Selectmen. Owners of dogs shall be legally responsible for any and all injury or destruction of property caused by their dog(s) in an off-leash area.

Except as otherwise permitted by this By-Law, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded pursuant to M.G.L. Chapter 140, Sections 151A and 167.

Nothing in this By-Law shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly controlled.

The owner or keeper of any dog impounded under the provisions of M.G.L. Chapter 140, Section 167 may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and pays the sum of **twenty dollars (\$20.00)**, plus **ten dollars (\$10.00)** per day for the care of the dog during the period of impoundment, to a total maximum impound fee of **one hundred dollars (\$100.00)**.

**2.4 CLEANING UP AFTER DOGS**

No person shall fail to promptly remove and properly dispose of any feces left by any dog owned, kept or controlled by them on the property of another, including but not limited to any public property within the Town.

**2.5 ENFORCEMENT**

The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this By-Law.

In addition to the remedies set forth herein and in M.G.L. Chapter 140, Section 136A to 174E, inclusive, or any other applicable provision of law,



this By-Law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to M.G.L. Chapter 40, Section 21D. If non-criminal disposition is elected, then any person who violates any provision of this by-law shall be subject to the following penalties:

<b>First Offense:</b>	<b>\$50 fine</b>
<b>Second Offense:</b>	<b>\$100 fine</b>
<b>Third and subsequent Offense:</b>	<b>\$200 fine</b>

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

**3. ANIMAL CONTROL FUND**

There shall be an Animal Control Revolving Fund established in accordance with M.G.L. Chapter 44, Section 53E ½, for the purpose of purchasing supplies and providing services in connection with the licensing, control, impoundment and regulation of animals. Donations, grants, fees and fines collected in relation to said purpose shall be credited to the Fund and expenditures from the Fund shall be approved by the Board of Selectmen, up to a maximum of **five thousand dollars (\$5,000)**, provided however, that said spending limit may be increased with the approval of the Board of Selectmen and Finance Committee.

**4. SEVERABILITY**

The invalidity of any section, provision, paragraph, sentence or clause of this By-Law shall not validate any other section, provision, paragraph, sentence or clause thereof, nor shall it invalidate any license or determination that previously has been issued.

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

*Finance Committee has not yet made final recommendation.*

Article 47 Explanation: If adopted, this will replace Article VII Animals, in the current Town By-Law. This new By-Law was crafted by our Town Counsel and is in use in other communities. In 2012 the State modernized the Animal Control laws in Chapter 140. Our proposed By-Law will work in conjunction with Chapter 140 and keep our Animal Control operations current and up to legal standards.

**ARTICLE 48 – PETITIONERS ARTICLE**

To see if the Town, pursuant to MGL Chapter 44b, will vote to amend the Billerica General By-Laws by adopting the following new Section to be entitled Article II, Section 42, “Community Preservation Committee”, to be implemented after adoption of the Community Preservation Act, or act in relation thereto:

**Chapter 42.1: Establishment**

There is hereby established a Community Preservation Committee (hereinafter referred to as “CPC”), consisting of seven (7) voting members pursuant to MGL Chapter 44b. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- One voting member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Conservation Commission for a term of three years.
- One voting member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Historical Commission for a term of three years.
- One voting member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Planning Board for a term of two years and thereafter for a term of three years.
- One voting member of the Recreation Commission (created by Section 2 of Chapter 45) as designated by the Recreation Commission for a term of two years and thereafter for a term of three years.
- One voting member of the Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Commissioners for a term of 1 year and thereafter for a term of three years.
- One at-large member, citizen of Billerica who does not currently serve as a municipal employee, to be appointed by the Town Manager, for an initial term of one year and thereafter for three years.
- One at-large member, who does not currently hold elected or appointed office, nor currently serves as municipal employee, to be appointed by the Board of Selectmen, for an initial term of two years, and thereafter for a term of three years.

Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

#### Chapter 42.2: Duties

1. (42.2.1) The CPC shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with the Town Manager, existing municipal boards, including the Board of Selectmen, the conservation commission, the historical commission, the planning board, the recreation commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.
2. (42.2.2) The CPC shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
3. (42.2.3) The CPC may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

**Chapter 42.3: Requirement for a quorum and cost estimates**

The CPC committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

**Chapter 42.4: Amendments**

The CPC shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the CPC. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

**Chapter 42.5: Severability**

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

**Chapter 42.6: Effective Date**

Following municipal acceptance of the Community Preservation Act and Town Meeting approval of this bylaw, this Section shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

Submitted by Margaretha Henderson and Messrs. Henderson, Ingraham, Casey, O'Donnell, McKenna, Libby and Madames Card, Card, Potter, Laundry, Donahue, McKenna, McKenna and Libby.

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

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

Given under our hands this 27<sup>th</sup> day of September 2016.

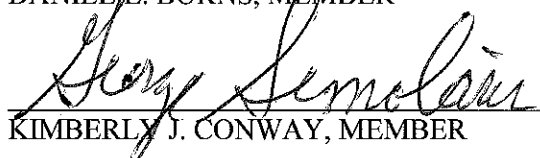
BOARD OF SELECTMEN

  
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ANDREW N. DESLAURIER, CHAIRMAN

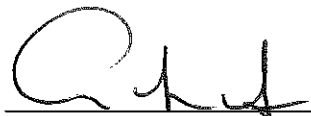
  
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GEORGE J. SIMOLARIS, VICE CHAIRMAN

  
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JOHN J. PISCATELLI, SECRETARY

  
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DANIEL L. BURNS, MEMBER

  
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KIMBERLY J. CONWAY, MEMBER

A true copy attest

  
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Constable, Town of Billerica