

RECEIVED

By Town Clerk's Office at 11:59 am, Sep 06, 2024

BACKUP

Burlington Town Meeting Warrant



**September 23, 2024
7:00 P.M.**

Burlington, MA
Burlington High School
Fogelberg Auditorium

ARTICLE #1
REPORTS OF TOWN OFFICERS
(NO BACKUP)

ARTICLE #2
ANNUAL REPORT ELECTION DATE
(NO BACKUP)

ARTICLE #3

**CHANGE OF USE OF WATER DEPARTMENT
BUILDING FOR TEMPORARY POLICE
STATION**



TOWN OF BURLINGTON, MA
Office of the Select Board and Town Administrator

Paul F. Sagarino, Jr., Town Administrator

Date: August 28, 2024

Subject: Change of Use of Water Department Building for Temporary Police Station

To: Town Meeting Members

From: Paul F. Sagarino Jr. ^{p.f.s.}
Town Administrator

Through Article Three of the September Town Meeting Warrant, the Town Administration requests that the Town Meeting approve temporarily changing the use of the Vine Brook Water Treatment Facility from the Water Department to the Police Department. The approval would allow that facility to serve as a temporary police station during the construction phase of the police station project.

The constraints of the current site require Police operations to move to a swing space for a period of time. In general, the use of a town-owned facility is the most cost-effective and desired option over the more expensive alternatives of leasing and building out commercial space or leasing land and modulars for a trailer farm.

The design team has reviewed the existing conditions of the treatment plant, including the site, and is confident that the building footprint and land space are adequate for all of the department functions to operate from this location. The goal would be to reconfigure the building minimally while potentially using modular rooms for restrooms, offices, or dispatch if necessary.

After the Police station project and the Police department move back into the new building, the approved use of this building would revert back to the Water Department.

ARTICLE #4
TOWN CLERK-CHANGE TO APPOINTED
POSITION

Burlington's Current Situation

Our current long-standing Town Clerk, Amy Warfield, is to retire in 2025.

There appears to be no obvious successor on the current Clerk staff. Amy has also taken it upon herself to seek out a successor within the town, with no luck.

The responsibilities and complexities of the Town Clerk role have dramatically changed and evolved in recent years. (Elections & election laws, FOIA requests, vital records, technology, etc.)

Burlington's makeup and continued development makes it a particularly challenging and unique experience for the role of Town Clerk.

A vote in favor of this article would put the question of whether to move from an elected Town Clerk to an appointed Town Clerk on the ballot for voters to decide.

Elected

Appointed

Pro

- Accountable directly to voters
- A resident of the community, therefore likely has a sense and feel for the town and an existing local resource network
- Running for election demonstrates a level of commitment to the position and to the town
- Buffered from the influence of the Select Board or personal frictions

- Applicants from a larger pool can be vetted for experience and technical qualifications
- Ability to include specific job requirements and responsibilities in a job description
- Experienced clerks or assistant clerks understand the fundamentals and complexities of the job, reducing the learning curve
- Better opportunity for evaluation, accountability, and continued development
- Better opportunity for succession and emergency planning
- Appointing authority would have the ability to remove for lack of performance
- Could bring in a new, outside perspective

Con

- The only requirement is to be a registered resident; qualified candidates outside Burlington not eligible
- There are no requirements regarding hours worked or collaborating with department heads
- Could lack qualifications and knowledge of fundamentals and complexities of the job
- Potential for increased risks to the town (legal & financial) during learning period due to errors
- Voters are not in a position to supervise or effectively evaluate job performance
- No way to forcibly remove for non-performance prior to term expiration (up to 5 years)
- Cost and logistics of seeking election could deter potential viable candidates
- Risk that no candidate would run, leaving the position vacant

- If appointed by Town Administration/Select Board, there is the potential for a lack of impartiality or independence
- If not from Burlington, may need to learn history and culture of town, develop a local resource network, and an understanding of Burlington-specific systems (*Amy to share her thoughts*)
- Electorate could feel less connected to the process when not voting for the candidate
- Changes in composition or direction of the Select Board may challenge Clerk's ability to stand strong if told to perform unprincipled activities

Recommendation

The Town Clerk Subcommittee recommends that the question of whether to transition the role of Town Clerk from an elected position to an appointed position be put on a town-wide ballot at a future election.

Recruitment Process, Town Clerk

Posting of Position

HR Director creates job posting and advertise with relevant agencies (MA Municipal Association, Town Clerk's Association)

HR Department collects applications and follows up with each candidate to acknowledge their interest

Screening Committee

Screening Committee formed, chaired by HR Director, to include a range of associated & knowledgeable groups (i.e. Asst. Town Administrator, Moderator, Election Warden, Chair of Board of Registrars, Town Clerk, Department Head)

2 Screening Committee Meetings:

1 - HR Director provides Screening Committee with an orientation on the screening and interviewing process. Screening Committee signs a confidentiality agreement and receives a binder consisting of all candidate resumes, guidelines for review, candidate review worksheet, appropriate interview protocol, and sample interview questions.

Between meetings - Screening Committee individually reviews resumes and provides feedback on candidates and interview questions to HR Director

2 - HR Director collects feedback and shares with Screening Committee. Committee comes to a consensus on candidates that will be invited to the initial interview. Interview questions are finalized. Interview dates are selected.

Interviews

HR Director contacts candidates to schedule interviews.

Screening Committee interviews selected candidates following established list of questions.

Final Steps

At the conclusion of interviews, the Screening Committee recommends a final group of candidates to move on in the process, which will include a final interview and thorough reference check. Final interview team will be determined, chaired by HR Director (i.e. Town Administrator, Select Board member, Town Clerk from a neighboring Town).

Final interview conducted and references checked. Recommendation given to Appointing Authority.

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TOWN OF BURLINGTON – POSITION DESCRIPTION

Town Clerk

Salary Group 13

Summary:

Responsible for managing the operations of the Town Clerk's Office including performing a variety of routine and complex professional, administrative, and technical functions. Performs all duties of a Town Clerk as prescribed by Massachusetts General Laws.

Supervision Received:

Works under the general direction of the Town Administrator. Employee has the responsibility for initiating, planning, designing, and carrying out programs, projects, or other work independently according to applicable provisions of the Massachusetts General Laws.

~ or ~

Appointed by the Select Board. Employee has the responsibility for initiating, planning, designing, and carrying out programs, projects, or other work independently according to applicable provisions of the Massachusetts General Laws. The individual reports for administrative purposes to the Town Administrator.

The position is subject to review and evaluation according to the practices established through the Personnel Rules and Regulations.

Supervisory Responsibility:

Directly supervises all employees assigned to the Town Clerk's Office and part time election officials. Participates in hiring of staff, provides daily direction, evaluates personnel performance and counsels and disciplines staff consistent with Town policies. May supervise interns and tax work off employees.

Essential Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

- Supervise all employees assigned to the Town Clerk's Office including establishing work plans and performance, reviewing work, conducting performance reviews, and providing training and development. Participate in the recruitment of office staff. Recruit, train and provide direction for election workers.
- Participate in the development, management and monitoring of the annual operating budget and capital budget for the Town Clerk's Office, including the Board of Registrars budget.

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- As Official Keeper of the Records for the Town: Record and certify all official actions of the Town. File and maintain all state statutes, Town by-laws, Selectmen/Town Manager Act, Representative Town Meeting Act. Maintain membership lists of all boards and committees; serve as resignation authority. Serve, as filing agent for Planning Board, Historic District Commission, Board of Appeals and all other required official filings and notifications, such as pole/conduit locations. Sign all notes for borrowing. Keeper of the Seal and notary public for official certifications and notarizations. Receive and circulate notices of claims and legal actions against or relating to the Town.
- As Registrar of Vital Statistics: Register all vital events occurring within the community and those events occurring elsewhere to local residents. Create, record, preserve, and issue original birth, marriage, and death records providing the basis for the Commonwealth's central vital registration system. Responsible for issuing burial permits to funeral directors, acting as Burial Agent for the Board of Health. Establish methods and practices for the maintenance and safeguarding of town records in accordance with established statutes.
- As Public Records Access Officer for the Department and for the Town; responsible for ensuring that Public Records Requests are forwarded to appropriate individual(s) and verifying that the request has been appropriately answered. Provide access to public records both electronic and hard copy in compliance with state Public Record Law and corresponding regulations.
- Administer the oath of office to all elected members of local committees and boards, Police and Fire personnel; keep records of oaths, bonds, resignations. Provide regulations and guidance for all officials and employees regarding Open Meeting and Conflict of Interest laws and requirements. Provide State Ethics summaries and tests in accordance with MGL 30A section 18, and maintain receipts. Maintain system and oversee postings of meetings of all government bodies.
- Create initial licenses and certificates including marriage licenses, gasoline storage permits, raffle and bazaar permits, dog licenses, business certificates, and provide certified copies of vital records. Plan and implement cross-departmental records management and records preservation program for both paper and electronic documents.
- As Clerk of the Town Meeting: Attend all meetings. Record all attendance, motions submitted, and actions taken, including coordination and oversight of the electronic voting system. Process as necessary all by-laws to the Attorney General, acts to the Legislature, reports to state agencies; maintain official comprehensive publication of Burlington's bylaws, regulations, and special acts.
- Process, verify, route, and maintain official records and documents, vital statistics; issue permits and licenses.
- As Chief Election Officer: Administer local, state and federal elections. Supervise voter registration, and compile and maintain voter registrations and voter lists. Certify nomination papers and petitions. Prepare, record and report official results to the

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Secretary of the Commonwealth. Maintain and ensure accuracy of elections system. Comply with State regulations regarding Early Voting, Mail-in voting, Pre-registration of 16 and 17-year olds and any new laws passed regarding Elections administration. Sets up voter registration sessions for Town Meetings and elections.

- Administer campaign finance law. Explain laws and requirements and filings, serve as reference and resource.
- Coordinate and oversee registration procedures and setup and administration of polling sites, coordinating with Town Departments.
- Conduct, administer and oversee activities and operations of the annual Town census. Perform and/or oversee the compilation of information for school department use and submittal to the Office of the Jury Commissioner. Prepare the street list of residents.
- Serve as the central information point for the Town, maintain Town Clerk's website with key office related information and respond to inquiries from the general public, other state agencies and municipal governments
- Serve as Federal Census liaison and perform preparatory activities in advance of conducting the census. Facilitate the reapportionment of the Town's precincts during the Federal Census.
- Receive and accept notices of claims and legal actions against or relating to the town.
- Responsible for the Town vault and the maintenance, disposition, and preservation of municipal archival records and materials. Responsible for the repair, binding, maintenance and proper storage of all permanent records in compliance with the state public records law.
- Keep current with technology, regulatory changes, and Town bylaws. Attend classes and other trainings to maintain current knowledge of all required equipment and procedures.
- Perform similar or related work as required, directed or as situation dictates.

Education and Experience:

Bachelor's degree in Business Administration, Public Administration or related; five years of related progressively responsible municipal work experience including experience in records management strongly preferred; any equivalent combination of education and experience may be substituted.

Special Requirements:

Notary Public

Ability to be bonded

Registered voter

Valid driver's license or ability to move between various locations independently and efficiently

Certified MA Municipal Clerk (CMMC) Certification within 5 years of hire

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Knowledge, Ability and Skill:

Knowledge: Thorough knowledge of state, local and federal statutes and bylaws relating to the duties and responsibilities of Town Clerk. Knowledge of the organization, operations, and procedures of local government. Knowledge and complete understanding of Public Records Law, Open Meeting law, and pertinent laws, regulations, codes and terminology unique to department operations. Knowledge of principles and practices of records management, project management, staff supervision, and municipal budget preparation and administration.

Ability: Ability to lead and direct the operations, services, and activities of a Town Clerk's Office. Ability to establish and maintain effective and harmonious working relationships with town officials and departments, state agencies and the general public. Ability to organize time, work independently and accomplish tasks. Ability to maintain detailed statistics and records. Ability to communicate effectively verbally and in writing. Ability to interact effectively, tactfully, and with considerable discretion with a wide variety of individuals. Ability to prioritize multiple tasks and deal effectively with interruptions, often under considerable time pressure. Ability to maintain confidential information. Ability to prepare and administer budgets and prepare clear and concise administrative and financial reports. Ability and willingness to learn job-related skills. Ability to satisfy attendance requirements.

Skill: Strong leadership and supervisory skills. Skill in utilizing personal computers, popular word processing, database, and spreadsheet applications. Skill in all of the above referenced methodologies, equipment and systems. Excellent organizational and recordkeeping skills. Excellent customer service and communication skills.

Physical Requirements:

While performing the duties of this job, the employee is frequently required to work at a desk; regularly convey information to employees and the public; regularly move about inside the office to access file cabinets and office machinery. Regularly required to walk, stand, sit, talk, and hear; operate objects, tools, or controls; pick up paper, files, and other common office objects. Ability to view computer screens and work with details for extended periods of time. Ability to operate a keyboard and calculator at an efficient speed and to view computer screens for extended periods of time. Also, there are requirements of moving equipment and voting apparatus around in preparation and running of the Town and State elections. Specific vision requirements include close vision, distance vision, and the ability to adjust focus.

ARTICLE #5

**HOME RULE PETITION SPECIAL LEGISLATION
CONCERNING LIQUOR LICENSES**

June 25, 2024

VIA EMAIL AND HAND DELIVERY

Paul Sagarino
Town Administrator
Town of Burlington
Town Hall
29 Center Street
Burlington, MA 01803

Re: September 2024 - Town Meeting General Warrant Article

Dear Paul:

This office and the undersigned represent Simon Property Group (“Applicant”) and its related entities concerning the premises generally located at 75-85 Middlesex Turnpike and more commonly referred to as the Burlington Mall which is comprised of several parcels (“Premises”).

As you may recall, Town Meeting voted in support of a Home Rule Petition (HRP) for additional liquor licenses at the Burlington Mall which was subsequently adopted by the Legislature and signed by Governor Baker in January 2020 (H3676) (“2020 HRP”). Said 2020 HRP has been attached for your convenient reference. The 2020 HRP if you recall allowed for five (5) all alcohol licenses and four (4) wine and malt licenses and contained the following language:

“(e) Any license granted pursuant to this act shall be granted not later than 5 years after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant pursuant to subsection (c) or (d) thereafter”.

When Burlington Town Meeting had adopted the Home Rule Petition Warrant Article in 2018, there was no time limit imposed as part of the Town Meeting vote. My understanding is that this five-year time limit was included within the Home Rule Petition by the Legislature as part of its process. Within months of the effective date of the 2020 HRP the Covid pandemic began and significantly impacted the economic conditions of the region. These circumstances challenged the retail, restaurant, and entertainment sectors resulting in significant delays in tenanting activities and creating widespread disruptions for delivery of construction materials. While the Burlington Mall has, despite these factors, been successful in moving forward with construction and executing leases with several restaurants who have been able to utilize most of these liquor licenses (resulting in four of the five all-alcohol licenses

and two of the four wine and malt licenses being utilized), these economic realities and unforeseen events resulted in a scenario where not all of the licenses could be issued within the allotted five-year time period. As such, Simon Property Group is seeking an extension of time by which these licenses may be issued. Simon has made a significant investment into the Burlington Mall, and, as they continue to evolve, the ability to have these remaining licenses available will be critical to the future success of this property.

Based on my correspondence with State Representative Ken Gordon, an extension would require Town Meeting to approve a new home rule petition to extend the deadline to utilize the licenses as well as an act of the Legislature. We feel that an additional three years would be appropriate in keeping with the timeframes associated with the Covid related impacts and fallout. For your consideration, please see the warrant article enclosed with this letter seeking consideration for the upcoming September 2024 Town Meeting.

We would be pleased to discuss this matter at an upcoming Select Board meeting as you deem appropriate.

Thank you as always for your time and we look forward to working with you on this important matter.

Very truly yours,



Mark T. Vaughan

MTV:mmc
Enclosures

Cc: Burlington Select Board (w/enclosures)
Amy Warfield, Town Clerk (w/enclosures)
Justin Feldhouse, Simon Property Group (w/enclosures)

4009689.1

Chapter 9
of the Acts of 2020

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Ninety-First General Court

AN ACT AUTHORIZING THE TOWN OF BURLINGTON TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Burlington may grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises and 4 additional licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to persons, corporations, organizations and entities located on the property known as the Burlington mall, 71-85 Middlesex turnpike, in the town. All licenses granted pursuant to this section shall be subject to all of said chapter 138 except said section 17.

(b) A license granted pursuant to this section shall only be exercised in the dining room of a common victualler and in such other public rooms or areas as may be deemed reasonable and appropriate by the licensing authority as certified in writing.

(c) The licensing authority shall not approve the transfer of a license granted pursuant to this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(d) If a licensee terminates or fails to renew a license granted pursuant to this section or any such license is cancelled, revoked or no longer in use, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

(e) Any license granted pursuant to this act shall be issued not later than 5 years after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant pursuant to subsection (c) or (d) thereafter.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, January 13, 2020.

Passed to be re-enacted,

Paul J. Donato, Speaker.

In Senate, January 13, 2020.

Passed to be re-enacted,

Richard J. Hughes, President.

January 13, 2020.

Approved,

at 3 o'clock and 01 minutes, P. M.

James D. Baird
Governor.

ARTICLE #6
WILL OF MARSHALL SIMONDS
(SECOND READING)



Center for Human Services
61 Center Street, Burlington, MA 01803
Mailing Address: Town Hall, 29 Center Street, Burlington, MA 01803

Phone (781) 270-1695 * Fax (781) 270-1657
Email: recreation@burlington.org

Simonds Trust

The Simonds Trust was established in 1906 with a gift of land to the Town of Burlington now known as Simonds Park and a parcel of land which is presently the Town Common. With the gift of land came a yearly appropriation of funds from a Trust which is intended to help maintain the facilities on the two parcels. The appropriation grew from \$2,000 to \$9,500 where it remained for 20 years. Currently, thanks to the generosity of the Trustees, the annual appropriation is **\$77,644.31**.

The land and the expenditure of the **\$77,644.31** are under the control of the Recreation Commission. The Trust is controlled by three individuals; Joshua Simonds, who replaces Marshall Simonds and is a relative of the original founder of the Trust; Karen Hoyt a Burlington resident and former Recreation Department Supervisor and Recreation Commissioner and Chelsea Craig, who is representing Bank of America, which manages the Trust.

Past projects which the Trust money has been spent include renovating the bathrooms/snack bar, construction of the bandstand and Visco building, renovating the tennis courts and skate park, installing a new Musco lighting system, stone walls, sprinkler systems, wading pool, and purchasing picnic tables, park benches and landscape materials. More recently the Trustees have expressed an interest in seeing a portion of the appropriation go towards programming, special events and scholarships for participants in Simonds Park programs. The previous two years disbursement, along with a generous private donation, went to the construction of the universally accessible treehouse.

The provisions of the Trust require two votes of Town meeting. To meet disbursement requirements of the Trust the votes are scheduled for May and September, in order for the funds to be appropriated by the end of the calendar year. The votes are necessary in order to accept the Simonds Trust gift for 2023 in the amount of **\$77,644.31**.

Each year when the disbursement figure has been approved by the Trustees, a meeting with the Trustees is scheduled to hear proposals for the expenditure of the funds. We will be scheduling a meeting later this spring and will have a list of projects in the backup for Fall Town Meeting.

- Phase 2 - accessibility improvements to walkways leading to lower street hockey / tennis courts
- Therapeutic Recreation staff
- Fund the modular trailer used for the summer Therapeutic Recreation program
- Program funds for Special events
- Scholarship Fund for programs in the park

ARTICLE #7
A&P COMPENSATION PLAN
(BACKUP TO BE PROVIDED SEPARATELY)

ARTICLE #8
FOX HILL SCHOOL BUILDING

August 27, 2024

Dear Town Meeting Members,

We write to you as the Fox Hill School Building Committee, a diverse group of 20 members who have been deeply involved in the planning and development of the proposed new elementary school for our district. Over the past two years, we have worked together, alongside town officials and community stakeholders, to ensure that this project meets the needs of our students, aligns with our community's values, and represents the most advantageous approach from both a cost and educational standpoint. We are pleased to report that our entire committee stands united in the work that has been accomplished so far.

The proposed elementary school has been thoughtfully designed and sized to accommodate the current and projected student population in our town. Extensive studies have been conducted to ensure that the building will meet the needs of our students while also considering the capacity of our other elementary schools within the district. One common misconception is that the current proposal would not meet the space needs based on today's Fox Hill enrollment. This is admittedly a confusing detail given that the agreed upon Massachusetts School Building Authority (MSBA) enrollment appears to be lower than the current enrollment at Fox Hill today.

Enrollment has been declining and is expected to continue to decline. The MSBA projects a need for 325 general education students at Fox Hill when the new building is ready to open in 2028. However, we are building a much bigger school than is required for 325 students. MSBA worked with our district to provide flexibility as well as space for special education programming. The current Fox Hill has 27 classrooms plus two portable rooms at the end of their useful life. The new building will have 31 classrooms plus additional learning spaces described below.

As a hypothetical example based upon today's needs at Fox Hill including the LABBBW and DSC programs, we can accommodate the current school population including the LABBBW program and with the addition of the DSC program in the new school. The existing building is approximately 64,400 square feet (vs 91,000 SF for the new school) resulting in a new school that would represent a significant upgrade in terms of space with our current enrollment. 441 students, DSC, and LABBBW with all included staff members would operate comfortably in this new building including all service providers such as special education, ESL, RTI, etc. In addition, the new school includes an additional 6 project areas on each floor and an additional 7 small group spaces. These spaces would provide new opportunities that we currently don't have for students to work in small groups or meet with specialists. It would be a significant instructional upgrade.

We are confident that there is sufficient space across the district to accommodate all elementary students, providing equitable access to resources and opportunities for every child. We review enrollment across the district annually and will continue to do so. It is the goal of the school department to maintain 18 students per classroom. The new Fox Hill proposal accomplishes this. In addition, we wanted to be sure we provide enough space to accommodate our district's programmatic and enrollment needs without over-building and costing more than is needed.

Throughout the past two years, we have devoted significant time and effort to evaluate all aspects of this project. Our focus has been on creating a solution that is both financially responsible and educationally sound. We have carefully reviewed various design options and configurations, cost considerations, and potential educational outcomes to arrive at the best possible plan. This proposal balances fiscal prudence with the need to offer a modern, adaptable learning environment that will serve our students well into the future. Should this project not move forward, the existing school will require significant work (mechanical and electrical systems, windows, security and technology, fire protection and accessibility upgrades) to extend its useful life. The estimated cost to the town is anticipated to be roughly the same as this proposal however the work will be very disruptive and prolonged as the school will need to remain open while the work is done.

As we look to the future, we are extremely happy to be able to provide an all-electric building with opportunities for solar which could make this school net zero energy. The all-electric building will significantly reduce the school's operating expenses while addressing greenhouse gas emissions and reliance on fossil fuel. The proposal for a new Fox Hill is taking advantage of incentives, rebates and additional MSBA funding while achieving a sustainable school.

We understand that there is a great deal of information to consider regarding this project. Unfortunately, we are also aware that some of the information circulating in the community is inaccurate or based on rumors. We strongly encourage you to reach out directly to any member of our committee or to our consultant team if you have questions or need clarification. We are fully committed to providing clear, factual, and comprehensive answers to ensure that you have the accurate information needed to make an informed decision.

As you prepare to vote, please know that this letter is not a request for your support, but rather a request that you base your decision on reliable information. We trust that you will vote in the way you feel is best for our community.

Thank you for your continued dedication to our town.

Respectfully,

The Fox Hill School Building Committee

Nichole Cascia, School Business Manager

John Danizio, Asst. Town Administrator

Paul Sagarino, Town Administrator

Melissa Massardo, SBC Chair

Katherine Bond, SBC Vice Chair & SC

Jeremy Brooks, School Committee

Christine Monaco, School Committee Chair

Meghan Nawoichik, School Committee

Eric Conti, Superintendent of Schools

Bob Cuhna, BPS Director of Operations

David Rosenblatt, Fox Hill Principal

Dennis Villano, BPS Director of Technology

Roger Riggs, Ways & Means Rep

Ed Parsons, Ways & Means Rep

Jennifer Priest, Fox Hill Community Rep

Anne Hill, Fox Hill Teacher

Tara Carroll, Fox Hill Teacher

George Papayannis, Fox Hill Community Rep

Kristen Downie, Fox Hill Recording Secretary

Martha Simon, Burlington Resident

The Proposed New Fox Hill Elementary School



A new 91,000 SF elementary school for Fox Hill students in grades K–5



Educational Benefits:

- Building organization provides separation of academic areas from community use areas as well as creates optimum adjacencies between programs.
- The school will support 21st century learning environments including outdoor learning opportunities.



- The light filled Media Center will be prominently positioned on the second floor, conveniently located to all classrooms.
- Media Center, Science, Technology and Engineering (STE), and Art form a STE(A)M suite with an adjacent rooftop area for outdoor learning.



- Integrated student support and special education programs.
- The school will house a LABBB program and a District-wide special education program (DSC II).
- Centrally located counseling suite.



- Clusters of up to 4 classrooms per grade, with classrooms organized around shared project areas.
- Project areas are an extension of the classroom providing additional teaching areas and project based learning opportunities.



- Robust technology throughout including wi-fi in every classroom, enhanced teaching wall with large interactive projectors, document cameras, speech reinforcement system, and integrated speech amplification system.
- Two sinks in every classroom for project based learning.
- Sufficient area within classrooms for small group instruction and differentiated learning.
- Built in storage maximizing classroom for teaching.



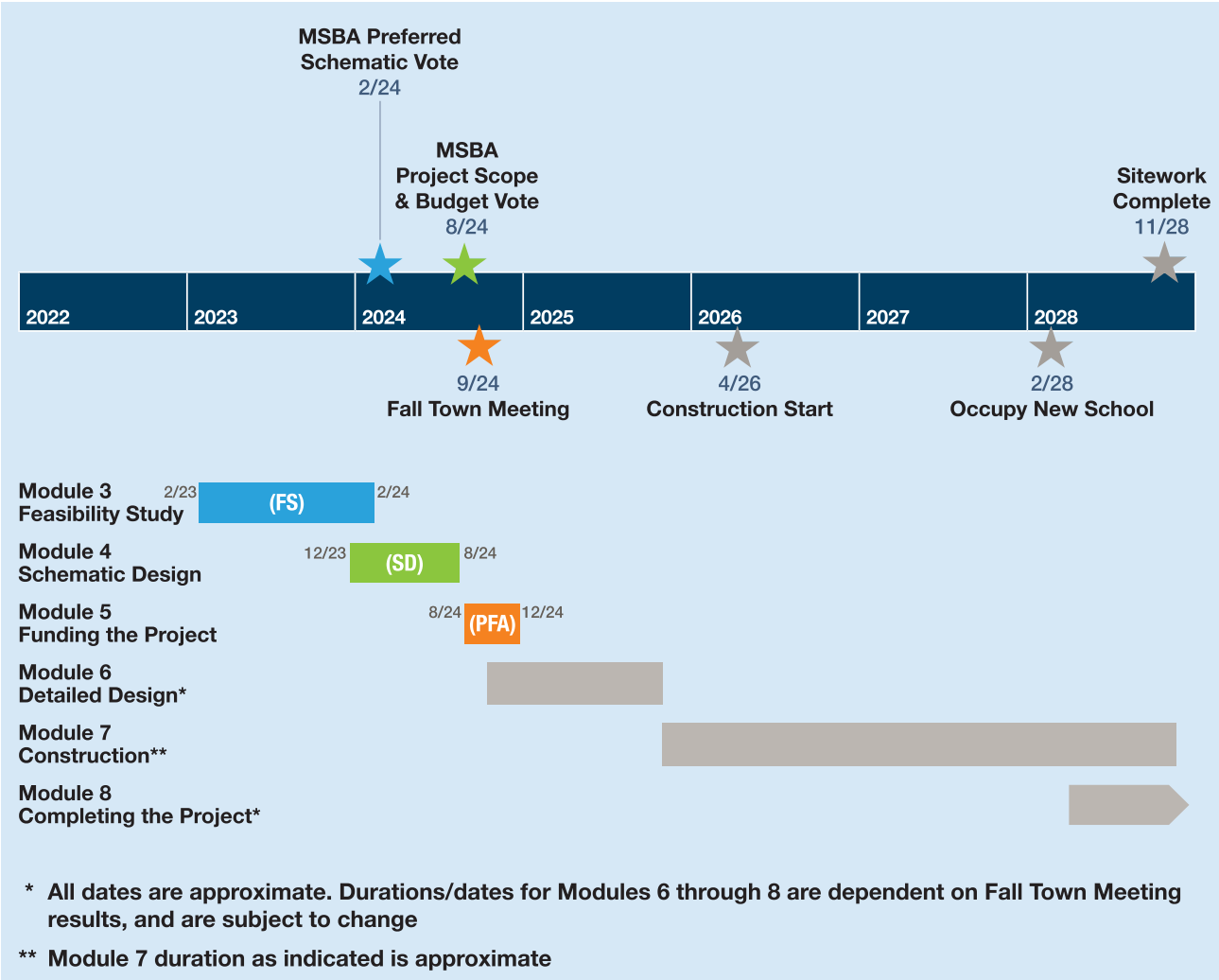
- The new school will enhance its site. Site circulation and traffic will be improved with safe and separate drop off areas for buses, parents, and vans.
- Community entrance for after-hours use adjacent to the gym.
- Building canopies provide weather protected areas at all entrances.
- Play Fields include large multi-purpose field (full lacrosse) that can be dividable to (3) U-10 soccer fields.
- Extremely generous outdoor play area with fully accessible play structures
- Walking path around perimeter of fields connecting back to the school.
- The existing school will remain occupied during construction.



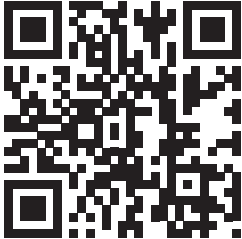
Sustainable Elements:

- All electric building utilizing ground source heat pumps (geothermal wells).
- Rainwater harvesting will be used for building flushing.
- Building and site will at minimum include the infrastructure for rooftop solar panels and parking lot solar canopies as well as electric vehicle charging stations.
- All LED lighting and extremely high efficiency equipment reducing the building's energy demand.
- Targeted to achieve LEED-S Gold rating.

Overall Project Schedule/Timeline:



Watch this short summary video for a full project recap:
<https://vimeo.com/991259426>



Stay connected:
<https://www.foxhillbuildingproject.com/>

Sponsored by the
Burlington Elementary School Building Committee
 in partnership with the **Massachusetts School Building Authority**



ARTICLE #9

**AMEND ARTICLE II-REPRESENTATIVE TOWN
MEETING-SECTION 1.0 BY ADDING
PARAGRAPH 1.2-TOWN MEETING
ACCESSIBILITY
(NO BACKUP)**

ARTICLE #10

**HOME RULE PETITION TO AMEND CHAPTER
686 OF THE ACTS OF 1970, AS AMENDED-AN
ACT TO ADD A NEW PARAGRAPH, SECTION 12
(H)-TOWN MEETING ACCESSIBILITY**

Backup for Hybrid Town Meeting Warrant Articles

The Covid-19 pandemic changed how many operations in daily life were conducted and many of those changes continue today. One of the positive changes was the use of electronic communications platforms which allowed people to meet and conduct business from wherever they were. Today there are a host of activities that are routinely conducted using this methodology, including library lectures, exercise classes, support group meetings, tele-health sessions, committee meetings, etc. It has become a permanent part of the fabric of our daily life. Originally this was done to allow people to meet without getting infected with the Covid-19 virus, but it was soon realized that it also allowed people to meet who had other reasons for not being able to meet in person. For example, those who had to travel for work, those who had child or elder care responsibilities, and/or those who had transportation issues, etc. We would like to accommodate this body of people in being able to actively participate in Town Meeting by requiring the Town to make Town Meeting a hybrid meeting. This will mean that some people will meet in-person, and some will meet via an electronic communication platform. We listened and heard town meeting members with concerns at September's 2023 Town Meeting, and have addressed those concerns further on in this backup material.

There were several people who could not attend the May 20th and May 22nd sessions of Town Meeting because they were traveling for work. However, they could have attended remotely. At the May 20th session, Article 25, the Marshall Simonds field article was heavily debated and discussed. It turns out the article passed by a very large margin, but if it had been a close vote, it would have been a shame if this article, or any other article for that matter, was decided one way or the other because some people couldn't attend in-person. And more importantly, it really is our constituents who are helped by this as it insures they are fully represented by their Town Meeting Members.

Hybrid Town Meeting warrant articles were brought before the September 2023 Town Meeting, but were voted down. There were two (2) considerable concerns:

1. The State mandated in-person quorum requirement was to be eliminated for Burlington.
2. The audio/video quality when using the electronic communication platform was poor.

The General Bylaw Review Committee took these concerns to heart and addressed them in the warrant articles before you. First, the in-person quorum requirement is not being eliminated. It stays as is, which means, for Burlington, there have to be at least 64 town meeting members physically in-person at the meeting. The number of town meeting members who can participate remotely is further restricted to no more than one-third (1/3) of the total number of town meeting members, or forty-two (42) members.

Second, prior to the May 2024 Town Meeting, the audio/video system in the high school auditorium was upgraded to allow a large hybrid meeting with good quality audio/video. The new system was tested out in real time by a couple of town meeting members who were able to fully participate remotely.

Over the last 3 years Town Meeting attendance has been consistently below 80%. However, the highest attendance total during this time frame was the May 2022 Town Meeting at over 93%. This was a hybrid meeting!

ARTICLE #11

ARTICLE I, SECTION 9, NEW PARAGRAPH 9.1- RECALL PETITION

RECALL ELECTION BYLAW BACKUP

General Bylaw Review Committee is submitting a bylaw for your consideration that creates the ability for residents in our town to implement a recall election under certain specific circumstances. A recall bylaw is not a novel thing, many other towns in Massachusetts already have recall provisions on the books. We created this bylaw in order to proactively implement a procedure that allows elected officials to be subjected to a recall election, after some very stringent standards are met.

We ask that you think of this bylaw as a “safety net.” As it stands now, any elected official in this town could hypothetically embezzle funds, abuse their power, engage in corrupt practices, or participate in criminal activity and still be allowed to serve in their elected role for the rest of their term. This bylaw provides a mechanism for the voters to step up and take action in those circumstances (and in others) in order to ensure that our town government is comprised of people who adequately and properly represent the residents.

The recall of local officials in Massachusetts is governed by local charters and bylaws. Our proposed bylaw lays out the various grounds for a recall, and while it may be easy to try to envision what those situations look like, here are some recent examples of recalls that have taken place in Massachusetts, which would fall under the categories we have included in our proposed bylaw language:

Select Board Recall – Hopkinton, MA – 2024 – Not yet resolved

- Recall organizers initiated the recall effort following a vote by the select board to terminate former police sergeant Timothy Brennan after an independent investigator found Brennan did not report sexual assault allegations against former Deputy Chief John Porter.
- Residents who initiated the recall felt that the Select Board engaged in mismanagement of the situation and failed to address community concerns.

Mayor Recall – Easthampton, MA – 2023 – Failed - Not enough signatures gathered

- The recall effort started after Easthampton's school board voted to rescind an offer to Dr. Vito Perrone to become the school's superintendent. The board initially voted 4-3 to offer Perrone the position on March 23, 2023.
- The recall affidavit stated the following reasons for recalling LaChapelle:
 - Sending police to a candidate's home to make a job offer at midnight;
 - poor judgment and unprofessional behavior;
 - and disregarding citizen concerns.

School Board Recall – 2022 – Bourne, MA – Failed – Not enough signatures gathered

- Recall supporters said comments Kari MacRae made on social media during her candidacy to the board were at issue. In those comments, MacRae said she was running for a seat on the board “to ensure that students, at least in our town, are not being taught critical race theory” and to ensure that students are "not being taught that the country was

built on racism; so they're not being taught that they can choose whether or not they want to be a girl or a boy." Recall supporters said her comments violated the district's non-discrimination policy.

Selectman Recall – Fairhaven, MA – 2021 – Dan Freitas was recalled and removed from office

- Voters in Fairhaven, Massachusetts recalled Selectman Dan Freitas on July 26, 2021, and elected Stasia Powers to fill the vacancy on the board.
- Organizers said that they were attempting to recall Freitas because of abusive and disruptive behavior. They also alleged that Freitas had circumvented the standard process for selecting a new town administrator in order to advance an insider candidate.

Select Board Recall – Shirley, MA – 2017 – Two members recalled and removed from office

- An effort in Shirley, Massachusetts, to recall Town Selectmen Kendra Dumont and Robert Prescott from their positions was launched in August, 2016. Dumont and Prescott were recalled from office after voters approved both recalls on January 30, 2017.
- Recall organizers sought the removal of Dumont and Prescott due to their support for an increased benefits package for Town Administrator Patrice Garvin. The affidavits argued that the town administrator's contract requires public approval for compensation changes and successive public votes at town meetings in 2015 rejected an increase.
- On January 18, 2017, the state attorney general's office ruled that the Shirley town board violated open meeting laws during meetings in July 2016 and August 2016. Selectman Enrico Cappucci filed a complaint in October 2016 that accused Garvin, Dumont, and Prescott of discussing law enforcement matters in executive sessions rather than holding discussions in public meetings. The attorney general concluded that the board failed to use the Criminal Offender Record Information Statute (CORI) when opting for an executive session.

As you may have noticed, it is rare that a recall effort is successful, but it does happen. The steps that are involved are there to ensure that any recall has a reasonable amount of support from town residents. Had the above listed towns not had recall bylaws on the books, they would not have had any power or ability to hold their elected officials accountable, and that's what this bylaw is about – **accountability**.

Some concerns that have been brought up include the fear that a bylaw like this could be weaponized and increase divisiveness in our town. To that we say that it is not feasible for this bylaw to be weaponized. The amount of signatures and support needed to initiate a recall would be enough to avert any small angry mob of people from attacking a target they merely disagree with. To that we would say that we should all keep in mind the theory of "Mutually Assured Destruction" – no group in this town should consider this to be a toy or a weapon to be used against a group that they disagree with because that group that is targeted could turn around

and frivolously do the same to you. It has to be worth it, and the circumstances and situations that we are considering would be ones that affect the entire town, ideally warranting wide-scale support of the residents if indeed the grounds are valid.

Further, even if a recall petition is successful, a new candidate must run against the recalled official and in that election, the recalled official could be voted in again to retain their seat. We believe that simply having this mechanism in our bylaws will encourage all elected officials to fulfill their duties with the knowledge that actions falling into the below categories will NOT be tolerated.

- (1) Ethical Violations,**
- (2) Ethical Misconduct,**
- (3) Criminal Activity,**
- (4) Failure to Fulfill Duties,**
- (5) Mismanagement of Resources, and**
- (6) Broken Promises**

Approving this bylaw would instill more confidence in our town government and provide our residents with the ability to hold their elected official accountable.

ARTICLE #12

**CREATE AD HOC COMMITTEE-RECOMMEND
AN ELECTRONIC VOTING SYSTEMS FOR
TOWN MEETING**

January, 2024 – Town Meeting

Back-up statement for an Article to create an Ad Hoc Committee to evaluate and recommend an Electronic Voting System (EVS) for use at Town Meetings.

The Town Meeting Members at the September 23, 2023 Town Meeting expressed the need for an Electronic Voting System (EVS). This is the first step to evaluate, recommend or not, purchase and train Town Meeting Members on the use to the EVS (in the event TM votes to go forward with the suggestions).

ARTICLE #13

**AMEND ARTICLE V SECTION 1.5.4-COMMITTEE
COMPOSITION OF THE INFORMATION
SYSTEMS SECURITY ADVISORY COMMITTEE
(NO BACKUP)**

ARTICLE #14

AMEND ARTICLE III, RULES OF DEBATE

SECTION 11.2

(NO BACKUP)

ARTICLE #15

**AMEND ARTICLE III, REPORTS OF TOWN
OFFICIALS SECTION 16.0**

(NO BACKUP)

ARTICLE #16
RESCIND PROHIBITION ON MARIJUANA
ESTABLISHMENTS
(POSTPONED)

ARTICLE #17
MARIJUANA RETAIL ADMENDMENT AND
OVERLAY
(POSTPONED)

ARTICLE #18

**REZONING MIDDLESEX COMMONS FROM
RETAIL INDUSTRIAL (IR) TO GENERAL
BUSINESS (BG)**

TOWN OF BURLINGTON

Planning Department

Elizabeth Bonventre, Planning Director

Caleb Zimmerman, Planner & Dev. Coordinator

Jennifer Gelinas, Administrative Assistant

TO: Town Meeting Members
FROM: Elizabeth Bonventre, Planning Director
DATE: July 10, 2024
RE: Rezoning 43 Middlesex Turnpike (Middlesex Commons Shopping Center) from IR to BG

The purpose of this memo is to provide backup information regarding rezoning the Middlesex Commons Shopping Center, where Market Basket is located (43 Middlesex Turnpike), from the Retail Industrial (IR) district into the General Business (BG) zoning district. This article came about due to the property owner's (EDENS) inability to lease space to fast order-food establishments. According to the zoning use table, fast-order food is not allowed in the IR zoning district. The other caveat is that this parcel is the ONLY parcel in town zoned IR.

Curious as to how this district was established and why it's the only parcel zoned this way, I reached out to former Planning Director Tony Fields, who is now the Planning Director in Bedford. He provided the following information in an email.

I believe the IR District was created specifically for the development of the Middlesex Mall in the mid-1970s. Some long-time residents will also refer to it as the "Caldor Mall". At the time, I think the town was afraid of having BG districts south of the highway, so the hybrid was created to allow some retail development while still allowing for the permissible industrial uses. It was still a mall when I arrived in 1991, anchored by Caldor, with a very small Market Basket and York Steak House and Papa Gino's. Also bear in mind that the zoning bylaw definition of restaurant and fast food used to be different. Restaurant was any eating establishment with at least 50 seats, so the York and Papa Gino's inside the Middlesex Mall, plus McDonald's, Burger King, and D'Angelo's on Middlesex Turnpike were originally permitted as restaurants because they provided 50 seats. The conversion of the "mall" to Middlesex Commons occurred in the late 1990's, and that may be around the same time as we successfully pursued allowing fast food in the BG District since so many examples had bypassed the intended restrictions. We changed the definitions so the distinction was based on style of service rather than seating capacity, but we only amended the use table to allow fast food in the BG District, and not the IR district.

It is a different world today, and I think you could pursue a rezoning to BG since the site is clearly a retail destination. The elimination of possible industrial uses might be seen as a positive outcome.

During our due diligence process with the property owner, we analyzed the dimensional requirements (i.e. minimum lot size, setback requirements etc.) and found that the parcel conforms with all the requirements of the BG zoning district.

ARTICLE #19
TOWN COMMON SIGNAGE AMENDMENT
(ADDITIONAL BACKUP TO BE PROVIDED
SEPARATELY)



TOWN OF BURLINGTON, MA

Select Board and Town Administrator

JOSEPH MORANDI, CHAIR ♦ MICHAEL ESPEJO, VICE-CHAIR ♦ JAMES TIGGES ♦ NICHOLAS PRIEST ♦ SARAH CAWLEY
PAUL SAGARINO, TOWN ADMINISTRATOR ♦ LYN MILLS, OFFICE MANAGER

MEMO

Proposal for Installing an Electronic Message Board on the Burlington Town Common

To: Town Meeting Members

From: Nicholas Priest, on behalf of the Burlington Select Board

8/25/24

As a part of our ongoing efforts to fulfill our goals as displayed in our Mission Statement by constantly and consistently creating a sense of community within the Town of Burlington and improve communication to the community we propose the replacement of physical (single use) banners with an electronic message board. This upgrade will serve to streamline our communication efforts and provide several key benefits:

Enhanced Communication Efficiency:

- Multiple messages daily: This digital tool will be capable of multiple messages a day, providing equitable access to all events and groups permitted use of the sign.
- Real-time updates: Obtain the ability to update, in real-time, messages that residents receive without delay. In conjunction with our reverse calling system, our website, and social media will be a valuable tool for emergency notifications and last-minute changes.
- This electronic message board directly supports the objectives outlined in our recent Communications Plan & Report, which emphasized the need for more effective, timely, and accessible public communication methods.

Cost and Labor Savings:

- Reduction in printing costs: Transitioning to digital “banners” will eliminate the recurring costs associated with printing and hanging signs.
- Town employees will no longer have to hang and remove the physical banners which will allow them to focus on responsibilities with greater impact and benefit.

Sgt. Abaskharoun conducted research and from his role in the Burlington Police Department provided a memo outlining a series of best practices and recommendations to ensure driver distraction is at an absolute minimum while providing useful messaging to the motoring public.

In looking at research of Out-of-home (OOH) media studies tend to show OOH being more effective in creating broad message awareness when compared to social media reaching people in environments with lower media saturation which has a higher impact on recall (*OOH Media Performance Research*, Nielsen). OOH can also significantly enhance the memorability of a message compared to digital ads, particularly when in combination with digital campaigns (*The Neuroscience of OOH*, Ocean Outdoor and Neuro-Insight Report).

The Select Board has taken this to all boards and committees for review and have adjusted the article language to meet their suggestions.

The Select Board is under no illusion that this singular electronic message board is going to solve our current communication condition rather it is another step, another tool for us to leverage in an ongoing effort to meet community members where they are. In conjunction with the other tools mentioned above it will strengthen our ability to communicate.

We will spend some time during our presentation at Town Meeting to review these points as well as walk through our draft policy based on recommendations from Town Counsel and the recommendations set forth by Sgt. Abaskharoun.

Thank you in advance for your consideration.



BURLINGTON POLICE DEPARTMENT

45 Center Street
Burlington, MA 01803
Tel: (781) 272-1212
www.bpd.org

Thomas P. Browne
Chief of Police

TO: Mr. Paul Sagarino
FROM: Sergeant Peter T. Abaskharoun
DATE: June 29, 2024
SUBJECT: Town Common Digital Sign Best Practices

I am writing to outline recommendations for best practices regarding a new digital sign being erected at the Town Common. This digital sign will be in place of the static sign that currently exists at the south west corner of the common by the intersection of Cambridge and Bedford Street. This memo serves to detail key practices to ensure that traffic safety is not negatively affected by the placement of this sign. Adhering to these recommendations will help reduce driver distraction while keeping the driver's focus on the roadway. The goal of the Burlington Police Department's Traffic Division is to reduce crashes caused by motorist inattention in this major intersection of town due to the placement of this sign.

Many of the recommendations come from previous studies that analyzed the effect of digital signs to drivers on the road. They also come from Massachusetts General Law 700CMR 3.17 that adopted many of the recommendations. The "Compendium of a Decade's Worth of Research Studies on Distraction from Digital Billboards (Commercial Electronic Variable Message Signs [CEVMS])" prepared by Jerry Wachtel of the Veridian Group summarized and critiqued many of the studies that occurred between 2008 and 2018. The summarization states "...outdoor advertising signs, particularly CEVMS, attract driver's attention, and that more dramatic and salient signs attract longer and more frequent glances." A driver's attention was shown throughout the numerous studies to have a glance time of at least 2 seconds away from the roadway (Chan, et al., 2008 – USA, Amherst, MA). The average reaction time for a driver is 1.5 seconds, which means that as soon as a driver sees a hazard, they react to it in that time. Any time added to the reaction time due to distraction can have a disastrous effect. These best practices seek to reduce the digital sign as a distraction.

1. Make it quickly readable

- a. Large font sizes are best to make sure the text is visible from a distance
- b. Use Sans-Serif fonts (Bold is best)
- c. The digital sign should automatically adjust the brightness of its display based on the ambient lighting so it does not cause glare off the windshields of vehicles or emit rays of light at any portion of the traveled way

2. Avoid a busy looking display

- a. Two fonts or fewer in the design to avoid a "busy and difficult to read" display
- b. Avoid using too many colors as this can be overwhelming for drivers
- c. Use light colors on dark backgrounds or vice versa to create a quickly readable contrasted display.

3. Clear and Concise Messaging

- a. Use short, direct messages so drivers can quickly understand the information
- b. Avoid the use of witticisms, colloquialisms, and popular culture reference as it will not appear as clear and concise messaging for all

4. Display Change

- a. Ensure messages can be fully read by drivers before the display cycles to the next one (at least 10 seconds between display cycles)
- b. Achieve an instant message change
- c. No more than three messages to be cycled in a 12-hour period unless there is an emergency requiring public notification.
- d. The static display or display change from one message to the next should not include any animation, movement, or change of colors. This does not include changes to a display for time, date and temperature.

5. Emergency Considerations

- a. In the event of a sign malfunction, there should be a default design that will be displayed on the screen



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Thomas P. Browne
Chief of Police

- b. Emergency notifications should take priority on the sign and remain in a static state until such emergency notification is deemed to be no longer necessary
- c. A list of persons along with their contact information that have 24/7 access to the digital sign should be provided to the Police and Fire Departments should the electronic sign need to be turned off promptly due to a malfunction, or should the need arise for an emergency notification be displayed on the sign.

The Burlington Police Department's Traffic Division believes that by adhering to these recommendations, we can maintain a safe driving experience in one of the Town of Burlington's busiest intersections, while providing useful messaging to the motoring public. These recommendations are not exhaustive, but provide a framework to begin the use of digital signage. The Burlington Police Department's Traffic Division will continue to find ways to make sure the impact of this digital sign is minimized to the motoring public and will continually assess the effectiveness of the best practice recommendations listed in this memo.

Respectfully Submitted,


Sergeant Peter T. Abaskharoun
Burlington Police Department
Traffic Division Supervisor
45 Center Street
Burlington, MA 01803
Pabask@BPD.org
(781) 505-4979

REFERENCES:

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ARTICLE #20
DEFINITIONS AND USE TABLE HOUSEKEEPING
AMENDMENT

ZONING ARTICLE BACKUP

Purpose: As is often standard with large scale re-zoning amendments, minor edits and changes must be made that were missed in the original approval. This does not change the purpose or intent of the bylaw which has been passed.

Highlights include:

- Allowing appropriate uses normally accessory to residential principal uses (Section 4.3.1) in the MBTA Overlay District.
 - **Please refer to the Overlay District Legend, located on the last page of the warrant article, for interpretation and application of allowed uses in the table.**
 - Ex: Home Occupations, Swimming Pools, Tennis Courts, Buildings and Structures Normally Accessory to Multi-Family Development (e.g. leasing office), Roof Mounted Solar Energy Systems
 - These uses are allowed in the existing Garden Apartment (RG) zoning district.
- Removing definitions that are no longer used – Ex. “Convalescent Home”
- Adding restrictions to the definition of Data Center that are consistent with other communities. This use is a heavy water and electricity user, therefore we have restricted the size to < 20,000 sq. ft.
- Changing use 4.2.2.10 “Public Parks, Community Centers, Public Libraries, Public Museums, Public Art Galleries and Related Facilities” from a YES in the RO zone to an SP.
 - Received feedback that abutting homeowners would like to be notified if the town is proposing to add one of these uses to town land in their neighborhood.
- Allowing both Integrated and Structured parking in the MBTA Overlay District
- Corrected any transcription errors

ARTICLE #21
PARKING AND LANDSCAPING
MODERNIZATION

ZONING ARTICLE BACKUP

Purpose: As is often standard with large scale re-zoning amendments, minor edits and changes must be made that were missed in the original approval. This does not change the purpose or intent of the bylaw which has been passed.

Highlights include:

- Sample calculations for the process of providing a shared parking analysis when seeking a special permit for a parking reduction of greater than 10%.
- Removing requirements that are only applicable to a more urban setting.
- Providing requirements regarding the placement of driveways (both residential and commercial) connecting to town rights-of-way to improve safety and traffic flow.
- Correcting any unintended errors that were discovered after May Town Meeting.

ARTICLE #22

**REFINE THE DEFINITION OF “EXPERIENTIAL
RETAIL & COMMERICAL INTERACTIVE
VENUE”**

(NO BACKUP)

ARTICLE #23
TEMPORARY SIGN BYLAW AMENDMENT
(WITHDRAWN)

ARTICLE #24

ACCESSORY USE REGULATIONS RELATING TO ONE-FAMILY DWELLING (RO) DISTRICT

The Problem

Voiced concerns by residents and building department over lack of clarity in our bylaws regarding accessory uses (sheds in particular).

The Issue - Why is this amendment being presented:

There is confusion about which Accessory Uses and Structures in Residential Zoning Districts require a permit, and how the zoning regulations regarding setbacks are applied. These amendments are proposed to reduce this confusion and set clear definitions and regulations. In support of the Building Department and ZBA, these proposed changes will aid in both the application and enforcement of this area of the Zoning Bylaws.

Resolution to the Issue:

By specifying exact permitting regulations, amending some existing definitions, as well as adding currently undefined terms, the regulations will be clearer to residents and will allow more guidance in the enforcement of these bylaws; resulting in a reduction of the number of appeals.

If approved: what this amendment will do:

With approval from Town Meeting, the amended text in the Bylaws will:

- Make it clear to applicants when a permit is required, and where accessory uses are permitted on a property.
- Address the residents' voiced concerns and reduce their confusion and frustration.
- Provide a better mechanism to enforce setback regulations and keep large structures away from property lines and assist both the Building Department and the Zoning Board of Appeals with the enforcement.

If approved; what this amendment will NOT do:

- Regardless of approval, the current setback regulations will not change. There are no structures allowed in the setbacks
- If approved, **there will be NO CHANGES TO ALLOWING ACCESSORY STRUCTURES IN RESIDENTIAL ZONES and will not stop anyone from building accessory structures.** It will simply distinguish which structures will be allowed by right (no permit) and what larger structures will require a permit.

Is there a fee for a permit?

Yes: The fee schedule applies for some Accessory Structures. The cost for a permit is \$13 per \$1000 of construction cost (with a \$50 minimum). However, there is no permit required for smaller items.

- Smaller items: For example, a small typical tool, or trash barrel enclosure bin (less than 65 SF or 10 feet in height) would not require a permit; therefore, no permit or fee.
- Larger items: For example, an 8' x10' shed (greater than 65 SF) would require a permit, and if valued at \$2000, the permit fee would be \$50. A larger 12' x 16' screenhouse (greater than 65 SF) also would require a permit, and if valued at \$12,000.00 the fee would be \$156.00.

Article contents:

The warrant article is broken into 5 sections for ease of understanding:

1. Proposing new definitions
2. Amending of some existing definitions
3. Amending Dimensional Requirements in Section V; Section 5.1
4. Amending language in the "opening" paragraph of the Use Regulations table –as well as minor amended language within the table
5. Adding a new section to ZBL Article IX Administration and Procedures which includes permitting process and procedures for Accessory Use Structures Permit