WARRANT

Burlington Town Meeting
Monday
September 28, 2015
@ 7:30 P.M.

Burlington High School
Fogelberg Auditorium
123 Cambridge Street
Burlington, MA
# INDEX OF ARTICLES

**Burlington Town Meeting**  
**Monday**  
**September 28, 2015**

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**CONSTABLE’S REPORT**

**TOWN COUNSEL’S LETTER**
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, the 28th of September 2015 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:** 2016 Annual Town Election Date

To see if the Town will vote to set the date of the 2016 Annual Town Election as Saturday, April 09, 2016; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of Amy Warfield, Town Clerk

PASSED ( ) DEFEATED ( ) POSTPONED INDEFINITELY ( ) OTHER ( )
FINANCIAL ARTICLES


To see if the Town will vote to accept the provisions of G.L. c.59, §5C and ½, inserted by Section 14 of Chapter 62 of the Acts of 2014, for the purpose of increasing the real estate tax exemptions by 100 percent to all persons who qualify for property tax exemptions under Clauses 17, 17C, 17C1/2, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C or 43 of G.L. c. 59, §5; or to act in any other manner in relation thereto.

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

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

ARTICLE 4 RE: Adjustment of Real Estate Exemption Factors

To see if the Town will vote, pursuant to G.L. Chapter 59, Section 5, Clause 41C, as amended by Chapter 184, Section 51 of the Acts of 2002, to decrease from 70 to 65 the age at which seniors become eligible to be granted a tax exemption under said Clause 41C and to increase the amount of income allowed for said exemption from $13,000 to $20,000 annually for single and from $15,000 to $30,000 annually for married couple and to increase gross assets from $28,000 to $40,000 for a single applicant and from $30,000 in gross assets to $55,000 for a married couple; or to act in any other manner in relation thereto.

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

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

ARTICLE 5 RE: Motor Vehicle Excise Exemptions

To see if the Town will vote, pursuant to G.L. Chapter 60A S. 1, as amended by Chapter 165, SS 91-94 of the Acts of 2014, to provide an exemption of motor vehicle excise tax to Prisoners of War & Surviving spouses and Domiciliary Military Personnel; or to act in any other manner in relation thereto.

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

PASSED ( ) DEFEATED ( ) POSTPONED INDEFINITELY ( ) OTHER ( )
ARTICLE 6  
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 $87,000 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: $87,000
Submitted by the Board of Selectmen at the request of the Recreation Commission

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

ARTICLE 7  
RE: A Resolution Related to the Publication and Availability of Master Proposed Budgets

To see if the Town of Burlington will vote to provide three copies of the master (unabridged) book of proposed budgets for all Town and School departments for the FY-17 budget, and for all subsequent proposed budgets, and place these books as soon as they become available to the Ways and Means Committee (generally in January) in prominent locations in three public buildings, including Town Hall, The Library and a third location to be determined, for public viewing, and also to make the budget documents available online to Town Meeting Members without requiring a password for access. The Budget Analyst in the Town Accountant's office shall maintain these books with updates as they become available. The copies of the approved budgets will be available in the same three locations throughout the fiscal year; or to act in any other manner in relation thereto.

Submitted by: Gene Rossi, TMM Pct. 2
Patricia Martorano, TMM Pct. 4
Larry Way, TMM Pct. 5

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

ARTICLE 8  
RE: Transfer of Insurance Reimbursement to Repair 61 Center Street

To see if the Town will vote to appropriate the sum of $128,491.80 from the Insurance Account to pay for the repairs at 61 Center Street due to burst pipe that caused flooding in the building on February 17, 2015; or to act in any other manner in relation thereto.

Amount: $128,491.80
Submitted by Board of Selectman at the request of the Town Accountant.

PASSED( ) DEFEATED( ) POSTPONED INDEFINITELY ( ) OTHER ( )
ARTICLE 9

RE Tax Increment Financing for EMD Millipore Corporation

To see if the Town will vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, to:

(a) approve a Tax Increment Financing Agreement between the Town and EMD Millipore Corporation and Burlington January 1998 Realty Trust for property known as 400 Wheeler Road (the “TIF Agreement”), which TIF Agreement provides for real estate tax exemptions at the exemption rate schedule set forth therein and approve a Certified Local Incentives Only Project application submission to the Massachusetts Economic Assistance Coordinating Council (the “EACC”);

(b) authorize the Board of Selectmen to execute the TIF Agreement, and approve submission to the EACC of the TIF Agreement and Certified Local Incentives Only Project application, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and Certified Local Incentives Only Project application, and related submissions and to take such other actions as necessary or appropriate to implement those documents; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen

PASSED ( )  DEFEATED ( )  POSTPONED INDEFINITELY ( )  OTHER ( )
GENERAL BYLAW ARTICLES

ARTICLE 10 RE: Amendment to Town Bylaws/Town Facilities Committee

To see if the Town will vote to amend the Town Bylaws in Article 5, Section 2.4 to remove the number “six (6) voting precincts” to state (additions shown as underline, deletions shown as strikethrough)

2.4 Town Facilities Committee
A Town Facilities Committee consisting of seven members, with no more than at least one member from each of the six voting precincts whenever possible, shall be appointed annually, for the term of two years, by the Moderator within thirty (30) days after the final adjournment of the Town Meeting, immediately subsequent to the Annual Town Election. However, the first year of this Committee, four members shall be appointed for two years and three members for one year. Not more than two members shall be appointed from any one voting precinct. The Committee shall choose a chair, vice-chair, and secretary; 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 ( )

ARTICLE 11 RE: Amendment to Town Bylaws/Rules Committee

To see if the Town will vote to amend the Town Bylaws in Article 5, Section 2.5 to remove the number “six (6) voting precincts” to state (additions shown as underline, deletions shown as strikethrough)

2.5 Rules Committee
A Rules Committee consisting of thirteen Town Meeting members with at least two members from each of the six voting precincts, whenever possible, and not more than two from any one voting precinct, shall be appointed annually, for the term of one year, by the Moderator within thirty (30) days after the final adjournment of the Town Meeting, immediately subsequent to the Annual Town Election. Not more than three members shall be appointed from any one voting precinct; 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 ( )
ARTICLE 12

RE: Amendment to Town Bylaws/Land Use Committee

To see if the Town will vote to amend the Town Bylaws in Article 5, Section 2.6 to remove the number “six (6) voting precincts” to state (additions shown as underline, deletions shown as strikethrough)

2.6 Land Use Committee
A Land Use Committee consisting of nine members, including at least six Town Meeting members with at least one member from each of the six voting precincts but not more than two from any one voting precinct shall be appointed by the Moderator. Appointments shall be made within thirty (30) days after the final adjournment of the Annual Town Meeting. Initially the Moderator shall appoint three members for three years, three members for two years, and three members for one year. Thereafter, all terms shall be three years; 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 ( )
ARTICLE 13

RE: Amend the Zoning Map and Rezone Property to General Business (BG) District

To see if the Town of Burlington will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, by rezoning a certain parcel of land to the General Business (BG) District. Said parcel of land is generally identified as being located at 68 Middlesex Turnpike on the corner of Wheeler Road consisting of Assessors Map 56 Parcel 17-0 and Assessors Map 56 Parcel 17-1. The land consists of a total of 15,870.9± S.F. or 0.364 Acres and is further identified as follows:

A certain parcel of land located in Burlington, County of Middlesex, Massachusetts, situated southerly of Wheeler Road and westerly of the Middlesex Turnpike, being shown as Burlington Assessor’s lot numbers 56-17-0 and 56-17-1 on a plan entitled; "ALTA/ACSM Land Title Survey, 68 Middlesex Turnpike, Burlington, Massachusetts, prepared for Gutierrez Company” prepared by WSP Sells, dated February 1, 2013.

Said parcels being further bounded and described as follows:

Beginning at the northwesterly corner of the parcel herein described at a point on the southerly line of Wheeler Road; thence,

by the southerly line of said Wheeler Road S84°35′57″E fifty-seven and 91/100 feet (57.91′); thence,

by a curved line to right forming the intersection of Wheeler Road and the Middlesex Turnpike having a radius of sixty-seven and 49/100 feet (67.49′) and a length of curve eighty-seven and 54/100 feet (87.54′) to a point on the westerly line of the Middlesex Turnpike; thence,

by the westerly line of the Middlesex Turnpike S10°16′59″E, ninety and 00/100 feet (90.00′) to a point at the notheasterly corner of land now or formerly owned by Edward Swerdlick Trust E&L Realty; thence,

By the northerly line of said land now or formerly owned by Edward Swerdlick Trust E&L Realty S79°43′01″W, one hundred five and 00/100 feet (105.00′) to a point at land now or formerly owned by MNM Services Inc; thence,

by the westerly line of said land now or formerly owned by MNM Services Inc N10°16′59″W one hundred seventy and 63/100 feet (170.63′) to the point of beginning.

Parcels 56-17-0 and 56-17-1 containing a total of 15,871 square feet or 0.364 acres, more or less.

Or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of the Gutierrez Company

PASSED ( ) DEFEATED ( ) POSTPONED INDEFINITELY ( ) OTHER ( )
Petition to amend the Zoning Bylaw, Article XI “Special Residential Regulations” to amend affordable housing requirements as follows:

11.8.3.1 For multifamily housing developments, the applicant shall provide one (1.5) Affordable Housing Unit within the development for every ten (10) housing units constructed. When the calculation of the number of Affordable Housing Units to be provided yields a fraction, the applicant shall round up to the next whole number of Affordable Housing Units (Figure 1). The applicant may choose to provide an Affordable Housing Unit off-site, pursuant to the off-site provisions in Section 11.8.3.2.

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<th>Proposed Units</th>
<th>Required Affordable Units</th>
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<td>61- 66</td>
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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 ( )
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 September 28, 2015 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 September in the year of our Lord 2015.

Michael S. Runyan, Chairman
Christopher E. Hartling, Vice Chairman
Robert C. Hogan
Daniel J. Grattan
Joseph E. Morandi

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 of September 28, 2015.

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 11th day of September, 2015.

Attest: Amy E. Warfield, Town Clerk
August 31, 2015

Town Meeting Representatives  
Burlington Town Hall  
29 Center Street  
Burlington, MA 01803

Re: September 28, 2015, Burlington Town Meeting

Dear Town Meeting Representatives:

    I have reviewed the warrant for the September 28, 2015, Town Meeting and I am hereby approving it as to form subject to the following comments.

    Article 7 directs the Town Staff to place budget books at three locations within the Town. In my opinion, because this Article is not in the form of a General Bylaw, it constitutes a non-binding advisory vote.

    Because Articles 13 and 14 propose amendments to the Town’s Zoning Map and Bylaw, a two-thirds vote will be required.

Very truly yours,

[Signature]

John W. Giorgio

JWG/bp
cc: Town Administrator

530105/BURL/0275
Backup
Acceptance of Real Estate Exemption

This local option was adopted by the Town Meeting in the late 1980’s. It increases the exemption amount granted to various qualified candidates for real estate tax relief. Due to the adopted legislation, the law requires communities to vote on this article on an annual basis. When adopted, it was estimated the cost was approximately $30,000. No funding is required, as the exemption amounts are covered by the tax overlay account.
Backup
Adjustment of Real Estate Factors

This local option was adopted by the Town Meeting in the early 2000’s. It increases the income and asset allowance to potential candidates for real estate tax relief. The intent is for more taxpayers to qualify and retain existing applicants. Due to the adopted legislation, the law requires communities to vote on this article on an annual basis. No funding is required, as the exemption amounts are covered by the tax overlay account.
The legislature passed this Act to address exemption issues relating to motor vehicle excise tax. They primarily relate to leased vehicles and Veterans. Although some of the revisions do not need local adoption, two do require it. They are as follows:

1) Prisoners of War and Surviving Spouses – If accepted by the city or town, former prisoners of wars and their surviving spouses until remarriage.
2) Domiciliary Military Personnel – If accepted by the city or town, Massachusetts residents who are in active military service and deployed outside Massachusetts for at least 45 days in the excise calendar year.

Currently, certain disabled and blind Veterans receive exemptions. In addition, active military personnel, who are non Massachusetts residents, but deployed to Massachusetts, currently get their excise tax exempted. By adopting these changes, these Veterans would be treated consistent with non residents and other exemption recipients. The potential cost to the Town is estimated to be $1,000 annually. No funding is required, as this is a local receipt.
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 new annual appropriation has been $80,000.

The land and the expenditure of the $80,000 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 David Maxwell, 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, repairing tennis courts, 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 and scholarships for participants in Simonds Park programs.

The provisions of the Trust require two votes of Town meeting, one in January and the other in May. To meet disbursement requirements of the Trust we have been asked to move the annual votes of Town Meeting to 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 2016 in the amount of $87,000.

Proposed projects for the Simonds Trust money include:

- Refurbish the interior of the Simonds Park bathrooms
- Repair the retaining wall along third base of the upper baseball field
- Fence in the dumpster located behind the building
- Fund an ADA study of the park
- Fund a Great American Campout event
- Program funds for Special events
- Purchase trees to be planted along the right side of the driveway
- Scholarship Fund for programs in the park
ARTICLE #  BUDGET BOOKS-BACK UP

With the goal of enhancing transparency in the town's operations, this information is necessary for enabling the public to evaluate the town's efficiency in providing services by facilitating comparisons to other municipalities.
Transfer of Insurance Reimbursement to Repair 61 Center Street
On February 17, 2015 61 Center Street sustained extensive damage to the interior due to a burst sprinkler pipe. The Town has received $128,491.80 from its insurance company as reimbursement for the damages to the building. Under Massachusetts General Law Chapter 44 Section 53, Town Meeting is required to authorize any Insurance Reimbursement in excess of $20,000.00. These funds will be used to reimburse Departments who incurred the cost of repairs.
Warrant Article Back up for Articles 10, 11, & 12

Amendment to Town Bylaws/Town Facilities 2.4

Amendment to Town Bylaws/Rules Committee 2.5

Amendment to Town Bylaws/Land Use Committee 2.6

The changes being proposed are to address the issue with the change in number of precincts made in 2012. Rather than stating a set number of precincts these changes will allow for flexibility for the future growth or reduction in the number of precincts in the Town, without effecting the representation on these communities.
DATE: August 13, 2015
TO: John Petrin, Town Administrator
FROM: Kristin E. Kassner, Planning Director
RE: Final Text for Warrant - Proposed Zoning Bylaw Amendments

Article XII pertaining to Inclusionary Housing

Petition to amend the Zoning Bylaw, Article XI “Special Residential Regulations” to amend affordable housing requirements as follows:

11.8.3.1 For multifamily housing developments, the applicant shall provide one (1.5) Affordable Housing Unit within the development for every ten (10) housing units constructed. When the calculation of the number of Affordable Housing Units to be provided yields a fraction, the applicant shall round up to the next whole number of Affordable Housing Units (Figure 1). The applicant may choose to provide an Affordable Housing Unit off-site, pursuant to the off-site provisions in Section 11.8.3.2.

Figure 1

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The Planning Board requests that this item be placed on the September 2015 Town Meeting.
June 29, 2015

Michael Runyan, Chair
Board of Selectmen
Town of Burlington
29 Center Street
Burlington, MA 01803

Barbara G. L’Heureux, Chair
Planning Board
Town of Burlington
25 Center Street
Burlington, MA 01803

ATTN: KRISTIN KASSNER, PLANNING DIRECTOR

Ré: General Business (BG) Rezoning
68 Middlesex Turnpike

Dear Sir and Madame Chair,

As you may recall, to help facilitate and support the development of a Class A office campus at the Summit office park on Wheeler Road, The Gutierrez Company acquired the property located at 68 Middlesex Turnpike on the corner of Wheeler Road. This acquisition has allowed for the implementation of roadway improvements completed to date and will support additional sidewalk and road improvements planned in the future.

In addition to the transportation benefits, we seek to replace the current auto rental facility on the property with a more attractive use that is beneficial to the Burlington community, supports the Class A office campus at the Summit and offers a more attractive gateway to the Town. The small property is only 0.36 acres and is currently zoned, General Industrial which allows for more industrial uses more fitting for larger parcels. As such, we request a change in the zoning designation to the General Business (BG) District to allow for the redevelopment of the property into an attractive amenity for the office area and the community.
Pursuant to this Rezoning Petition, enclosed please find a check for $180.00 covering the Planning Board's Rezoning Fee of $500 per acre for the 0.36 acre parcel. Please feel free to contact me with any questions. Thank you for your consideration.

Very truly yours,

THE GUTIERREZ COMPANY

Scott J. Weiss
Vice President of Development

Enclosure:  Rezoning Petition
Property Plan

cc:    John Pétris, Town Administrator, Burlington
REZONING PETITION
WARRANT ARTICLE

ARTICLE --

RE: Amend the Zoning Map and Rezone Property to General Business (BG) District

To see if the Town of Burlington will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, by rezoning a certain parcel of land to the General Business (BG) District. Said parcel of land is generally identified as being located at 68 Middlesex Turnpike on the corner of Wheeler Road consisting of Assessors Map 56 Parcel 17-0 and Assessors Map 56 Parcel 17-1. The land consists of a total of 15,870.9± S.F. or 0.364 Acres and is further identified as follows:

A CERTAIN PARCEL OF LAND LOCATED IN BURLINGTON, COUNTY OF MIDDLESEX, MASSACHUSETTS, SITUATED SOUTHERLY OF WHEELER ROAD AND WESTERLY OF THE MIDDLESEX TURNPIKE, BEING SHOWN AS BURLINGTON ASSESSOR’S LOT NUMBERS 56-17-0 AND 56-17-1 ON A PLAN ENTITLED; “ALTA/ACSM LAND TITLE SURVEY, 68 MIDDLESEX TURNPIKE, BURLINGTON, MASSACHUSETTS, PREPARED FOR GUTIERREZ COMPANY” PREPARED BY WSP SELLS, DATED FEBRUARY 1, 2013.

SAID PARCELS BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED AT A POINT ON THE SOUTHERLY LINE OF WHEELER ROAD; THENCE,

BY THE SOUTHERLY LINE OF SAID WHEELER ROAD S84°35'57"E FIFTY-SEVEN AND 91/100 FEET (57.91’); THENCE,

BY A CURVED LINE TO RIGHT FORMING THE INTERSECTION OF WHEELER ROAD AND THE MIDDLESEX TURNPIKE HAVING A RADIUS OF SIXTY-SEVEN AND 49/100 FEET (67.49”) AND A LENGTH OF CURVE EIGHTY-SEVEN AND 54/100 FEET (87.54”) TO A POINT ON THE WESTERLY LINE OF THE MIDDLESEX TURNPIKE; THENCE,

BY THE WESTERLY LINE OF THE MIDDLESEX TURNPIKE S10°16’59”E, NINETY AND 00/100 FEET (90.00’) TO A POINT AT THE NOTHEASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY EDWARD SWERDICK TRUST E&L REALTY; THENCE,

BY THE NORTHERLY LINE OF SAID LAND NOW OR FORMERLY OWNED BY EDWARD SWERDICK TRUST E&L REALTY S79°43’01”W, ONE HUNDRED FIVE AND 00/100 FEET (105.00’) TO A POINT AT LAND NOW OR FORMERLY OWNED BY MMN SERVICES INC; THENCE,

BY THE WESTERLY LINE OF SAID LAND NOW OR FORMERLY OWNED BY MMN SERVICES INC N10°16’59”W ONE HUNDRED SEVENTY AND 63/100 FEET (170.63’) TO THE POINT OF BEGINNING.

PARCELS 56-17-0 AND 56-17-1 CONTAINING A TOTAL OF 15,871 SQUARE FEET OR 0.364 ACRES, MORE OR LESS.

Or to act in any other manner in relation thereto.
Article 14: INCLUSIONARY ZONING REQUIREMENTS FOR MULTIFAMILY HOUSING

In 2010, Town Meeting passed the current Inclusionary Zoning Bylaw, Article XI, Section 11.8.0, requiring that all multifamily housing developments creating 4 or more new or converted units, including housing within mixed use developments...shall provide an affordable component within the project pursuant to the provisions in this Bylaw. The Affordable Housing Units to be provided shall remain affordable in perpetuity.

Multifamily Housing is currently allowed by special permit in the Garden Apartment (RG) District in Burlington. Currently, there are 3 properties zoned RG in Town: Lord Baron, Beacon Village and Westgate Apartments on the Woburn line. Any new construction within the RG District would be required to meet the provisions of the bylaw. This amendment raises the requirement for affordable units from 10% of the project to 15% of the project.

<table>
<thead>
<tr>
<th>4.2.0</th>
<th>PRINCIPAL USE REGULATION SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USE DESIGNATION</strong></td>
<td><strong>RESIDENCE USES</strong></td>
</tr>
<tr>
<td>4.2.1.2 Garden Apartment dwelling units (see 11.3.0)</td>
<td>NO</td>
</tr>
<tr>
<td>4.2.1.7 Multi-Family other than 4.2.1.2</td>
<td>NO</td>
</tr>
</tbody>
</table>

At their Meeting of June 4, 2015 the Planning Board made the following motions.

MOTION – To close the public hearing on this matter.

APPROVED - 7-0-0

MOTION – To recommend favorably on the amended Petition to amend the Zoning Bylaw, Article XI “Special Residential Regulations” to amend affordable housing requirements to raise the affordable requirement from 10% to 15%.

APPROVED - 7-0-0

Any questions on this proposal feel free to contact the Planning Department, planning@burlington.org or 781.270.1645.
**ADDITIONAL INFORMATION**

**ARTICLE 13 – Amend the Zoning Map**

Rezone 68 Middlesex Turnpike to the General Business (BG) District

The Gutierrez Company acquired the property at 68 Middlesex Turnpike (currently a Hertz rental car facility) to support the development of new office space on Wheeler Road and to help facilitate road and pedestrian improvements. Some of the road improvements have already been completed – including the widening of Middlesex Turnpike – and additional road improvements are planned in the next year including widening Wheeler Road and adding sidewalks.

The purchase of the property not only provides space for road improvements, but also affords the opportunity for the redevelopment of the property into a more attractive gateway on arrival to Burlington and the office park on Wheeler Road as well as an amenity for area residents and employees. However, the current zoning, General Industrial (IG) does not offer the opportunity for these types of uses on such a small site.

The parcel in question is just over ¼ of an acre or 15,871 square feet; about the size of an older small house lot in Burlington. The Hertz rental car facility currently operates on the property as a pre-existing, non-conforming use. With the property’s small size and limited range of desirable uses in the IG zone, quality reuse or redevelopment is unlikely. Without a zone change, the current use would continue to operate there for the foreseeable future.

A zone change to BG – as is the zone for the Best Buy, Ski Haus, Real School of Music and other nearby parcels – eliminates the potential for small industrial, manufacturing or warehouse uses and would allow a new small retail shop or café to be built on the site and help make the corner a more attractive and desirable amenity for the community and gateway to the Town of Burlington.

The zone change would restrict “dirtier” industrial uses from occurring at the site and allow more attractive retail and consumer amenities instead. In general, the zone change from IG to BG would result in the following uses becoming allowed and prohibited:

<table>
<thead>
<tr>
<th>Allowed by change to BG</th>
<th>Prohibited in BG (allowed in IG)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Personal/professional service (i.e. hair salon/barber, travel agent, photographer, decorator, shoe repair, dry cleaners, etc.)</td>
<td>• Manufacturing / processing</td>
</tr>
<tr>
<td>• Small retail stores</td>
<td>• Printing</td>
</tr>
<tr>
<td>• Small fitness center (such as yoga studio or “Curves”)</td>
<td>• Research and development / labs</td>
</tr>
<tr>
<td>• Restaurant (by Special Permit)</td>
<td>• Warehousing</td>
</tr>
<tr>
<td>• Bakeries</td>
<td>• Electronics</td>
</tr>
<tr>
<td></td>
<td>• Building supply sales</td>
</tr>
<tr>
<td></td>
<td>• Registered Marijuana Dispensary</td>
</tr>
<tr>
<td></td>
<td>• Hotels</td>
</tr>
<tr>
<td></td>
<td>• Conference Center</td>
</tr>
<tr>
<td></td>
<td>• Hazardous materials</td>
</tr>
</tbody>
</table>

www.gutierrezco.com
A zone change would facilitate removal of the existing non-conforming use and the redevelopment of the property. If redeveloped, the small site could fit up to possibly 2,000 or 3,000 square feet of space with associated parking. This would allow for the widening of Wheeler Road and additional landscaping, sidewalks and trees on the property. See the conceptual plan of the site.

Furthermore, while retail and restaurants would be allowed, given the small size of the site, none of the larger retailers or restaurants would fit. No supermarkets, pharmacies, lumber/hardware, home goods, office supplies, large-scale (or even medium size) restaurants would fit on the site. Any future change on the property would require Site Plan Approval from the Planning Board and if a small restaurant, or café operator were proposed, it would also require a Special Permit from the Planning Board.

The zone change is the best way to facilitate the redevelopment of the 68 Middlesex Turnpike property into a more attractive use and gateway for the Town of Burlington. We look forward to the Town’s support of these efforts to improve and upgrade the area.