Board of Selectmen Present: Michael Runyan, Chairman; Christopher Hartling, Vice-Chairman; Robert Hogan; Daniel Grattan; Joseph Morandi
Also Present: John Petrin, Town Administrator

GENERAL SESSION

Pledge of Allegiance
The Board of Selectmen (BOS) meeting was called to order at 7:00 p.m. followed by the Pledge of Allegiance.

072 Approval Eagle Scout Project/Signs for Mill Pond
Eagle Scout candidate Michael Pascal was present with leader Doug Davison, seeking BOS approval to install one informational kiosk and two map stands in the Mill Pond conservation area. He has been in contact with Conservation and DPW. DPW John Sanchez recommended allowing the installation of the kiosk near the entrance of the road to reservoir or at the top of this road and that no signage be allowed near the vicinity of the treatment plant. The BOS congratulated Mr. Pascal on the project.

Motion: Selectman Grattan moved to approve Michael Pascale's Eagle Scout project with the recommendations as presented by DPW Director John Sanchez. Seconded by Selectman Hogan and approved. (5-0-0)

073 Approval Landlocked Forest Meadow Cleanup Project
Friends of the Landlocked Forest
Present were Paul Girouard and Monte Pearson, members of the Friends of the Landlocked Forest. They requested BOS permission to conduct a cleanup project in April to reclaim the small meadow area from invasive species to make it more usable. There is a path through the meadow. A combination of handheld brush cutters, chainsaws, and possibly a rough terrain mower will be used to complete the initial cleanup. Cleared material will be piled in a corner of the meadow to decompose. Volunteers will work in teams. Benefits include reducing habitat for ticks, making the area more usable for visitors, and to provide an escape from mosquitoes. Their goal is to complete the work in April before the foliage comes out.

In response to a question about liability from Selectman Hogan, the petitioners said the volunteers agreed to use caution and wear extra protection. When asked by Selectman Morandi if there will be an arborist on hand to view selected trees being removed and to protect the wooded area for deer, turkey, and other animals. Mr. Girouard said they can consult with an arborist to find out what needs to be avoided.

Selectman Hartling asked about debris. Mr. Pearson said Conservation Director John Keeley recommended it not be burned but be placed in an out of the way area of the meadow where it can decompose.

BOARD OF SELECTMEN:
MICHAEL RUNYAN, CHAIRMAN  •  CHRISTOPHER HARTLING, VICE CHAIRMAN  •  ROBERT HOGAN  •  DANIEL GRATAN  •  JOSEPH MORANDI
**Motion:** Selectman Hogan moved to approve the Burlington Landlocked Forest Meadow clean-up project based on the information that has been presented. Seconded by Selectman Grattan and approved. (5-0-0)

074 Public Approval/All Alcoholic Beverages License/Transfer from Hearing: GMRI Inc. d/b/a Seasons 52 to Seasons 52 Holdings, LLC d/b/a Seasons 52 6 Wayside Road, Burlington

Attorney Joseph Devlin was present seeking approval for the transfer of an all alcohol license for Seasons 52 from GMRI Inc. to Seasons 52 holdings. Attorney Devlin explained there is no change to the business and that the change to the management partners must be approved by the local license authority (LLA) and reported to the Alcoholic Beverages Control Commission (ABCC). There were no comments from the public.

**Motion:** Selectman Grattan moved to close the public hearing. Seconded by Selectman Hogan and approved. (5-0-0)

**Motion:** Selectman Grattan moved to approve the transfer of an all alcoholic beverages license from GMRI Inc. d/b/a Seasons 52 to Seasons 52 Holdings, LLC d/b/a Seasons 52, 6 Wayside Road. Seconded by Selectman Morandi and approved. (5-0-0)

075 Public Approval/All Alcoholic Beverages License/New Stockholder/ Hearing: Transfer of Stock for Capital Grille Holdings, d/b/a The Capital Grille/10 Wayside Road, Burlington

Attorney Devlin was present seeking approval for a new stockholder and transfer of stock for the Capital Grill. There will be no change in the business or the manager. This transaction must be approved by the LLA and reported to the ABCC. There were no comments from the public.

**Motion:** Selectman Morandi moved to close the public hearing. Seconded by Selectman Grattan and approved. (5-0-0)

**Motion:** Selectman Morandi moved to approve the request for a new stockholder and transfer of stock for Capital Grille Holdings, d/b/a The Capital Grille/10 Wayside Road, Burlington. Seconded by Selectman Hartling and approved. (5-0-0)

076 Public Approval/All Alcoholic Beverages License/adding LLC Manager Hearing: Legal Sea Foods, LLC d/b/a Legal Sea Foods 75 Middlesex Turnpike, Burlington

The ABCC pre-approved a group community transaction for Legal Sea Foods, LLC d/b/a/ Legal Sea Foods to add a new LLC manager in order to expand the Board of Directors. There is no change to the running of the business. This transaction must be approved by the LLA and reported to the ABCC. There were no comments from the public.

**Motion:** Selectman Morandi moved to close the public hearing. Seconded by Selectman Hogan and approved. (5-0-0)
Motion: Selectman Hogan moved to approve the all alcoholic beverages license to add LLC manager to Legal Sea Foods, LLC d/b/a Legal Sea Foods at 75 Middlesex Turnpike. Seconded by Selectman Morandi and approved. (5-0-0)

077 Hearing: Approval/All Alcohol License, Change of Manager
Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen
24 District Avenue
Michael Winthrop was present for BOS approval to replace Christine DeCloux as manager. Mr. Winthrop said he has been in the restaurant business for sixteen years and never had a violation. T.A. Petrin reminded Mr. Winthrop that the serving of alcohol is secondary to the serving of food. He said he understands the town' regulations.

Motion: Selectman Hogan moved to approve the all alcohol license change of manager at Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen, 2400 District Avenue. Seconded by Selectman Morandi and approved. (5-0-0)

078 Approval: Post-Graduation All-Night Party for Burlington High School
Police Detail
A letter was submitted to the BOS from Deb Mungillo and Michele Cimino, co-chairs for the Burlington High School all-night post-graduation event, requesting BOS approval to cover expenses for the police detail for the evening. The event will be held at Kings Bowl. There will be two officers at 7 hours each. It was noted that this has been approved each year.

Motion: Selectman Hogan moved to approve that the Selectmen's office cover the cost for the police detail for the all-night post-graduation party being held at Kings Bowl. Seconded by Select Morandi and approved. (5-0-0)

079 Cont’d Approval: Burlington Motors/177 Bedford Street
Public Hearing: Request for Additional Vehicles
T.A. Petrin explained that the subcommittee, Selectmen Hartling and Hogan, recently conducted the final site visit. A set of conditions was prepared allowing for a total of 35 motor vehicles at the site with the allotment of cars being as follows:
a. No more than 12 cars are allowed to be parked on the car line facing Middlesex Turnpike.
b. No more than 19 cars may be parked in the rear of the lot.
c. No more than 4 additional cars may be allowed off site for repair purposes at the car repair station located at 161 Bedford Street. The license also recognizes that there are an addition 6 cars that are licensed in a separate approval at Edwards Road.

It was recommended that this Class II license approval be effective through July 1, 2016 at which time the site will be revisited by the subcommittee.

Mr. Esposito said the white privacy fence has been erected along Middlesex Turnpike adjacent to the green space, as requested. The cost is very high and he asked if it was necessary to also install another white privacy fence along the border of the neighboring property from the sidewalk to the end of the garage building since there is already a chain link fence in that location.

The petitioners again said the second fence is costly. Chairman Runyan asked if slats could be inserted into the chain link fence.  Mr. Esposito said they could.  Selectman Hartling emphasized that all conditions should be met and a
great deal of time was taken to work out the set of conditions and added that the white privacy fence should be installed. It was agreed that the dates on the license could be staggered to allow time for the completion of the project. T.A. Petrin asked that the lot be fully cleaned up and striping completed. The license will be good until July 1, 2016 to allow time for the fence to be installed and the site to be visited.

Selectman Grattan asked who would be responsible for ensuring conditions are maintained, and T.A. Petrin said it would fall under the jurisdiction of the BOS.

There were no comments from the public.

**Motion:** Selectman Morandi moved to close the public hearing. Seconded by Selectman Hogan and approved. (5-0-0)

**Motion:** Selectman Hartling moved to approve through July 1, 2016 the Class II license with the 9 conditions as written and that a white privacy fence be erected and maintained along the border of the neighboring property from the sidewalk to the end of the garage building as requested in the conditions. Seconded by Selectman Hogan and approved. (5-0-0)

**080 Approval:** Event Coordination for Mercedes/Rob Gronkowski
Mercedes event coordinator Dan Oliveri from State 6 announced that the event is being postponed until perhaps the summer.

**081 Review/ Approval:** Rules of Town Meeting
Rules of Description on Warrant Articles
Approved at January 2016 Town Meeting

Paul Girouard, John Glen and Eileen Sickler of the Rules Committee were present seeking BOS approval to allow a description of a warrant article to be placed in italics under the request in the main warrant. This nonbinding resolution was approved at the January 2016 Town Meeting. Ms. Sickler explained that it would be a brief description of the request so that town meeting members are not flipping back and forth between the main warrant and the backup. Selectman Hartling asked who would be writing the description. Mr. Girouard said it would be the responsibility of whomever is submitting the warrant article. Selectman Hartling said he is satisfied with just having the description in the backup and is concerned the brief description in the warrant would create the situation where the members would not be reviewing the actual backup.

The BOS recommended a comment from the Town Clerk. Selectman Grattan asked how this would be monitored. T.A. Petrin asked who would be reviewing for accuracy stating the Selectmen's office can assist as much as possible but cannot be responsible for the description. Selectman Grattan added that if this is approved by the board, the BOS will only accept the description but cannot review and edit it.

Mr. Girouard provided a sample. Chairman Runyan asked if it could be done on a trial basis, and Mr. Petrin said this could be possible. Selectmen Morandi and Grattan recommended leaving the warrant as it is. Selectman Hartling said there is the potential for confusion and he would prefer that the committee members refer to the backup.
Motion: Selectman Grattan moved that a brief description be allowed to be printed in italics within the main warrant immediately after the "action" line for the May 2016 warrant with the description being provided by the petitioner. Seconded by Selectman Hogan.

Discussion: It was noted that the description provided was confusing. Selectman Grattan said most petitioners put it in their backup. Chairman Runyan agreed this needs more work.

Motion failed (1-4-0 with Selectman Grattan voting in favor)

T.A. Petrin recommended that BOS members be invited to a Rules Committee meeting to discuss this further so that it is more specific.

082 Approval: Warrant for Special Town Meeting
Re: Zoning Board of Appeal's Decision/Marriot Hotel
New England Executive Park (The District)
T.A. Petrin said the necessary signatures and petition have been received requesting BOS approval to hold a Special Town Meeting. It is being recommended that the BOS approve that the Special Town Meeting be allowed to occur the same night as the regular Town Meeting, May 9, 2016, in order to save funds. The special meeting is one article seeking Town Meeting approval to seek funds for outside counsel to appeal the finding of the Zoning Board of Appeals. This date falls beyond the required 45 days, therefore, BOS approval is required.

Shari Ellis was present to provide background and thanked the Town Administrator for his assistance. Selectman Hartling asked Todd Finard, Finard Properties, to consider holding a public informational meeting to describe the Residence Inn by Marriott being built in The District. Mr. Finard said this request would be considered.

Motion: Selectman Hogan moved that the Board of Selectman approve the opening and closing of the Special Town Meeting warrant, Article 1, Funding NEEP Hotel Appeal to be held on May 9, 2016. Seconded by Selectman Morandi and approved. (5-0-0)

083 Review/ Approval: 40 B Local Initiative Project (Housing)
T.A. Petrin said each member of the board received for consideration PowerPoint presentations of the two submitted Friendly 40B Local Initiative Projects (LIP). Selectman Grattan said the 40B Subcommittee members met with staff to review the specifics of the proposals:
1. The Residences at Burlington Centre, 20 Corporate Drive, off Cambridge Street presented by the Davis Companies;
2. Multi-Family Residential at the District, Burlington, off Burlington Mall Road presented by National Development.

Additional facts received at the subcommittee meeting were distributed. Selectman Grattan said the proposals were similar yet each held their own special qualities. The subcommittee was ready to recommend The Residences at Burlington Centre, 20 Corporate Drive, off Cambridge Street, as presented by The Davis Companies noting the accelerated status of the selected project and that more information has been submitted, plus PDD status including housing has already been approved and is in place at this location.
T.A. Petrin said negotiations will include setting conditions for the specific proposal. The subcommittee simply makes the recommendation, but the full board will vote on the final decision. The BOS agreed to accept the proposal from The Davis Companies with the potential to accept another 40B in the future.

**Motion:** Selectman Grattan moved that the Board of Selectman select and move forward with the proposal for a 40B Local Initiative Project submitted by The Davis Companies for Corporate Drive off Cambridge Street. Seconded by Selectman Hogan and approved. (5-0-0)

The subcommittee will next meet with the proponent to discuss an LIP agreement.

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<tr>
<th>084</th>
<th>Discussion/Approval:</th>
<th>Town Building Projects</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>1. Fire-Station 2</td>
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<td>2. Human Services Building and 33 Center Street</td>
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<td>3. DPW Facilities</td>
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John Sanchez, Director, DPW and Paul Sagarino, Town Accountant, were present. The BOS has been holding ongoing facilities meetings to discuss fire station 2 and funding for buildings to create department programming space.

1. **Fire Station 2 - Article 16**
   T.A. Petrin explained that discussions included raising and rebuilding existing fire station 2 on Terrace Hall to serve that portion of the town. The new station will be a three-bay station that could potentially house five to six vehicles, including an engine and ladder company and ambulance and could house up to seven firefighters. The bonded amount presented to design and construct fire station 2 is $8,500,000.

   **Motion:** Selectman Hogan moved to approve Article 16, for design plans and construction of a new fire house 2 in the amount of $8,500,000. Seconded by Selectman Morandi and approved. (4-0-1 with Chairman Runyan abstaining).

2. **Article 14 - 33 Center Street Renovation**
   
   **Article 15 - Human Services Building Renovation**
   Because of cost factors, initial plans for the renovation of the two buildings were changed. Youth and Family Services (YFS) will still be moving to 33 Center Street and the first and second floors of 33 Center Street will renovated for offices.

   The first floor of the Human Services Building will be renovated. The Board of Health and Veterans Services will be consolidated into one area on the second floor in the spaces vacated by YFS. The remaining space on the second floor will be for programming. The HVAC will be upgraded as needed. The walls will be maintained. Approximately 40 additional parking spaces are planned for the front of the building.

   In May 2015 Town Meeting approved $1,650,000 for the 33 Center Street project, and this amount has been set aside for the renovation. The economy changed and bids to renovate the two buildings came in higher and it was necessary to adjust the plans. An additional amount of $6.5 million is being requested to renovate the two buildings.

   Chairman Runyan said that a great deal of effort has been made to create a reasonable compromise.
Motion: Selectman Hogan moved to approve Article 14, 33 Center Street Renovation and Article 15, Human Services Building Renovation be submitted as one package to Town Meeting at a cost of approximately $6,500,000. Seconded by Selectman Morandi and approved. (5-0-0)

3. Article 17 - DPW Yard/Salt Facility - Adams Street
   Article 18 - DPW Salt Shed - Grant Avenue
   
   During facilities discussion meetings, it was agreed that it would not be possible to have one central DPW as it would be too large for current facilities. Considerations were made for four DPW locations to be submitted over a period of time.

   It was agreed to submit a request for FY 2017 to replace the salt shed on Grant Avenue for approximately $1,000,000 and to replace the salt shed on Adams Street and create accompanying town yard at a cost of approximately $2,500,000.

   Future requests will include a central maintenance facility be created at the Clark and Reid building to house DPW and Recreation Department equipment. The current highway facility will be rehabbed and discussions will take place on its future use.

   Motion: Selectman Hogan moved to approve funding Article 17, DPW Yard/Salt Facility, Adams Street with accompanying town yard in the amount of $2,500,000. Seconded by Selectman Grattan and approved. (5-0-0)

   Motion: Selectman Hogan moved to approve funding Article 18, Salt Shed, Grant Avenue at $1,000,000. Seconded by Selectman Morandi and approved. (5-0-0)

085 Review: FY 2017 Budget
   May Town Meeting Warrant
   
   Budgets will be reviewed at the April 11, 2016 meeting.

086 Subcommittee Reports: None.

087 Town Administrator's Report: None.

088 Chairman's Report
   
   Chairman Runyan said that in response to overall incidents of attacks and terrorism, Burlington Police and Fire have been working together on response training.

089 Old/New Business
   
   Chairman Runyan said that in response to overall incidents of attacks and terrorism, Burlington Police and Fire have been working together on response training.

   Citizens' Time

   Adjourn
   
   Motion: Selectman Hogan moved to adjourn at 9:15 p.m. Seconded by Selectman Grattan and approved. (5-0-0)
Submitted by,

Betty McDonough
Recording Clerk

Burlington Board of Selectmen Minutes
March 14, 2016
Agenda

072 Approval: Eagle Scout Project/Signs for Mill Pond - 3/24 email from John Sanchez re site locations w desirable locations indicated on pictures; 3/23 email from Michael Pascale re project; project outline; map proposal; picture of kiosk and map sign holder; google project location; bill of materials; Burlington Mill Pond Conservation area map

073 Approval: Landlocked Forest Meadow Cleanup Project/Friends of the Landlocked Forest - clean up project recommendations; Google site image; close up Google image of site location; Friends trail map of the Landlocked Forest

074 Public Hearing: Approval/All Alcoholic Beverages License/Transfer from GMRI Inc. d/b/a Seasons 52 to Seasons 52 Holdings, LLC d/b/a Seasons 52/6 Wayside Road, Burlington - public hearing notice; 2/9/16 letter from Demakis Law; summary of transactions; certificate of good standing; petition for transfer; application for retail alcoholic beverage license; Manager Application; Personal Information Form Daniel Hebenstreit; structure chart; state application for registration; state certification re general law provisions; Florida state letter re articles of organization 4 pages; licenses which applicant has interest; list of violations in all locations; bill of sale

075 Public Hearing: Approval/All Alcoholic Beverages License/New Stockholder/Transfer of Stock for Capital Grille Holdings, d/b/a The Capital Grille/10 Wayside Road, Burlington - public hearing notice; 2/9/16 letter from Demakis Law; summary of transaction for new stockholder and transfer of stock; certificate of good standing; petition for transfer of ownership; application for retail alcoholic beverage license; applicant's statement; manager application; personal information form for Adam Mackler; corporate resolution; structure chart before changes and after changes; business entity summary; licenses in which applicant has interest

076 Public Hearing: Approval/All Alcoholic Beverages License/adding LLC Manager/Legal Sea Foods, LLC d/b/a Legal Sea Foods/75 Middlesex Turnpike, Burlington - public hearing notice; letter from ABCC re: change; state confirmation re general law provisions; application for retail alcoholic beverage license; list of interests in the license; applicant's statement; personal information form for Vincent Fantegrossi; certificate of assistant secretary of legal

077 Hearing: Approval/All Alcohol License, Change of Manager/Tuscan Kitchen Burlington LLC d/b/a Tuscan Kitchen/24 District Avenue - petition for change of license; manager application for Michael Winthrop; personal information form for Michael Winthrop; Tuscan Manager's Certificate; Tuscan Kitchen action by written consent of the members; passport

078 Approval: Post-Graduation All-Night Party for Burlington High School/Police Detail - 3/8/16 from Deb Mungillo and Michele Cimino re police detail

079 Cont'd Public Hearing: Approval: Burlington Motors/177 Bedford Street/Request for Additional Vehicles - conditions for Burlington Motors Class II License; map/plan of the site

080 Approval: Event Coordination for Mercedes/Rob Gronkowski - state caterer's license Max Ultimate Food; 3/18 email from Bob Kirchner re police detail; 3/10 email from John Clancy re no objections; 3/16 email from Steve Yetman detail set up; 3/14 email from Craig Robinson re permission to use parking lot; Gronk Gala transportation plan; State6 Gronk Gala request to host party to BOS; Google map of parking at school; Burlington one day alcoholic beverage license application; site plan of inside set up; comments from BOH; newspaper article of the Gronk Nation Gala being held April 14
081  Review/Approval: Rules of Town Meeting/Rules of Description on Warrant Articles/Approved at January 2016 Town Meeting - minutes from January 2016 explaining Article 3 Rules of Town Meeting Rules of Description recommendation passed

082  Approval: Warrant for Special Town Meeting/Re: Zoning Board of Appeal's Decision/Marriot Hotel/New England Executive Park (The District) - draft copy of NEEP Special Town Meeting (including description); 3/22/16 letter from Town Clerk to John Petrin re notification of request for a special town meeting; signatures of those calling special town meeting

083  Review/Approval: 40 B Local Initiative Project (Housing) - comparison of friendly 40 B proposals

084  Discussion/Approval: • Town Building Projects • Fire-Station 2 • Human Services Building • DPW • 33 Center St.

085  Review: FY 2017 Budget/May Town Meeting Warrant -

086  Town Administrator's Report -

087  Chairman's Report -

088  Old/New Business -
  Citizen's Time -