

***TOWN OF WILMINGTON
MASSACHUSETTS***

***Recommendations of the
Finance Committee
and
Planning Board***

***Relative to the
WARRANT ARTICLES
to be presented to the
ANNUAL TOWN MEETING***

Saturday, April 30, 2016

10:30 a.m.

***Wilmington High School
Auditorium***

Please bring this booklet to the Town Meeting



TOWN OF WILMINGTON
MASSACHUSETTS

TOWN MODERATOR

Fellow Residents:

On Saturday, April 30, 2016, I respectfully urge all of you to come out and participate in Wilmington's Annual Town Meeting. The 2016 Wilmington Town Meeting will take place in the Wilmington High School Auditorium, and will commence at 10:30 A.M. This year we will be making a concerted effort to start the meeting on time, and in accordance with the Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 19, we need a quorum of one hundred fifty voters in order to start the business of Town Meeting. In an effort to respect the time people dedicate to our Annual Town Meeting, I ask that you please arrive at such a time, and in such a manner, so as to allow for a precise 10:30 A.M. start time. I thank you in advance for your consideration and cooperation.

Last year was the first Town Meeting in which I presided as the newly elected Town Moderator, and I would like to thank you all for that privilege. Since my election last year, I have made it a point to learn and understand how other municipalities in the Commonwealth conduct their respective town meetings, paying specific attention to procedures and mechanisms used to foster a more fair, transparent and efficient meeting. Upon review of the procedures and mechanisms used by other municipalities, we have undertaken efforts to implement ways in which to improve our Town Meeting process.

While some of the proposed implementations cannot be realized this year due to logistics, we were able to implement what I believe to be a significant upgrade to our Town Meeting forum. Since we are privileged to have a new high school in which to conduct our Annual Town Meeting, we have made an effort to more fully utilize the technology such a forum provides. As such, the large overhead screen on the stage, which is directly behind the Moderator, Selectmen and Finance Committee, will now display the Warrant Articles as they are taken up for discussion; this effort is being implemented so as to provide for an understanding of the progression of the meeting by all in attendance. I am hoping that in the years to come we will implement even more advances that will allow for a better Town Meeting experience.

Town Meeting is the most pure, direct and inclusive form of the democratic process. Your participation in our Town Meeting shows your dedication to Wilmington, and moreover your dedication to your neighbors and friends who will join you in attendance on April 30th. That being the case, I would be remiss if I didn't remind all attendees that our

Town Meeting will be conducted with proper decorum, and we will treat each other with the utmost respect, even in cases of disagreement. In order to foster an environment of respectful debate and deliberation, I ask that all attendees adhere to the following behaviors:

- No Personal Attacks – There is no room at our Town Meeting for personal attacks, and I will not tolerate them. To prevent this behavior, and to foster a proper deliberative forum, attendees will not be permitted to address each other directly, and all discussion will be through the Moderator.
- No Off Topic Discussion and/or Dilatory Remarks/Tactics – I will not entertain discussion unrelated to the matter at hand, nor discussion raised for the sole purpose of disrupting, or otherwise delaying, our Town Meeting process.

The first instance of a personal attack, off topic discussion and/or a dilatory remark/tactic will result in the attendee being called to order. Any subsequent personal attack, off topic discussion and/or a dilatory remark/tactic may result in the attendee being removed from the meeting. I cannot make myself any more clear on this matter. No attendee of our Town Meeting should be subjected to personal attacks and/or a meeting marred with disruptive, disrespectful commentary. Respectful debate and deliberation can only be achieved by and through our attendees showing the utmost respect for one another, and moreover respecting our Town Meeting process.

In closing, I ask that you please consider attending the 2016 Wilmington Town Meeting. There are a lot of important issues on the Warrant this year, and every vote, on every article, counts. Each and every vote taken up on April 30, 2016 will have a profound effect on the direction of our Town. Your attendance at Town Meeting is crucial to ensure that all votes are a true and accurate reflection of the voice of the townspeople of Wilmington.

I look forward to seeing you on April 30, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert G. Peterson, Jr.', with a stylized flourish extending to the right.

Robert G. Peterson, Jr.



TOWN OF WILMINGTON
MASSACHUSETTS

FINANCE COMMITTEE

To the Voters of Wilmington:

Included in this booklet is the proposed town budget for FY 2017 as well as the warrant articles that will be voted on at the Annual Town Meeting on Saturday, April 30, 2016.

The town and school budgets were discussed in detail during the many meetings held in February and March with the Town Manager, Assistant Town Manager, department heads and Superintendents of both the Wilmington school system and the Shawsheen Valley Technical High School. The process involved a look back at the previous budget, discussions of needs for the departments and the proposed budget for 2017. We also discussed capital expenditures and the updated Five Year Capital Improvement Plan.

The town budget reflects a modest increase of 2.43% (exclusive of non-discretionary spending, such as health care costs and statutory charges). Health care costs continue to increase dramatically in every budget throughout the country. Continued efforts by the Town Manager to revisit areas where improvement can be made are encouraged by the Finance Committee. The Finance Committee recommends approval of the town budget.

The School Department budget was submitted at an increase of 4%. This budget reflects the changing academic and social-emotional needs of our students. While continuing to provide fee free busing, athletics and all day kindergarten, the School Department must now address the growing addiction and emotional needs crisis that has permeated our schools. To that end, the school budget includes new staff positions to formalize this need and begin to address its resolution. The Finance Committee recommends approval of the school budget.

The Shawsheen Valley Technical High School (SVTHS) budget includes capital items to improve the safety and security of the building, to continue investment in technology as well as a pilot program for pre-engineering studies. Additionally, the new athletic complex is slated to begin construction in FY 2017, with a three year development plan. Wilmington's share of the total operating and capital budget is \$3,855,387, an increase of 3.87% over FY 2016. The Finance Committee recommends approval of the SVTHS budget assessment.

The Warrant articles to be presented for a vote at Town Meeting are included herein as well. These articles were discussed at the Joint Meeting of the Finance Committee and Planning Board on March 15, 2016. The Planning Board held their deliberations after the meeting and submitted their recommendations to the Finance Committee for its discussion and recommendation. Article 50 is requesting approval of a Zoning By-law change that would allow the development of an Over 55 District on two parcels of land off Andover Street. Current zoning on those parcels is Residential 60. Both the Planning Board and the Finance Committee recommend approval of Article 50. Please review all the warrant articles carefully and consider the recommendations of both committees.

The Finance Committee would like to express its appreciation to our Town Manager, Mr. Jeffrey Hull, our Assistant Town Manager, Ms. Kendra Amaral, as well as the department heads and superintendents. Their commitment to the Town of Wilmington goes beyond budgets and capital items.

Both the budget and warrant articles will be presented at Town Meeting on April 30, 2016, held in the one year new Wilmington High School auditorium. We urge all voters to attend the meeting, review the articles in question and make thoughtful decisions on their approval or disapproval.

Theresa M. Manganelli, Chairman

Bernard P. Nally, Vice Chairman

Jonathan R. Eaton, Secretary

John F. Doherty, III

Marianne J. Gallezzo

Michele Kincaid

Leigh J. Martinson

Robert P. Palmer

Kevin C. Stokes



TOWN OF WILMINGTON
MASSACHUSETTS

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Sincerely,

A handwritten signature in black ink, featuring a large, stylized loop and a horizontal line extending to the right.

Robert G. Peterson, Jr.

TOWN OF WILMINGTON, MASSACHUSETTS



WARRANT
ANNUAL TOWN MEETING AND ELECTION

TO: EITHER OF THE CONSTABLES OF THE TOWN OF WILMINGTON:
GREETINGS:

In the name of the Commonwealth of Massachusetts and in the manner prescribed in the By-laws of said Town, you are hereby directed to notify and warn the inhabitants of the Town qualified to vote in Town affairs to meet and assemble at the Boutwell School (Precincts 1 and 2), Wildwood School (Precincts 3 and 4) and the Town Hall Auditorium (Precincts 5 and 6), Saturday the twenty-third day of April, A.D. 2016 at 7:45 o'clock in the forenoon, the polls to be opened at 8:00 a.m. and shall be closed at 8:00 p.m. for the election of Town Officers:

ARTICLE 1. To bring in your votes on one ballot respectively for the following named offices to wit: Two Selectmen for the term of three years; three members of the School Committee for the term of three years; one member of the Housing Authority for the term of five years and one member of the Regional Vocational Technical School Committee for the term of three years.

You are also hereby further required and directed to notify and warn the said inhabitants of the Town of Wilmington who are qualified to vote on elections and Town affairs therein to assemble subsequently and meet in the Town Meeting at the Wilmington High School Auditorium, Church Street, in said Town of Wilmington on Saturday the thirtieth day of April, A.D. 2016 at 10:30 a.m., then and there to act on the following articles:

ARTICLE 2. To hear reports of Committees and act thereon.

Board of Selectmen

ARTICLE 3. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money for the purpose of paying unpaid bills of previous years; or take any other action related thereto.

Board of Selectmen

ARTICLE 4. To see if the Town will vote to authorize the Treasurer/Collector, with the approval of the Selectmen, to enter into an agreement, under the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, with one or more banks doing business in the Commonwealth of Massachusetts during Fiscal Year 2017 for a term not to exceed three years, which will permit the Town of Wilmington to maintain funds on deposit with such institutions in return for said institutions providing banking services; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 5. To see how much money the Town will appropriate for the expenses of the Town and the salaries of several Town Officers and Departments and determine how the same shall be raised, whether by taxation, transfer from available funds, or otherwise; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

**TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017**

	<u>Full Time Positions</u>		<u>Expenditures Fiscal 2015</u>	<u>Transferred & Appropriated Fiscal 2016</u>	<u>Fiscal 2017</u>			
	<u>FY 16</u>	<u>FY 17</u>			<u>Town Manager Recommends</u>	<u>Finance Committee Recommends</u>	<u>Funds Available</u>	<u>Recommended Appropriation</u>
GENERAL GOVERNMENT								
Selectmen - Legislative								
Salaries			4,927	4,818	5,040	5,040		5,040
Expenses			12,355	13,400	10,300	10,300		10,300
Furnishings & Equipment			0	0	0	0		0
			17,282	18,218	15,340	15,340		15,340
Selectmen - Elections								
Salaries			23,029	22,712	34,805	34,805		34,805
Expenses			4,375	6,450	5,000	5,000		5,000
Furnishings & Equipment			0	0	300	300		300
			27,404	29,162	40,105	40,105		40,105
Registrars of Voters								
Salaries			1,875	1,875	1,875	1,875		1,875
Expenses			6,100	6,400	7,000	7,000		7,000
			7,975	8,275	8,875	8,875		8,875
Finance Committee								
Salaries			1,140	1,400	1,500	1,500		1,500
Expenses			6,704	7,275	7,275	7,275		7,275
			7,844	8,675	8,775	8,775		8,775
Town Manager								
Salary - Town Manager	1	1	141,922	139,443	146,858	146,858		146,858
Other Salaries	4	4	296,286	297,999	297,077	297,077		297,077
Expenses			66,103	70,300	72,300	72,300		72,300
Furnishings & Equipment			4,998	0	7,700	7,700		7,700
	5	5	509,309	507,742	523,935	523,935		523,935
Town Accountant								
Salary - Town Accountant	1	1	113,848	113,412	115,964	115,964		115,964
Other Salaries	3	3	273,429	181,024	172,791	172,791		172,791
Expenses			2,283	12,605	3,305	3,305		3,305
Furnishings & Equipment			0	0	0	0		0
	4	4	389,560	307,041	292,060	292,060		292,060
Information Technology								
Salary - Director	1	1	0	81,172	86,324	86,324		86,324
Other Salaries	2	2	0	143,973	128,445	128,445		128,445
Expenses			0	256,550	297,650	297,650		297,650
Furnishings & Equipment			0	21,950	46,500	46,500		46,500
	3	3	0	503,645	558,919	558,919		558,919

**TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017**

	Full Time Positions		Expenditures Fiscal 2015	Transferred & Appropriated Fiscal 2016	Fiscal 2017			Recommended Appropriation
	FY 16	FY 17			Town Manager Recommends	Finance Committee Recommends	Funds Available	
Treasurer/Collector								
Salary - Treasurer/Collector	1	1	103,953	105,010	107,373	107,373		107,373
Other Salaries	4	4	159,599	161,444	172,685	172,685		172,685
Expenses			29,065	30,632	34,065	34,065		34,065
Amt. Cert. Tax Title			10,595	21,500	21,500	21,500		21,500
Furnishings & Equipment			0	1,000	0	0		0
	5	5	303,212	319,586	335,623	335,623		335,623
Town Clerk								
Salary - Town Clerk	1	1	80,946	81,223	84,851	84,851		84,851
Other Salaries	2	2	100,701	103,426	110,034	110,034		110,034
Expenses			6,009	5,750	6,050	6,050		6,050
Furnishings & Equipment			0	500	0	0		0
	3	3	187,656	190,899	200,935	200,935		200,935
Board of Assessors								
Salary - Principal Assessor	1	1	98,988	98,619	101,594	101,594		101,594
Other Salaries	2	2	114,452	93,115	100,865	100,865		100,865
Expenses			70,034	82,750	63,900	63,900		63,900
Appraisals & Inventory			2,833	81,500	2,600	2,600		2,600
ATB Costs			30,791	20,000	20,000	20,000		20,000
Furnishings & Equipment			170	600	2,000	2,000		2,000
	3	3	317,268	376,584	290,959	290,959		290,959
Town Counsel								
Legal Services			255,000	267,750	275,000	275,000		275,000
Expenses			4,361	7,500	7,500	7,500		7,500
			259,361	275,250	282,500	282,500		282,500
Permanent Building Committee								
Salaries			0	0	0	0		0
Expenses			0	0	0	0		0
			0	0	0	0		0
Total General Government	23	23	2,026,871	2,545,077	2,558,026	2,558,026		2,558,026

TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017

Full Time Positions		Fiscal 2017					
FY 16	FY 17	Expenditures Fiscal 2015	Transferred & Appropriated Fiscal 2016	Town Manager Recommends	Finance Committee Recommends	Funds Available	Recommended Appropriation
1	1	122,955	122,484	125,240	125,240		125,240
1	1	105,414	105,010	107,372	107,372		107,372
5	5	392,873	431,020	437,505	437,505		437,505
5	5	386,913	383,421	385,764	385,764		385,764
36	36	2,014,356	2,014,730	2,176,732	2,176,732		2,176,732
2	2	99,512	100,232	106,060	106,060		106,060
		7,584	20,000	12,740	12,740		12,740
		72,766	0	0	0		0
		522,831	475,000	500,000	500,000		500,000
		107,512	120,000	120,000	120,000		120,000
		12,800	13,650	12,450	12,450		12,450
		43,727	44,304	58,500	58,500		58,500
		412,016	402,480	419,573	419,573		419,573
		33,645	38,243	41,107	41,107		41,107
		266,572	217,285	231,048	231,048		231,048
		17,205	4,000	4,000	4,000		4,000
50	50	4,618,681	4,491,859	4,738,091	4,738,091		4,738,091
1	1	114,060	122,484	125,240	125,240		125,240
1	1	86,853	86,407	96,874	96,874		96,874
6	6	450,782	428,960	471,988	471,988		471,988
32	32	1,801,235	1,896,581	2,051,150	2,051,150		2,051,150
1	1	56,170	55,955	58,358	58,358		58,358
		17,790	17,549	18,567	18,567		18,567
		938,099	750,000	675,000	675,000		675,000
		40,000	40,000	40,000	40,000		40,000
		126,842	137,946	142,315	142,315		142,315
		13,615	11,250	25,000	25,000		25,000
		16,080	22,422	22,500	22,500		22,500
		204,447	159,010	192,840	192,840		192,840
		39,084	61,900	26,600	26,600		26,600
41	41	3,905,057	3,790,464	3,946,432	3,946,432		3,946,432

**TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017**

	<u>Full Time Positions</u>		Expenditures Fiscal 2015	Transferred & Appropriated Fiscal 2016	<u>Fiscal 2017</u>			
	<u>FY 16</u>	<u>FY 17</u>			<u>Town Manager Recommends</u>	<u>Finance Committee Recommends</u>	<u>Funds Available</u>	<u>Recommended Appropriation</u>
Public Safety Central Dispatch								
Personnel Services	12	12	589,181	623,771	623,102	623,102		623,102
Contractual Services			24,305	14,700	11,720	11,720		11,720
Materials & Supplies			3,087	3,750	3,750	3,750		3,750
Furnishings & Equipment			4,186	4,000	8,000	8,000		8,000
	12	12	620,759	646,221	646,572	646,572		646,572
Animal Control								
Salaries	1	1	41,388	43,948	54,245	54,245		54,245
Expenses			2,895	4,695	8,000	8,000		8,000
	1	1	44,283	48,643	62,245	62,245		62,245
Total Public Safety	104	104	9,188,780	8,977,187	9,393,340	9,393,340		9,393,340

PUBLIC WORKS

PERSONNEL SERVICES

Director	1	1	120,961	125,311	133,258	133,258		133,258
Administration - Full Time	6	6	368,776	384,175	406,842	406,842		406,842
Engineer - Full Time	4	4	298,114	308,061	321,459	321,459		321,459
Engineer - Part Time			7,177	5,460	11,180	11,180		11,180
Highway - Full Time	16	16	1,084,721	1,091,055	1,146,838	1,146,838		1,146,838
Highway - Overtime			67,128	75,480	76,990	76,990		76,990
Highway - Seasonal			11,356	13,600	15,600	15,600		15,600
Stream Maintenance - Seasonal			5,117	13,600	14,500	14,500		14,500
Tree - Full Time	3	3	190,494	190,807	202,773	202,773		202,773
Tree - Overtime			10,680	10,894	11,111	11,111		11,111
Parks/Grounds - Full Time	6	6	372,005	376,369	392,644	392,644		392,644
Parks/Grounds - Part Time			0	0	23,712	23,712		23,712
Parks/Grounds - Overtime			14,425	20,038	27,000	27,000		27,000
Cemetery - Full Time	2	2	144,640	144,536	152,150	152,150	40,000	152,150
Cemetery - Overtime			11,569	11,036	11,257	11,257		11,257
Snow & Ice - Extra Help/Overtime			329,220	179,097	182,679	182,679		182,679
	38	38	3,036,383	2,949,519	3,129,993	3,129,993	40,000	3,129,993

**TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017**

	<u>Full Time Positions</u>		<u>Expenditures Fiscal 2015</u>	<u>Transferred & Appropriated Fiscal 2016</u>	<u>Fiscal 2017</u>			
	<u>FY 16</u>	<u>FY 17</u>			<u>Town Manager Recommends</u>	<u>Finance Committee Recommends</u>	<u>Funds Available</u>	<u>Recommended Appropriation</u>
CONTRACTUAL SERVICES								
Engineer			9,751	4,000	4,000	4,000		4,000
Engineer - Training & Conference			2,000	2,000	2,000	2,000		2,000
Highway			86,133	94,840	94,840	94,840		94,840
Highway - Repair Town Vehicles			99,172	120,900	120,900	120,900		120,900
Highway - Training & Conference			2,000	2,000	2,000	2,000		2,000
Tree			12,319	9,000	9,000	9,000		9,000
Parks/Grounds			24,000	24,000	27,600	27,600		27,600
Cemetery			1,838	4,100	4,100	4,100		4,100
Road Machinery - Repair			74,357	80,000	80,000	80,000		80,000
Public Street Lights			146,315	181,900	176,300	176,300		176,300
Rubbish Collection & Disposal			1,620,091	1,614,486	1,712,395	1,712,395		1,712,395
Snow & Ice - Repairs			39,373	18,730	18,730	18,730		18,730
Snow & Ice - Misc. Services			422,337	160,000	160,000	160,000		160,000
			2,539,686	2,315,956	2,411,865	2,411,865		2,411,865
MATERIALS & SUPPLIES								
Engineer			4,626	4,800	4,800	4,800		4,800
Highway			33,207	39,500	39,500	39,500		39,500
Highway - Construction Supplies & Road Improvements			65,114	82,000	82,000	82,000		82,000
Highway - Gas, Oil, Tires (Other)			198,451	228,266	188,806	188,806		188,806
Highway - Gas, Oil, Tires (DPW)			141,481	143,740	121,624	121,624		121,624
Stream Maintenance - Expenses			1,000	1,000	1,000	1,000		1,000
Tree			6,542	9,000	8,000	8,000		8,000
Parks/Grounds			92,473	92,350	96,100	96,100		96,100
Cemetery			11,223	13,650	13,650	13,650		13,650
Drainage Projects			65,007	65,000	65,000	65,000		65,000
Snow & Ice - Sand & Salt			237,380	267,735	267,735	267,735		267,735
Snow & Ice - Tools & Equipment			10,487	6,000	6,000	6,000		6,000
			866,991	953,041	894,215	894,215		894,215
FURNISHINGS & EQUIPMENT								
			18,021	54,300	79,600	79,600		79,600
	38	38	6,461,081	6,272,816	6,515,673	6,515,673	40,000	6,515,673
Sewer								
Personnel Services	1	1	82,418	86,677	90,775	90,775		90,775
Maintenance & Operations			40,501	76,176	78,176	78,176		78,176
	1	1	122,919	162,853	168,951	168,951		168,951
Total Public Works	39	39	6,584,000	6,435,669	6,684,624	6,684,624	40,000	6,684,624

**TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017**

	<u>Full Time Positions</u>		<u>Expenditures Fiscal 2015</u>	<u>Transferred & Appropriated Fiscal 2016</u>	<u>Fiscal 2017</u>			
	<u>FY 16</u>	<u>FY 17</u>			<u>Town Manager Recommends</u>	<u>Finance Committee Recommends</u>	<u>Funds Available</u>	<u>Recommended Appropriation</u>
COMMUNITY DEVELOPMENT								
Board of Health								
Salary - Director	1	1	85,661	85,920	89,654	89,654		89,654
Other Salaries	1	1	102,376	102,228	105,400	105,400		105,400
Expenses			14,250	18,800	18,800	18,800		18,800
Mental Health			3,750	20,000	0	0		0
	2	2	206,037	226,948	213,854	213,854		213,854
Planning & Conservation								
Salary - Director	1	1	77,491	82,797	86,453	86,453		86,453
Other Salaries	4	4	227,920	231,866	237,859	237,859		237,859
Expenses			10,175	12,000	14,000	14,000		14,000
Furnishings & Equipment			700	500	1,600	1,600		1,600
	5	5	316,286	327,163	339,912	339,912		339,912
Building Insp./Bd. of Appeals								
Salary - Building Inspector	1	1	80,846	80,636	82,450	82,450		82,450
Other Salaries	1	1	110,600	115,062	118,661	118,661		118,661
Expenses			3,236	3,250	3,750	3,750		3,750
Furnishings & Equipment			800	800	500	500		500
	2	2	195,482	199,748	205,361	205,361		205,361
Total Community Development	9	9	717,805	753,859	759,127	759,127		759,127
PUBLIC BUILDINGS								
Salary - Superintendent	1	1	114,067	116,094	118,706	118,706		118,706
Other Salaries	45	46	2,503,674	2,584,946	2,725,122	2,725,122		2,725,122
Overtime			48,570	50,000	55,000	55,000		55,000
Part Time Seasonal			8,619	14,400	16,500	16,500		16,500
Heating Fuel			1,257,227	1,365,500	835,000	835,000		835,000
Electricity			163,996	220,000	220,000	220,000		220,000
Utilities			71,381	92,500	31,500	31,500		31,500
Expenses			725,722	691,000	799,000	799,000		799,000
Total Public Buildings	46	47	4,893,256	5,134,440	4,800,828	4,800,828		4,800,828

**TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017**

	Full Time Positions		Expenditures Fiscal 2015	Transferred & Appropriated Fiscal 2016	Fiscal 2017			
	FY 16	FY 17			Town Manager Recommends	Finance Committee Recommends	Funds Available	Recommended Appropriation
HUMAN SERVICES:								
Veterans Aid & Benefits								
Veterans' Agent	1	1	64,257	66,372	71,096	71,096		71,096
Other Salaries	1	1	21,528	43,791	46,568	46,568		46,568
Expenses			1,950	3,100	3,100	3,100		3,100
Assistance - Veterans			370,962	400,000	400,000	400,000		400,000
	2	2	458,697	513,263	520,764	520,764		520,764
Library								
Salary - Director	1	1	90,376	90,030	92,056	92,056		92,056
Other Salaries	12	12	715,982	735,695	772,591	772,591		772,591
Merrimack Valley Library Consortium			35,815	36,445	37,135	37,135		37,135
Expenses			175,558	182,196	182,843	182,843		182,843
Furnishings & Equipment			16,482	24,468	18,911	18,911		18,911
	13	13	1,034,213	1,068,834	1,103,536	1,103,536		1,103,536
Recreation								
Salary - Director	1	1	79,858	81,185	83,012	83,012		83,012
Other Salaries	1	1	51,774	51,576	53,791	53,791		53,791
Expenses			4,988	5,100	5,100	5,100		5,100
Furnishings & Equipment			0	0	0	0		0
	2	2	136,620	137,861	141,903	141,903		141,903
Elderly Services								
Salary - Director	1	1	73,439	75,975	80,788	80,788		80,788
Other Salaries	3	3	119,231	132,434	139,875	139,875		139,875
Expenses			38,367	43,800	42,900	42,900		42,900
Furnishings & Equipment			0	0	0	0		0
	4	4	231,037	252,209	263,563	263,563		263,563
Historical Commission								
Salaries			19,427	23,165	23,664	23,664		23,664
Expenses			8,639	6,750	6,750	6,750		6,750
			28,066	29,915	30,414	30,414		30,414
Total Human Services	21	21	1,888,633	2,002,082	2,060,180	2,060,180		2,060,180
SCHOOLS								
Wilmington School Dept.			34,660,941	36,197,557	37,645,467	37,645,467		37,645,467
Shawsheen Valley Regional Vocational Technical High School District			3,757,747	3,805,032	3,957,233	3,957,233		3,957,233
Total Schools			38,418,688	40,002,589	41,602,700	41,602,700		41,602,700

Classification		FY16 Staff	FY17 Proposed Staff	FY15 Adjusted Budget	FY16 Adjusted Budget	FY17 Proposed Budget
1. Teachers						
A.	Elementary*	108.65	108.85			
	Salaries			7,816,407	8,164,356	8,248,510
	Expenses			86,930	92,168	97,014
B.	Middle School	59.60	58.40			
	Salaries			3,954,773	4,055,982	4,190,577
	Expenses			78,815	80,415	77,600
C.	Senior High School*	72.50	69.90			
	Salaries			4,991,262	5,123,531	5,149,761
	Expenses			132,457	146,324	145,063
D.	Guidance	11.50	13.00			
	Salaries			821,027	847,209	1,049,518
	Expenses			5,571	8,197	5,491
E.	Special Education*	57.10	58.10			
	Salaries			3,892,681	4,052,844	4,167,879
F.	Substitute Salaries					
	Salaries			300,240	308,082	308,082
2. Administration						
A.	Central Office	11.20	12.70			
	Salaries			897,978	920,412	1,097,752
	Expenses			760,173	685,256	693,175
B.	Principals	14.00	14.00			
	Salaries			1,254,345	1,344,410	1,405,949
C.	Special Education*	10.00	10.00			
	Salaries			731,125	748,854	828,075
	Expenses			689,556	689,556	689,556
D.	Administrative Assistants	21.70	21.70			
	Salaries			924,980	943,215	975,498

	Classification	FY16 Staff	FY17 Proposed Staff	FY15 Adjusted Budget	FY16 Adjusted Budget	FY17 Proposed Budget
3. Support Services						
A.	Nurses*	10.60	10.60			
	Salaries			699,047	721,617	729,983
	Expenses			7,600	7,600	7,600
B.	Educational Assistants*	34.80	38.20			
	Salaries			870,831	942,796	1,097,877
C.	Transportation					
	Regular Day			916,500	953,500	963,500
	SPED			507,957	507,957	627,000
	Vans	9.00	9.00	147,640	154,696	161,414
D.	Athletics	1.00	1.00			
	Salaries			244,166	256,055	257,565
	Expenses			139,310	139,310	139,310
E.	Maintenance and Utilities					
	Utilities			523,187	533,187	552,210
	Maintenance of Equipment			176,527	185,279	189,719
F.	Security Monitors	2.00	2.00			
	Salaries			28,189	28,837	29,547
G.	Insurance and Training					
	Staff Development			41,095	47,975	82,393
	Insurance			34,500	27,500	27,500
4. Tuitions						
A.	Special Education					
	Tuition			3,129,363	3,479,233	3,650,350
5. Equipment						
A.	Expenses			1,111	1,204	-
	TOTAL	423.65	427.45	34,805,343	36,197,557	37,645,468

TOWN OF WILMINGTON
FINANCE COMMITTEE RECOMMENDATIONS - FY 2017

	Full Time Positions		Expenditures Fiscal 2015	Transferred & Appropriated Fiscal 2016	Fiscal 2017			
	FY 16	FY 17			Town Manager Recommends	Finance Committee Recommends	Funds Available	Recommended Appropriation
MATURING DEBT & INTEREST								
Schools			3,506,775	3,433,325	3,359,525	3,359,525		3,359,525
Public Safety			125,200	121,700	112,812	112,812		112,812
General Government			0	0	0	0		0
Sewer			148,303	99,828	97,227	97,227		97,227
Water			127,720	124,920	121,720	121,720	121,720	121,720
Interest on Anticipation Notes & Authorization Fees & Misc. Debt			2,500	25,000	125,000	125,000	2,000	125,000
Total Maturing Debt & Interest			3,910,498	3,804,773	3,816,284	3,816,284	123,720	3,816,284
UNCLASSIFIED & RESERVE								
Insurance			715,195	926,509	987,658	987,658	109,394	987,658
Employee Health & Life Insurance			10,286,356	12,726,788	13,612,967	13,612,967	264,202	13,612,967
Employee Retirement Unused Sick Leave			56,570	75,000	75,000	75,000		75,000
Medicare Employer's Contribution			640,921	672,000	675,000	675,000	33,008	675,000
Salary Adjustments & Additional Costs			32,803	620,000	270,000	270,000		270,000
Local Transportation/Training Conf.			1,400	5,000	5,000	5,000		5,000
Out of State Travel			4,054	7,000	7,000	7,000		7,000
Computer Maintenance & Expenses			70,491	0	0	0		0
Substance Abuse Prevention & Support			0	0	80,000	80,000		80,000
Annual Audit			39,400	34,000	35,000	35,000		35,000
Ambulance Billing			30,140	35,000	36,000	36,000		36,000
Town Report & Calendar			5,532	7,500	7,500	7,500		7,500
Professional & Technical Services			95,809	125,000	125,000	125,000		125,000
Reserve Fund			0	450,000	600,000	600,000		600,000
Total Unclassified & Reserve			11,978,671	15,683,797	16,516,125	16,516,125	406,604	16,516,125
TOTAL MUNICIPAL GOVERNMENT	243	243	41,188,514	45,336,884	46,588,534	46,588,534	570,324	46,588,534
STATUTORY CHARGES								
Current Year Overlay			0	882,133	900,000	900,000		900,000
Retirement Contributions			4,952,939	5,342,251	5,704,192	5,704,192	780,857	5,704,192
Offset Items			47,227	25,524	28,913	28,913		28,913
Special Education			0	0	0	0		0
Mass Bay Transportation Authority			488,101	495,681	504,108	504,108		504,108
MAPC (Ch 688 of 1963)			11,468	11,452	13,000	13,000		13,000
RMV Non-Renewal Surcharge			16,760	16,760	26,820	26,820		26,820
Metro Air Pollution Control District			7,645	7,809	8,030	8,030		8,030
Mosquito Control Program			57,212	53,084	53,705	53,705		53,705
M.W.R.A. Sewer Assessment			2,353,306	2,476,867	2,551,173	2,551,173		2,551,173
School Choice			29,505	5,000	43,368	43,368		43,368
Charter Schools			124,412	112,747	125,000	125,000		125,000
Essex County Tech Institute			126,431	128,321	135,000	135,000		135,000
Total Statutory Charges			8,215,006	9,557,629	10,093,309	10,093,309	780,857	10,093,309
Total			87,822,208	94,897,102	98,284,543	98,284,543	1,351,181	98,284,543
Proposed Capital Outlay & Warrant Articles			4,121,576	5,614,950	6,042,000	6,042,000		6,042,000
Total Proposed Budget			91,943,784	100,512,052	104,326,543	104,326,543	1,351,181	104,326,543

ESTIMATED AVAILABLE FUNDS

	ACTUAL FY 2015	REVISED ESTIMATE FY 2016	ESTIMATE FY 2017	\$ CHANGE 2016 V. 2017
ESTIMATED AVAILABLE FUNDS				
Tax Levy	68,563,551	72,247,756	75,363,235	3,115,479
Local Receipts	7,850,082	7,529,000	7,589,000	60,000
Local Receipts - Sewer	2,632,286	2,661,057	2,737,000	75,943
Local Aid	13,598,519	13,694,721	13,786,127	91,406
Free Cash	750,000	3,458,000	3,500,000	42,000
Water Department - Available Funds	1,321,034	1,386,648	1,311,181	(75,467)
Sale of Cemetery Lots	20,000	20,000	20,000	0
Cemetery Trust Fund - Interest	20,000	20,000	20,000	0
Capital Stabilization Fund	0	0	0	0
Provision for Abates Surplus	0	0	0	0
Capital Project Closeouts	0	0	0	0
	94,755,472	101,017,182	104,326,543	3,309,361

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money for the purchase of new and/or replacement capital equipment, including but not limited to the following items, and further to authorize the sale, trade-in, conveyance or other disposition of any equipment being so replaced, such funds to be spent by the town department, so indicated, with the approval of the Town Manager and, to the extent set forth in Chapter 592 of the Acts of 1950, the Board of Selectmen, as follows:

Police Department

Purchase of five (5) replacement police cruisers.

Fire Department

Purchase of one (1) replacement command vehicle.

Purchase of one (1) replacement ambulance.

Purchase of one (1) replacement pumper.

Department of Public Works

Purchase of one (1) heavy duty dump truck with plow and sander to be assigned to the Highway

Purchase of one (1) heavy duty front end loader to be assigned to the Highway Division.

Purchase of one (1) heavy duty pavement roller and trailer.

School Department

Purchase of one (1) student transport van;

or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to make certain technology improvements; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Electronic Control Weapons (Taser) for the Wilmington Police Department; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 9. To see if the Town will vote to raise and appropriate or transfer from available funds or borrow pursuant to any applicable statute a sum of money for purchase of portable radios for the Wilmington Fire Department; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds or borrow pursuant to any applicable statute a sum of money for the for the development of an intersection master plan to evaluate and prioritize upgrades for major and heavily traveled intersections; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 11. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for engineering services for 25% design threshold for upgrades to Main Street (Route 38) between Route 62 and the Woburn City Line; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 12. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to relocate underground control panel at Public Safety Sewer Pump Station; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 13. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the replacement of approximately 10,432 square feet of roof area at the North Intermediate School; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 14. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the replacement of approximately 22,100 square feet of roof area at the Boutwell School; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 15. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of the Foundations ELA Program for the Wilmington Public Elementary Schools; or take any other action related thereto.

School Committee

Finance Committee recommended **Approval** of this Article.

ARTICLE 16. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Lucy Calkins Units of Study-Reading ELA Program for the Wilmington Public Elementary Schools; or take any other action related thereto.

School Committee

Finance Committee recommended **Approval** of this Article.

ARTICLE 17. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Social Emotional Learning (SEL) Curriculum for the Wilmington Public Schools; or take any other action related thereto.

School Committee

Finance Committee recommended **Approval** of this Article.

ARTICLE 18. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the purchase of Voice Over IP Phone System for the Wilmington Public Schools; or take any other action related thereto.

School Committee

Finance Committee recommended **Approval** of this Article.

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the upgrade of switches at the six elementary schools; or take any other action related thereto.

School Committee

Finance Committee recommended **Approval** of this Article.

ARTICLE 20. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to deposit in the Other Post Employment Liability Trust Fund established in accordance with M. G. L. Chapter 32B, Section 20; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 21. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to deposit in the “Capital Stabilization Fund” as established by two-thirds vote on Article 23 at the April 27, 1991 Annual Town Meeting; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 22. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to deposit in the “Employee Retirement Benefits” stabilization fund as established by two-thirds vote on Article 24 of the May 3, 2014 Annual Town Meeting; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 23. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to pay the Middlesex Retirement System in addition to the annual assessment; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 24. To see what sum the Town will vote to transfer into various line items of the Fiscal Year 2016 budget from other line items of said budget and from other available funds; or take any other action related thereto.

Board of Selectmen

Finance Committee **Took No Action** on this Article pending further information.

ARTICLE 25. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the funding of a Fourth of July celebration, or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 26. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the observance of Memorial Day and Veterans' Day; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 27. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute the sum of \$750.00 each (a total of \$1,500) for the purpose of renewing under the authority of Section 9 of Chapter 40 of the General Laws as amended, the lease of:

- a. Veterans of Foreign Wars Clubhouse for the purpose of providing suitable headquarters for the Nee-Ellsworth Post 2458 of the Veterans of Foreign Wars of the United States;
- b. American Legion Clubhouse, Inc. for the purpose of providing suitable headquarters for the Wilmington Post 136 of the American Legion;

or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 28. To see if the Town will vote to authorize or reauthorize as the case may be, revolving accounts pursuant to M.G.L. Chapter 44, Section 53E ½ for the various boards, commissions, departments and agencies of the Town; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 29. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Public Rink enterprise; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 30. To see if the Town will vote to amend the Zoning By-law of the Town of Wilmington as follows; or take any other action related thereto.

By deleting Section 4.1.13 of the Zoning By-laws and replacing with the following:

- 4.1.13 Used Vehicle Sales – In the General Business (GB) and General Industrial (GI) Districts, auto repair and body shops may use the paved portion of their lot for the sale and display of up to a total of two (2) used vehicles. No used vehicle shall be parked within 20 feet of the sideline of the street. “For Sale” signs covering not greater than 20% of the vehicle windshield are permitted, and must be attached to the vehicle. All other signs advertising used vehicle sales are prohibited.

The sale of used vehicles is allowed at new vehicle dealerships, provided the vehicles are displayed on the same site as the salesroom and related dealership facilities.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 31. To see if the Town will vote to continue its participation in the Massachusetts Water Resource Authority financial assistance program which provides grants and interest free loans for the purpose of funding an infiltration and inflow reduction and sewer system rehabilitation program and to authorize the Selectmen and/or Town Manager to accept said grants and to execute documents relative to the interest free loans as may be required; and further to appropriate said funds for engineering services, construction or reconstruction of sewers, sewerage systems and sewage disposal facilities and appurtenances and to determine how the same shall be raised whether by taxation, transfer or borrowing or any combination thereof; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 32. To see if the Town will vote to authorize the Board of Selectmen to acquire by grant or eminent domain pursuant to G.L. c. 40, G.L. c. 79 and any other applicable statute, restrictions for low or moderate income housing on all or any portions of the property located at 57 Ballardvale Street in Wilmington and identified as Town Assessor Map 98, Parcel 4; or take any other action related thereto.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 33. To see if the Town will vote to amend the Zoning By-law by deleting Section 3.5.1.1 and replacing it with the following, or take any other action related thereto.

3.5.1.1 Retail Store(s) under 30,000 sq. ft. – Store(s) for the display and sale of merchandise within a building having single or multi-tenants, no one tenant having more than 30,000 sq. ft. defined as including but not limited to: grocery, deli, sandwich shop, ice cream parlor, bakery and package stores; drugstore; book, stationery and gift shop; antique shop; florist; pet shop; television and radio sales; hardware store; department and furniture stores; garden center with open air sales; and all other retail stores.

A sandwich shop shall be defined as a food establishment serving sandwiches, soups, salads, pizza and other individually portioned items over the counter, with no table service and seating limited to a maximum of twelve (12) chairs.

Planning Board

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 34. To see if the Town will vote to amend the By-Laws of the Inhabitants of the Town of Wilmington, Revised by amending Section 51, Comprehensive Stormwater Management By-law, as follows; or take any other action related thereto.

1. By amending Section 51.2.2 to read as follows:

51.2.2 Stormwater Management Permit (SMP)

A Stormwater Management Permit (SMP) is required for the following:

- 2.2.1 Any activity that will disturb or alter 20,000 square feet or more of land, or which is part of a common plan for development that will disturb or alter 20,000 square feet or more of land, except that:
 - a. Single-family construction on residential lots on existing roadways with no required roadway improvements (Existing Lots or Approval Not Required Lots) that disturbs more than 20,000 square feet of land in aggregate (Maximum 4 Lots or less) shall be required to obtain a Simple Stormwater Management Permit (SSMP) for each lot instead of a SMP.
- 2.2.2 Any activity that must undergo Site Plan Review per the Wilmington Planning Board Site Plan Review Rules and Regulations, except that:
 - a. A Site Plan change of use that does not alter the site and does not trigger Standard 5 of the Massachusetts Stormwater Management Standards (uses with a higher pollutant load) shall be exempt.
 - b. A Site Plan Amendment that does not include changes to the site that impact the function of the stormwater management system on the site shall not require a SMP.

2. By amending Section 51.2.3 to read as follows:

51.2.3 Simple Stormwater Management Permit (SSMP)

A Simple Stormwater Management Permit (SSMP) is required for the following:

- 2.3.1 Any activity, except as exempted under Section 2.4, that will disturb or alter less than 20,000 square feet of land, or which is part of a common plan for development that will disturb or alter less than 20,000 square feet of land.
- 2.3.2 Construction or maintenance and repair of utility lines or systems (gas, water, electric, telephone, fire alarms, drainage, etc.) that will disturb or alter less than 20,000 square feet of land and that will temporarily or permanently alter terrain, ground cover, or drainage patterns.
- 2.3.3 Activities identified in 2.2.1 a above.

3. By amending Section 51.2.4 to read as follows:

51.2.4 Exemptions

No person shall disturb or alter land within the Town of Wilmington without having obtained a Stormwater Management Permit (SMP) or Simple Stormwater Management Permit (SSMP) for the property with the following exceptions:

- 2.4.1 Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulation 310 CMR 10.04 and MGL Chapter 40A Section 3.
- 2.4.2 Maintenance of existing landscaping, gardens or lawn areas associated with single-family residential lots, or creating new landscaping, gardens or lawn areas on single-family residential lots that will result in a net decrease in impervious area and will not alter drainage patterns.
- 2.4.3 Creating impervious area consisting of a previously existing unpaved driveway for a single family dwelling, or expansion of an existing paved driveway for a single family dwelling.
- 2.4.4 The construction of fencing that will not alter existing terrain or drainage patterns.

- 2.4.5 Construction or maintenance and repair of utility service lines (gas, water, electric, telephone, fire alarms, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns.
- 2.4.6 Emergency repairs to any stormwater management facility or situation that poses a threat to public health or safety, or as deemed necessary by the Planning Board.
- 2.4.7 Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this Bylaw.
- 2.4.8 Construction of decks, patios, walkways, driveways, sheds, swimming pools, tennis or basketball courts, or replacement of septic systems on lots having an existing dwelling.
- 2.4.9 An increase in the footprint of a house by less than 600 square feet.
- 2.4.10 Repair or upgrade of septic systems when required by the Board of Health for the protection of public health.

4. By amending Section 51.3.2 to read as follows:

51.3.2 **RULES AND REGULATIONS** - The Planning Board may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Comprehensive Stormwater Management Bylaw by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, the Planning Board may promulgate Rules and Regulations to effectuate the purposes of this Bylaw. The Planning Board by such Rules and Regulations may delegate to the Director of Planning and Conservation the authority to administer, implement and enforce this By-law and such Rules and Regulations. Failure by the Planning Board to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this By-law.

Planning Board

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 35. To see if the Town will vote to amend Section 6.2, Flood Plain District and Section 2.2, Zoning Map, of the Town of Wilmington Zoning By-law; or take any other action related thereto.

1. by amending Section 6.2.2.1 to read as follows:

6.2.2.1 Flood Plain District Boundaries – The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town designated as Zone A, AE, AH, AO, A99, V and VE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that show flood zones located wholly or partially within the Town include map panel numbers 25017C0279F, 25017C0281F, , 25017C0283F, , 25017C0287F dated July 6, 2016; and map panel numbers 25017C0284E, 25017C0282E, 25017C0289E, 25017C0291E, 25017C0292E, 25017C0293E, and 25017C0294E dated June 4, 2010. The exact

boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Planning & Conservation Department, Town Engineer and Inspector of Buildings.

2. by adding a new Section 6.2.3 as follows and renumbering the existing sections accordingly:

6.2.3 Notification of Watercourse Alteration – In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

- a. Adjacent Communities
- b. NFIP State Coordinator, MA Department of Conservation and Recreation
- c. NFIP Program Specialist, FEMA, Region I.

3. by amending renumbered subsection 6.2.5.4 to read as follows:

6.2.5.4 Maintenance and repair of existing structures and improvement of existing structures provided that any such improvement is in accordance with Sections of the Massachusetts Building Code (780 CMR) which address floodplain areas;

4. by amending renumbered Section 6.2.6 to read as follows:

6.2.6 Uses Permitted by Special Permit from the Board of Appeals

The Board of Appeals may authorize by Special Permit any use permitted in the underlying district in which the land is located, including grading, filling and excavating, subject to the same use and development regulations as may otherwise apply thereto provided that the Board of Appeals finds that the proposed use will not significantly conflict with the purposes set forth herein and provided further that:

- a. At least 100% of the flood storage volume of the site (the volume of water which could be stored between the elevation(s) of the property as it existed on 15 June 1982 and the elevation(s) of the base flood) shall be maintained;
- b. In the case of residential structures the elevation of the lowest floor level including basement of any new or substantially improved dwelling shall be at or above the base flood and in the case of non-residential buildings the elevation of the lowest floor including basement of any new or substantially improved building shall be at or above the base flood or flood-proofed to above the base flood, in accordance with Sections of the Massachusetts Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- c. In the case of vehicular access the elevation of the lowest point of any new driveway from the street to the building shall be at or above the base flood and all new construction, including utilities, is anchored to prevent flotation and designed to avoid impairment during the base flood, in accordance with Sections of the Massachusetts Building Code (780 CMR) which address floodplain and coastal high hazard areas.
- d. Reference to Existing Regulations – All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws, 44 C.F.R. 60.3(d) and with the following regulations:

Sections of the Massachusetts Building Code (780 CMR) which address floodplain and coastal high hazard areas;

Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

Inland Wetlands Restrictions, DEP (currently 310 CMR 13.00); and

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15.000, Title 5).

Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with required variance procedures set forth in such regulations.

- e. All subdivision proposals must be designed to assure that: such proposals minimize flood damage; all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided to reduce exposure to flood hazards.
5. by amending renumbered subsection 6.2.7.1 to read as follows:
 - 6.2.7.1 Any person who desires to use land within the Flood Plain District in accordance with Subsection 6.2.6 shall submit a written application to the Board of Appeals. Each application shall be accompanied by the following information: (no change to remainder of subsection)
6. by amending renumbered subsection 6.2.7.2 to read as follows:
 - 6.2.7.2 The Board of Appeals shall, within ten days of its receipt of an application under Subsection 6.2.6, refer the application to the Board of Health, Planning Board, Conservation Commission and the Town Engineer for written reports and recommendations and no decisions shall be made until such reports are returned or 35 days have elapsed following such referral without receipt of such reports.
7. by amending Section 2.2, second unnumbered subparagraph, to read as follows:

Wilmington Flood Insurance Rate Map (FIRM) dated July 6, 2016.

Planning Board

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 36. To see if the Town will vote to amend the Zoning By-law as follows; or take any other action related thereto.

1. By amending Section 1.3 by inserting a new Section 1.3.10 as follows between the existing Sections 1.3.9 and 1.3.10 and adjusting the subsequent section numbers accordingly:
 - 1.3.10 Outdoor Patio: A hardscaped full service outdoor dining area with defined bounds and accessed only through the restaurant.
2. By deleting Section 3.5.4 and replacing it with the following:
 - 3.5.4 Limited Service Restaurant - Food service establishment as defined by the State Sanitary Code where food and nonalcoholic beverages are sold to customers at a table or counter and where food and nonalcoholic beverages may also be sold to customers for consumption on an outdoor patio or off premises as carry-out orders.

3. By deleting Section 3.5.5 and replacing it with the following:

3.5.5 General Service Restaurant - Food service establishment as defined by the State Sanitary Code, with an indoor seating capacity of at least 100 people, where food, alcoholic beverages and nonalcoholic beverages are sold to customers at a table or counter and where food, alcoholic beverages and nonalcoholic beverages may also be sold to customers for consumption on an outdoor patio or off premises as carry-out orders.

Planning Board

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 37. To see if the Town will vote to amend the Zoning By-law as follows; or take any other action related thereto.

1. By amending Table 1, Sections 3.5.15 and 3.6.3 to appear as follows:

PRINCIPAL USES		RESIDENTIAL DISTRICTS				BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN REVIEW	GW PD
		R10	R20	R60	O55	NB	GB	CB	GI	HI	LI/O		
3.5	BUSINESS USES												
3.5.1.1	Retail Store under 30,000 sf	No	No	No		Yes	Yes	Yes	SP	SP	SP	R	*
3.5.1.2	Retail Store over 30,000 sf	No	No	No		No	No	No	No	SP	SP	R	*
3.5.2	Business/Professional Office	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.3	Bank	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.4	Limited Service Restaurant	No	No	No		No	SP	Yes	SP	Yes	SP	R	*
3.5.5	General Service Restaurant	No	No	No		No	SP	SP	No	SP	No	R	*
3.5.6	Hotel or Motel	No	No	No		No	SP	SP	SP	SP	SP	R	*
3.5.7	Lodge and Club	No	No	No		SP	Yes	Yes	Yes	Yes	Yes	R	*
3.5.8	Funeral Home	No	No	No		No	Yes	No	No	No	No	R	*
3.5.9	Veterinary Care	No	No	No		No	SP	SP	SP	SP	SP	R	*
3.5.10	Personal Service Shop	No	No	No		Yes	Yes	Yes	No	Yes	No	R	*
3.5.11	Craft Shop/Bldg Trade	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.12	Commercial/Trade School	No	No	No		SP	Yes	SP	Yes	Yes	Yes	R	*
3.5.13	Amusement Facility	No	No	No		No	Yes	SP	Yes	Yes	Yes	R	*
3.5.14	Auto Service /Car Wash	No	No	No		No	SP	No	No	No	No	R	*
3.5.15	Auto Repair/Body Shop/ Rental	No	No	No		No	SP	No	SP	SP	No	R	*
3.5.16	Vehicular Dealership	No	No	No		No	SP	No	No	No	No	R	*
3.5.17	Parking Facility	No	No	No		No	Yes	Yes	Yes	Yes	Yes	R	*
3.5.18	Adult Uses***												
3.5.19	Pet Care Facility	No	No	No		No	SP	No	SP	No	No	R	*
3.5.20	Reg. Marijuana Dispensary	No	No	No		No	No	No	SP	SP	No	R	*
3.6	INDUSTRIAL USES												
3.6.1	Warehouse	No	No	No		No	No	No	Yes	Yes	Yes	R	*
3.6.2	Bulk Material Storage/Sales	No	No	No		No	No	No	Yes	Yes	No	R	*
3.6.3	Hvy Vehicular Dealer/Repair/ Rental	No	No	No		No	No	No	SP	SP	No	R	*
3.6.4	Light Industrial	No	No	No		No	No	No	Yes	Yes	Yes	R	*
3.6.5	Limited Manufacturing	No	No	No		No	No	No	SP	SP	SP	R	*
3.6.6	General Manufacturing	No	No	No		No	No	No	SP	SP	No	R	*

2. By amending Section 3.5.15 to read as follows:

3.5.15 Auto Rental/Repair and Body Shop – Auto rental and livery establishment for automobiles or similar light motor vehicles having a maximum 6,000 gross vehicle weight or 135 inch wheel base; Establishment where the principal service is the repair of automobiles and painting of automobiles or similar light motor vehicles having a maximum 6,000 gross vehicle weight or 135 inch wheel base.

3. By amending Section 3.6.3 to read as follows:

3.6.3 Heavy Vehicular Rental/Dealership and Repair Garage – Heavy Vehicular rental and livery establishment for trucks, buses or similar heavy motor vehicles having a gross vehicle weight in excess of 6,000 pounds or wheel base in excess of 135 inches; salesroom and related dealership facilities for trucks, buses or similar heavy motor vehicles having a gross vehicle weight in excess of 6,000 pounds or wheel base in excess of 135 inches, and establishments for the storage or repair of automobiles, truck, construction equipment or similar heavy motor vehicles and equipment provided that all but open air display and the making of all but minor repairs shall be conducted wholly within a building and provided further that all smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration shall be effectively confined to the premises or disposed of in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

Planning Board

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 38. To see if the Town will vote to amend the Town of Wilmington Zoning By-law and Zoning District Map as follows to create a new Neighborhood Mixed Use Zoning District; or take any other action related thereto.

1. By amending the Zoning District Map by rezoning the following described area from the existing General Business District to Neighborhood Mixed Use District:

Beginning at a point at the intersection of the centerline of Dartmouth Avenue with centerline of Lowell Street, said intersection being depicted on Assessor Map 40;

Thence running northeasterly along the centerline of Dartmouth Street to a point in said centerline which is 400 feet perpendicularly distant from the northeasterly sideline boundary of Lowell Street;

Thence running in a southeasterly direction on a line parallel and 400 feet perpendicularly distant from the northeasterly sideline boundary of Lowell Street to the point where said parallel line intersects the northwesterly property boundary of Map 58, Parcel 1;

Thence running northerly and easterly along the northerly boundary line of Map 58, Parcel 1 to the northwesterly corner of Map 58, Parcel 2;

Thence running easterly along the northerly boundary line of Map 58, Parcel 2, to the intersection of the easterly extension of said northerly boundary line with the centerline of Woburn Street;

Thence running southerly along the centerline of Woburn Street to a point in said centerline which is at the intersection of the westerly extension of the southerly boundary line of Map 58, Parcel 28, with said centerline;

Thence running easterly along the southerly boundary of Map 58, Parcel 28 to the southeasterly corner of said parcel;

Thence running northerly along the easterly boundary of Map 58, Parcel 28, to the northwesterly corner of Map 58, Parcel 30;

Thence running easterly along the northerly boundary line of Map 58, Parcel 30 to the westerly sideline boundary of Lee Avenue (f.k.a. Leathe Avenue);

Thence running southerly along the westerly sideline boundary of Lee Avenue to a point located at intersection of the southerly extension of said line with the centerline of Lowell Street;

Thence running easterly along the centerline of Lowell Street to a point in said centerline which is at the intersection of the northerly extension of the easterly boundary line of Map 57, Parcel 52; with said centerline;

Thence running southerly along the easterly boundary line of Map 57, Parcel 52 to a corner of said lot in the northerly boundary line of Map 57, Parcel 54E;

Thence running westerly along the southerly boundary line of Map 57, Parcel 52 to a point in the centerline of Woburn Street;

Thence running northerly along the centerline of Woburn Street to a point in said centerline which is at the intersection of the easterly extension of the southerly boundary line of Map 48, Parcel 73 with said centerline;

Thence running westerly, southerly and northwesterly along said southerly boundary of Map 48, Parcel 73 to a point in the southeasterly boundary line of Map 48, Parcel 73A;

Thence running northeasterly along the northwesterly boundary of Map 48, Parcel 73 to the intersection of the northeasterly extension of said line with the centerline of Lowell Street;

Thence northwesterly along the centerline of Lowell Street to the intersection of said centerline with the centerline of Dartmouth Street and the point of beginning.

It is the intent of this amendment to describe the previously approved General Business District depicted on Assessor Maps 40, 48, 49, 57 and 58;

2. by amending Section 2.1 by adding “Neighborhood Mixed Use (NM)” after “Neighborhood Business (NB)” and before “General Business (GB)”;
3. by amending Section 2.2, first subparagraph to read as follows: Zoning District Map of the Town of Wilmington, January 1983 revised through May 2016 (Scale 1”=1200’ consisting of a single sheet).
4. by amending Table 1, Principal Use Regulations, by adding a new category, Mixed Use District, between Residential Districts and Business Districts with a new column, “NM” as follows:

TABLE 1 PRINCIPAL USE REGULATIONS

NOTE: All principal uses are subject to definitions and conditions in corresponding classification of uses contained in Section 3 of this By-law. Further, special permits allowed by this by-law may be subject to minimum special permit; see Section 3.8.

PRINCIPAL USES		RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE	BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN REVIEW	GW PD
		R10	R20	R60	O55	NM	NB	GB	CB	GI	HI	LI/O		
3.2 EXTENSIVE USES														
3.2.1	Agriculture	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*
3.2.2	Greenhouses	No	SP	SP		Yes	SP	Yes	No	Yes	Yes	Yes	R	*
3.2.3	Conservation	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	Yes	NR	*
3.2.4	Recreation	SP	SP	SP		Yes	SP	Yes	No	Yes	Yes	Yes	R	*
3.2.5	Earth Removal	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes	Yes	No	NR	*
3.3 RESIDENTIAL USES														
3.3.1	Single Family Dwelling	Yes	Yes	Yes		No	Yes	No	No	No	No	No	NR	*
3.3.2	Accessory Apartments	Yes	Yes	Yes		No	Yes	No	No	No	No	No	N	*
3.3.3	Community Housing Facility	SP	SP	SP		SP	SP	SP	SP	No	No	No	NR	*
3.3.4	Municipal Building Reuse	SP	SP	SP		SP	SP	SP	SP	No	No	No	NR	*
3.3.5	Multi-Family Housing	No	No	No		SP	No	No	SP	No	No	No	R	*
3.3.6	Over 55 Housing	No	No	No	SP	No	No	No	No	No	No	No	R	*
3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES														
3.4.1	Municipal Use	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.2	Educational	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.3	Religious	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.4	Philanthropic	SP	SP	SP		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.4.5	Nursery School	SP	SP	SP		Yes	Yes	Yes	Yes	No	No	No	R	*
3.4.6	Hospital & Nursing Home	SP	SP	SP		SP	SP	SP	SP	No	No	No	R	*
3.4.7	Public Service Utility	SP	SP	SP		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.4.8	Wireless Communications **	No	No	No		No	No	SP	No	SP	SP	SP	R	*
3.5 BUSINESS USES														
3.5.1.1	Retail Store under 30,000 sf	No	No	No		Yes	Yes	Yes	Yes	SP	SP	SP	R	*
3.5.1.2	Retail Store over 30,000 sf	No	No	No		No	No	No	No	No	SP	SP	R	*
3.5.2	Business/Professional Office	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.3	Bank	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.4	Limited Service Restaurant	No	No	No		SP	No	SP	Yes	SP	Yes	SP	R	*
3.5.5	General Service Restaurant	No	No	No		SP	No	SP	SP	No	SP	No	R	*
3.5.6	Hotel or Motel	No	No	No		SP	No	SP	SP	SP	SP	SP	R	*
3.5.7	Lodge and Club	No	No	No		Yes	SP	Yes	Yes	Yes	Yes	Yes	R	*
3.5.8	Funeral Home	No	No	No		Yes	No	Yes	No	No	No	No	R	*
3.5.9	Veterinary Care	No	No	No		SP	No	SP	SP	SP	SP	SP	R	*
3.5.10	Personal Service Shop	No	No	No		Yes	Yes	Yes	Yes	No	Yes	No	R	*
3.5.11	Craft Shop/Bldg Trade	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.12	Commercial/Trade School	No	No	No		Yes	SP	Yes	SP	Yes	Yes	Yes	R	*
3.5.13	Amusement Facility	No	No	No		No	No	Yes	SP	Yes	Yes	Yes	R	*
3.5.14	Auto Service /Car Wash	No	No	No		No	No	SP	No	No	No	No	R	*
3.5.15	Auto Repair/Body Shop	No	No	No		No	No	SP	No	SP	SP	No	R	*
3.5.16	Vehicular Dealership	No	No	No		No	No	SP	No	No	No	No	R	*
3.5.17	Parking Facility	No	No	No		Yes	No	Yes	Yes	Yes	Yes	Yes	R	*
3.5.18	Adult Uses***													
3.5.19	Pet Care Facility	No	No	No		SP	No	SP	No	SP	No	No	R	*
3.5.20	Reg. Marijuana Dispensary	No	No	No		No	No	No	No	SP	SP	No	R	*
3.6 INDUSTRIAL USES														
3.6.1	Warehouse	No	No	No		No	No	No	No	Yes	Yes	Yes	R	*
3.6.2	Bulk Material Storage/Sales	No	No	No		No	No	No	No	Yes	Yes	No	R	*
3.6.3	Hvy Vehicular Dealer/Repair	No	No	No		No	No	No	No	SP	SP	No	R	*
3.6.4	Light Industrial	No	No	No		No	No	No	No	Yes	Yes	Yes	R	*
3.6.5	Limited Manufacturing	No	No	No		No	No	No	No	SP	SP	SP	R	*
3.6.6	General Manufacturing	No	No	No		No	No	No	No	SP	SP	No	R	*
3.7 PROHIBITED USES														
3.7.1	Prohibited Uses	No	No	No		No	No	No	No	No	No	No	NR	*

* Uses within the Ground Water Protection Districts may be subject to additional regulation. See Section 6.6 Ground Water Protection Districts.

** Monopoles allowed by SP on Town-owned land; and attachments allowed by SP on existing structures in all zoning districts.

*** Overlay District. See Section 6.7

5. by amending Table II Standard Dimensional Regulations by adding “Neighborhood Mixed Use” between “Neighborhood Business” and “General Business” as follows:

TABLE II STANDARD DIMENSIONAL REGULATIONS

NOTES: (1) All Standard Dimensional Regulations are subject to the definitions and conditions in corresponding provisions for dimensional regulations contained in Section 5 of this By-law.
(2) Special exceptions to these Dimensional Regulations are contained in Subsection 5.3 of this By-law.

ZONING DISTRICTS	MIN. LOT AREA IN SQ FT	MIN. LOT FRONTAGE IN FT	MIN. LOT WIDTH IN FT	MIN. FRONT YARD IN FT	MINIMUM SIDE & REAR YARD IN FT	MINIMUM OPEN SPACE (%)	MAX BLDG COVER IN %	MAX HGT IN FT	MAX HGT IN STORIES
RESIDENCE 10	10,000	100	100	30	15	--	--	35	2½
RESIDENCE 20	20,000	125	125	40	20	--	--	35	2½
RESIDENCE 60	60,000	200	200	50	25	--	--	35	2½
OVER 55 HOUSING	10 ACRES	50	50	50	50	35%	--	36	2½
NEIGHBORHOOD BUSINESS	10,000	100	100	30	15	30% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	2½
NEIGHBORHOOD MIXED USE	20,000	125	125	20	20' side and rear yard in all cases provided that where such use abuts a residential district, the yard shall be increased to 50'	20% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	3
GENERAL BUSINESS	20,000	125	125	20	20' side and rear yard in all cases provided that where such use abuts a residential district, the yard shall be increased to 50'	20% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	3
CENTRAL BUSINESS	10,000	40	40	5	20' where such use abuts a residential district, 20' rear yard in all cases, 0 ft for a side yard where such a use abuts a commercial use	None, however, where such use abuts a residential district or use a landscape buffer consistent with §5.2.6.1 shall be provided	50%	40	3
GENERAL INDUSTRIAL	20,000	125	12	50	20' side and rear yard that where such use abuts a residential district the yard shall increase to 50'	30% in all cases and where a business or industrial use abuts a residential district, a landscape buffer shall be provided	35%	40	3
HIGHWAY INDUSTRIAL	80,000								
LIGHT INDUSTRIAL/ OFFICE	20,000								

6. by amending Section 3.8, Minimum Special Permit Criteria, by adding a new subsection 3.8.15 as follows:

3.8.15 Multi-family use in the Neighborhood Mixed Use District shall be allowed by special permit from the Planning Board subject to the following minimum special permit criteria:

Minimum lot area	25,000 sq. ft.
Density	one unit per 4000 sq. ft. of lot area
Height	40 ft. but not to exceed three stories
Open space	40% of total lot area
Parking	2 spaces per dwelling
Maximum building coverage	30%
Minimum front yard	20 ft.
Minimum side and rear yards	20 ft.

7. by amending Section 6.3.6 to read: Signs permitted in the business, mixed use and industrial districts;
8. by amending subsection 6.3.6.1 to read: Any principal use in a business, mixed use or industrial district may erect a wall sign and projecting sign as follows: (no change to remainder of subsection);
9. by amending subsection 6.3.6.2 to read: In addition any principal use in a business, mixed use or industrial district may erect the following signs: (no change to remainder of subsection)

Planning Board

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 39. To see if the Town will vote to amend the Zoning By-law as follows; or take any other action related thereto.

1. By deleting Section 3.9 Interim Regulations for Medical Marijuana Uses.
2. By amending Section 3.5.2 to read as follows:
 - 3.5.2 Business and Professional Office – Office of a business, profession, medical office, and out-patient clinic including laboratory incidental thereto and all other office uses.

Planning Board

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 40. To see if the Town will vote to amend the By-Laws of the Inhabitants of the Town of Wilmington, Revised, by deleting Chapter 5, Sections 27, 28 and 29 and replacing it in its entirety as follows; or take any other action related thereto.

SECTION 27: Dogs – Restraint and Control

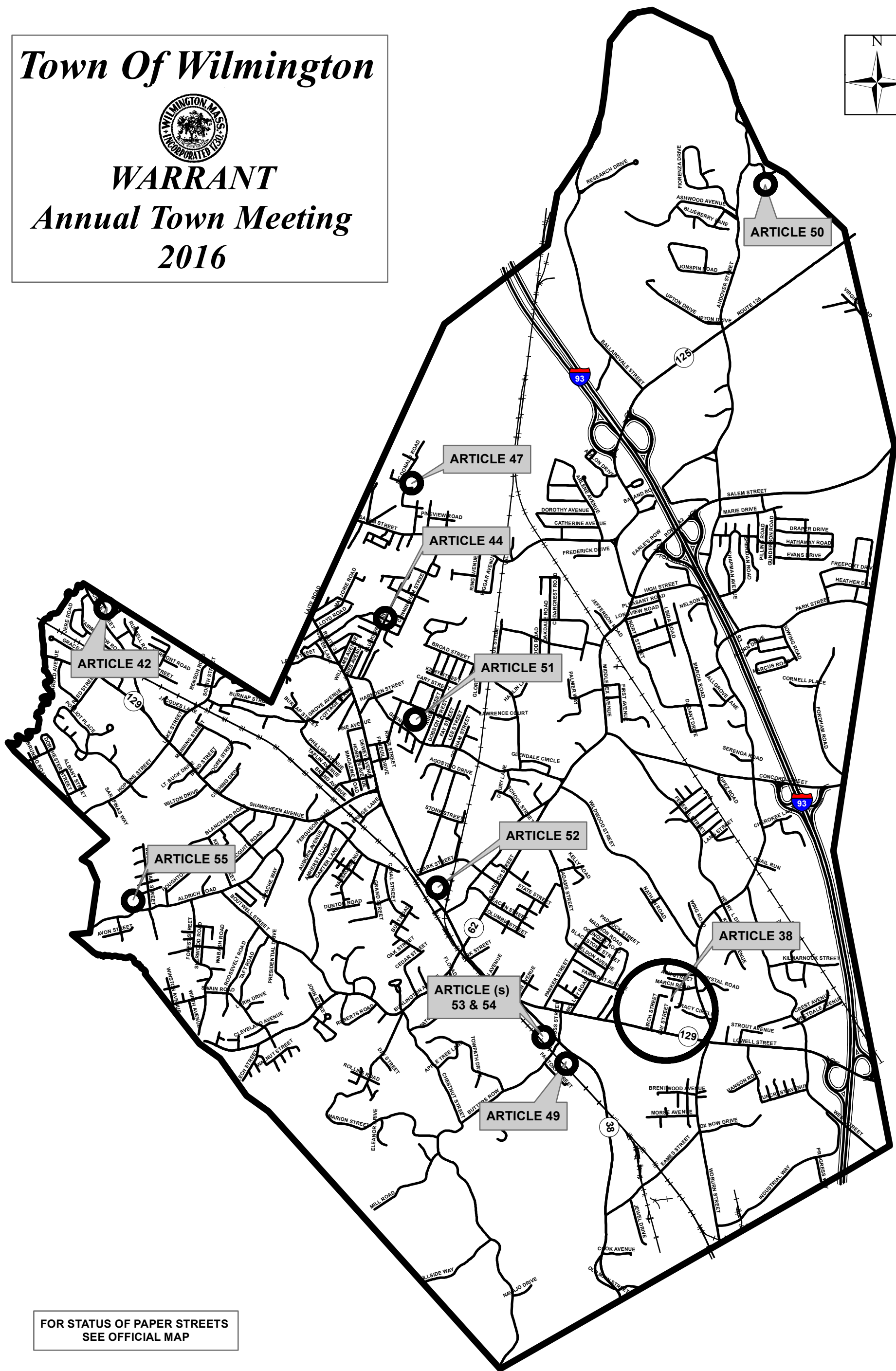
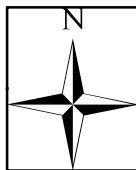
27.1 Purpose and Definitions

The purpose of this by-law is to regulate the ownership and possession of dogs in the Town, in compliance with the provisions of the General Laws, Chapter 140. It is intended that the provisions of this by-law be construed in accordance with Chapter 140. The definitions set forth in Section 136A of Chapter 140, shall apply to this by-law.

Town Of Wilmington



WARRANT Annual Town Meeting 2016



27.2 Authority

The Animal Control Officer, Sworn Police Officers, Board of Health Director, Town Clerk, and/or other persons designated by the Town Manager shall have authority to enforce this by-law.

27.3 Keeping of Dogs

- (a) No more than four (4) dogs shall be owned or kept per household.
- (b) No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, “cruel conditions and inhumane chaining or tethering” shall include, but not be limited to, the following conditions:
 - (i) filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
 - (ii) taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
 - (iii) subjecting a dog to dangerous conditions, including attacks by other animals.

27.4 Leashing of Dogs

- (a) No person owning or keeping a dog shall permit such dog to be at large in the Town elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person.
- (b) Such owner or keeper of a dog, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash no greater than six (6) feet in length, excepting a certified or registered service dog.
- (c) This provision shall not apply in any area expressly designated by the Board of Selectmen as a “Dog Park”, “Dog Run” or “Dog Exercise Area”.

27.5 Dogs on Public Beaches

No dog shall be allowed on a public beach or Town property adjacent to the water from May 1 to October 1 each year.

27.6 No Fouling on Public Spaces

- (a) It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area in the town, and to possess the means of removal of feces when the dog is on a sidewalk, street, or other public area in town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.
- (b) This provision shall not apply to a dog accompanying any handicapped person who, by reason of his-her handicap, is physically unable to comply with the requirements of this by-law, or to any individual who utilizes a guide dog.

27.7 Licensing

- (a) The owner or keeper of any dog over the age of six (6) months kept in the Town shall obtain a license for the dog from the Town Clerk. All licenses issued under this section shall be renewed on an annual basis, in accordance with procedures to be determined by the Town Clerk. In addition to the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Wilmington, and the year of issue.
- (b) Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.
- (c) The Town Clerk shall not grant a license under the foregoing provisions unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Wilmington Board of Health in accordance with Section 145B of Chapter 140 of the General Laws.
- (d) Any license granted under this section is granted on the condition that the licensed dog shall be kept in a manner consistent with this Section 27 of the by-laws.
- (e) The Town Clerk shall not grant a license, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five (5) years.
- (f) The owner or keeper of the licensed dog shall keep a collar or harness of suitable material affixed around the dog's neck or body to which the tag shall be securely attached. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee established in accordance with Chapter 1 Section 3 of these by-laws.
- (g) The annual license fee shall be established in accordance with Chapter 1 Section 3 of the by-laws and shall be designated (i) Spayed or Neutered or (ii) Unspayed or Unneutered.

To be charged the fee for a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (i) a certificate from the veterinarian who spayed or neutered the dog; (ii) a veterinary bill for performing the procedure; or (iii) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.
- (h) No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.
- (i) No license fee shall be increased without a majority vote of the voters present at a Town Meeting.
- (j) The license fee for a spayed or neutered dog shall be less than the license fee for an intact dog.

- (k) An owner or keeper of a dog kept in the Town of Wilmington who has not licensed said dog by the **first day of April** in each year shall be required to pay an additional fee which shall be established in accordance with Chapter 1 Section 3 of the by-laws.

27.8 Kennels

- (a) Kennels are permitted only where in compliance with the Town's Zoning By-laws.
- (b) Kennels must be operated and maintained in a sanitary and humane manner.
- (c) The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.
- (d) Town authorities may inspect any kennel at any time for compliance with the above requirements.
- (e) If it is determined that the kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the kennel license may be revoked or suspended.
- (f) A citizen of the Town may file a petition with the Animal Control Officer stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.

The Animal Control Officer or other authorized agent of the Town shall investigate the complaint. Based on credible evidence the Animal Control Officer shall take the following action:

- (i) deem the complaint valid and refer it to the Board of Health; or
- (ii) dismiss the complaint.

The Animal Control Officer shall file the record of the investigation including witness statements, photographs, and other documentation with the Board of Health and Town Clerk.

- (g) If the Animal Control Officer deems the complaint to be valid, the Board of Health shall conduct a public hearing, hear evidence, and conduct examination of the complainant, owner, and/or witnesses under oath at the public hearing.

Based on credible evidence and testimony presented at the public hearing, the Board of Health shall take the following action:

- (i) deem the kennel in violation of the Massachusetts General Laws, the Town by-laws, and/or Board of Health Regulations; or
 - (ii) dismiss the complaint.
- (h) If the Board of Health has deemed the kennel in violation, the Board of Health may order one or more of the following remedies:
 - (i) The kennel to take such action as to remedy the violations;
 - (ii) Suspend the kennel license for a period of three (3) months; or
 - (iii) Revoke the kennel license and prohibit relicensing for up to one year.

Within ten (10) days of the issuance of any order of the Board of Health or Animal Control Officer, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with Section 137C of Chapter 140 of the General Laws.

- (i) A person maintaining a kennel shall obtain a kennel license. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, the Town Clerk shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.
- (j) A kennel licensee shall cause each dog kept in its kennel to wear, while it is at large, a collar or harness to which a tag shall be securely attached. The tag shall have inscribed upon it the number of the kennel license, the name of the Town, and the year of issue. Tags shall be furnished to the owner or keeper by the Town Clerk in quantities not fewer than the number of dogs kept in the kennel. A kennel license shall be valid for one year, including the date of issuance of the license through the date on which the license expires, inclusive. The fee for the issuance and for renewal of the license shall be established in accordance with Chapter 1 Section 3 of these by-laws, provided, however, that in determining the amount of the license fee a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel and provided that the fees shall not be increased without a majority vote of the voters present at a Town Meeting.
- (k) The Town Clerk shall issue a kennel license without charge to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering.

27.9 Nuisance Dogs and Dangerous Dogs

- (a) A nuisance dog is a dog that:
 - (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or
 - (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
 - (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.
- (b) A dangerous dog is a dog that either:
 - (i) without justification, attacks a person or domestic animal causing injury or death; or
 - (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- (c) Any person may file a written complaint with the Animal Control Officer that a dog kept in the Town is a nuisance dog or a dangerous dog.

The Animal Control Officer or other authorized agent of the Town shall investigate the complaint. Based on credible evidence the Animal Control Officer shall take the following action:

- (i) deem the dog a nuisance dog; or
 - (ii) refer the dog to a dangerousness hearing; or
 - (iii) dismiss the complaint.
- (d) No dog shall be deemed dangerous:
 - (i) solely based upon growling, barking, or both;

- (ii) based upon the breed of the dog;
- (iii) if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances;
 - (a) the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
 - (b) the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
 - (c) the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
 - (d) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.
- (e) The Board of Selectmen or its designee (“the Hearing Authority”) shall investigate and conduct a public hearing, hear evidence, and conduct examination of the complainant, owner, and witnesses under oath at the public hearing. Based on credible evidence and testimony presented at the public hearing, the Hearing Authority shall take the following action:
 - (i) deem the dog a dangerous dog; or
 - (ii) deem the dog a nuisance dog; or
 - (iii) dismiss the complaint.
- (f) The Hearing Authority shall report its findings and decision to the Town Clerk.

If the Animal Control Officer or Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.

- (g) If the Hearing Authority has deemed the dog a dangerous dog, it shall order one or more of the following remedies:
 - (i) that the dog be humanely restrained;
 - (ii) that the dog be confined to the premises of the keeper of the dog;
 - (iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained;
 - (iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued;

provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

- (v) that the owner or keeper of the dog provide to the licensing authority or Animal Control Officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;
 - (vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or
 - (vii) that the dog be humanely euthanized.
- (h) No person over the age of seventeen (17) who has actual knowledge that a dog has been deemed a dangerous dog under Section 27 of the by-laws shall permit a child under the age of seventeen (17) to own, possess, or have care or custody of that dog. No person shall transfer ownership or possession of a dog that has been deemed a dangerous dog under Section 27 of the by-laws or offer such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.
- (i) If, subsequent to a determination by a Hearing Authority or reviewing court that a dog is dangerous, such dog wounds a person or worries, wounds, or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort for treble damages.
- (j) Within ten (10) days of the issuance of any order under this section, the owner or keeper of the affected dog may bring a petition for judicial review in the district court for the judicial district in which the owner or keeper resides, which shall consider the petition in accordance with Section 157 of Chapter 140 of the General Laws.

27.10 Quarantine

A domestic animal that has bitten, or is suspected of biting, a person or other domestic animals shall be quarantined for ten (10) days. During quarantine, the dog shall be securely confined indoors and kept from contact with any other animal. At the discretion of the Animal Control Officer or other authorized agent, the quarantine may be on the premises of the owner. If other confinement is required, the owner or keeper shall surrender the animal for the quarantine period to an animal shelter or veterinarian, at the owner's expense.

27.11 Enforcement

- (a) A dog found at-large in the Town may be impounded at a registered shelter or veterinary facility of the Town's choosing.
- (b) If an owner or a keeper of a dog is found in violation of an order issued under Section 27 of the by-laws, the dog shall be subject to seizure and impoundment by the Animal Control Officer, a sworn police officer, the Health Director, or other authorized agent.

- (c) Enforcement of Section 27 of these by-laws may be pursued through criminal complaint against the owner or keeper of any dog through the provisions of Chapter 140 Section 157.
- (d) Section 27 of the by-laws may be enforced by noncriminal disposition through the provisions of General Laws Chapter 140, Section 173A as an alternative to criminal prosecution. The penalty for each violation of any provision of this Section 27 shall be \$50.00 for the first offense, \$100 for the second offense and \$300.00 for a third and each subsequent offense for the purposes of such enforcement by noncriminal disposition.
- (e) Any dog impounded by the Town may be vaccinated and/or treated for fleas, ticks, and other infestations, and receive other medical treatment that may be deemed necessary at the time of impounding and for the duration of the impound, at the Town's discretion. The owner shall be responsible for all charges reasonably incurred while the dog is impounded, including routine and emergency medical care and boarding fees. Any charges shall be itemized on an invoice to the owner detailing the purpose of the fees. The owner of an impounded dog must pay the Town a processing fee of \$20 per day for the duration of the impoundment. Payment of all amounts owed shall be made prior to release of the dog. If after seven (7) days the owner does not claim the dog, the Animal Control Officer may release the dog for adoption or authorize its humane euthanasia at such official's discretion. Return of the dog to the licensed owner or keeper shall be conditioned on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

27.12 Severability and Conformance with Massachusetts General Laws

The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. No provision or interpretation of a provision of Section 27 is intended to be either in conflict with, or an attempt to change, any statutory provision in Chapter 140 of the General Laws pertaining to dogs except as authorized by said Chapter 140.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 41. To see if the Town will vote to amend the By-Laws of the Inhabitants of the Town of Wilmington, Revised, Chapter 4, Section 1 by adding to such Section 1 the following language at the end of the second paragraph; or take any other action related thereto.

For purposes of the preceding sentence the appointing committee shall consist of the Moderator, the person serving as chairman of the Board of Selectmen at the time such notice is received and the person serving as chairman of the Finance Committee at the time such notice is received.

Board of Selectmen

Finance Committee recommended **Approval** of this Article.

ARTICLE 42. To see if the Town will vote to authorize the Selectmen to enter into an agreement, the terms of which shall be determined by the Selectmen, to sell, convey or otherwise dispose of all or part of the following described parcel, following a determination made by the Town Manager that the land is not needed for any municipal purpose, and in accordance with Chapter 3, Section 16 of the By-Laws of the Inhabitants of the Town of Wilmington, Revised, and other applicable law; the parcel being located on Fifth Street and described in Assessor Records as Map 36, Parcel 94; or take any other action related thereto.

As Petitioned for by Kenneth Clarkin and others

Finance Committee recommended **Approval** of this Article if declared surplus.

Planning Board recommended **Approval** of this Article if declared surplus.

ARTICLE 43. To see if the Town will vote to establish a bylaw providing for the disposition of civil traffic infractions arising in the Town of Wilmington, MA in a diversion program operated by the National Traffic Ticket Diversion Tribunal and providing for increased enforcement of the traffic laws in the Town of Wilmington, MA; or take any other action related thereto.

1. The Town of Wilmington, MA hereby ordains that civil traffic infractions which do not result in an accident can and should be disposed of in diversion. The police are hereby mandated to refer the aforementioned non-accident civil traffic infractions to the National Traffic Diversion Tribunal for disposition. As to civil traffic infraction resulting in an accident, such referrals to the National Traffic Ticket Diversion Tribunal are discretionary.
2. The Town of Wilmington, MA hereby finds that a quota is needed to bring drivers into better compliance with the traffic laws. Furthermore, the people of the Town of Wilmington, MA find that a diversionary traffic violation referral quota is constitutional under the state and federal constitutions and is in compliance with all state and federal laws. The Town of Wilmington, MA hereby mandates a quota. The quota is initially set at 600 diversionary referrals per week for one year. The aforementioned one year initial quota period is mandated to begin the first calendar week after the 90th day after passage of this by-law. Deficiencies in meeting the quota for any week shall cumulate and must be made up within 2 weeks after the deficiency. After the first year, the diversionary quota shall be set by the National Traffic Enforcement Advisory Agency. Furthermore, the police shall enforce the traffic laws according to the rules and guidelines of the National Traffic Enforcement Advisory Agency.
3. The following fees shall be assessed to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA upon disposition by the National Traffic Ticket Diversion Tribunal on a per charge basis:
 - a. Police Investigation Surcharge of \$50.00 earmarked for Town of Wilmington, MA General Fund.
 - b. Administrative Surcharge of \$20.00 earmarked for the National Traffic Ticket Diversion Tribunal.
 - c. Cost of Prosecution of \$5.00 earmarked for the Office of Diversion Prosecutor at the National Traffic Ticket Diversion Tribunal.
4. The total amount of \$75.00 per charge shall be due in a lump sum and payable to the National Traffic Ticket Diversion Tribunal upon disposition plus any fees and/or late fees and/or transcript fees and/or trial fees and/or first appeal fees and/or certiorari appeal fees and/or surcharges and/or costs and/or collections.
5. The witnessing officer(s) shall complete the Traffic Infraction Field Identification Report using the most current Traffic Infraction Field Identification Report form from the National Traffic Ticket Diversion Tribunal.

6. The witnessing officer(s) shall complete the Traffic Infraction Probable Cause Affidavit using the most current Traffic Infraction Probable Cause Affidavit form from the National Traffic Ticket Diversion Tribunal.
7. The witnessing officer(s) shall complete the Traffic Infraction Incident Report using the most current Traffic Infraction Incident Report form from the National Traffic Ticket Diversion Tribunal.
8. The witnessing officer(s) shall complete the Notice of Traffic Infraction Diversion Referral using the most current Notice of Traffic Infraction Diversion Referral form from the National Traffic Ticket Diversion Tribunal.
9. Police officer wages and/or overtime and/or related postage and/or other costs related to filling out and processing the Notice of Traffic Infraction Diversion Referral, Traffic Infraction Field Identification Report, Traffic Infraction Probable Cause Affidavit, and Traffic Infraction Incident Report shall be out of funds from the Police Investigation Surcharge.
10. The cost of police officer wages and overtime related to filling out and processing diversion paperwork other than the Notice of Traffic Infraction Diversion Referral, Traffic Infraction Field Identification Report, Traffic Infraction Probable Cause Affidavit, and Traffic Infraction Incident Report shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent that funds are made available.
11. The cost of police officer wages and overtime related to appearing and testifying at National Traffic Ticket Diversion Tribunal hearings and trials shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent that funds are made available.
12. The police are hereby mandated to use the proper forms of the National Traffic Ticket Diversion Tribunal in carrying out diversionary referrals with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
13. The general contemplated procedure for making a diversionary referral is that upon stopping a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA, the witnessing officer(s) shall complete the Notice of Traffic Infraction Diversion Referral and serve the Notice of Traffic Infraction Diversion Referral on the defendant during the stop or thereafter. The Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report shall be completed by the witnessing officer(s) during or after the stop of the defendant. The Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report need not be served on the defendant by the witnessing officer(s). The aforementioned Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report shall be submitted to the Clerk of the National Traffic Ticket Diversion Tribunal with copies to the Diversion Prosecutor. The Notice of Traffic Infraction Diversion Referral shall also be submitted by the witnessing officer(s) to the Clerk of the National Traffic Ticket Diversion Tribunal with copies to the Diversion Prosecutor. Defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA shall be entitled to copies of the aforementioned Traffic Infraction Probable Cause Affidavit, Traffic Infraction Field Identification Report, and Traffic Infraction Incident Report according to the discovery procedures of the National Traffic Ticket Diversion Tribunal.
14. Diversionary trials shall be handled by the National Traffic Ticket Diversion Tribunal Trial Division with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
15. Diversionary first appeals shall be handled by the National Traffic Ticket Diversion Tribunal Appellate Division with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. First appeals shall be on the record with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.

16. Diversionary 2nd appeals shall be handled by the National Traffic Ticket Diversion Tribunal Supreme Division with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. 2nd diversionary appeals shall be on the record and only on a certiorari basis with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
17. The police are hereby mandated to follow any procedure of the National Traffic Ticket Diversion Tribunal in carrying out the referrals of defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
18. The police are hereby mandated to follow any procedure of the National Traffic Ticket Diversion Tribunal in following up on referrals of defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
19. The National Traffic Ticket Diversion Tribunal shall make rules necessary and proper to implement all procedures described in this by-law with respect to defendants referred to diversion at the National Traffic Ticket Diversion Tribunal who are alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
20. The National Traffic Ticket Diversion Tribunal shall provide by rule for discovery with respect to defendants who are alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
21. Defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA are entitled to bring motions to suppress in the National Traffic Ticket Diversion Tribunal under proper circumstances. The National Traffic Ticket Diversion Tribunal shall make appropriate rules to provide for the disposition of motions to suppress with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
22. Defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA are entitled to a speedy diversionary trial. The National Traffic Ticket Diversion Tribunal shall make appropriate rules to provide for a speedy diversionary trial with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
23. The National Traffic Ticket Diversion Tribunal may implement procedures for defaulting defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
24. A defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may opt out of diversion at any time prior to payment of the required fee. The proper police officer(s) shall issue and serve the citation and summons and other necessary and proper court papers upon being notified by the National Traffic Ticket Diversion Tribunal that a particular defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA has opted out of a diversion case. Furthermore, the proper police officer(s) shall properly follow up on opt-out cases. The costs of the police processing and following up on opt-out defendants shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent funds are made available; provided however that the Town of Wilmington, MA shall first exhaust any funds made available by the fines and/or court costs and/or other costs and/or collections on the formal citation issued.
25. In the event that a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA falls more than 30 days past due on any part of the payment due, the National Traffic Ticket Diversion Tribunal Collections Division shall notify proper police officer(s) of the failure to pay by the particular defendant. The aforementioned proper police officer(s) shall promptly issue and serve the citation and summons and other necessary and proper court papers upon being notified of such 30 day failure to pay by a particular defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington,

MA. Furthermore, the proper police officer(s) shall properly follow up on failure to pay cases. The costs of the police processing and following up on defendants who fail to pay shall be paid out of National Traffic Ticket Diversion Tribunal funds to the extent funds are made available; provided however that the Town of Wilmington, MA shall first exhaust any funds made available by the fines and/or court costs and/or collections on the formal citation issued.

26. The National Traffic Ticket Diversion Tribunal may provide by rule for the charging of fees and/or reasonable trial fees and/or reasonable appeal fees and/or reasonable certiorari fees and/or reasonable late fees and/or transcript fees and/or reasonable costs with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA.
27. By participating in diversion, a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA agrees to waive and toll the statute of limitations and speedy trial and all other prosecution deadlines during the period of time that the case is being litigated in the National Traffic Ticket Diversion Tribunal. Furthermore, a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may agree to make an intelligent waiver of the statute of limitations, speedy trial, or any other prosecution deadline for any intelligent reason. Thus, a defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may agree to waive the statute of limitations, speedy trial, or any other prosecution deadline which has already been waived automatically by participating in diversion thereby resulting in a "double waiver".
28. It is the mandate of the Town of Wilmington, MA that only licensed attorneys shall practice before the National Traffic Ticket Diversion Tribunal for cases involving defendants who are alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. Furthermore, it is the mandate of the Town of Wilmington, MA that only licensed attorneys shall hear cases as judges at the National Traffic Ticket Diversion Tribunal with respect to defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA. It is noted that the National Traffic Ticket Diversion Tribunal has a policy of only allowing licensed attorneys to practice before the National Traffic Ticket Diversion Tribunal including the Diversion Prosecutor and his or her assistants. It is further noted that the National Traffic Ticket Diversion Tribunal has a policy of only allowing licensed attorneys to serve as judges at the National Traffic Ticket Diversion Tribunal.
29. A defendant alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA may be assessed an aggravating factor surcharge of up to \$1,000.00 in proper cases on a per charge basis. The proceeds of aggravating factor surcharges shall be earmarked to the Town of Wilmington, MA general fund. Furthermore, for defendants alleged to have committed a traffic infraction or traffic infractions in the Town of Wilmington, MA, where there is an articulable aggravating factor, diversion is discretionary.
30. In the event that funding is not made available for a particular case by the National Traffic Ticket Diversion Tribunal, the police may abandon the particular case.
31. The National Traffic Ticket Diversion Tribunal reserves the right to cancel all or any part of the diversion program described in this by-law.
32. This by-law is fully severable.
33. This by-law is fully reconstructable.

As Petitioned for by Carl Martin Swanson and others

Finance Committee recommended **Disapproval** of this Article.

ARTICLE 44. To see if the Town will vote to sell Town-owned land corner of Faulkner Avenue and Beeching Avenue; or take any other action related thereto.

As Petitioned for by Keith & Michele Peifer and others

Finance Committee recommended **Disapproval** of this Article.

Planning Board recommended **Approval** of this Article if declared surplus.

ARTICLE 45. To see if the Town will vote to accept and adopt Massachusetts General Law Chapter 41 Sections 81F, G and H which provides for the laying out, alteration, relocation or discontinuance in regards to public ways or parks not in accordance with such official map as it then appears, if in fact the Town of Wilmington Official Map is valid and in compliance with Massachusetts General Law Chapter 41 Section 81E; or take any other action related thereto.

As Petitioned for by Mark Nelson and others

Finance Committee recommended **Disapproval** of this Article.

ARTICLE 46. To see if the Town will vote to include in by-laws and adopt Bill H1181 - An Act Relative to the Safety of School Grounds; or take any other action related thereto.

An Act Relative to the Safety of School Grounds.

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

SECTION 1: Chapter 266 of the General Laws is hereby amended by inserting after Section 120f the following section:

Section 120G. Trespass on or about School Grounds.

- (a) It shall be unlawful to trespass or loiter on or about the grounds of any school without having any reason or relationship involving custody of or responsibility for a pupil or any other license or privilege to be there.
- (b) Any person in violation of this statute (sic) shall be punished by incarceration in a House of Correction for not more than six months or a fine of not more than one thousand five hundred dollars, or both.

As Petitioned for by Rosalie DeMedeiros and others

Finance Committee recommended **Disapproval** of this Article.

ARTICLE 47. To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By rezoning from Residential 60 (R60) to Residential 20 (R20) the following described parcel of land known as 6 Summer Street, Wilmington, MA:

A certain parcel of land with the buildings thereon situated in Wilmington, Middlesex Northern District, Commonwealth of Massachusetts, bounded and described as follows:

The land with the buildings thereon situated on the northerly side of Summer Street and the westerly side of Cobalt Street and being shown as Lot 2 on a plan of land entitled Definitive Subdivision, Plan of Land in Wilmington, Massachusetts, prepared for "Chester Hall" Scale: 1"=40', March 12, 1998, Troy, Mede & Associates, which plan is recorded with Middlesex North

District Registry of Deeds in Book of Plans 198, Plan 42, to which plan reference is hereby made for a more particular description.

Containing 83,590 square feet according to said plan.

Subject to easements and restrictions of record, if any, in force and applicable.

For title reference, see deed recorded with the Middlesex Northern District Registry of Deeds at Book 17783, Page 218.

The above described premises are shown as Parcel 89 on Wilmington Assessors Map 84.

As Petitioned for by Angela Zaykovskoya and others

Finance Committee recommended **Disapproval** of this Article.

Planning Board recommended **Disapproval** of this Article.

ARTICLE 48. To see if the Town will vote to name the corner of 136 Church Street and Adams Street in the memory and honor of William R. Harrison, who served this country honorably in The Navy Seabees, on Guadalcanal and Luzon during WW2, and to have a sign installed to commemorate the same; or take any other action related thereto.

As Petitioned for by David A. Malone and others

Finance Committee recommended **Approval** of this Article.

ARTICLE 49. To see if the Town will vote to amend the Zoning By-Law and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By voting to rezone from Residential 20 (R20) to Neighborhood Business (NB) the following described parcel of land:

The land at and known as 677 Main Street, Middlesex County, MA as more fully described in a deed recorded in Middlesex North District Registry of Deeds Book 27532, Page 197. Said premises containing 41,770 sq. ft. of land on Assessors Map 39-13A and more particularly described as follows:

A certain parcel of land with the buildings thereon situated in said Wilmington, being a portion of Lot 2 as shown on a plan entitled "Plan of Land in Wilmington, Mass. Prepared for Patsy Calandrello" dated Sept. 23, 1963, Dana F. Perkins & Sons, Inc. Civil Engineers & Surveyors, duly recorded with Middlesex North District Registry of Deeds in Plan Book 100, Plan 111A also see plan entitled "Redivision of Lots in Wilmington, Massachusetts, owned by Pasquale and Mary Calandrello dated October 1968, E. R. Watson, Registered Land Surveyor", recorded in Plan Book 108, Plan 54, bounded and described as follows:

SOUTHEASTERLY	beginning at Lot B as shown on Plan Book 108, Plan 54, by Main Street one hundred fifteen and 42/100 (115.42) feet;
SOUTHWESTERLY	by land now or formerly of Pasquale and Mary Calandrello, also shown as Lot 1 on Plan Book 100, Plan 111A two hundred fifteen and 02/100 (215.02) feet;
SOUTHEASTERLY	by land now or formerly of Pasquale and Mary Calandrello, also shown as Lot 1 on Plan Book 100, Plan 111A one hundred five (105.00) feet;
NORTHEASTERLY	by land now or formerly of Pasquale and Mary Calandrello, also shown as Lot 1 on Plan Book 100, Plan 111A one hundred fifteen (115.00) feet;
SOUTHEASTERLY	by land now or formerly of Luciano and Carmella M. Calandrello one hundred (100.00) feet;

SOUTHWESTERLY by land now or formerly of Don Jon Realty Trust as shown on Plan Book 100, Plan 111A in three (3) courses, eighty-nine and 09/100 (89.09); twenty-two and 35/100 (22.35) and one hundred ninety and 51/100 (190.51);

NORTHWESTERLY by Boston and Maine railroad three hundred thirty-three and 36/100 feet as shown on Plan Book 108, Plan 54;

NORTHEASTERLY by Lot B as shown on Plan Book 108, Plan 54, three hundred eight and 57/100 (308.57) feet to the point of beginning.

For title see deed at Book 27532, Page 197.

As Petitioned for by Suzanne Kenney and others

Finance Committee recommended **Disapproval** of this Article.

Planning Board recommended **Disapproval** of this Article.

ARTICLE 50. To see if the Town will vote to amend the Zoning By-laws and associated Zoning Map for the Town of Wilmington as follows:

1. By deleting Section 9.3 of the Zoning By-laws in its entirety and replacing said Section 9.3 with the following:

9.3 Boundaries - The Over 55 Housing District is herein established as an overlay district and shall be superimposed on the other districts established by this By-law. Over 55 Housing is prohibited at any other location in Town. Boundaries are shown on the Zoning Map and include the following parcels:

Parcel One:

A certain tract of land situated in Wilmington, Middlesex County, Massachusetts, shown as Lot 5 on the Town Assessor's Map No. 39, bounded as follows:

Beginning at the Northeasterly corner thereof, at a point along the Southerly location line of Cross Street,

Thence running Northeasterly along said location line about 463.83 feet, more or less to a point,

Thence turning and running Southeasterly along land now or formerly of Garrant, Yentile and Deharo approximately 340 feet, more or less, to a point,

Thence turning and running Southwesterly, Southerly and Southeasterly along land of Armoian, Gottchalk and AVCO Manufacturing Corp., seven courses about 738.17 feet, more or less, to a point,

Thence turning and running Southeasterly along land of AVCO Manufacturing Corp., seven courses approximately 671.01 feet, more or less, to Maple Meadow Brook,

Thence turning and running Southwesterly by said Maple Meadow Brook approximately 1,060 feet, more or less, to a point on the Easterly location line of Main Street,

Thence turning and running Northwesterly along said location line of Main Street, eight courses approximately 850 feet, more or less, to a point,

Thence turning and running Southeasterly along land of said PAC Properties, Inc. approximately 281 feet, more or less, to a point.

Thence turning and running Northwesterly along land of said PAC Properties, Inc. two courses, approximately 403 feet, more or less, to the point of beginning.

Said tract of land containing 20 and 47/100 (20.47) acres, more or less.

Parcel Two:

The land situated in Wilmington, Middlesex County, Massachusetts, shown as Lot 10 on Assessor's Map R3, being described as follows:

A certain parcel of land situated in Wilmington, Middlesex County, Massachusetts and shown as lot "A" on a plan entitled "Plan of Land in Andover & Wilmington, Mass., as surveyed for Foster's Pond Improvement Assoc. Inc." dated June 1950, duly recorded with Middlesex County North Registry of Deeds in Plan Book 114, Page 145, as follows:

- SOUTHWESTERLY: by a stone wall by four lines together measuring seven hundred eighty and 1/10 feet more or less; thence turning and running;
- SOUTHEASTERLY: by a stone wall, five hundred sixty-seven and 5/10 feet more or less; thence turning and running;
- NORTHEASTERLY: by Lot "B" as shown on said Plan, five hundred thirty-five (535) feet more or less to the center of the roadway as shown on said Plan, thence running;
- NORTHWESTERLY: by the center for the roadway, four hundred (400) feet more or less to the pint of beginning.

Containing 5.48 acres of land according to said Plan.

Parcel Three:

The land situated in Wilmington, Middlesex County, Massachusetts, shown as Lot 8 on Assessor's Map R3, being described as follows:

A certain parcel of land being shown as Lot 1 on a plan of land entitled "Plan of Land in Wilmington, Mass.", dated June 29, 1964, recorded in Middlesex North District Registry of Deeds on August 14, 1964, in Book of Plans 100, Plan 99, and bounded and described as follows:

- WESTERLY by Andover Street, as shown on said Plan, 255.0 feet;
- NORTHERLY by Lot 2, as shown on said Plan, 411.05 feet;
- SOUTHEASTERLY by land now or formerly of Foster, as shown on said Plan, by two courses, 114.71 and 55.50 feet, respectively; and,
- SOUTHWESTERLY by land now or formerly of Niles, as shown on said Plan, by three courses, 92.09, 127.98 and 175.28, respectively.

Containing 85,525 square feet of land according to said Plan.

2. By deleting Section 9.6.1 of the Zoning By-laws in its entirety and replacing said Section 9.6.1 with the following:
9.6.1 Minimum tract of land is seven acres on one parcel or contiguous parcels of land.
3. By deleting Section 9.6.3.1 of the Zoning By-laws in its entirety and replacing said Section 9.6.3.1 with the following:
9.6.3.1 Perimeter buffer: All buildings must be located a minimum of 40 feet from side and rear lot lines. The perimeter buffer shall remain in a natural state to preserve the visual character for the parcel being developed. If the Planning Board deems such existing buffering insufficient, it shall be supplemented with additional planting.
4. By deleting Section 9.7 of the Zoning By-laws in its entirety and replacing said Section 9.7 with the following:
9.7 Parking Requirements - 2.00 off-street spaces per dwelling unit.

5. By amending Table II Standard Dimensional Regulations of the Zoning By-laws pertaining to Over 55 Housing as follows:

ZONING DISTRICTS	MIN. LOT AREA IN SQ FT	MIN. LOT FRONTAGE IN FT	MIN. LOT WIDTH IN FT	MIN. FRONT YARD IN FT	MINIMUM SIDE & REAR YARD IN FT	MINIMUM OPEN SPACE IN %	MAX BLDG COVER IN %	MAX HGT IN FT	MAX HGT IN STORIES
OVER 55 HOUSING	7 Acres	50	50	50	40	35%	- -	36	2 1/2

or take any other action related thereto.

As Petitioned for by Stephen Wright and others

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 51. To see if the Town will vote to sell 16 St. Paul Street, Map 54, Parcel 37; or take any other action related thereto.

As Petitioned for by Lawrence Cushing and others

Finance Committee recommended **Disapproval** of this Article.

Planning Board recommended **Disapproval** of this Article if declared surplus.

ARTICLE 52. To see if the Town will vote to amend the Zoning By-Laws and associated Zoning Map of the Town of Wilmington by voting to rezone from Residence 20 (R20) and General Business (GB) to General Business (GB) the following described parcel of land; or take any other action related thereto.

The land known as 312 Main Street, Wilmington, Massachusetts, as more fully described in a January 28, 1992 deed registered with the Middlesex North Registry of Deeds, Certificate of Title 30036, Registration Book 153, Page 71, said premises containing 24,515 square feet, Assessors' Map 42, Lot 25, more particularly described as follows:

SOUTHWESTERLY by the northeasterly line of Main Street, one hundred thirty-three and 89/100 (133.89) feet;

NORTHWESTERLY by land now or formerly of Richard B. Howatt et ux, one hundred thirty-two and 51/100 (132.51) feet;

NORTHEASTERLY by land now or formerly of Donald W. O'Connell et al., one hundred fifteen and 13/100 (115.13) feet;

NORTHWESTERLY by land now or formerly of Donald W. O'Connell et al., and Lot 5, by lines measuring together, two hundred sixty-seven and 36/100 (276.36) feet;

NORTHEASTERLY by land now or formerly of Francis Bannister et al., twenty-eight and 90/100 (28.90) feet;

SOUTHEASTERLY two hundred six and 86/100 (206.86) feet;

NORTHEASTERLY forty-three and 54/100 (43.54) feet;

SOUTHEASTERLY by Lot 2, sixty three (63) feet;

SOUTHWESTERLY by Lot 2 and Lot 3, fifty-seven and 64/100 (57.64) feet; and

SOUTHEASTERLY by Lot 3, eighty-five and 27/100 (85.27) feet.

Said land is shown as Lot four (4) on a plan hereinafter mentioned.

SOUTHWESTERLY by land now or formerly of Donald W. O'Connell et al., thirty-two and 50/100 (32.50) feet;

NORTHWESTERLY by lands now or formerly of Edward J. Irwin et al. and Fred D. Cain et al., one hundred fifty seven and 57/100 (157.57) feet;

NORTHEASTERLY by land now or formerly of Francis Bannister et al. thirty-two and 99/100 (32.99) feet; and

SOUTHEASTERLY by Lot 4, one hundred sixty-three and 27/100 (163.27) feet. Said land is shown as Lot five (5) on said plan.

All of said boundaries are determined by the Land Court to be located as shown on subdivision plan 33830-B, drawn by Robert E. Anderson Inc., Surveyors, dated November 5, 1984, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 26377.

As Petitioned for by Manual Barry

Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

ARTICLE 53. To see if the Town will vote to amend the Zoning By-law and associated Zoning District Map of the Town of Wilmington by rezoning from General Industrial (GI) to Neighborhood Mixed Use Zoning District (NM) the following described parcel of land; or take any other action related thereto.

The land with the buildings thereon in said Wilmington, bounded and described as follows:

NORTHEASTERLY by Main Street, seven hundred eighty-three and 79/100 (783.79) feet;

SOUTHEASTERLY by Butters Row by two courses, one hundred thirty-nine and 28/100 (139.28) feet and one hundred thirty-five (135) feet respectively;

SOUTHWESTERLY by land of the Boston and Maine Railroad, eight hundred forty-nine and 21/100 (849.21) feet;

NORTHWESTERLY by land now or formerly of Walter C. LaDow et ux, about two hundred forty (240) feet;

The premises are shown as a portion of Lot "B" on a plan entitled "Plan of Land in Wilmington, Mass., owned by Willie B. McIntosh", dated January 5, 1945, Dana F. Perkins, Civil Engineer and Surveyor, duly recorded with Middlesex North District Deeds.

For title reference, see deed recorded with the Middlesex North District Registry of Deeds in Book 1382, Page 448.

The above described premises, also known and numbered as 635 Main Street, is shown as Parcel 1 on Wilmington Assessors Map 40.

As Petitioned for by Michael Welch and others

Finance Committee **Took No Action** on this Article as it has been withdrawn.

Planning Board **Took No Action** on this Article as it has been withdrawn.

ARTICLE 54. To see if the Town will vote to amend the Zoning By-law and associated Zoning District Map of the Town of Wilmington by rezoning from General Industrial (GI) to Central Business Zoning District (CB) the following described parcel of land; or take any other action related thereto.

The land with the buildings thereon in said Wilmington, bounded and described as follows:

NORTHEASTERLY by Main Street, seven hundred eighty-three and 79/100 (783.79) feet;

SOUTHEASTERLY by Butters Row by two courses, one hundred thirty-nine and 28/100 (139.28) feet and one hundred thirty-five (135) feet respectively;

SOUTHWESTERLY by land of the Boston and Maine Railroad, eight hundred forty-nine and 21/100 (849.21) feet;

NORTHWESTERLY by land now or formerly of Walter C. LaDow et ux, about two hundred forty (240) feet;

The premises are shown as a portion of Lot "B" on a plan entitled "Plan of Land in Wilmington, Mass., owned by Willie B. McIntosh", dated January 5, 1945, Dana F. Perkins, Civil Engineer and Surveyor, duly recorded with Middlesex North District Deeds.

For title reference, see deed recorded with the Middlesex North District Registry of Deeds in Book 1382, Page 448.

The above described premises, also known and numbered as 635 Main Street, is shown as Parcel 1 on Wilmington Assessors Map 40.

As Petitioned for by Michael Welch and others

Finance Committee **Took No Action** on this Article as it has been withdrawn.

Planning Board **Took No Action** on this Article as it has been withdrawn.

ARTICLE 55. To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By rezoning from Residential 60 (R-60) to Residential 20 (R-20) the following described parcels of land:

Parcel One: (Unregistered)

The land in Wilmington, in the County of Middlesex and being lots 500 through 509 both inclusive, on a plan of land in Wilmington Manor, H. A. Millhouse, C.E., September 1909, and filed with Middlesex No. District Registry of Deeds, said land being bounded and described as follows:

Lots 500 through 505 inclusive:

Northerly on Aldrich Road on said plan, 150 feet;

Easterly on lots 499-562-561-560 on said plan, 215 feet;

Southerly on lots 551-550-549-548-547-546 on said plan, 150 feet;

Westerly on Lot 506 on said plan, 230 feet.

Said lots 500 through 509 containing 33,800 square feet of land, more or less.

Lots 506 through 509 inclusive:

Northerly on Aldrich Road, on said plan, 116 feet;

Westerly on lot 505, on said plan, 230 feet;

Southerly on lots 545-544-543-542 on said plan, 100 feet;

Westerly on lot 510 on said plan, 170 feet.

Said lots 505-509 inclusive containing 19,950 square feet of land, more or less.

The above described premises (lots 500-509 inclusive) are known as 130 Aldrich Road and are shown as Parcel 13 on Wilmington Assessors Map 9.

Parcel Two: (Registered)

A certain parcel of land with the buildings thereon, situated in Wilmington, Middlesex County Massachusetts, bounded and described as follows:

SOUTHERLY by Aldrich Road in four (4) courses, together totaling two hundred (200) feet;

WESTERLY by Lot 4, as shown on plan hereinafter mentioned, five hundred twenty-one and 47/100 (521.47) feet;

NORTHERLY by land now or formerly of Bousfield, as shown on said plan, two hundred twenty-six (226) feet;

EASTERLY by land of Town of Wilmington, Medford Avenue and land of Barrato, as shown on said plan, in two (2) measurements together totaling ninety-nine and 71 (99.71) feet;

SOUTHERLY again, by Lot 2 on said plan, ninety-three and 58/100 (93.58) feet;

EASTERLY again, by said Lot 2 on said plan, three hundred fifty-four and 82/100 (354.82) feet.

Being shown as Lot 3 on said plan.

All of said boundaries are determined by the Court to be located as shown on Subdivision Plan 12255D, as modified and approved by the court, filed in the Land Registration Office, a copy of which is filed in the Registrar of Deeds for the North Registry District of Middlesex County in Registration Book 98 Page 353, with Cert 19177.

The above described premises are known as 205 Aldrich Road and are shown as Parcel 54 on Wilmington Assessors Map 9.

Parcel Three: (Unregistered)

The land in Wilmington, Middlesex County, Massachusetts, with the buildings thereon, being shown as Lot "A" as shown on a plan of land known as "Plan of Land in Wilmington, Mass., Subdivision of Land at Aldrich Rd & Winston Ave, Scale 1" = 20', May 15, 1986" which plan is recorded at the Middlesex North District Registry of Deeds at Plan Book 184, Plan 43 and to which plan reference is made for a more particular description of said lot.

Said Lot A contains 20,071 square feet of land, more or less, according to said plan.

The above described premises are known as 126 Aldrich Road and are shown as Parcel 12A on Wilmington Assessors Map 9.

Parcel Four: (Unregistered)

The land in Wilmington, Middlesex County, Massachusetts, with the buildings thereon, being shown as Lot "B" as shown on a plan of land known as "Plan of Land in Wilmington, Mass., Subdivision of Land at Aldrich Rd & Winston Ave, Scale 1" = 20', May 15, 1986" which plan is recorded at the Middlesex North District Registry of Deeds at Plan Book 184, Plan 43 and to which plan reference is made for a more particular description of said lot.

Said Lot B contains 19,075 square feet of land, more or less, according to said plan.

The above described premises are known as 128 Aldrich Road and are shown as Parcel 12 on Wilmington Assessors Map 9.

As Petitioned for by Lisa J. Johnson and others

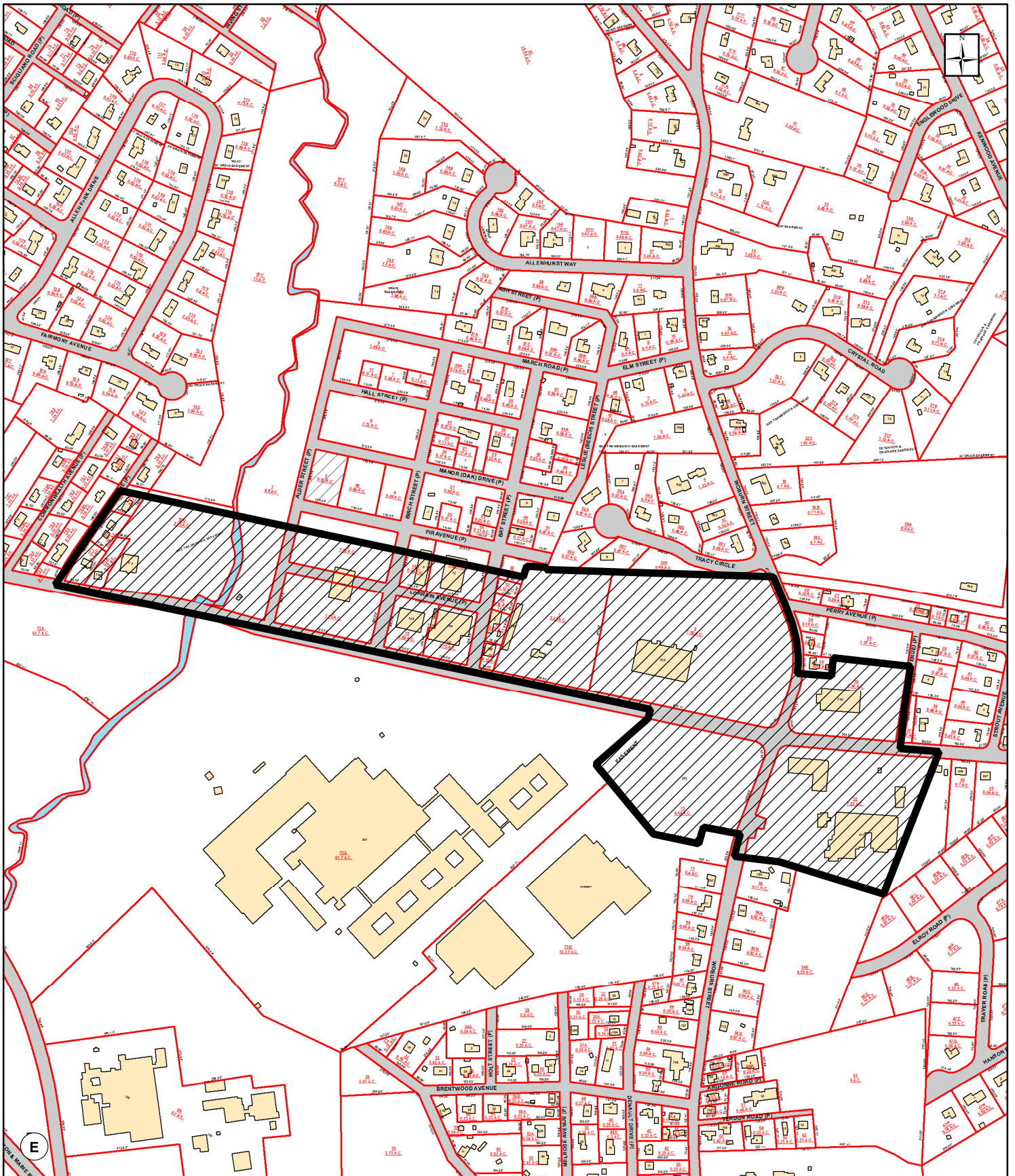
Finance Committee recommended **Approval** of this Article.

Planning Board recommended **Approval** of this Article.

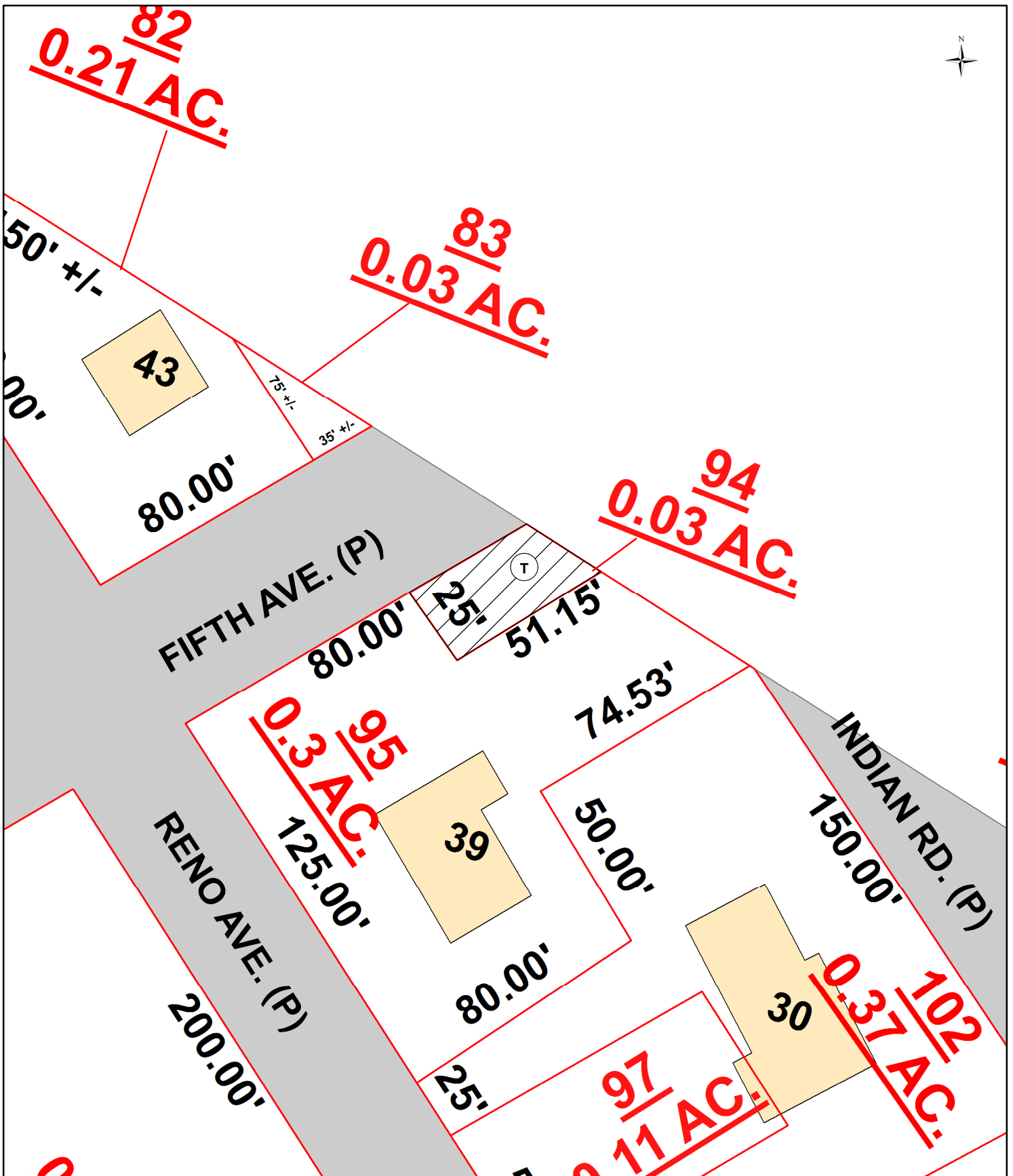
Hereof fail not and make due return of this Warrant, or a certified copy thereof with your doings thereon to the Town Clerk as soon as may be and before said meeting, GIVEN OUR HAND AND SEAL OF SAID TOWN THIS 14 day of **March**, A.D., Two Thousand Sixteen.

s/Michael L. Champoux, Chairman
s/Louis Cimaglia, IV
s/Michael V. McCoy
s/Michael J. Newhouse
s/Judith L. O'Connell

ARTICLE 38 - NEIGHBORHOOD MIXED USE DISTRICT



ARTICLE 42 - MAP 36 PARCEL 94 - FIFTH ST.



[illegible]

This is a detailed plat map of a portion of the City of St. Louis, Missouri. The map shows a grid of lots, many of which are numbered and labeled with their acreage and dimensions. The lots are arranged in a roughly rectangular pattern, with some irregular shapes. The map includes the following streets:

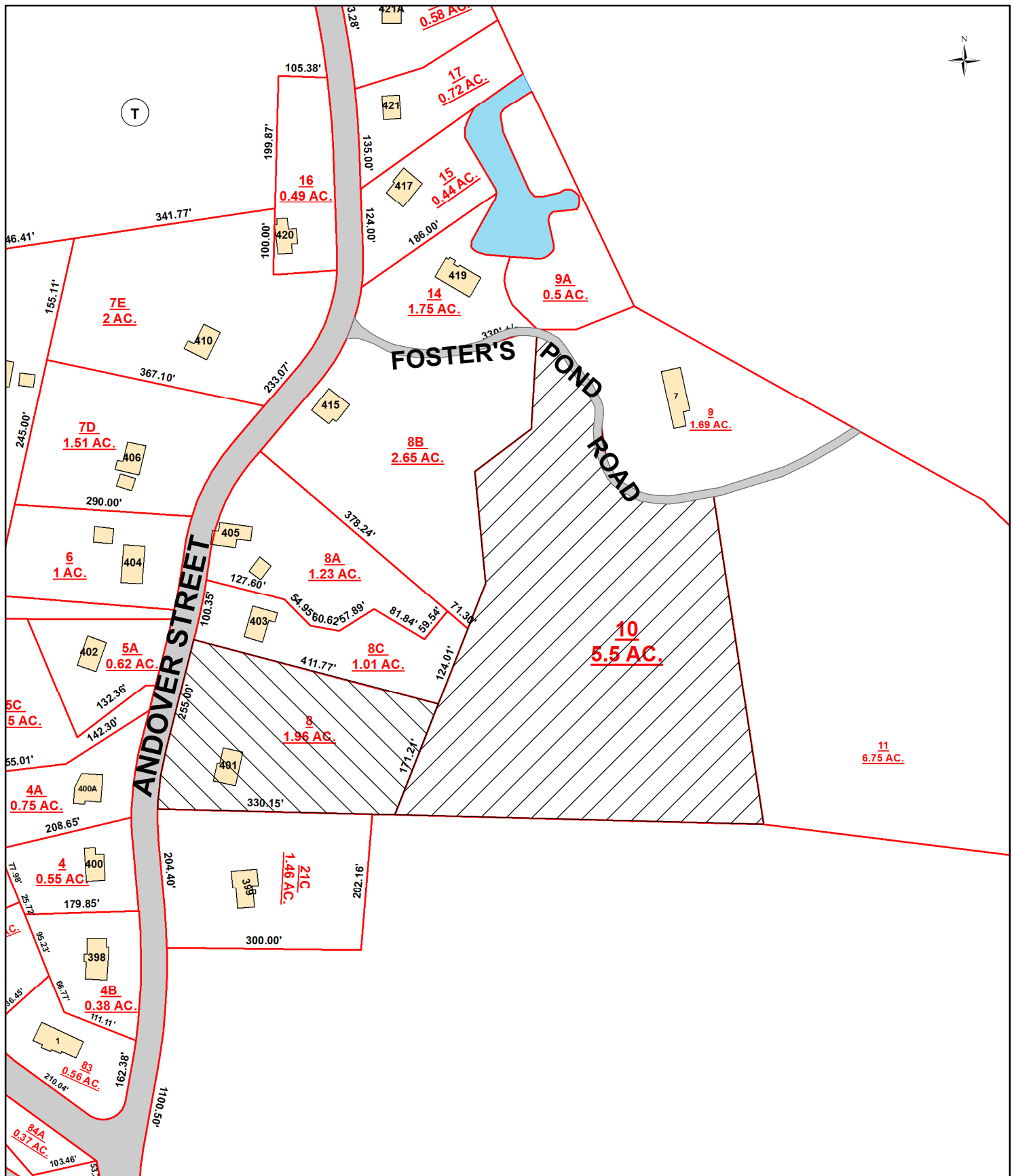
- MC DONALD ROAD**: A major road running diagonally from the top left to the bottom right.
- SUMMER STREET (P)**: A street running horizontally across the bottom of the map.
- COBALT STREET (P)**: A street running vertically along the right edge of the map.

The lots are numbered and labeled with their acreage and dimensions. The labels are as follows:

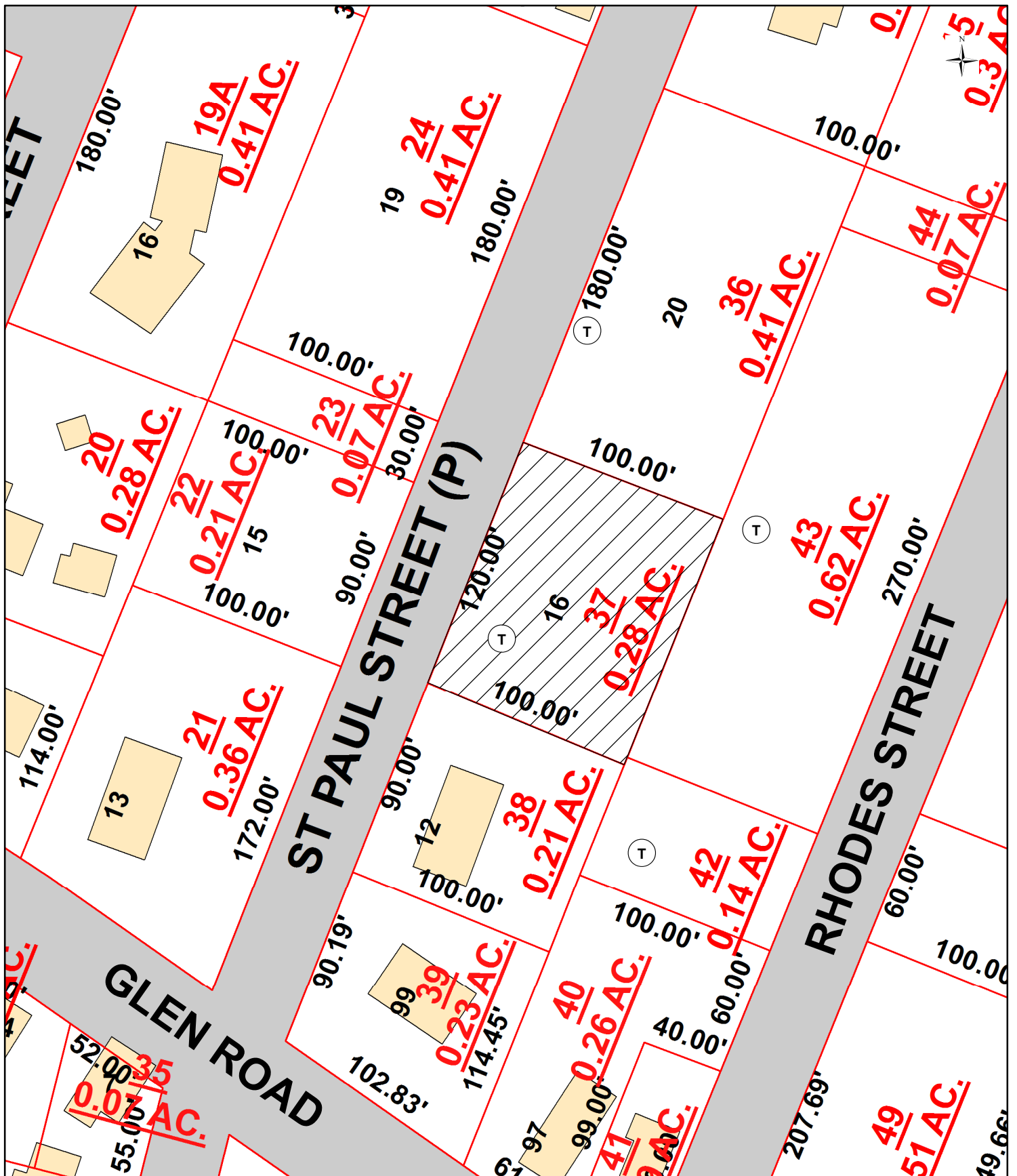
- Lot 1**: 0.37 AC.
- Lot 2**: 1.55 AC.
- Lot 3**: 0.43 AC.
- Lot 4**: 1.84 AC.
- Lot 5**: 1.9 AC.
- Lot 6**: 0.76 AC.
- Lot 7**: 0.56 AC.
- Lot 8**: 0.25 AC.
- Lot 9**: 0.23 AC.
- Lot 10**: 0.23 AC.
- Lot 11**: 0.23 AC.
- Lot 12**: 0.23 AC.
- Lot 13**: 0.23 AC.
- Lot 14**: 0.23 AC.
- Lot 15**: 0.23 AC.
- Lot 16**: 0.23 AC.
- Lot 17**: 0.23 AC.
- Lot 18**: 0.23 AC.
- Lot 19**: 0.23 AC.
- Lot 20**: 0.23 AC.
- Lot 21**: 0.23 AC.
- Lot 22**: 0.23 AC.
- Lot 23**: 0.23 AC.
- Lot 24**: 0.23 AC.
- Lot 25**: 0.23 AC.
- Lot 26**: 0.23 AC.
- Lot 27**: 0.23 AC.
- Lot 28**: 0.23 AC.
- Lot 29**: 0.23 AC.
- Lot 30**: 0.23 AC.
- Lot 31**: 0.23 AC.
- Lot 32**: 0.23 AC.
- Lot 33**: 0.23 AC.
- Lot 34**: 0.23 AC.
- Lot 35**: 0.23 AC.
- Lot 36**: 0.23 AC.
- Lot 37**: 0.23 AC.
- Lot 38**: 0.23 AC.
- Lot 39**: 0.23 AC.
- Lot 40**: 0.23 AC.
- Lot 41**: 0.23 AC.
- Lot 42**: 0.23 AC.
- Lot 43**: 0.23 AC.
- Lot 44**: 0.23 AC.
- Lot 45**: 0.23 AC.
- Lot 46**: 0.23 AC.
- Lot 47**: 0.23 AC.
- Lot 48**: 0.23 AC.
- Lot 49**: 0.23 AC.
- Lot 50**: 0.23 AC.
- Lot 51**: 0.23 AC.
- Lot 52**: 0.23 AC.
- Lot 53**: 0.23 AC.
- Lot 54**: 0.23 AC.
- Lot 55**: 0.23 AC.
- Lot 56**: 0.23 AC.
- Lot 57**: 0.23 AC.
- Lot 58**: 0.23 AC.
- Lot 59**: 0.23 AC.
- Lot 60**: 0.23 AC.
- Lot 61**: 0.23 AC.
- Lot 62**: 0.23 AC.
- Lot 63**: 0.23 AC.
- Lot 64**: 0.23 AC.
- Lot 65**: 0.23 AC.
- Lot 66**: 0.23 AC.
- Lot 67**: 0.23 AC.
- Lot 68**: 0.23 AC.
- Lot 69**: 0.23 AC.
- Lot 70**: 0.23 AC.
- Lot 71**: 0.23 AC.
- Lot 72**: 0.23 AC.
- Lot 73**: 0.23 AC.
- Lot 74**: 0.23 AC.
- Lot 75**: 0.23 AC.
- Lot 76**: 0.23 AC.
- Lot 77**: 0.23 AC.

The map also includes a north arrow in the top right corner and a scale bar in the bottom right corner.

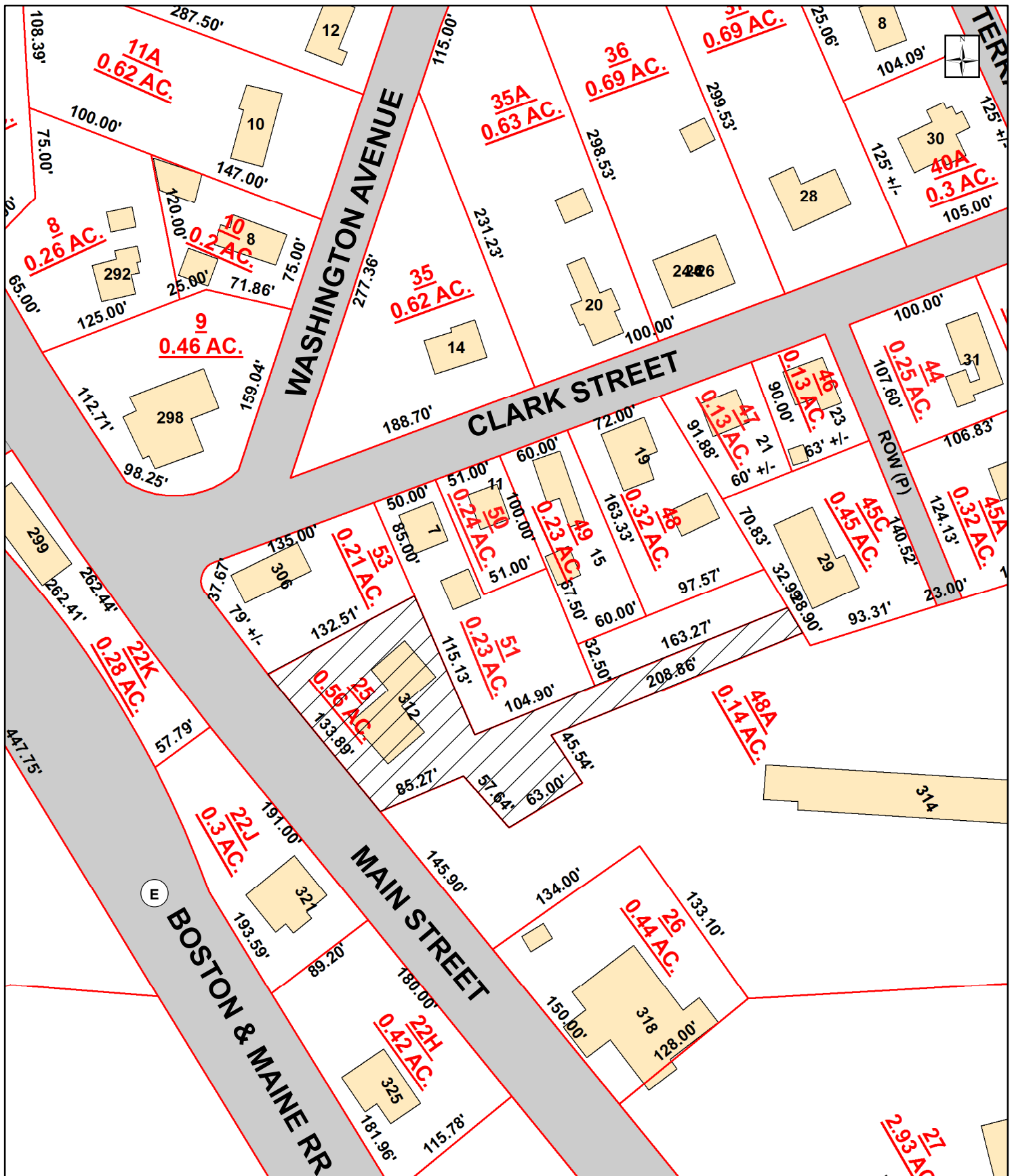
ARTICLE 50 - MAP R3 PARCEL 8 & 10 - ANDOVER ST.



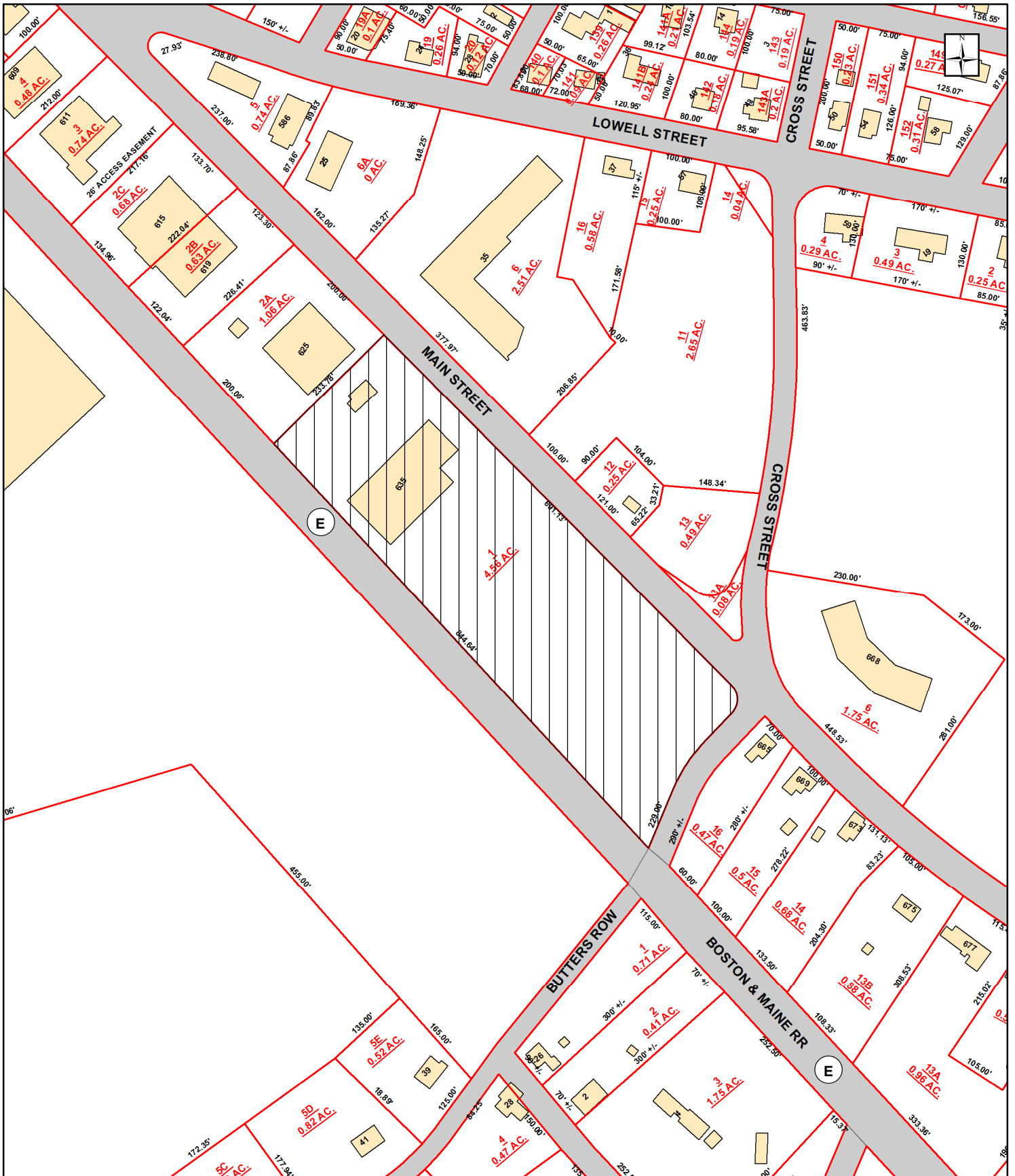
ARTICLE 51 - MAP 54 PARCEL 37- 16 ST. PAUL ST.



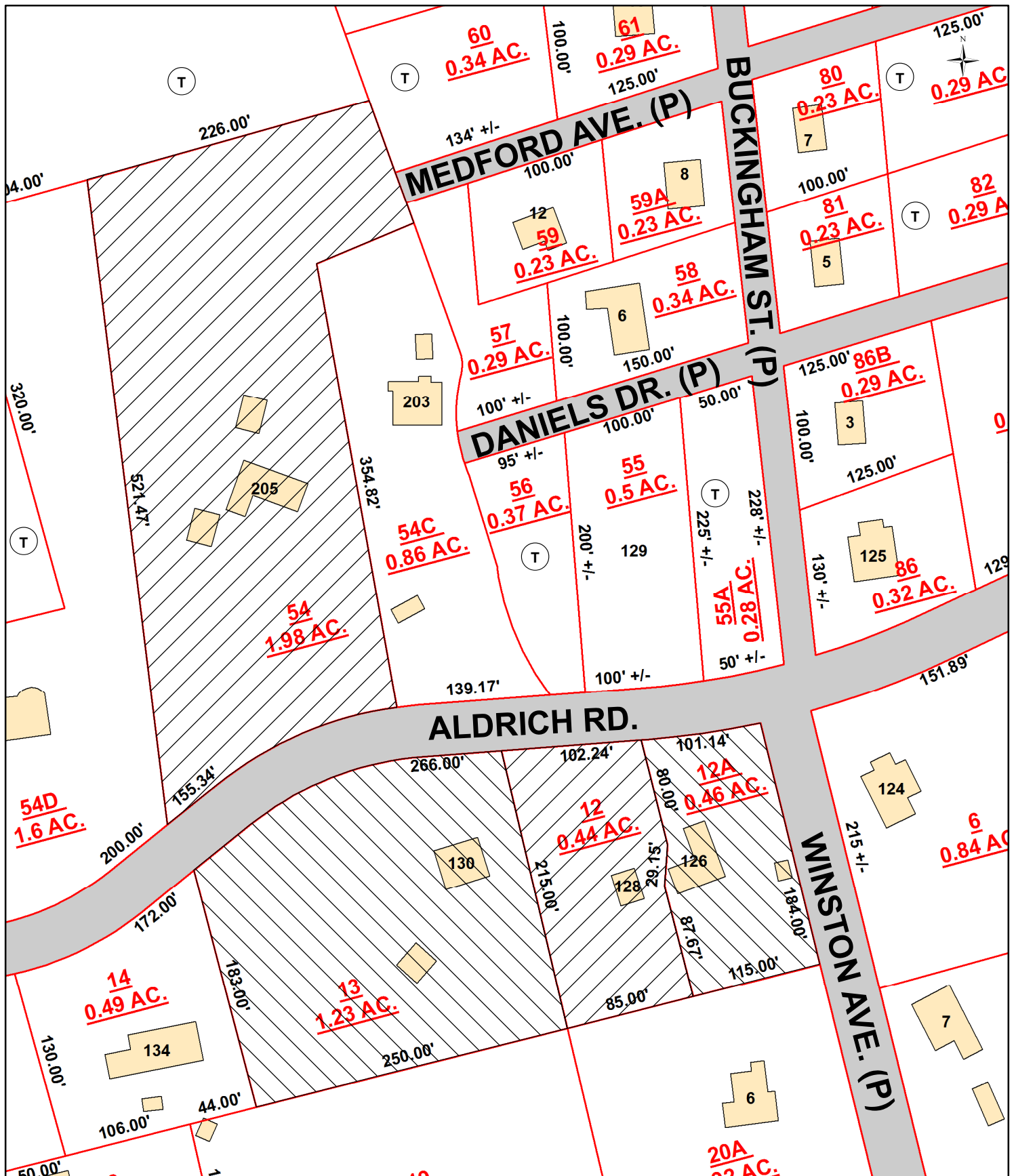
ARTICLE 52 - MAP 42 PARCEL 25 - 312 MAIN ST.



ARTICLES 53 & 54 - MAP 40 PARCEL 1 - 635 MAIN ST.



ARTICLE 55 - MAP 9 PARCELS 12,12A,13 & 54 - ALDRICH RD.



Town of Wilmington **Finance Terminology**

The following terms are frequently used in this report and at Town Meeting. In order to provide everyone with a better understanding of their meaning, the following definitions are provided:

APPROPRIATE: To appropriate is to authorize the spending of a specific sum from public funds. This is the business of an annual town meeting. Once an appropriation of an operating budget or an article has been made by Town Meeting, the appropriation can only be changed by another town meeting vote. The one exception to this is a transfer from the Reserve Fund.

ASSESSED VALUATION: A valuation set upon real estate or other property by the Town as a basis for levying taxes. The assessed valuation is not necessarily the same as the market value of a property.

CHERRY SHEET: Named for the cherry colored paper the State Dept. of Revenue uses to print it on. It shows the breakdown of State aid, lottery distributions and school aid as well as County and State charges against the Town. These figures must be used by the Assessors in determining the amount to be raised by taxation.

FISCAL YEAR (F.Y.): The twelve month financial period used by town government which begins July 1 and ends June 30 of the following calendar year. The year is represented by the date on which it ends; i.e. July 1, 2015 to June 30, 2016 would be FY 2016, the current fiscal year. The budget proposed in this document is for FY 2017, extending from July 1, 2016 to June 30, 2017.

FREE CASH: An amount certified annually by the State Bureau of Accounts by deducting from surplus revenue all uncollected taxes for prior years. These funds may be used by a vote of the town meeting. A town cannot spend its Free Cash until the total sum has been certified by the State.

LEGAL LEVY LIMIT: The legal levy limit is the maximum annual increase allowed by the State Department of Revenue. It is calculated by multiplying the legal levy limit from the prior year by 1.025 then adding local "New Growth". This limit on the increase of the levy never changes except for an override vote or by the addition of "New Growth" to the taxable base.

NEW GROWTH: Any new construction or the lots of a subdivision which are taxed as separate parcels for the first time are considered New Growth in the year they are added to the tax rolls. New Growth also includes any property whose assessed valuation increases by 50% or more in any one calendar year because of renovations or additions. In the case of commercial or industrial property, it is any increase in valuation over \$100,000 which occurs in one year due to new construction or renovation. Use of New Growth allows a town to increase its levy limit to accommodate the increasing demands for services that come with growth.

OPERATING BUDGET: Plan of proposed expenditures by a department, board or unit of government for personnel, supplies, maintenance and other expenses for the coming fiscal year.

OVERLAY: The overlay is the amount raised by the Assessors in excess of appropriations and other charges primarily for the purpose of creating a fund to cover tax abatements.

OVERLAY RESERVE: This is the accumulated amount of the Overlay for various years not used or required to be held in the specific overlay account for a given year. It may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

RAISE: To raise is to tax. The tax rate is dependent, to a large extent, on the amount "spent" at town meeting as is set by the Board of Assessors after the meeting.

RESERVE FUND: This fund is established by the voters at an annual town meeting only. It is an appropriation made to provide flexibility to meet extraordinary or unforeseen emergencies by town departments. It may not exceed 5% of the tax levy of the preceding year and is within the exclusive control of the Finance Committee.

Town of Wilmington
Procedural Definitions

ADJOURN(MENT): To dissolve or end the meeting, unless a time to reconvene is specified, as is done in the Town By-laws to stipulate the continuation of the Annual Town Meeting from Election Day to the following Saturday at 10:30 a.m.

AMENDMENT: A change made to a motion.

ANNUAL TOWN MEETING: The April meeting mandated by the Town By-laws; includes Town Election Day and the budget.

APPEAL: To question a ruling made by the Moderator.

ARTICLE: An item of business to be discussed by the Town Meeting.

MEMBERS: The registered voters of Wilmington in attendance at Town Meeting.

MOTION: A formal proposal made to the meeting.

MOVE THE (PREVIOUS) QUESTION: To vote whether to end discussion or debate on a motion.

PASS OVER OR TAKE NO ACTION: To decide not to consider an article, but take up the next item of business.

POINT OF INFORMATION: To ask for clarification or an explanation.

POINT OF ORDER: To object when parliamentary procedure is not being followed.

POINT OF (PERSONAL) PRIVILEGE: To object to a personal affront, or to respond if one's name is mentioned.

QUORUM: The minimum number of people required to conduct a meeting. Section 19 of the By-laws: 150 registered voters at a Town Meeting shall be required to start the business of the Town including each adjourned session thereof and then no other quorum shall be required to conduct business.

RANDOM SELECTION: The drawing of articles from a container, rather than taking them up in numerical sequence as printed in the warrant, to assure impartiality.

RECESS: An intermission or temporary break in the proceedings.

RECONSIDERATION: To bring back an article or motion for further discussion after it has been voted.

RESCIND: To nullify a previous vote.

ROBERT'S RULES OF ORDER: A book of parliamentary procedures considered the standard guide to conducting meetings.

SIMPLE MAJORITY: More than half of the votes cast when a quorum is present.

SPECIAL TOWN MEETING: A meeting called at the discretion of the Board of Selectmen.

2/3 VOTE: Two-thirds of the votes cast when a quorum is present.

WARRANT: The formal announcement of a Town Meeting, including the list of business items to be considered.

WITHDRAW: To remove an article from the meeting's agenda.

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