

WARRANT

Burlington Town Meeting



May 9, 2022 7:30 P.M.

**Burlington High School
Burlington, MA**

INDEX OF ARTICLES
Burlington Town Meeting
Monday
May 9, 2022

ARTICLE NUMBER	SUBJECT	PAGE NUMBER
<u>GENERAL ARTICLES (green paper)</u>		
1	Reports of Town Officers & Committees	1
<u>FINANCIAL ARTICLES (golden paper)</u>		
2	Transfer of Funds FY2022/Various Account	2
3	Fund FY2023 Operating Budget	2
4	Transfer from Free Cash to Stabilization Fund	2
5	Transfer from Free Cash to OPEB Trust Fund	3
6	Fund Revolving Accounts	3
7	Fund FY2023 Capital Budget	
<u>FROM FREE CASH (7-1) (7-23):</u>		
7-01	DPW - Chestnut Hill Cemetery Fence	4
7-02	DPW - Stream Cleaning/Drainage Repair	4
7-03	DPW - Grandview Ave Pump Station Design	4
7-04	DPW - Vehicle Replacement	4
7-05	Fire - Phase 2 Communications Plan	4
7-06	Fire/Police - Records Management and Dispatch System	4
7-07	Police - Network Security Updates	4
7-08	Police - Body Cameras	4
7-09	Economic Development - Transportation Study Route 3A	4
7-10	Recreation - Pickup Truck with plow	4
7-11	Recreation - Simonds Park Basketball Court Renovation	5
7-12	School - Francis Wyman Playground	5
7-13	School - Computer Science for All CS4All curriculum supplies	5
7-14	School - HVAC Controller Upgrade	5
7-15	School - Pine Glen Bathroom Repairs	5
7-16	School - Pine Glen HVAC	5
7-17	School - Burlington Sports Field Master Plan	5
7-18	School - BHS Music Floor Reconstruction	5
7-19	School - Fox Hill Portables Repairs	5
7-20	School - Scoreboards for Sport Fields	5
7-21	School - Activity Bus and Utility Vehicles	5
7-22	School - Bleachers MSMS Field	5
7-23	School - Visitor control Access System	5
8	Acceptance of Chapter 90	6
9	MWRA I/I Debt Service	6

10	Sewer Enterprise Fund	6
11	Transfer to Water Stabilization	7
12	FY22 Water Usage PFAS	7
13	Borrowing - Roads, Municipal Lots, and Sidewalks	8
14	Partridge Lane Sewer Pump Station	8
15	PEG Cable Access Enterprise Fund	9
16	Transfer from Receipts Reserved Account for Ambulance Services	9
17	Fund Burlington Municipal Employee Association Contract	9
18	Fund Department of Public Works Contract	10
19	Fund Burlington International Firefighters Association Contract	10
20	Fund Burlington Police Command Officers' Contract	11
21	Fund Burlington Police Patrolmen's Association Contract	11
22	Fund Administrative & Professional Compensation Plan	12
23	Fund Part-Time Compensation Plan	12
24	Will of Marshall Simonds	12
25	Affordable Housing Coordination Services	13
26	July 4th Parade	13
27	Historical Shed	13
28	119 South Bedford Rd	14
29	Sculpture Park	14
30	CPI Adjustment for Elderly	15
31	Elderly and Disabled Taxation Fund	15

GENERAL ARTICLES – Continued (green paper)

32	Adopting the Community Preservation Act in Burlington	16
33	Alteration of Public Way, Winter Street	17

GENERAL BYLAW ARTICLES – (blue paper)

34	Amendment to General Bylaw Article V, sections 1.5.4: 2.1: 2.3.2: 2.6 and 2.8.2.5, regarding setting the compensation for the secretary	18
----	---	----

ZONING BYLAW ARTICLES (yellow paper)

35	Zoning Bylaw Amendment and Map Amendment to create a new Zoning District to be call the Town Center Multifamily TCM District	20
36	Amend Zoning map, Town Center Overlay Map and Rezoning property to the Town Center Multifamily (TCM) District Zoning District to be call the Town Center Multifamily TCM District	23
37	Network Drive at Northwest Park Planned Development District/Zoning Amendment	24
38	Amend Zoning Map and property to the Innovation I District – 56 Middlesex Turnpike	35
39	Amend Zoning Map and property to the Innovation I District – 15 Adams Street	35
40	Amend Zoning Bylaw-Distance from basement, slab or crawl space Groundwater	36

CONSTABLE’S REPORT

TOWN COUNSEL’S LETTER

WARRANT

BURLINGTON TOWN MEETING

Monday, May 9, 2022

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 9th of May 2022 at seven-thirty 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 FY2022/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 FY2022 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 FY2023 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 FY2023; 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 ()

FINANCIAL ARTICLES -Continued

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: Fund 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, 2022, or to act in any other manner in relation thereto.

Revolving Fund Name	Department or Board Authorized to Spend	Expenditure Limit
Cross Connection – Backflow Prevention	Public Works	\$80,000
Local Transportation Program	Public Works	\$50,000
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	\$75,000
Sealer of Weights and Measures	Select Board	\$20,000
Ice Palace Improvement & Maintenance	Select Board	\$36,000
Meadowbrook School Maintenance and Improvements	Select Board	\$105,000

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

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

FINANCIAL ARTICLES -Continued

ARTICLE # 7

RE: Fund FY2023 Capital Budget

To see if the Town will vote to transfer from Free Cash the sum of \$4,976,589.00 or borrow, raise or appropriate any other amount for the items contained within the following proposed FY2023 Capital Budget, same to be expended under the appropriate authorities as indicated:

NO.	DEPT.	PROJECT NAME/ DESCRIPTION	SPENDING AUTHORITY	REQUEST AMOUNT
<u>FROM FREE CASH (7-01:7-23):</u>				
7-01	DPW	Chestnut Hill Cemetery Fence	Select Board	\$20,000
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-02	DPW	Stream Cleaning/Drainage Improvements	Select Board	\$200,000
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-03	DPW	Grandview Ave. Pump Station Design	Select Board	\$130,000
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-04	DPW	Vehicle Replacement Program	Select Board	\$593,000
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-05	FIRE	Phase 2 Communications Plan	Select Board	\$700,000
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-06	FIRE/POLICE	Records Management and Dispatch System	Select Board	\$439,500
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-07	POLICE	Network Security Updates	Select Board	\$63,219
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-08	POLICE	Body Camera Storage	Select Board	\$222,870
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-09	SELECT BOARD	Transportation Study Route 3A	Select Board	\$35,000
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	
7-10	RECREATION	Pickup Truck with Plow	Recreation	\$50,000
	PASSED ()	DEFEATED () POSTPONED INDEFINITELY ()	OTHER ()	

7-11	RECREATION PASSED ()	Simonds Park Basketball Court Reno. DEFEATED () POSTPONED INDEFINITELY ()	Recreation	\$230,000 OTHER ()
7-12	SCHOOL PASSED ()	FW-Playground DEFEATED () POSTPONED INDEFINITELY ()	School. Comm.	\$290,000 OTHER ()
7-13	SCHOOL PASSED ()	SW-Computer Science for All (CS4All) Curriculum Supplies DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$150,000 OTHER ()
7-14	SCHOOL PASSED ()	HVAC Controller Upgrade DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$108,000 OTHER ()
7-15	SCHOOL PASSED ()	PG - Bathroom Repairs DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$65,000 OTHER ()
7-16	SCHOOL PASSED ()	PG-HVAC DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$500,000 OTHER ()
7-17	SCHOOL PASSED ()	Burlington Sports Field Master Plan DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$70,000 OTHER ()
7-18	SCHOOL PASSED ()	BHS-Music Floor Reconstruction DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$450,000 OTHER ()
7-19	SCHOOL PASSED ()	Fox Hill Portables Repairs DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$160,000 OTHER ()
7-20	SCHOOL PASSED ()	Scoreboards for Sports Fields DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$110,000 OTHER ()
7-21	SCHOOL PASSED ()	Activity Bus and Utility Vehicles DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$145,000 OTHER ()
7-22	SCHOOL PASSED ()	MSMS-Field Bleachers DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$220,000 OTHER ()
7-23	SCHOOL PASSED ()	Visitor Control Access System DEFEATED () POSTPONED INDEFINITELY ()	School Comm.	\$25,000 OTHER ()

Amount: \$

Submitted by the Select Board at the Request of
The Town Administrator

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

FINANCIAL ARTICLES -Continued

ARTICLE # 8

RE: 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 to act in any other manner in relation thereto.

Amount: \$1,090,873.00

Submitted by 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 \$77,975.00 for the purpose of paying the FY2023 debt service on the Town's three existing 0% MWRA I/I loans; or to act in any other manner in relation thereto.

Amount: \$77,975.00

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 transfer the sum of \$6,271,100.00 to operate the FY203 Sewer Services Enterprise, including sewer assessment, maintenance, and debt services, of which \$5,970,000.00 will come from the FY2023 Sewer Services Enterprise estimated revenue account, and \$301,100.00 will come from Sewer Services Enterprise Fund retained earnings account; or to act in any other manner in relation thereto.

Amount: \$6,271,100.00

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

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

FINANCIAL ARTICLES -Continued

ARTICLE # 11

RE: Water Stabilization Fund

To see if the Town will vote to transfer from the Water Stabilization Fund the sum of \$952,243.00 or any other sum, to cover the operating expenses and debt service related to the connection to the Massachusetts Water Resources Authority (MWRA) system; or to act in any other manner in relation thereto.

Amount: \$952,243.00

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

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

ARTICLE # 12

RE: FY22 Water Purchases PFAS

To see if the Town will vote to transfer from free cash, otherwise provide the sum of \$500,000.00 to fund additional water purchases from the MWRA in FY22, or to act in any other manner in relation thereto.

Amount: \$500,000.00

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

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

FINANCIAL ARTICLES -Continued

ARTICLE # 13

RE: Road and Parking Paving (Bond Issue)

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$3,500,000.00 or any other sum, for the purpose of funding paving or roads and parking lots, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$3,500,000.00

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

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

ARTICLE # 14

**RE: Partridge Lane Sewer Pump Station
Forcemain Rehab**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,100,000 or any other sum, for the purpose of repairing the forcemain at the Partridge Lane 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: \$1,100,000.00

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

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

FINANCIAL ARTICLES -Continued

ARTICLE # 15

RE: PEG Cable Access Enterprise Fund

To see if the Town will vote to transfer the sum of \$585,000.00 to operate the FY2023 Peg Cable Access Enterprise of which \$585,000 will come from the FY2023 PEG Cable Access Enterprise Fund Estimated Revenue Account; or to act in any other manner in relation thereto.

Amount: \$585,000.00

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

ARTICLE # 16

**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 \$TBD, 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: \$TBD

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

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

ARTICLE # 17

**RE: Fund the Burlington Municipal
Employees' Association Contract**

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Municipal Employees' Association contract for FY2023, FY2024, and FY2025, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$TBD

Submitted by the Select Board at the request of
The Board of Assessors

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

FINANCIAL ARTICLES -Continued

ARTICLE # 18

RE: Fund the Department of Public Works Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Public Works Contract for FY2023, FY2024, and FY2025, same to be spent under the appropriate authority; 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 # 19

RE: Fund the Burlington International Firefighters' Association Contract

To see if the Town will vote to transfer from FY2023 Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington International Firefighters' Association for FY2023, FY2024, and FY2025, same to be spent under the appropriate authority; 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 ()

FINANCIAL ARTICLES -Continued

ARTICLE # 20

RE: Fund the Burlington Police Command Officers' Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Command Officers' Contract for FY2023, FY2024, and FY2025 same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$TBD

Submitted by Select Board at the request of
The Town Administrator

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

ARTICLE # 21

RE: Fund the Burlington Police Patrolmen's Association Contract

To see if the Town will vote to transfer from FY2023 Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen's Association for FY2023, FY2024 and FY2025, same to be spent under the appropriate authority; 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 ()

FINANCIAL ARTICLES -Continued

ARTICLE # 22

RE: Fund the Administrative and Professional Compensation Plan

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for FY2023, and transfer from the FY2023 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 # 23

RE: Fund the Part-time Compensation Plan

To see if the Town will vote to transfer from the FY2023 Negotiated Settlement a sum of money for the purpose of funding the Part-time Salary Plan (under 20 hours) for FY2023, 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 # 24

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 \$ TBD, 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: \$TBD

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

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

FINANCIAL ARTICLES -Continued

ARTICLE # 25

RE: Affordable Housing Coordinator

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$40,000.00, or any other sum, for the purpose of funding Affordable Housing Coordination services, same to be spent under the direction of the Town Administrator in coordination with the Housing Partnership Committee, or to act in any other manner in relation thereto.

Amount: \$40,000.00

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

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

ARTICLE # 26

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 \$40,000.00 to pay for expenses associated with the annual 4th of July parade and to do or act in any other manner in relation thereto.

Amount: \$40,000.00

Submitted by Select Board at the request of
The Town Administrator

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

ARTICLE # 27

**RE: Historical Commission Storage
Shed**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$33,000.00 for the purpose of providing a storage shed at the West School property; or to act in any other manner in relation thereto.

Amount: \$33,000.00

Submitted by the Select Board at the request of the
The Historical Commission

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

FINANCIAL ARTICLES -Continued

ARTICLE # 28

RE: 119 South Bedford Street

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$TBD as necessary to exercise its first right of refusal and purchase 119 South Bedford Street, and then to authorize the Select Board to sell same upon terms and conditions which they determine to be most advantageous to the Town as an affordable housing unit: or to act in any other manner in relation thereto.

Amount: \$TBD

Submitted by the Select Board at the request of the
The Affordable Housing Committee

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

ARTICLE # 29

RE: Burlington Sculpture Park

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purpose of funding the Burlington Sculpture Park for fiscal year 2023 to be expended under the appropriate authorities; or to act in any other manner in relation thereto.

Amount: \$20,000.00

Submitted by the Select Board at the request of
The Burlington Sculpture Park

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

FINANCIAL ARTICLES -Continued

ARTICLE # 30

RE: CPI Adjustment for Elderly

To see if the Town will vote to accept Massachusetts General Law Chapter 59 Section 5 Clause 41D, in order to authorize the Town to adjust annually, the gross receipts and whole estate, real and personal, as set forth in Clause 41C to increase by the amount set in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for each year; or take any action related thereto.

or to act in any other manner in relation thereto.

Amount: N/A

Submitted by the Select Board at the request of
The Board of Assessors

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

ARTICLE # 31

RE: Elderly and disabled Taxation Fund

To see if the Town will vote to accept Massachusetts General Law Chapter 60 Section 3D, in order to authorize an Elderly and Disabled Taxation Aid Fund in Burlington. Such fund will be created to allow taxpayers of Burlington to voluntarily check off an amount not less than \$1 which shall increase the amount otherwise due, and to establish a Town aid to the elderly and disabled taxation fund for the purpose of defraying the real estate taxes of elderly and disabled persons of low income. A Taxation Aid Committee to be appointed by the Select Board shall consist of the Chair of the Board of Assessors, the Town Treasurer and three residents to carry out the provisions of this article and to identify recipients of such aid; or take any action related thereto.

or to act in any other manner in relation thereto.

Amount: N/A

Submitted by the Select Board at the request of
The Board of Assessors

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

GENERAL ARTICLES -Continued

ARTICLE # 32

RE: Adopting the Community Preservation Act in Burlington

To see if the Town will vote to accept Sections 3 to 7 inclusive of Chapter 44B of the General Laws, a summary of which appears below (such acceptance will put the text on the November 2022 ballot for voter approval):

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, (hereinafter “the Act”) establish a dedicated funding source to enable cities and towns to (1) acquire, create, preserve, rehabilitate and restore land for recreational use. (2) acquire, create preserve, rehabilitate and restore open space, which includes land for parks, conservation areas and the protection of drinking water supplies; (3) acquire, preserve, rehabilitate and restore historic buildings and resources; and (4) acquire, create, preserve, rehabilitate and restore affordable housing, and help meet local families’ housing needs.

In Burlington, the funding source for these community preservation purposes will be a surcharge of 1.5 percent on the annual property tax assessed on real property beginning in fiscal year 2024, and by annual distributions made by the state from a trust fund created by the Act. Only communities that adopt the Act receive a distribution from this state trust fund.

If approved, the following will be exempt from the surcharge:

- property owned and occupied as a domicile by a person who qualifies for low-income housing or low-or-moderate-income senior housing in the Town of Burlington as defined in Section 2 of said Act. If exemption is elected by the property owner, the taxpayer must apply annually for this exemption
- class three (commercial) and class four (industrial) properties as defined in section 2A of GLc.59 for the first \$100,000 of the assessed valuation of each taxable parcel
- class one (residential) properties as defined in section 2A of GLc.59 for the first \$100,000 of the assessed valuation of each taxable parcel

A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge. Upon acceptance by the voters, a Community Preservation Committee will be established by town by-law, composed of local citizens, to study community preservation resources, possibilities and needs, and to make annual recommendations to Town Meeting on the use of the funds. All expenditures must be approved by Town Meeting. or to act in any other manner in relation thereto.

Submitted by Select Board at the request of
The Yes CPA Burlington Committee

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

GENERAL ARTICLES -Continued

ARTICLE # 33

RE: Alteration of Public Way, Winter Street

To see if the Town will vote to authorize the Select Board to accept, purchase, or take by eminent domain a three (3) foot wide roadway easement across the properties located at 17,19, and 21/23 Winter Street; or to act in any other manner in relation thereto.

or to act in any other manner in relation thereto.

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

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

GENERAL BYLAW ARTICLES

ARTICLE # 34

RE: Amendment to General Bylaw Article V, Sections 1.5.4, 2.1, 2.3.2, 2.6 and 2.8.2.5, regarding setting the compensation for the secretary (recording clerk).

To see if the Town will vote to amend Article V of the General Bylaws of the Town of Burlington to change the sentence in the following sections from – “The committee shall (or may) define the duties of the secretary and fix the compensation of the secretary...” to be “The committee shall define the duties and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the Town.”

Section 1.5.4 Committee Composition, (Information Systems Security Advisors Committee) paragraph 1

The Committee shall consist of nine (9) voting members’ total, of which five (5) members are town residents to be appointed by the Select Board within thirty (30) days after the adjournment of the May Town Meeting. In the absence of an active committee, these five (5) members shall be appointed as follows: two (2) will be appointed for three (3) years, two (2) members will be appointed for two (2) years and one member (1) member will be appointed for (1) year. Thereafter, all appointments shall be three (3) years. The Committee shall annually elect a chairperson, vice-chairperson and engage a recording clerk. The recording clerk shall not be a member of the committee. The committee shall define the duties and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the Town..

Section 2.1 Finance Committee (Ways & Means), paragraph 3

The Committee shall annually engage a recording clerk who shall not be a member of the Committee. The committee shall define the duties and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the Town.

Section 2.3.2 (General Bylaw Review Committee)

The committee shall annually elect a chairperson and vice-chairperson and engage a recording clerk. The recording clerk shall not be a member of the committee. The committee shall define the duties and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the Town.

Section 2.6 (Land Use Committee)

The committee shall annually elect a chairperson and vice-chairperson and engage a recording clerk. The recording clerk shall not be a member of the committee. The committee shall define the duties and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the Town.

2.8.2.5.9 (Zoning Bylaw Review committee)

The committee shall annually elect a chairperson and vice-chairperson, and engage a recording clerk. The recording clerk shall not be a member of the committee. The committee shall define the duties and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the Town.

or to act in any other manner in relation thereto.

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

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

ZONING BYLAW ARTICLES

ARTICLE # 35

**RE: Zoning Bylaw
Amendment to create a new
Zoning District - Multifamily
(TCM) District**

To see if Town Meeting will vote to amend the Zoning Bylaws to create a new Zoning District (Overlay) within the Town Center Overlay District to be called Town Center Multifamily (TCM) District. The Zoning Bylaw amendments shall include the following sections: Article III: “Districts” to create a new Zoning District (Overlay) within the Town Center Overlay Districts to be called Town Center Multifamily (TCM) District; Article IV: Use Regulations to add additional language clarifying where multi-family housing is allowed in the new Town Center Multifamily (TCM) District; and Article VIII: Overlay Districts (Town Center Overlay Districts) to amend sections to add the Town Center Multifamily (TCM) District and add a new Section 8.5.8 “Multifamily Housing Dimensional Waiver” and renumber the existing sections that follow. Amendments are as follows:

ARTICLE III: DISTRICTS

Overlay Districts

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

TCM Town Center Multifamily District

ARTICLE IV: USE REGULATIONS

SECTION 4.1.0 APPLICABILITY OF REGULATIONS

4.1.1 Symbols in Use Regulation Schedules

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
4.2.1.17	Multi-Family other than 4.2.1.2	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO **

Use Regulation Schedule Footnotes:

**** (4.2.1.17) Except permitted “As of Right” in a TCM District only, following Town Meeting rezoning of the subject Premises to the TCM District. See Section 8.5.0 Town Center Overlay for additional requirements.**

LEGEND

Civic Center (CC) & Central Business District (CBD) Districts: **(See Section 8.5.0 Town Center Overlay for additional regulations.)**

SECTION 8.5.0 TOWN CENTER OVERLAY DISTRICTS

8.5.1 The Town Center is hereby adopted to achieve the following purposes and objectives.

The application of “Smart Growth Principles” as enumerated by the Commonwealth of Massachusetts to the future redevelopment of the Town Center **including varied housing options on selected parcels within the Town Center;**

8.5.1 District Boundaries

Delete section in its entirety and replace with the following:

The Town Center is herein incorporated as three (3) overlay districts, superimposed over other districts established by this Bylaw said districts to be known as: the “Civic Center” (CC), the “Central Business District” (CBD) and the Town Center Multifamily (TCM) District. The districts shall include all areas as reflected on a map titled "Town Center Overlay Map: Civic Center and Central Business Districts", prepared by Town of Burlington Planning Department, dated December 2005, revised through May 9, 2022. This map as may be amended from time to time is hereby made a part of this Bylaw. The TCM District may only be superimposed over a CBD District parcel following a Town Meeting rezoning of such CBD District parcel to the TCM District.

8.5.2 General Requirements and Applicability

All land located within the Civic Center, Central Business Districts and **Town Center Multifamily District** shall be subject to the use restrictions or prohibitions as identified in Sections 4.2.0, 4.3.0 and 4.4.0 of these Zoning Bylaws. Uses not specifically permitted in these schedules shall be prohibited. Where land falls within the 100-Year Flood Plain District, Wetlands Districts, Aquifer or Water Resource Districts, such land shall be governed by the additional requirements or prohibitions of such districts.

8.5.4 Permitted Uses

8.5.4.1 Uses permitted by Site Plan and Special Permit

Where a use is designated as “NO” in the CC or CBD Districts, such use shall be prohibited regardless of the provisions of the underlying zoning district, **unless otherwise noted in the Use Regulations.**

TCM District Allowed Uses: All uses permitted by right or by special permit in the CBD are permitted by right or by special permit in the TCM District. Multi-Family uses (Section 4.2.1.17) are permitted by right in a TCM (See Use Regulation Schedule Footnotes).

~~8.5.4.2 Housing Production and Residential uses in the Town Center.~~

~~8.5.4.2.1 — (This section deleted in its entirety at the Town Meeting of September 2010)~~

~~8.5.4.2.2 — Maximum Residential Component~~

~~No additional Multifamily Dwellings shall be permitted beyond those units already permitted or applied for as of June 8, 2010.~~

8.5.5.9 Maximum Floor Area Ratio

For properties whose underlying zoning designation is General Industrial, the Floor Area Ratio may be increased to 0.50 pursuant to a special permit granted by the Planning Board in accordance with the provisions of Section 8.5.5.6. Floor Area Ratio shall not apply to other properties in the CC, CBD **or TCM.**

8.5.8 Multifamily Housing Dimensional Waiver

In order to advance municipal initiatives related to the creation of diverse infill housing opportunities in the Town Center Overlay, the Planning Board may vary the dimensional standards imposed under Section 8.5.3 and 8.5.5 of the Town Center Overlay District for multi-family and mixed-use/multi-family developments in a TCM District. Waivers may be granted with a majority vote of the Planning Board subject to a finding that the proposed development is consistent with the purposes of the Town Center and where the Application for Site Plan and/or Special Permit approval demonstrates that the project meets or exceeds one or more of the criteria outlined in this section below.

- 1. The proposed use is proximate to public transit options and incorporates, where needed, enhanced pedestrian accommodations in the form of, for example but not limited to, sidewalk extensions, benches or bus shelters, etc. to facilitate access to public transit in the area;**
- 2. The proposed development will result in improvements to certain pre-existing non-conforming conditions, which may include uses, structures and/or premises through the improvements to the pre-existing nonconformity;**
- 3. The proposed development project will result in improvements to stormwater design and water quality. Stormwater designs may include infiltration**

systems and Low Impact Development (LID) components to enhance groundwater recharge (where environmental conditions allow), these improvements shall be over and above that which are required by applicable local and state requirements relating to stormwater;

- 4. The petitioner shall demonstrate how the redevelopment advances the purposes and objectives of the Town Center Overlay Districts outlined in Section 8.5.9 and/or other Town published studies;**
- 5. The proposed development will enhance and/or provide for improved outdoor recreational space for residents and/or other community benefit.**

8.5.9 Design Requirements

8.5.10 Transfer of Development Rights

8.5.11 Criteria for approval

Or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
Novaya Real Estate Ventures LLC

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

ARTICLE # 36

**RE: Amend Zoning Map,
Town Center Overlay Map and
to rezone property into the Town
Center Multifamily (TCM)
District**

To see if Town Meeting will vote to amend the Zoning Map of the Town of Burlington and the Town Center Overlay Map, as most recently amended, to rezone certain property located at 135 Cambridge Street (Map 29-137-0), 137 Cambridge Street (Map 29-138-0), 137 R Cambridge Street (Map 29-139-0), 139 A Cambridge Street (29-140-0) and 139 Cambridge Street (29-141-0), as further shown on a plan entitled "Proposed Rezoning To Town Center Multifamily District (TCM)" prepared by Cube3 dated January 27, 2022, to the Town Center Multifamily (TCM) District which is a subdistrict of the Town Center Overlay District. Said parcels consist of approximately 3.1+/- acres of land.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
The Novaya Real Estate Ventures LLC

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

ZONING BYLAW ARTICLES -Continued

ARTICLE # 37

RE: Network Drive Planned Development District/Zoning Amendment

To see if Town Meeting will vote to amend the Network Drive (Formerly Sun Microsystems, Inc.) Planned Development District (“Network Drive PDD”) Zoning Provisions, Use Table and Special Conditions, as originally adopted by Town Meeting on May 19, 1997, and as amended by Town Meeting on May 12, 2008, and further amended on May 10, 2021, in order to modify the Zoning Provisions, Use Table and Special Conditions as follows:

1. To amend the following paragraphs and text of Section 12.1.4.2.C. Zoning Provisions and the following sections: Article I - Use Regulations; Article II - Definitions; Article III - Density and Dimensional Requirements; Article IV - Parking and Land Regulations; Article V - Administration and Procedures; Article VI - Signage; Article VII - Miscellaneous; and Article VIII - Kendall Road Easement, as follows: (Additions noted by **bold, underlined** text; deletions noted by ~~strike-through~~. Footnotes have been renumbered as noted.) (For Town Meeting Member reference, a compilation of the Network Drive PDD reflecting the full text of the Bylaw and all proposed changes has been provided by the Applicant in the Warrant Backup Material)

Article I - Use Regulations:

The PD Premises consists of approximately 140.61 acres. An additional 17.1 acres, consisting primarily of bordering vegetated wetlands, are located in the Town of Bedford (hereinafter, the PD Premises and the property located in Bedford are collectively referred to as, the "Property"). The Concept Plan provides for a mixed use development of the PD Premises as shown on the plan entitled “PD District Rezoning - Application for Mixed Use Development Kent Road - Burlington, Massachusetts” dated March 13, 1997 revised to May 2, 1997 as prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, Watertown, Massachusetts (hereinafter, the “Plan”), as said Plan may be supplemented, altered or amended by the plan entitled “Revised Building Envelope Network Drive at Northwest Park”, dated March 21, 2008 prepared by Vanasse Hangen Brustlin, Inc., ~~(as approved by the May 12, 2008 Town Meeting).~~ **and as further amended by the May 10, 2021 Town Meeting. The layout of the building envelope identified on the Concept Plan has been restated on the plan entitled “Network Drive Planned Development District Burlington, Massachusetts” dated March 14, 2022, prepared by BSC Group.** In no event shall development on the entire PD Premises exceed ~~1,300,000~~**2,150,000** square feet of ~~Net~~¹ **Gross** Floor Area. **In no event shall there be more than 1,950,000 Square Feet of Gross Floor Area of development within the area identified as Parcel 1 on the Concept Plan.**

¹ ~~Square foot measurements for purposes of all permitted uses shall be calculated on the basis of “net leaseable square feet” which is the space leased by tenant(s) exclusive of common areas, hallways, building foyers, areas devoted to heating, air conditioning, elevators, and other utility areas.~~

The permitted uses at the PD Premises by category (“Office”, “Institutional and Recreational” “Retail”, “Residential”, “Commercial”, “Uses in a Wetlands District” and “Accessory Uses” relating to each principal use category) are set forth on the Use Table annexed hereto as Exhibit “A”, dated ~~March 2008~~May 2022 and incorporated herein by reference. Uses in a Wetland District shall be subject to the normal jurisdictional review and approval (if applicable) of the Burlington Conservation Commission. All permitted uses at the PD Premises are subject to the issuance by other Town agencies or boards of all required licenses and approvals normally required for such use. No so-called “warehouse superstores” or “box retailers” shall be permitted within the PD Premises or any part thereof.

For the purposes of the PD Premises, a “lot” shall be defined as a parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose permitted under the Concept Plan, in one (1) ownership, or condominium form of ownership, and which may be divided by a public or private street. Contiguous parcels may be combined to form a single lot.

On Parcel 1, any single user of a permitted use under Section 1.4 (Retail Uses), as set forth in the Use Table annexed hereto as Exhibit A, shall not occupy more than 7,000 NetGross Square Feet and the aggregate of space occupied by all ~~permitted~~-retail uses ~~under Section 1.4~~ shall not exceed 55,000 NetGross Square Feet. The foregoing limitation shall not apply to any cafeteria permitted in the Use Table.

Notwithstanding anything to the contrary contained herein or in the Use Table, that portion of PD Premises shown as the “Residential Development Parcel” on Exhibit B annexed hereto (the “Residential Development Parcel”) shall permit the development of up to nine (9) residential dwelling units in a cluster scheme (2 or more connected units) with accessory uses such as, but not limited to, residential parking garages (attached or detached), a temporary sales office and such other accessory uses customary to such principal use. In addition, the development of the Residential Development Parcel along with any parking garage shall be excluded from the ~~1,300,000~~2,150,000 square feet of NetGross Floor Area restriction governing

development of the PD Premises (The Gross Floor Area calculation shall exclude any floor area constructed on the Residential Area as shown on the Concept Plan).



Article II – Definitions:

The uses permitted on the PD Premises shall be defined as provided in the Zoning Bylaws unless otherwise noted below:

Laboratory: A designated area within a building equipped to conduct scientific experiments, tests, investigations, research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of biology, life science, chemistry, electronics, engineering, geology, medicine and physics.

Life Science: Research, development and prototype manufacturing utilizing: i) microorganisms or biological substances in the fields of “Life Science”, biotechnology, medical, pharmaceutical, environmental science, immunology, microbiology, virology, toxicology, rDNA, comparative medicine, genome research, cell biology; and (ii) apparatus, machines and devices for research, development, pharmaceuticals, biomedical technologies, life systems technologies, environmental and biomedical devices manufacturing and advance and practical application in any such field or areas. Life Science and Biotechnology uses are subject to all federal, state and local regulations and best management practices including but not limited to the Burlington Board of Health Regulations for the Use of Recombinant DNA Technology, the National Institute of Health Guidelines for Research Involving recombinant DNA Molecules, and the Biosafety in Microbial and Biomedical Laboratories (BMBL).

Life Science Manufacturing: A life science or biotechnology laboratory engaged in the manufacturing of life science technologies and medicines for commercial production to the market.

Light Manufacturing: Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Solar Energy System: An active solar energy system that converts solar energy directly into electricity and/or other forms of energy, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy.

Solar Energy System, Ground-Mounted: An active Solar Energy System that is structurally mounted to the ground and is not mounted to a structure.

Solar Energy System, Roof-Mounted: An active Solar Energy System that is structurally mounted to the roof of a building or structure

Article III – Density and Dimensional Requirements:

(a) There shall be no density and dimensional requirements applicable to the PD Premises except as summarized below:

- Minimum Frontage 20.0 feet
- Minimum Front Yard.....20.0 feet
- Minimum Rear Yard 10.0 feet²¹
- Minimum Side Yard10.0 feet¹
- Maximum Building and Structure Height (Building Height as defined in Section 2.13 of the Zoning By-Laws, **(Structured Parking directly under the finished floor area of a building to a maximum of two levels of parking use above the average finished grade around the building can be excluded when calculating structure height.)**) 85.0 feet
- Maximum Building and Structure Height (Residential Development Parcel).....40 feet/3 stories
- ~~Maximum Floor Area Ratio³0.25~~
- ~~Maximum Number of Stories6~~
- Maximum Number of Stories (Residential Development Parcel)3
- Minimum Spacing Between Buildings 20.0 feet²¹
- Maximum Impervious Surface Ratio⁴² Not to Exceed 60.0%

²¹ Unless any ~~building's~~**buildings** outside walls are of fireproof construction and any openings in such walls are protected by a suitable fire restrictive door or shutter or water curtain device, subject to the approval of the Building Inspector in which event the minimum side yard and rear yard shall be 0 feet.

³ ~~For purposes of the Property, the term “Floor Area Ratio” shall mean the ratio of Floor Area, Gross (as defined in the Zoning By-Laws) of all buildings on the Property to the total land area of the Property and not on a lot by lot or parcel by parcel basis. Floor Area Ratio shall not apply to the Residential Development Parcel.~~

⁴²The Maximum Impervious Surface Ratio as shown on the Plan and all other dimensional ratios under the Zoning By-Laws to the extent applicable shall be calculated based upon the Property as a whole and not on a lot by lot or parcel by parcel basis.

Article HHIV - Parking and Land Regulations:

The maximum parking requirements applicable to the various use categories permitted at the PD Premises shall be as follows. Any use not identified below shall be regulated by the Zoning By-Law relative to parking requirements:

- 4.0 spaces per 1,000 square feet of gross floor area of office use;
- 6.0 spaces for each 1,000 square feet of retail use located on Parcel 2;
- 5.5 spaces for each 1,000 square feet of retail use located on Parcel 1;
- 1.0 space per each keyed hotel room;
- 1.0 space per each 2.5 seats of restaurant use;
- 1.0 space per each 3.0 seats of general assembly/conference space; and
- 2.0 spaces per residential dwelling unit (plus visitor parking spaces) located on the Residential Development Parcel.
- **3.5 spaces for each 1,000 square feet of Life Science uses (See Section 1.5.2 of the Use Table);**

Typical parking space dimensions shall be as follows, **unless modified by the Planning Board as part of a PD Special Permit/Site Development and Use plan approval or plan modification in accordance with the applicable Site Plan Rules and Regulations:**

Article IVV - Administration and Procedures:

Article ~~V~~VI - Signage:

Article ~~VH~~VII - Miscellaneous:

Article ~~VH~~VIII - Kendall Road Easement:

2. To amend Exhibit “A” Use Table to amend existing use provisions, to add new use provisions, to update page numbers and update of the table date to May 2022. (Additions noted by **bold, underlined** text; deletions noted by ~~strike-through~~.) (For Town Meeting Member reference, a compilation of the Network Drive PDD reflecting the full text of the Bylaw and all proposed changes has been provided by the Applicant in the Warrant Backup Material):

1.1.1	Residential (as provided in Article I (<i>up to 9 units</i>) – Use Regulations of the Planned Development District Zoning Provisions Network Drive)	YES	2 <u>(See reference to Residential Area on Concept Plan.)</u>
-------	---	-----	--

1.4.4	Retail stores and showrooms 7,000 net <u>gross</u> square feet or less located entirely within a commercial facility.	YES	1
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² Any single user of a permitted use under Section 1.4 “Retail Uses” as set forth in the Use Table, located on Parcel 1 shall not occupy more than 7,000 **netgross** square feet and the aggregate of space occupied by all permitted retail users on Parcel 1 shall not exceed 55,000 **netgross** square feet.

1.5.2	Laboratories engaged in research experimental and testing activities including, but not limited to, the fields of <u>life science (including manufacturing)</u> , biology, chemistry, electronics, engineering, geology, medicine and physics subject to the Planning Board making the findings set forth in Section 8.3.7.4 of the Zoning By-Laws <u>and where said use is located in the Aquifer or Water Resource Overlay District. Section 1.5.2 shall be deemed to include, as a by-right ancillary use(s), the following Sections: 1.5.1, 1.5.3, 1.5.4, 1.5.5, and 1.5.6. Owners/tenants operating under Section 1.5.2 shall be</u> subject to the applicable rules and regulations of the Board of Health.	<u>YES/Parcel 1</u> <u>SP/Parcel 2</u>	1, 2
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1.7.1	Cafeterias, delicatessens, lunch counters, coffee shops, dairy or ice cream establishments, not to exceed 7,000 square feet per use (allowed as an accessory use located within a permitted facility).	<u>SPYES</u>	1, 2
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1.7.3	Accessory convenience store of a maximum of 2,000 square feet. (allowed as an accessory use located within a permitted facility).	<u>SPYES</u>	1, 2
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1.7.4	Digital/photo imaging, copy center (provided any digital and/or photo imaging chemicals are self contained within the equipment and provided, further, such stored chemicals do not exceed amounts that would require registration with the Board of Health) limited to a maximum of 2,000 square feet. (allowed as an accessory use located within a permitted facility).	<u>SPYES</u>	1, 2
1.7.5	Accessory Health Club (allowed as an accessory use located within a permitted facility).	<u>SPYES</u>	1, 2

<u>1.7.25</u>	<u>Solar Energy System, Roof-Mounted</u>	<u>YES</u>	<u>1, 2</u>
<u>1.7.26</u>	<u>Solar Energy System, Ground-Mounted</u>	<u>YES</u>	<u>1, 2</u>
<u>1.7.27</u>	<u>Electric Vehicle Charging Stations and associated mechanical systems</u>	<u>YES</u>	<u>1, 2</u>

Water Resource District and Aquifer District

Subject to the **provisionsfindings** of Section 8.3.0 of the Zoning By-Laws, the foregoing uses shall be permitted as a matter of right or with a Special Permit in a Water Resource and Aquifer District as set forth in the above Table of Uses. Notwithstanding anything to the contrary contained in this Use Table, a use that is prohibited in the Aquifer District shall be prohibited in any portion of the PD Premises included within the Aquifer Overlay District.

3. To amend Section 12.1.4.2.D. Special Conditions to add a new Section IX Special Conditions Applicable to Development on Parcel 1. (Additions noted by **bold, underlined** text; deletions noted by ~~strike through~~.) (For Town Meeting Member reference, a compilation of the Network Drive PDD reflecting the full text of the Bylaw and all proposed changes has been provided by the Applicant in the Warrant Backup Material):

SECTION 12.1.4.2.D.
SPECIAL CONDITIONS
FOR
PLANNED DEVELOPMENT DISTRICT
AS OF MAY 2022

IX Special Conditions Applicable to Development on Parcel 1.

General Infrastructure Assessment: The Developer; within 24 months of the approval of this May 2022 Amendment, shall, working with the Planning Department of the Town and its consultants and as necessary Town departments, assess potential impacts of the potential build-out of the additional authorized development square footage to various public infrastructure, such as water, sewer, traffic, pedestrian circulation, and identify potential community benefits/enhancements or improvement projects as the Developer and the Town identify (the “Impact Report”). The Impact Report shall also include potential additional projects that have been identified, both public and private, in the general area of the PD Premises. The reasonable cost of the preparation of the Impact Report shall be paid by the Developer.

The Impact Report shall set forth a schedule to govern the timing of the implementation of recommendations (i.e., schedule of implementation based upon development execution/project phasing). This Impact Report shall be consulted by the Developer in connection with individual PD Special Permit applications for components of the future development of new floor area at the PD Premises. The Planning Board shall identify appropriate mitigation with reference to this Impact Report and include as appropriate, such mitigation necessary to address the identified impacts of the proposed components of the project at the PD Premises and the cost obligation attributable to the Developer.

Any PD Special Permit granted for new floor area shall include a condition, that the agreed upon mitigation based on the Impact Report shall include a timeline for the implementation of such mitigation.

In addition, the Town may use the Impact Report to pursue both state and federal funding beyond the scope of Developer’s obligations, for certain public infrastructure projects that have a nexus to the development and the Developer shall cooperate with the Town with such funding efforts.

The Developer, in connection with each permit application, shall specifically provide the following:

Traffic Analysis

Prior to the submission of any PD Site Development and Use Plan for the development of new useable floor area, the Applicant shall meet with the Planning

Director to review the project and to obtain a determination as to whether a traffic memorandum or full traffic impact analysis is required. A full traffic analysis shall assess the adequacy of the existing or future transportation infrastructure to accommodate the additional trips generated by the new floor area and proposed use. The traffic impact analysis shall detail, if deemed warranted based on the resultant findings, appropriate signalization enhancements, intersection or roadway geometrical improvements and/or preparation of further studies.

Water and Sewer

All PD Site Development and Use Plan filings shall include an infrastructure analysis which calculates the projected sewer and water usage associated with the proposed development.

Zoning Compliance

Following the issuance of a PD Site Development and Use Plan the Applicant shall provide to the Planning Department a current campus wide site layout plan with corresponding zoning and parking compliance charts.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
The Nordblom Development Company

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

ZONING BYLAW ARTICLES - Continued

ARTICLE # 38

RE: Amend Zoning Map and Rezone Property at 56 Middlesex Turnpike to the Innovation (I) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington to rezone certain property located at:

- 56 Middlesex Turnpike, said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 56 Parcel 12 to rezone from the General Business (BG) District to the Innovation (I) District, consisting of approximately 2.84 acres.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
The Burlex Realty, LLC by George P. Katsarakes, Manager (for 56 Middlesex)

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

ARTICLE # 39

RE: Amend Zoning Map and Rezone Property at 15 Adams Street to the Innovation (I) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington to rezone certain property located at:

- 15 Adams Street, said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 59 Parcel 14 to rezone from the General Industrial (IG) District to the Innovation (I) District, consisting of approximately 6.56 acres.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
15 Adams Street, LLC by Thomas E. Ouellet & Alan E. Ouellet,
Managers (for 15 Adams Street)

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

ZONING ARTICLES -Continued

ARTICLE # 40

RE: Amend Zoning ByLaw-Distance from Basement, Slab or Crawl Space and Groundwater

To see if the Town will vote to amend the Zoning Bylaws to regulate the distance between groundwater and building basements, crawl space floors, or slab elevations by adding the following new sections to the Zoning Bylaw;

Article II: Definitions:

2.7 Groundwater (Estimated Seasonal High Groundwater Table (ESHGWT))

Estimated Seasonal High Groundwater Table (ESHGWT): The estimated highest level to a zone of saturation in the soil in most years under normal wet season, as determined by a qualified Licensed Soil Evaluator.

5.1.6 DISTANCE FROM BASEMENT, SLAB OR CRAWL SPACE AND GROUNDWATER

5.1.6.1 Purpose. The purposes of this bylaw are to preserve and protect groundwater; to maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements; and to establish procedures to control the adverse effects of building basement floors nearer than two (2) feet from the Estimated Seasonal High Groundwater Table (ESHGWT), including basement flooding, pumping and discharge of groundwater to neighboring properties, discharging groundwater to the public way, and illicit connections to the Town sewer and stormwater connections.

5.1.6.2 Applicability. The requirement of this Section 5.1.6 shall apply to the One Family Dwelling (RO) District:

1. A new dwelling; or
2. Additions to an existing dwelling that increases a building footprint by more than 1,000 square feet.

5.1.6.3 Conditions and Requirements. The vertical distance between the basement floor of any dwelling shall not be less than two (2) feet above the ESHGWT. Said distance shall be determined by a qualified Licensed Soil Evaluator. For the purposes of determining compliance with this bylaw the Licensed Soil Evaluator shall determine if there not be less than two (2) feet separation between the Estimated Seasonal High Groundwater Table (ESHGWT) and the elevation of any proposed building basements, crawl space floors, or slab elevations. This bylaw does not require that the level beyond the 2-foot separation of Estimated Seasonal High Groundwater Table (ESHGWT) be determined.

5.1.6.4 Relationship to Other Laws.

Nothing in this by-law shall be construed to restrict, amend, repeal, or otherwise limit the application or enforcement of any other law or regulation.

or act in any other manner in relation thereto.

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

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

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 9, 2022 at Burlington High School and virtual via WebEx.

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 22nd day of April in the year of our Lord 2022.

Nicholas C. Priest, Chairman

Michael S. Runyan, Vice-Chairman

Joseph E. Morandi, Select Board

James M. Tigges, Select Board

Michael W. Espejo, Select Board

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 9, 2022.

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 22nd day of April, 2022.

Attest: Amy E. Warfield, Town Clerk



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

April 6, 2022

Bill Beyer, Town Moderator
Board of Selectmen
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 9, 2022 Town Meeting and have found it legal as to form. I will note the following:

- Article 11 is a transfer from a stabilization fund and therefore in accordance with G.L. c. 40 §5B, a 2/3 vote is required.
- Articles 13 includes a borrowing and therefore a 2/3 vote will be required in accordance with G.L. c. 44 §8.
- Article 28 involves the purchase and sale of real estate and will require a 2/3 vote in accordance with G.L. c. 40 §3 and §15A.
- Article 33 is the appropriation for the acquisition of an easement and as such, in accordance with G.L. c. 40 §14 will require a 2/3 vote.
- Article 35 and 36 constitutes the creation of multifamily or mixed use zoning by right in an eligible location. The statute defines Eligible Location as "...areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts." As a result this proposed zoning amendment requires a simple majority vote.

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- Articles 37, 38 and 39 are proposed zoning changes and will require a 2/3 vote in accordance with G.L. c. 40A § 5. Please note with regard to Article 38 I have provide caution to the Town that this article may receive a cautious or negative review by the Attorney General as the Commonwealth has pre-empted construction standards, of which this may be deemed one, in the State Building Code. However, a similar article was approved in Lexington, notable however, the Lexington article did not apply to single family home. Please see opinion attached.

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

Regards,



Lisa L. Mead
Town Counsel

cc: Town Clerk