



## TOWN OF WILMINGTON

121 GLEN ROAD  
WILMINGTON, MA 01887

THE OFFICE  
OF TOWN CLERK

VOICE (978) 658-2030  
FAX (978) 657-7564

**ANNUAL TOWN MEETING  
SATURDAY, JUNE 27, 2020 – 9:00 a.m.  
WILMINGTON HIGH SCHOOL SOFTBALL FIELD  
WILDWOOD STREET**

### WARRANT PREAMBLE

Due to the public health and safety concerns posed by the COVID-19 virus, the Annual Town Meeting for the Town of Wilmington, originally scheduled for May 2, 2020, has been continued twice by determination of the Town Moderator in consultation with the Board of Selectmen and health and safety officials, first to May 30, 2020, and then to **Saturday, June 27, 2020**. Further, in the interest of protecting the public health and safety of attendees at Town Meeting while the COVID-19 emergency still exists, on May 26, 2020 a **change in the location of the Annual Town Meeting** was approved by the Board of Selectmen, from the indoor Joanne Benton Auditorium, Wilmington High School, Church Street, Wilmington, MA, **to the outdoor Wilmington High School Softball Field, Wildwood Street, Wilmington, MA**. And finally with respect to scheduling, in light of the realities of holding an outdoor meeting in late June when the temperature and humidity might be much higher than is comfortable as the day goes on, the Town Moderator, after consulting with appropriate town officials, determined that the **start time of the meeting should be moved up to 9:00 a.m.** Protocols will be in place at Town Meeting to further address public health and safety concerns. The cooperation of all attendees is anticipated and greatly appreciated.

Finally, it should be noted that for all of the same health and safety concerns posed by the COVID-19 virus, and in light of the state of emergency in place at the time, the Wilmington Board of Selectmen voted on March 30, 2020, to postpone the Annual Town Election originally scheduled for April 25, 2020, to a date to be determined. Their order also stated that the Town Meeting Warrant with respect to the Annual Town Election be separated from the remainder of the Warrant containing Articles to be voted on at the Annual Town Meeting, and that said Annual Town Election Warrant be prepared and posted when the Board of Selectmen chose a **new date for the Annual Town Election**. The new date was determined by vote of the Board of Selectmen on April 27, 2020, with the election to be held **on Saturday, June 20, 2020, from 8:00 a.m. to 8:00 p.m.**, and a separate election warrant was prepared and posted.



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**TOWN OF WILMINGTON**

**Constable Return of Service – April 10, 2020**

**Wilmington, Middlesex County**

**In accordance with the INHABITANTS BY-LAWS of the Town of Wilmington, I  
have this day posted one copy at the six (6) locations listed below.**

- 1. Annual Town Meeting Warrant of the Town of Wilmington**
- 2. Annual Town Meeting Recess and Continuance Notice of Town Moderator**
- 3. Order of the Board of Selectmen Postponing Annual Town Election and  
Authorizing Separation of the Annual Town Election Warrant from the Annual  
Town Meeting Warrant.**

Christine R. Touma-Conway  
Town Clerk

Jason Costa  
Constable

*Christine R. Touma-Conway*

*Jason Costa*  
April 10, 2020

Route 129 Market  
Wilmington House of Pizza  
Lucci's Market  
Wilmington Public Library  
Town Hall Bulletin Board  
Elia's Country Store

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-fifth day of April, A.D. 2020 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: The Town of Wilmington Annual Town Election has been postponed and shall be called pursuant to a separate warrant at a date to be determined; please see the Town of Wilmington website: [www.wilmingtonma.gov](http://www.wilmingtonma.gov) for further information.

**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, two members of the School Committee for the term of three years and one member of the Housing Authority for the term of five 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 second day of May, A.D. 2020 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 2021 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**

**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**

**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 four (4) replacement police cruisers.

Fire Department

Purchase of one (1) replacement utility vehicle.

Retrofit one (1) Forestry Vehicle with flatbed body, skid pump, upgrades to suspension, tool boxes and hand tools.

Department of Public Works

Purchase of one (1) vacuum sweeper to be assigned to the Highway Division.

Purchase of one (1) heavy duty 6-wheel dump truck with plow and sander to be assigned to the Highway Division.

Purchase of one (1) heavy duty one-ton utility body truck with plow to be assigned to the Highway Division.

Purchase of one (1) heavy duty 3/4 ton pickup truck with plow to be assigned to the Parks & Grounds Division.

School Department

Purchase of one (1) replacement Handicap Accessible Wheelchair Minivan.

or take any other action related thereto.

**Board of Selectmen**

**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 for the purchase of new portable radios for the Wilmington Fire Department; or take any other action related thereto.

**Board of Selectmen**

**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 a power loader; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 9.** 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 Information Technology Department to purchase a backup appliance for data storage and recovery; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 10.** 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 portable radios for the Wilmington Police Department; or take any other action related thereto.

**Board of Selectmen**

**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 the purchase of new patrol rifles; or take any other action related thereto.

**Board of Selectmen**

**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 for the upgrade of critical radio communications infrastructure and equipment in the Public Safety Dispatch Center and related and ancillary facilities to be utilized by Dispatch, Fire and Police; or take any other action related thereto.

**Board of Selectmen**

**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 to replace furnishings and equipment and for the remodeling of the Public Safety Dispatch Center, including design and engineering costs and any other incidental and related costs and expenses; or take any other action related thereto.

**Board of Selectmen**

**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 to complete a Feasibility Study and Schematic Design and to hire an Owner's Project Manager (OPM) for replacement of the Buzzell Senior Center and that the Owner's Project Manager shall provide the Town with regular updates on the status of the project; or take any other action related thereto.

**Board of Selectmen**

**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 to complete a Feasibility Study and Schematic Design and to hire an Owner's Project Manager (OPM) for construction of a Town Hall/School Administration Building; or take any other action related thereto.

**Board of Selectmen**

**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 replacement of a portion of interior and exterior lighting with LED fixtures at the West Intermediate School; or take any other action related thereto.

**Board of Selectmen**

**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 replacement of ceiling tile at the West Intermediate School; or take any other action related thereto.

**Board of Selectmen**

**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 replacement of the existing Limited Use Limited Application (LULA) lift at the West Intermediate School; or take any other action related thereto.

**Board of Selectmen**

**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 reconstruction of a portion of the parking lot at the Woburn Street School, including design and engineering costs and any other incidental and related costs and expenses; or take any other action related thereto.

**Board of Selectmen**

**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 for the restoration of an existing culvert crossing under Middlesex Avenue approximately at house #290, including design and engineering costs and any other incidental and related costs and expenses; or take any other action related thereto.

**Board of Selectmen**

**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 for the construction of a sidewalk on Shady Lane Drive approximately one half the distance between Lawrence Street and Middlesex Avenue, including design and engineering costs and any other incidental and related costs and expenses; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 22.** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise all or a portion of the property or interest therein located at 64 Wildwood Street and abutting Wildwood Cemetery for general municipal purposes including possible expansion of the Wildwood Cemetery, including reservation of a life estate for the benefit of the current owner and occupant of the property, as determined by the Board of Selectmen to be in the best interest of the Town; and further, to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money for the acquisition of such property and structures thereon, including all costs incidental and related thereto; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purposes of this article; or take any other action related thereto.

**Board of Selectmen**

**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 comply with the Municipal Separate Storm Sewer Systems (MS4) requirement as part of the National Pollutant Discharge Elimination System (NPDES), including design and engineering costs and any other incidental and related costs and expenses; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 24.** 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 a School Facilities & Building Planning Study; or take any other action related thereto.

**School Committee**

**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 replacement of existing laptops, docking stations and monitors at the Wilmington High School; or take any other action related thereto.

**School Committee**

**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 replacement of existing laptops, docking stations and monitors at the Boutwell, Wildwood, Shawsheen and Woburn Street Schools; or take any other action related thereto.

**School Committee**

**ARTICLE 27.** 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 existing projectors with interactive projectors and classroom sound system at the Boutwell, Wildwood, Shawsheen and Woburn Street Schools; or take any other action related thereto.

**School Committee**

**ARTICLE 28.** 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 existing desktop and laptop computer replacement for Wilmington Public School administration; or take any other action related thereto.

**School Committee**

**ARTICLE 29.** 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 multi-year replacement of Chromebooks and Chromebook Carts for the Wilmington Public Schools; or take any other action related thereto.

**School Committee**

**ARTICLE 30.** 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**

**ARTICLE 31.** 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 vote on Article 23 at the April 27, 1991 Annual Town Meeting; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 32.** 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**

**ARTICLE 33.** To see what sum the Town will vote to transfer into various line items of the Fiscal Year 2020 budget from other line items of said budget and from other available funds; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 34.** 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**

**ARTICLE 35.** 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**

**ARTICLE 36.** 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**

**ARTICLE 37.** 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**

**ARTICLE 38.** To see if the Town will vote to determine the spending limits for revolving accounts established pursuant to Section 53E½ of Chapter 44 of the General Laws and Section 29 of Chapter 3 of the Town of Wilmington Inhabitant By-Laws for the fiscal year beginning July 1, 2020 and ending on June 30, 2021 as follows; or take any other action related thereto.

<u>Revolving Fund Account</u>	<u>Spending Authority Limit</u>	<u>Fiscal Year</u>
Compost Bin Revolving Fund	\$4,500	Fiscal Year 2021
Subsurface Sewage Disposal Upgrade Revolving Fund	\$200,000	Fiscal Year 2021

**Board of Selectmen**

**ARTICLE 39.** To see if the Town will vote to transfer a sum of money from the Methyl Tertiary Butyl Ether (MTBE) Fund to pay for a portion of the cost for Salem Street Wellfield Rehabilitation Project; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 40.** To see if the Town will vote to appropriate the sum of \$6,073.70, or such other amount as Town Meeting may approve from the Transportation Infrastructure Receipts Reserve Account for the purpose of Roadway Surface Crack Sealing; or take any other action related thereto.

**Board of Selectmen**



**ARTICLE 41.** To see if the Town will vote to raise and appropriate or transfer from department receipts or user fees a sum of money to operate the Department of Public Works Sewer Division Enterprise; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 42.** To see if the Town will vote to appropriate from the PEG Access and Cable Related Special Revenue Fund the sum of 600,000 to be expended under the direction of the Board of Selectmen for PEG access services pursuant to the provisions of MGL Chapter 44, Section 53F3/4; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 43.** To see if the Town will vote to authorize a five (5) year agreement for the curbside collection of trash and recycling; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 44.** To see if the Town will vote to authorize a five (5) year agreement for the disposal of trash at the waste-to-energy facility – Wheelabrator North Andover, Inc.; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 45.** To see if the Town will vote to amend Chapter 2, Section 1 of the By-Laws of the Inhabitants of the Town of Wilmington, Revised by changing the date of the Annual Town Meeting to the last Saturday in April and the Annual Town Election be scheduled for Saturday prior so that said Section shall read as follows:

ANNUAL TOWN MEETING LAST SATURDAY IN APRIL AND ANNUAL TOWN ELECTION  
SATURDAY PRIOR

SECTION 1. The Annual Town Meeting shall be held on the last Saturday in April of each year and the Annual Town Election shall be held on the Saturday prior to the Annual Town Meeting.

or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 46.** To see if the Town will vote to amend Chapter 2, Section 3 of the By-Laws of the Inhabitants of the Town of Wilmington, Revised by changing the time of the Annual Town Meeting from 10:30 a.m. to 9:00 a.m.; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 47.** To see if the Town will vote to amend Chapter 2, Section 10A of the By-Laws of the Inhabitants of the Town of Wilmington, Revised by including an overall Omnibus Budget Presentation by the Town Manager followed by taking up of the operating budget as a whole by inserting the following language in subsection 5 therein so that said subsection 5 shall read as follows:

5. To hear the Omnibus Budget Presentation by the Town Manager and then to appropriate monies for expenses of the Town and salaries of Town officers and Departments as a whole and determine how same shall be raised.

or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 48.** To see if the Town will vote to amend Chapter 2, Section 10B of the By-Laws of the Inhabitants of the Town of Wilmington, Revised by eliminating random selection so that said Section shall read as follows:

**SECTION 10B. ORDER OF ARTICLES**

All articles in said warrant shall be enumerated by the Board of Selectmen and shall be presented to the Town Meeting by the Moderator in the order as so enumerated.

or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 49.** To see if the Town will vote to amend Chapter 3, Section 6 of the By-Laws of the Inhabitants of the Town of Wilmington, Revised as it relates to Town Counsel Opinions mandatory filing with the Town Clerk to bifurcate said opinions between matters subject to the Attorney/Client privilege and those matters of general interpretation that should be available to the public for purposes of transparency and consistency in the application of the By-Laws and statutes so that the last sentence of said Section shall read as follows:

Whenever such opinion is given, he shall forthwith file a copy thereof with the Town Clerk for a permanent record; provided, however, that confidential and privileged communications shall be exempt from mandatory disclosure pursuant to the applicable provisions of the Massachusetts Public Records Law.

or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 50.** To see if the Town will vote to amend Chapter 5, Section 27.5 of the By-Laws of the Inhabitants of the Town of Wilmington, Revised by deleting the language "or Town property adjacent to the water" therefrom; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 51.** To see if the Town will vote to amend the By-Laws of the Inhabitants of the Town of Wilmington, Revised by adopting a Construction Noise By-law as follows; or take any other action related thereto.

**Construction Noise By-Law**

**Purpose**

The intent of this potential bylaw is to regulate the hours during which construction and demolition activities may take place within the Town and otherwise to limit the impact of such activities on nearby residents and business.

**Definition**

"Construction" shall mean and include the construction, reconstruction, alteration, repair, demolition and/or removal of any building, structure or substantial part thereof if such work requires a building permit, razing permit, electrical permit, plumbing permit, gas permit, or mechanical permit, excavation that involves the use of blasting, jackhammers, pile drivers, back hoes and/or other heavy equipment; the starting of any machinery related to the above; deliveries; fueling of equipment; and any other preparation or mobilization for construction which creates noise or disturbance on abutting properties.

"Small contractor" shall mean a licensed person hired to perform less substantial construction work which shall mean work performed entirely on the interior of a building, with no evidence of such activity visible or audible at the property line of the property where construction is taking place.

Except as may be specified herein, acoustical terminology used throughout this By-Law is that approved as American National Standard Acoustical Terminology [ANSI S1.1 1994] by the American National Standards Institute (ANSI).

### **Hours**

No person shall perform any construction within the Town except between the following hours, except that set-up and delivery may take place as early as 6:30 a.m.:

Monday through Friday: 7:00 a.m. and 6:00 p.m.

Saturdays; 8:00 a.m. to 4:00 p.m.

Sunday and Holidays: None

### **Exemptions**

The restrictions set forth in this bylaw shall not apply to work performed as follows:

- A) By any federal or state department, Wilmington Department of Public Works, the Reading Municipal Light Department and/or any contractors working directly for these agencies, when working within a public way or within easements;
- B) By a resident on or in connection with that person's residence, without the aid of hired contractors, whether or not such residence is a detached single family home, if said resident is in possession of a Permit granted by the Chief of Police, as described in the following section.
- C) Work occasioned by a genuine and imminent emergency, and then only to the extent necessary to prevent loss or injury to persons or property.

### **Permits**

The Chief of Police or a designee thereof (the Chief) may, in the Chief's reasonable discretion, issue permits in response to written applications authorizing applicants to perform construction during hours other than those permitted by this by-law. Such permits may be issued upon a determination by the Chief, in consultation with the Building Inspector, the Town Engineer or other Town staff, that literal compliance with the terms of this by-law would create an unreasonable hardship and that the work proposed to be done (with or without any proposed mitigative measures) will have no adverse effects of the kind which this by-law seeks to reduce. Each such permit shall specify the person authorized to act, the dates on which or within which the permit will be effective, the specific hours and days when construction otherwise prohibited may take place, and any conditions required by the Chief to mitigate the effect thereof on the community. The Chief may promulgate a form of application and charge a reasonable fee for each permit. No permit may cover a period of more than thirty (30) days. Mitigative measures shall include notice to residents in the surrounding area and other mitigation as determined by the Chief. Objections by such residents shall be noted by the Chief and shall be taken into account when considering issuance of such permit.

### **Unreasonable Noise**

Regardless of the hour or day of the week, no construction shall be performed within the Town in such a way as to create unreasonable noise. Noise shall be deemed unreasonable if it interferes with the normal and usual activities of residents and businesses in the affected area and could be reduced or eliminated through reasonable mitigative measures.

### **Copy of By-Law**

The Building Inspector shall deliver a copy of this by-law to each person to whom it issues a building permit, razing permit, electrical permit, plumbing permit, gas permit or mechanical permit at the time that the said permit is issued.

### **Penalties for Violations**

- A. Violations under in the discretion of the enforcing person, may be enforced by noncriminal disposition as provided in MGL Chapter 40, Section 21D.

- B. The penalty for a violation under this By-law shall be \$50 for a first offense, \$100 for a second offense, \$200 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

**Board of Selectmen**

**ARTICLE 52.** To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 5, Clauses Twenty-second G and Twenty-second H, provisions of Act commonly known as the Brave Act, to allow pursuant to Clause Twenty-second G for real estate tax exemptions available under M.G.L. Chapter 59, Section 5, clauses Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E and Twenty-second F for real estate that is the domicile of disabled veterans but is owned by a trustee, conservator or other fiduciary for the benefit of the disabled veteran to the same extent as if the disabled veteran were the owner of the real estate; and to allow pursuant to Clause Twenty-second H for a real estate tax exemption for real estate to the full amount of the taxable valuation of the real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and Veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veteran Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the Commonwealth for five (5) consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than six (6) months prior to entering the service. Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death, such exemption to be available until such time as the surviving parents or guardians are deceased, and provided that no real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 53.** To see if the Town will vote to authorize the Town Manager, in cooperation with the Water and Sewer Commission, to lease all or a portion of the below-referenced property, currently the site of the so-called Nassau Avenue water tower and currently used jointly for water supply purposes and telecommunications leasing, to one or more telecommunications companies for the location of telecommunications facilities thereon, and to grant such easements upon said land as are necessary for utility services in support of such use; and further to authorize the Town Manager to enter into such lease or leases for said purposes for all or a portion of the land upon which said Nassau Avenue water tower is situated, located on Nassau Avenue and shown on Assessors Map 31 as Lot 59 and acquired by the Water Commission pursuant to a vote taken under Article 3 of the December 30, 1927 Special Town Meeting, upon such terms and conditions, and for a period in excess of three years, as the Town Manager shall determine to be in the best interest of the Town; and to authorize the Town Manager to enter into such agreements and execute such documents and instruments as are necessary to effectuate the purposes of this article; or take any other action related thereto.

**Water & Sewer Commission**

**ARTICLE 54.** To see if the Town will vote to name the Wilmington High School Music Room the Barbara J. Mette Music Room; or take any other action related thereto.

**School Committee**

**ARTICLE 55.** To see if the Town will vote to authorize the Superintendent of Wilmington Public Schools, with the approval of the Board of Selectmen, to enter into Memorandum(s) of Understanding (MOU) with the Department of Children and Families, the Executive Office of Health and Human Services and the Department of Elementary and Secondary Education in order to obtain Federal Title IV-E reimbursement(s) for foster care transportation and to provide that payments for such foster care transportation under such MOUs may be made from such reimbursement(s) as a result of the foster care transportation being performed without appropriation of said reimbursement(s), pursuant to Massachusetts General Law Chapter 44, Section 70; or take any other action related thereto.

**School Committee**

**ARTICLE 56.** To see if the Town will vote to name the outdoor seating area at Memorial Library The Peggy Kane Reading Garden; or take any other action related thereto.

**Library Trustees**

**ARTICLE 57.** To see if the Town will vote to amend the Zoning Map of the Town of Wilmington by rezoning the following parcels from Residence 60 to Residence 20; or to take any other action related thereto.

Map 83, Parcels: 16A, 25, 27, 28, 30, 30A, 31, 31A, 31B, 32, 33, 33A, 34

Map 84, Parcels: 4, 6, 7, 8, 9, 10, 10A, 11, 12, 13, 14, 14A, 14B, 15, 17, 18, 19, 20, 20A, 21, 21A, 21B, 22, 23A, 23B, 23C, 24, 28, 29, 30, 30A, 31, 31A, 32, 33, 35, 37, 42, 43, 46A, 47, 48, 49, 49B, 49C, 50, 51, 53, 54, 54A, 55, 55A, 56, 56A, 56B, 57A, 58, 59, 59A, 59B, 60, 61, 62, 63, 63A, 64A, 64B, 65A, 65B, 66, 67, 69, 70, 71, 72, 73, 74, 76, 79, 86, 89, 91, 92, 93, 94, 97, 98, 99, 101, 103

Map R2, Parcels: 1A, 2

Map 84 Parcel 194-44 (24 McDonald Road)

Map 84 Parcel 303-30B (36 Salem Street)

Portions of parcels:

Map 83, Parcels: 11, 13, 14, 15, 15A, 16, 24, 24A

**Planning Board**

**ARTICLE 58.** 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 51.1.2 by adding a new Section 1.2.6 that reads as follows and renumber the remainder of the section:

Require Low Impact Development (LID) site planning and design strategies to the maximum extent feasible;

**51.1.2 PURPOSE**

The purpose of this Bylaw is to regulate discharges to the Municipal Separate Storm Sewer System (MS4) to protect the Town of Wilmington's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with construction sites, developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater. This is accomplished through the following:

- 1.2.1 Institute water resource protection measures identified in the Supplemental Final Comprehensive Water Resource Management Plan / Environmental Impact Report - Commonwealth of Massachusetts EOE File Number 8844 (CWRMP);
- 1.2.2 Protect groundwater and surface water from degradation
- 1.2.3 Promote groundwater recharge;
- 1.2.4 Require practices to control the flow of stormwater from new and redeveloped sites into the Town storm drainage system in order to prevent flooding and erosion;
- 1.2.5 Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
- 1.2.6 Require Low Impact Development (LID) site planning and design strategies to the maximum extent feasible;
- 1.2.7 Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and minimize discharge of pollutants from the MS4;
- 1.2.8 Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- 1.2.9 Ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
- 1.2.10 Comply with state and federal statutes and regulations relating to stormwater discharges; and
- 1.2.11 Establish the Town's legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

Nothing in this By-law is intended to replace the requirements of either, the Town of Wilmington Zoning By-law, General By-law, or any other By-law that may be adopted by the Town of Wilmington. Any activity subject to the provisions of the above-cited By-laws must comply with the specifications of each.

- 2. By amending Section 51.2.1 by inserting the words "roadway construction" after the words "utility line work" to read as follows:

**51.2.1** No person undertaking construction activity that requires a Planning Board review (including new residential subdivisions and multi-family development, new commercial/industrial development or commercial/industrial redevelopment), a Building Permit (such as new single family residential development or redevelopment), utility line work, roadway construction, or any other threshold set forth in sections 2.2, 2.3, or 2.4 of this Bylaw may proceed without obtaining a Stormwater Management Permit (SMP) or a Simple Stormwater Management Permit (SSMP) from the Planning Board.

- 3. By amending Section 51.2.2 by inserting the word "Permit" in the title, deleting Section 2.2.2.b, and inserting the words "but less than 43,560 square feet of land (1 acre)" within Section 2.2.1.a 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 but less than 43,560 square feet of land (1 acre) 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.

4. By amending Section 51.2.4 by inserting the words "provided that the area of disturbance is less than 1 acre" in Section 51.2.4.3 and Section 51.2.4.8, inserting the words "or accessory structure" in Section 51.2.4.9, and adding new Sections 51.2.4.11 and 51.2.4.12 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 provided that the area of disturbance is less than 1 acre.
- 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 provided that the area of disturbance is less than 1 acre.
- 2.4.9 An increase in the footprint of a house or accessory structure 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.
- 2.4.11 Maintenance and improvement of existing roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) provided that existing conditions are improved where feasible.
- 2.4.12 Municipal projects, provided that that the project complies with the applicable standards of the Comprehensive Stormwater Management Regulations and Massachusetts Stormwater Management Standards and Handbook.

5. By amending Section 51.3 by eliminating Section 51.3.8.

**Planning Board**

**ARTICLE 59.** To see if the Town will vote to transfer the care, custody, management and control of the following Town-owned parcels from the board or officer having such care, custody, management and control for the purpose for which they are currently held to the Wilmington Conservation Commission for conservation purposes pursuant to the provisions of Section 8C of Chapter 40 of the General Laws, and further to dedicate and designate the parcels for such purposes subject to the protections of Article 97 of the Amendments to the Massachusetts Constitution; or to take any other action related thereto.

Map 7 Parcel: 83A

Map 8 Parcels: 86, 86A, 87

**Conservation Commission**

**ARTICLE 60.** To see if the Town will vote to amend the Zoning Bylaw and associated Zoning Map of the Town of Wilmington by voting to rezone from General Business (GB) to Residential 20 (R-20), the following-described parcel of land known as 5 Shady Lane Drive, Wilmington, Massachusetts:

**Description**

A certain parcel of land situated in said Wilmington and described as Lot No. 5, Block B, as shown on a plan of "Wilmington Acres", dated December 1946, Merrill A. Brown, C.E., a copy of which Plan is filed for record with the Middlesex North District Registry of Deeds, Book of Plans 70, Plan 58, and more particularly bounded and described as follows:

NORTHEASTERLY: by Shady Lane Drive, as shown on said Plan, one hundred (100) feet;  
SOUTHEASTERLY: by Lot 4, Block B, as shown on said Plan, one hundred nine and 15/100 (109.15) feet;  
SOUTHWESTERLY: by land now or formerly of Tibbetts, one hundred and 3/10 (100.3) feet; and,  
NORTHWESTERLY: by Lot 6, Block B, as shown on said Plan, one hundred twelve and 72/100 (112.72) feet.

Containing, according to said Plan, eleven thousand, ninety-two (11,092) square feet.

or take any other action related thereto.

**As Petitioned for by Scott C. Garrant and others**

**ARTICLE 61.** To see if the Town will vote to appropriate Twelve Million, six hundred and fifty thousand dollars (\$12,650,000) for the Board of Selectmen to expend for feasibility studies, engineering, financial design, permitting, construction and construction administration of a Town of Wilmington Senior Center to be constructed at the 19 acre Town Hall property at 121 Glen Road, Map 54, Lot 110 and to meet this appropriation that Twelve Million, six hundred and fifty thousand dollars (\$12,650,000) be transferred from Free Cash in the Treasury of the Town, or take any other action related thereto.

**As Petitioned for by Michael V. McCoy and others**

**ARTICLE 62.** To see if the Town will vote to appropriate Twelve Million, six hundred and fifty thousand dollars (\$12,650,000) for the Board of Selectmen to expend for feasibility studies, engineering, financial design, permitting, construction and construction administration of a Town of Wilmington Senior Center to be constructed on land located on Map 45 Lot 142a (5.53 acres) address Main Street, Map 45 Lot 142b (.47 acres) address Glen Road, Map 45 Lot 142c (.48 acres) address Glen Road, Map 45 Lot 142d (.47 acres) address Glen Road Map 45 Lot 142e (.46 acres) address Glen Road Map 45 Lot 142f (.46 acres) address Glen Road, or any portion of the parcels stated, and to meet this appropriation that Twelve Million, six hundred and fifty thousand dollars (\$12,650,000) be transferred from Free Cash in the Treasury of the Town, or take any other action related thereto.

**As Petitioned for by Michael V. McCoy and others**



**ARTICLE 63.** To see if the Town will vote to amend the Zoning By-law and associated Zoning Map of the Town of Wilmington as follows:

By rezoning from Residential 60 (R60) to Highway Industrial (HI) the land shown as Parcels 1, 1A and 2A on Assessor's Map R1; and the land shown as Parcel 19A on Assessor's Map R2; and Parcels 24 and 24A on Assessor's Map 103, which premises are more particularly described in a deed recorded at the Middlesex North District Registry of Deeds in Book 15876, Page 245.

or take any other action related thereto.

**As Petitioned for by Michael J. Newhouse and others**

**ARTICLE 64.** To see if the Town will vote to rezone from General Business (GB) and General Industrial (GI) to Neighborhood Mixed Use (NM) the following property:

The land, with the buildings thereon, now known as and numbered 100 and 102 West Street, Wilmington, Middlesex County, Massachusetts, and further being shown as Lot 4 and Lot 5 on a plan of land entitled "Approval Not Required Plan, #100-104 West Street, Wilmington, Mass., Feldman Land Surveyors, 152 Hampden Street, Boston, MA 02119, November 20, 2017, Scale: 1" = 60", and which Plan is duly recorded at the Middlesex North District Registry of Deeds at Plan Book 244, Plan 38.

Lot 4 contains 40,996 square feet of land, more or less, according to the above-referenced Plan, and Lot 5 contains 161,940 square feet of land, or 3.718 acres, according to the above-referenced Plan. Lot 4 and 5, combined, contain 202,936 square feet of land.

For Petitioner's title, see Deed recorded at the Middlesex North District Registry of Deeds at Book 32754m Page 215.

The above-referenced premises are also shown on the Town of Wilmington Assessor's Map 71 as Parcels 3 & 5.

or take any other action related thereto.

**As Petitioned for by Derek Santini and others**

**ARTICLE 65.** To see if the Town will vote to amend the Town's Inhabitant By-Laws by adding a new section 55 to prohibit the participation of certain animals in traveling animal acts for public entertainment or amusement, to read as follows:

## **SECTION 5: TRAVELING ANIMAL ACTS**

### **55.1 Definitions.**

The following terms as used in this Section 55 shall have the following meanings:

"Covered animal," any of the following animals, and hybrids thereof:

- (a) Artiodactyla, excluding domestic cattle, bison, American buffalo, water buffalo, yak, zebu, gayal, bali cattle, suidae, sheep, goats, llamas, or alpacas;
- (b) Camelidae;
- (c) Canidae, including nay hybrids thereof, but excluding domestic dogs;
- (d) Crocodilia;
- (e) Elephantidae;
- (f) Felidae, including any hybrids thereof, but excluding domestic cates;
- (g) Marsupialia;
- (h) Non-human primate;
- (i) Perissodactyla, excluding domestic horses, ponies, donkeys, or mules;

- (j) Pinnipedia;
- (k) Ursidae; and
- (l) Elasmobranchii, excluding rays.

"Mobile or traveling housing facility," a transporting vehicle such as a truck, trailer or railway car, used to transport or house animals while traveling for exhibition or other performance.

"Performance," any exhibition, public showing, presentation, display, exposition, fair, animal act, circus, ride, trade show, petting zoo, carnival, parade, ace, or similar undertaking in which animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of a live audience.

"Traveling animal act," any performance of animals where such animals are transported to, from, or between locations for the purpose of such performance, in a mobile or traveling housing facility.

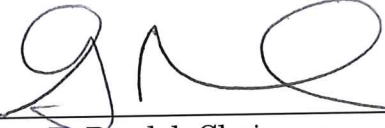
#### 55.2 Prohibition.

- (a) Notwithstanding any other provision of law, it shall be unlawful for a person to allow for the participation of a covered animal in a traveling animal act with in the Town of Wilmington.
- (b) This section shall not apply to a performance that takes place at a non-mobile, permanent institution or other fixed facility, provided that the covered animal is not transported to such location for the purpose of such performance.


or take any other action related thereto.

**As Petitioned for by Jenne Sindoni and others**

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 9<sup>TH</sup> day of **March**, A.D., Two Thousand Twenty.

  
\_\_\_\_\_  
Gregory B. Bendel, Chairman

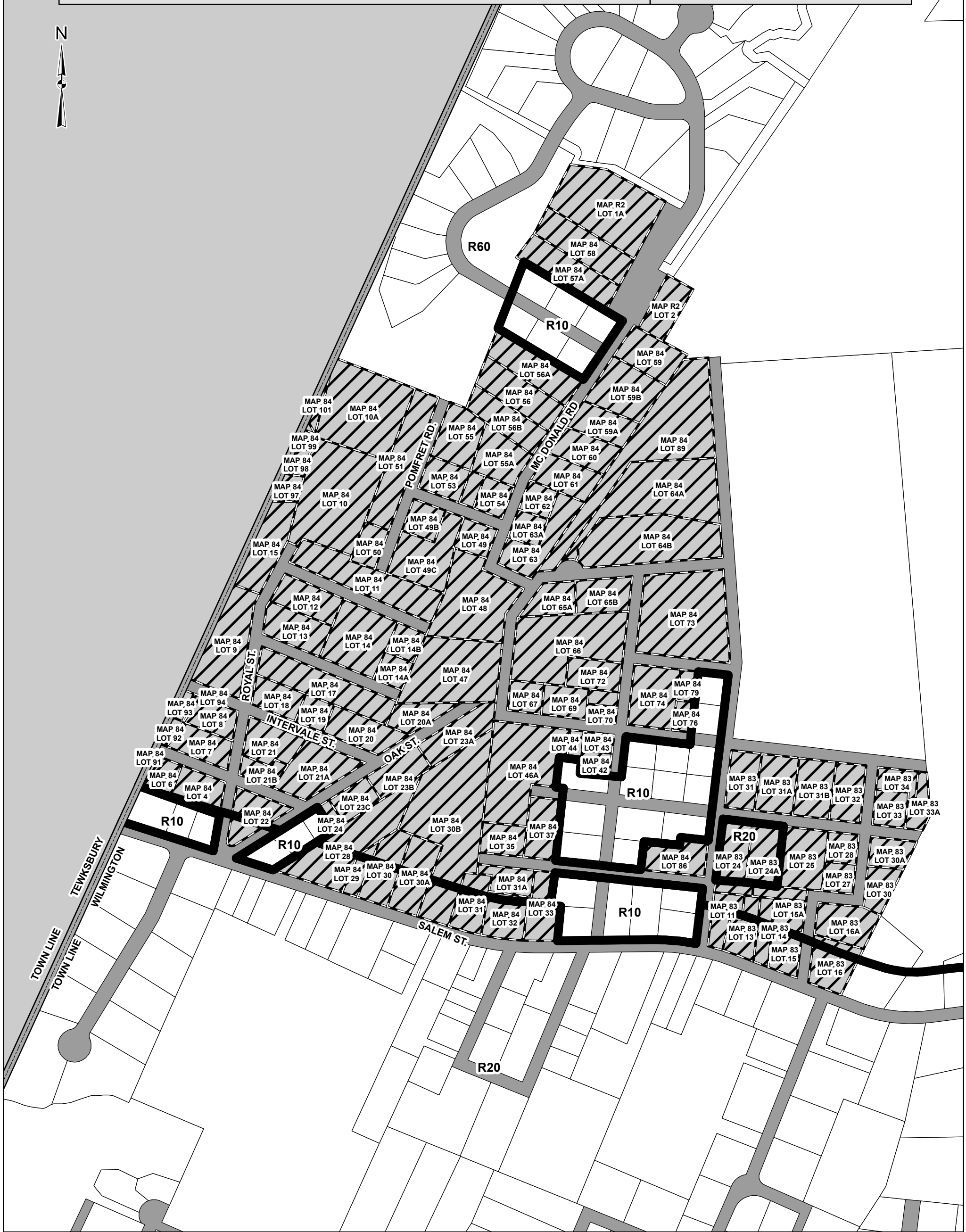
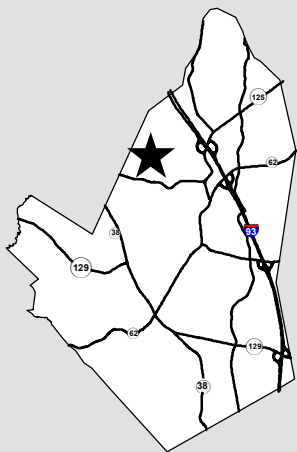
  
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Kevin A. Cairra

  
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Jonathan R. Eaton

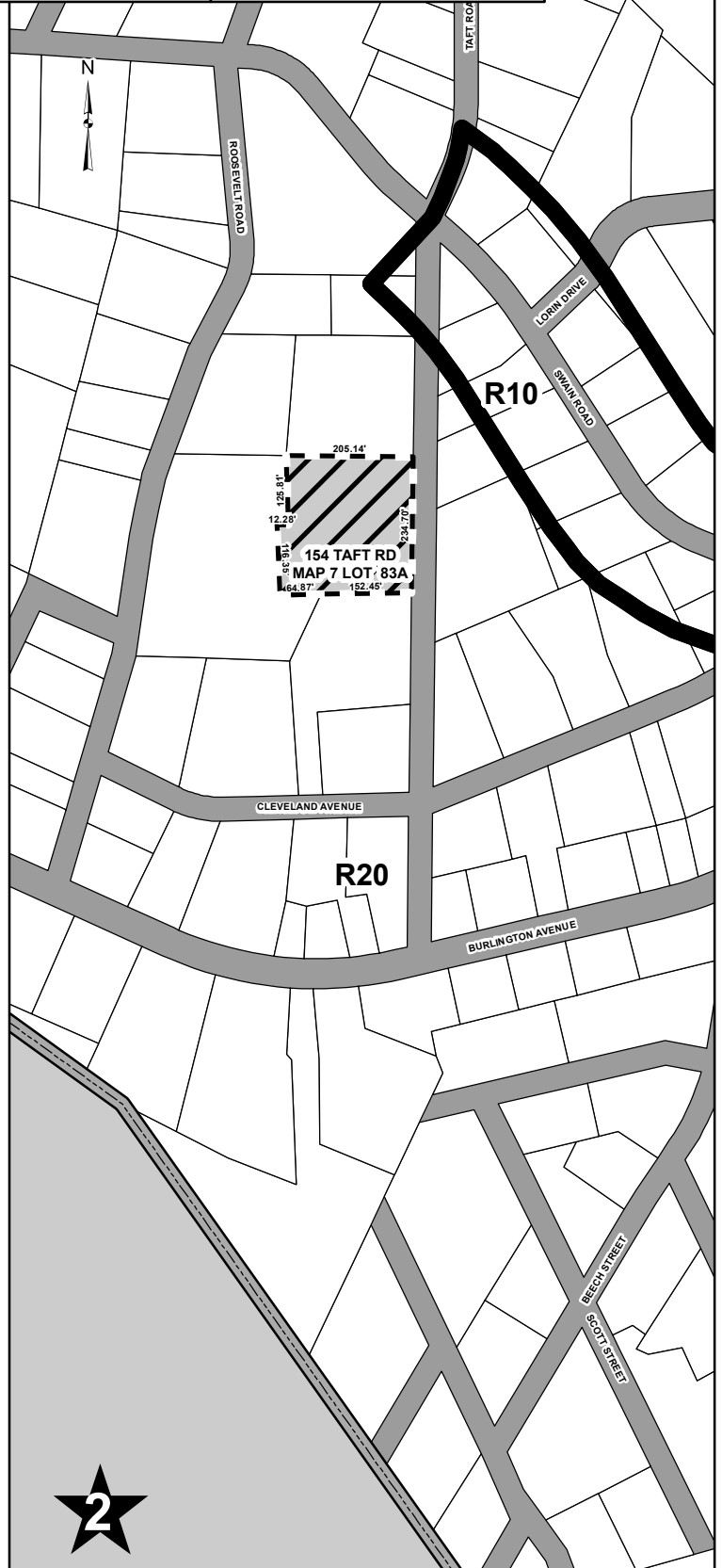
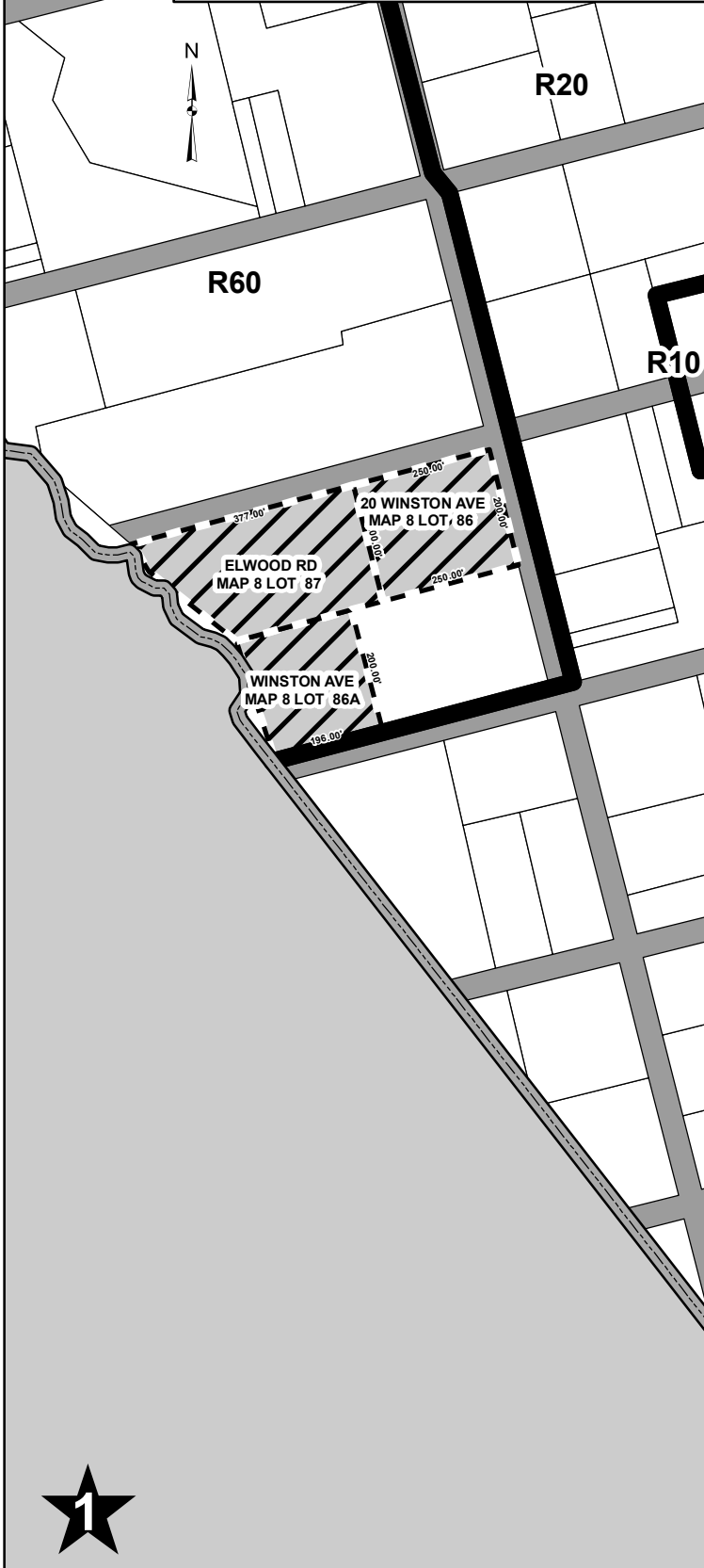
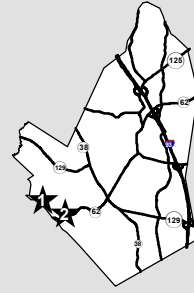
  
\_\_\_\_\_  
Michael V. McCoy

  
\_\_\_\_\_  
Jomarie F. O'Mahony

ARTICLE 57  
MAP 83, MAP 84, & MAP R2  
MULTIPLE PARCELS  
ZONING CHANGE  
R60 TO R20

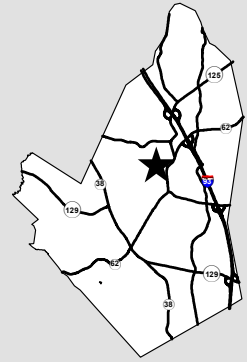


**ARTICLE 59  
MAP 7 PARCEL 83A  
MAP 8 PARCELS 86,86A,87  
PROPOSED TRANSFER TO  
CONSERVATION COMMISSION**





**ARTICLE 60  
MAP 79 PARCEL 11A  
5 SHADY LANE DR.  
PROPOSED ZONING CHANGE  
GB TO R20**



8 SHADY LANE DR  
MAP 79 LOT 25

6 SHADY LANE DR  
MAP 79 LOT 26

4 SHADY LANE DR  
MAP 79 LOT 27

360 MIDDLESEX AVE  
MAP 79 LOT 28

363 MIDDLESEX AVE  
MAP 79 LOT 29

9 SHADY LANE DR  
MAP 79 LOT 12

7 SHADY LANE DR  
MAP 79 LOT 12A

**SHADY LANE DRIVE**

112.72'

**5 SHADY LANE DR  
MAP 79 LOT 11A**

109.15'

100.30'

356 MIDDLESEX AVE  
MAP 79 LOT 11

361 MIDDLESEX AVE  
MAP 79 LOT 30

11 SHADY LANE DR  
MAP 79 LOT 12C

**R20**

**GB**

352 MIDDLESEX AVE  
MAP 79 LOT 10

**GB**

**MIDDLESEX AVENUE**

**GI**

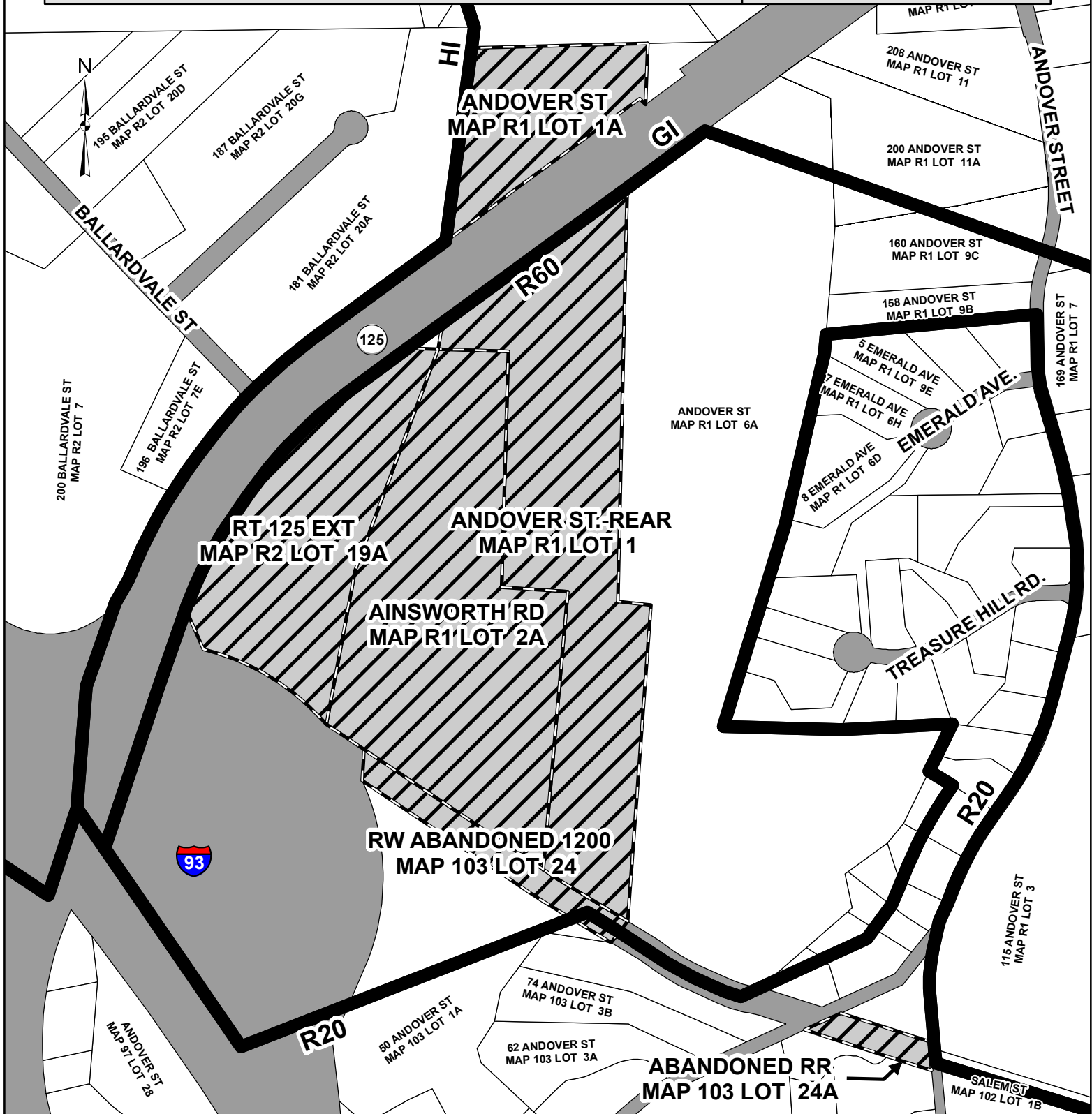
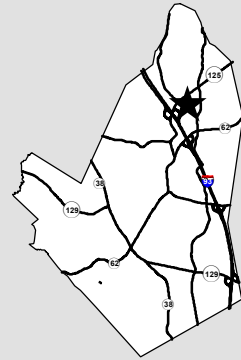
**CB**

**CB**

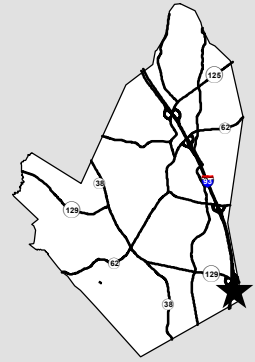
355 MIDDLESEX AVE  
MAP 79 LOT 31

2 WHITEFIELD TERR  
MAP 79 LOT 12B

**ARTICLE 63  
MAP R1 PARCELS 1,1A & 2A  
MAP R2 PARCEL 19A,  
MAP 103 PARCELS 24 & 24A  
ZONING CHANGE  
R60 TO HI**



**ARTICLE 64  
MAP 71 PARCELS 3 & 5  
100-104 WEST ST.  
PROPOSED ZONING CHANGE  
GB & GI TO NM**



89 WEST ST  
MAP 71 LOT 24

329 LOWELL ST  
MAP 71 LOT 25A

LOWELL STREET

91 WEST ST  
MAP 71 LOT 23

91A WEST ST  
MAP 71 LOT 23A

WEST ST  
MAP 71 LOT 22A

95 WEST ST  
MAP 71 LOT 22

99 WEST ST  
MAP 71 LOT 21B

WEST ST  
MAP 71 LOT 21A

WEST ST  
MAP 71 LOT 21

108 WEST ST  
MAP 71 LOT 6

114 WEST ST  
MAP 71 LOT 7

WEST ST  
MAP 71 LOT 5A

100 WEST ST  
MAP 71 LOT 3

104 WEST ST  
MAP 71 LOT 5

GB  
GI

WEST STREET

R20

R10

R10



169.72L

201.40'

90.00'

187.00'

71.00'

231.00'

233.28'

164.19'

335.49'

30.00'

82.95'