

WARRANT

Burlington Town Meeting



January 22, 2024
7:00 P.M.

Burlington, MA
Burlington High School
Fogelberg Auditorium

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Burlington Town Meeting
Monday
January 22, 2024

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**WARRANT
BURLINGTON TOWN MEETING
Monday, January 22, 2024**

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium in said Town, the 22nd of January 2024 at seven o'clock in the evening then and there to act on the following articles of the warrant.

GENERAL ARTICLES

ARTICLE # 1

RE: Reports of Town Officers & Committees

To hear and act on the reports of the Town Officers and Committees; or to act in any other manner in relation thereto.

Submitted by the Rules Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ZONING BYLAW ARTICLES

ARTICLE # 2

RE: Accessory Use Regulations Relating to RO: Article II Definitions and Article V Dimensional Requirements

To see if the Town will vote to amend Burlington Zoning Bylaws Article II: Definitions and Article V: Dimensional Requirements as follows:

1. **Article II: Definitions, by adding the following definitions:**

2.19

Setback

The minimum distance by which any structure must be separated from a lot line.

Setback, Front

A front setback extends across the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the nearest point of any structure, swimming pool, tennis court, or like nearest the front setback line.

Setback, Rear

A rear setback extends across the entire length of the rear property line between the side property lines and the depth is measured as the distance between the rear lot line and the nearest point of any structure, swimming pool, tennis court, or like nearest the rear setback.

Setback, Side

A side setback extends from the required front setback to the required rear setback and is measured from the side lot line to the nearest point of a structure, swimming pool, tennis court, or like nearest the side setback line.

Structure, Accessory

A detached structure, the use of which is subordinate to that of the main structure or to the main use of the land and which is located on the same lot as the main structure or use.

2. **Article II: Definitions, by editing existing definitions (~~strikethrough to be removed and underline and bold new~~)**

2.2

Building

A structure which is a combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built ~~to form a structure~~ for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building Height

The vertical distance measured from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges, for gable, hip and gambrel roofs. ~~This definition excludes penthouses, bulkheads and other allowable superstructures above the roof line.~~ **Provided that for new residential construction, the mean finished grade is determined to be existing at time of permit application. Not included are spires, cupolas, antennas or similar parts of structures that do not enclose potentially habitable floor space.**

2.19

Structure

Anything constructed or erected, ~~the use of which demands a permanent location in the soil, or attached to something having a permanent location in the soil.~~ **and installed in or on the land.**

3 **Article V: Dimensional Requirements by editing Section 5.1 as follows (strikethrough to be removed and underline and bold new):**

5.1.3 Limitation of Area of Accessory Uses **or Structures**

5.1.3.3 In RO districts, no accessory use or **structure** shall occupy part of the required front or side yards and not more than twenty (20) percent of the rear yard, other than required off-street parking.

5.1.3.4 In all districts except RO, no accessory use **or structure** shall occupy any part of the required minimum **yard setback** adjacent to RO and RG districts.

5.1.3.5 In RO districts, no accessory ~~building~~ **structure** shall be more than twenty (20) feet in height.

Article V

SECTION 5.2.0 DENSITY REGULATION SCHEDULE: No building or structure shall be constructed **located** nor shall any existing building or structure be enlarged or altered **without a building permit, and only** except in conformance with the Density Regulation Schedule, as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein. ⁴

	RO	RG	RC	BN	BL	BG	BT	IG	I	IR
Minimum Lot Area ⁹	20,000 sf	120,000 sf	100,000 sf	5,000 sf	10,000 sf	10,000 sf	10,000 sf	40,000 sf	120,000 sf	18 Acres
Minimum Lot Frontage	100 ft	100 ft	100 ft	50 ft	100 ft	100 ft	100 ft	150 ft	100 ft	400 ft
Minimum Front-Yard Setback	25 ft	50 ft	25 ft	10 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	25 ft ⁵	25 ft ⁵	100 ft
Minimum Side Yard Setback	15 ft	50 ft	25 ft	10 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	100 ft
Minimum Rear Yard Setback	15 ft	50 ft	25 ft	10 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	100 ft
Minimum Lot Width	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities ¹⁰	None	50 ft	50 ft	50 ft depth of	20 % depth of lot ⁶	20 % depth of lot ⁶	20 % depth of lot ⁶	20 % depth of lot ⁶	100 ft depth of lot	20 % depth of lot ⁶
Maximum Aggregate Building-to-Ground Area Percentage	None	25%	25%	33.33%	33.33%	33.33%	33.33%	25%	25%	25%
Maximum Building & Structure Height ¹¹	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft ⁸ 80 ft ⁸	30 ft ⁷ 90 ft ^{7,12}	30 ft ⁸ 80 ft ⁸
Minimum Feet Between Buildings	None			None	None	None	None	None	50 ft	None
Maximum Floor Area Ratio	None	None	None	None	None	None	None	.15 ^{2,3}	.15 ^{2,3}	None

See notes for Density Regulation Table immediately following.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
Zoning Bylaw Review Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 3

RE: General Regulations to Update Parking Requirements

To see if Town Meeting will vote to amend the Zoning Bylaw Article VII, General Regulations, by deleting, amending and renumbering (~~strikethrough~~ to be removed, **underlined and bold** is new) as follows.

ARTICLE VII: GENERAL REGULATIONS

SECTION 7.1.0. ACCESS THROUGH OTHER DISTRICTS

- 7.1.1.** No access to or egress from any other zoning district, except OS, through the RO district shall be permitted.
- 7.1.2.** No access or egress from the BN, BL, BG, BT, I, IR, IG, and PD districts shall be permitted in or through the RG or RC districts.

7.1.3. No access to or egress from residentially zoned land in a contiguous municipality shall be permitted, except over public ways, and private ways in use as public ways on January 31, 1977.

SECTION 7.2.0. PARKING REQUIREMENTS AND STANDARDS

7.2.1 Purpose

- a) To promote traffic safety by assuring the adequate storage of motor vehicles off the public street and for their orderly access and egress to and from the public street;
- b) To prevent the creation of surplus amounts of parking spaces which contribute to additional Single Occupancy Vehicle (SOV) trips, traffic congestion and traffic service level deterioration on roadways;
- c) To advance the efficiency of vehicular traffic on Burlington streets to reduce excessive delay and/or congestion;
- d) To consider and allow for safe and convenient routes for pedestrians and bicyclists;
- e) To permit emergency vehicles to reach homes and businesses with a minimum of delay and to reduce motor vehicle and pedestrian accidents on Town streets;
- f) To prevent, reduce, and mitigate the impacts of development on parking demands, transportation system, neighborhood livability, public safety and the environment through the use of Transportation Demand Management (TDM) measures;
- g) To promote shared parking as a means to reduce the need for an excess pavement in an effort to curtail the heat island effect.

7.2.2. Applicability

1. **General No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until parking has been provided in accordance with the requirements of this section.**
2. **Additions**
 - a) **A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.**
 - b) **When a building, use or site is increased in gross floor area or improved site area, parking is required for the additional floor or site area only.**
 - c) **When the gross floor area or improved site area is increased by more than 50% cumulatively, both the existing use and the additional floor or site area must conform to the parking requirements of this section.**
3. **Change in Use**

- a) A change in use must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.
- b) Where parking spaces required for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

7.2.3. Parking Space and Isle Dimensions

- 1. Standard Car Space. Parking spaces and aisles shall have the following dimensions unless otherwise allowed by the Town Engineer:

FIGURE 7.1. PARKING SPACE AND AISLE DIMENSIONAL STANDARDS				
Dimension	Parallel	45 Degrees	60 Degrees	90 Degrees
Stall Width (min)	8 feet	9 feet	9 feet	9 feet
Stall Length (min)	20 feet	18 feet	18 feet	18 feet
Drive Aisle, 1 Way (min)	12 feet	12 feet	14 feet	20 feet
Drive Aisle, 2 Way (min)	20 feet	n/a	n/a	24 feet
Vertical Clearance	7'6" (min)	7'6" (min)	7'6" (min)	7'6" (min)

- 2. Compact Car Space: Eight (8) feet by fifteen (15) feet.
- 3. Retail Use Car Space: Nine (9) feet by eighteen (18) feet or width to be determined by the Town Engineer.
- 4. Accessible Parking Space: Thirteen (13) feet by eighteen (18) feet and designed in accordance with the standards set forth in the Rules and Regulations of the Architectural Access Board.

7.2.4. Minimum and Maximum Parking Space Requirements

1. Parking Ratios

- a) Off-street parking spaces in the amounts specified in Figure 7.2 below shall be provided for all uses and buildings.
- b) No spaces required by this section of the by-law shall be assigned to specific persons or tenants, or rented or leased to anyone, except for those employees, customers and residents for whom the parking spaces were designed to serve except as outlined in Section 7.2.5.1.
- c) At the determination of the Zoning Enforcement Officer, any subsequent change in the use of the site will require compliance with the parking requirements of this section.

2. Multiple Uses on Site

Where the Gross Floor Area of a building or buildings is divided among various uses, the Planning Board shall apply such parking space requirements and ratios specified in Figure 7.2 which most appropriately apply to the character and proportion of uses within such building or buildings.

3. Parking Ratio Waiver

The Planning Board may approve a parking waiver which contains up to 10% lower or 10% greater than the parking space requirements and ratios in Figure 7.2, provided it makes the following findings and determinations:

- a) **The amount of parking provided is adequate for the type and nature of the use proposed.**
- b) **The applicant shall undertake appropriate provisions, to the satisfaction of the Planning Board, to ensure that the subject site would have adequate area for additional parking if greater parking demands arise from the current or future use of such site, and that such additional parking could be constructed in conformity with the Impervious Surfaces requirements in Section 8.3.8.4 of Article VIII of this bylaw, and any other requirements of this bylaw.**

FIGURE 7.2 – PARKING REQUIREMENTS			
Principal Use	Parking Space Minimum	Parking Space Maximum	Notes
A. RESIDENTIAL			
One-Family Dwelling	2 per unit	-	Exterior spaces may be within the lot setbacks
Two-Family Dwelling	2 per unit	-	May include indoor parking and be within the lot setbacks
Multi-Family Dwelling	1.5 per unit	1.5 per unit	
Housing for Older Persons – Attached	1 per unit	1.5 per unit	
Independent Living, Elderly Housing (public)	1 per unit	1.7 per unit	
Assisted Living, Congregate Living, Continuing Care Retirement Living	1 per every 4 units	1 per every 3 units	Plus one space for every two (2) employees during the largest shift
Dormitory	1 for every 3 beds	1 for every 3 beds	
B. EDUCATIONAL, INSTITUTIONAL, RECREATIONAL			
Day Care – Adult and Child, Preschool	3 per 1,000 sq. ft.	3 per 1,000 sq. ft.	

Elementary and Middle Schools	2 per classroom	2 per classroom	Plus, for the floor area within the building not occupied by classrooms, the parking space requirements for "Places of Assembly" and "Office" shall apply
High School	4 per classroom	4 per classroom	Plus, for the floor area within the building not occupied by classrooms, the parking space requirements for "Places of Assembly" and "Office" shall apply
College, University, Technical School	5 per classroom	5 per classroom	Plus, for the floor area within the building not occupied by classrooms, the parking space requirements for "Places of Assembly", "Office" and "Laboratory/Research" shall apply
Religious Institutions	1 for every 4 seats	1 for every 4 seats	
Libraries, Museums, and other non-recreational public facilities	1 for every 700 sq. ft.	1 for every 1000 sq. ft.	
Public Parks, Athletic Fields, Tennis, Aquatic, Other Public Institutional Uses	-	-	
Principal Use	Parking Space Minimum	Parking Space Maximum	Notes
Indoor Athletic and Exercise Facilities, Recreation Centers	4 per 1,000 sq. ft.	6 per 1,000 sq. ft.	
Outdoor Athletic Facilities	5 per 1,000 sq. ft.	6 per 1,000 sq. ft.	
C. COMMERCIAL			
Places of Assembly	1 per 4 seats	1 per 4 seats	
Motels, Hotels, Motor Hotels (No Function Space and/or Eating Establishments)	1 per sleeping room	1 per sleeping room	
Motels, Hotels, Motor Hotels (Including Function Space and/or Eating Establishments)	1 per sleeping room	1 per sleeping room	Plus floor area not occupied by sleeping rooms, the parking ratio for "Places of Assembly" and "Eating Establishments" shall apply
Medical/Dental/Veterinary – Out-Patient	5 per 1,000 sq. ft.	5 per 1,000 sq. ft.	
Hospital	2 per bed	4 per bed	
Office	2.5 per 1,000 sq. ft.	3 per 1,000 sq. ft.	
D. RETAIL			
General Retail/Shopping Center	4 per 1,000 sq. ft.	4.5 per 1,000 sq. ft.	

Hardware/Paint Store	3 per 1,000 sq. ft.	4 per 1,000 sq. ft.	
Supermarket	3.5 per 1,000 sq. ft.	4.5 per 1,000 sq. ft.	
Convenience Store	4 per 1,000 sq. ft.	4 per 1,000 sq. ft.	
Convenience Store w/ Fueling Station	4 per 1,000 sq. ft.	4 per 1,000 sq. ft.	
Automotive Sales and Service	5 per 1,000 sq. ft.	5 per 1,000 sq. ft.	
Personal Services	2 per 1,000 sq. ft.	3 per 1,000 sq. ft.	
Full Service Restaurant	1 per every 3 seats	1 per every 3 seats	
Fast-Order Food Establishment	1 per every 3 seats	1 per every 3 seats	
Principal Use	Parking Space Minimum	Parking Space Maximum	Notes
E. INDUSTRIAL			
General Industrial, Light Industrial, Manufacturing	2.5 per 1,000 sq. ft.	2.5 per 1,000 sq. ft.	
Laboratory/Research	1.25 per 1,000 sq. ft.	1.25 per 1,000 sq. ft.	
Storage/Warehouse	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.	
F. OTHER USES			
When a use is proposed to be developed or implemented, and is not described or specified in the parking space requirements and ratios listed above, the Planning Board shall determine the minimum and maximum parking space ratio and requirement based on the character of the use proposed.			

7.2.5. Parking Reduction Methods

- 1. The Planning Board may grant a special permit to reduce the parking space requirements specified on Figure 7.2 by more than ten percent (10%) where a development site includes a combination of uses with variation in peak parking demand times; shared parking lots on site; have shared parking agreements with proximate properties where uses have offset peak demand times; have a reasonable rate of parking turnover; or evidence of similar uses and location situations operating successfully with lower amounts of parking.**
- 2. In considering a shared parking reduction in a mixed use development where shared parking is proposed, the Planning Board may require that the applicant prepare an evaluation of shared parking potential. Applicants are encouraged to follow the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition), the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest**

addition), or other approved procedures as determined by the Planning Board.

3. On-Site Shared Parking

- i. Non-competing Uses: In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 75% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two (2) or more uses do not overlap. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.
- ii. Competing Uses: In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 15%.

4. Off-Site Parking

Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements. As part of the review process, the applicant shall provide the Planning Board with the necessary information to comply with the following standards:

- a) Off-site parking shall **be located** within a 500-foot **walking distance, measured from the nearest point of the off-site parking area along paved public or private walkways to the principal building entrance served.**
- b) Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands.
- c) The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to 100% of the minimum required on-site parking.
- d) **A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Burlington, guaranteeing long-term use of the parking area site provided to the Planning Board.** The Planning Board may condition their approval on the continued existence of the written and binding shared parking agreement, the failure of which may render the permit null and void and subject to enforcement by the Inspector of Buildings.
- e) On-street parking spaces that intersect or are completely contained within the frontage of the property may be counted toward the minimum parking requirements.
- f) Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.

5. Proximity to Public Parking Facility Where a development site is within reasonable

walking distance to a municipally-controlled parking facility which is publicly-available during hours of operation of uses on site, has sufficient capacity, is not allocated for residential uses, and is connected by public sidewalk.

- 6. Car-Sharing Program The Planning Board may approve a parking reduction where an active car-sharing program is made available to residents and/or employees on a development site; and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.**
- 7. Public Transportation Off-Set On a public street where a regular MBTA bus route is established and where a bus stop is located within 150 feet of the main entrance of a development site, the Planning Board may grant a parking reduction.**
- 8. Public Parking Reserve In lieu of providing the total on-site parking required, the Planning Board may accept a permanent easement on the property for the purpose of constructing public parking for all or a portion of the required on-site parking spaces. The reserve easement shall be subject to review and approval by the Planning Board.**

7.2.6. Special Permit to Increase the Required Parking Space Ratio

- 1.** The Planning Board may grant a special permit to increase the parking space requirements specified on Figure 7.2.4 by more than ten percent (10%) if the Planning Board determines that all of the following findings and conditions are met:
 - a)** The applicant, site operator, or owner has submitted data and evidence to the Planning Board, including but not limited to parking accumulation and utilization data that demonstrate the demand for additional parking spaces for such use or buildings, the latest edition of the Institute of Transportation Engineers (ITE) Parking Manual, **the Urban Land Institute (ULI) Shared Parking Manual**, or other comparable manual or document acceptable to the Planning Board.
 - b)** The applicant, site operator, or owner who obtains a special permit to increase the number of parking space shall agree to reduce the estimated trip generation rates related to the subject development or use in both the a.m. and p.m. peak hours by 20%, based upon the latest edition of ITE Trip Generation manual, or other comparable manual or document acceptable to the Planning Board. The method or methods by which such a reduction is accomplished is subject to the approval of the Planning Board. The Planning Board may determine compliance with this condition by monitoring traffic movements at the site after project completion and occupancy. The applicant, site operator, or owner shall fund this monitoring program in an amount agreed upon when the waiver is issued.

7.2.7. Special Surface Parking Types and Standards The following special parking types are intended to facilitate a smaller and more efficient parking footprint, multi-mobility, and context-based placement of parking.

1. Stacked and Valet Parking

The Planning Board may allow valet or stacked parking if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a valet parking

plan and a lease, recorded covenant, or other comparable legal instrument must be filed with the Town of Burlington ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply for stacked parking. Valet and stacked parking spaces do not require individual striping and may be permitted on-site or off-site as a means of satisfying the applicable off- street parking requirements where:

- a) **Adequate assurance of the continued operation of the valet car park is provided.**
 - b) **An equivalent number of valet spaces is available to replace the number of required off-street parking spaces.**
 - c) **The design of the valet parking area will not cause queuing in a vehicular travel lane.**
 - d) **The valet parking area is not located adjacent to the front entrance of the building and or business.**
 - e) **An attendant is provided to park vehicles during hours of operation.**
2. **Tandem Parking The Planning Board may allow tandem parking under the following conditions:**
- a) **To be used to meet parking requirements for residential units only.**
 - b) **Tandem spaces shall be assigned to the same dwelling unit.**
 - c) **Tandem parking shall not be used to provide guest parking.**
 - d) **Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.**
 - e) **Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.**

7.2.8. Structured Parking Development and Design Standards

The Planning Board shall authorize all parking structures or garages for more than three (3) vehicles pursuant to Article XI, Section 9.2 “Special Permit”.

- 1. Placement and Scale Structured parking may be constructed above ground and below ground, and attached or detached from the primary building and uses that it serves.**
- 2. Pedestrian access to structured parking must lead directly to a public or private sidewalk and to the primary building. Structured parking that is attached directly to the primary building shall provide pedestrian access directly into the building.**
- 3. General Development Standards**
 - a) **Any parking structure or garage which is authorized by Planning Board shall not be**

included in the Maximum Aggregate Building-to-Ground Area Percentage pursuant to Section 5.2.0 of Article V of the district within which it is built.

- b)** The use of Parking Structures in the BG District shall not be allowed unless ALL of the following criteria are met:
 - i. The parcel boundary within which a Parking Structure is located cannot be within two hundred (200) feet of a Residential District.
 - ii. The lot area must be a minimum of 150,000 sf
 - iii. The Parking Structure must be an accessory use to a restaurant with a Function Facility having a minimum occupancy of 400.
 - iv. Parking Structures shall not be allowed in the BG District unless the parcel within which the Parking Structure is located has an equivalent square footage of Green Space equal to 200% of the footprint of the Parking Structure, unless through a finding of the Planning Board pursuant to a “Site Plan” or “Special Permit” as described in Section 9.2.0 and 9.3.0 of Article IX, they determine an alternative public benefit; or to act in any other manner in relation thereto.

4. General Design Standards The street facing facade of any story of a building occupied by motor vehicle parking must be designed as follows:

- a) **Fenestration and facade openings must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).**
- b) **Windows must be back-lit during evening hours and internal light sources must be concealed from the view from public sidewalks.**
- c) **The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building’s facade.**

7.2.9. Bicycle Parking

To facilitate bicycle use, the following bicycle parking regulations shall apply:

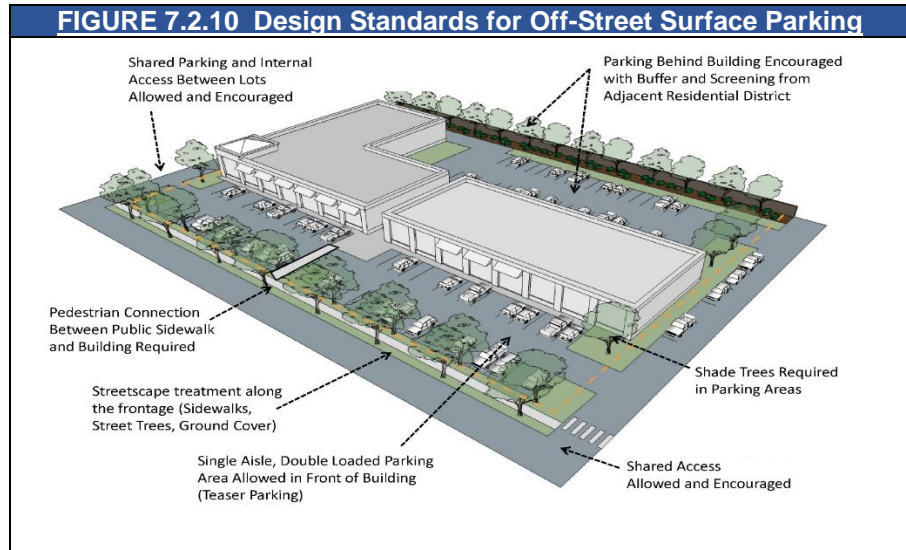
- 1. Multi-Family and Mixed-Use Developments. Developments with 5 or more multi-family units shall provide at least one indoor covered bicycle parking area with space for 5 bicycles for every 5 dwelling units unless an alternative standard is approved by the Planning Board.**
- 2. Non-Residential Uses Non-residential uses shall provide the following minimum bicycle parking spaces unless an alternative standard is approved by the Planning Board.**

FIGURE 7.3 - BICYCLE PARKING REQUIREMENTS	
<u>Size of Use</u>	<u>Required Spaces</u>
<u>5,000 to 10,000 square feet of gross floor area</u>	<u>4</u>

<u>10,001 to 30,000 square feet of gross floor area</u>	<u>10</u>
<u>30,001 square feet or more of gross floor area</u>	<u>14</u>

- 3. Placement Required bicycle parking spaces may be placed on private property or on a sidewalk along the curb, provided that at least 5 feet of sidewalk remains clear for pedestrian use. Required bicycle parking shall be publicly accessible and located within 100 feet of the building entrance.**

7.2.10. Design Standards for Off-Street Surface Parking Facilities



1. Access.

- a) **All off-street parking must have direct access to a public street from a driveway, maneuvering aisle, or permanent access easement.**
- b) **Where off-street parking facilities of 30 spaces or more are provided, a publicly accessible driveway must have a minimum width of eighteen (18) feet for vehicle access and 5-foot sidewalk connecting to the public street to the parking facility.**
- c) **Shared driveways are permitted and encouraged.**
- d) **Shared internal access between adjacent private parking lots is encouraged and shall be explored in accordance with Section 9.3.0 “Site Plan” of this Bylaw.**

2. Circulation.

- a) **Parking lots and structures must be designed so that vehicles enter or exit the lot or structure onto a public street in a forward direction rather than backing out into the roadway except for single family dwellings.**

7.2.11. Surfacing

1. **Impervious Materials.** **Where on-site facilities are provided for parking or any other vehicular use areas, they must be surfaced with asphalt bituminous, concrete, or other types of dustless material, and maintained in a smooth, well-graded condition. The site plan must also conform with the Impervious Surfaces requirements intended to protect the Town's water supply as outlined in Section 8.3.8.4 of Article VIII of this bylaw.**
2. **Pervious Materials.** **Pervious or semi-pervious parking area surfacing materials may be approved by the Planning Board in consultation with the Town Engineer. Permitted materials may include, but are not limited to grass, grasscrete, ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete and other impervious material.**
3. **Curbs and Drainage.**
 - a) **All surface parking areas must be graded and drained to collect, retain, and infiltrate surface water accumulation on-site to the greatest extent practicable.**
 - b) **Curbs or parking blocks are required at the edges of perimeter and interior landscaped areas. Curbing may have openings to allow drainage to enter and percolate through the landscaped areas taking into account size and soil conditions.**

SECTION 7.3.0 GENERAL LOADING REQUIREMENTS AND PURPOSE

Loading space dimensions and locations shall be approved by the Planning Board, and loading spaces shall be so placed as not to require maneuvering within a public way or way used by the public.

- 7.3.1 General. Adequate off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each nonresidential building or use which is erected, enlarged or altered after the effective date of this Bylaw.
- 7.3.2 Same Lot. All loading spaces or loading areas required by this Bylaw shall be on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this Bylaw.
- 7.3.3 No Queues or Backing onto Street. No loading facility shall be designed to require trucks to queue on a public way while awaiting off-loading. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.
- 7.3.4 Shared Loading. No part of an off-street loading area required by this Bylaw for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the Planning Board.
- 7.3.5 Screening. Loading areas shall be screened in accordance with Section 7.4.0 of this Bylaw.
- 7.3.6 Location. No loading dock or bay shall be located within a required buffer area to an adjoining

residential zoning district in accordance with Section 5.2.0 of this Bylaw. The Planning Board shall have final say on the siting of any loading dock;

SECTION 7.4.0 GENERAL LANDSCAPING REQUIREMENTS

7.4.1 Purpose. This section is designed to accomplish the following objectives:

1. Provide a suitable boundary or buffer between residential uses and nearby nonresidential uses;
2. Separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots;
3. Provide visual relief and a source of shade in parking lots and other areas, and protection from wind in open areas; and
4. Offer property owners protection against diminution of property values, if any, due to adjacent nonresidential use.

7.4.2 Applicability. The requirements of this section shall apply to any nonresidential use and to multifamily dwellings.

7.4.3 Coordination with Site Plan Approval. The Planning Board shall require a landscaping plan as part of an overall site plan for any premises subject to site plan review pursuant to Section 9.3.0 of this Bylaw. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.

7.4.4 Landscaping Requirements.

1. Screening. In accordance with an approved site plan, screening shall be provided, erected and maintained to shield RO and RG districts and municipal properties from adjoining business and industrial uses of land, and to shield RO districts from adjoining apartment uses. Screening shall be erected or planted before the premises are first occupied. Alternatively, the Planning Board may accept a financial guarantee in the amount of the cost of installing the screening and an agreement to complete the screening within a specified time and permit occupancy before the screening is installed.
2. Landscaping. In accordance with an approved site plan, landscaping shall be provided, erected and maintained on any part of any BN, BL, BG, BT, I, IR, IG, or RG lot which is not occupied by a structure or by required parking areas, service areas, and driveways; except that all or part of the required landscaping may be in its clean original wooded state. Landscaping features shall be erected or planted before the premises are first occupied. Alternatively, the Planning Board may accept a financial guarantee in the amount of the cost of installing the landscaping and an agreement to complete the landscaping within a specified time and permit occupancy before the landscaping is installed.
3. Residential Buffers. Property line(s) which also bound residential districts shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and

providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential use and multifamily dwellings. No part of any building or structure or any paved or unpaved surface intended for or used as a parking area may be located within the buffer area required by Section 5.2.0 of this Bylaw.

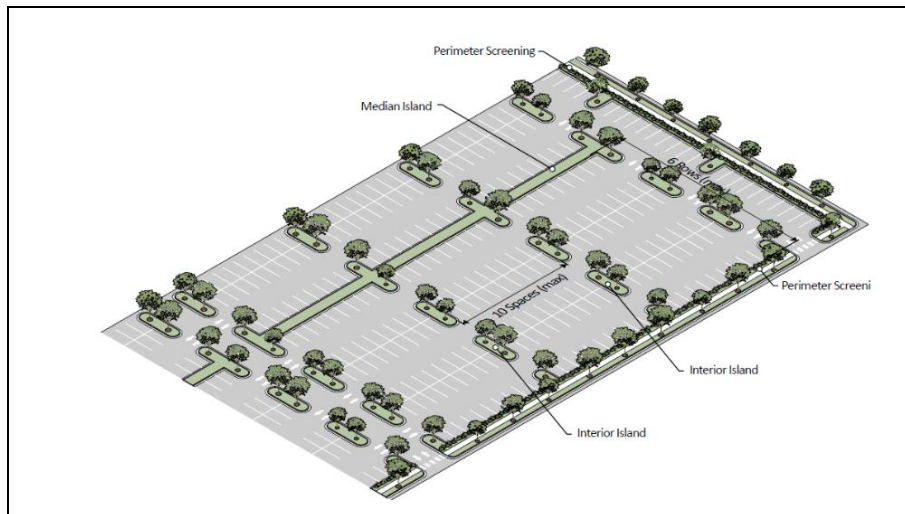
4. Accessory Receptacles. Dumpsters and similar accessory receptacles over one cubic yard capacity shall be enclosed and screened from all adjacent premises and streets from which such features would otherwise be visible in accordance with this Section.
5. Utilities. Any loading area or HVAC equipment or other electrical equipment placed on the ground level shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with this Section.
6. Plant Materials. Planted areas shall contain an appropriate mix of **native plant** species that are appropriate to the proposed use, site layout, soils, and other environmental conditions. Vegetation is preferable to mulch where practical.
7. Existing Trees. Existing trees with a diameter at breast height (DBH) of twelve inches (12") or more shall not be removed except by prior approval of the Planning Board, and if removed, shall be replaced with a minimum 3" caliper tree, unless waived by the Planning Board.

7.4.5 Coordination with Site Plan Approval. The Planning Board shall require a landscaping plan as part of an overall site plan for any premises subject to site plan review pursuant to Section 9.3.0 of this Bylaw. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.

7.4.6 Maintenance of Landscaped Areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section and shall have a continuing obligation to comply with the provisions set forth herein. All plant materials required by this Section shall be maintained in a healthful condition, or replaced as necessary, in perpetuity.

7.4.7 Parking Lot Landscaping

FIGURE 7.4.7 PARKING LOT LANDSCAPING



1. **Applicability.**

- a) **This Section applies to all on-site surface parking lots with more than 10 spaces created after the effective date of this bylaw. For purposes of this section, multiple parking lots contained on a single development site and any separate parking areas connected with drive aisles are considered a single parking lot.**
- b) **An existing parking lot may be renovated or repaired without providing additional landscaping, provided there is no increase in the size of the parking lot.**
- c) **When an existing parking lot is increased in size, landscaping is required for the additional parking area only.**
- d) **When an existing parking lot is increased in size by more than 50% cumulatively, landscaping is required for both the existing parking lot and the new parking area.**

2. **Perimeter Screening. All surface parking lots with frontage on any portion of a street right-of-way must be screened with the following:**

- a) **A minimum 10-foot wide, landscaped area with a continuous row of shrubs, grasses, and/or shade trees must be provided between the street and parking lot.**
- b) **Shrubs and grasses must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting.**
- c) **A 36-inch wall in a minimum 5-foot planting strip may be substituted for the continuous row of shrubs.**
- d) **Plants must be salt tolerant.**
- e) **Breaks for pedestrian and vehicle access are allowed.**

3. **Interior Islands.**

- a) **A landscaped interior island must be provided for every 10 parking spaces. Interior**

islands must be distributed evenly throughout the parking area. Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees.

- b) **An interior island abutting a double row of parking spaces must be a minimum of 8.5 feet in width and 300 square feet in area.**
- c) **An interior island abutting a single row of parking spaces must be a minimum of 8.5 feet in width and 150 square feet in area.**
- d) **Interior islands may be installed below the level of the parking lot surface with curb breaks to allow for runoff capture.**

4. **Median Islands.**

- a) **A landscape median island must be provided between every 6 single parking rows.**
- b) **A landscape median island must be a minimum of 5 feet wide.**
- c) **A median island may also serve as the location for a sidewalk. In such case, the sidewalk must be a minimum of 6 feet wide, and the remaining planting area must be no less than 5 feet wide.**
- d) **Median islands may be consolidated, or intervals may be expanded in order to preserve existing trees.**
- e) **Median islands may be installed below the level of the parking lot surface with curb breaks to allow for runoff capture.**

5. **Tree Coverage.**

- a) **Each interior island must include at least one salt tolerant shade tree per 150 square feet.**
- b) **In no case can there be less than one shade tree for every 2,000 square feet of parking area including driving aisles.**

6. **Maintenance and Installation. All required parking lot landscaping shall be properly installed and maintained in perpetuity.**

SECTION 7.5.0 GENERAL PERFORMANCE REGULATIONS

7.5.1 Corner Clearance

To provide a clear view across a corner for a driver of a vehicle, no structure or planting shall be allowed between a plane two (2) feet above street level and a plane seven (7) feet above street level within that part of a corner lot which is within a triangle bounded by the street lot lines and a straight line drawn between points on each such lot line twenty-five (25) feet from the intersection of said lot lines or extension thereof

7.5.2 Streets, Driveways, Parking and Service Areas

In all districts except "RO" One Family Dwelling Districts, all streets, driveways, parking areas, service areas, ramps, loading docks and exterior storage areas shall be paved or surfaced with impervious materials. In areas where contamination or other environmental factors do not preclude infiltration, porous pavement, porous concrete, and/or permeable pavers may be used in streets, driveways and parking areas. All systems shall be designed and constructed so that water falling on such areas will be directed into an approved system of pipes, or drainage structures, or Low Impact Development (LID) features.

or to act in any other manner in relation thereto.

Submitted by the Planning Board

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 4

RE: Fitness Facilities

To see if the Town will vote to amend the Burlington Zoning Bylaws, Article II, Section 2.0 “Definitions” by revising and adding the following definitions in Section 2.6 as follows (underline and bold is new; ~~cross-out~~ is removed):

SECTION 2.6

Fitness Center

An indoor establishment, providing space or facilities for physical exercise, fitness and health, occupying ~~not~~ more than 5,000 square feet but not more than 20,000 square feet.

Fitness Studio

An indoor establishment providing space or facilities for physical exercise, fitness and health occupying not more than 5,000 square feet.

And further to see if the Town will vote to amend Article IV “Use Regulations” Section 4.2.2.28 Principal Use Regulation Schedule by adding new Sections 4.2.2.28.1 and 4.2.2.28.2, as follows (underline and bold is new; ~~cross-out~~ is removed):

4.2.2 INSTITUTIONAL AND RECREATIONAL USES

		RO	RG	RC	BN	BL	BG	BT	IG	I	IR	OS	A	WR	CC	CBD
4.2.2.28.1	Fitness Centers	NO	NO	NO	<u>NO</u>	<u>NO</u>	<u>SP</u>	<u>NO</u>	NO	NO	<u>NO</u>	NO	YES	YES	<u>NO</u>	<u>NO</u>
4.2.2.28.2	<u>Fitness Studios</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>

or to act in any other manner in relation thereto.

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 5 RE: Section 8.1.0 100-Year Floodplain District

To see if the Town will vote to amend the Zoning Bylaws Article XIV, Section 8.1 by replacing the section in its entirety. Or take any action relative thereto.

SECTION 8.1.0 100-YEAR FLOODPLAIN DISTRICT

8.1.1 Purpose

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury
- 2) Eliminate new hazards to emergency response officials
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- 5) Eliminate costs associated with the response and cleanup of flooding conditions
- 6) Reduce damage to public and private property resulting from flooding waters
- 7). Preserve the natural flood control characteristics and the flood storage capacity of the floodplain.

The floodplain management requirements found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws or regulations.

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

8.1.2 District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Burlington designated as Zone A and AE on the Middlesex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are

incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

8.1.3 Definitions

BASE FLOOD ELEVATION defined in Article II

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR defined in Article II

MANUFACTURED HOME defined in Article II

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New

construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

RESIDENTIAL defined in Article II

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL IMPROVEMENTS defined in Article II

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

8.1.4 Permitted Land Uses

The Floodplain District is established as an overlay district to all other districts. The Town of Burlington requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

1. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
2. DEP Inland Wetlands Restrictions (currently 310 CMR 13.00);
3. DEP Minimum Requirements for Subsurface Disposal of Sanitary Sewage (currently 310 CMR 15, Title 5).

8.1.5 Requirements for Development within the Floodway

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

Within the floodway portion of the Floodplain District, as delineated on the **FIRM** the following requirements apply:

1. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard

engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such certification shall be to the satisfaction of the Planning Board where site plan approval or a special permit is required and shall be to the satisfaction of the Inspector of Buildings where such approvals are not required.

2. Any encroachment permitted within the floodway in accordance with Section 8.1.5.1 shall comply with the floodplain requirements of the Massachusetts State Building Code.

8.1.6 Requirements for Development within the Flood Plain District

1. For all development, and for proposed subdivisions, the related utilities and utility facilities, such as sewer, water, gas and electrical systems, shall be located and constructed to minimize or eliminate flood damage.
2. The design standards for utilities are as follows:
 - a. New or replacement water supply systems shall be designed to minimize, or eliminate infiltration of flood waters into the systems.
 - b. New or replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
3. Adequate drainage is provided.
4. In A and AE Zones all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

8.1.7 Determination of Compliance with Requirements

For development that requires site plan approval or a special permit, the Planning Board shall have the responsibility to determine whether the proposed building or buildings and related site work conform to the requirements of the Floodplain District. For development for which site plan approval or a special permit is not required, the Inspector of Buildings shall have the responsibility to make this determination.

8.1.8 Submission Requirements

All applications for permission to undertake development within the Floodplain District must be accompanied by sufficient information to permit determination regarding the compliance of the proposed development with the provisions of the Floodplain District. Such information includes, but is not limited to:

1. A plot plan showing the property boundaries, the location of existing buildings and site improvements, the location of new construction or improvements to existing buildings and the boundaries of the floodway and the 100-Year Flood Plain District within the property.

2. Base flood elevation for the property. Data from the FIRM maps must be used, if they provide data for the subject property.
 - a. Base Flood Elevation Data – Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A Zones.
 - b. Floodway Data – When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
3. Elevation of the lowest floor in the building.
4. Elevation of the lowest habitable floor, if different from the lowest floor.

8.1.9 Exemption from Flood Plain District Requirements

Development may be exempted from the requirements of Floodplain District when the property owner, lessee, or other party of interest submits documentation that the Federal Government has reevaluated its designation of the property upon which the development would be located from that indicated in the ?, 2024 FIRM Maps and concluded that the property is not subject to flooding during a 100-year flood. For development which requires the approval of the Planning Board, including but not limited to site plan approval or a special permit, the documentation must be found to be satisfactory by the Planning Board before an exemption may be granted.

For development for which Planning Board approval is not required, the documentation must be found to be satisfactory by the Inspector of Buildings before an exemption may be granted. Such documentation may include, but is not limited to, a "Letter of Map Amendment."

8.1.10 Variances to building code floodplain standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

8.1.11 Variances to Zoning Bylaw related to community compliance with the National Flood Insurance Program (NFIP)

A variance from this floodplain bylaw must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

8.1.10 Designation of community Floodplain Administrator

The Town of Burlington hereby designates the Inspector of Buildings to be the official floodplain administrator for the Town

8.1.11 Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

8.1.12 Notification of Watercourse Alteration

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- 1) Select Board or Mayor, Planning Board and Conservation Commission of adjacent communities;
- 2) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th Floor
Boston, MA 02114-2104
- 3) NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of the Planning Board

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 6 Use Table Modernization - SEE ADDENDUM A

ARTICLE # 7 RE: Amend the Town of Burlington Zoning Bylaw, Article IV, Section 4.2.0 Principal Use Regulation Schedule by adding a new Section 4.2.5.11, as follows:

4.2.5	AUTOMOBILE SALES AND SERVICE USES	RO	RG	RC	BN	BL	BG	BT	IG	I	IR	OS	A	WR	CC	CBD
4.2.5.11	Automobile Dealership (including redevelopment and/or expansion of existing facilities only) which may include integrated structured parking (notwithstanding any structured parking limitations or restrictions elsewhere in the Zoning By-laws), provided said Automobile Dealership use is in existence and is engaged in the sale of new motor vehicles as of the date of the adoption of this subsection (4.2.5.11). Any redevelopment or expansion may extend onto abutting BG zoned lots, provided however that the building footprint for said Automobile Dealership may not exceed a total of 20,000 square feet in size (inclusive of any accessory Building). Said lots comprising the existing and proposed dealership uses shall be deemed one lot for density regulation and parking purposes (consistent with Section 5.2.0, Note 9.)	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	YES	NO	NO

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
Herb Chambers 93 Cambridge Street, LLC

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

FINANCIAL ARTICLES

ARTICLE # 8

RE: Replenish Reserve Fund

To see if the Town will vote to transfer from Free Cash to the budget line item 87 - Reserve Fund, the sum of \$100,000, or to act in any other manner in relation thereto.

Amount: \$100,000

Submitted by the Select Board the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 9

**RE: Transfer from Free Cash to Water
Stabilization Fund**

To see if the Town will vote to transfer from Free Cash the sum of \$1,424,514 to the Water Stabilization Fund, or to act in any other manner in relation thereto.

Amount: \$1,424,514

Submitted by the Select Board at the request of
the Town Administrator.

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 10

RE: Opioid Settlement Fund

To see if the Town will transfer the sum of \$134,189 from Free Cash to the Opioid Settlement Fund, to be spent in accordance with the Massachusetts State-Subdivision for Statewide opioid settlement funds; funds to be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery or to take any other action relative thereto.

Amount: \$134,189

Submitted by the Select Board at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 11

RE: Transportation Infrastructure Fund

To see if the Town will transfer the sum of \$24,800 from Receipts Reserved for Appropriation-Commonwealth Transportation Infrastructure Fund to the Local Transportation Account to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation or to act in any other manner in relation thereto.

Amount: \$24,800

Submitted by the Select Board at the request of the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 12

RE: Recreation Cargo Van

To see if the Town will vote to transfer from Free Cash, or otherwise provide the sum of \$50,000 for the purpose of purchasing a van for the recreation department ; or to act in any other manner in relation thereto.

Amount: \$50,000

Submitted by the Select Board at the request of the Recreation Commission

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

GENERAL ARTICLES

ARTICLE # 13

RE: Firefighter Waiver of Maximum Age Restriction – Ryan Decoste

To see if the town will vote to authorize the Select Board to submit a proposed Special Act to the General Court of the Commonwealth as follows:

AN ACT DIRECTING THE TOWN OF BURLINGTON FIRE DEPARTMENT TO WAIVE THE MAXIMUM AGE REQUIREMENT FOR FIREFIGHTER FOR RYAN DECOSTE.

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

Section 1. Notwithstanding any general or special law to the contrary, including the provisions of Section 58A of Chapter 31 of the General Laws, the Town of Burlington Fire Department shall waive the maximum age requirement for original appointment of firefighters for Ryan DeCoste. If Ryan DeCoste meets all other requirements set forth by the Burlington Fire Department, he shall be eligible to have his name certified for original appointment to the position of firefighter.

Section 2. The provisions of this act shall take effect immediately upon passage.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
Fire Department

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 14

RE: 119 South Bedford Street

To see if the Town will authorize the Select Board to sell, convey and otherwise transfer, the property and structure(s) thereon, located at 119 South Bedford Street for the purpose of providing affordable housing and to determine in their judgement, the best method to effectuate same and to authorize the Board to enter into any and all agreements needed to complete said sale including but not limited to an affordable housing deed restriction, and further that any funds received for the sale of said property be transferred into the affordable housing trust fund; or take any action related thereto.

Submitted by the Select Board at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 15

RE: Request that the ZBA reject Winn View Heights II & the Commonwealth of Massachusetts take notice of Town Meeting’s majority opposition to the project

To see if the Town will vote to request that the Zoning Board of Appeals reject the Winn View Heights II proposal at its first meeting and to request that the Commonwealth of Massachusetts and the Housing Appeals Committee (HAC) take notice that the representative Town Meeting has voted with a majority opposing the project.

This vote is in line with the wishes of the Planning Board, Conservation Commission, and Land Use Committee, who have expressed grave concerns with the Winn View Heights II proposal, the Planning Board formally requesting that the Select Board not provide their support and Conservation requesting a long list of conditions.

The Winn View Heights II proposal requests over 30 waivers from the Zoning Board of Appeals, including those that relate to health and safety and community provisions that are the standard part of approving housing in Burlington. Further, Burlington has greater than 10% of its housing units classified as affordable housing, and therefore is a “Safe Harbor” community, the Zoning Board of Appeals is within its right to reject the Winn View Heights II housing project, as delineated in MGL Chapter 40B.

Submitted by the Select Board at the request of Sarah Cawley

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

GENERAL BYLAW ARTICLES

ARTICLE # 16

RE: Home Rule Petition to Amend Chapter 686 of the Acts of 1970, as Amended – An Act to Amend Section 9 – Town Meeting Vacancy

To see if the Town will vote to authorize the Select Board to file a Home Rule Petition with the Great and General Court amending Chapter 686 of the Acts of 1970, as amended by replacing Section 9 in its entirety as follows:

SECTION 9. (a) The office of a Town Meeting Member shall become vacant upon their death, resignation or removal from office in any manner authorized by law. (b) A vacancy in the town meeting membership shall be filled for the remainder of the unexpired term, if any, at the next regular town election if resignation or removal from office in any manner authorized by law. (c) A vacancy in the town meeting membership shall be filled for the remainder of the unexpired term, if any, at the next regular town election. When a vacancy in the Town Meeting membership shall occur and no Town election is to be held within sixty (60) days, the Moderator shall direct the Town Clerk to post notice of any such vacancy and a request for candidates. Said notice shall be published by the Town Clerk not less than fourteen (14) days prior to the next scheduled Town Meeting:

- (i) In a newspaper;
- (ii) on the bulletin board outside the Town Clerk's office; and
- (iii) on the Town's website.

All candidate information received by the Clerk shall be forwarded to the remaining members prior to the vote; said vote to take place at the next scheduled Town Meeting. The vacancy shall be filled by a majority vote of the remaining precinct members in attendance at the next scheduled Town Meeting.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
General Bylaw Review Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 17

RE: Amend Burlington General Bylaws Article II – Representative Town Meeting – Section 2.1 Town Meeting Member Vacancy

To see if the Town will vote to amend Article II – Representative Town Meeting – Section 2.1 by replacing Section 2.1 in its entirety as follows:

Article II Representative Town Meeting

Section 2.1

When a vacancy in the Town Meeting membership shall occur and no Town election is to be held within sixty (60) days, the Moderator shall direct the Town Clerk to post notice of any such vacancy and a request for candidates. Said notice shall be published by the Town Clerk not less than fourteen (14) days prior to the next scheduled Town Meeting:

- (i) In a newspaper, as defined in Article I, Section 3.22;
- (ii) on the bulletin board outside the Town Clerk’s office; and
- (iii) on the Town’s website.

All candidate information received by the Clerk shall be forwarded to the remaining members prior to the vote; said vote to take place at the next scheduled Town Meeting. The vacancy shall be filled by a majority vote of the remaining precinct members in attendance at the next scheduled Town Meeting.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
General Bylaw Review Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE # 18

RE: Create Ad Hoc Committee – Recommend an Electronic Voting System for Town Meeting

To see if the Town will vote to authorize the Select Board to establish an ad hoc Electronic Voting System Advisory Committee pursuant to Article III, Section 7.0 of the General Bylaws of the Town.

The purpose of the Electronic Voting System Advisor Committee (EVSAC) is to evaluate and recommend an Electronic Voting System (EVS) to be used for Town Meetings.

1.0 The Select Board shall appoint a seven (7) - member ad hoc EVSAC. One member to represent the Select Board, one member from the Finance Committee, one member to represent the Town Clerks Office, one member to represent the IT Department, and two members representing the Town Meeting Membership. The Town Moderator would be a non-voting member of the committee.

2.0 The purpose of the EVSAC is to evaluate and recommend an EVS to be used for Town Meetings.

- 3.0 The committee would prepare a report and recommendation to the Town Meeting Members at the May 2024 Annual Town Meeting. At which time an article to authorize the purchase of the EVS and would be acted on by the Town Meeting Members.
- 4.0 The Town Clerk, with assistance from the two members representing the Town Meeting Membership, would prepare information for the Town Meeting Members Handbook and new Town Meeting Members training “Boot Camp”.
- 5.0 The Rules Committee shall be required to establish the necessary rules to be used and implemented with the use of the EVS at Town Meetings.
- 6.0 Once the report, recommendation and funding for the purchase of the EVS has been acted upon by the Town Meeting Members, the EVSAC will be disbanded one (1) year after the first Town Meeting of use of the EVS.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
General Bylaw Review Committee

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

THE COMMONWEALTH OF MASSACHUSETTS

To either of the Constables of the Town of Burlington in the County of Middlesex Greeting. You are hereby directed to serve this warrant by posting up attested copies thereof at the billboard at the Town Hall, in said Town, at least fourteen days before the Town Meeting of January 22, 2024 at Burlington High School, Fogelberg Auditorium.

HEREOF FAIL NOT, to make due return of the warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 11th day of December in the year of our Lord 2023.

Michael S. Runyan, Chairman

Joseph E. Morandi, Vice-Chairman

Nicholas C. Priest, Board Member

James M. Tigges, Board Member

Michael W. Espejo, Board Member

SELECT BOARD OF BURLINGTON, MASSACHUSETTS

A true copy attest: _____ Constable _____

Dated _____

Middlesex ss

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Burlington by posting up an attested copy of the same at the designated location at Burlington Town Hall, and Burlington High School and Town of Burlington website page <http://www.burlington.org/>, at least fourteen days before Town Meeting date of Monday, January 22, 2024.

s/s _____
Constable of Burlington

A copy of the warrant was mailed to each Town Meeting Member, the Town Moderator and the Town Clerk on Friday, the 5th day of January, 2024.

Attest: Amy E. Warfield, Town Clerk



Mead, Talerman & Costa, LLC
Attorneys at Law

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Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

December 19, 2023

William Beyer, Town Moderator
Select Board
Town of Burlington
29 Center Street
Burlington MA 01803

RE: Town Meeting Warrant

Dear Mr. Moderator and Members of the Select Board;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant for the January 22, 2024 Town Meeting and have found it legal as to form. I will note the following:

- **Articles 2-7** are proposed amendments to the Town's Zoning Bylaws and therefore in accordance with G.L. c. 40A sec. 5 a 2/3 vote is required.
- **Article 10** is the creation of a special revenue account to receive and expend Opioid Settlement funds. Chapter 77 of the Acts of 2023 section 9 allow communities to place these settlement funds in special revenue accounts to be spent on those purposes for which the money was received. This requires a simple majority vote.
- **Article 14** is the sale of real property and requires a 2/3 vote in accordance with G.L. c. 40 sec. 15.

Should you have any questions, please let me know. Otherwise, I will update this letter upon review of the final motions.

Regards,

A handwritten signature in blue ink, appearing to read 'Lisa L. Mead', written in a cursive style.

Lisa L. Mead
Town Counsel

cc: Town Clerk

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone/Fax 508.376.8400

New Bedford Office

227 Union Street, Suite 606
New Bedford, MA 02740