WARRANT

Burlington Town Meeting

September 30, 2020
7:30 P.M.

Burlington, MA
Burlington High School
Fogelberg Auditorium
and Virtual via WebEx
### INDEX OF ARTICLES

**BURLINGTON TOWN MEETING**  
**WEDNESDAY**  
**SEPTEMBER 30, 2020**

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<tr>
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<td>13</td>
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</tbody>
</table>

**COMMONWEALTH OF MASSACHUSETTS / CONSTABLE’S REPORT**  
14

**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 on **Wednesday, the 30th of September 2020 at seven-thirty o’clock in the evening** at Fogelberg Auditorium, Burlington High School, then and there to act on the following articles of the warrant: Also meeting virtual via WebEx.

**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: 2021 Annual Town Election

To see if the Town will vote to set the date of the 2021 Annual Town Election to be Saturday, April XX, 2021; 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 not to exceed $67,318.95 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: $67,318.95

Submitted by the Board of Selectmen at Request of the Recreation Commissioners

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

ARTICLE #4     RE: Amend the FY2021 Operating Budget

To see if the Town will vote to amend Article 6 of the June 10, 2020 Annual Town Meeting, “Fund FY2021 Operating Budget”, by adjusting the amount appropriated in various lines by a sum of money; 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 #5     RE: Transfer from Stabilization Fund

To see if the Town will vote to transfer a sum of money from the Stabilization Fund to fund various lines in the operating budget; 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 #6

RE: 1,4 Dioxane Legal Action Funding

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of $100,000, or any other sum, for the purpose of pursuing legal action against responsible parties for the contamination of the Vine Brook Aquifer, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: $100,000
Submitted by Board of Selectmen at the request of the Town Administrator

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

ARTICLE #7

RE: School Department - Salary

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money not to exceed $81,000 to fund wages for a Director of Diversity, Equity, and Inclusion position same to be spent under the direction of the School Committee for FY2021, or to act in any other manner in relation thereto.

Amount: $81,000
Submitted at the request of
Schiffon Wong, Town Meeting Member, Precinct 4
Shari Ellis, Town Meeting Member, Precinct 3
Patricia O’Brien, Town Meeting Member, Precinct 2
Monte L. Pearson, Town Meeting Member, Precinct 3
Laura Vittum, Town Meeting Member, Precinct 2

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

ARTICLE #8  RE: An Act Relative to Changing the Name of the Board of Selectmen in the Town of Burlington

To see if the Town will vote to amend the Burlington General Bylaw by deleting the word “Selectmen” each time it appears in said bylaw and inserting the term “Select Board” in place thereof, and further, deleting the words “Board of Selectmen” each time it appears and inserting in place thereof the term “Select Board” and further that the Town Clerk be authorized to make clerical, editorial or other adjustments to effectuate the purposes hereof; or to act in any other manner in relation thereto.

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

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

ARTICLE #9     RE:  An Act Relative to Changing the Name of
the Board of Selectmen in the Town of Burlington

To see if the Town will vote to amend the Burlington Zoning Bylaw by deleting the word “Selectmen”
each time it appears in said bylaw and inserting the term “Select Board” in place thereof, and further,
deleting the words “Board of Selectmen” each time it appears and inserting in place thereof the term
“Select Board” and further that the Town Clerk be authorized to make clerical, editorial or other
adjustments to effectuate the purposes hereof;

or to act in any other manner in relation thereto.

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

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

ARTICLE 10     RE:  Function Facility Definition

To see if the Town will vote to amend Article II of the Town’s Zoning By-Laws by adding the following
subsection to be labeled Section 2.6.9:

2.6.9 Function Facility

An establishment which is rented for the purpose of hosting private parties, conferences, banquets,
weddings or other social events; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
Escadrille Realty LLC

PASSED ( )    DEFEATED ( )    POSTPONED INDEFINITELY ( )    OTHER ( )
ZONING ARTICLES - Continued

ARTICLE 11 RE: Structured Parking

To see if the Town will vote to amend Article IV, Section 4.3.2 USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES of the Town’s Zoning By-Laws by adding new subsections 4.3.2.9.1, 4.3.2.9.2, and 4.3.2.9.3 all as shown on the Table below;

<table>
<thead>
<tr>
<th>4.3.0</th>
<th>ACCESSORY USE REGULATION SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3.2</td>
<td>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</td>
</tr>
<tr>
<td>4.3.2.9</td>
<td>Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground</td>
</tr>
<tr>
<td>4.3.2.9.1</td>
<td>Detached Parking Structure</td>
</tr>
<tr>
<td>4.3.2.9.2</td>
<td>Integrated Parking Structure</td>
</tr>
<tr>
<td>4.3.2.9.3</td>
<td>Parking Deck</td>
</tr>
</tbody>
</table>

And further to see if the Town will vote to amend Article VII, Section 7.2.7 PARKING STRUCTURES AND GARAGES FOR USES OTHER THAN ONE-FAMILY DWELLINGS of the Town’s Zoning By-Laws to the following:

Section 7.2.7 PARKING STRUCTURES AND GARAGES FOR USES OTHER THAN ONE-FAMILY DWELLINGS

7.2.7.1 Maximum Aggregate Building-to-Ground Area Percentage

Any parking structure or garage which is authorized by a Special Permit pursuant to Article IV, Section 4.3.2.9, 4.3.2.9.1, 4.3.2.9.2 and 4.3.4.9.3, shall be included in the Maximum Aggregate Building-to-Ground Area Percentage (pursuant to Section 5.2.0 of Article V) of the district within which it is built, and shall be subject to the provisions of Article IX, Section 9.2.0.

7.2.7.2 Parking Structures restrictions in the General Business (BG) Zoning District

The use of Parking Structures in the BG District shall not be allowed unless ALL of the following criteria are met:

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Town Meeting Warrant
• The parcel boundary within which a Parking Structure is located cannot be within two hundred (200) feet of a Residential District.

• The lot area must be a minimum of 150,000 sf

• The Parking Structure must be an accessory use to a restaurant with a Function Facility having a minimum occupancy of 400.

7.2.7.3 Green Space Requirement

Parking Structures shall not be allowed in the BG District unless the parcel within which the Parking Structure is located has an equivalent square footage of Green Space equal to 200% of the footprint of the Parking Structure, unless through a finding of the Planning Board pursuant to a “Site Plan” or “Special Permit” as described in Section 9.2.0 and 9.3.0 of Article IX, they determine an alternative public benefit; or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of Escadrille Realty LLC

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

ARTICLE #12 RE: Amend Zoning Map and Rezone Property to General Business (BG) District, 1-3 Ray Avenue

To see if the Town will vote to amend the zoning bylaw map of the Town of Burlington, as most recently amended, and to rezone certain property shown on Burlington Assessor’s map 54 as Parcel ID # 54-3-4 from the General Industrial (IG) District to a General Business (BG) District;

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of Escadrille Realty LLC

PASSED ( ) DEFEATED ( ) POSTPONED INDEFINITELY ( ) OTHER ( )
ZONING ARTICLES - Continued

ARTICLE #13    RE: Ground Mounted Solar

To see if the Town will vote to amend Section 10.9.1 (c) by deleting the section in it’s entirely and replacing with the following:

10.9.0 SOLAR

c. Ground mounted solar energy systems in any and all positions shall adhere to all setbacks and are prohibited from the front yard of the subject property. “Ground mounted solar energy systems in any and all positions shall adhere to all setbacks. Ground mounted solar energy systems in the front or side yard of the subject property shall be subject to the Special Permit process, as outlined in Section 9.2.0.”

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of Louis Yarid, Revolusun

PASSED ( )  DEFEATED ( )  POSTPONED INDEFINITELY ( )  OTHER ( )
ZONING ARTICLES - Continued

ARTICLE #14               RE: Amend Zoning Map and Rezone Property to the General Business (BG) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington to rezone certain property located at 207 Cambridge Street as said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor’s Map 23 Parcel 87-0, to the General Business (BG) Zoning District, consisting of approximately 2.8 acres;

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 ( )

ARTICLE #15               RE: Storage, Distribution and Warehousing

To see if the Town will vote to amend Article II of the Town’s Zoning Bylaw by creating the following new subsections

2.4.1.1: DISTRIBUTION FACILITY: A facility where goods are received and/or stored for processing, fulfillment and delivery to customers.

2.19.2.2: STORAGE: Buildings or part of buildings used for the storage of items/goods associated with the principal use(s).

2.22.1.1: WAREHOUSE: A facility engaged in long-term storage and distribution of products, supplies, and equipment.

2.22.1.2: WHOLESALE TRADE: An establishment primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies. Wholesale trade is not direct retail sale to the consumer.

And further to see if the Town will vote to amend Section 4.2.0 Principal Use Regulation Schedule and 4.3.0 Accessory Use Schedule as follows:
10.

September 2020
Town Meeting Warrant

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 ARTICLES- Continued

ARTICLE #16  RE: Self-Storage Facilities

To see if the Town will vote to amend Article II of the Town’s Zoning Bylaw by adding the following definition to subsection 2.19.1.1

2.19.1.1: SELF-STORAGE FACILITY: A building or group of buildings consisting of individual, self-contained units with interior or exterior access leased to individuals, organizations, or businesses for self-service storage of non-hazardous personal property, goods, products, materials or objects.

And further to see if the Town will vote to amend Section 4.2.0 and 4.3.0 Use Schedule as follows:

<table>
<thead>
<tr>
<th>4.2.6</th>
<th>RETAIL, CONSUMER, AND TRADE USES</th>
<th>RO</th>
<th>RG</th>
<th>RC</th>
<th>BN</th>
<th>BL</th>
<th>BG</th>
<th>BT</th>
<th>IG</th>
<th>IH</th>
<th>IR</th>
<th>OS</th>
<th>A</th>
<th>WR</th>
<th>CC</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.6.31 Self-Storage Facility</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.3.2.</th>
<th>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</th>
<th>RO</th>
<th>RG</th>
<th>RC</th>
<th>BN</th>
<th>BL</th>
<th>BG</th>
<th>BT</th>
<th>IG</th>
<th>IH</th>
<th>IR</th>
<th>OS</th>
<th>A</th>
<th>WR</th>
<th>CC</th>
<th>CBD</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3.2.23 Self-Storage Facility</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of The Planning Board and Precinct 7 Town Meeting Members: Betsey Hughes and David Webb

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

September 2020
Town Meeting Warrant
ZONING ARTICLES- Continued

ARTICLE #17   RE:   PB Application Process/Electronic Permitting

To see if the Town will vote to Amend the Zoning Bylaw Article IX, SECTION 9.2.0 SPECIAL PERMIT and Article IX, Section 9.3.0 SITE PLAN as follows:

SECTION 9.2.0 SPECIAL PERMIT

9.2.2 Procedure

9.2.2.1 Any person desiring a special permit shall submit an application pursuant to the Special Permit Rules and Regulations. The Planning Board shall not make a finding and determination upon the application until it has received the reports from the Inspector of Buildings, the Board of Selectmen, the Board of Health, the Fire Chief or designated representative, the Police Chief or designated representative, the Town Engineer, and the Conservation Commission or until thirty-five (35) days shall have elapsed without such reports being submitted and until a public hearing has been held.

SECTION 9.3.0 SITE PLAN

9.3.2 Procedure

Any person desiring a Site Plan shall submit an application pursuant to the Site Plan Rules and Regulations. The Planning Board shall not make a finding and determination upon an application until it has received the reports from the Inspector of Buildings, the Board of Selectmen, the Board of Health, the Fire Chief or designated representative, the Police Chief or designated representative, the Town Engineer, and the Conservation Commission or until thirty-five (35) days have elapsed without such recommendations being submitted and until a public hearing has been held;

or to act in any other manner in relation thereto

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

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

September 2020
Town Meeting Warrant
ZONING ARTICLES- Continued

ARTICLE #18     RE:  Short Term Rentals

To see if the Town will vote to Amend the Zoning Bylaw Article II to create the following new definition for Short Term Rentals:

Short-Term Rental

The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than twenty-eight consecutive calendar days for a fee. A Short Term Rental may or may not be facilitated through a Booking Agent. A short-term rental is an occupied property that is not a hotel, motel, lodging house or bed and breakfast establishment, where at least one room or unit is rented out by an operator through the use of advance reservations. A short-term rental includes an apartment, house, cottage, and condominium.

And further to amend the Article IV, Section 4.2.0 Principal Use Regulation Schedule and 4.3.0 Accessory Use Regulation Schedule by adding the use provisions for Short Term Rentals and eliminating the existing section 4.3.1.1 as follows:

<table>
<thead>
<tr>
<th>4.2.0</th>
<th>PRINCIPAL USE REGULATION SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE DESIGNATION</td>
<td>DISTRICT</td>
</tr>
<tr>
<td>4.2.1</td>
<td>RESIDENCE USES</td>
</tr>
<tr>
<td>4.2.1.1</td>
<td>One family dwellings</td>
</tr>
<tr>
<td>4.2.1.3</td>
<td>Hotel</td>
</tr>
<tr>
<td>4.2.1.3.1</td>
<td>Residence hotel</td>
</tr>
<tr>
<td>4.2.1.3.2</td>
<td>Motor Hotel or Motel</td>
</tr>
<tr>
<td>4.2.1.3.3</td>
<td>Short-Term Rental</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.3.0</th>
<th>ACCESSORY USE REGULATION SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES</td>
<td>DISTRICT</td>
</tr>
<tr>
<td>4.3.1.1</td>
<td>Renting of rooms without cooking facilities to not more than two persons in an existing dwelling by a family resident therein; provided there is no sign or display to advertise such use</td>
</tr>
<tr>
<td>4.3.1.2</td>
<td>Short-Term Rental</td>
</tr>
</tbody>
</table>

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 ( )

September 2020
Town Meeting Warrant
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 designated billboard at the Town Hall and Burlington High School, in said Town, at least fourteen days before the Town Meeting of Wednesday, September 30, 2020 at Fogelberg Auditorium, Burlington High School. Also meeting virtual via WebEx.

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

Given under our hands this 26th day of August in the year of our Lord 2020.

Joseph E. Morandi, Chairman
James M. Tigges, Vice-Chairman
Robert C. Hogan
Michael S. Runyan
Nicholas C. Priest

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 designated location at Burlington Town Hall, Town of Burlington website page http://www.burlington.org/ and Burlington High School and as within directed, at least fourteen days before Town Meeting date of Wednesday, September 30, 2020.

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 14th day of September, 2020.

Attest: Amy E. Warfield, Town Clerk

September 2020
Town Meeting Warrant
September 1, 2020

Bill Beyer, Town Moderator  
Board of Selectmen  
Town of Burlington  
29 Center Street  
Burlington MA 01803

RE: Town Meeting Warrant

Dear Mr. Moderator and Members of the Board of Selectmen;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant for the September 30, 2020 Town Meeting and have found it legal as to form. I will note the following:

- Article 5 which is a proposed transfer from the Stabilization Fund will require a 2/3 vote in accordance with G.L. c. 40 § 5B.
- Articles 7 while legally on the warrant in accordance with the powers of the Town Meeting Members, if passed may appropriate the funds but the use of those funds will only be advisory in nature to the School Committee who has complete authority over their budget and how funds are spent. (G.L. c. 71 §37) d 13 may involve borrowing and as such will require a 2/3 vote.
- Articles 9-193 are amendments to the Zoning Bylaw and as such in accordance with G.L. c. 40A §5 will require a 2/3 vote.

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

Regards,

Lisa L. Mead  
Town Counsel

cc: Town Clerk