

**BILLERICA SELECT BOARD AGENDA**  
**FEBRUARY 2, 2026 @ 6:00 PM**  
**THOMAS CONWAY HEARING ROOM #205 AND HYBRID VIA ZOOM**

**Select Board:** Chair; Jillian Pavidis, Vice Chair; John Burrows, Secretary Daniel Darris-O’Conne, Member Michael Rosa, Member Dina Favreau

**Staff:** Town Manager Chris Dillon, Assistant Town Manager Ann Marie Casey, Select Board Confidential Executive Assistant Kerri Rufo, Veterans Director Donald Jarvis, Planning Director Katherine Malgieri

**Attendees:** Gil Moreira, John Flynn and members of the Lions Club

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**Call to order 6:00 PM**

**Pledge of allegiance**

**Moment of Silence**

The Chair requested a moment of silence in remembrance of Helen Potter, a longtime Billerica teacher who dedicated decades of service to various boards and committees and was a member of BATV, as well as in honor of Teddy and Phyllis Critch, Billerica’s beloved oldest couple, who recently passed away together.

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1. Open Microphone

**Barbara Reidy** raised concerns regarding the Swanson Meadows development. She referenced a statement made at a prior Select Board meeting regarding a potential \$30 million land transaction and questioned why such information would be known to only one Select Board member if it exists. She expressed concerns about past meetings involving the former Town Manager, the seller, and the developer, and questioned the ethics of individual meetings between Town officials and parties to a development. She referenced prior Select Board and Town Meeting votes related to Article 38 and questioned whether a Select Board member should consider recusal due to potential personal involvement. She requested a future meeting where Board members could disclose any relationships related to Swanson Meadows.

**Sandra Giroux**, speaking on behalf of the Billerica Community Pantry, requested a placeholder on a future agenda to provide an update on pantry statistics. She reported that in 2025 the pantry distributed 351,709 pounds of food and currently serves over 500 families, with demand expected to increase. She also announced a food drive scheduled for March 7, including a butter drive, and thanked the Town for its support and use of the facility.

**Ralph Delden**, a resident of Swanson Meadows Phase 1, stated that he and other residents have met with various Town officials over several years regarding development concerns. He indicated that he has met with the developer as a neighboring property owner and emphasized the importance of community engagement in future land development proposals. He encouraged continued public meetings, collaboration among stakeholders, and clarification of allowable uses for the property.

**Andrew Jennings**, a North Billerica resident and LRTA Advisory Board representative, thanked DPW staff for roadway snow removal but raised concerns about delayed sidewalk clearing, particularly on the Faulkner Street Bridge and along Boston Road. He urged the Town to review sidewalk-clearing priorities to improve pedestrian safety and walkability.

**Chris Tribou** expressed condolences regarding the recent passing of a longtime community member and echoed concerns about sidewalk clearing following recent storms. He emphasized the importance of prioritizing sidewalks near schools, bus stops, and heavily traveled pedestrian areas.

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**Announcements**

2. Secretary Darris-O’Conner read the Vacancies on Boards and Committees

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**Consent Agenda**

- 3. *Approval of Minutes:* January 5, 2025 Regular Meeting Minutes
- 4. *Appointment:* HDC Appointment -Alternate member Tina Pesiridis exp 6/30/2029

**Motion:**

**Secretary Darris-O’Conner made a motion to take all actions specified in the February 2, 2026 Consent Agenda as posted in the meeting notice.**

**Member Rosa seconded.**

**Darris-O’Conner    Yea**  
**Favreau            Yea**  
**Burrows            Yea**  
**Rosa                 Yea**  
**Pavidis             Yea**  
**Vote: 5-0-0**

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5. All other announcements may be viewed on the Town of Billerica website

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**Proclamation and Public Recognition**

6. Resolution Designating the town of Billerica as a POW/MIA Community-requested By Donny Jarvis

Secretary Darris-O’Conner read a resolution recognizing and honoring Prisoners of War and those Missing in Action, as well as their families. The resolution affirms the Town of Billerica’s commitment to remembrance, education, and public acknowledgment, and notes that designation as a POW/MIA Community aligns with the Town’s tradition of honoring veterans, similar to its Purple Heart Community designation. The Board was asked to consider and vote on adopting the resolution.

Director Donny Jarvis of the Veterans Services spoke in support of honoring POWs and MIAs from all conflicts and thanked the Board for taking this step. He announced plans to install a POW stadium chair at Shawsheen Tech Stadium on POW Day in September, with an unveiling led by students, noting the educational importance of the effort for both residents and youth.

Secretary Darris-O’Conner thanked Director Jarvis for his continued dedication and commitment to supporting veterans and expressed appreciation for his work.

**Motion:**

**Secretary Darris-O’Conner moved to adopt the resolution designating the Town of Billerica as a POW/MIA Community.**

Member Rosa seconded.

Darris-O’Conner Yea  
Favreau Yea  
Burrows Yea  
Rosa Yea  
Pavidis Yea  
Vote: 5-0-0

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**New Business (Quick Items)**

**7. Fiesta Show on behalf of Billerica Lion’s Club 4/22/26-4/26/26 Marshall Middle School**

Secretary Darris-O’Conner introduced an application from the Billerica Lions Club for a carnival and entertainment license for Fiesta Shows to be held at Marshall Middle School, 15 Floyd Street, from April 22–26, 2026, with setup on April 20–21. The application included requests for signage and waiver of fees.

Gil Moreira, Co-Chair of the Lions Club Carnival Committee, along with representatives from Fiesta Shows, spoke in support of the request, noting the event’s success in prior years, its approval by school officials, and its importance as a major fundraiser benefiting the community and charitable causes.

**Motion:**

Secretary Darris-O’Conner moved to approve the Fiesta Shows Billerica Lions Club Carnival and entertainment license for April 22–26, 2026, including hours as presented, approval of signage on the Common, waiver of all fees, and approval of an electronic sign subject to property owner or DPW approval, electrical inspection, and required temporary food permits prior to opening.

Member Rosa Seconded

Darris-O’Conner Yea  
Favreau Yea  
Burrows Yea  
Rosa Yea  
Pavidis Yea  
Vote: 5-0-0

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**8. Title IV-E Transportation Reimbursement MOU (First-Year Participation) – Review and Vote- Requested by Superintendent Kerry Cleary**

Town Manager Chris Dillon explained that the MOU allows the Town to receive federal reimbursement for qualifying student transportation expenses required by law. He noted that the agreement establishes the administrative and procedural framework for documenting, submitting, and receiving reimbursements, and clarifies the responsibilities of both the Town and the School Department. He stated this is the Town’s first year participating in the program and represents the initial step toward recovering federal funds.

Member Rosa expressed support for the program, noting an estimated reimbursement of approximately \$150,000, but raised several questions regarding the MOU language. He questioned whether adoption required a Town Meeting warrant article, citing language referencing authorization by Town Meeting, Town Council, or City Council with Select Board approval.

Kerri Rufo, Confidential Executive Administrator, stated she did not believe a warrant article was required and explained that the Town Manager is the authorized signer, ensuring funds flow to the Town. Member Rosa read directly from the MOU language to reiterate his concern and emphasized the need to ensure proper authorization if Town Meeting approval was required.

Ms. Rufo confirmed the MOU had been reviewed by Town Counsel, who advised that the language was standard and did not raise concerns regarding Town Meeting approval. Chair Pavidis suggested moving forward with approval while seeking clarification on whether a warrant article would be necessary.

Member Rosa raised an additional question regarding whether the MOU applied to regional school districts, specifically Shawsheen Valley Technical High School. Ms. Rufo stated the MOU was provided by the Superintendent and did not appear to include the technical school. Town Manager Dillon indicated the question warranted further review and stated the Town would follow up to determine whether regional districts could also participate.

Member Rosa also questioned record-keeping requirements outlined in Section 11 of the MOU, particularly whether current financial systems would support the required documentation. Town Manager Dillon confirmed the Town would comply with all reporting requirements and would verify whether any new financial modules would be affected.

Chair Pavidis requested clarification on both the Shawsheen Tech applicability and whether a warrant article was required.

Member Favreau stated she had similar concerns and believed a warrant article may be required under the statute. She noted the Board could approve the MOU now, with additional action taken later if required through Town Meeting.

Member Favreau also asked whether participation in the Title IV-E program would impact the School Department's eligibility for the Safe Routes to School grant program. Town Manager Dillon stated he believed the programs were separate but agreed clarification should be obtained from Superintendent Cleary. Chair Pavidis requested follow-up on that point as well.

**Motion:**

**Secretary Darris-O'Conner moved to authorize the Town Manager to sign the Title IV-E Transportation Reimbursement Memorandum of Understanding.**

**Clarification: Member Rosa questioned the signatory language in the MOU. Ms. Rufo confirmed the Town Manager is the authorized signer and that the School Department does not sign the agreement. Member Rosa seconded.**

**Darris-O'Conner Yea  
Favreau Yea  
Burrows Yea  
Rosa Yea  
Pavidis Yea  
Vote: 5-0-0**

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**Old Business**

**9. Discussion and possible vote-Amendment to Select Board Policy 20.1-Second Reading Inquiries to Town Counsel-Requested by Dina Favereau**

This item returned for a second reading and possible vote following the Board's initial review and subsequent review by Town Counsel. The proposed amendment to Select Board Policy 20.1 revises the timing of when draft Select Board policies are submitted to Town Counsel for legal review. Under the amendment, legal review would occur after substantive changes identified during the first reading are incorporated, rather than immediately following the first reading. The intent of the change is to avoid sending incomplete drafts for legal review, reduce duplicative review, and improve overall efficiency and cost control.

During its review, Town Counsel also identified drafting and grammatical issues in the existing policy. Specifically, Section 2 requires the Town Manager to be copied on inquiries to Town Counsel, while Section 3 is grammatically unclear and conflicts with Section 2, creating confusion regarding its application. The revised policy before the Board incorporates Town Counsel's recommended technical corrections and adds a clearer definition of what constitutes "substantive changes."

Town Counsel advised that the Board is legally permitted to adopt the proposed amendment but cautioned that, in complex matters, early legal review may still be appropriate and recommended flexibility rather than a rigid application of the policy.

Member Favreau explained that the proposed amendments were sent to Town Counsel for review and that all recommended changes were incorporated. She stated Town Counsel cautioned against language that could prevent individuals from seeking legal advice; however, she emphasized that the amendments do not alter the section of the policy that governs who may contact Town Counsel or when. She noted the intent of the amendment is to improve timing and efficiency by ensuring legal review occurs once a policy draft is sufficiently developed, rather than repeatedly reviewing premature drafts.

Secretary Darris-O'Conner stated he remained unclear on the purpose and benefit of the policy change. He expressed concern that the amendment could interfere with normal operations or discourage staff or Board members from seeking legal guidance early in the process. He questioned why legal review would ever be considered "too early," stating that involving attorneys earlier often results in more efficient and legally sound policies. He further noted he had not previously seen issues raised regarding excessive or inappropriate contact with Town Counsel and stated he believed the amendment could create unnecessary barriers.

Town Manager Chris Dillon stated that while the administration would comply with any policy adopted by the Board, he shared concerns about potentially limiting early legal feedback. He explained that when policy ideas may have legal implications, receiving legal input early can help avoid lengthy discussion or the need to substantially revise policies later in the process. He stated that delaying legal input until later could result in inefficiencies if legal concerns are identified after significant work has already occurred.

Member Rosa referenced the existing policy language, which requires new policies to be sent to Town Counsel after the first reading. He stated the proposed amendment does not restrict access to legal advice but instead clarifies timing to ensure legal review occurs when drafts are closer to final form. He cited a recent policy example in which changes made after the first reading were not subsequently reviewed by Town Counsel, resulting in legal review of an earlier draft rather than the final version. He stated the amendment is intended to prevent that situation and ensure legal opinions apply to the version ultimately adopted.

Member Favreau agreed with Member Rosa’s explanation and added that Town Counsel identified a deficiency in Section 3 of the policy that required correction. She explained that the prior wording incorrectly implied that the Town Manager would need to be copied on inquiries related to his own job performance or employment status. She stated this issue was corrected based on legal guidance. She reiterated that nothing in the amendment prevents Board members from contacting Town Counsel informally or prior to a policy’s first reading.

Chair Pavidis asked for clarification that the amended policy applies only to Select Board policies and not to other matters, which was confirmed. she summarized that the intent of the amendment is to reduce multiple, duplicative submissions to Town Counsel and to ensure a more efficient and respectful use of legal resources.

Vice Chair Burrows expressed concern that the amendment could discourage early collaboration with Town Counsel that helps shape policy drafts before formal Board consideration. He shared past experiences in which extensive back-and-forth occurred during policy development and stated that early legal input can sometimes reduce the total time and cost associated with policy adoption. He questioned whether the revised process could delay progress by limiting early engagement.

Discussion followed regarding legal costs associated with Town Counsel inquiries. Town Manager Dillon confirmed that such inquiries are covered under the Town’s existing legal services contract and do not result in additional charges per request. Member Favreau acknowledged this but maintained that minimizing repeated review of substantially unchanged drafts remains a better use of legal resources.

Chair Pavidis stated that the Board had sufficient opportunity to discuss the matter and suggested moving forward with a vote.

**Motion:**

**Secretary Darris-O’Conner moved to adopt the revised Select Board Policy 20.1, Inquiries to Town Counsel. Member Rosa seconded.**

<b>Darris-O’Conner</b>	<b>Nay</b>
<b>Favreau</b>	<b>Yea</b>
<b>Burrows</b>	<b>Yea</b>
<b>Rosa</b>	<b>Yea</b>
<b>Pavidis</b>	<b>Yea</b>

**Vote: Secretary Darris-O’Conner opposed; all other members voted in favor. Motion carried.**

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**10. Discussion and possible vote on Interim Public Safety Policy-Section 48.0-Second Reading-Requested by Dina Favreau**

The Board returned for a second reading of proposed Select Board Policy 48, which establishes an interim moratorium on large-scale Battery Energy Storage Systems (BESS) to allow the Town time to develop permanent zoning and regulatory measures. The policy does not supersede existing zoning, building, or fire codes, nor state or federal law.

Member Favreau explained that the policy incorporates feedback from all responding department heads as well as Town Counsel’s January 9 opinion, and she included an appendix summarizing the departmental input. She emphasized that the purpose of the policy is to provide the Town sufficient time to study fire suppression methods, emergency responder training needs, environmental and public health impacts, and appropriate siting, scale, and operational standards for BESS facilities.

Town Manager Chris Dillon noted that conversations with staff suggested zoning amendments would likely be more effective in addressing public safety concerns. He acknowledged that BESS facilities are built to code and that emergency responders are trained to manage potential incidents but emphasized that proper zoning is necessary for long-term protection.

Member Rosa highlighted the importance of the policy as a moratorium and compared it to previous instances in Billerica where new technologies, such as hydrogen fuel cells, required specialized planning with fire and emergency services. Rosa stressed that the policy allows the Town to ensure first responders have appropriate equipment, training, and procedures in place, and noted the importance of temporary measures to protect first responders and the community while permanent regulations are developed.

Member Favreau further referenced a documented BESS fire in California in January 2025 which burned for 13 days and caused extended environmental impacts, to underline potential risks and the need for careful study before permanent regulations are adopted.

Secretary Darris-O’Conner expressed concerns that the policy is non-binding, duplicates existing state and local regulations, and could convey a misleading message about the safety of BESS technology. She emphasized the importance of supporting data-driven decisions and noted that current regulations already address many safety issues.

Vice Chair Burrows questioned the absence of direct input from the Fire Department and Building Inspector in the materials provided, raised concerns about overregulation, and suggested tabling the policy until the Building Inspector and the Zoning and By-law Review Committee could develop permanent regulations. He expressed concern that the policy could hinder local business development and innovation.

In response, Member Favreau clarified that the policy’s sole purpose is to provide time for the Town to develop appropriate zoning regulations. She stated that all feedback from the first reading and departmental input had been incorporated and that the policy is not intended to oppose any specific land use or impose unnecessary restrictions. She emphasized that the interim policy supports public safety and planning efforts while permanent regulations are established.

**1<sup>st</sup> Motion**

**Secretary Darris-O’Conner made a motion to deny adoption of Policy 48 interim public safety policy for battery energy storage systems.**

**Vice Chair Burrows seconded.**

<b>Darris-O’Conner</b>	<b>Yea</b>
<b>Favreau</b>	<b>Nay</b>
<b>Burrows</b>	<b>Yea</b>
<b>Rosa</b>	<b>Nay</b>
<b>Pavidis</b>	<b>Nay</b>

**Failed by a vote of 2-3**

**2<sup>nd</sup> Motion:**

**Member Favreau then moved to approve the policy 48 interim public safety policy for battery energy storage systems.**

**Member Rosa seconded**

Secretary Darris-O’Conner stated his continued opposition to the policy, noting that it could negatively affect economic development and good-paying jobs in Billerica by signaling opposition to battery energy storage technology. He further stated that, in his view, the policy is not based on scientific evidence.

**Darris-O’Conner**    **Nay**  
**Favreau**            **Yea**  
**Burrows**            **Nay**  
**Rosa**                **Yea**  
**Pavidis**            **Yea**  
**Passed by a vote of 3-2**

The policy was adopted as the interim public safety policy for BESS, remaining in effect until permanent zoning or regulatory measures are adopted or the moratorium is lifted.

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### 11. **Champion Sign Discussion- Requested by John Burrows**

Vice Chair Burrows introduced the item following a request from residents to recognize the increasing number of championship accomplishments by Billerica athletes and teams. He noted that the Town experienced an unusually high number of championship wins last year across multiple levels, including youth sports, high school teams, and collegiate alumni, and that this trend has continued. He cited a recent state record set by a Shawsheen Tech athlete as an example and suggested that a permanent champion sign could serve as a positive way to recognize these achievements. Potential locations discussed included the area near the new Recreation Center. Vice Chair Burrows also proposed incorporating modern technology, such as a QR code, to allow for broader recognition and historical information without space limitations.

Chair Pavidis expressed strong support for the concept, noting that it is well deserved and a positive reflection of the community. She acknowledged that the growing number of championships presents logistical challenges in terms of size and content of any physical sign and supported the idea of a general recognition display supplemented by a QR code that would direct viewers to additional information online.

Member Rosa agreed that recognizing championship teams is important and thanked Assistant Town Manager Casey for her research on the topic. He supported the Recreation Center as an appropriate location but raised concerns about relying solely on a QR code, noting that many people driving by may not stop to scan it. He suggested that visible text recognizing championships would be more effective for public recognition, while acknowledging that a hybrid approach could address space limitations.

Discussion continued around the idea of combining physical signage for recent or major championships with an online “Champions” landing page accessible via QR code. Vice Chair Burrows explained that this approach would allow the Town to recognize current champions while also honoring past teams and non-sports achievements, such as academic, vocational, and skills-based competitions, which would otherwise be difficult to display physically.

Town staff, including the Confidential Executive Assistant Kerri Rufo and Assistant Town Manager Casey, noted that several logistical and policy questions would need to be resolved, including eligibility criteria, duration of recognition, maintenance responsibilities, and website upkeep. Assistant Town Manager Casey described the project as a positive opportunity to celebrate local accomplishments and expressed willingness to continue research, explore partnerships with schools and existing Hall of Fame groups, and return to the Board with recommendations. She indicated that a hybrid approach would be inclusive and adaptable over time.

Member Favreau suggested that a subcommittee could help establish clear parameters, such as who qualifies for recognition and how long acknowledgments should remain in place, to provide direction to staff and streamline further work. Board members expressed general agreement that inclusivity and clarity were important and that a subcommittee could help advance the concept efficiently.

**Motion:**

**Vice Chair Burrows moved to form a Select Board subcommittee, to be appointed by the Chair, to work with the Assistant Town Manager on developing the Champion Sign concept.**

**Member Rosa seconded.**

**Darris-O’Conner    Yea**

**Favreau                Yea**

**Burrows                Yea**

**Rosa                     Yea**

**Pavidis                 Yea**

**Passed by a vote of 5-0-0**

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**12. Town Manager’s Report**

Town Manager Chris Dillon presented his report and apologized for its late distribution. He noted that the report addressed questions raised at the prior meeting by Member Rosa regarding BETA and the Town Center project, including detailed responses prepared by the Town Engineer under the Department of Public Works. Additional questions from the previous meeting related to incidents at the mall were also answered in the report.

Mr. Dillon reported that new traffic signals at the intersection of Boston Road and Good Street have been activated and are currently operating in flash mode for an approximately 30-day awareness period, with full activation anticipated around February 17. He explained that the report also outlines expenditures related to the Town Center design work and clarifies the timing and purpose of those costs.

Mr. Dillon discussed the scheduling of several upcoming agenda items, noting that some matters take time to return to the Board due to research, due diligence, and scheduling conflicts. He stated that Town Center information is tentatively scheduled for discussion on March 2. He also reviewed future agenda items, including champion signage and messaging signage, which are anticipated for the February 23 meeting. He noted that Tony McIntosh of Shawsheen Tech has requested to appear before the Board on February 23 and that he planned to meet with Mr. McIntosh prior to that meeting.

Looking ahead to March 2, Mr. Dillon identified potential discussion items including the Town Center, Charmstaff Lane, an overview of the FY27 budget, and a request from Chelmsford Forum regarding a water bill, noting that the latter may be rescheduled depending on agenda length. He also referenced Parker Street Safe Routes to School and included a map in the report illustrating previously discussed signage restrictions intended to reduce cut-through traffic during certain hours. Mr. Dillon advised that, following consultation with legal counsel, residents living between the proposed signage locations would not have an explicit exemption and would need to access their homes via Pages Court during restricted times. He asked the Board to confirm whether that outcome was the Board’s intent before proceeding with advertising and installation of the signs.

Mr. Dillon concluded by noting that the report also included information on winter recreation programs and stated he was available to answer questions.

Chair Pavidis commented on the Parker Street signage issue, expressing that she would expect law enforcement to use discretion for residents accessing their homes during enforcement periods, though she acknowledged the concern raised by the Town Manager.

Vice Chair Burrows thanked the Town Manager for the thorough report and raised a question regarding RD Management and the sale of property, citing examples of similar transactions. He also asked whether the Parker Street item could be moved forward to the February 23 agenda, emphasizing the need to address traffic concerns sooner rather than later. He expressed support for advancing the matter and commented on the practical impacts of traffic patterns related to school drop-off and pick-up.

Member Favreau thanked the Town Manager and noted she received the report late due to technical issues. She raised concerns regarding the explanation of the Planned Unit Development (PUD) site plan special permit related to RD Management, stating that the PUD bylaw requires both commercial and residential components and questioning how the residential parcel could stand alone following subdivision. Mr. Dillon responded that he would review the history and confirm whether the subdivision complied with prior approvals. Member Favreau also referenced the Safe Routes to School Plan, noting that the Board had previously voted to have DPW develop an in-house plan and emphasized the importance of returning with that information. She further noted that completion of the study has made all schools eligible to apply for up to \$2 million in grant funding and requested follow-up with staff regarding potential grant applications and public communication.

Member Rosa thanked the Town Manager for the detailed report and raised concerns regarding the overall cost of BETA's Town Center work, noting that expenditures approaching \$700,000 appeared significant given the similarities between current plans and those developed as early as 2012. He requested further clarification on how those funds were spent over the referenced timeframe and confirmed that certain historical plans were prepared by BETA. Mr. Dillon acknowledged the concern and explained that some costs were associated with design alternatives that were later abandoned, as well as updates required to meet current standards, including pedestrian accommodations. Member Rosa also discussed Charmstaff Lane, expressing concerns about pursuing a TIP project due to state design requirements and suggested comparing costs for a Town-funded alternative using local funding sources.

Member Darris-O'Connor thanked the Town Manager and asked whether engineering staff could be present at future meetings when roadway or traffic-related items are discussed. Mr. Dillon agreed and stated that staff would be appearing before the Board to address those issues directly. Member Darris-O'Connor also inquired about grant funding related to the Town Center project, and Mr. Dillon confirmed that an application had been submitted in December 2025, with anticipated notification in April or May. Member Darris-O'Connor noted that the timing would be important before final decisions are made.

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## **New Business**

### **13. 2026 Community Funds Grant**

Chair Pavidis announced that the item would not move forward as originally scheduled and instead proposed forming a subcommittee to review applications and return recommendations to the full Board at a future meeting, to remain consistent with Select Board policies and procedures.

Member Rosa reviewed the historical process used for Community Funds Grants, noting that the Board previously moved away from subcommittees due to changes in the amount of companies participating and instead adopted a spreadsheet-based allocation method developed by staff. He stated that this approach, in which each Board member

independently allocates funds based on submitted requests and the results are than averaged, worked effectively for several years and should continue to be used.

Secretary Darris-O’Conner expressed concern about the current process, stating that applications should be more thoroughly vetted, including verification of tax-exempt status and eligibility, and suggested that either a subcommittee or a more structured process was necessary. She also raised concerns about the perception of individual Board members effectively controlling portions of the total allocation and the need to involve the funding entity in the process.

Member Favreau asked why the allocation spreadsheet was not included in the meeting packet and questioned the need for a subcommittee, noting that many applicant organizations are well known to the Town. She expressed concern that forming a subcommittee could unnecessarily delay distribution and emphasized that funds should not exceed amounts requested, as applicants only substantiate the amounts for which they apply. She also raised concerns about awarding funds without clear documentation supporting increased or reduced allocations.

Member Rosa further explained the timing and intent of the grant process, noting that awards are traditionally made early in the year to allow recipients adequate planning time, particularly for construction-related projects. He stated that the application process already requires documentation, including nonprofit status and cost estimates, and that the Board historically does not award more than the amount requested. He reiterated support for the spreadsheet-based method, emphasizing that it promotes fairness, transparency, and compliance with open meeting law requirements.

Member Burrows echoed support for the existing allocation process, stating that it allows input from all Board members while avoiding concentration of decision-making authority. He described the process by which individual submissions are compiled and averaged before being presented for a Board vote, noting that this method minimizes manipulation and potential open meeting concerns.

Secretary Darris-O’Conner reiterated the need for complete application materials prior to any vote, specifically noting that several applicants had not provided tax identification numbers. She requested confirmation that missing information would be required before funds are awarded.

Following discussion, Chair Pavidis directed staff to have the applications resubmitted with any missing information and indicated that the Board would proceed by having each member independently allocate the total funds, with the results compiled and brought back to the Board for review and vote at a future meeting.

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#### **14. Discussion of Friendly 40Bs and Other Tools-Requested by Planning Director Katherine Malgeri**

The Board held a detailed discussion regarding “friendly” Chapter 40B projects and other housing-related planning tools at the request of Planning Director Katherine Malgeri. Ms. Malgeri explained that the discussion was not tied to any specific property or proposal but was intended to be proactive, as the Planning Department frequently receives inquiries from property owners and developers about development options. She noted that while the Town is currently in safe harbor with affordable housing exceeding the 10 percent threshold, a friendly 40B remains a discretionary tool that could be presented to the Select Board for endorsement, and she sought guidance on the Board’s appetite for such proposals and the criteria members would want to see considered.

Ms. Malgeri provided an overview of Chapter 40B, explaining its purpose, how it allows developments to bypass certain zoning restrictions to facilitate affordable housing, and how friendly 40Bs differ from traditional 40B projects in that they involve collaboration with the Town and require Select Board endorsement. She emphasized that,

because Billerica is over the 10 percent threshold, the Town has greater flexibility and discretion in evaluating proposals, including the ability to consider project impacts, scale, and design. She outlined potential considerations such as building height, density, setbacks, infrastructure capacity, traffic impacts, and fiscal analyses that could inform whether the Board would support an endorsement.

Member Rosa expressed strong opposition to additional high-density housing. There's only been one friendly 40B and if you want to see how well that went, you just look at the Val. I think we have to ask ourselves a bigger fundamental question and that is, how much is too much? Because the town has met its 40B requirements. We're at 10.94%. we are one of the few towns in the state that's actually done that. That being said, it's created thousands of units that we wouldn't otherwise have. It comes down to what's in our control and what's out of our control. 40B was out of our control until we got over 10%. and now we're asking, do we want to do friendly ones? MBTA communities. Another unfunded mandate, out of our control, which is forcing 2,300 units on our town. Then you have ADUs, again, forced upon us by the state of Massachusetts. In round numbers, we have approximately 15,000 single-family homes in Billerica? Let's just say half of those comply with the setbacks and requirements to do an ADU. that would be 7500. Let's say half of those actually decide to do it. That's another 3,750 units that are being built on lots. that were single-family home lots again, forced down our throat. Now let's look at what we've done to ourselves. The PUD, Plan Unit Development. That was a cannibalized bylaw that came from another community that Rob Anderson brought forward, that was a catastrophic failure on so many levels. The one example of the PUD that got through is the mall and look at what's going on there. 200 units. Then what did we do to ourselves? We've created mixed-use overlay, a good example of mixed-use overlay is the building at 279 Boston Road, that's a 3 story building 8 feet off Boston Road, 20 units above a restaurant and whatever else is going to be underneath it. We did it to ourselves to put 20 units where there was never intended to be housing units. Now look at the mixed-use zoning overlay, not only did town Meeting pass that. They did something that I consider to be even worse. Town Meeting gave up their zoning authorization to place the mixed-use overlay on properties on a case-by-case basis, by passing blanket swaths of town with the mixed-use overlays, you could have essentially 279's up and down Boston Road. From 279 Boston Road north. to 129, there's 37 parcels. If you go, from the north side of Andover Road, south down to Tufts Lane, there's another 56 parcels that now have this mixed-use overlay on it. Not only are we getting hit with unfunded mandated units jammed down our throat by the state. We're consistently stepping on our own feet with these local bylaws. I personally think that, those blanket mixed-use overlays should be rescinded, It's over 100 acres. That doesn't preclude somebody from coming to town meeting to ask for a whole other parcel to put mixed-use overlay on. You have to ask yourself; how much is too much? I'm gonna be honest with you, I'm at my limit. I don't want to see. another high-density development when we've already got all this breathing down our throat. You know, when we did the MBTA communities. The fields, which is industrial property, was put in that overlay. That was a huge mistake, because now you're taking our commercial industrial tax base, swapping it for residential taxes, not only do we lose two times the taxes, we lose the personal property tax. we're impacting our water and sewer treatment plants more heavily because it's residential. We're impacting the schools more heavily because it's residential. Not to mention our police, fire, paramedics and road impacts and all of our infrastructure. As far as I'm concerned, we've done our part for the state, we've complied with 40B., We've complied with MBTA communities, ADUs are going up throughout the town, all over the place. I won't support any more Friendly 40B's or any other high-density mechanisms, because they're already looming out there, and they will come to roost.

In response, Ms. Malgeri clarified the intent and function of overlay districts and distinguished between district-wide zoning changes adopted by Town Meeting and project-specific approvals. She noted that overlays are meant to provide cohesive planning over defined areas, while tools like 40B and PUDs apply to individual properties, and emphasized that the purpose of the discussion was to understand the Board's boundaries rather than advocate for a particular outcome.

Member Favreau stated that she does not generally support 40B development, citing concerns about the lack of pathways for residents to transition from affordable units to traditional homeownership and the broader limitations of zoning-based solutions to the housing crisis. She reiterated her prior support for exploring alternative tools such as starter home districts, noting that the Board had previously referred that concept to the Planning Board in February of 2025. She expressed frustration that the concept had not yet advanced and suggested there is limited appetite in the community for additional 40B development. She emphasized that any consideration of new housing tools would need to be highly situational, site-specific, and mindful of infrastructure capacity, environmental constraints, and overall community impact.

Chair Pavidis and other members acknowledged that the discussion was intended to provide general guidance rather than reach a decision. Member Favreau added that, in certain circumstances, she could envision supporting mixed-use or amenity-driven developments if they provided broader community benefits, such as commercial activity or services, but stated she would not support high-density residential development solely for density's sake.

Secretary Darris-O'Conner spoke in favor of exploring additional housing options, stating that housing affordability is a significant cost burden for residents and that increasing supply is an important factor in addressing rising prices. She emphasized that municipalities operate within the framework of state law and must adapt to legislative changes. She cited personal experience living near a 40B development and stated that it had not negatively affected quality of life, noting improvements such as sidewalks and efficient land use. She argued that higher-density housing can be a productive use of land and encouraged consideration of projects that could be financially and socially beneficial to the community.

Vice Chair Burrows supported remaining engaged in discussions around housing tools, stating that proactive collaboration allows the Town to retain greater control and negotiate mitigation measures rather than being subject to less flexible outcomes. He cited examples from other communities where early engagement resulted in infrastructure improvements and economic benefits. He discussed the role housing can play in supporting commercial development and revitalization efforts and emphasized the importance of being part of the process to shape outcomes that align with community needs.

Town Manager Chris Dillon provided background on mixed-use development examples, including Tuscan Village, describing how initial residential development helped attract commercial tenants and create long-term economic momentum. He noted that such projects often evolve over time and that housing can serve as a catalyst for broader redevelopment, though outcomes depend heavily on location, market conditions, and community context.

The discussion concluded with Ms. Malgeri summarizing key themes raised by the Board, including concerns about density, infrastructure, affordability pathways, mixed-use versus residential-only development, and the importance of site-specific evaluation. She stated that the input would help guide conversations with potential developers and clarify the Board's general expectations and limits. No formal action was taken.

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## **15. Approval of social equity policies and HCS approval matrix to comply with Cannabis Control Commission mandates**

Summary-This item is to adopt a Cannabis Social Equity Policy required by the Cannabis Control Commission. The Town has been notified it is out of compliance and may face fines. The policy establishes required transparency, equity standards in Host Community Agreements, and an equity/positive impact plan to bring Billerica into compliance with state regulations.

**Motion:**

Secretary Darris-O’Conner moved to Approve the Cannabis Social Equity Policy as presented, as recommended by Town Counsel, to bring the Town of Billerica into compliance with Cannabis Control Commission regulations governing Host Community Agreements.  
Vice Chair Burrows seconded.

**Darris-O’Conner Yea**  
**Favreau Yea**  
**Burrows Yea**  
**Rosa Yea**  
**Pavidis Yea**  
**Passed by a vote of 5-0-0**

**Meeting Schedule**

16. February 23, 2026 and March 2, 2026

**Adjournment**

**Secretary Darris-O’Conner moved to adjourn at 8:25 PM**  
**Member Rosa Seconded.**

**Darris-O’Conner Yea**  
**Favreau Yea**  
**Burrows Yea**  
**Rosa Yea**  
**Pavidis Yea**  
**Passed by a vote of 5-0-0**

February 2, 2025 Select Board Minutes Prepared by Kerri Rufo  
Edits Provided by Favreau on 2/13/26, Edits Provided by Rosa on 2/17/26  
February 2, 2025 Minutes Approved at the 02/23/26 Select Board Meeting

**Documents:**

02/02/26 Agenda

**Consent Agenda**

- Memo to Select Board from Kerri Rufo
- January 5, 2025 Regular Meeting Minutes
- HDC Appt. Alternate member application

**Proclamation and Public Recognition**

- Resolution Designating the town of Billerica as a POW/MIA Community-requested By Donny Jarvis

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

### Fiesta Shows / Billerica Lions Club

- Memo to Select Board from Kerri Rufo
- Full complete application
- Payment Received
- Lions Accomplishments
- Memo to SB from the Lions

### Review and Possible Approval of Title IV-E Transportation Reimbursement MOU

- Request for agenda item from school-MOU Title IV-E Transportation
- MOU Title IV-E Transportation
- Town Counsels Response

## **Old Business**

### **Discussion on Interim Public Safety Policy – Section 48.0 – Second Reading**

- From 1.05.26 Sb Meeting First Reading From D.F.
- Policy 48-Second Reading-Email to place on agenda
- D.F. Email Correspondence to Chief Cole
- Town Counsel Review after 1st reading
- Second Reading-Email to place on agenda
- Public Health Policy - Second Reading

### **Discussion and possible vote-Amendment to Select Board Policy 20.1**

- From 01.15.26 SB Meeting Email Request from D.F.
- From 01.15.26 SB Meeting-Proposed Change-Memo from D.F.
- From 01.15.26 SB Meeting- Policy Change to Section 20.1-Redlined from D.F.
- Page 39-40 Select Board Policies and procedures-Town Counsels Response
- Town Counsel Review after 1st reading

### **Champion Signs Discussion**

- Championship signage memo From ATM Anne Marie Casey

### **Town Manager's Report**

- 2/2/26

## **New Business**

### **2026 Community Funds Grant**

- Billerica 250th Committee Application
- Billerica Adventure Series Corp Application
- Billerica Community Farmers Market Application

- Billerica Historical Society Application
- Billerica Public Library Application
- Boys and Girls Club of Greater Billerica Application
- Shawsheen Tech PAC Application
- Sunshine Gals, Inc. Application
- Team 4909, Inc. Application
- Veteran's Services Application
- VFW-Post #8819 Application

#### **Lions Carnival**

- Lions Application
- Lions Accomplishments
- Memo to SB From Lions

#### **Discussion of Friendly 40B**

- Memo from Planning Director Katherine Malgieri

#### **Host Community Municipal Equity (HCME) Determination**

- Memo from ATM-Ann Marie Casey