

TOWN OF BILLERICA

PRELIMINARY WARRANT



ANNUAL SPRING TOWN MEETING

**Annual Spring Town Meeting
Saturday, May 8, 2021 at 10:00 AM**

**Billerica High School
35 River Street**

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
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1	To Set Compensation of Elected Officials (Select Board)			Finance Committee	Reserves Recommendation
2	To Set Compensation of Elected Official (Town Clerk)			Finance Committee	Reserves Recommendation
3	To Hear Reports of Town Departments, Committees & Officers			Town Manager; authorized by the Select Board	Reserves Recommendation

Financial Articles

4	To Transfer Funds Between 2021 Budget Line Items	\$2,000,000		Town Manager; authorized by the Select Board	Reserves Recommendation
5	To Fund Collective Bargaining Agreement - Teachers			School Committee	Reserves Recommendation
6	To Fund Collective Bargaining Agreement – School Paraprofessionals			School Committee	Reserves Recommendation
7	To Fund Collective Bargaining Agreement – School Administrators			School Committee	Reserves Recommendation
8	To Fund Collective Bargaining Agreement – School Custodial			School Committee	Reserves Recommendation
9	To Fund Collective Bargaining Agreement – School Clerical			School Committee	Reserves Recommendation
10	Fiscal Year 2022 Town and School Budget			Select Board, Town Manager and Finance Committee	Reserves Recommendation
11	Fiscal Year 2022 Water Enterprise Budget			Town Manager; authorized by the Select Board	Reserves Recommendation
12	Fiscal Year 2022 Sewer Enterprise Budget			Town Manager; authorized by the Select Board	Reserves Recommendation
13	To Allow the Town Manager and Finance Committee to Transfer Funds			Finance Committee	Reserves Recommendation
14	To Authorize Departmental Revolving Funds			Town Manager; authorized by the Select Board	Reserves Recommendation
15	To Fund Construction of the Peggy Hannon Rizza Multi-Generational Park and Recreation Complex	\$3,000,000 \$5,400,000 \$2,600,000	Free Cash Borrowing (CPA Tax Revenue) Borrowing (General Obligation)	Recreation Commission	Reserves Recommendation
16	Community Preservation Committee Appropriation and Budget Recommendations (Library/Katie Durand Memorial Park, Sheridan Street, etc.)	\$780,000	CPA Tax Revenue	Community Preservation Committee	Reserves Recommendation
17	To Purchase Property Located at 367 Boston Road	\$95,000	Free Cash	Town Manager; authorized by the Select Board	Reserves Recommendation
18	To Fund Town Parking Lot Project	\$1,000,000	Available Funds/Free Cash	Town Manager; authorized by the Select Board	Reserves Recommendation
19	To Fund the Purchase of a Grinder Replacement for the Rogers Street Pumping Station	\$60,000	Sewer Enterprise Retained Earnings	Town Manager; authorized by the Select Board	Reserves Recommendation

Article Number	Purpose	Value	Funding Source	Submitted by:	Finance Committee Recommendation
20	To Fund Unaccounted for Water (UAW) Compliance Plan	\$65,000	Water Conservation Fund	Town Manager; authorized by the Select Board	Reserves Recommendation
21	To Fund the Purchase of a Loader Replacement for the Wastewater Treatment Plant	\$265,500	Sewer Enterprise Retained Earnings	Town Manager; authorized by the Select Board	Reserves Recommendation
22	To Fund Additional Design, Permitting and Easement Appraisals and Acquisition for Sewer Contract 37, and Easement Appraisals and Acquisition for Contract 38	\$494,000	Sewer Plant Expansion Fund	Town Manager; authorized by the Select Board	Reserves Recommendation
23	To Fund The Repair of 18" Sewer Force Main Break	\$1,000,000	Sewer Enterprise Retained Earnings	Town Manager; authorized by the Select Board	Reserves Recommendation
24	To Fund the Design and Rehabilitation of 15,000 LF of 18" Sewer Force Main	\$875,000	Sewer Plant Expansion Fund	Town Manager; authorized by the Select Board	Reserves Recommendation
25	Boston Road 75% to 100% Design, Permitting and Easement Appraisals and Acquisitions	\$550,000	Borrowing	Town Manager; authorized by the Select Board	Reserves Recommendation

To Amend General By-Laws

26	Establishing Cultural Council and Remaining Arts Council			Town Manager; authorized by the Select Board	Reserves Recommendation
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To Amend Zoning By-Laws

27	To Amend Zoning By-Law (Section 5, Regulation of Uses, Building and Structures)			Select Board	Reserves Recommendation
28	To Amend Zoning By-Law			Select Board	Reserves Recommendation
29	To Amend Zoning By-Law (Mixed Use Overlay Zoning District)			Planning Board	Reserves Recommendation
30	To Amend Zoning By-Law (Planned Unit Development District)			Planning Board	Reserves Recommendation

Petitioner Articles

31	Petitioner Article				Reserves Recommendation
32	Petitioner Article				Reserves Recommendation
33	Petitioner Article				Reserves Recommendation

PRELIMINARY WARRANT
2021 ANNUAL SPRING TOWN MEETING

Middlesex, ss.

To Any Constable in the Town of Billerica

Greetings,

You are hereby authorized and requested to notify and warn the inhabitants of said Town of Billerica qualified by law to vote in Elections and Town Affairs, to meet at the Billerica Memorial High School located at 35 River Street, Billerica, MA on Saturday, May 8, 2021 at 10:00 AM, with members convening at 9:00 AM in several different rooms, connected audio-visually, to hear and act upon all the business in the Warrant, then and there to vote on the following articles:

ARTICLE 1 - TO SET COMPENSATION OF ELECTED OFFICIALS (SELECT BOARD)

To see if the Town will vote to fix the compensation of the following five elected officers of the Town and determine any salary increase that shall become effective July 1, 2021; or act in relation thereto.

Select Board, Chairman - \$2,000

Select Board, Members - \$1,800

Submitted by the Finance Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE 2 - TO SET COMPENSATION OF ELECTED OFFICIAL (TOWN CLERK)

To see if the Town will vote to fix the compensation of the following elected officer of the Town and determine any salary increase that shall become effective July 1, 2021; or act in relation thereto.

Town Clerk - \$120,307; or act in relation thereto.

Submitted by the Finance Committee

Finance Committee has not yet made final recommendation.

Article 2 Explanation: In accordance with M.G.L. Chapter 41, Section 108, the salary and compensation of all elected officials shall be fixed annually by a vote of Town Meeting.

ARTICLE 3 - 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 Select Board

Finance Committee has not yet made final recommendation.

Article 3 Explanation: In accordance with M.G.L. Chapter 40, Section 49, this article allows Town Meeting to hear and act upon reports submitted in the FY 2020 Annual Town Report.

ARTICLE 4 - TO TRANSFER FUNDS BETWEEN 2021 BUDGET LINE ITEMS

To see if the Town will vote to transfer from available funds the sum of \$2,000,000 to amend various Fiscal Year 2021 budget line items; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 4 Explanation: This article is an annual article submitted to transfer money between line items to ensure that all line items are fully funded for the current fiscal year.

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT – TEACHERS

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

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL PARAPROFESSIONALS

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

Submitted by the School Committee

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 – SCHOOL ADMINISTRATORS

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

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE 8 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CUSTODIAL

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

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE 9 - TO FUND COLLECTIVE BARGAINING AGREEMENT – SCHOOL CLERICAL

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

Submitted by the School Committee

Finance Committee has not yet made final recommendation.

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

ARTICLE 10 - FISCAL YEAR 2022 TOWN AND SCHOOL BUDGET

To see if the Town will vote to adopt, pursuant to Article 5 of the Billerica Home Rule Charter, the following proposed line item budget for fiscal year beginning July 1, 2021 and ending June 30, 2022. It is anticipated that \$70,023 will be transferred from the Hallenborg Rink Fund to fund a portion of the Debt Service Budget.

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

The line item budget is arranged to show the actual expenditures for the current year and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office and the Town of Billerica's website

The following budget, when considered by the Town Meeting, shall first be subject to amendment, if any, as may be proposed by the Finance Committee; or act in relation thereto.

Submitted by the Select Board, Town Manager and Finance Committee

Finance Committee has not yet made final recommendation.

Article 10 Explanation: The detailed budget presentation will be available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>.

ARTICLE 11 - FISCAL YEAR 2022 WATER ENTERPRISE BUDGET

To see if the Town will vote to raise and appropriate a sum of money to operate the Water Enterprise Fund pursuant to M.G.L. Chapter 44 Section 53 F ½ for the fiscal year beginning July 1, 2021 and ending June 30, 2022; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 11 Explanation: This is a Water Enterprise Budget as voted pursuant to Article 29 of the October 2015 Annual Fall Town Meeting. This budget will be funded by general tax revenue and water user fees. The line item budget is arranged to show the actual expenditures for the prior fiscal years and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The preceding budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office. This information is also available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>.

ARTICLE 12 - FISCAL YEAR 2022 SEWER ENTERPRISE BUDGET

To see if the Town will vote to raise and appropriate a sum of money to operate the Sewer Enterprise Fund pursuant to M.G.L. Chapter 44 Section 53 F ½ for the fiscal year beginning July 1, 2021 and ending June 30, 2022; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 12 Explanation: This is a Waste Water Enterprise Budget as voted pursuant to Article 30 of the October 2015 Annual Fall Town Meeting. This budget will be funded by general tax revenue and water user fees. The line item budget is arranged to show the actual expenditures for the prior years and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The preceding budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office. This information is also available in the Town Meeting Book and on the Town Manager's Page: <http://www.town.billerica.ma.us/365/Budget-Information>.

ARTICLE 13 - TO ALLOW THE TOWN MANAGER AND FINANCE COMMITTEE TO TRANSFER FUNDS

To see if the Town will vote to allow the Town Manager, upon request of a Department Head, Board or Commission, to make a transfer of funds between budget line items not-to-exceed a difference of \$5,000 from the amount voted at Town Meeting per line item for Fiscal Year 2022, with the exclusion of travel accounts, within the same department. Transfers within department line items in excess of \$5,000 for Fiscal Year 2022 must be approved by the Finance Committee. A written report from the Town Manager on all transfers of \$5,000 and under must be provided to the Finance Committee on the first Tuesday of each month if there are no transfers a monthly report stating such; or act in relation thereto.

Submitted by the Finance Committee

Finance Committee has not made final recommendation.

Article 13 Explanation: This article gives the Town Manager the authority to transfer funds between budget line items within a particular department, not-to-exceed \$5,000 per fiscal year. If the amount exceeds \$5,000, the article gives the authority to make such a transfer with the Finance Committee's approval.

ARTICLE 14 - TO AUTHORIZE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 44, Subsection 53E1/2, as most recently amended, to set Fiscal Year 2022 spending limits for revolving funds as follows:

<u>REVOLVING FUND</u>	<u>FY 2022 SPENDING LIMIT</u>
Animal Control	\$5,000
Inspectional Service Emergency Overtime	\$10,000
Wetlands By-Law	\$30,000
C.O.A. Programs	\$100,000
BEAM Program	\$2,000,000
Respite Care	\$120,000
Flu Shot Program	\$15,000

Or act in relation thereto.

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

Finance Committee has not made final recommendation.

Article 14 Explanation: Revolving Funds are allowed under M.G.L. Chapter 44, Section 53E ½ and must be established by By-Law. Under the statute, as most recently amended, Town Meeting must authorize the funding limit of Revolving Funds each year.

ARTICLE 15 - TO FUND CONSTRUCTION OF THE PEGGY HANNON-RIZZA MULTI-GENERATIONAL PARK AND RECREATION COMPLEX

To see if the Town will vote to appropriate a sum of money to pay costs of designing, constructing, remodeling and equipping the Peggy Hannon-Rizza Multi-Generational Park and Recreational Complex, which project shall include, among other elements, turf fields, softball fields, pavilion, parking, community space, restrooms and concessions, including the payment of all costs incidental and related thereto, and further, to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise; or act in relation thereto.

MOTION:

That the Town appropriates \$11,000,000 to pay costs of designing, constructing, remodeling and equipping the Peggy Hannon-Rizza Multi-Generational Park and Recreational Complex, which project shall include, among other elements, turf fields, softball fields, pavilion, parking, community space, restrooms and concessions, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town shall appropriate \$3,000,000 from Free Cash and the Treasurer, with the approval of the Select Board, is authorized to borrow up to \$8,000,000 under and pursuant to M.G.L. c. 44, §7(1), M.G.L. c. 44B (the Community Preservation Act), or any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Submitted by the Recreation Commission

Finance Committee has not made final recommendation.

Article 15 Explanation: It is being requested that the CPC approve funding \$5,400,000 in debt service with CPA Tax Revenue and that \$2,600,000 Million be authorized through General Obligation Debt. This GO Debt would be paid down with Free Cash before it is issued. The remaining balance of \$3,000,000 would be paid with FY2021 Free Cash.

**ARTICLE 16 - COMMUNITY PRESERVATION COMMITTEE APPROPRIATION AND BUDGET
RECOMMENDATIONS (LIBRARY/KATIE DURAND MEMORIAL PARK, SHERIDAN STREET, ETC.)**

To determine whether the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,480,000 or any other sum, from the Billerica Community Preservation Fund, of which \$655,000 shall remain in the Undesignated Fund Balance as of June 30, 2021; \$190,000 shall be appropriated from Community Housing Special Fund Balance and \$10,000 shall be appropriated from Undesignated Fund Balance to the Billerica Affordable Housing Trust; \$100,000 shall be appropriated from Open Space/Recreation Special Fund Balance to the Katie Durand Memorial Park Project; \$181,640 shall be appropriated from the Historic Preservation Special Fund Balance and \$298,360 from Undesignated Fund Balance for Historic Preservation Projects; and \$45,000 shall be appropriated for Administration Expenses from projected FY22 Fund Revenues, in accordance with Massachusetts General Laws c. 44B, to be expended under the direction of the Town Manager as follows; or act in relation thereto.

This article seeks to authorize the Select Board to acquire any interests in land that may be necessary to effectuate the purposes of this vote, or to grant any interests in land as may be necessary to comply with G.L. c.44B; and further, to authorize the Select Board to execute any documents or instruments necessary to effectuate the purpose of this Article; all in accordance with Massachusetts General Laws c. 44B or other applicable law; with sums appropriated hereunder to be expended under the direction of the Town Manager; or act in relation thereto.

Item	Project/Description	Category					Total Amount Recommended
		Housing	Open Space and Recreation	Historic Preservation	FY22 Appropriation	CPA Fund Balance	
	Middlesex Canal Association – Museum Construction			\$181,640		\$98,360	\$280,000
<i>In Spring of 2019, Town Meeting authorized \$100,000 of funding for the construction of the Middlesex Canal Museum at 2 Old Elm Street. This request is to fund continued and on-going construction. The work will consist of plumbing, electrical and bridge work.</i>							
	Katie Durand Memorial Park/Carter Ave.		\$100,000				\$100,000
<i>The Town of Billerica voted at Spring 2018 Town Meeting to purchase 8 Carter Avenue and an adjoining parcel located on the Concord River in the care and custody of the Conservation Commission. Those parcels were for preservation, restoration and passive recreation purposes. The Commission would like to request funding to implement the goals of Town Meeting by designing and constructing a multi-use project that could include picnic tables, canoe/kayak access, small parking lot for visitors, and a memorial pollinator (butterfly) garden honoring Katie Durand, former Conservation Assistant. This project will use CPA funding to maximize the land already owned by the Town and aligns well with the goals outlined in the CPC Plan and Town's Open Space and Recreation Plan and will complete Phase 1 of this project.</i>							

Item	Project/Description	Housing	Open Space and Recreation	Historic Preservation	FY22 Appropriation	CPA Fund Balance	Total Amount Recommended
	Masonic Hall, 11 Concord Road, Structural Repairs and Facility Use Study					\$200,000	\$200,000
<i>The Town purchased the Masonic Hall at 11 Concord Road per Town Meeting vote in June of 2020. The building is currently occupied temporarily by the Billerica Food Pantry. A Structural Engineering Study determined that there are \$130,000 of needed structural repairs to the building. Part of this funding request is to address these repairs. Also, the Town Administration would like to complete a Facility Study on this property to determine best uses into the future. The remainder of this funding request would be to fund this study.</i>							
	Billerica Affordable Housing Trust – Community Housing	\$190,000				\$10,000	\$200,000
<i>Reserved funds for community housing.</i>							
	Staff and Technical Support				\$45,000		\$45,000
					\$45,000		\$780,000

This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$100,000 for Open Space/Recreation, \$480,000 for Historic Preservation, \$200,000 for Community Housing, and \$45,000 for Administration. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.

Submitted by the Community Preservation Committee

Finance Committee has not made final recommendation.

Article 16 Explanation: The Community Preservation Committee received applications for projects to use funds within the Community Preservation Fund, and the five projects described above will be recommended to Town Meeting for approval.

ARTICLE 17 - TO PURCHASE PROPERTY LOCATED AT 367 BOSTON ROAD

To see if the Town will vote to authorize the Select Board to purchase a section of 367 Boston Road as identified in the Billerica Engineering Document titled “367 Boston Road Parking” dated April ... for general municipal purposes; and as funding for said purchase, to see if the Town will vote to transfer and appropriate from Free Cash the sum of \$95,000; and further to authorize the Select Board to execute such documents and enter into such agreements as it deems in the best interest of the Town in the furtherance of the objectives of this article; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 17 Explanation: This article is a placeholder to purchase a parcel directly adjacent to Town Hall on the Southerly lot line. This parcel is in the Middlesex County Registry of Deeds Book 9565, Page 141, Land Court Plan Number 17694-A, Billerica, MA, Assessor’s Parcel ID: 51-16-0, Parcel “B”, 16,931 plus or minus square feet.

ARTICLE 18 - TO FUND TOWN PARKING LOT PROJECT

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$1,000,000 to fund the design and reconstruction of the Town Hall parking lot; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 18 Explanation: This is a placeholder – the details of this article and the source of funding will be provided in the Final Warrant. This article would provide additional parking on the parcel purchased in Article 17 and also provide much needed pedestrian access features.

ARTICLE 19 - TO FUND THE PURCHASE OF A GRINDER REPLACEMENT FOR THE ROGERS STREET PUMPING STATION

To see if the Town will vote to transfer and appropriate a sum of \$60,000 from Sewer Enterprise Retained Earnings Fund for the replacement of a Grinder Unit at the Rogers Street Pumping Station; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 19 Explanation: This grinder operates 24 hours a day nonstop with the primary function being the grinding of solids, wipes, rags and any other solids that enter the pumping station prior to pumping into the Wastewater Treatment Plant.

ARTICLE 20 - TO FUND UNACCOUNTED FOR WATER (UAW) COMPLIANCE PLAN

To see if the Town will vote to transfer and appropriate from Water Conservation Funds the sum of \$65,000 for the Massachusetts Department of Environmental Protection's (MassDEP's) requirement to develop an Unaccounted for Water (UAW) Compliance Plan and conduct a Step One and Step Two Municipal Water Loss Control Program (Water Audit); or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 20 Explanation: This requirement is included as Appendix B of the Town's Water Withdrawal Permit and as a condition of the MassDEP's Order to be completed relative to the Town's Water Management Act (WMA) permit renewal application.

ARTICLE 21 - TO FUND THE PURCHASE OF A LOADER REPLACEMENT FOR THE WASTEWATER TREATMENT PLANT

To see if the Town will vote to transfer and appropriate a sum of \$265,500 from Sewer Enterprise Retained Earnings Fund for the replacement of a 1988 Trojan Loader for the Wastewater Treatment Plant; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 21 Explanation: This loader is used daily with the primary function of loading solids into large containers so it can be removed off site.

ARTICLE 22 - TO FUND ADDITIONAL DESIGN, PERMITTING AND EASEMENT APPRAISALS AND ACQUISITIONS FOR SEWER CONTRACT 37 AND EASEMENT APPRAISALS AND ACQUISITIONS FOR CONTRACT 38

To see if the Town will vote to transfer and appropriate a sum of \$494,000 from Sewer Plant Expansion Fund for design, permitting, easement appraisals and acquisitions for Contract 37 and easement appraisals and acquisitions for Contract 38, and to authorize the Select Board to acquire by gift, purchase or eminent domain any necessary easements; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 22 Explanation: This article will fund additional sidewalk design, environmental permitting as well as sewer easement appraisals and acquisitions for Contract 37, as well as easement appraisals and acquisitions for Contract 38.

ARTICLE 23 - TO FUND THE REPAIR OF 18" SEWER FORCE MAIN BREAK

To see if the Town will vote to transfer and appropriate a sum of \$1,000,000 from Sewer Enterprise Retained Earnings for the Emergency repairs of an 18" sewer force main; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 23 Explanation: Due to a sewer force main break located on Railroad property, Public Works had responded to do the repair. The force main is a 15,000 LF of 18" ductile Iron Pipe that was constructed in 1973 and it plays a critical role in the Town's sewer conveyance system, conveying approximately 4,000 gpm (approximately 30% of the Town's wastewater flow) from the Brown Street Pump Station to the Rogers Street Pump Station before reaching the Town's Wastewater Treatment Plant. The following measures had to be taken in order to do repairs:

1. DEP, Conservation and Railroad were notified immediately.
2. Shutdown one of the pumps at the Brown Street Station in order to control the pumping of sewer.
3. Tanker truck was hired around the clock to relive the force main and minimize the sewer passing through.
4. 3,000 feet of bypass had to be laid out on railroad property in order to divert the sewer going through break location and to allow the town time to repair the break without flow going through.

In June 2020, the Town discovered a failure in the existing force main near Pond Street, which resulted in a sewage spill within the railroad right-of-way (ROW), adjacent to wetlands. The Town was able to repair the failed section of pipe with cost reaching about \$100,000.

The Town sent the portion of failed ductile iron pipe for analysis by Massachusetts Materials Research, Inc. (MMR). The analysis indicated that the failure was due to a severe external corrosion of the pipe. After reviewing the analysis, it became evident that a full repair or replacement of the force main is necessary in order to ensure long term operation of the pipeline.

ARTICLE 24 - TO FUND THE DESIGN AND REHABILITATION OF 15,000 LF OF 18" SEWER FORCE MAIN

To see if the Town will vote to transfer and appropriate a sum of \$875,000 from Sewer Plant Expansion Fund for the design and replacement or rehabilitation of 15,000 LF of 18" sewer force main; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not yet made final recommendation.

Article 24 Explanation: The Brown Street Pump Station has a force main in need of critical repair. The 15,000 LF of 18-inch cement lined ductile iron force main was originally constructed in 1973 with cross connection chambers built to eventually support a second parallel force main for redundancy. It plays a critical role in the Town's sewer conveyance system, conveying approximately 4,000 gpm (approximately 30% of the Town's wastewater flow) from the Brown Street Pump Station to the Rogers Street Pump Station before reaching the Town's Wastewater Treatment Plant. In June 2020, the Town discovered a failure in the existing force main near Pond Street, which resulted in a sewage spill within the railroad right-of-way (ROW), adjacent to wetlands. The Town was able to repair the failed section of pipe.

The Town sent the portion of failed ductile iron pipe for analysis by Massachusetts Materials Research, Inc. (MMR). The analysis indicated that the failure was due to a severe external corrosion of the pipe. After reviewing the analysis, it became evident that a full repair or replacement of the force main is necessary in order to ensure long term operation of the pipeline. This article will fund the design and look at all options for replacement or rehabilitation, once this task is completed, we will determine the path that most advantages. We believe that the construction cost to be between \$9 million-\$12 million at which will be requested for funding in future town meeting.

ARTICLE 25 - BOSTON ROAD 75% TO 100% DESIGN, PERMITTING AND EASEMENT APPRAISALS AND ACQUISITIONS

To see if the Town will vote to authorize the Treasurer, with approval of the Select Board, to borrow under Chapter 44, Section 7, the sum of \$550,000 to pay the cost of design, permitting and appraisals for the Boston Road TIP Project from River Street to the Floyd Street intersection, and to authorize the Select Board to acquire by gift, purchase or eminent domain any necessary easements. Any premium received upon sale of the bonds or note approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of the costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such cost by a like amount; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 25 Explanation: This is a TIP Project that is scheduled to be bid in February of 2022. It is currently at 75% design and was submitted to MassDOT for review. The funding will bring the project to 100% and make it ready for construction.

ARTICLE 26 - ESTABLISHING CULTURAL COUNCIL AND RENAMING ARTS COUNCIL

To see if the Town will vote to amend the General By-Laws of the Town of Billerica as amended by inserting in Article II, Certain Powers and Duties of Town Officials, a new Section 43, Local Cultural Council, creating a cultural council pursuant to the provisions of M.G.L. c. 10, sec. 58, as follows:

Article II, Section 43. Local Cultural Council

The Local Cultural Council, established pursuant to and in accordance with the provisions of G.L. c. 10, sec. 58 as may be amended, shall be appointed by the Select Board and shall consist of at least five members as determined by the Select Board who shall each serve for a three-year term, and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

At least one member shall be a Certified Public Accountant. Terms shall be staggered and shall end on June 30th.

And further, to amend the General By-Laws, Article II, Certain Powers and Duties of Town Officials, Section 22, Billerica Museum Committee, by deleting in subsection 22.2 the words "Arts Council" as they appear therein and inserting in place thereof the words "Local Cultural Council"; or act in relation thereto.

Submitted by the Town Manager; authorized by the Select Board

Finance Committee has not made final recommendation.

Article 26 Explanation: The provisions of Chapter 790 of the Acts of 1979 regarding the creation of local arts councils was codified in G.L. c. 10, sec. 35A. That statute was repealed in 1989 and so is no longer effective. The creation of a local cultural council is subject to the provisions of M.G.L. c. 10, sec. 58, which provides that a town may establish a local cultural council.

ARTICLE 27 - TO AMEND ZONING BY-LAW (SECTION 5, REGULATION OF USES, BUILDING AND STRUCTURES)

To see if the Town will vote to amend the Town's Zoning By-Law, Section 5, Regulation of Uses, Buildings and Structures, by deleting therefrom Section 5.E.10, Planned Unit Development (PUD), in its entirety; and further, to amend Section 5.f, Table of Use Regulations, by deleting therefrom references to the Planned Unit Development (PUD); and further to delete any and all other references to the Planned Unit Development (PUD) as they may appear in the Zoning By-Laws; or act in relation thereto.

Submitted by the Select Board

Finance Committee has not yet made final recommendation.

Article 27 Explanation: This article is intended to remove just the Planned Unit Development Zoning By-Law.

ARTICLE 28 - TO AMEND ZONING BY-LAW

To see if the Town will vote to amend the Town's Zoning By-Laws by deleting the following sections referencing overlay districts in their entirety; or act in relation thereto.

22-8-2	220 Boston Road
22-8-3	210 Boston Road
22-9-0	200 Boston Road
31-151-0	2 Bridge Street
31-153-1	279 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

Boston Road PUD Parcel Inventory	
Parcel Number	Address
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
15-131-0	176 Boston Road
15-140-0	161 Boston Road
15-148-2	175 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
22-132-1	202 Boston Road
22-137-1	192 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
22-19-0	240 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

Boston Road Center Parcel Inventory	
Parcel Number	Address
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 Select Board

Finance Committee has not yet made final recommendation.

Article 28 Explanation: This article removes most of the parcels in the overlay district with the exception of those parcels owned by the Town.

ARTICLE 29 - TO AMEND ZONING BY-LAW (MIXED USE OVERLAY ZONING DISTRICT)

To see if the Town will vote to amend the Zoning By-Law to add a new Section 5.E.11: MIXED USE OVERLAY ZONING DISTRICT, in the form set forth below, and to further amend the Zoning By-Law in accordance therewith as follows:

- a) add a reference to Section 5.E.11 in the Table of Contents;
- b) add "Mixed Use Overlay District" as subsection j to Section 3.A.3;
- c) add "MUOD-Mixed Use Overlay District;" in District Abbreviations under the Overlay category in Section 5.F;
- d) Add a new column to the Table of Uses in Section 5.F as follows:

and further to amend the Zoning Map to add the Mixed Use Overlay District as depicted on the maps entitled: "Mixed-Use Development District Zone A" and "Mixed-Use Development District Zone B", copies of which have been placed on file with the Town Clerk; or act in relation thereto.

5.E.11: MIXED USE OVERLAY ZONING DISTRICT**1. STATEMENT OF PURPOSE AND AUTHORITY**

The purpose of this Section is to encourage the construction of Mixed Use Developments in designated Districts within the Town of Billerica. The major objectives of the District are:

- a. Permit a mix of land uses, densities and building types in one development.
- b. Facilitate high quality, integrated planning of 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.
- d. Provide a mechanism to accommodate development reuse and redevelopment in specified locations, which is in the public interest and may not otherwise be permitted within the Town's Zoning By-Law
- e. Create mixed use developments that work together to create a unified sense of place and purpose
- f. Facilitate the development of a mix of uses that contribute to a vibrant business environment and increases street level activity
- g. Promote a greater variety of housing choice and create diversity of housing opportunities in the corridor
- h. Create connectivity of uses and promote pedestrian activity
- i. Develop uses that are compatibility with the Town's character and historic or traditional context
- j. Create a balanced and vibrant mix of compatible uses
- k. Create development nodes in order to plan for a comprehensive corridor
- l. Create a retail and restaurant base that residents can utilize
- m. Encourage the reuse of existing buildings and the construction of new, innovative designs that enhance the corridor

The Mixed Use Overlay District will contain standards for the entire district and will also create two (2) sub-zones that will contain standards specific to each zone.

2. DEFINITIONS

The following definition shall apply in the Mixed Use Overlay District:

a. Mixed Use

The use of a building or buildings on one lot for both residential and commercial uses. The building shall contain a commercial use or uses on the first floor or ground floor and residential or office uses on the upper floors.

3. OVERLAY DISTRICTS

The Mixed Use Overlay District shall take the form of an overlay district covering designated portions of General and Neighborhood Business Districts as well as Residential Districts on the Billerica Zoning Map. For any land within the Mixed Use District, a Developer may choose to conform either to the zoning regulations which govern the underlying zoning district or to the Mixed Use Overlay District 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 and without limitation, use, intensity, dimensions, parking and site plan review; however, the provisions of any other overlay district shall continue to apply.

Two sub-zones are established for this Overlay District in order to preserve, maintain, and promote a diversity of housing stock and commercial establishments within the corridor. The specific boundaries of the two sub-zones are shown on the Town of Billerica Zoning Map. The two sub-zones are as follows:

a. Sub-Zone A: Town Center

The goal of this sub-zone is to preserve the historic character of the Town Center while providing additional opportunities for a diversity of housing options, commercial development, and pedestrian activity.

b. Sub-Zone B: Boston Road

The goal of this sub-zone is to provide additional opportunities for commercial growth through the addition of housing. This sub-zone will also act as an anchor to increase commercial growth along Boston Road outside of this Overlay District.

The boundaries of Sub-Zone A and Sub-Zone B are shown on the Maps entitled “Mixed Use Overlay District, Sub-Zone A” and “Mixed Use Overlay District, Sub-Zone B”.

4. SPECIAL PERMIT CRITERIA

The Planning Board, as the Special Permit Granting Authority, shall have authority to grant a Special Permit to provide for the Mixed Use of land within the Mixed Use Overlay District. The Board shall evaluate proposed projects and require all such projects to conform to the requirements, standards and guidelines as set forth in the Mixed Use Overlay District.

In addition to any standards and criteria set forth elsewhere in this Overlay District, the following standards shall apply for all projects, in both sub-zones, constructed in the Mixed Use Overlay District. The following standards shall be met in order to receive special permit approval from the Planning Board:

- a. All mixed use development shall contain a balance of commercial and residential uses.
- b. The review, permitting, and construction of the residential uses and the commercial uses shall be completed simultaneously.
- c. All mixed use development shall be designed to generate pedestrian traffic
- d. Parking shall be located to the rear or side of the building, whenever physically feasible and should be screened visually from the street and abutters.
- e. Parking lots shall be cohesive and not separated by use.
- f. Parking areas shall provide pedestrian walkways and connections to the existing sidewalk system.
- g. All parcels located within the Billerica Historic District shall comply with all of the Historic District requirements.
- h. No lighting shall cast a glare on abutting properties

5. Use Restrictions

The following uses shall be permitted:

- a. Mixed Use

Any and all other uses permitted within the underlying zoning district shall be permitted in the Mixed Use Overlay District, except for those uses permitted within the Industrial Zoning District. Any uses allowed by Special Permit in the underlying zoning district, shall be permitted by special permit in the Mixed Use Overlay District, with the Planning Board serving as the Special Permit Granting Authority.

6. Density Regulations

The following residential density regulations shall apply:

- a. The density in sub-zone A shall be 6 units per acre.
- b. The density if sub-zone B shall be 8 units per acre

7. Density Bonuses

A density bonus shall be awarded to increase the number of dwelling units beyond the maximum number permitted in the Mixed Use Overlay District, under the following circumstances:

- a. In sub-zone A, a maximum of 10 units per acre shall be permitted when a project provides for increased pedestrian activity and connectivity between properties, including but not limited to walkways, pedestrian areas that increase the amount of sidewalk area available to the public, outdoor seating areas designed to be utilized by dining establishments while complementing the building and allowing for unencumbered pedestrian circulation, or public outdoor spaces
- b. In sub-zone B, a maximum of 12 units per acre shall be permitted when a project provides for alternate modes of transportation, including bicycle amenities and public transit. Providing for alternate modes of transportation could include, but is not limited to, routes dedicated to pedestrian and bicycle connections separated from vehicular routes, or cross-access routes through the subject parcel specifically for pedestrian and bicycle cross-access which connects adjacent parcels. Cross access routes shall be specifically designed to be separated from vehicular use through design features such as signage, pavement markings, and landscaping
- c. In both sub-zone A and sub-zone B, one additional market rate unit shall be permitted for each additional affordable housing unit provided above the number required by this Section, provided that in no case the unit density bonus shall exceed 25% of the total units.

Only one density bonus per development project may be utilized.

8. Affordability Requirement

The applicant for any Mixed Use development subject to the provisions of this Section shall contribute to the local stock of affordable units in accordance with the following requirements:

A development subject to this By-Law shall provide at least ten (10) percent of the residential units as affordable housing units. For purposes of calculating the number of affordable housing units required in a proposed development, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit and any fractional unit of 0.4 or less shall require no contribution to satisfy the fractional share. Affordable housing units shall be offered for sale or rental in the same proportion of the total units as the offer for sale or rental of market rate units in the development.

All affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the Town's Subsidized Housing Inventory. The affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law. No building permits shall be issued until the restriction and the regulatory agreement are recorded at the Registry of Deed and a copy provided to the Planning Director and the Building Inspector.

As an alternative to the requirements of this Section, an applicant subject to this By-Law may contribute to a designated housing entity to be used for the development of affordable housing in lieu of constructing and offering affordable units on-site.

- a. *Eligibility:* A fee-in-lieu of affordable housing units shall be approved only if the Planning Board makes specific findings that there will be an unusual net benefit to achieving the Town's housing objectives as a result of allowing a fee rather than affordable housing units. The findings shall include consideration of the appropriateness of the development site location for income-eligible households, including proximity to and quality of public transportation, schools, and other services.
- b. *Fee Amount:* For each affordable unit provided through a fee in lieu of units, the cash payment shall be equal to 15% of the estimated assessed value of each unit as determined by the Town Assessor. The schedule of payments shall be determined by the Planning Board and specified during the Special Permit process.

9. Design Guidelines

These guidelines shall apply to Mixed Use development in the entire overlay district. Furthermore, these guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting, and design solutions. It is understood that buildings and structures may not be able to comply with all of the following guidelines, but buildings and structures should comply if it is physically possible. For projects in the Mixed Use Overlay District, the following design guidelines shall apply:

- a. Residential and office space shall be placed on the upper floors, not on the first floor or street level. Handicap accessible units required by the Architectural Access Board (521 CMR) may be located on the first floor, if granted by the Planning Board.
- b. Retail, restaurant, and other lively pedestrian friendly uses are encouraged on the ground floor.
- c. Buildings on a corner lot should have a façade that relates to both streets and contains enhanced architectural features at the corner of the building.
- d. Development projects located adjacent to the Concord River, should provide public access to the river whenever feasible.
- e. Site lighting should be considered an integral element of the landscape design of a property. Lighting should facilitate safe and convenient circulation for pedestrians, bicyclists and motorists.
- f. Outdoor seating/dining throughout the two (2) subzones is encouraged.
- g. All development should be designed to facilitate, accommodate and encourage use by pedestrians.

- h. Development projects located outside of the Billerica Historic District are encouraged to apply the design guidelines of the Historic District to their project.
- i. Whenever feasible, all above ground utilities shall be relocated underground.

10. Dimensional Regulations

The dimensional regulations for the Mixed Use Overlay District are as follows:

- a. The dimensional regulations for sub-zone A are as follows:

Maximum building coverage	50%
Minimum open space	20%
Minimum width of side yard	15 feet
Minimum width of front yard	N/A
Minimum width of rear yard	20 feet
Maximum height of buildings	45 feet
Maximum stories	3 stories

- b. The dimensional regulations for sub-zone B are as follows:

Maximum building coverage	50%
Minimum open space	20%
Minimum width of side yard	N/A
Minimum width of front yard	N/A
Minimum width of rear yard	20 feet
Maximum height of buildings	45 feet
Maximum stories	3 stories

11. Parking Requirements

The parking requirements in the Mixed Use Overlay District shall follow the regulations as set forth in Section 8 of the Billerica Zoning By-Law, except for the following:

Multi-family Residential: 1.5 parking space per residential unit.

For all mixed use development, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. Off-street parking facilities for one use will not be considered as providing required parking facilities for any other use except as permitted by the Planning Board as per specified in the Shared Parking section of this By-Law.

- a. *Shared Parking*

Two or more uses may meet their parking requirements by sharing a common shared parking area, provided that the shared spaces are held in common ownership with all uses being served through easements or fee title, that all spaces are located within four hundred (400) feet of all uses they serve, a calculation is provided to the Planning Board showing the expected peak use of all parking spaces and that the usage of such parking area would not occur simultaneously,

and the Developer can show that the total proposed number of parking spaces will meet the demands of the uses proposed for the site.

In order to be granted shared parking approval, the Planning Board shall determine that a lesser number of spaces would be adequate for all parking needs because of special circumstances such as shared parking for uses having peak parking demands at different times or other measures reducing parking demand.

A reciprocal agreement shall be executed by the owners and operators of the different sources or uses in the building or development ensuring the long-term joint use of such shared parking, and defining the terms upon which the parking is shared.

b. Off-site Parking

An applicant may request to the Planning Board to utilize off-site parking in order to meet the parking requirement. All municipal or other parking facilities which are used to satisfy the parking requirement must meet the following criteria:

1. The parking facility must be less than one thousand (1,000) feet from the proposed development, the distance to be measured in a straight line from the two (2) closest points between the proposed use and the parking facility
2. The applicant must provide the Planning Board with proof of ownership or lease for those parking spaces in order to satisfy the parking requirement. The owner shall provide offsite parking in perpetuity of the building use, as required by the needs of the tenants, subject to approval by the Planning Board as part of the Special Permit. Prior to the expiration of any parking lease, the Planning Board shall approve the new mechanism to satisfy the parking requirement.

12. Application for Special Permit Approval

The Special Permit process as detailed in Section 13 of the Billerica Zoning Bylaw shall be followed for all Mixed Use Overlay District Special Permits.

a. Required Submittals

The applicant shall file the following information together with a Mixed Use Special Permit Application and the required filing fee:

1. Form: A Civil Engineer, registered in Massachusetts, shall prepare and certify the site plan, which shall be clearly and legibly drawn on mylar to a maximum scale of 1" = 40'.
2. Size of Plan: All sheets that make up the original plan shall be 24" x 36".
3. Number of Copies: The applicant shall provide copies of each plan for purposes of review by other boards, agencies, officers, and outside consultants, as designated in the SPGA Rules. The number of copies to be provided shall be set forth in the SPGA Rules.

4. Contents: A site plan and supporting documents shall at a minimum show the following information:
 - a. Metes and bounds of the property, area of the property, north point, scale, and date;
 - b. Name, address, and signature of the person preparing the site plan stamped with that person's Massachusetts Registration number and seal;
 - c. Name and address of the record owner or owners of the property and street address of the property with street number, if one exists at the time of application;
 - d. Names of all abutters to the property as they appear in the most recent certified tax list;
 - e. The existing topography of the land at two (2) foot contour intervals, Mean Sea Level Datum;
 - f. Location, width, and names of all existing and proposed streets that affect the property and are within 100 feet of the property;
 - g. Location and width of all existing and proposed easements that affect the property;
 - h. Existing and proposed carrying capacity and level of service of the streets that serve the property;
 - i. Location and outline of all existing and proposed buildings and structures on the property;
 - j. The basement and first floor elevations, the height, and use of all existing and proposed buildings on the property;
 - k. Location and outline of cesspools, septic tanks, leaching areas, and wells on the property;
 - l. Location and outline of existing public sewers available to serve the site;
 - m. Location and outline of proposed access to trunk lines, capacity of the trunk lines, and available increases in flow;
 - n. The location of all present and proposed utility systems, including sewage disposal; water supply lines; and telephone, cable, and electrical lines;
 - o. Location, size, and type of all existing and proposed storm drains, culverts, catch basins, headwalls, invert elevations and depths, end walls, hydrants, manholes, drainage swales, percolation tests, storm drainage, and drainage facilities, including adjacent existing water ways and drainage ditches to serve the site and with all calculations for the proposed drainage system;
 - p. Profiles of the proposed drainage system together with details of all proposed structures.
 - q. An illumination plan showing the location, height, intensity, and bulb type (e.g., fluorescent, sodium, incandescent) of all external lighting fixtures, and including the direction and illumination and methods proposed to eliminate glare onto adjoining properties;
 - r. The location, height, size, and design of all proposed signage;
 - s. The location, type of surface, and type of screening of rubbish collection areas and type of container(s);
 - t. The location of existing major site features, such as rock ridges, ledge outcroppings, wetlands, water retention or detention areas, brooks, bodies of water, waterways or canals, treelines and isolated trees to be cleared that are of a 12 inch diameter or greater;
 - u. A landscape plan showing all buffer areas and the size and type of plant materials to be provided, and indicating all proposed changes to existing major site features.
 - v. The proposed finished topography of the site at two (2) foot contour intervals, Mean Sea Level Datum.
 - w. The location and description of a permanent type bench mark on or adjacent to the property;
 - x. The location and description of the bench mark used in establishing the topography;
 - y. Zoning classification for the property and zoning district lines if the property lies in one or more zoning districts or abuts a zoning district;

- z. Where applicable, the location of wetlands and flood plain protection district boundaries;
 - aa. Description of plans to prevent erosion of soil during and after construction, excessive run-off, and flooding of other properties, if applicable;
 - bb. The location and type of surface of all existing and proposed parking areas, loading areas, maneuvering areas, driveways, fire lanes, accesses, and walkways, which shall include wheelchair ramps and crosswalks;
 - cc. The delineation of each parking space, showing the size of a typical parking space for domestic and imported cars, block totals for number of spaces, with the final number of parking spaces noted on the plan in an obvious place;
 - dd. Traffic flow patterns within site entrances and exits and existing and proposed daily and peak traffic and street capacity levels of ingress and egress streets and drives; site distances of ingress and egress streets and drives onto adjacent streets; loading and unloading areas on the site; and curb cuts on the site and within 100 feet of the site. The traffic analysis shall be conducted by a traffic engineer;
 - ee. For new construction or alterations to any existing building or structure, the area of the building or structure to be used for the proposed use or uses; maximum number of employees; and where applicable, maximum seating capacity; and identification of any federal or state permits required for the project.
 - ff. A description of the hours of operation of the proposed use.
5. Elevations: Elevations of all proposed structures. Elevations for all sides of the building shall be included.
6. Site Section: A site section which includes all direct abutters.
7. Deed: A copy of the owner's deed giving a legal description of the site, and/or other evidence of authority or interest of the applicant, whenever the applicant is not the owner of the subject property, such as an executed purchase and sales agreement or appointment as agent of the owner.
8. Other Permits: Copies of existing variances or special permits applicable to the property, including the book and page where recorded at the Middlesex North Registry of Deeds.

b. Procedure

An applicant shall file the application, fees, and all required submittals, including notice of the date of filing with the Town Clerk. In addition, the applicant shall also file fifteen (15) copies of the application and the required submittals to the Planning Department on behalf of the Planning Board.

The Planning Board shall request comments from the Building Department, Engineering Department, Conservation Commission, Fire Department, and Police Department.

c. Decision

An application for Special Permit approval shall be reviewed for consistency with the purpose and intent of this section and shall follow the requirements as set forth in this zoning By-Law for approval of a special permit.

1. *Waivers*

Except where expressly prohibited herein, upon the request of the applicant, the Planning Board may waive dimensional and other requirements of the Section in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the Mixed Use Overlay District or if the Planning Board finds that such waiver will allow the project to better achieve the intent and overall purposes of this Section. The density, height, and affordability requirements are not waivable.

2. *Minor Amendments*

Following approval of a Mixed Use Special Permit, an applicant may apply to make minor amendments to the approved plan. Minor amendments include minor utility or building orientation adjustments, lighting or façade adjustments, or minor adjustments to parking, landscaping, or other site details that do not affect the overall massing, final build-out, or building envelope of the site and do not increase the number of dwelling units in the project in the aggregate form that was provided in the original plan approval. Plans showing such minor amendments must be submitted to the Planning Director. The Planning Director shall make a determination as to whether the changes constitute a minor amendment and may authorize such changes in writing to the applicant. The Planning Director shall set forth any decision to approve or deny a minor amendment in writing within thirty (30) days after the applicant has filed an amended plan. Within 15 (fifteen) days of the issuance of the Planning Director's decision, the applicant may file an appeal with the Planning Board if determined necessary.

3. *Major Amendments*

Those amendments deemed by the Planning Director to constitute a major amendment because of the nature of the change in relation to the prior approved plan or because such change cannot be appropriately characterized as a minor change as described above, shall be submitted to the Planning Board as a new application for Special Permit approval.

4. *Development Schedule*

The Developer shall begin construction of the project 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). 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 project within 24 months plus any approved extension period, the Special Permit shall lapse.

13. Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaw. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw or provisions therein, shall apply.

14. Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town of Billerica's Zoning By-Law.

Submitted by the Planning Board

Finance Committee has not yet made final recommendation.

Article 29 Explanation: Town Meeting voted at the Fall 2020 Town Meeting to establish a PUD Moratorium and directed the Planning Board to initiate a planning process study to review, analyze and address whether any revisions to the Zoning By-Law relative to Planned Unit Developments were needed or desired to provide for mixed use development consistent with the Town's future general planning goals for economic development and goals for the Town's Master Plan. It was generally agreed that the current PUD Zoning By-Law and Overlay was not crafted for the Billerica Route 3A corridor.

This warrant article is a new Mixed Use Zoning By-Law and Overlay District that is custom crafted for the Route 3A corridor in Billerica. As the Town Charter provides, it was written by the Planning Board after it conducted a comprehensive process that involved input from stakeholders and the public as well other comments of the public through several public hearings. The limits and criteria established by this new By-Law are based on public feedback through this process.

ARTICLE 30 - TO AMEND ZONING BY-LAW (PLANNED UNIT DEVELOPMENT DISTRICT)

To see if the Town will vote to amend the Zoning By-Law to delete Section 5.E.10: PLANNED UNIT DEVELOPMENT DISTRICT in its entirety and to delete reference to said section in the Table of Contents and in Section 5.F, including in the list of District abbreviations therein and deleting the appropriate column from the Use Table, and further to amend the Zoning Map to remove the Planned Unit Development District in its entirety; or act in relation thereto.

Submitted by the Planning Board

Finance Committee has not yet made final recommendation.

Article 30 Explanation: This article is intended to remove the PUD By-Law and Overlay in its entirety after it is replaced by the Mixed-Use By-Law and Overlay established in Article 29.

ARTICLE 31 - PETITIONER ARTICLE

To see if the Town will vote to require a valid I.D. be checked at all voting in the Town of Billerica for in-person voting. A valid I.D. shall include: Massachusetts driver's license, birth certificate or other means allowed by the Town Clerk to prove residency of Billerica; or act in relation thereto.

Submitted by Craig E. Rich and Messrs. Hardy, Dolber, Torpey and Madames Rich, Hardy, Rich, Dolber, Dolber, O'Neill, Torpey and Jankowski.

Finance Committee has not yet made final recommendation.

ARTICLE 32 - PETITIONER ARTICLE

To see if the Town will vote to approve the change in zoning designation of the property located at 336 Boston Road, Billerica, Massachusetts (the "Premises") from residential to commercial and allow the Petitioner, Joe Mercado, as Trustee of the Middlesex County Realty Trust (owner of the Middlesex County Animal Hospital) to expand the Middlesex County Animal Hospital by adding a new building and additional parking spaces; or act in relation thereto.

Submitted by Charles Mackey and Messrs. Koles, Matthews, Kenneally and Madames Mackey, Anton, Hennessey, Ouellette, Matthews, Murray, Dubois, Olson and Charles-Kenneally.

Finance Committee has not yet made final recommendation.

ARTICLE 33 - PETITIONER ARTICLE

To see if the Town will vote to amend the Billerica Zoning By-Laws to include “Commercial Kennel” as a use permitted by way of a special permit in an industrial zone by adding language to the sections of the Zoning By-Laws as follows; or act in relation thereto.

SECTION 2 – DEFINITIONS

KENNEL, COMMERCIAL: A facility in which dogs, cats or domesticated animals are housed, boarded, trained and/or provided daycare services.

SECTION 5.C.8- INDUSTRIAL DISTRICT**b. BUSINESS USES**

(2) By special permit:

(d) Commercial Kennel

Required Findings:

- There shall be forty (40) square feet of recreational space per dog. This recreational space may be inside or outside the facility or a combination thereof.
- The owner of the commercial kennel shall comply with all applicable laws related to the kenneling of animals.
- There shall be an attendant on duty when there are animals at the kennel.
- No kenneled animals shall be let outdoors unattended between the hours of 9:00 pm and 7:00 am.

SECTION 5.F - TABLE OF USE REGULATIONS

BUSINESS USES VR NR RR MF NB GB C I RT DG AD CP AE FP H RC TH EH SS MC PUD

Commercial Kennel N N N N N N N SZ N N N N N * * * * * * * N

Submitted by Kyle Stuart and Messrs. Fishlin, Battcock, Famolare, Pinto, Livsey, Livsey, Humphrey, Luskin, Dodd, Horgan, Powderly, Capraro, Adams and Madames Livsey, Luskin, Strazzere, Horgan, Powderly, Capraro and Adams.

Finance Committee has not yet made final recommendation.

And you are hereby directed to serve this Preliminary Warrant by posting true and attested copies thereof, one copy at 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 (Temporary Location), 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 25th day of March 2021.

BOARD OF SELECTMEN



MICHAEL S. ROSA, CHAIRMAN



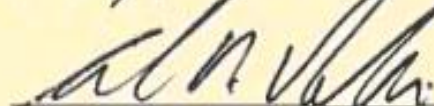
JOHN J. BURROWS, VICE CHAIRMAN



DANIEL L. BURNS, SECRETARY

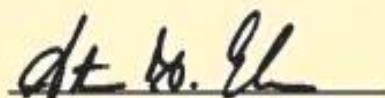


KIMBERLY J. CONWAY, MEMBER



ANDREW N. DESLAURIER, MEMBER

A true copy attest



Constable, Town of Billerica