

# **BACK UP WARRANT**

**Burlington Town Meeting**



**September 28, 2022**

**7:00 PM**

**Burlington, MA**

Burlington High School  
Fogelberg Auditorium

**WARRANT ARTICLE 1**  
**REPORTS OF TOWN OFFICERS**  
**& COMMITTEES**  
**(NO BACKUP)**

**WARRANT ARTICLE 2**  
**ANNUAL TOWN ELECTION**  
**DATE**  
**(NO BACKUP)**

**WARRANT ARTICLE 3**  
**WILL OF MARSHALL SIMONDS**

DATE

(NO BACKUP)



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

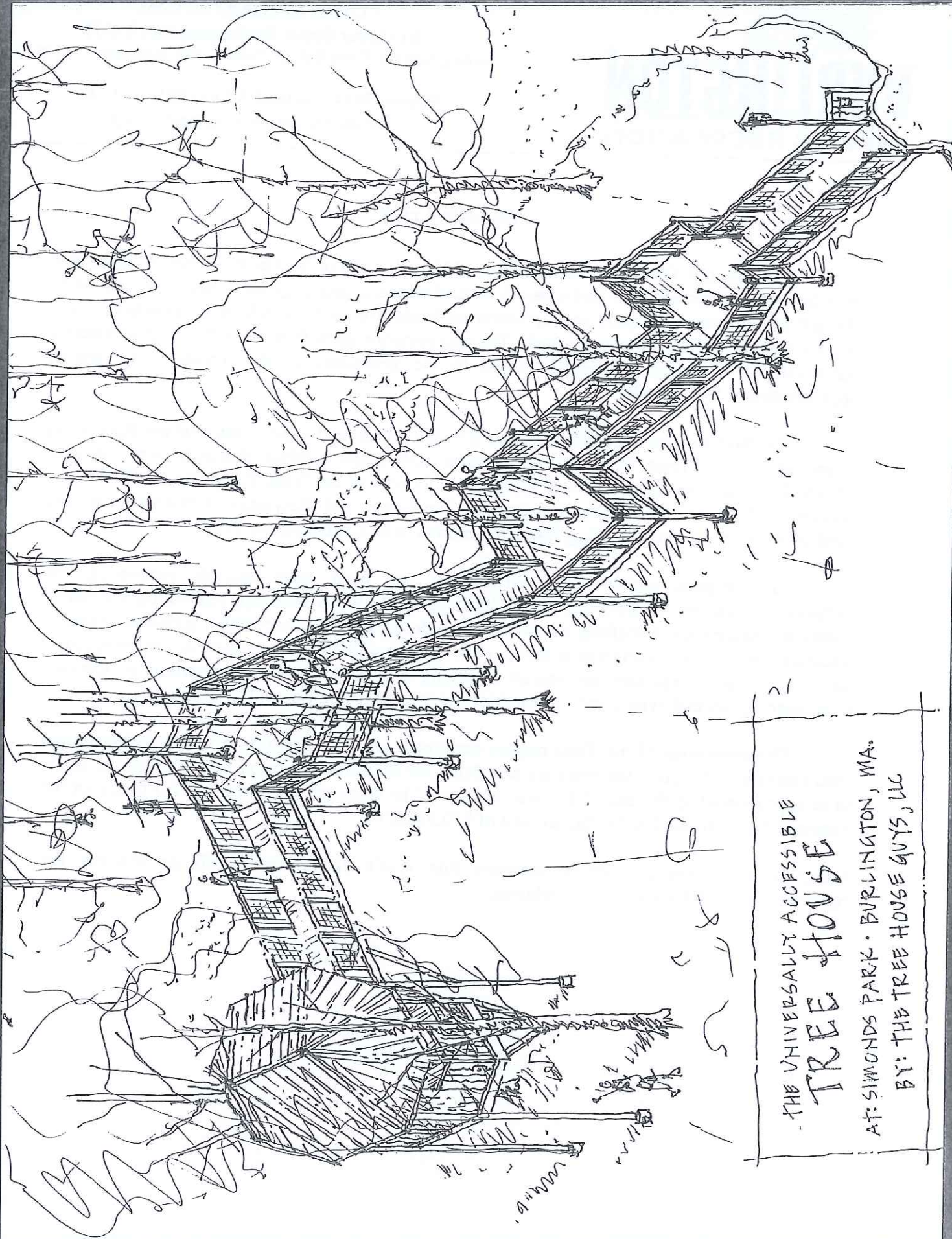
The Simonds Trust was established in 1906 with a gift of land to the Town of Burlington now known as Simonds Park and a parcel of land which is presently the Town Common. With the gift of land came a yearly appropriation of funds from a Trust which is intended to help maintain the facilities on the two 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 **\$70,382.69**.

The land and the expenditure of the \$70,382.69 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.

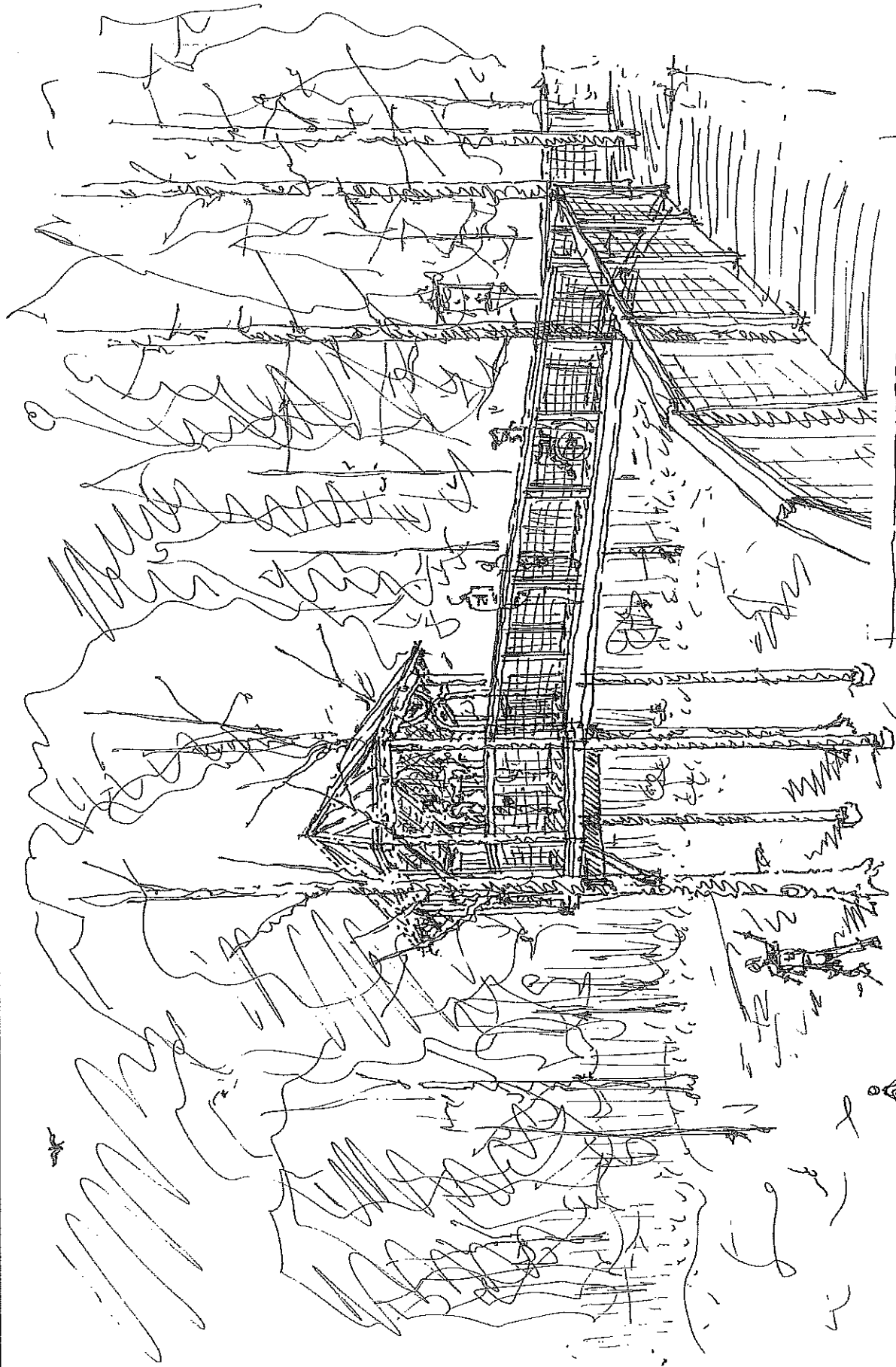
The provisions of the Trust require two votes of Town meeting. To meet disbursement requirements of the Trust the votes are scheduled for May and September, in order for the funds to be appropriated by the end of the calendar year. The votes are necessary in order to accept the Simonds Trust gift for 2022 in the amount of \$70,382.69.

Along with a generous, private donation this year's disbursement will go towards the construction of a fully accessible treehouse.



THE UNIVERSALLY ACCESSIBLE  
**TREE HOUSE**

AT SIMONDS PARK • BURLINGTON, MA.  
BY: THE TREE HOUSE GUYS, LLC



THE UNIVERSALLY ACCESSIBLE  
**TREE HOUSE**  
AT: SIMONDS PARK - BURLINGTON, MA.  
BY: THE TREE HOUSE GUYS, LLC

Approximate cost:  
\$225,000

**WARRANT ARTICLE 4**  
**POLICE STATION FEASIBILITY**





# TOWN OF BURLINGTON

## *Finance Team*

*John Danizio ▪ Juling de los Reyes ▪ Gary Gianino ▪ Whitney Haskell ▪ Paul Tierney*

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To: Town Meeting Members  
From: John Danizio, Assistant Town Administrator  
Date: September 1, 2022  
Re: Police Station Feasibility Study

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The purpose of this memo is to provide backup for article 4 of the September 2022 Town Meeting warrant. This article requests an appropriation of \$150,000 to perform a feasibility study for a new police station. If approved, the Town will then initiate an RFQ process to select an architectural firm to perform and manage the study.

The study will consist of four components:

- 1) Space Needs Assessment and Space Program
  - Perform space needs analysis to determine the space program
- 2) Site Assessment (multiple sites)
  - Assess the suitability, size, and zoning requirements on multiple sites.
- 3) Schematic Design
  - Provide conceptual design for a building and the site layout.
- 4) Cost Estimation
  - Provide a cost estimate (soft and hard costs) for a potential project.

This study will provide the information needed for the Town to decide how to move forward with a police station project. Any recommended project resulting from this study would come back to Town meeting for approval and appropriation of funding.

Attached is a memo from Chief Browne to provide some examples of the deficiencies and safety concerns with the current outdated facility.



MEMORANDUM  
BURLINGTON POLICE DEPARTMENT



TO: Town Meeting Members

FROM: Chief Thomas P. Browne

DATE: September 2, 2022

RE: Police Station

I would like to take this opportunity to explain the current state of the police station and encourage the Town of Burlington, through Town Meeting, to authorize a feasibility study for a new, modern building. I believe the building is no longer a "want," but has become a "need" for many reasons. A feasibility study will allow the Town to assess the current station with an objective lens. Through this process, the various aspects of location, size and layout can be assessed and will put us on solid footing moving forward. The feasibility study will allow Town Meeting the necessary information to make an informed decision on when, and whether, to allow for the construction of a new station. It is my belief that the time has come and I welcome any of you to come in for a personal tour if you wish to see the station for yourself. In deference to your time, I will lay out some salient points for you to consider, but please understand that the issues with the current station go well beyond what I lay out in this memo.

The current station located at 45 Center Street was originally built in 1897 as a four room school house, the "Union School." Four more rooms were added in 1923 along with indoor plumbing. In approximately the mid-eighties, the building was renovated as a bank. And, in 1990-1992, the current station was retrofitted into the existing building. The original design of the building still remains today but the space has been modified to allow for a few more offices in the Administration area, and a new addition was put onto the existing structure to house the 911 center, the sergeants' office, booking, garage and locker rooms, fitness center and the firing range. This addition sits to the left and behind the "Union School" portion of the station.

Over the years, the building quickly lost its usefulness as it pertains to space and operations. For instance, the layout of the building is problematic. For many reasons, security is an issue. From a functionality standpoint, the station is far outside of best practices. As an example, our booking room sits in the middle of our operations area. Potential prisoners have to be escorted through common areas of the station, oftentimes walking by areas where civilian employees may be, or in the presence of armed officers that may be handling other business or writing reports. The booking room itself is not connected to the cell block. Once a booking is completed, the prisoner is again escorted through a common area to the cell block. This lack of containment presents a safety issue for the prisoners and employees of the department. It is also problematic as we had to

situate a public interview room opposite the booking room as there was never any interview room space included in this design. For years, civilians were interviewed about crimes and personal issues in the booking room or brought to other offices. This is not acceptable in any circumstance. Members of the public should be welcomed into the building in a manner that creates privacy for their concerns to be reported, but also allowing for safety of our personnel. Today, this interview room serves a dual purpose because for 19 hours per week, it is the office space for our civilian Crime Analyst.

Another major design flaw of this station is the 911/Dispatch center. The 911 center is immediately off the front lobby. The center is situated in the middle of operations where officers and employees are expected to conduct their usual business. This creates a situation where too many people tend to be in the 911 center, which makes it particularly difficult to handle emergency and business calls for service. Our Records Room is also located inside the 911 center. This change was made in about 2013 as the need to provide more internal security became a priority and a window was created inside the lobby to access Records, thereby allowing us to relocate Records personnel from the Administrative floor of the station. The constant flow of employees through the 911 center is contrary to any best practices and needs to be corrected, but without the space to do so it is impossible.

Over the years, the department has expanded its operations and we have brought on more employees in order to meet the community's needs. As a result of the increase in employees and the expanded operations of the department, the building has quickly become impractical. However, more than its impracticality is its deterioration and attendant issues. We have experienced major water damage and the building itself shows signs of this damage on every floor. We have had the town and outside vendors in consistently to address various issues throughout the building. In recent years, the water damage has been so profound that it caused a major electrical issue in the building, but luckily no one was injured. Our old roll call room, down in the basement level, is no longer used except for some tactical training. We cannot leave any equipment, desks or table in the room because it constantly floods during any heavy rain event and the mold/mildew is prohibitive for obvious reasons. This floor also houses the male locker room, which has cost us thousands of dollars for uniform replacements due to mold/mildew from the humidity and poor locker design.

The security issues within and around the building are a major concern. I have not made these concerns public but I can certainly speak to some of the issues personally. The security concerns cannot be shared in a public forum due to the risk that the information could lead to attempts to breach the security of the station.

In closing, thank you for the consideration of this request and please reach out to me with any questions or concerns.

# **WARRANT ARTICLES 5-9**

## **CONTRACT FUNDING**

No additional backup information has been included. As of the print deadline it is uncertain whether these articles will be presented to the body or withdrawn. If these articles are going to move forward any backup materials will be shared as soon as they are available.

**WARRANT ARTICLE 10**  
**FORM BASED CODE CREATION**



**TOWN OF BURLINGTON, MA**  
*Select Board and Town Administrator*

---

*Paul F. Sagarino, Jr., Town Administrator*

*Lyn Mills, Office Manager*

**TO:** Town Meeting Members  
**FROM:** Melisa Tintocalis, Economic Development Director  
**RE:** Funding for the Mall Road & Middlesex Turnpike Rezoning Initiative  
**DATE:** September 1, 2022

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The purpose of this article is to request funding to develop new zoning for the commercial district along Mall Road and Middlesex Turnpike that incorporates sustainable growth strategies including, but not limited to, compact development form, allowing for a range of uses and housing options, as well as a focus on the streets and public realm connections. This effort is the next step following the area's concept plan completed in concert with MassDevelopment in 2021. The zoning initiative will require extensive outreach, education, and land use policy development to create a proposal for Town Meeting's consideration next September, in 2023. The total cost of this effort is approximately \$130,000. The Town has received a grant from the Executive Office of Energy and Environmental Affairs for \$50,000; the remaining difference is the amount request by this article for \$80,000.

**Project Area**

The project area is generally bordered by Blanchard Road, Route 3, Route 3A, and the Burlington Mall Road. The context for this project area is equally critical, including the Northeastern University Innovation Campus, aquifers, municipal wells and natural systems such as Vine Brook, and transit connections to Alewife Station, Lowell, and Lexington.

**Background**

The Burlington Mall Road District began to take shape as a regional retail center in the 1960s and solidified its place as a major commercial hub by the 1980s. Burlington's commercial district has been home to computer technologies, software developers, and now, it is evolving into a life science cluster. However, the zoning implemented over fifty years ago has not changed much; it has large parcels, limited uses, few connections, and a commercial district that excludes residential uses. Market preferences have shifted from auto-oriented development patterns to denser, walkable, inclusive environments, with an even greater mix of uses and a focus on transit and placemaking. Although the COVID-19 pandemic interrupted this trend, people's experiences during the pandemic highlighted the need for communities to plan for flexible, dynamic environments that can accommodate many possible adaptations with regard to how we work, research, shop, and live.

To that end, the Town has collaborated with MassDevelopment under a Site Readiness Grant to develop a concept plan for the Burlington Mall Road and Middlesex Turnpike area, entitled, "Burlington 128 District." The process included data analysis, urban design concepts, and stakeholder engagement. Three community-wide online forums were held with over 80 people in attendance at each meeting, as well as a series of interviews with town officials, property owners, and business stakeholders. Through this process approximately 100 acres of infill development potential was identified that could be unlocked with a new

regulatory framework. In addition, the following five goals were identified to be incorporated in a new framework: 1) Economic Vitality – create an inclusive regional research and innovation center; 2) Reinvestment – unlock development potential in surface parking areas; 3) Placemaking – create a mixed-use neighborhood that reduces commuting and invites workers back to the workplace; 4) Mobility – create networks of pedestrian and bike friendly environments supplemented by transit; and 5) Zoning Predictability – provide a clear regulatory environment to signal civic goals. The proposed zoning initiative provides a proactive approach that will help guide development over the next decade adapting the commercial district from an auto-centric development pattern into a more balanced and people-friendly village.

### **Anticipated scope of work**

The zoning initiative includes a public engagement process and the crafting of new zoning for Town Meeting's consideration in September 2023. The anticipated scope of work includes the following tasks:

1. Host a kick-off workshop/meeting with Town staff and key stakeholders as appropriate
2. Develop website content to update and engage residents on process
3. Integration of existing conditions analyses  
The consultant, in concert with town staff, will review the existing development pattern, prior studies, and planning documents regarding the project area.
4. Host a multi-day design charrette and/or idea forum with interested community members
5. Determine the layout, form and scale of the new zoning  
Town staff and a selected stakeholder groups will work with the consultant to determine sufficient detail for what the district will look like in terms of layout, form, and scale. The objective of this this task is to determine the framework that will make up the zoning for the district.
6. Public input and finalize the layout, form and scale  
The consultant will coordinate a series of public meetings to refine and finalize the zoning framework. The objective of this task is to share the framework with stakeholders and Town Meeting members and seek feedback.
7. Test new zoning  
The consultant, in collaboration with Town staff, and two potential property owners will test the draft zoning on two sites within the project area. The exercise will inform needed adjustments to the code, which will be revised by the consultant.
8. Presentation of new zoning  
The consultant will present the first draft of the zoning and gather comments from the public. The consultant will work with Town staff to post the draft for review on a website. The consultant will present at additional stakeholder meetings and make revisions as needed.
9. Legal review  
A legal review and incorporation into the existing bylaws will be conducted. This task should ensure consistency, compatibility with State legal requirements, and clarity of the code.
10. Presentation at Town Meeting  
The consultant will work with Town staff to make a formal presentation to Town Meeting.

### Compliance with other planning documents

Below is a list of the recommendations in the Burlington Comprehensive Master Plan and Nature-based Solutions for the Vine Brook Watershed that align with the zoning initiative's objectives:

<b>Burlington Comprehensive Master Plan</b>		
<b>Land Use</b>		
Section	Recommendation	Page #
LU1	Allow and encourage compact, well-organized development within commercial and retail areas of town.	152
LU2	Promote a broader mix of uses in areas where it will enhance efficient use of the land, increase the quality of life, and keep Burlington in pace with other communities as a great place to live, work, and visit.	152
LU3	Raise the design quality of buildings and site improvements so that they are more attractive and valuable from private and public perspectives.	153
<b>Economic Development</b>		
Section	Recommendation	Page #
ED1	Support the ability of Burlington's enterprises and institutions to adapt to changing market and service conditions, and maintain Burlington's status as a regional leader in the commercial, retail, and health sectors.	78
ED3	Encourage new investment in targeted areas of Burlington.	159
ED4	Support a high quality of life for the workforce in Burlington to be increasingly competitive in attracting and retaining the human resources vital to economic success, including highly compensated employment opportunities.	159
<b>Open Space and Recreation</b>		
Section	Recommendation	Page #
OS2	Improve access to and connections between open space and recreation resources for all citizens and visitors.	121
<b>Transportation</b>		
Section	Recommendation	Page #
T1	Actively encourage and support multi-modal transportation to reduce traffic congestion and encourage a sustainable, healthy, and livable community,	154
T3	Improve the pedestrian experience and facilities to support them in Burlington.	163
T4	Improve the experience and facilities for bicyclists in Burlington	163
<b>Housing</b>		
Section	Recommendation	Page #
H2	Expand the range of housing options in Burlington to better serve the	165



	housing needs for different age groups and living circumstances, so that young people and seniors can find excellent housing in town that is affordable relative to their available income and resources.	
H3	Promote housing affordability for those who are part of Burlington's workforce, so that people who work in town can live in town and so that young families are not priced out of the community.	165

<b>Nature-based Solutions for the Vine Brook Watershed</b>		
Burlington Mall South	<p>Proposed for the area:</p> <ul style="list-style-type: none"> <li>• Replacement of exiting pavement with pervious surfaces including rain gardens, catch basins and pervious pavement</li> <li>• Native planting and green buffer zones</li> <li>• Expansion of re-direction of Vine Brook</li> <li>• Interactive green community space with interpretive features</li> </ul>	Site 1
New England Executive Park	<p>Proposed for the area:</p> <ul style="list-style-type: none"> <li>• Perform stream rehabilitation including changing the stream from a straight line to a more natural meandering stream</li> <li>• Create backwater wetlands along the stream that connect to the exiting wetland between the Burlington Mall and the Executive Park</li> <li>• Remove adjacent parking area to allow for an expanded green space. Retrofitting the surrounding buildings with green roofs and wall will reduce the heat sink capacity of the Executive Park</li> <li>• Assess parking utilization and scale for additional drainage and shade trees</li> </ul>	Site 6

**WARRANT ARTICLE 11**  
**SCHOOL-CURRICULUM**  
**CONTRACT APPROVAL**

### School Curriculum Contract Approval Backup

G.L. c. 30B §12(b) requires that a contract for a term exceeding three years is authorized by majority vote. The School Committee is seeking approval to enter into a social studies curriculum digital subscription contract with a six-year term. There is a significant cost savings with the six-year term, as outlined below and supported by the attached quotes. The funding source for this contract is the Marshall Simonds Middle School curriculum capital warrant article previously approved by Town Meeting in June of 2020 (Article 7-27).

	Cost		Total for Six Years of Service
One Year Contract	43,583.97	x 6	261,503.82
Six Year Contract	80,842.52	x 1	<u>80,842.52</u>
Cost Savings ( <i>over 6 year period</i> )			<b>180,661.30</b>



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**QUOTE PREPARED FOR:**

Marshall Simonds Middle School  
114 WINN ST  
BURLINGTON, MA 01803  
ACCOUNT NUMBER: 176954

**SUBSCRIPTION/DIGITAL CONTACT:**

Jennifer Chen Fein  
jchenfein@bpsk12.org  
(781) 270-1781

**CONTACT:**

Jennifer Chen Fein  
jchenfein@bpsk12.org  
(781) 270-1781

**SALES REP INFORMATION:**

Laurie Reynolds  
laurie.reynolds@mheducation.com  
508-468-9916

Section Summary	Value of All Materials	Free Materials	Product Subtotal
MA World Geography and Ancient Civilizations I ©2020 - Grade 6	\$16,141.38	(\$1,826.52)	\$14,314.86
MA World Geography and Ancient Civilizations II ©2020 - Grade 7	\$16,141.38	(\$1,826.52)	\$14,314.86
United States & Massachusetts Government and Civic Life ©2020 - Grade 8	\$15,330.54	(\$1,757.64)	\$13,572.90
<b>PRODUCT TOTAL*</b>	<b>\$47,613.30</b>	<b>(\$5,410.68)</b>	<b>\$42,202.62</b>
<b>ESTIMATED S&amp;H**</b>			\$1,381.35
<b>ESTIMATED TAX**</b>			\$0.00
<b>GRAND TOTAL*</b>			<b>\$43,583.97</b>

\* Price firm for 45 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

\*\*Shipping and handling charges shown are only estimates. Actual shipping and handling charges will be applied at time of order. Taxes shown are only estimates. If applicable, actual tax charges will be applied at time of order.

Comments:

PLEASE INCLUDE THIS PROPOSAL WITH YOUR PURCHASE ORDER

SEND ORDER TO:

McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605  
Email: orders\_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE: 08/09/2022

ACCOUNT NAME: Marshall Simonds Middle School

EXPIRATION DATE: 09/23/2022

QUOTE NUMBER: AGIBS-08092022-001

ACCOUNT #: 176954

PAGE #: 1



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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
<b>MA World Geography and Ancient Civilizations I ©2020 - Grade 6</b>					
CUS WORLD GEOG ANCIENT CIVILIZATIONS I MA GR 6 STUD LEARN STE LEARNSMART 1YR SUB Includes: Print Student Edition, Digital Student Learning Center, and Digital Student LearnSmart.	978-0-07-702655-4	100	\$105.45	\$0.00	\$10,545.00
CUS MA WORLD GEOG AND ANC CIV I GR 6 SE LRNG CTR WITH LEARNSMART 1YR SUB Basic Student Digital (Includes LearnSmart)	978-0-07-701597-8	166	\$22.71	\$0.00	\$3,769.86
MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS I GRADE 6 READING ESSENTIALS STUDY GUIDE	978-0-07-701540-4	100	\$9.93	\$993.00	*Free Materials
<b>Teacher Materials</b>					
CUS WORLD GEOG AND ANCIENT CIVILIZATIONS I MA GR 6 TE STE W LRNSMT 1YR SUB Includes: Print Teacher Edition, Digital Teacher Lesson Center, and Digital Teacher LearnSmart	978-0-07-702685-1	4	\$208.38	\$833.52	*Free Materials
<b>Teacher Materials Subtotal:</b>				<b>\$833.52</b>	<b>\$0.00</b>
<b>MA World Geography and Ancient Civilizations I ©2020 - Grade 6 Subtotal:</b>				<b>\$1,826.52</b>	<b>\$14,314.86</b>

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McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605  
 Email: orders\_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE: 08/09/2022  
 QUOTE NUMBER: AGIBS-08092022-001

ACCOUNT NAME: Marshall Simonds Middle School  
 ACCOUNT #: 176954

EXPIRATION DATE: 09/23/2022  
 PAGE #: 2



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Product Description	SBN	Qty	Unit Price	Free Materials	Line Subtotal
<b>MA World Geography and Ancient Civilizations II ©2020 - Grade 7</b>					
CUS WORLD GEOG AND ANCIENT CIVILIZATIONS II MA GR 7 SE LRNG STE W LRNSMT 1YR SUB Includes: Print Student Edition, Digital Student Learning Center, and Digital Student LearnSmart.	978-0-07-703203-6	100	\$105.45	\$0.00	\$10,545.00
CUS MA WORLD GEOG AND ANC CIV II GR 7 SE LRNG CTR WITH LEARNSMART 1YR SUB Basic Student Digital (Includes LearnSmart)	978-0-07-701606-7	166	\$22.71	\$0.00	\$3,769.86
MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS II GRADE 7 READING ESSENTIALS STUDY GUIDE	978-0-07-701545-9	100	\$9.93	\$993.00	*Free Materials
<b><u>Teacher Materials</u></b>					
CUS WORLD GEOG AND ANCIENT CIVILIZATIONS II MA GR 7 TE STE W LRNSMT 1YR Includes: Print Teacher Edition, Digital Teacher Lesson Center, and Digital Teacher LearnSmart	978-0-07-702695-0	4	\$208.38	\$833.52	*Free Materials
Teacher Materials Subtotal:				\$833.52	\$0.00
MA World Geography and Ancient Civilizations II ©2020 - Grade 7 Subtotal:				\$1,826.52	\$14,314.86

PLEASE INCLUDE THIS PROPOSAL WITH YOUR PURCHASE ORDER

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McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605  
 Email: orders\_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

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ACCOUNT #: 176954

PAGE #: 3



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Product Description	SBN	Qty	Unit Price	Free Materials	Line Subtotal
<b>United States &amp; Massachusetts Government and Civic Life ©2020 - Grade 8</b>					
CUS US & MA GOV AND CIVIC LIFE MA GR 8 SE LRNG STE W LRNSMT 1YR SUB Includes: Print Student Edition, Digital Student Learning Center, and Digital Student LearnSmart.	978-0-07-702668-4	100	\$100.62	\$0.00	\$10,062.00
CUS MA US & MA GOVMNT AND CIVIC LIFE GR 8 SE LRNG CTR WITH LEARNSMART 1YR SUB Basic Student Digital (Includes LearnSmart)	978-0-07-701616-6	166	\$21.15	\$0.00	\$3,510.90
US & MA GOVERNMENT & CIVIC LIFE GRADE 8 READING ESSENTIALS STUDY GUIDE	978-0-07-701587-9	100	\$9.78	\$978.00	*Free Materials
<b>Teacher Materials</b>					
CUS US & MA GOV AND CIVIC LIFE MA GR 8 TE STE W LRNSMT 1YR SUB Includes: Print Teacher Edition, Digital Teacher Lesson Center, and Digital Teacher LearnSmart	978-0-07-702700-1	4	\$194.91	\$779.64	*Free Materials
Teacher Materials Subtotal:				\$779.64	\$0.00
United States & Massachusetts Government and Civic Life ©2020 - Grade 8 Subtotal:				\$1,757.64	\$13,572.90

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 PAGE #: 4



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**QUOTE PREPARED FOR:**

Marshall Simonds Middle School  
114 WINN ST  
BURLINGTON, MA 01803  
ACCOUNT NUMBER: 176954

**CONTACT:**

Jennifer Chen Fein  
jchenfein@bpsk12.org  
(781) 270-1781

VALUE OF ALL MATERIALS	\$47,613.30
FREE MATERIALS	(\$5,410.68)
PRODUCT TOTAL*	\$42,202.62
ESTIMATED SHIPPING & HANDLING**	\$1,381.35
ESTIMATED TAX**	\$0.00
GRAND TOTAL	\$43,583.97

**SUBSCRIPTION/DIGITAL CONTACT:**

Jennifer Chen Fein  
jchenfein@bpsk12.org  
(781) 270-1781

Comments:

\* Price firm for 45 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

\*\*Shipping and handling charges shown are only estimates. Actual shipping and handling charges will be applied at time of order. Taxes shown are only estimates. If applicable, actual tax charges will be applied at time of order.

**Terms of Service:**

By placing an order for digital products (the 'Subscribed Materials'), the entity that this price quote has been prepared for ('Subscriber') agrees to be bound by the Terms of Service and any specific provisions required by Subscriber's state law, each located in the applicable links below. Subject to Subscriber's payment of the fees set out above, McGraw Hill LLC hereby grants to Subscriber a non-exclusive, non-transferable license to allow only the number of Authorized Users that corresponds to the quantity of Subscribed Materials set forth above to access and use the Subscribed Materials under the terms described in the Terms of Service and any specific provisions required by Subscriber's state law, each located in the applicable links below. The subscription term for the Subscribed Materials shall be as set forth in the Product Description above. If no subscription term is specified, the initial term shall be one (1) year from the date of this price quote (the 'Initial Subscription Term'), and thereafter the Subscriber shall renew for additional one (1) year terms (each a 'Subscription Renewal Term'), provided MHE has chosen to renew the subscription and has sent an invoice for such Subscription Renewal Term to Subscriber.

Terms Of Service

Provisions required by Subscriber State law

ATTENTION: In our effort to protect our customer's data, we will no longer store credit card data in any manner within our system. Therefore, as of April 30, 2016 we will no longer accept credit card orders via email, fax, or mail/package delivery. Credit card orders may be placed over the phone by calling the number listed above or via our websites by visiting [www.mheducation.com](http://www.mheducation.com) (or [www.mhecoast2coast.com](http://www.mhecoast2coast.com)).

School Purchase Order Number: \_\_\_\_\_

\_\_\_\_\_  
Name of School Official (Please Print)

\_\_\_\_\_  
Signature of School Official

**PLEASE INCLUDE THIS PROPOSAL WITH YOUR PURCHASE ORDER**

**SEND ORDER TO:**

McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605  
Email: [orders\\_mhe@mheducation.com](mailto:orders_mhe@mheducation.com) | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE: 08/09/2022

ACCOUNT NAME: Marshall Simonds Middle School

EXPIRATION DATE: 09/23/2022

QUOTE NUMBER: AGIBS-08092022-001

ACCOUNT #: 176954

PAGE #: 5





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**QUOTE PREPARED FOR:**

Marshall Simonds Middle School  
114 WINN ST  
BURLINGTON, MA 01803  
ACCOUNT NUMBER: 176954

**SUBSCRIPTION/DIGITAL CONTACT:**

Jennifer Chen Fein  
jchenfein@bpsk12.org  
(781) 270-1781

**CONTACT:**

Jennifer Chen Fein  
jchenfein@bpsk12.org  
(781) 270-1781

**SALES REP INFORMATION:**

Laurie Reynolds  
laurie.reynolds@mheducation.com  
508-468-9916

Section Summary	Value of All Materials	Free Materials	Product Subtotal
MASSACHUSETTS SOCIAL STUDIES 2020	\$0.00	\$0.00	\$0.00
GRADE 6	\$29,541.72	(\$2,795.40)	\$26,746.32
GRADE 7	\$29,541.72	(\$2,795.40)	\$26,746.32
GRADE 8	\$27,936.30	(\$2,708.76)	\$25,227.54
<b>PRODUCT TOTAL*</b>	<b>\$87,019.74</b>	<b>(\$8,299.56)</b>	<b>\$78,720.18</b>
<b>ESTIMATED S&amp;H**</b>			<b>\$2,122.34</b>
<b>ESTIMATED TAX**</b>			<b>\$0.00</b>
<b>GRAND TOTAL*</b>			<b>\$80,842.52</b>

\* Price firm for 45 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

\*\*Shipping and handling charges shown are only estimates. Actual shipping and handling charges will be applied at time of order. Taxes shown are only estimates. If applicable, actual tax charges will be applied at time of order.

Comments:

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QUOTE DATE: 04/28/2022

ACCOUNT NAME: Marshall Simonds Middle School

EXPIRATION DATE: 06/12/2022

QUOTE NUMBER: AGIBS-04282022-002

ACCOUNT #: 176954

PAGE #: 1



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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
<b>MASSACHUSETTS SOCIAL STUDIES 2020</b>					

MASSACHUSETTS SOCIAL STUDIES 2020 Subtotal: \$0.00 \$0.00

**GRADE 6**

**STUDENT MATERIAL**

MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS I GRADE 6 STUDENT SUITE WITH LEARNSMART 6YR BUNDLE	978-0-07-702667-7	100	\$113.88	\$0.00	\$11,388.00
MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS I GRADE 6 STUDENT LEARNING CENTER WITH LEARNSMART 6YR SUBSCRIPTION	978-0-07-701605-0	166	\$92.52	\$0.00	\$15,358.32
MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS I GRADE 6 READING ESSENTIALS STUDY GUIDE	978-0-07-701540-4	100	\$9.93	\$993.00	*Free Materials

STUDENT MATERIAL Subtotal: \$993.00 \$26,746.32

**TEACHER MATERIAL**

MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS I GRADE 6 TEACHER SUITE WITH LEARNSMART 6YR BUNDLE	978-0-07-702691-2	4	\$450.60	\$1,802.40	*Free Materials
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TEACHER MATERIAL Subtotal: \$1,802.40 \$0.00

GRADE 6 Subtotal: \$2,795.40 \$26,746.32

**GRADE 7**

**STUDENT MATERIAL**

MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS II GRADE 7 STUDENT SUITE WITH LEARNSMART 6YR BUNDLE	978-0-07-703202-9	100	\$113.88	\$0.00	\$11,388.00
MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS II GRADE 7 STUDENT LEARNING CENTER WITH LEARNSMART 6YR SUBSCRIPTION	978-0-07-701615-9	166	\$92.52	\$0.00	\$15,358.32
MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS II GRADE 7 READING ESSENTIALS STUDY GUIDE	978-0-07-701545-9	100	\$9.93	\$993.00	*Free Materials

STUDENT MATERIAL Subtotal: \$993.00 \$26,746.32

**TEACHER MATERIAL**

MA WORLD GEOGRAPHY ANCIENT CIVILIZATIONS II GRADE 7 TEACHER SUITE WITH LEARNSMART 6YR BUNDLE	978-0-07-702696-7	4	\$450.60	\$1,802.40	*Free Materials
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TEACHER MATERIAL Subtotal: \$1,802.40 \$0.00

GRADE 7 Subtotal: \$2,795.40 \$26,746.32

**GRADE 8**

**STUDENT MATERIAL**

US & MA GOVERNMENT & CIVIC LIFE GRADE 8 STUDENT SUITE WITH LEARNSMART 6YR BUNDLE	978-0-07-702677-6	100	\$109.20	\$0.00	\$10,920.00
US & MA GOVERNMENT & CIVIC LIFE GRADE 8 STUDENT LEARNING CENTER WITH LEARNSMART 6YR SUBSCRIPTION	978-0-07-701624-1	166	\$86.19	\$0.00	\$14,307.54

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QUOTE DATE: 04/28/2022

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EXPIRATION DATE: 06/12/2022

QUOTE NUMBER: AGIBS-04282022-002

ACCOUNT #: 176954

PAGE #: 2



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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
US & MA GOVERNMENT & CIVIC LIFE GRADE 8 READING ESSENTIALS STUDY GUIDE	978-0-07-701587-9	100	\$9.78	\$978.00	*Free Materials
STUDENT MATERIAL Subtotal:				\$978.00	\$25,227.54
<b><u>TEACHER MATERIAL</u></b>					
US & MA GOVERNMENT & CIVIC LIFE GRADE 8 TEACHER SUITE WITH LEARNSMART 6YR BUNDLE	978-0-07-703077-3	4	\$432.69	\$1,730.76	*Free Materials
TEACHER MATERIAL Subtotal:				\$1,730.76	\$0.00
GRADE 8 Subtotal:				\$2,708.76	\$25,227.54

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**QUOTE PREPARED FOR:**

Marshall Simonds Middle School  
114 WINN ST  
BURLINGTON, MA 01803  
ACCOUNT NUMBER: 176954

**CONTACT:**

Jennifer Chen Fein  
jchenfein@bpsk12.org  
(781) 270-1781

VALUE OF ALL MATERIALS	\$87,019.74
FREE MATERIALS	(\$8,299.56)
PRODUCT TOTAL*	\$78,720.18
ESTIMATED SHIPPING & HANDLING**	\$2,122.34
ESTIMATED TAX**	\$0.00
<b>GRAND TOTAL</b>	<b>\$80,842.52</b>

**SUBSCRIPTION/DIGITAL CONTACT:**

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By placing an order for digital products (the 'Subscribed Materials'), the entity that this price quote has been prepared for ("Subscriber") agrees to be bound by the Terms of Service and any specific provisions required by Subscriber's state law, each located in the applicable links below. Subject to Subscriber's payment of the fees set out above, McGraw Hill LLC hereby grants to Subscriber a non-exclusive, non-transferable license to allow only the number of Authorized Users that corresponds to the quantity of Subscribed Materials set forth above to access and use the Subscribed Materials under the terms described in the Terms of Service and any specific provisions required by Subscriber's state law, each located in the applicable links below. The subscription term for the Subscribed Materials shall be as set forth in the Product Description above. If no subscription term is specified, the initial term shall be one (1) year from the date of this price quote (the 'Initial Subscription Term'), and thereafter the Subscriber shall renew for additional one (1) year terms (each a 'Subscription Renewal Term'), provided MHE has chosen to renew the subscription and has sent an invoice for such Subscription Renewal Term to Subscriber.

Terms Of Service

Provisions required by Subscriber State law

ATTENTION: In our effort to protect our customer's data, we will no longer store credit card data in any manner within in our system. Therefore, as of April 30, 2016 we will no longer accept credit card orders via email, fax, or mail/package delivery. Credit card orders may be placed over the phone by calling the number listed above or via our websites by visiting [www.mheducation.com](http://www.mheducation.com) (or [www.mhecoast2coast.com](http://www.mhecoast2coast.com)).

School Purchase Order Number: \_\_\_\_\_

\_\_\_\_\_  
Name of School Official (Please Print)

\_\_\_\_\_  
Signature of School Official

**PLEASE INCLUDE THIS PROPOSAL WITH YOUR PURCHASE ORDER**

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PAGE #: 4

**WARRANT ARTICLE 12  
AMEND GENERAL BYLAW  
ARTICLE XIV, SEC. 6,  
BURLINGTON STORMWATER  
MANAGEMENT BYLAW**

## GENERAL BYLAW ARTICLE

ARTICLE #

**RE: Amend General Bylaw Article XIV, Section 6,  
Burlington Stormwater Management Bylaw.**

To see if the Town will vote to amend the General Bylaws Article XIV, Section 6 by replacing the section in its entirety. Or take any action relative thereto.

### 6.0 Stormwater and ~~Erosion and Sedimentation Control~~

Regulation of discharges is necessary for the protection of the Town of Burlington water bodies and groundwater as well as for safeguarding the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with development and redevelopment projects and the accompanying increase in impervious surface are major causes of impairment, including

- a. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- b. contamination of drinking water supplies;
- c. alteration or destruction of aquatic and wildlife habitat;
- d. flooding;
- e. erosion of stream channels; and
- f. overloading or clogging of municipal catch basins and storm drainage systems.

This Bylaw establishes stormwater-management standards to minimize adverse impacts that would be borne by abutters, townspeople and the general public and complies with all the applicable state and Federal statutes and regulations detailed in subsequent sections of this Bylaw.

### 6.1 Definitions

~~ABBREVIATED STORMWATER EROSION AND SEDIMENTATION CONTROL PERMIT:~~ An administratively issued permit issued for a land-disturbing activity that meets at least one of the following criteria:

- Is equal to or greater than 5,000 square feet equal to or greater than 10,000 square feet, but less than 20,000 square feet, or
- Results in an increase in impervious area equaling 5% but less than 10% of the total area of the property, or
- Is for construction of a new residential property unless one of the thresholds for a Standard Stormwater Permit Applies.

ABUTTER: The owner(s) of land abutting or within ~~three~~ one hundred feet of the activity, unless otherwise specified.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff from a pre-activity condition. Such

changes from a pre-activity condition may include: change from distributed runoff to confined discrete point discharges, change in the volume of runoff from the area, change in the peak rate of runoff from the area, and change in the recharge to groundwater on the area.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sedimentation control permit for proposed land-disturbance activity.

**AS-BUILT DRAWING:** Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from an erosion and sedimentation control permit.

**AUTHORIZED ENFORCEMENT AGENCIES:** The Burlington Conservation Commission is the lead agency with authority given by this Bylaw to promulgate regulations and policies that support the goals and objectives of this Bylaw. The Burlington Conservation Commission, its employees or agents, and the Burlington Planning Board, its employees or agents will share the administration and enforcement of this Bylaw as detailed herein.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff. It shall also include schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems.

**COMMON PLAN OF DEVELOPMENT:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including, but not limited to, concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

**CLEARING:** Any activity that removes the vegetative surface cover.

**DEVELOPMENT:** The modification of land to accommodate a new use, revised use, or expansion of use, usually involving construction.

**DISTURBANCE:** Action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction and movement and stockpiling of topsoils.

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**FILL:** Fill means soil, sediments, rock and/or stone obtained off-site that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property.

~~STORMWATER AND EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE), a Certified Professional in Erosion and Sedimentation Control (CPESC) or other qualified professional, which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land-disturbing activities.~~

~~EROSION AND SEDIMENTATION CONTROL PERMIT: A permit with conditions upon a proposed land-disturbing activity issued by either the Burlington Conservation Commission or Burlington Planning Board under this Bylaw.~~

~~STORMWATER AND EROSION AND SEDIMENTATION CONTROL APPLICATION PACKAGE: The application materials consisting of a Stormwater Management Plan, an Erosion and Sedimentation Control Plan, and an Operation and Maintenance Plan submitted to either the Burlington Conservation Commission or Burlington Planning Board (as stipulated within this Bylaw) requesting an Erosion and Sedimentation Control Permit.~~

GRADING: Changing the level or shape of the ground surface contour by means of excavation, fill, in-place ground modification, or any combination thereof, including the establishment of a grade following demolition of a structure.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include, but is not limited to: roads, driveways, parking areas and other areas created using non-porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the existing soil cover which includes the position or location of soil, sand, rock, gravel, or similar earth material. Land-disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Landscaping activities which involve greater than or equal to 500 square feet are considered a land-disturbing activity and may be the subject of enforcement action under this Bylaw. Routine landscaping activities which involve less than 500 square feet are not considered a land-disturbing activity for the purposes of this Bylaw.

LAND IN AGRICULTURAL USE: Normal maintenance and improvement of land in agricultural or aquacultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.4.

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures each development site is designed to protect, or restore, the natural hydrology of the site. This can be achieved by the incorporation of non-structural and natural approaches to new and redevelopment projects to reduce adverse effects on water quality and the natural environment by conserving natural areas, reducing impervious cover and better integrating stormwater treatments.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses impacts



through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and to control the quantity of runoff from a site.

**MILL AND OVERLAY:** A street maintenance technique that requires the removal of the top layer (two inches) of a street by the grinding action of a large milling machine. After the top layer is removed, a new layer of bituminous pavement is put in its place.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** The municipal storm drain system is the system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Burlington.

**NEW DEVELOPMENT:** Any construction activities or land alteration on an area that has not previously been developed to include impervious cover.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure it continues to function as designed.

**OWNER:** A person with a legal or equitable interest in the property.

**PHASING:** -Disturbance of Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the commencement clearing of the next.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the Federal government; to the extent permitted by law, and any officer, employee, or agent of such person.

**PLAN:** A technical drawing that shows details of how a building or site will be built or developed.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**PROFESSIONAL CIVIL ENGINEER:** Professional Civil Engineer means a person who has been duly registered as an Engineer by the Massachusetts Board of Registration of Professional Engineers and Professional Land Surveyors and who holds a current license to practice.

**REDEVELOPMENT:** Any construction, land alteration or improvement of impervious surfaces that does not meet the definition of new development.

**RESPONSIBLE PARTY:** Any entity holding the fee title to the property or other person contracted or obligated by other agreement to implement and maintain pre- and post-construction stormwater BMPs.

ROUTINE LANDSCAPING ACTIVITY: Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling conducted in such a way as to not:

- Alter existing grades by more than six (6) inches in elevation, or
- Alter drainage patterns, or
- Add new impervious surface to the site, excluding sheds.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is the product of erosion processes and is transported by wind or water from its origin to another location.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, clay or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods; to prevent or retard erosion.

STANDARD STORMWATER EROSION AND SEDIMENTATION CONTROL PERMIT: A permit issued under this Bylaw containing a standard set of conditions requiring best management practices be implemented to prevent erosion and sedimentation from the site. This permit applies to all commercial projects and to non-commercial projects sites proposing a land-disturbing activity that results in an increase of impervious area equaling 10% of the total area of the property or greater and/or disturbs more than 20,000 square feet. of greater than 20,000 square feet or greater than 500 cubic yards.

STORMWATER: Rainwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER AND EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a professional civil engineer (PE), a Certified Professional in Erosion and Sedimentation Control (CPESC) or other qualified professional, which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land-disturbing activities.

STORMWATER MANAGEMENT PLAN: A plan showing existing and proposed features on a site. This is required as part of the application for a Stormwater and Erosion and Sedimentation Control Permit. See Section 6.6.2.

STORMWATER PERMIT APPLICATION PACKAGE: The application materials consisting of a Stormwater Management Plan, an Erosion and Sedimentation Control Plan, and an Operation and

Maintenance Plan submitted to the Burlington Conservation Commission requesting a Stormwater Permit.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TOTAL MAXIMUM DAILY LOAD (TMDL): Is a calculation of the maximum amount of a pollutant a waterbody can receive and still meet water quality standards and an allocation of that amount to the pollutant's sources. A TMDL includes load allocations for nonpoint sources and/or natural background and must include a margin of safety and account for seasonal variations.

TOTAL SUSPENDED SOLIDS (TSS): Total Suspended Solids is a water quality measurement that includes particles suspended in water that will not pass through a filter.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in either the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 or in Burlington's Wetland Bylaw (Article XIV).

WETLANDS: Areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments including freshwater marshes around ponds and channels (rivers and streams). Common names include marshes, swamps and bogs.

## 6.2 Detailed Objectives

This Bylaw complies with Federal and state statutes and regulations relating to stormwater discharges including total maximum daily load requirements and with the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection ("MS4 Permit"). It is intended to:

- a. Protect ground water and surface water to prevent degradation of drinking water supply;
- b. Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land-disturbing activities;
- c. Promote infiltration and the recharge of groundwater;
- d. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- e. Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site that may cause adverse impacts to water quality;

- f. Establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- g. Prevent pollutants from entering the Burlington MS4 and to minimize discharge of pollutants from the MS4;
- h. Ensure adequate long-term operation and maintenance of structural stormwater best management practices so that stormwater structures work as designed;
- i. Comply with Federal and state statutes and regulations relating to stormwater discharges; ~~and~~
- j. Establish the legal authority for the Town of Burlington to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement; ~~and~~;
- k. Prevent flooding and erosion to abutting properties.

### 6.3 Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

### 6.4 Applicability

No person may ~~construct a single-family house or larger nor may they undertake any construction activity that results in a land-disturbing activity that results in an increase in impervious surface equaling 5% or more of the total surface of a lot or disturbs an area equal to or greater than 5,000 square feet of disturbs equal to or greater than 10,000 square feet of land, that drains to~~

- the Burlington municipal separate storm sewer system, or
- onto an adjacent property, or
- into a municipal / private street, or
- into a wetland / stream

without ~~an~~ either an Abbreviated or Standard Stormwater and Erosion and Sedimentation Permit from either the Burlington Conservation Commission or the Burlington Planning Board. Segmenting projects part of a larger common plan of development or sale to avoid thresholds shall not be permitted.

For a proposed project that results in an increase in impervious surface equaling at least 5% but less than 10% of the total area of the property or results in equal to or greater than 5,000 square feet but less than 20,000 square feet of land disturbance or results in filling of more than 6 inches, must apply for an Abbreviated Stormwater Permit. For a proposed project that results in 10% or greater increase in impervious surface or results in greater than 20,000 square feet of land disturbance, must apply for a Standard Stormwater Permit.

Although a permit under this bylaw is not required for projects resulting in an increase of less than 5% of added impervious surface or less than 5,000 square feet of land disturbance, no person may allow

soil erosion and/or stormwater from their property onto the public way or onto an abutting property. Such action constitutes a violation of this bylaw.

Exemptions from the requirement to obtain a permit (under this Bylaw) are:

- a. Roadway projects that do not remove existing pavement down to underlying dirt/soil (i.e. mill and overlay) as they are not land-disturbing redevelopment activities;
- b. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- c. Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling conducted in such a way as not to cause alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns or a nuisance, provided that such maintenance is not adding new Impervious Surface to the Site, not including sheds disturbing less than 10,000 square feet; Routine landscaping activities as defined above.
- d. Routine landscaping activities as defined above;
- e. The construction of features that will not substantially alter existing terrain or drainage patterns, including the following:
  - fencing or another barrier;
  - utilities other than drainage (gas, water, electric, cable, telephone, etc.)
- g. As authorized in Burlington's Phase II Small MS4 General Permit, stormwater discharges resulting from the activities identified in Section 6.4 that are wholly subject to jurisdiction under either the Wetlands Protection Act or activities which are subject to Burlington's Bylaw Article XIV and demonstrate compliance with the Massachusetts Stormwater Management Regulations as reflected in an Order of Conditions issued by the Burlington Conservation Commission, are exempt from compliance with this Bylaw.

## 6.5 Responsibility for Administration

The Burlington Conservation Commission shall be the lead agency that may grant waivers and may promulgate regulations to support this Bylaw as specified in Sections 6.5.12 and 6.5.3 below. The Burlington Conservation Commission and the Burlington Planning Board shall have shared responsibilities to administer and implement this Bylaw. Any powers granted to, or duties imposed upon either the Burlington Conservation Commission or the Burlington Planning Board may be delegated to their respective employees and/or their agents, and with mutual concurrence these duties may be delegated to each other's respective employees and/or their agents.

### 6.5.1 Waiver

The Burlington Conservation Commission shall be the lead agency to may grant a waiver of compliance with this Bylaw. The Commission, with input from the Planning Board and/or

Board of Health, may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where:

1. Such action is allowed by Federal, state, and local statutes and/or regulations; and
2. is in the public interest; and
3. is not inconsistent with the purpose and intent of this Bylaw.

#### 6.5.2 Rules and Regulations

6.5.2.1 The Burlington Conservation Commission shall be the lead agency to initiate a change to this Bylaw. The Burlington Conservation Commission ~~working with input from the Burlington Planning Board~~ may adopt, and periodically amend, rules and regulations to effectuate the purposes of this Bylaw, by majority vote of the Burlington Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

6.5.2.2 Failure by the Burlington Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

#### 6.6 Standard Stormwater ~~Erosion and Sedimentation Control~~ Permit

##### 6.6.1 Application for Standard Stormwater ~~Erosion and Sedimentation Control~~ Permit

6.6.1.1 The site owner or his/her agent shall file with the Burlington Conservation Commission three (3) copies of a completed application package for a Standard Stormwater ~~Erosion and Sedimentation Control~~ Permit. Permit issuance is required prior to any site-altering activity. While the Applicant can be a representative of the site owner, the permittee must be the owner of the site.

##### 6.6.1.2 Standard Stormwater ~~Erosion and Sedimentation Control~~ Application Package

The Standard Stormwater ~~and Erosion and Sedimentation Control~~ Application package shall include:

- a. ~~A~~ completed Application Form with original signatures of all owners plus two (2) copies of the signed form;
- b. ~~a list of abutters within three hundred feet of the proposed activity, certified by the Assessor's Office~~ Proof of written notification to all Abutters within 100 feet of the proposed activity by hand delivery or certified mail, return receipt requested, or by certificates of mailing;
- c. ~~P~~ Proof of any test pits witnessed by a Licensed Soil Evaluator;
- d. ~~T~~ three (3) copies of the Stormwater Management Plan, stamped by a Professional Civil Engineer, and project description referenced in Section 6.6.2 of this Bylaw;

- e. Three (3) copies of the Stormwater and Erosion and Sediment Control Plan, stamped by a Professional Civil Engineer, as referenced in Section 6.6.3 of this Bylaw;
- f. Three (3) copies of the Operation and Maintenance Plan, stamped by a Professional Civil Engineer, as referenced by Section 6.6.4 of this Bylaw;
- g. —
- h.g. A copy of the Stormwater Pollution Prevention Plan if one must be prepared in connection with the project;
- h. One (1) electronic copy of the complete package; and
- i. Payment of the application fees.

### 6.6.2 Stormwater Management Plan

The Stormwater Management Plan shall contain sufficient information for the ~~issuing~~ Commission/Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards (or as revised), the Massachusetts Stormwater Management Handbook Volumes I and II (or as revised), and any specific regulations promulgated under this Bylaw.

No trees shall be removed within the rear zoning setback without a waiver from the Commission. The Commission reserves the right to require replacement of trees removed.

#### 6.6.2.1 Stormwater Management Plan Content

The Stormwater Management Plan shall fully describe the project in drawings and narrative. The Stormwater Management Plan shall conform to any detail provided in either regulations or policies promulgated under this Bylaw. The Conservation Administrator may, at his/her discretion, waive some detail requirements described below as long as in his/her opinion, the goals and objectives of this Bylaw are not compromised.

#### 6.6.2.2 Standards

The Stormwater Management Plan shall meet the current Standards of the Massachusetts Stormwater Management Policy Regulations and the MS4 permit requirements of the Town of Burlington. When one or more of the standards cannot be met, an Applicant may demonstrate an equivalent level of environmental protection will be provided. This determination shall be at the discretion of the Conservation Commission.

### 6.6.3 Stormwater and Erosion and Sedimentation Control Plan

The Stormwater and Erosion and Sedimentation Control Plan contained within the Stormwater Management Plan Application Package shall contain sufficient information to describe the proposed erosion and sedimentation controls. The Applicant shall submit such material as is

necessary to show the proposed development will comply with the design requirements referenced in Section 6.6.3.2 below. The Conservation Administrator may, at his/her discretion, waive some detail requirements described below as long as, in his/her opinion, the goals and objectives of this Bylaw are not compromised.

#### 6.6.3.1 Stormwater and Erosion and Sedimentation Control Plan Content

The Plan shall at a minimum contain the following information:

- a. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
- b. Title, date, north arrow, names of abutters, scale, legend, and locus map;
- c. Location and description of natural features;s;
- d. Location of all existing and proposed building and impervious surfaces;
- e. Design details for both temporary and permanent erosion control structures;
- f. Suitable contours for the existing and proposed topography;
- g. All trees 8" or greater in diameter at breast height (DBH) within the limit of work showing the location of the trunk, a notation of the diameter -and species, and the approximate edge of the canopy drawn to scale. All trees that are proposed to be removed and all protected trees that are proposed to be saved should be identified on the plan;
- h. Monitoring wells (if applicable); and
- i. 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 soil scientist or licensed soil evaluator.

#### 6.6.3.2 Standards

The Stormwater and Erosion and Sedimentation Control Plan must conform to the details of any regulations and policies promulgated under this Bylaw.

#### 6.6.4 Operations and Maintenance Plan

Operation and Maintenance plan (O&M Plan) is required as part of the Stormwater ~~Management Plan Application Package~~ at the time of application for all projects. Upon request by the Applicant, the issuing Commission/Board may delay the completion date of the O&M plan, but in all cases, the O&M Plan must be submitted and approved prior to the completion of the project and before any occupancy takes place.

##### 6.6.4.1 Content

The O&M Plan shall remain on file with the issuing Commission/Board and shall be an ongoing requirement for the Responsible Parties in perpetuity. The details of the O&M Plan shall conform to the requirements of any regulations and policies promulgated under this Bylaw. The O&M Plan shall, at a minimum, include:

- A. The name(s) of the owner(s) for all components of the system;
- B. Detail of maintenance agreements;



C. Detail on stormwater management easement(s);

D. Changes to O&M Plans

1. The owner(s) of the stormwater management system must notify the issuing Commission/Board of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this Bylaw by mutual agreement of the issuing Commission/Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

#### 6.6.4.2 Standards

The O&M plan shall be designed to ensure compliance with the Permit and this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The issuing Commission/Board shall make the final decision of what maintenance option is appropriate in a given situation. The issuing Commission/Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision.

#### 6.6.4.3 Recording

The O&M Plan for a project with a Standard ~~Stormwater Erosion & Sedimentation Control~~ Permit shall be recorded at the Southern Middlesex Registry of Deeds prior to occupancy. The Applicant shall provide proof to the issuing Commission/Board that the O&M Plan has been filed.

#### 6.6.5 Public Hearing

6.6.5.1 Within seven (7) days of the filing date, the Burlington Conservation Commission (through its agent) shall make a determination on whether to schedule a formal hearing before the Commission, ~~or shall delegate its authority under this Bylaw to the Burlington Planning Board. In either case, a formal public hearing is required.~~ This determination shall be made based on an assessment of the potential for sedimentation and erosion from the proposed land-disturbing activity (including grubbing, clearing and/or grading). The Commission's agent shall give consideration to the original and proposed grading of the site, existing slopes, the presence of intermittent streams or channels, the size of the site, and/or other factors which may contribute to runoff and erosion potential. ~~Proposed projects where routine erosion and sedimentation controls are needed, will be referred to the Burlington Planning Board for a simultaneous hearing for this permit with other matters in connection with this project. This action will expedite the permitting process for an Applicant who must appear before the Burlington Planning Board for other matters in connection with the proposed work.~~

6.6.5.2 ~~If the Burlington Conservation Commission or its agent delegates its authority under this Bylaw to the Burlington Planning Board, the staff of the Burlington Conservation Commission shall transfer the original application package (and associated copies) to the Burlington Planning Board office. The Burlington Conservation Commission shall also notify the Applicant in writing of the Commission's decision to refer this application to the Burlington Planning Board. The Applicant shall also be notified the hearing will be scheduled~~

~~before the Burlington Planning Board within twenty-one (21) days of the receipt of a complete application or at a time to coincide with other regulatory matters which are being heard by the Board on the same project.~~

6.6.5.23 The ~~issuing~~ Commission/~~Board~~ shall hold a public hearing within twenty-one (21) days of the receipt of a complete application (or a greater timeframe as mutually agreed upon) and shall take final action within either twenty-one (21) days from the time of the close of the hearing or within such longer time period mutually agreed to by both the Commission/~~Board~~ and the Applicant to coincide with other regulatory decisions on the same project. Notice of the public hearing shall be given by publication and posting, and by first-class mailings to abutters (owners of land within three hundred feet from the boundary of the site) at least seven (7) days prior to the hearing. The ~~issuing~~ Commission/~~Board~~ shall make the application available for inspection by the public during business hours at the ~~issuing~~ Commission/~~Board~~ office.

## 6.7 ~~Abbreviated Stormwater Erosion and Sedimentation Control Permit~~

The site owner or his/her agent shall file with the Burlington Conservation Commission two (2) copies of a completed application package for an Abbreviated ~~Stormwater and Erosion and Sedimentation Control~~ Permit. Permit issuance is required prior to any site-altering activity. While the Applicant can be a representative of the site owner, the permittee must be the owner of the site.

### 6.7.1 Content

The application package shall contain

- a. An Application Form with original signatures of all owners;
- b. And a Stormwater Management/Erosion and Sediment Control Plan; and
- c. -Proof of written notification to properties that directly abut the project property by hand delivery or certified mail, return receipt requested, or by certificates of mailing.

The Stormwater Management/Erosion Control Plan shall at a minimum contain sufficient information to describe the existing and proposed features of the land including structures, vegetation, and drainage and anticipated maintenance requirements of structures. This Plan shall also contain sufficient information to describe the proposed erosion and sedimentation controls and to show the proposed development will comply with the design requirements referenced in Section 6.6.3.2. The Conservation Commission and its agents reserves the right to request more information for the application to be consistent with the goals of this bylaw.

For projects involving construction of a single family house, new residential property or for projects on existing residential property proposing an increase in impervious surface of 10% or more of the total lot or for projects with a total land disturbance of 10,000 square feet or more, or for projects including any filling of more than 6", the Stormwater and Erosion and Sediment Control Plan must be stamped by a Professional Civil Engineer, as referenced in Section 6.6.3 of this Bylaw.

### 6.7.2 Standards

The Stormwater Management/Erosion Control Plan shall conform to any detail provided in either regulations or policies promulgated under this Bylaw. At a minimum all projects shall

comply with the performance standards of the most recent version of the DEP stormwater management standards and The Massachusetts Stormwater Handbook, to the extent practicable, and this Bylaw.

### 6.7.3 Abbreviated Stormwater ~~Erosion and Sedimentation Control~~ Permit Issuance

Within seven (7) days of the filing date, the agent of the Burlington Conservation Commission will issue an Abbreviated Stormwater and ~~Erosion and Sedimentation Control~~ Permit under this Bylaw. No public meeting or hearing shall be required for sites in this category. For sites in this size category not adequately covered by the Abbreviated Stormwater and ~~Erosion and Sedimentation Control~~ Permit, additional special conditions may be appended by the Commission. The Commission may extend the seven (7) day turnaround time for issuing the Abbreviated Stormwater and ~~Erosion and Sedimentation Control~~ Permit for reasons of insufficient information of which the Applicant has been notified in writing.

### 6.7.4 Project Completion for an Abbreviated Stormwater Permit

6.7.4.1 Upon completion of a project involving construction of a new residential property, a single family, an increase in impervious surface of 10% or more of the total lot size, a total land disturbance of 10,000 square feet or more or any filling of more than 6", the Applicant shall provide certification from a Professional Civil Engineer that stormwater management features were installed as designed.

6.7.4.2 Upon completion of small projects not requiring a stamped plan for permit issuance, the Applicant shall request an inspection by the Conservation Commission or staff.

## 6.8 Performance Standards

### 6.8.1 Performance Standards for all projects subject to either a Stormwater Permit

6.8.1.1 At a minimum, all projects shall comply with the performance standards of the most recent version of the Massachusetts stormwater management standards and The Massachusetts Stormwater Handbook, and this Bylaw.

6.8.1.2 At a minimum, shall not increase either rates or volume of runoff from existing conditions.

6.8.1.3 All projects must consider and, unless infeasible, propose and implement Low Impact Development (LID) Best Management Practices listed in the Massachusetts Stormwater Handbook. Applicants shall demonstrate compliance with design standards for LID BMPs through generally accepted methods. LID BMPs should be considered for their improvements to water quality, and ability to handle water quantity.

6.8.1.4 Except as expressly provided, the design of treatment and infiltration practices and BMPs, shall meet the Standards set forth in the Massachusetts Stormwater Handbook. Where an inconsistency exists between state requirements and this Bylaw, the stricter standards shall apply.

6.8.1.46.8.2 Performance standards for all projects requiring plans stamped by a Professional Civil Engineer

6.8.2.14.5 ~~All projects for which plans stamped by a Professional Civil Engineer are required~~ shall be designed such that the post-development peak discharge rates do not exceed pre-development rates for the 2, 10, 25 and 100-year 24-hour Type III storm event. Projects shall also be designed to ensure that post-development discharge volumes do not exceed pre-development values. The use of infiltration and LID techniques for such purposes is preferred.

6.8.2.24.6 All projects shall, at a minimum, utilize the 90% confidence interval of the 24-hour rainfall data taken from the NOAA Atlas 14 Point Precipitation Frequency Estimates unless the Massachusetts DEP Stormwater Management Standards adopts newer sources for 24-hour rainfall data.

6.8.32 Additional Performance Standards for New Development and Redevelopment projects disturbing more than one acre

6.8.32.13 Stormwater management systems on new development disturbing more than one acre shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.

6.8.32.24 Stormwater management systems on redevelopment sites disturbing more than one acre shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.

6.8.32.35 When determining whether the requirements have been met, the issuing commission/board shall consider all stormwater management practices available and capable of being implemented after taking into consideration costs, existing technology, proposed use, and logistics in light of overall project purposes. Project purposes shall be defined generally (e.g., single family home or expansion of a commercial development). Applicants shall detail how the project will:

- a. Comply with the Massachusetts Stormwater Management Standards as further defined in the Massachusetts Stormwater Handbook or its successor;
- b. Implement structural and non-structural stormwater best management practices (BMPs) for projects that discharge, directly or indirectly, to a water body subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs). These practices shall be consistent with each such TMDL;
- c. Implement structural and non-structural stormwater BMPs optimized to remove the pollutant(s) responsible for the impairment to the extent the project will discharge, directly or indirectly, to an impaired water body not subject to a TMDL;
- d. Avoid disturbance of areas susceptible to erosion and sediment loss;
- e. Use Low Impact Development (LID) techniques where adequate soil, groundwater and topographic conditions allow. These may include, but

not limited to, reduction in impervious surfaces, disconnection of impervious surfaces, bioretention (rain gardens), and infiltration systems.

6.8.32.46 Redevelopment activities exclusively limited to maintenance and improvement of existing roadways (excavating down to dirt/soil), including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects shall only be required to improve existing drainage conditions where feasible.

6.8.32.57 Further criteria for Stormwater Management Standards shall be defined and included as part of any Rules and Regulations promulgated under Section 6.5.23 of this Bylaw.

## 6.9 Entry

Filing an application for a permit grants the issuing Commission/Board and its agents permission to enter the site to verify the information in the application.

## 6.10 Fee Structure

### 6.10.1 Standard Stormwater Erosion and Sedimentation Control Permit fee

The ~~issuing~~ Commission/Board shall obtain with each submission an Application Fee. The fee shall be established by the Burlington Conservation Commission with input from the ~~Burlington Planning Board~~ to cover expenses connected with the public hearing and application review for the ~~Erosion and Sedimentation Control~~ Stormwater Permit and a technical Review Fee (if requested by the Commission/Board) sufficient to cover professional technical review, if needed. The Commission/Board is authorized to retain a ~~Registered~~ Professional Civil Engineer or other professional consultant to advise the ~~issuing~~ Commission/Board on any or all aspects of these plans as provided by G.L.c. 44, Section 53G. Applicants must pay all review fees due before a permit will be issued. The Commission/Board will not be subject to final action deadlines if the appropriate fees have not been paid.

### 6.10.2 Abbreviated Stormwater Erosion and Sedimentation Control Permit fee

The Commission will establish a reduced fee schedule.

## 6.11 Information requests

The Applicant shall submit all additional information requested by ~~the~~issuing Commission/Board to issue a decision on the application.

## 6.12 Approval Process for a Standard Stormwater Erosion Control Permit

The ~~issuing~~ Commission/Board may:

1. Issue an ~~Standard Stormwater and Erosion and Sedimentation Control~~ Permit based upon a determination the proposed plan meets the Massachusetts Stormwater Management Standards referenced by Section 6.6.2.2, adequately protects the water resources of the community, and complies with the requirements set forth in this Bylaw;

2. Issue an ~~Standard Stormwater and Erosion and Sedimentation Control~~ Permit subject to any conditions, modifications or restrictions required by the ~~issuing Commission/Board~~ which will ensure the project meets the Massachusetts Stormwater Management Standards referenced by Section 6.6.2.2 and adequately protect water resources; set forth in this Bylaw;
3. Disapprove the issuance of a ~~Standard Stormwater and n Erosion and Sedimentation Control~~ Permit based upon a determination the proposed plan as submitted does not meet the Massachusetts Stormwater Management Standards referenced by Sections 6.6.4.2, 6.6.6.2, 6.7.2 or 6.8 or adequately protect surface and/or groundwater resources as set forth in this Bylaw.

Failure of the ~~issuing Commission/Board~~ to take final action upon an application within either twenty-one (21) days from the time of the close of the hearing or within such longer time period mutually agreed to by both ~~the Commission/Board~~ and the Applicant to coincide with other regulatory decisions on the same project, shall be deemed to be approval of said Application.

#### 6.13 Project Changes for a Standard Stormwater Permit

The permittee must notify the ~~issuing Commission/Board~~ in writing of any drainage change or alteration in the system authorized in a ~~n Stormwater Erosion and Sedimentation Control~~ Permit before any change or alteration is made. If the ~~issuing Commission/Board~~ determines the change or alteration is significant, based on the Stormwater Management Standards in Sections 6.6.36.2, 6.6.4.2, 6.7.2 or 6.8 of this Bylaw and accepted construction practices, the ~~issuing Commission/Board~~ may require an amended application be filed and a public hearing held. The ~~issuing Commission/Board~~ may also require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

#### 6.14 Project Completion for a Standard Stormwater Permit

Upon completion of the project ~~under a Standard Stormwater Permit~~, the permittee shall submit as-built record drawings of all structural stormwater controls and best management practices implemented for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

#### 6.15 Inspection and Site Supervision

##### 6.15.1 Pre-construction Meeting

When requested, prior to the start of clearing, excavation, construction, or land-disturbing activity, the Applicant, the Applicant's technical representative, the general contractor, or any other person with authority to make changes to the project shall meet with the ~~issuing Commission/Board~~ to review the permitted plans and their implementation.

##### 6.15.2 Commission/Board Inspections

###### 6.15.2.1 Commission Inspections

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission, its agents, officers, and employees may enter upon privately

Upon completion of the work under a Standard Stormwater and Erosion and Sedimentation Control Permit and if required by the ~~issuing~~ Commission/Board, the permittee shall submit a report (including certified as-built construction plans) from a Professional Civil Engineer (P.E.) or, surveyor, certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

#### 6.18 Enforcement

The ~~Burlington Planning Board and Burlington Conservation Commission~~ and their employees and agents shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Persons subject to enforcement under this Bylaw include:

- a. All permittees who have been issued a Standard Stormwater and Erosion and Sedimentation Control Permit;
- b. All permittees who have been issued an Abbreviated Stormwater Erosion and Sedimentation Control Permit; and
- c. All other persons who have engaged in a land-disturbing activity as defined in this Bylaw as ~~greater than 500 square feet~~, who have caused substantial erosion and sedimentation due to alteration of drainage characteristics, grading, grubbing, clearing, and/or stripping of soil.

##### 6.18.1 Orders;

~~6.17.1.1~~ The ~~issuing~~ Commission/Board or an authorized agent of the ~~issuing~~ Commission/Board may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder which may include:

- a. A requirement to cease and desist from the land-disturbing activity until there is compliance with this Bylaw and its provisions of any permit issued;
- b. Maintenance, installation or performance of additional erosion and sediment control measures;
- c. Monitoring, analyses, and reporting;
- d. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
- e. Regrading, installation of additional erosion controls, replacement of vegetation, or other remedial actions as determined by the Conservation Commission;
- f. Elimination of illicit connections or discharges to the MS4; and

owned property for the purpose of performing their duties under this Bylaw and may make, or cause to be made, such examinations, surveys or sampling as the Commission deems reasonably necessary to determine compliance with the permit. The issuing Commission/Board or its designated agents shall make inspections as needed and shall either approve any portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Erosion and Sedimentation Control Permit as approved.

~~6.15.2.2~~ If inspections are required by the Commission/Board, the permittee shall notify the issuing Commission/Board at least two (2) working days before each of the following events:

- a. Erosion and sediment control measures are in place and stabilized;
- b. Site clearing has been substantially completed;
- c. Rough grading has been substantially completed;
- d. Final grading has been substantially completed;
- e. Close of the construction season; and
- f. Final landscaping (permanent stabilization) and project final completion.

#### 6.15.23 Permittee Self-Inspections

The permittee or his/her agent may be required to ~~shall~~ conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections shall be to determine the overall effectiveness of the control plan and the need for maintenance or additional control measures. The permittee or his/her agent shall submit weekly reports to the issuing Commission/Board or designated agent in a format approved by the issuing Commission/Board, which may include the signature of the Professional Engineer if required by the issuing Commission/Board.

#### 6.15.4 Access Permission

~~To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the issuing Commission/Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and may make, or cause to be made, such examinations, surveys or sampling as the issuing Commission/Board deems reasonably necessary to determine compliance with the permit.~~

#### 6.16 Surety

As part of any Standard Stormwater and Erosion and Sedimentation Control Permit, the issuing Authority Commission/Board ~~shall~~ may require the permittee to post, before the start of land-disturbing activity, a cash surety. The bond shall be in an amount deemed sufficient by the issuing Commission/Board to ensure that the work will be completed in accordance with the permit. For a phased project the issuing Commission/Board may release part of the bond upon completion of each phase in compliance with the permit. The amount released shall be at the discretion of the issuing Commission/Board. However, the bond may not be fully released until the issuing Commission/Board has received the final report as required by Section 6.17 and issued a certificate of completion. A bond for an Abbreviated Stormwater Permit may be released once project is complete and site is permanently stabilized.

#### 6.17 Final Reports



- g. Elimination of discharges to the MS4 or, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

#### 6.18.2 Compliance With Enforcement Orders

~~6.17.1.2~~ If the enforcing Commission/Board or its agents determines abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Commission/Board may under this Bylaw and subsequent regulation promulgated hereunder impose a fine on a daily basis until such time as the abatement or remediation of erosion and sedimentation has been completed. The Town of Burlington, at its option, may seek a court order requiring the property owner to perform the work.

#### 6.18.32 Criminal Penalty

Any person who violates any provision of this Bylaw, regulation, order, or permit issued thereunder shall be punished by a fine. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

#### 6.18.43 Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Burlington may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, in which case the Conservation Administrator of Burlington shall be the enforcing agent. The penalty for the first violation shall be \$100 each day or part thereof such violation occurs. The penalty for the second violation shall be \$300 each day or part thereof such violation occurs. The penalty for subsequent violations shall be \$300 each day or part thereof for every day such violation occurs. For the purposes of issuing a non-criminal disposition penalty, both the Burlington Planning Board Director and Burlington Conservation Commission Administrator are named as the specific enforcing agents.

#### 6.18.45 Appeals

The decisions or orders of the issuing Commission/Board shall be final. Further relief shall be to a court of competent jurisdiction.

#### 6.18.65 Remedies Not Exclusive

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable Federal, state, or local law.

#### 6.19 Certificate of Completion

Upon determining all work completed under a Standard permit has been satisfactorily completed in conformance with this Bylaw and the Permit, and all required documentation has been submitted per Section 6.14, the issuing authority shall issue a Certificate of Completion. This Certificate shall identify any continuing requirements. The Certificate of Completion

shall stipulate the permit holder is to remove required erosion controls unless changed or waived by the Conservation Administrator within thirty (30) days of the date on the Certificate.

6.20 Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

# **WARRANT ARTICLE 13**

**ESTALISHED A BURLINGTON HOUSING  
PARTNESHIP COMMITTEE BY ADDING A  
NEW SECTION 2.9 TO THE BURLINGTON  
GENERAL BYLAWS**



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## Burlington Housing Partnership Committee

Backup for Standing Committee status for the Burlington Housing Partnership

The Burlington Housing Partnership Committee has been an ad-hoc advisory committee to the Select Board for over 30 years. For most of its existence, the committee primarily responded to issues related to 40B developments, as they arose, and as such often had long periods of inactivity. However, in the past two years, the committee has re-formed and become significantly more active in the town's housing issues. Currently, the committee consists of seven members including: a representative from the Select Board (Michael Runyan), a Planning Board member (Toni Ann Natola), a representative from the Board of Assessors (John Sullivan) and four town residents appointed by the Town Administrator (Kerry Donahue, Rita Shah, Eileen Sicker, and Henry Wu).

As noted in the new Burlington Housing Needs Assessment that was commissioned by the Housing Partnership Committee, over the last ten years, homes in Burlington have become increasingly unaffordable, and in many cases, unattainable. The median home price increased 95% while rents increased 46% over the same period. We are at a critical inflection point where we need to address our town's housing affordability challenges. The current Housing Partnership Committee is more actively engaged with the community and has been pursuing a number of affordable housing initiatives. We are seeking to formalize the committee structure to better reflect our goals and attract members with different housing experiences and perspectives. This article defines the number of members, describes the representatives from various boards, and defines the type of the remaining members. Passing this article says that Burlington is serious about affordable housing and housing-related issues, and supports a more structured committee.

We respectfully request your vote to pass this article.

Housing Partnership Committee

Kerry Donahue, Chair

Eileen Sickler, Vice-Chair

Henry Wu, Secretary

Toni Ann Natola, Planning Board Representative

Michael Runyan, Select Board Representative

Rita Shah

John Sullivan, Board of Assessors Representative

**WARRANT ARTICLE 14**  
**ZONING BYLAW AMENDMENT**  
**SMOKE SHOP**  
**(NO BACKUP)**

**WARRANT ARTICLE 15**  
**AMEND ZONING BYLAW-**  
**DISTANCE FROM BASEMENT,**  
**SLAB OR CRAWL SPACE AND**  
**GROUNDWATER**  
**(NO BACKUP)**