

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-second day of April, A.D. 2017 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, 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 twenty-ninth day of April, A.D. 2017 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 2018 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 five (5) replacement police cruisers.
- Purchase of one (1) replacement animal control vehicle.

Fire Department

- Purchase of one (1) replacement ambulance.

Department of Public Works

- Purchase of one (1) heavy duty 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) pickup truck with plow to be assigned to the Parks and Grounds Division.
- Purchase of one (1) tractor to be assigned to the Parks and Grounds Division.
- Purchase of one (1) heavy duty tree chipper.

Public Buildings Department

- Purchase of one (1) Ford Escape to replace 2011 Ford Crown Victoria.
- Purchase of one (1) Ford F150 pickup truck to replace 1999 Ford Ranger.

Elderly Services Department

- Purchase of one (1) replacement handicapped accessible van

School Department

- Purchase of one (1) student transport van;

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 a shared storage environment between police and town server infrastructure; 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 replacement of approximately 20 network switches throughout the general government IT environment; 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 replacement of computer workstations throughout general government departments; 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 to purchase three servers for town infrastructure and additional Vmware licenses; 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 Electronic Control Weapons (Taser) for the Wilmington Police Department; 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 installation of a high density storage system for storage of evidence and property in the possession of the Wilmington Police Department; 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 for the purchase of a steel secure storage trailer for the newly completed firing range; 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 for the purchase of a video surveillance system to monitor the exterior of the Public Safety Building; 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 for the replacement of the Building Management System at the Wilmington Middle School; 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 the chairlift at the Shawsheen Elementary 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 approximately 14,215 square feet of roof area at the North 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 to comply with the Municipal Separate Storm Sewer Systems (MS4) requirement as part of the National Pollutant Discharge Elimination System (NPDES); 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 the paved bus drop-off area and adjoining sidewalks at the North Intermediate School; 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 phased expansion of available burial spaces at the Wildwood Cemetery; 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 phased reconstruction of walkways at the Town Common; or take any other action related thereto.

Board of Selectmen

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 for the purchase and installation of a new heavy duty vehicle lift for the Public Works mechanics' garage; 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 for the purchase and installation of two (2) sets of solar powered flashing pedestrian beacons to be located at high profile pedestrian crosswalks; 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 the replacement of 30 computer workstations and software in the Middle School Technology Engineering Lab; 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 eighty (80) desktop computers at the elementary and early childhood schools; 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 purchase of 189 Chromebooks and 7 carts for the elementary schools and Middle School; 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 second phase of a three phase project to purchase a Voice Over Internet Protocol Phone System for the Wilmington Public 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 computer switches at the six elementary schools; 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 replacement of the School Department's existing Exchange Server with a cloud-based e-mail system; 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 for the replacement of approximately 400 laptop batteries throughout the school system; or take any other action related thereto.

School Committee

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 pay costs of designing, constructing and reconstructing water mains on Middlesex Avenue, including the payment of all costs incidental related thereto; 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 costs of designing, constructing and reconstructing water mains on Ballardvale Street including the payment of all costs incidental and related thereto; or take any other action related thereto.

Board of Selectmen

ARTICLE 33. 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 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 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

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 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

ARTICLE 36. 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 37. To see what sum the Town will vote to transfer into various line items of the Fiscal Year 2017 budget from other line items of said budget and from other available funds; or take any other action related thereto.

Board of Selectmen

ARTICLE 38. 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 39. 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 40. 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 41. 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

ARTICLE 42. To see if the Town will vote to amend the By-laws of the Inhabitants of the Town of Wilmington, Revised to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under General Laws Chapter 44, §53E½, by adding a new Section 29 to Chapter 3; or take any other action related thereto.

SECTION 29. Departmental Revolving Funds

- A. **Purpose.** This Section 29 establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs and activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under, and governed by, General Laws Chapter 44, §53E½.
- B. **Expenditure Limitations.** A department or agency head, board, committee or officer may incur liabilities against, and spend monies from, a revolving fund established and authorized by this By-law without appropriation subject to the following limitations:
 - i. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund [except for those employed as school bus drivers].
 - ii. No liability shall be incurred in excess of the available balance of the fund.
 - iii. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and the Finance Committee.
- C. **Interest.** Interest earned on monies credited to a revolving fund established by this Section 29 shall be credited to the general fund.
- D. **Procedures and Reports.** Except as provided in General Laws Chapter 44, §53E½ and this Section 29, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this Section 29. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
- E. **Table.** The following table identifies the specific funds, limitations and restrictions thereon, and requirements thereof, as established by this Section 29:

<u>Revolving Account</u>	<u>Spending Authority</u>	<u>Revenue Source</u>	<u>Allowed Expenses</u>	<u>Fiscal Years</u>
Compost Bin Revolving Fund	Town Manager, up to \$4,500	Sale of Composting Bins	Purchase of Composting Bins	Fiscal Year 2018 and Subsequent Fiscal Years
Subsurface Sewage Disposal Upgrade Revolving Fund	Board of Health with Town Manager Approval, up to \$200,000	Betterment receipts and loan repayment from participants	Repair and upgrade of subsurface sewage disposal system and repayment to MWPAT	Fiscal Year 2018 and Subsequent Fiscal Years

Board of Selectmen

ARTICLE 43. 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 44. To see if the Town will vote to name the Wilmington High School gymnasium the Lawrence H. Cushing, Sr. Gymnasium; or take any other action related thereto.

Board of Selectmen

ARTICLE 45. To see if the Town will vote to amend the Zoning By-law as follows by adding Research and Development Use as a separate use classification 3.6.7 and amend Table 1 Principle Use Regulations with a new Research and Development Use; or take any other action related thereto:

1. by adding a new Section 3.6.7 to read as follows:

Research and Development (R&D) – establishments devoted to investigation, experimentation, and testing activities related to the fields of electronics, engineering, geology, physics, or other scientific area.

2. by amending Section 3.6.6 to read as follows:

General Manufacturing – Manufacturing operations, including but not limited to, bottling works; laundry or dry cleaning plant; indoor breeding laboratory for medical or scientific research; monument works; concrete mixing and block plants; manufacturing of textile products; welding shops; manufacture of paper products, light metal products, hardware and office supplies; fabrication of electronic components, precision instruments, or other high technology products; trucking terminal; or other similar general manufacturing plants and facilities; provided that all smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration are effectively confined to the premises or disposed in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

3. by amending Table 1 Principle Use Regulations to read 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 REV	GWPD
		R10	R20	R60	D55	NM	NB	GB	CB	GI	HI	L/I/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	*

PRINCIPAL USES	RESIDENTIAL DISTRICTS				NEIGHBORHOOD MIXED USE		BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			SITE PLAN REV	GWPD
	R10	R20	R60	O55	NM	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	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/Rental	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 Heavy Vehicular Dealer/Repair/Rental	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	*		
3.6.7 Research and Development	No	No	No		No	No	No	No	SP	Yes	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.
 ** Monopolies 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

Planning Board

ARTICLE 46. To see if the Town will vote to amend Section 6.1.2 of the Zoning By-law of the Town of Wilmington to read as follows; or take any other action related thereto:

Applicability - This Zoning By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A, s. 5 subsequent to which this Zoning By-law, or any relevant part thereof, was adopted. However, in the case of the issuance of a building or special permit, construction or operation thereunder shall conform to the provisions of this By-law unless the construction or use has commenced within a period of not more than twelve months after the issuance of the permit and, in cases involving construction, such construction is continued through to completion expeditiously. Such prior, lawfully existing nonconforming uses and structures may continue provided that no modification of the use or structure is accomplished, unless authorized hereunder.

Planning Board

ARTICLE 47. To see if the Town will vote to amend the Zoning By-law by adding the following new last sentence to Section 5.3.1 Setback of Structures; or take any other action related thereto:

In determining such average where an adjoining side lot is a corner lot having two frontages, only the frontage sharing the same street as the subject lot shall be used to calculate the average front yard.

Planning Board

ARTICLE 48. To see if the Town will vote to amend the Zoning By-law by deleting Section 4.2.8 in its entirety; or take any other action related thereto.

4.2 **Accessory Apartments** - An accessory apartment is authorized as an accessory use in a single family dwelling subject to the following conditions:

4.2.8 A certificate of occupancy shall be issued to the owner only and is not transferable. A new owner shall apply to the Inspector of Buildings for a new certificate of occupancy.

Planning Board

ARTICLE 49. To see if the Town will vote to amend the Zoning By-law by adding a new Section 3.9 as follows; or take any other action related thereto.

3.9 Temporary Moratorium on Recreational Marijuana Establishments

3.9.1 Purpose

On November 8, 2016, the voters of the Commonwealth voted in favor of a ballot initiative petition for a law to regulate the possession, use, cultivation, production, distribution and sale of marijuana and marijuana products by adults 21 years of age or older through a licensing program yet to be fully defined and regulations yet to be adopted. That Law expressly states that municipalities may, among other things, adopt by-laws that impose reasonable safeguards on the operation of marijuana establishments, including by-laws that govern the time, place and manner of marijuana establishment operations and number of marijuana establishments, provided that such by-laws are not unreasonably impracticable or in conflict with the law or regulations.

Currently under the Zoning By-law, marijuana establishments are not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana establishments. Marijuana establishments are a new use and the regulation of marijuana establishments raises novel and complex legal, planning and public safety issues. The Town needs time to study and to consider addressing such use and issues, as well as the potential impacts of regulations to be made by the Cannabis Control Commission.

The purpose of this section is intended to provide the Town with adequate time to study, reflect and decide how to govern the time, place and manner of marijuana establishment operations and the number of marijuana establishments through by-laws that are not unreasonably impracticable and that are consistent with the Law and the regulations to be developed by the Cannabis Control Commission to implement the Law.

3.9.2 Definitions

The following definitions shall apply to this Section 3.9, inclusive. Other terms that are not expressly defined herein shall have the definition and meaning given to them by the Law. All other terms shall be given their ordinary, plain meaning.

“Consumer,” a person who is at least 21 years of age.

“Law,” Chapter 94G of the General Laws, as implemented by Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016, as any of the same may be amended from time to time.

"Manufacture," to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana " or "Marihuana," all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include:

- (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (2) Hemp; or
- (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana cultivator," an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment," a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer," an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products," products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility," an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer," an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

"Process" or "processing," to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined above.

3.9.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on all uses of land and structures for marijuana establishments under the Law. Marijuana establishments shall not be permitted in any zoning district in the Town

so long as this Section 3.9 is effective, as set forth in Section 3.9.4 below. Use variances for marijuana establishments shall be strictly prohibited.

3.9.4 Expiration

This Section 3.9 shall be in effect through the end of June 30, 2018.

Planning Board

ARTICLE 50. To see if the Town will vote to accept as public ways the following described streets, as recommended by the Planning Board and laid out by the Selectmen (Massachusetts General Laws Ch. 41 and Ch. 82 as amended) and shown on certain Definitive Subdivision plans approved in accordance with "Rules and Regulations Governing the Subdivision of Land in the Town of Wilmington, Massachusetts," which plans are recorded at the Middlesex North Registry of Deeds and copies of which are on file in the office of the Town Clerk; and to authorize the Selectmen to acquire by purchase, gift or eminent domain such land and slope, drainage and other easements as may be necessary to effectuate the purpose of this Article; and further to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money to be spent by the Town Manager with the approval of the Board of Selectmen for such purposes.

Cheyenne Drive – A certain parcel of land known as "Cheyenne Drive" also shown as "Parcel A" on a plan entitled "Plan of Land in Wilmington, Massachusetts prepared for Cheyenne Estates Realty Trust, Street Acceptance Plan, Cheyenne Estates, Cheyenne Drive" prepared by Design Consultants, Inc. dated Jan. 19, 2016 to be recorded herewith and as further described below:

Beginning at a stone bound at the southwest corner of Cheyenne Drive at the intersection of southerly sideline of Concord Street and land now or formerly of Carroll; thence:

S 68°09'42" E Along the southerly sideline of Cheyenne Drive a distance of seventy-one and 94/100 (71.94) feet to a stone bound at land now or formerly of Duncan and Wilson; thence

Along a curve to the left with a radius of twenty-five and 00/100 (25.00) feet and a length of twenty-six and 95/100 (26.95) feet by said Duncan and Wilson land to a stone bound; thence:

S 20°06'10" W Along the easterly sideline of Cheyenne Drive a distance of seventy-five and 00/100 (75.00) feet by said Duncan and Wilson land to a stone bound; thence:

S 69°53'50" E Along the easterly sideline of Cheyenne Drive a distance of five and 00/100 (5.00) feet by said Duncan and Wilson land to a point at the corner of Lot 1; thence:

Along a curve to the left with a radius of seventy-five and 00/100 (75.00) feet and a length of one hundred six and 58/100 (106.58) feet by Lot 1 to a stone bound; thence:

Along a curve to the right with a radius of one hundred twenty-five and 00/100 (125.00) feet and a length of one hundred ninety-three and 44/100 (193.44) feet by Lot 1 and Lot 2 to a stone bound; thence:

Along a curve to the left with a radius of thirty and 00/100 (30.00) feet and a length of twenty-eight and 50/100 (28.50) feet by Lot 2 to a stone bound; thence:

Along a curve to the right with a radius of sixty and 00/100 (60.00) feet and a length of two hundred ninety-seven and 85/100 (297.85) feet by Lots 2, 4A, 5B, 5A, 4B and 6 to a stone bound; thence:

Along a curve to the left with a radius of thirty and 00/100 (30.00) feet and a length of twenty-three and 32/100 (23.32) feet by Lot 6 to a stone bound; thence:

Along a curve to the left with a radius of seventy-five and 00/100 (75.00) feet and a length of one hundred twenty-three and 20/100 (123.20) feet by Lot 6 to a stone bound; thence:

Along a curve to the right with a radius of one hundred twenty-five and 00/100 (125.00) feet and a length of one hundred twelve and 31/100 (112.31) feet by Lot 6 to a stone bound; thence:

N 81°48'17" W Along the westerly sideline of Cheyenne Drive a distance of seven and 60/100 (7.60) feet by Lot 6 to land now or formerly Haggerty & Drewicz to a point; thence:

Along a curve to the right along said land now or formerly Haggerty & Drewicz with a radius of two hundred thirteen and 35/100 (213.35) feet and a length of forty-two and 68/100 (42.68) feet by said Haggerty and Drewicz land to a point; thence:

N 20°06'10" E Along land now or formerly Haggerty & Drewicz and Carroll a distance of ninety-six and 57/100 (96.57) feet to a stone bound at land now of formerly Carroll; thence:

Along a curve to the left along land now or formerly Carroll with a radius of twenty-five and 00/100 (25.00) feet and a length of thirty-two and 94/100 (32.94) feet to a stone bound and the point of beginning.

Said Cheyenne Drive containing 31,082 square feet, more or less as shown on Plan Book 220 Plan 56.

or take any other action related thereto.

Board of Selectmen

ARTICLE 51. To see if the Town will vote to amend the Zoning By-Laws and Zoning Map of the Town of Wilmington to rezone from General Business (GB) to Residential 20 (R-20) a parcel of land bounded and described as follows; or take any other action related thereto.

The land with buildings thereon situated in Wilmington, Middlesex County, Massachusetts, being identified as Lot 2 on a Plan of Land in Wilmington, Mass.; Owned by John R. & Roberta J. Forest; Scale 1"=40'; Dated: Aug 10, 1993; Prepared by Robert E. Anderson Inc., Reg. Professional Engineer, Professional Land Surveyor, 178 Park Street, North Reading, Mass. Said plan is recorded with the Middlesex North Registry of Deeds at Plan Book 183 as Plan No. 96.

Being a portion of the land conveyed to from John R. Forrest and Roberta J. Forrest by deed of John R. Marshall and Delores L. Marshall dated December 30, 1986 and recorded with the Middlesex North Registry of Deeds at Book 3865, Page 306.

The property is also shown on the Town of Wilmington Assessor's Map 72 as Lot 1B.

The property address is 278 Lowell Street.

As Petitioned for by Derek Santini and others

ARTICLE 52. To see if the Town will vote to declare the "OFFICIAL MAP" of the Town of Wilmington dated January 1, 1973, prepared for the Planning Board by the Engineering Department and adopted by the Town of Wilmington under Article 17 of the Warrant for Special Town Meeting of June 25, 1973 and recorded at the Middlesex North Registry of Deeds on August 20, 1973 in Book of Plans M Plan 712, Invalid, abandoned and not in compliance with Massachusetts General Laws Chapter 41 Section 81E; or take any other action related thereto.

As Petitioned for by Mark Nelson and others

ARTICLE 53. To see if the Town will vote to sell 16 St. Paul Street as surplus land; or take any other action related thereto.

As Petitioned for by Edward Hill, Jr. and others

ARTICLE 54. To see if the Town will vote to amend the Zoning By-laws and associated Zoning Map of the Town of Wilmington as follows; or take any other action related thereto.

By rezoning from the present combination of Residential 10 (R10) and Residential 20 (R20) to Residential 10 (R10), the following described parcels of land:

Parcel 1

The land in Wilmington, Middlesex County, situated on Rhodes Street being Lots 489, 490, 491, 492, 493, 494, 495, 496 and 497 as shown on Plan of Lots at Silver Lake Gardens, Annex No. 1, belonging to J. W. Wilbur Co., Inc., said Plan being made by A.L. Elliot, Surveyor, dated December 2, 1918 and recorded with Middlesex North District Deeds in Book of Plans 35, Plan 82. Said lots measure each 30 feet in width by 100 feet in depth and each contain 3,000 square feet more or less.

Said Parcel being shown on Town of Wilmington Assessor's Map 54 as Parcel 60A.

For title reference, see deed recorded with Middlesex North District Registry of Deeds at Book 16520, Page 185.

Parcel 2

That certain parcel of land situated in Wilmington, in the County of Middlesex and Commonwealth of Massachusetts, bounded and described as follows:

Northwesterly by Rhodes Street, one hundred twenty (120) feet;

Northeasterly by lands now or formerly of Ernest Caporale et al and Cornelius McCabe et ux; two hundred (200) feet;

Southeasterly by Crescent (sic) Street, one hundred twenty (120) feet; and,

Southwesterly by lands now or formerly of Paul H. Elmstrom et al and Michael J. Bielecki et al, two hundred (200) feet.

All of said boundaries are determined by the Court to be located as shown on a plan drawn by Dana F. Perkins & Sons, Inc., Surveyors, dated May 22, 1967, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 16511, Land Court Case/Plan No. 35189A and being shown as Lots 1 and 2 thereon.

Said Parcel being shown on Town of Wilmington Assessor's Map 54 as Parcel 55.

For title references see Middlesex North District Registry of Deeds Land Court Department Certificate of Title Number 16511 and, pre-registration, deed at Book 1698, Page 577.

As Petitioned for by Scott C. Garrant and others

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 10 (R10) to Neighborhood Business (NB) the following described parcels of land:

That certain parcel of land situated in Wilmington in the County of Middlesex and Commonwealth of Massachusetts, bounded and described as follows:

Westerly: by the State Highway, two hundred thirty-seven and 3/100 (237.03) feet;

- Northwesterly: by the southeasterly line forming the junction of said State Highway and Glen Road, thirty-three and 45/100 (33.45) feet;
- Northeasterly: by the southwesterly line of Glen Road, three hundred nineteen and 32/100 (319.32) feet;
- Southeasterly: seventy-five (75) feet;
- Northeasterly: fifty (50) feet, by Lot A-1, and
- Southeasterly: by land now or formerly of Peter Neilson, one hundred fifty-four and 95/100 (154.95) feet;
- Southwesterly: by land now or formerly of Annie Marsheral, one hundred ninety-two and 99/100 (192.99).

All of said boundaries are determined by the Land Court to be located on subdivision plan 11903-B, drawn by S.C. Mitchell, C.E., dated Sept. 1, 1934, as approved by the court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 4659, and said land is shown as Lot A-2 on said plan.

Excepting and excluding from the above described land Lot 1 as shown on subdivision plan 11903-C, filed with Certificate of Title 8988, or a portion of said premises.

For title reference, see deed recorded as Document No. 199382, with Certificate of Title No. 0035735, recorded with the Middlesex Northern District Office of the Land Court in Book 181 Page 269.

The above described premises are sown as Parcel 137 on Wilmington Assessors Map 45.

As Petitioned for by Michael J. Newhouse and others

ARTICLE 56. 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; 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 Main 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.

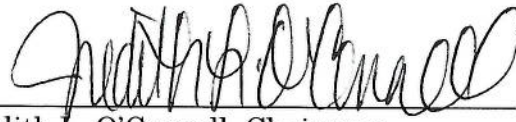
The premises are shown as a portion of Lot "B" on a plan entitled, "Plan of Land in Wilmington, Mass., owned by Willie B. McIntosh", dated January 5, 1945, Dana F. Perkins, Civil Engineer and Surveyor, duly recorded with Middlesex North District Registry of Deeds.

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

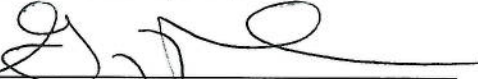
The above described premises are shown as Parcel 1 on Assessors Map 40.

As Petitioned for by Michael Welch and others

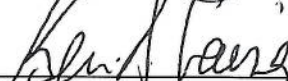
Hereof fail not and make due return of this Warrant, or a certified copy thereof with your doings thereon to the Town Clerk as soon as may be and before said meeting, GIVEN OUR HAND AND SEAL OF SAID TOWN THIS 13 day of March , A.D., Two Thousand Seventeen.



Judith L. O'Connell, Chairman



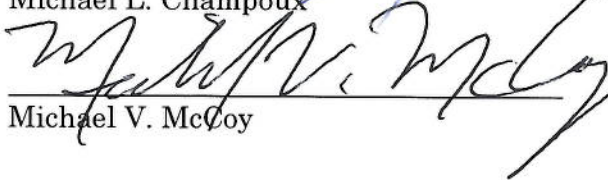
Gregory B. Bendel



Kevin A. Cairra



Michael L. Champoux



Michael V. McCoy