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## BURLINGTON TOWN MEETING

Monday, September 25, 2017

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**WARRANT**

**BURLINGTON TOWN MEETING**

**Monday, September 25, 2017**

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium, in said Town, Monday, the 25th of September 2017 at seven-thirty o'clock in the evening then and there to act on the following articles of the warrant:

**GENERAL ARTICLES**

**ARTICLE 1**

**RE: Reports of Town Officers & Committees**

To hear and act on the reports of the Town Officers and Committees; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request  
of the Rules Committee

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

**ARTICLE 2**

**RE: Annual Town Election Date**

To see if the Town will vote to set the Annual Town Election for April 7, 2018; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of  
the Town Clerk

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

**FINANCIAL ARTICLES**

**ARTICLE 3**

**RE: Will of Marshall Simonds**

To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds the sum of \$78,517.50 for the improvement of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

Amount: \$78,517.50

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

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

**ARTICLE 4**

**RE: Town Common Electrical Upgrade**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$130,000 or any other sum, for the purpose of replacing the electrical system on the Town Common, same to be spent under the direction of the Recreation Commissioners or to act in any other manner in relation thereto.

Amount: \$130,000

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

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

**ARTICLE 5**

**RE: Amend Administrative and Professional Classification Plan**

To see if the Town will vote to amend the Administrative and Professional Classification Plan for FY 2018 by eliminating the position of Grade 11 Data Collector/Assistant Assessor and creating the position of Grade 10 Data Collector; or to act in any other manner in relation thereto.

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

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

**FINANCIAL ARTICLES - Continued**

**ARTICLE 6**

**RE: Fund the Part-Time Compensation Plan**

To see if the Town will vote to transfer from the FY 2018 Negotiated Settlement Account the sum of \$6,000 for the purpose of funding the Part-time Salary Plan (under 20 hours) for FY 2018, same to be expended under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$6,000

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

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

**ARTICLE 7**

**RE: Fund the Burlington Police  
Patrolmen's Association Contract**

To see if Town Meeting will vote to transfer from the Negotiated Settlement Account the sum of \$TBD for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen's Association for FY 2016 and FY 2017, and FY 2018 same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$ TBD

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

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

**ARTICLE 8**

**RE: Fund the Burlington Police Command  
Officers' Contract**

To see if Town Meeting will vote to transfer from the FY 2018 Negotiated Settlement Account the sum of \$TBD for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Command Officers' Contract for FY 2017 and FY 2018, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$ TBD

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

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

**FINANCIAL ARTICLES - Continued**

**ARTICLE 9**

**RE: Fund the Burlington International Firefighters' Association Contract**

To see if Town will vote to transfer from the FY 2018 Negotiated Settlement Account the sum of \$TBD for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington International Firefighters' Association for FY 2018, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$ TBD

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

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

**ARTICLE 10**

**RE: Bond Authorization - Fire Station 2**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$225,000 or any other sum to add to the sum appropriated in Article 16 of the Annual Town Meeting of May 9, 2016 for the purpose of funding the design and construction, including the payment of all costs incidental or related thereto of a fire station located on Terrace Hall Avenue or to act in any other manner in relation thereto.

Amount: \$225,000

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

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

**GENERAL ARTICLES - Continued**

**ARTICLE 11**

**RE: Abandonment and  
Discontinuance of Portions of Olympian Way  
and Center Street; and Conveyance Thereof  
(154-160 Cambridge Street)**

To see if the Town will vote pursuant to General Laws Chapter 82, Section 21 to discontinue as public ways those portions of Olympian Way and Center Street shown as “Parcel - Town of Burlington Area About 118 S.F.” and “Parcel – Town of Burlington Area About 2,176 S.F.”, on a plan entitled “Burlington – 2017 Alteration Sheet 2 of 4 Sheets,” prepared by Sean Ewald, dated August 4, 2017, to be recorded with the Middlesex County Registry of Deeds, and pursuant to General Laws Chapter 40, Section 3, Section 4, Section 15 and any other enabling law, to authorize the Board of Selectmen to release all right, title and interest held by the Town in said discontinued portions, and to convey the same to the Commonwealth of Massachusetts Department of Transportation on such terms and conditions, which may be nominal consideration, as the Board of Selectmen deems appropriate; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen on behalf of  
Heritage Trail LLC

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

**ARTICLE 12**

**RE: Conveyance of Portion of Certain Town Land  
(154-160 Cambridge Street)**

To see if the Town will vote: (1) pursuant to General Laws Chapter 40, Section 15A, to transfer the care, custody, management and control of a portion of the Town land known as Tax Parcel 29-162-0 [Traffic Island, Olympian Way], said portion to be conveyed shown as “Parcel - Town of Burlington Area About 3,269 S.F.”, on a plan entitled “Burlington – 2017 Alteration Sheet 2 of 4 Sheets,” prepared by Sean Ewald, dated August 4, 2017, from the Board of Selectmen for the purposes for which such land is currently held to the Board of Selectmen for the purpose of conveyance; and (2) pursuant to General Laws Chapter 40, Section 3, Section 4, Section 15, and any other enabling law, to authorize the Board of Selectmen to convey all right, title and interest held by the Town, to the Commonwealth of Massachusetts Department of Transportation, on such terms and conditions, which may be nominal consideration, as the Board of Selectmen deems appropriate, in and to a portion of the Town land known as Tax Parcel 29-162-0 [Traffic Island, Olympian Way], said portion to be conveyed shown as “Parcel - Town of Burlington Area About 3,269 S.F.”, on a plan entitled “Burlington – 2017 Alteration Sheet 2 of 4 Sheets,” prepared by Sean Ewald, dated August 4, 2017, to be recorded with the Middlesex County Registry of Deeds; or to act in any manner in relation thereto.

Submitted by the Board of Selectmen on behalf of  
Heritage Trail LLC

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

## GENERAL BYLAW ARTICLES

### ARTICLE 13

### **RE: Home Rule Petition - Special Legislation Concerning Special Police Officers: An Act Relative to Special Police Officers In the Town of Burlington**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen of the town of Burlington may appoint, at the recommendation of the police chief and as said chief deems necessary, individuals with a law enforcement background as special police officers to perform police details or any other duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Prior to appointment under this act, a special police officer shall pass a medical examination conducted by a physician or other certified professional chosen by the town to determine whether the special police officer is capable of performing the essential duties of a special police officer and the cost thereof shall be borne by the special police officer.

**SECTION 2.** Special police officers shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, or chapter 150E of the General Laws.

**SECTION 3.** When performing duties authorized under section 1, special police officers shall have the same power to make arrests and perform other functions as do regular police officers of the town of Burlington.

**SECTION 4.** A special police officer shall be appointed for an indefinite term, subject to removal or suspension by the Board of Selectmen at any time. In the case of removal, a special police officer shall be provided with 14 days written notice prior to removal. Upon request, the Board of Selectmen shall provide the reasons for removal or suspension in writing.

**SECTION 5.** Special police officers shall be subject to the rules and regulations, policies and procedures and requirements of the Board of Selectmen and the chief of police of the town of Burlington including, but not limited to, restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniform and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all training, uniforms and equipment shall be borne by the special police officer.

**SECTION 6.** Special police officers shall be sworn before the town clerk of the town of Burlington who shall keep a record of all such appointments.

**SECTION 7.** Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of

**GENERAL BYLAW ARTICLES - Continued**

said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any

officer designated as a special police officer less than 52 weeks prior to the incapacity. Payments under said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitation on earnings in paragraph (b) of section 91 of chapter 32 of the General Laws. Payments under said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when a special police officer reaches the age of 65, whichever occurs sooner. In the event the age limitation applicable to regular police officers serving a town is increased under said chapter 32 from the current 65 years of age, the termination benefits under said section 111F of said chapter 41, as provided under this act to special police officers, shall terminate at such higher age limit but in no event shall those termination benefits extend beyond the age of 70 for such special police officers. Special police officers appointed under this act shall not be subject to sections 89E, 85H or 85H½ of said chapter 32 nor shall they be eligible for any benefits pursuant thereto.

**SECTION 8.** An appointment as a special police officer shall not entitle that person to assignment to a detail.

**SECTION 9.** Special police officers appointed under this act shall be subject to the limitation on hours worked and other restrictions on earnings as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

**SECTION 10.** A special police officer shall not be subject to maximum age restrictions applied to regular officers under chapter 32 of the General Laws, but shall not be eligible to serve as a special police officer upon reaching the age of 70. The provisions of this section shall apply to any special police officer appointed prior or subsequent to the effective date of this act.

**SECTION 11.** This act shall take effect upon its passage.

Or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of the Burlington Police Department

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

**ARTICLE 14**

**RE: Changes to Revolving Funds  
Amendment to Town General Bylaws**

To see if the Town will vote to amend the General Bylaws of the Town of Burlington by adding a new section to Article IV Section 6.6 in order to establish and authorize revolving funds for use by certain

Warrant

September 25, 2017 Town Meeting

## **GENERAL BYLAW ARTICLES - Continued**

Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½ by adding the following new section:

- 6.6 The Town Accountant shall be responsible for overseeing the Town's Departmental Revolving Accounts.
- 6.6.1 Purpose. This Bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
- 6.6.2 Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this Bylaw without appropriation subject to the following limitations:
- 6.6.2.1 Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- 6.6.2.2 No liability shall be incurred in excess of the available balance of the fund.
- 6.6.2.3 The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Ways and Means Committee.
- 6.6.3 Interest: Interest earned on monies credited to a revolving fund established by this Bylaw shall be credited to the general fund.
- 6.6.4 Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this Bylaw, the rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this Bylaw.
- The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
- 6.6.5 Authorized Revolving Funds. The Table establishes:
- A) Each revolving fund authorized for use by a Town department, board, committee, agency or officer,
  - B) The department or agency head, board, committee or officer authorized to spend from each fund,

- C) The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
- D) The expenses of the program or activity for which each fund may be used,
- E) Any restrictions or conditions on expenditures from each fund;
- F) Any reporting or other requirements that apply to each fund, and
- G) The fiscal years each fund shall operate under this Bylaw.

<b>A Revolving Fund</b>	<b>B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b>C Fees, Charges or Other Receipts Credited to Fund</b>	<b>D Program or Activity Expenses Payable from Fund</b>	<b>E Restrictions or Conditions on Expenses Payable from Fund</b>	<b>F Other Requirements/ Reports</b>	<b>G Fiscal Years</b>
Cross Connection- Backflow prevention	Public Works	Fees charged for testing devices that prevent mixing of potable and non-potable water	Contract services to DEP authorized vendors who perform the testing, surveys, part-time salaries, purchase of testing equipment and any other expenses necessary for the administration of this program	No restrictions or conditions	Any balance in excess of \$100,000 will be transferred to the general fund at fiscal year-end; all balances up to \$100,000 will carry forward and be available for appropriation in subsequent fiscal years	Fiscal Year 2019 and subsequent years
B-line Local Mini Bus	Public Works	Bus user fees	Salaries, expenses, contractual services and any other expenses necessary to operate the in-town B-Line bus service	No restrictions or conditions	Fiscal year-end balance carries forward and is available for appropriation in subsequent years	Fiscal Year 2019 and subsequent years
Grand View Farm	Board of Selectmen	Rental fees received for use of Grandview Farm/ Marion Tavern Facility	Expenses related to the operations of the Grand View Farm/ Marion Tavern Facility and grounds including but not limited to maintenance and repairs, utilities, furniture & fixtures, custodial overtime, capital improvements, and any other expenses related thereto	No restrictions or conditions	Fiscal year-end balance carries forward and is available for appropriation in subsequent years	Fiscal Year 2019 and subsequent years
Nursing Programs & Services	Board of Health	Fees charged for screenings & Medicare / insurance reimbursements received	Expenses related to medical equipment and supplies, immunizations, health fairs, educational materials, emergency preparedness drills, and any other expenses related to the administration of public health nursing programs	No restrictions or conditions	Beginning on 6/30/18, any balance in excess of \$45,000 will be transferred to the general fund at fiscal year-end; all balances up to \$45,000 will carry forward and be available for appropriation in subsequent fiscal years	Fiscal Year 2019 and subsequent years
Plan Imaging & Property File Documents	Building Department	2% of Building Department Fees (Not to exceed \$20,000 annually)	Archival imaging of building permit drawings and specifications, and property file documents, and any other costs related to the administration of this program	No restrictions or conditions	Fiscal year-end balance carries forward and is available for appropriation in subsequent years	Fiscal Year 2019 and subsequent years

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements/ Reports	G Fiscal Years
Sale of Recyclable Materials, Trash Bags and Toters	Board of Selectmen	Receipts from the sale of all recyclable material, trash bags and rental of second toters	Expenses to offset the cost of curbside trash & recycling collection, disposal of solid waste, replacement toters, and any other costs associated with the administration of the trash and recycling program	No restrictions or conditions	Fiscal year-end balance carries forward and is available for appropriation in subsequent years	Fiscal Year 2019 and subsequent years
Sealer of Weights & Measures	Board of Selectmen	Fees charged for testing of Weights & Measures devices	Part time salaries, contracted services, and any other costs associated with the administration of the Weights & Measures Testing Program	No restrictions or conditions	Any balance in excess of \$20,000 will be transferred to the general fund at fiscal year- end; all balances up to \$20,000 will carryforward and be available for appropriation in subsequent fiscal years	Fiscal Year 2019 and subsequent years
Ice Palace Improvement & Maintenance	Board of Selectmen	Any revenue received in conjunction with the lease of the Ice Palace facility	Any repairs, maintenance, capital improvements, or other expenses associated with the Ice Palace facility and grounds including debt service related thereto	No restrictions or conditions	Fiscal year-end balance carries forward and is available for appropriation in subsequent years	Fiscal Year 2019 and subsequent years
Meadowbrook School Maintenance & Improvements	Board of Selectmen	Any revenue received in conjunction with the lease of Meadowbrook School	Any repairs, maintenance, capital improvements, or other expenses associated with the Meadowbrook School facility and grounds including debt service related thereto	No restrictions or conditions	Fiscal year-end balance carries forward and is available for appropriation in subsequent years	Fiscal Year 2019 and subsequent years

Submitted by the Board of Selectmen at the request of the  
Bylaw Review Committee

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

**ARTICLE 15**

**RE: Create a Zoning Bylaw Review Committee  
By Adding a New Section 2.8 to Article V of the  
Burlington General Bylaws**

To see if the Town will vote to create a Zoning Bylaw Review Committee (ZBRC) by adding the following new Section 2.8 to Article V of the General Bylaws of the Town:

**2.8 Zoning Bylaw Review Committee**

The Zoning Bylaw Review Committee (ZBRC) shall consist of a total of eleven (11) members; nine (9) voting members and two (2) non-voting members. The nine (9) voting members include: seven (7) Town Meeting Members (preferably one Town Meeting Member from each voting precinct; however, not more than two (2) Town Meeting Members from any one precinct); one (1) Business Community Representative; and one (1) member from the Zoning Board of Appeals. Each member for a term of

## **GENERAL BYLAW ARTICLES - Continued**

three (3) years. The Moderator, within thirty (30) days after the final adjournment of the May Town Meeting, shall appoint the seven (7) Town Meeting Members and one (1) Business Community Representative. The Zoning Board of Appeals (ZBA) shall appoint one (1) ZBA member, and shall be appointed concurrently with the Moderator's appointments for a term of three (3) years. For the initial appointments to be made within thirty (30) days of the adjournment of the September, 2017 Annual Town Meeting, three (3) members will be appointed for a term that will expire with the adjournment of the May, 2021 Annual Town Meeting, three (3) members will be appointed for a term that will expire with the adjournment of the May, 2020 Annual Town Meeting, three (3) members will be appointed for a term that will expire with the adjournment of the May, 2019 Annual Town Meeting. Thereafter, all appointments shall be for three year terms.

The two (2) non-voting members include: one (1) from the Planning Board, and one (1) from the Building Department. These non-voting members shall be appointed by their respective Chair or Department Head, and be liaisons and act in an advisory capacity.

The ZBRC may annually appoint a recording secretary, who shall not be a member of the ZBRC. The ZBRC shall define the duties of the recording secretary.

The ZBRC shall meet at the call of the outgoing Chairman within fifteen (15) days after the appointment date of the new members. Those taking office shall be sworn to the faithful performance of their duties. At this meeting, the ZBRC members shall choose its chairman and vice-chairman. A quorum shall consist of fifty percent (50%) plus 1 of the appointed voting members.

### **The Committee shall:**

2.8.1 Monitor, review and make recommendations to Town Meeting regarding any updates or amendments to the Burlington Zoning Bylaws that are a result from: a.) any Massachusetts law or regulation changes or updates; or b.) any proposed Burlington Zoning Bylaw Amendment requests.

2.8.1.1 Written back-up information shall be submitted to Town Meeting prior to its consideration of the respective article(s).

2.8.1.2 The ZBRC may, with input from the Planning Board and staff, review and discuss: appropriate maps, master plans, reports of consulting experts, and address any potential impacts to the Zoning Bylaws, and any other information the ZBRC considers relevant.

2.8.1.3 A proposed Zoning Bylaw amendment requires a public hearing and recommendation by the Planning Board. The Planning Board shall notify the ZBRC Chair, Vice-Chair and recording secretary of the public hearing and include the ZBRC in the distribution of any relevant legal notices and documentation. The ZBRC shall report any ZBRC comments and recommendations of any proposed Zoning Bylaw amendments to the Planning Board prior to the closing of the public hearing.

2.8.1.4 The Town Administrator shall refer to the ZBRC all articles on any warrant for any session of Town Meeting proposing any changes, updates, amendments or deletions to the Burlington Zoning Bylaws as soon as the warrant closes. The ZBRC shall then consider: a.) the location for the proposed

**GENERAL BYLAW ARTICLES - Continued**

Bylaw within the Zoning Bylaws; b.) the appropriateness of the request with respect to the best interest(s) of Burlington residents; c.) the form, clarity and conciseness of the proposed Bylaw; and d.) all arguments, for and against, to the proposed Bylaw. The ZBRC shall make recommendations to Town Meeting based on these considerations.

2.8.2 Review and make recommendations, as appropriate, on all matters referred to the ZBRC.

2.8.3 Maintain a cooperative working relationship with all Town Boards, Committees or Commissions with respect to issues relevant to the Zoning Bylaws.  
or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of the  
Zoning Bylaw Review Study Committee

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

**ARTICLE 16**

**RE: Amend General Bylaws  
Prohibition on Marijuana Establishments**

To see if the Town will vote to amend Article XIII (Public Safety) of the General Bylaws by adding a new Section 1.42, Prohibition on Marijuana Establishments, that would provide as follows, and to amend the Table of Contents to add said Section 1.42, Prohibition on Marijuana Establishments:

Section 1.42 – Prohibition on Marijuana Establishments

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, and any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Burlington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time), nor shall it be construed to include registered marijuana dispensaries as defined by Article II, Section 2.18.2.1 of the Zoning Bylaw;

or to act in any other manner in relation thereto.

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

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

**ZONING BYLAW ARTICLES**

**ARTICLE 17**

**RE: Amend Zoning Bylaws  
Prohibition on Marijuana Establishments**

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 10.8, Prohibition on Marijuana Establishments, that would provide as follows, and to amend the Table of Contents to add Section 10.8, Prohibition on Marijuana Establishments:

**Section 10.8 – Prohibition on Marijuana Establishments**

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, and any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Burlington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time), nor shall it be construed to include registered marijuana dispensaries as defined by Article II, Section 2.18.2.1 of the Zoning Bylaw;

And further, to see if the Town will vote to amend Article IV “Use Regulations” of the Zoning Bylaw, by amending section 4.2.0 “Principal Use Regulation Schedule” by adding the following:

<b>4.2.0 Principal Use Regulation Schedule</b>																
	<b>Use Designation</b>				<b>District</b>											
	<b>INSTITUTIONAL AND RECREATIONAL USES</b>	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
<b>4.2.2.31</b>	<b>Marijuana Establishment (See Section 10.8)</b>	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

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

PASSED ( ) DEFEATED ( ) POSTPONED INDEFINITELY ( ) OTHER ( )  
Warrant 13  
September 25, 2017 Town Meeting

**ZONING BYLAW ARTICLES - Continued**

**ARTICLE 18**

**RE: Proposed Rezoning From IG and BG District To Planned Development (PD) District (Wall Street Planned Development (PD) District)/15 Wall Street**

To see if the Town will vote to amend the Zoning Map to rezone the property located at 15 Wall Street (Map 48/Parcel 35) (“Premises”) from the General Industrial (IG) and General Business (BG) Districts to the Wall Street Planned Development (PD) District. Said Premises to be rezoned is further described on the plan entitled “Proposed Modification of Wall Street PDD” dated August 23, 2017 prepared by Howard Stein Hudson; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen on behalf of Edward Igo, Trustee, Winn Street Service

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

**ARTICLE 19**

**RE: Proposed Text Amendment - Wall Street Planned Development (PD) District**

To see if the Town will vote to Amend the Wall Street Planned Development (PD) District Concept Plan, Zoning Provisions, Use Table and Special Conditions as originally adopted by Town Meeting on May 16, 2001, as follows:

Concept Plan: Shall be amended to include 15 Wall Street (Map 48/Parcel 35) as depicted on the enclosed plan entitled “Proposed Modification of Wall Street PDD” dated August 23, 2017 prepared by Howard Stein Hudson.

**Zoning Provisions, Use Table, Special Conditions and Concept Plan amendments are as annexed hereto and incorporated herein by reference (See Warrant Article Backup Materials for documents); or to act in any other manner in relation thereto.**

Submitted by the Board of Selectmen on behalf of Edward Igo, Trustee, Winn Street Service

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

**THE COMMONWEALTH OF MASSACHUSETTS**

To either of the Constables of the Town of Burlington in the County of Middlesex, Greeting.

You are hereby directed to serve this warrant by posting up attested copies thereof at the billboard at the Town Hall, in said Town, at least fourteen days before the **Town Meeting of Monday, September 25, 2017** at Fogelberg Auditorium, Burlington High School.

HEREOF FAIL NOT, to make due return of the warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 14th day of August in the year of our Lord 2017.

Christopher E. Hartling, Chairman  
Joseph E. Morandi, Vice Chairman  
Robert C. Hogan  
Michael S. Runyan  
James M. Tigges

SELECTMEN OF BURLINGTON, MASSACHUSETTS

A true copy attest.

\_\_\_\_\_ Constable

Dated \_\_\_\_\_

Middlesex ss

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Burlington by posting up an attested copy of the same at the billboard in the Town Hall and as within directed, at least fourteen days before Town Meeting date of September 25, 2017.

s/s \_\_\_\_\_  
Constable of Burlington

A copy of the warrant was mailed to each Town Meeting Member, the Town Moderator and the Town Clerk on the 8<sup>th</sup> day of September, 2017.

Attest: Amy E. Warfield, Town Clerk