

WARRANT

Burlington Town Meeting



**May 13, 2024
7:00 P.M.**

Burlington, MA
Burlington High School
Fogelberg Auditorium



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April 12, 2024

Bill Beyer, Town Moderator
Selectboard
Town of Burlington
29 Center Street
Burlington MA 01803

RE: Town Meeting Warrant

Dear Mr. Moderator and Members of the Selectboard;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant for the May 13, 2024 Town Meeting and have found it legal as to form. I will note the following:

- Article 11 includes a transfer from a stabilization account and therefore a 2/3 vote is required pursuant to G.L. c. 40 §5B.
- Article 15 because this is an action to modify a prior borrowing purpose, this article it will require a 2/3 vote pursuant to G.L. c. 44 §8.
- Article 20 to the extent in the event the article is funded with borrowing, it will require a 2/3 vote pursuant to G.L. c. 44 §8.
- Article 25 to the extent in the event the article is funded with borrowing, it will require a 2/3 vote pursuant to G.L. c. 44 §8.
- Article 27 to the extent in the event the article is funded with borrowing, it will require a 2/3 vote pursuant to G.L. c. 44 §8.
- Article 31 involves the adoption of the MBTA Zoning bylaw amendment and in accordance with the new exceptions to a typical zoning article quantum of vote under G.L. c. 40A §5, this article requires a simple majority vote.
- Article 32, 33, 34 and 35 are all zoning changes that pursuant to G.L. c. 40A §5 require a 2/3 vote to adopt.

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

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 black ink, appearing to be 'Lisa L. Mead', written over the word 'Regards,'.

Lisa L. Mead
Town Counsel

cc: Town Clerk

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Burlington Town Meeting
Monday
May 13, 2024

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WARRANT

**BURLINGTON TOWN MEETING
Monday, May 13, 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 within locations at the Burlington High School, Fogelberg Auditorium, in said Town, the 13th of May 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 ()

FINANCIAL ARTICLES

ARTICLE #2

RE: Transfer of Funds FY2024/Various Accounts

To see if the Town will vote to transfer from available funds a sum of money for the purpose of paying for expenses incurred in FY2024 to various accounts same to be expended under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

Amount: \$TBD

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

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

ARTICLE #3

RE: Fund FY2025 Operating Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, \$TBD, sufficient to cover the requests of the various departments for FY2025; or to act in any other manner in relation thereto.

Amount: \$TBD

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

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

ARTICLE #4

RE: Transfer from Free Cash to Stabilization Fund

To see if the Town will vote to transfer a sum of money from Free Cash to place in the Town's Stabilization Account, or to act in any other manner in relation thereto.

Amount: \$TBD

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

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

ARTICLE #5

RE: Transfer from Free Cash to OPEB Trust Fund

To see if the Town will vote to transfer a sum of money from Free Cash to place in the Town’s OPEB (Other Post-Employment Benefits) Trust Fund; or to act in any other manner in relation thereto.

Amount: \$TBD

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

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

ARTICLE #6

RE: Authorize Revolving Accounts

To see if the Town will vote to authorize revolving funds for certain Town departments under the Town of Burlington General Bylaws Section 6.6 and M.G.L. Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2024, as follows:

Revolving Fund Name	Department or Board Authorized to Spend	Expenditure Limit
Cross Connection – Backflow Prevention	Public Works	\$100,000
Local Transportation Program	Public Works	\$100,000
Grand View Farm	Select Board	\$90,000
Nursing Programs & Services	Board of Health	\$40,000
Plan Imaging & Property File Documents	Building Department	\$25,000
Sale of Recyclable Materials, Trash Bags & Toters	Select Board	\$120,000
Sealer of Weights and Measures	Select Board	\$30,000
Ice Palace Improvement & Maintenance	Select Board	\$36,000
Meadowbrook School Maintenance and Improvements	Select Board	\$105,000

or to act in any other manner in relation thereto.

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

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

ARTICLE #7

RE: Fund FY2025 Capital Budget

To see if the Town will vote to transfer from Free Cash the sum of \$5,377,459 or borrow, raise or appropriate any other amount for the items contained within the following proposed FY2025 Capital Budget, same to be expended under the appropriate authorities as indicated:

<u>NO.</u>	<u>DEPT</u>	<u>PROJECT NAME/DESCRIPTION</u>	<u>SPENDING AUTHORITY</u>	<u>REQUEST AMOUNT</u>
<u>FROM FREE CASH (7-01:7-30):</u>				
7-01	FIRE/POLICE	Phase 3 Communications Infrastructure	Select Board	\$955,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-02	FIRE	Rescue ATV	Select Board	\$65,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-03	FIRE	Command Car	Select Board	\$78,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-04	DPW	Winn Street and Mountain Road Traffic Light	Select Board	\$400,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-05	DPW	Terrace Hall Station VFD Replacement	Select Board	\$40,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-06	DPW	Water Meter Replacement Program Design	Select Board	\$50,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-07	DPW	Drainage Repair/Stream Cleaning	Select Board	\$200,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-08	DPW	Vehicle Replacement	Select Board	\$662,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-09	RECREATION	Leaf Vacuum Tow Behind	Rec. Comm.	\$20,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-10	RECREATION	Skid Steer	Rec. Comm.	\$68,000
	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-11	RECREATION	Zero Turn Mower	Rec. Comm.	\$16,500

	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-12	RECREATION PASSED ()	Ballfield Groomer DEFEATED ()	Rec. Comm. POSTPONED INDEFINITELY ()	\$40,000 OTHER ()
7-13	RECREATION PASSED ()	Playground Renovations (Wildmere) DEFEATED ()	Rec. Comm. POSTPONED INDEFINITELY ()	\$190,000 OTHER ()
7-14	SCHOOL PASSED ()	Pine Glen Air Conditioning Phase 2 DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$322,416 OTHER ()
7-15	SCHOOL PASSED ()	BHS HVAC Repairs DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$261,800 OTHER ()
7-16	SCHOOL PASSED ()	BHS Refurbish Boilers DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$150,579 OTHER ()
7-17	SCHOOL PASSED ()	District Wide Security Updates DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$82,390 OTHER ()
7-18	SCHOOL PASSED ()	FW Generator DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$95,068 OTHER ()
7-19	SCHOOL PASSED ()	MSMS Critical Building Systems Upgrades DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$113,203 OTHER ()
7-20	SCHOOL PASSED ()	BHS Fiber Connection DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$43,599 OTHER ()
7-21	SCHOOL PASSED ()	BHS Electric Forklift DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$50,160 OTHER ()
7-22	SCHOOL PASSED ()	District Wide Maintenance Vehicle DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$65,890 OTHER ()
7-23	SCHOOL PASSED ()	MSMS Bathrooms DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$358,574 OTHER ()
7-24	SCHOOL PASSED ()	MSMS Locker Rooms DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$288,840 OTHER ()
7-25	SCHOOL	FH Cafeteria Tables	School Comm.	\$55,473

	PASSED ()	DEFEATED ()	POSTPONED INDEFINITELY ()	OTHER ()
7-26	SCHOOL PASSED ()	PG Fencing DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$25,025 OTHER ()
7-27	SCHOOL PASSED ()	MSMS Furniture DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$132,515 OTHER ()
7-28	SCHOOL PASSED ()	District Wide Curriculum Review DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$245,350 OTHER ()
7-29	SCHOOL PASSED ()	BHS Music Room Flooring DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$192,500 OTHER ()
7-30	SCHOOL PASSED ()	BHS Carpet Replacement DEFEATED ()	School Comm. POSTPONED INDEFINITELY ()	\$109,577 OTHER ()

or to act in any other manner in relation thereto.

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

ARTICLE #8

RE: Acceptance of Chapter 90

To see if the Town will vote to accept any and all grants relative to the Chapter 90 allocation from the Commonwealth of Massachusetts for the purpose of funding roadway improvements, same to be spent under the direction of the Town Administrator, or act in any other manner in relation thereto.

Amount: \$1,058,711.92

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

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

ARTICLE #9

RE: MWRA I/I Debt Service

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$107,975 for the purpose of paying the FY2025 debt service on the Town’s four 0% MWRA I/I loans; or to act in any other manner in relation thereto.

Amount: \$107,975

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

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

ARTICLE #10

RE: Sewer Enterprise Fund

To see if the Town will vote to authorize the sum of \$6,453,000 to operate the FY2025 Sewer Services Enterprise, including sewer assessment, maintenance, and debt services, of which \$6,353,000 will come from the FY2025 Sewer Services Enterprise estimated revenue account, and \$100,000 will come from Sewer Services Enterprise Fund retained earnings account; or to act in any other manner in relation thereto.

Amount: \$6,453,000

Submitted by the Select Board at the request of the
Department of Public Works

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

ARTICLE #11

RE: Transfer from Water Stabilization Fund

To see if the Town will vote to transfer from the Water Stabilization Fund the sum of \$1,567,700 or any other sum, to cover the operating expenses, MWRA entrance fee, debt service and miscellaneous expenses related to the connection to the Massachusetts Water Resources Authority (MWRA) system; or to act in any other manner in relation thereto.

Amount: \$1,567,700

Submitted by the Select Board at the request of the
Department of Public Works

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

ARTICLE #12

RE: Fire Engine

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,200,000, or any other sum, for the purpose of purchasing and fitting out a fire engine, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$1,200,000

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

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

ARTICLE #13

RE: Road, Parking Lots, and Sidewalk Paving

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$3,500,000, or any other sum, for the purpose of funding paving for roads, parking lots, and sidewalks; same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$3,500,000

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

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

ARTICLE #14

RE: Grandview Ave Sewer Pump Station

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,500,000 or any other sum, for the purpose of rehabilitation and repairing at the Grandview Ave Sewer Pumping Station, same to be spent under the direction of the Town Administrator; or to act in any other manner in relation thereto.

Amount: \$2,500,000

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

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

ARTICLE #15

RE: Phase 2B of the MWRA Water Connection

To see if the Town will vote to amend the vote adopted under Article 8 of the Warrant at the January 2021 Town Meeting, so as to permit the funds appropriated and authorized to be borrowed thereunder to pay costs of Phase 2A of MWRA Water Connection Project, so-called, which are no longer needed to pay costs of completing that project, to also be applied to pay costs of Phase 2B of such project, or to act in any other manner in relation thereto.

Amount: \$4,600,000

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

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

ARTICLE #16

RE: Mill Pond PFAS Resin Replacement

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,200,000 or any other sum, for the purpose of replacing the filtration media used in the Mill Pond PFAS treatment, same to be spent under the direction of the Town Administrator; or to act in any other manner in relation thereto.

Amount: \$1,200,000

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

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

ARTICLE #17

RE: Cable Access Enterprise Fund

To see if the Town will vote to transfer the sum of \$575,000 to operate the FY2025 Cable Access Enterprise of which \$575,000 will come from the FY2025 Cable Access Enterprise Fund Estimated Revenue Account; or to act in any other manner in relation thereto.

Amount: \$575,000

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

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

ARTICLE #18

RE: Transfer from Receipts Reserved Account for Ambulance Services

To see if the Town will vote to transfer from the Receipts Reserved Account for Ambulance Services the sum of \$360,000, or any other sum, to cover the costs associated with operating ambulance services at the advanced life support paramedic level; or to act in any other manner in relation thereto.

Amount: \$360,000

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

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

ARTICLE #19

RE: Fund the Administrative and Professional Compensation Plan

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for FY2025, and transfer from the FY2025 Negotiated Settlement Account a sum of money for the purpose of funding the plan, same to be expended under the appropriate authorities; or to act in any other manner in relation thereto.

Amount: \$TBD

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

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

ARTICLE #20

RE: Police Station Construction Project

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money to be expended under the direction of the Select Board for the purpose of paying costs of project design, project management, site preparation including demolition, construction, equipping and furnishing a new Police Station located at 45 Center Street, including the payment of all incidental and related costs and authorize the Town Treasurer, with the approval of the Select Board, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, or take any other action relative thereto.

Amount: \$46,225.000

Submitted by the Select Board at the request of the Police Station Building Committee

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

ARTICLE #21

RE: Will of Marshall Simonds

To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds in an amount \$77,644.31, for the improvement of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

Amount: \$77,644.31

Submitted by the Select Board at the request of
Recreation Commission

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

ARTICLE #22

RE: Fourth of July Parade

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$20,000 to pay for expenses associated with the annual Fourth of July parade, and to do or act in any other manner in relation thereto.

Amount: \$20,000

Submitted by Select Board at the request of the
Town Administrator

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

ARTICLE #23

RE: Consulting Services for Town Center Signage

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$40,000, or any other sum for the purpose of funding consulting services to finalize the Town Center Signage District Documents, to be spent under the control of the Town Administration, or to act in any other manner in relation thereto.

Amount: \$40,000

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

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

ARTICLE #24

RE: School Community Custodial Services

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$51,611 or any other sum, to be expended under the direction of the Burlington School Committee for the purpose of Community Custodial Fees to fund events which are not school events in order to cover Burlington Scout Organizations, PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Pop Warner, Hockey, Soccer and Skating Associations and other not for profit Burlington Civic Organizations and to act in any manner in relation thereto.

Amount: \$51,611

Submitted by Select Board at the request of the School Committee

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

ARTICLE #25

RE: Marshall Simonds Middle School Field Renovation

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$6,720,000, or any other sum, for the purpose of repairing, replacing and renovating the athletic fields at the Marshall Simonds Middle School; same to be spent under the direction of the School Department, or to act in any other manner in relation thereto.

Amount: \$6,720,000

Submitted by the Select Board at the request of the School Committee

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

ARTICLE #26

RE: School Transportation – Approval of Contract Term

To see if the Town will vote pursuant to G.L. c. 30B §12, to approve the School Committee to enter into a Five (5) year contract for school bus transportation, or to act in any other manner in relation thereto.

Amount: N/A

Submitted by Select Board at the request of the School Committee

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

ARTICLE #27

RE: Recreation Land Water Conservation

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,300,000 in accordance with G.L. c 44, Section 8C, for the purpose of renovating Overlook Park (“Park”), as shown on the Town of Burlington Assessor’s Map 43 Parcel 22 including 7.599 acres more or less, to be expended under the appropriate authorities; and to change the care custody and control from the Select Board to the Burlington Recreation Commission which shall manage the Park and which said Park shall be dedicated for Parkland Purposes pursuant to G.L. c 45, Section 3 and further the Recreation Commission be authorized to file on behalf of the Town of Burlington any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any others in any way connected with the scope of this Article, and further the Select Board and the Recreation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Burlington to effectuate the purpose of this article and to expend funds authorized under this article, or take any other action relative thereto.

Amount: \$2,300,000

Submitted by Select Board at the request of
The Recreation Commission

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

ARTICLE #28

RE: Recreation Athletic Field Improvements

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$200,000, or any other sum, for the purpose of repairing and renovating athletic fields and outdoor facilities; same to be spent under the direction of the Recreation Department, or to act in any other manner in relation thereto.

Amount: \$200,000

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

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

ARTICLE #29

RE: Shawsheen Stabilization Fund

To determine whether the Town of Burlington will vote to approve the Shawsheen Valley Regional Vocational/Technical School District Committee's vote on December 19, 2023 to establish a Stabilization Fund, pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
Shawsheen Valley Technical High School
Committee

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

GENERAL ARTICLES CONTINUED

ARTICLE #30

RE: Town Clerk - Change to Appointed Position

To see if the Town will vote to have its elected Town Clerk become an appointed Town Clerk for the Town of Burlington; and if such vote passes, to instruct the Select Board to place on the ballot for the Annual Town Election being held on Saturday, April, 2025, a ballot question to see if the residents of the Town of Burlington will vote to have its elected Town Clerk become an appointed Town Clerk; or to take any other action in relation thereto.

Submitted by the Select Board

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

ZONING ARTICLES

ARTICLE #31

RE: MBTA Communities Zoning Bylaw and Overlay District

To see if the Town will vote to amend the Zoning Bylaw of the Town of Burlington and the Zoning Map as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Zoning Bylaw (~~strike through~~ to be removed, **underlined and bold** is new):

- 1) Add in Article II “Definitions” in the appropriate alphabetical order as follows:

As of Right

Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, or other discretionary zoning approval.

Compliance Guidelines.

Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time. Applicable to the MBTA Communities Multi-family Overlay District (MCMOD) in Section 8.6.0.

MBTA

Massachusetts Bay Transportation Authority.

Residential Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Section 3A

Section 3A of the Zoning Act. Applicable to the MBTA Communities Multi-family Overlay District (MCMOD) in Section 8.6.0.

- 2) Add in Article III, Section 1 “Districts”:

Overlay Districts

The following special districts are hereby established and are set forth in Article 8.0:

FP	100 Year Flood Plain Districts
WR	Water Resources Districts
W	Wetlands Districts
A	Aquifer Districts
WC	Wireless Communications Districts

CC Civic Center District
CBD Central Business District
MCMOD **MBTA Communities Multi-Family Overlay District**

3) Add in Article IV “Use Regulations” Section 4.1.1 “Symbols in Use Regulations”:

4.1.1 Symbols in Use Regulation Schedules

Yes Permitted as of right

No Prohibited

SP Permitted only by a special permit, as provided by Article IX, Sections 9.2.0 through 9.2.7.

YES₁ – Permitted by right in a **MCMOD**, CC or CBD overlay district, even if prohibited or allowed only by SP in the underlying zoning district.

SP₁ – Permitted only by a special permit in a CC or CBD overlay district, even if prohibited in the underlying zoning district.

4) Add in Article IV “Use Regulations” Section 4.2.1 “Residence Uses”:

4.2.0 PRINCIPAL USE REGULATION SCHEDULE																	
USE DESIGNATION		DISTRICT											OVERLAY DISTRICTS*				
4.2.1	RESIDENCE USES	RO	RG	RC	BN	BL	BG	BT	IG	I	IR	OS	A	WR	CC	CBD	<u>MCMOD</u>
4.2.1.2	Garden Apartment dwelling units (see 11.3.0)	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	<u>YES₁</u>
4.2.1.17	Multi-Family Dwelling	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	<u>YES₁</u>

***OVERLAY DISTRICTS LEGEND**

Aquifer (A) and Water Resource (WR) Districts: See Article VIII, Section 8.3.3 Interpretation and Application

MBTA Communities Multi-Family Overlay (MCMOD) District: See Article VIII, Section 8.6.3

Civic Center (CC) & Central Business District (CBD) Districts

YES = Allowed use in the CC and/or CBD only if the underlying zoning permits.

YES₁ and SP₁ = Allowed use by right or special permit in the CC, **MCMOD**, and/or CBD districts superseding any underlying zoning.

SP = Allowed use in the CC and/or CBD by Special Permit only if the underlying zoning permits.

NO = Is not allowed in the CC or CBD regardless of underlying zoning provisions

- 5) Add a column entitled “MCMOD” in Article V “Dimensional Requirements” Section 5.2 “Density Regulation Schedule” as follows (~~struck through~~ to be removed, **underlined and bold** is new):

SECTION 5.2.0 DENSITY REGULATION SCHEDULE: No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered 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	
<u>MCMOD</u>											
Minimum Lot Area ⁹	20,000 sf	120,000 sf	100,000sf	5,000 sf	10,000 sf	10,000 sf	10,000 sf	40,000 sf	120,000 sf	18 Ac.	<u>None</u>
Minimum Lot Frontage	100 ft	100 ft	100 ft	50 ft	100 ft	100 ft	100 ft	150 ft	100 ft	400 ft	<u>None</u>
Minimum Front Yard	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	<u>25 ft</u>
Minimum Side Yard	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	<u>15 ft</u>
Minimum Rear Yard	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	<u>15 ft</u>
Minimum Lot Width	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<u>None</u>
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities ¹⁰		None	50 ft	50 ft depth of lot ⁶	20% depth of lot ⁶	20% depth of lot ⁶	20% depth of lot ⁶	20% depth of lot ⁶	20%	100 ft depth of lot ⁶	20% <u>None</u>
Maximum Aggregate Building-to-Ground Area Percentage		None	25%	25%	33 1/3%	33 1/3%	33 1/3%	33 1/3%	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	30 ft ⁷	30 ft ⁸	<u>35 ft¹³</u>

							80 ft ⁸	90 ft ^{7,12}	80 ft ⁸	
Minimum Feet Between Buildings	None	50 ft	20 ft	None	None	None	None	None	50 ft	None
	<u>None</u>									
Maximum Floor Area Ratio (FAR)	None	None	None	None	None	None	None	.15 ^{2,3}	.15 ^{2,3}	None
	<u>None</u>									

NOTES FOR DENSITY REGULATION TABLE

13 Reference Section 8.6.0 for additional criteria applicable to the MCMOD District.

- 6) Add in Article VIII “Overlay Districts” a new Section entitled Section 8.6.0 “MBTA Communities Multi-Family Overlay District”:

SECTION 8.6.0 MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT

8.6.1 Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow Multi-Family Dwellings as of right in accordance with G.L. c. 40A sec. 3A. This zoning consists of two subdistricts, Subdistrict A and Subdistrict B, which provide for as of right multi-family dwellings to accomplish the following purposes:

The purpose of Subdistrict A is to:

1. Encourage the as of right production of Multi-Family Dwellings within residential neighborhoods;
2. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;

The purpose of Subdistrict B is to:

1. Encourage the as-of-right production of Multi-Family Dwellings in commercial areas;
2. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
3. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services.
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
5. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
6. Increase the municipal tax base through private investment in new residential developments in established neighborhoods and commercial areas.

8.6.2 Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 61.4 acres in size, consisting of Subdistricts A and Subdistrict B, that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

1. Applicability of MCMOD.

An applicant may develop Multi-Family Dwellings located within a MCMOD in accordance with the provisions of this Section 8.6.0.

2. Overlay District.

The MCMOD is an overlay district superimposed on the underlying zoning district(s) and any overlay district(s). The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district shall remain in full force, except for uses allowed as of right in the MCMOD. Uses that are not identified in Section 8.6.0 are governed by the requirements of the underlying zoning district(s).

Subdistrict A of the MCMOD shall consist of the following parcels of land:

26 Beacon Street, Parcel 37-52-0	1 Dover Drive, Parcel 37C-4-0
2 Dover Drive, Parcel 37C-5-0	3 Dover Drive, Parcel 37C-3-0
4 Dover Drive, Parcel 37C-6-0	5 Dover Drive, Parcel 37C-2-0
6 Dover Drive, Parcel 37C-7-0	7 Dover Drive, Parcel 37C-1-0
8 Dover Drive, Parcel 37C-8-0	10 Dover Drive, Parcel 37C-9-0
12 Dover Drive, Parcel 37C-10-0	14 Dover Drive, Parcel 37C-11-0
16 Dover Drive, Parcel 37C-12-0	1 Georgia Drive, Parcel 37C-22-0
2 Georgia Drive, Parcel 37C-21-0	3 Georgia Drive, Parcel 37C-23-0
4 Georgia Drive, Parcel 37C-20-0	5 Georgia Drive, Parcel 37C-24-0
6 Georgia Drive, Parcel 37C-19-0	7 Georgia Drive, Parcel 37C-25-0
8 Georgia Drive, Parcel 37C-18-0	9 Georgia Drive, Parcel 37C-26-0
10 Georgia Drive, Parcel 37C-17-0	12 Georgia Drive, Parcel 37C-16-0
14 Georgia Drive, Parcel 37C-15-0	16 Georgia Drive, Parcel 37C-14-0
18 Georgia Drive, Parcel 37C-13-0	1 Little Brook Court, Parcel 42-99-0
103 Westgate Drive, Parcel 37-56-0	105 Westgate Drive, Parcel 37-55-0

Subdistrict B of the MCMOD shall consist of the following parcels of land:

20 Second Ave, Parcel 45-23-0	32 Second Ave, Parcel 45-27-0
20 Fourth Ave, Parcel 39-11-0	0 Middlesex Turnpike, Parcel 39-11-1
111 Middlesex Turnpike, Parcel 45-32-0	121 Middlesex Turnpike, Parcel 45-33-0
129 Middlesex Turnpike, Parcel 45-34-0	131 Middlesex Turnpike, Parcel 45-34-1
0 Middlesex Turnpike, Parcel 45-35-0	141 Middlesex Turnpike, Parcel 45-36-0

8.6.3 Definitions

For the purpose of the MCMOD only the following definitions shall apply.

Family

Any number of persons living together as a single economic unit and using a single cooking facility.

Multi-Family Dwellings

A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building

8.6.4 Permitted Land Uses

The MCMOD District is established as an overlay district.

1. Uses Permitted as of Right.

The following uses are permitted as of right within Subdistrict A of the MCMOD:

- a. Multi-Family Dwellings up to 20 dwelling units per acre.

The following uses are permitted as of right within Subdistrict B of the MCMOD:

- a. Multi-Family Dwellings up to 20 dwelling units per acre.
- b. Mixed-use development with up to 15% of the development including commercial uses as follows:

Ground Floor

Community space.

Educational uses.

Personal services.

Retail.

Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.

Restaurant, café, and other eating establishments without a drive-through.

Office, professional office, and co-working space

Artists' studios, maker space, and small-scale food production no more than 5,000 SF, and retail associated with each use.

Any Floor

Residential (required component).

2. Permitted by Special Permit.

The following uses are permitted with a Special Permit from the Planning Board in Subdistrict B of the MCMOD:

- a. Mixed-use development with over 15% of the development designated for commercial uses as listed in Section 8.6.4.1.b
 - i. Density Bonus: Mixed-use developments in Subdistrict B with over 15% of the development designated for commercial uses are eligible for a residential density bonus, which allows for:
 1. Up to 30 dwelling units per acre
 2. Max building height of 45 feet

3. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in subsection 1.

- a. Parking, including surface and structured parking such as an above ground or underground parking garage on the same lot as the principal use.

8.6.5 Dimensional Standards

Dimensional Standards for the MCMOD district are as listed in the Dimensional Table in Section 5.2.0 “Density Regulation Schedule”.

1. Multi-Building Lots. In the MCMOD, lots may have more than one principal building.
2. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
3. Exceptions: Renewable Energy Installations. The Planning Board may waive the height and setbacks in Section 8.6.6.1 for the installation of renewable energy facilities.

8.6.6 Off Street Parking

These parking requirements are applicable to development in the MCMOD.

1. Number of parking spaces. The following maximum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

<u>Use</u>	<u>Required Spaces</u>
Multi-family	1.5 spaces per dwelling unit
Non-residential uses	See Section 7.2.0 “General Parking Requirements”

2. Number of bicycle parking spaces. The following minimum numbers of covered bicycle storage spaces shall be provided by use:

<u>Use</u>	<u>Required Spaces</u>
Multi-family	1 bicycle parking space per dwelling unit
Non-residential uses	1 bicycle parking space for every 10 parking spaces

3. Bicycle storage. For a multi-family development of 25 units or more, or a mixed-use development of 25,000 square feet or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s).
4. Shared Parking within a Mixed-Use Development. Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
5. EV charging stations. For all uses within the MCMOD, electric charging stations are required with one EV space required for every twenty (20) parking spaces, rounded up to the next highest number of EV stations.

8.6.7 General Development Standards

1. Development standards in the MCMOD are applicable to all multi-family development (including mixed use buildings) within the MCMOD. These standards are components of the Site Plan Review process in Section 8.6.9. Site Plan Review.
2. Site Design.
 - a. Connections. Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. Vehicular access. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

- c. Open Space.
- d. Screening for Parking. Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- e. Parking Materials. The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- f. Plantings. Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- g. Lighting. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- h. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- i. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- j. Stormwater management. Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Burlington MS4 Permit for projects that disturb more than one acre and discharge to the Burlington municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. Buildings: General.

- a. Position relative to principal street. The primary building shall have its principal façade and entrance facing the principal street.
- b. Entries. Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

4. Buildings: Multiple buildings on a lot.

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. Buildings: Mixed-use development.

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

6. Buildings: Shared Outdoor Space. Multi-Family Dwellings and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

7. Buildings: Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.

- b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
- 8. Buildings: Infill Lots. If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section 8.6.6 Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
- 9. Buildings: Principal Façade and Parking. Parking shall be subordinate in design and location to the principal building façade.
 - a. Surface parking. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. Integrated garages. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. Parking structures. Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
- 10. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Planning Board may waive the requirements of this Section 8.6.8. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

8.6.8 Site Plan Review

- 1. Applicability. Site Plan Review is required for all projects within the MCMOD. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of Section 8.6.
- 2. Submission Requirements. As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must submit the following documents to the Town:
 - a. Application and fee for Site Plan Review.

- b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties.
- c. Elevations of the building(s) showing the architectural design of the building.
- d. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the Permitting Authority.
- e. Narrative of compliance with the General Development Standards of Section 8.6.7.

All submission materials must comply with the Burlington Planning Board Site Plan Rules and Regulations which are available at the Planning Department office or on the town's website.

- 3. Timeline. Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously within 90 days of submission. The Planning Board may, when appropriate, seek the input of other municipal boards or officials.
- 4. Site Plan Approval. Site Plan approval for uses listed in Section 8.6.5.1 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - a. The Applicant has submitted the required fees and information as set forth in Burlington's requirements for a Building Permit and Site Plan Review; and
 - b. The project as described in the application meets the development standards set forth in Section 8.6.7. General Development Standards.
- 5. Project Phasing. An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase.

8.6.9 Severability

If any provision of this Section 8.6 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.6 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 8.6 shall not affect the validity of the remainder of the Burlington's Zoning.

- 7) Amend the Town of Burlington Zoning Map to add the following areas shown on maps on file with the Town Clerk to the MBTA Communities Multifamily Overlay District (MCMOD)
 - a. Beacon Village Apartments located at 26 Beacon Street said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 37 Parcel 52-0.
 - b. Beacon Woods Condominiums located at Georgia Drive and Dover Drive. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 37C Parcels 1-0 through 26-0.
 - c. Westgate Apartments located at 103 and 105 Westgate Drive. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 37C Parcels 56-0 and 55-0
 - d. Heritage at Stoneridge Apartments located at 1 Little Brook Court. Said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 42 Parcel 99-0. The portion of the property deeded as age restricted is not included in the MCMOD.
 - e. The Tremont and Huntington Apartments located at 20 Second Ave. and 32 Second Ave. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 45 Parcels 23-0 and 27-0.
 - f. Lifetime Living Apartments located at 20 Fourth Ave and an unimproved adjacent parcel known as 0 Middlesex Turnpike. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 39 Parcels 11-0 and 11-1.
 - g. The following properties located between Middlesex Turnpike and Great Meadow Road. These properties consist of 111 Middlesex Turnpike, 121 Middlesex Turnpike, 131 Middlesex Turnpike, 0 Middlesex Turnpike, and 141 Middlesex Turnpike. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 45 Parcels 32-0, 33-0, 34-0, 34-1, 35-0, 36-0.

And to amend the Town of Burlington Zoning Map as shown on the Proposed Amended Map on file with the Town Clerk and dated February 13, 2024.

Or to act in any other manner in relation thereto.

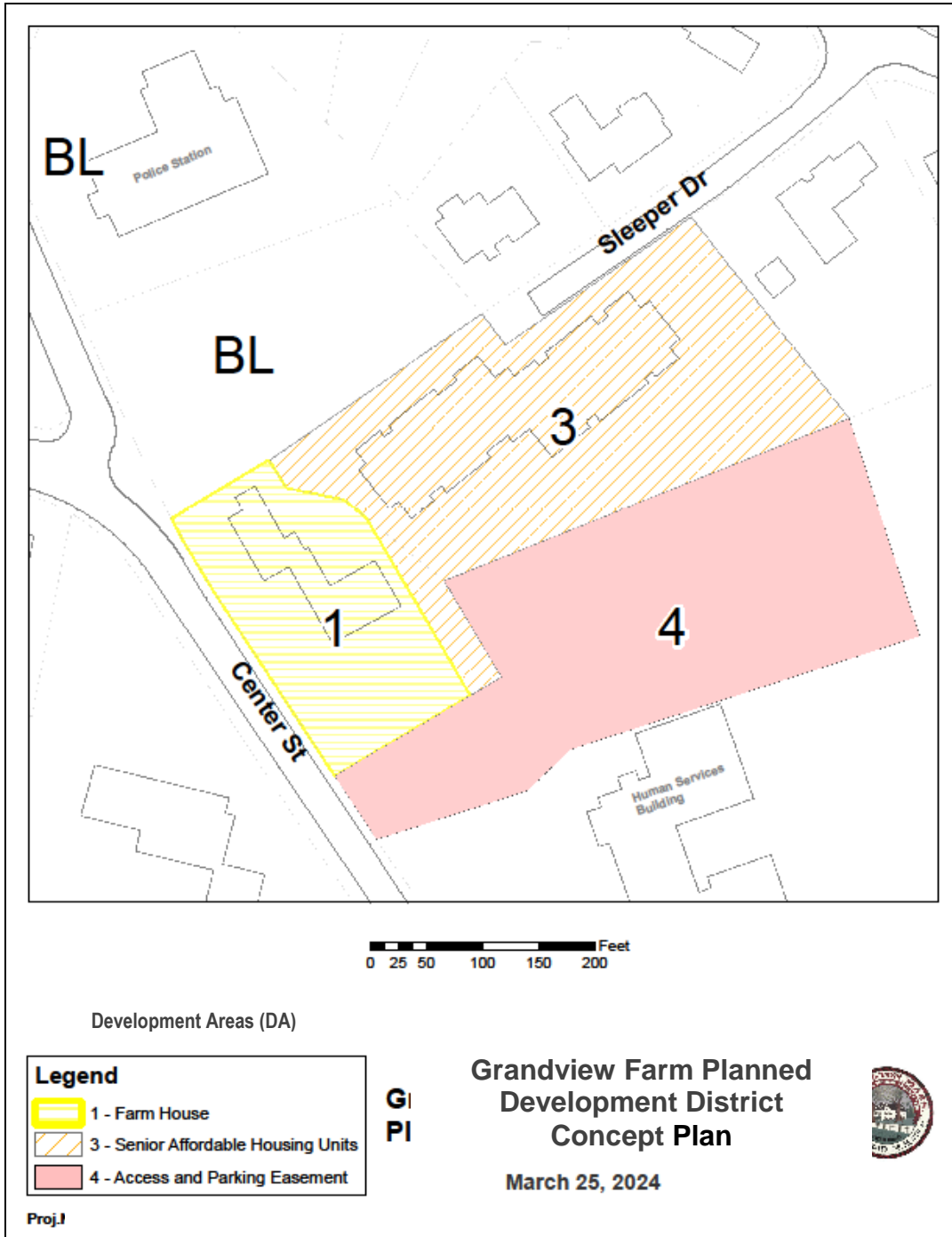
Submitted by the Board of Selectmen at the request of the Planning Board

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

ARTICLE #32

RE: Amend the Grandview Farm Planned Development District

To see if the Town will vote to amend the Planned Development District known as Grandview Farm as set forth in the Zoning Plan as shown below:



And further to amend the Grandview Farm Planned Development District Zoning Regulations as follows (**underline and bold** new, ~~strike through~~ removed):

Section I:

The following Zoning Regulations, which shall be known as the "Grandview Farm PDD Zoning Regulations," shall govern the use and development of land and buildings within the Grandview Farm Planned Development District ("PDD") and shall be applied by the Planning Board in granting a Special Permit for the Grandview Farm PDD under Article XII, Section 12.1.5 of the Town of Burlington Zoning Bylaw, as amended through ~~January, 2001~~ **May 13, 2024**.

Amend Section II.

Land and buildings within the Grandview Farm PDD shall be developed and used generally as shown on the Grandview Farm Concept Plan entitled: Grandview Farm Planned Development District, dated: **March 25, 2024** ~~April 2, 2001~~, prepared by: Town of Burlington Planning Department. Each of the **three** ~~four~~ numbered Development Areas identified on said Concept Plan shall be additionally subject to the use, density and other development regulations specified for each Development Area in Sections III through VIII below.

And further amend the following sections as noted below:

A. III Use Regulations:

Delete paragraph B. Development Area 2 ("DA2").

B. Table I, Grandview Farm PDD Schedule of Uses:

Delete column three "Development Area 2"

C. Table II Grandview Farm Planned Development District Density Regulations Schedule.

Delete DA2 Table.

D. V. Sign Regulations.

Delete the third paragraph as follows: "No signs shall be permitted within Development Area 2."

E. VI. Parking Regulations.

Delete the last sentence of the second paragraph as follows: "Parking is prohibited in DA2."

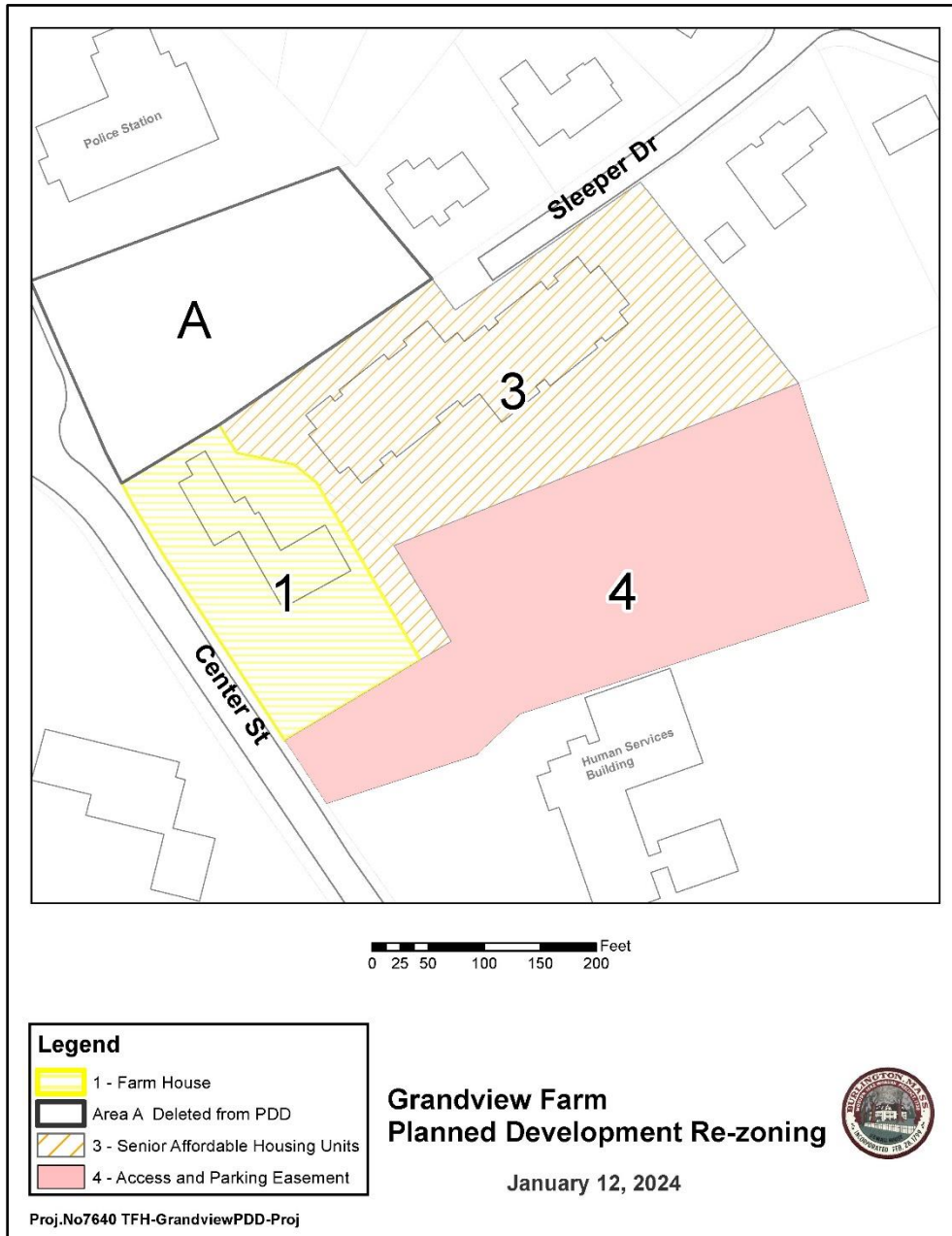
; or to take any other action relative thereto.

Submitted by the Select Board

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

ARTICLE #33 RE: Amend Zoning Map

To see if the Town will vote to rezone that portion of Assessor’s Map 30 Lot 17 and which includes 91,735 square feet +/- and as shown as Lot A on the plan below by Engineering Department dated January 12, 2024 from Grandview Farm Planned Development District to the Limited Business (“BL”) zoning district, and amend the Official Zoning Map to reflect said change



; or to act in any other manner in relation thereto.

Submitted by the Select Board

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

ARTICLE # 34

RE: Parking and Landscaping Modernization

To see if Town Meeting will vote to amend the Zoning Bylaw Article VII, General Regulations, by deleting, amending and renumbering (~~striketrough~~ 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 use is increased in gross floor area or “Improved Site Area”, parking compliance with this section is required for the additional floor or site area only.
- c) When the gross floor area and Improved Site Area, either in combination or individually is increased by more than 50%, both the existing use and the additional floor or site area must conform to the parking requirements of this section.

For the purposes of this section “Improved Site Area” shall mean that portion of the property which has been improved by construction, excavation, landscaping or parking under an existing or prior use but shall not include that portion of the property which remains unpaved and/or unimproved.

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 requirement than the existing 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. If there is sufficient parking to accommodate all uses in the existing conditions the Applicant may employ the provisions of Section 7.2.5 hereunder.

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

<u>Stall Length (min)</u>	<u>20 feet</u>	<u>18 feet</u>	<u>18 feet</u>	18 feet
<u>Drive Aisle, 1 Way (min)</u>	<u>12 feet</u>	<u>12 feet</u>	<u>14 feet</u>	<u>20 feet</u>
<u>Drive Aisle, 2 Way (min)</u>	<u>20 feet</u>	<u>n/a</u>	<u>n/a</u>	<u>24 feet</u>
<u>Vertical Clearance</u>	<u>7'6" (min)</u>	<u>7'6" (min)</u>	<u>7'6" (min)</u>	<u>7'6" (min)</u>

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 **as they may be amended from time to time.**

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 unless otherwise set forth herein.**
- b) **No spaces required by this section of the by-law shall be assigned to specific persons or tenants, except for those 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 unless as otherwise set forth herein.**

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

In the event an application requires no relief other than a Parking Ratio Waiver, then the Applicant shall submit to the Planning Board its Waiver request in accordance herewith. The Application shall be considered at the next regular meeting of the Planning Board. The Planning Board may approve a Parking Ratio Waiver with a simple majority vote. In the event the Applicant is denied the Parking Ratio Waiver, the Applicant shall comply with the requirements of this Parking Bylaw.

The Planning Board may approve a Parking Ratio Waiver which contains up to 10% lower or 10% greater than the parking space requirements and ratios in Figure 7.2 Parking Requirements, 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. The Planning Board shall take into consideration, the uses on the property and the time difference for peak hours, shared parking for non-competing uses as described in section 7.2.5.3.i efforts to meet Low Impact Development (LID) landscaping and design techniques, the Applicant has designed their parking as to meet the design criteria set forth in section 7.2.9 and/or allows access between private parking lots within the site or to adjacent sites.
- 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	
Age Restricted Dwelling – 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 Day Health Center, 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.	or 9.5 spaces per acre

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.	4 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	4 per 1,000 sq. ft.	6 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
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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 700-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. The parking locations shall demonstrate that both properties can account for up to 100% of the minimum required parking.
- d)** **A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Burlington, documenting 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 **The Planning Board may grant a parking reduction 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 700 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. Parking Expansion Method.

- 1.** The Planning Board may grant a special permit to increase the parking space requirements specified on Figure 7.2 by more than ten percent (10%) if the Planning Board determines that all of the following findings and conditions are met:
 - a)** The applicant 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.**

The term stacked parking shall mean parking front to back in a commercial or multifamily setting. In the event an applicant meets the requirements noted above the Planning Board shall grant the request for stacked or valet parking.

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.**
- f) **The term Tandem Parking shall be parking front to back in a single or two family setting only. The Planning Board shall permit Tandem Parking where the applicants meet the requirements noted above.**

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 Except for single and two-family dwellings, 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

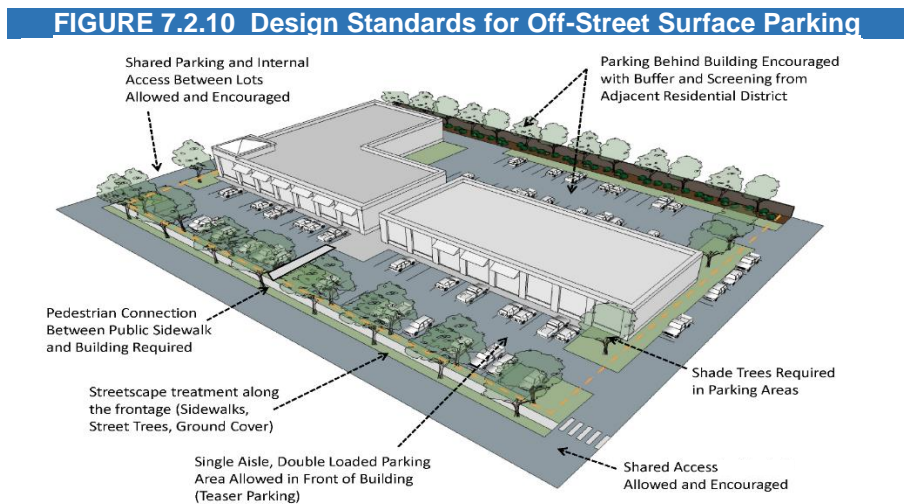
To facilitate bicycle use, the following bicycle parking regulations shall apply:

- 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	
Size of Use	Required Spaces
<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 a building entrance.

7.2.10. Design Standards for Off-Street Surface Parking Facilities



1. Applicability.

- a. As part of a Site Plan or Special Permit process, all new site development must conform with the design standards of this section.
- b. When the gross floor area and improved site area either in combination or individually is increased by more than 50%, the additional floor or site area must conform to the design standards of this section. Such changes shall be permitted through a Site Plan or Special Permit process.

2. Access.

- a) All off-street parking must have direct access to a public street from a driveway, maneuvering aisle, private way 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.

3. 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 where applicable.

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.
- c) Vertical Granite Curbing (VGC) is encouraged.

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.

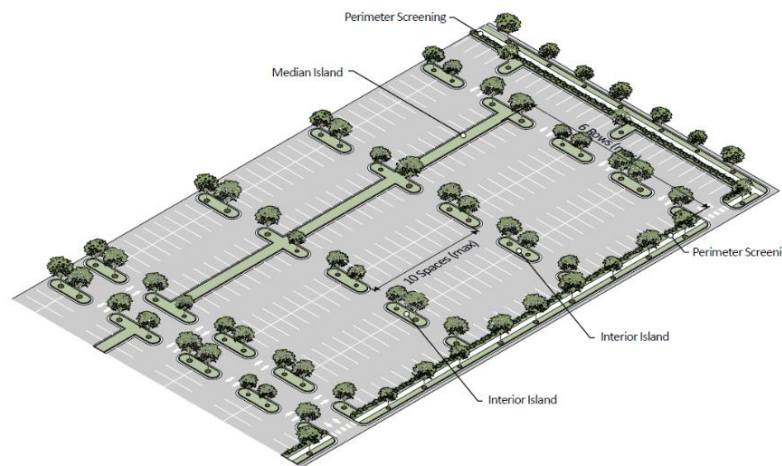
7.4.5 Coordination with Site Plan Approval. The Planning Board shall require a landscaping plan as part of an overall site plan for any premises subject to site plan review pursuant to Section 9.3.0 of this Bylaw. Such landscaping plan shall be at a scale sufficient to determine compliance with

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 10 or more new spaces or new parking areas including 10 or more new 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, the requirements of this section shall apply to 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 area 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 high wall in a minimum 5-foot length 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. This type of island is prohibited in the following areas.**
 - i. **Within the Aquifer (A) overlay district.**
 - ii. **Where soil is designated as Type C or Type D via the Hydrologic Soil Group classification system as designated by the US Department of Agriculture's Natural Resource Conservation Service.**
 - iii. **Where said design conflicts with the requirements of restrictions related to properties which may be governed by the Massachusetts Contingency Plan.**
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. This type of island is prohibited in the following areas.**
 - i. **Within the Aquifer (A) and Water Resources (WR) overlay district unless the island is designed to pre-treat the runoff prior to infiltration.**
 - ii. **Where soil is designated as Type C or Type D per the Hydrologic Soil Group Classification System as designated by the US Department of Agriculture's Natural Resource Conservation Service.**
 - iii. **Where said design conflicts with the requirements of restrictions related to properties which may be governed by the Massachusetts Contingency Plan.**
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 #35

RE: Use Table Modernization

SEE ADDENDUM

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, and as otherwise instructed, at least fourteen days before the Town Meeting being held on May 13, 2024 at Burlington High School.

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 8th day of April in the year of our Lord 2024.

Joseph E. Morandi, Chairman

Michael W. Espejo, Vice-Chairman

James M. Tigges, Select Board Member

Nicholas C. Priest, Select Board Member

Sarah A. Cawley, Select 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 billboard in the Town Hall and as within directed, at least fourteen days before Town Meeting of May 13, 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 the 26th day of April, 2024.

Attest: Amy E. Warfield, Town Clerk