

**ADJOURNED TOWN MEETING  
MONDAY, MAY 10, 2010  
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:35 P.M.

Katie Campbell and Shane Ryan sang the Star Spangled Banner and a couple of tunes from the upcoming BHS play “Little Shop of Horrors” accompanied on piano by Mr. Middleton-Cox.

All newly elected Town Meeting Members were sworn in.

The Moderator recognized Joan Hastings for her 32 years of continuous service as a Town Meeting Member, Chief Lee Callahan who will be retiring after 32 years on the Fire Dept., and Russ Washburn who will be retiring this summer after 24 years of service as the Town’s Assistant Assessor.

The Moderator appointed Mr. Monaco and Mrs. Damiani as deputy moderators without objection.

A motion to adjourn until Wednesday, May 12 to complete the business of the warrant, if necessary, was moved, seconded and so voted.

**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.

Ways & Means reviewed the functions and procedures. The Town Administrator gave an overview of the town’s finances. The Superintendent of Schools gave an update on schools. The Facilities Study Committee presented an update. The Town Engineer gave a presentation on the condition of Bedford St. culverts.

**ARTICLE 2 RE: Fund Revolving Account**

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2010 or to act in any other manner in relation thereto.

Town Meeting sets \$ spending limit, not more than 10% of tax levy, employee benefit costs must be included.					
Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Home Composting/Rainwater Recycling	Public Works	Fees charged for compost bins/Rainwater Recycling Barrels	Purchase of compost bins/Rainwater Recycling Barrels	\$5,000	Available for expenditure next year
Cross Connection-Backflow prevention	Public Works	Fees charged for testing devices that prevent mixing of potable and non-potable water	Contract services to EPA authorized vendors who perform the testing.	\$50,000	Available for expenditure next year
B-line Local Mini Bus	Public Works	Bus user fees	Salaries, expenses, contractual services to operate the in-town B-Line bus service.	\$45,000	Available for expenditure next year
Nursing Programs & Services	Board of Health	Fees charged for medical diagnosis & screening services and Medicare or insurance reimbursements; i.e. Flu/Pneumonia vaccination	Medical equipment and supplies, immunizations, educational materials	\$20,000	Available for expenditure next year
Plan Imaging	Building Department	2% of Building Department Fees Not to exceed \$20,000 annually	Archival imaging of building permit drawings and specifications	\$20,000	Available for expenditure next year
Sale of Recyclable Materials	Board of Selectmen	Receipts from the Sale of Recyclable Material	May be used to offset the cost of curbside collection and disposal of solid waste	\$50,000	Available for expenditure next year
Sealer of Weights & Measures	Board of Selectmen	Fees charged for Weights & Measures Services	Costs associated with the administration of the Weights & Measures Program	\$20,000	Available for expenditure next year

**MAIN MOTION:** As printed in the Warrant

Recommendations: Ways & Means voted 9-2-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 3 RE: Transfer of Funds FY 2010 Various Accounts**

To see if the Town will vote to transfer from available funds the sum of \$\_\_\_\_\_ or any other amount for the purpose of paying for expenses incurred in Fiscal Year 2010 to various accounts same to be expended under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to transfer the sum of **\$556,000.00 from available funds** for the purpose of paying for expenses incurred in Fiscal Year 2010 to various accounts, same to be expended under the direction of the appropriate authorities as follows:

**FROM:**

LINE ITEM#	SOURCES	
22	Central Adm/Unemployment	\$ 25,000.00
24	Central Adm/Town Ins.	\$ 21,000.00
29	Legal/Legal Fees	\$ 10,000.00
	Sewer Enterprise Fund/Surplus	<u>\$ 500,000.00</u>
		<b>\$556,000.00</b>

**TO:**

LINE ITEM#	USES	
14	Assessor’s FT	\$ 6,000.00
30	Legal/Collective Bargaining	\$ 10,000.00
48	Board of Appeals/Salaries	\$ 8,000.00
83	Veterans/Special – Aid to Veterans	\$ 32,000.00
	Sewer Enterprise Fund/Revenue	<u>\$500,000.00</u>
		<b>\$556,000.00</b>

Recommendations: Ways & Means voted 11-0-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 4 RE: Fund FY 2011 Operating Budget**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money sufficient to cover the requests of the various departments for Fiscal Year 2011; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to raise and appropriate the sum of \$98,202,160 to cover the requests of the various departments for Fiscal Year 2011.

All budgets not held were approved. All held budgets (H) were voted separately and approved.

<b>TOWN MEETING &amp; REPORTS (Lines 1-2)</b>		
1-	Salaries - Part Time	\$2,481
2-	Expenses - Cont. Services	\$17,500
	<b>TOTAL MEETINGS &amp; REPORTS</b>	<b>\$19,981</b>

<b>MODERATOR (Lines 3-4)</b>		
3-	Salaries	\$150
4-	Expenses - Mat. & Supp	\$0
	<b>TOTAL MODERATOR</b>	<b>\$150</b>

<b>WAYS AND MEANS (Lines 5-6)</b>		
5-	Salaries - Part Time	\$2,118
6-	Expenses - Mat. & Supplies	\$300
	<b>TOTAL WAYS &amp; MEANS</b>	<b>\$2,418</b>

<b>CAPITAL BUDGET COMMITTEE (Lines 7-8)</b>		
7-	Salaries-Part Time	\$600
8-	Expenses-Mat.& Supplies	\$0
	<b>TOTAL CAPITAL BUDGET</b>	<b>\$600</b>

<b>TOWN ADM/SELECTMEN (Lines 9-11) (H)</b>		
9-	Total Salaries	\$446,615
10-	Total Expenses	\$7,183
11-	Total Special Accounts	\$9,000
	<b>TOTAL TOWN ADM/SELECTMEN</b>	<b>\$462,798</b>

<b>ACCOUNTING (Lines 12-13)</b>		
12-	Total Salaries	\$224,261
13-	Total Expenses	\$3,000

TOTAL ACCOUNTING	<b>\$227,261</b>
ASSESSORS (Lines 14-15) <span style="float:right">(H)</span>	
14- Total Salaries	\$226,160
15- Total Expenses	\$106,350
TOTAL ASSESSORS	<b>\$332,510</b>
TREASURER/COLLECTOR (Lines 16-18)	
16- Total Salaries	\$549,432
17- Total Expenses	\$9,396
18- Total Special Accounts	\$100
TOTAL TAX COLL./TREAS	<b>\$558,928</b>
CENTRAL ADMINISTRATION (Lines 19-28) <span style="float:right">(H)</span>	
19- Central Supply	\$108,150
20- Central Machines	\$24,580
21- Chapter 32B - Health Ins. (AA)	\$10,200,000
22- Unemployment Comp (AA)	\$100,000
23- Pension Reimbursement (AA)	\$3,000
24- Town Insurance (AA)	\$700,000
25- Financial Audit (AA)	\$50,000
26- Medicare Tax (AA)	\$656,250
27- Chas George Settlement (AA)	\$0
28- 4th of July/Town Event	\$0
TOTAL CENTRAL ADMIN.	<b>\$11,841,980</b>
LEGAL (Lines 29-32) <span style="float:right">(H)</span>	
29- Legal Fees	\$95,000
30- Collective Bargaining	\$60,000
31- Tax Title	\$1,500
32- Cable TV Negotiations	\$2,000
TOTAL LEGAL	<b>\$158,500</b>
HUMAN RESOURCES (Lines 33-35)	
33- Total Salaries	\$56,450
34- Total Expenses	\$1,500
35- Total Special Accounts	\$12,200
TOTAL HUMAN RESOURCES	<b>\$70,150</b>
MANAGEMENT INFO. SYSTEMS (Lines 36-37) <span style="float:right">(H)</span>	
36- Total Salaries	\$170,507
37- Total Expenses	\$111,902
TOTAL MGMNT INFO. SYS.	<b>\$282,409</b>
TOWN CLERK (Lines 38-40) <span style="float:right">(H)</span>	
38- Total Salaries	\$244,029
39- Total Expenses	\$13,825
40- Total Special Accounts	\$42,909
TOTAL TOWN CLERK	<b>\$300,763</b>
REGISTRAR OF VOTERS (Lines 41-42)	
41- Total Salaries	\$1,000
42- Total Expenses	\$5,550
TOTAL REGISTRARS	<b>\$6,550</b>
CONSERVATION (Lines 43-45) <span style="float:right">(H)</span>	
43- Total Salaries	\$148,135
44- Total Expenses	\$2,000
45- Total Special Accounts	\$13,000
TOTAL CONSERVATION	<b>\$163,135</b>
PLANNING BOARD (Lines 46-47) <span style="float:right">(H)</span>	
46- Total Salaries	\$214,238
47- Total Expenses	\$11,611
TOTAL PLANNING BOARD	<b>\$225,849</b>
BOARD OF APPEALS (Lines 48-50)	
48- Salaries -- Part Time	\$10,826
49- Expenses --Mat & Supplies	\$200
50- Spec. Accts -- Ads & Postage	\$3,500
TOTAL BOARD OF APPEALS	<b>\$14,526</b>
TOWN FACILITIES (Lines 51-52)	
51- Total Salaries	\$438,501
52- Total Expenses	\$462,018
TOTAL TOWN FACILITIES	<b>\$900,519</b>
POLICE DEPARTMENT (Lines 53-55) <span style="float:right">(H)</span>	
53- Total Salaries	\$5,822,685
54- Total Expenses	\$384,727
55- Total Special Accounts	\$304,280
TOTAL POLICE DEPARTMENT	<b>\$6,511,692</b>
FIRE DEPARTMENT (Lines 56-58)	
56- Total Salaries	\$5,272,638
57- Total Expenses	\$335,350
58- Total Special Accounts	\$111,710
TOTAL FIRE DEPARTMENT	<b>\$5,719,698</b>

BUILDING DEPARTMENT (Lines 59-61)	
59- Total Salaries	\$434,247
60- Total Expenses	\$25,616
61- Total Special Accounts	\$10
TOTAL BUILDING DEPT	<b>\$459,873</b>
SEALER OF WEIGHTS (Lines 62-63) <span style="float:right">(H)</span>	
62- Salaries -- Part Time	\$0
63- Total Expenses	\$9,300
TOTAL SEALER OF WEIGHTS	<b>\$9,300</b>
EMERGENCY MGT SERVICE (64-66)	
64- Total Salaries	\$5,000
65- Total Expenses	\$17,700
66- Total Special Accounts	\$202
TOTAL EMERG. SERVICES	<b>\$22,902</b>
SHAWSHEEN VALLEY TECH (Line 67)	
67- TOTAL (AA)	<b>\$1,283,245</b>
LOCAL EDUCATION (Line 68) <span style="float:right">(H)</span>	
68- TOTAL LOCAL EDUCATION	<b>\$44,016,290</b>
<b>A motion to postpone to first order of business on Wednesday evening was moved, seconded and so voted.</b>	
DEPT. OF PUBLIC WORKS (Lines 69-74)	
69- Total Salaries	\$3,821,122
70- Total Expenses	\$2,320,590
71- Total Special Accounts	\$691,000
TOTAL DPW (Operating)	\$6,832,712
72- Rubbish and Garbage (AA)	\$1,706,000
73- Street Light (AA)	\$370,500
74- Swift Law (AA)	\$20,000
TOTAL DPW (AA)	\$2,096,500
TOTAL PUBLIC WORKS	<b>\$8,929,212</b>
BOARD OF HEALTH (Lines 75-77) <span style="float:right">(H)</span>	
75- Total Salaries	\$370,697
76- Total Expenses	\$48,800
77- Total Special Accounts	\$106,569
TOTAL BOARD OF HEALTH	<b>\$526,066</b>
COUNCIL ON AGING (Lines 78-80)	
78- Total Salaries	\$229,590
79- Total Expenses	\$7,700
80- Total Special Accounts	\$5,350
TOTAL COUNCIL ON AGING	<b>\$242,640</b>
VETERANS' SERVICES (Lines 81-83)	
81- Total Salaries	\$122,144
82- Total Expenses	\$3,663
83- Total Special Accounts	\$57,500
TOTAL VETERANS SERVICES	<b>\$183,307</b>
COMMUNITY LIFE CENTER (Lines 84-85)	
84- Total Salaries	\$411,126
85- Total Expenses	\$18,715
TOTAL COMM. LIFE CENTER	<b>\$429,841</b>
DISABILITY ACCESS (Lines 86-87)	
86- Total Salaries	\$2,290
87- Total Expenses	\$400
TOTAL DISABILITY ACCESS	<b>\$2,690</b>
PUBLIC LIBRARY (Lines 88-90)	
88- Total Salaries	\$955,839
89- Total Expenses	\$165,431
90- Total Special Accounts	\$152,000
TOTAL PUBLIC LIBRARY	<b>\$1,273,270</b>
RECREATION DIRECTOR (Lines 91-93) <span style="float:right">(H)</span>	
91- Total Salaries	\$479,740
92- Total Expenses	\$39,170
93- Total Special Accounts	\$13,620
TOTAL REC. DIRECTOR	<b>\$532,530</b>
RECREATION MAINTENANCE (Lines 94-95)	
94- Total Salaries	\$703,035
95- Total Expenses	\$179,131
TOTAL RECREATION MAINT.	<b>\$882,166</b>
HISTORICAL COMMISSION (Line 96)	
96- Total Expenses	\$1,850

TOTAL HISTORICAL COMM.	<b>\$1,850</b>
DEBT SERVICE (Lines 97-98)	
97- PRINCIPAL (AA)	\$3,222,082
98- INTEREST (AA)	\$1,235,182
TOTAL DEBT SERVICE (AA)	<b>\$4,457,264</b>
OTHER ACCOUNTS (99-104)	
99- RESERVE FUND	<b>\$200,000</b>
COUNTY RETIREMENT (AA)	
100- (H)	<b>\$6,094,297</b>
101- NEG SETTLEMENTS	<b>\$400,000</b>
102- STABILIZATION (AA)	<b>\$0</b>
103- 53rd WEEK PAYROLL (AA)	<b>\$0</b>
104- LOCAL TRANSPORT (AA) (H)	<b>\$155,000</b>
105- CAPITAL IMPROVE (AA) (H)	<b>\$300,000</b>
<b>GRAND TOTAL</b>	<b>\$98,202,160</b>

Recommendations: Ways & Means voted in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION WITH THE EXCEPTION OF LINE ITEM 68.

**ARTICLE 5 RE: Council on Aging Kitchen Renovations**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$65,000 or any other sum for the purpose of renovating the kitchen at the Council on Aging/Human Services Building, or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

**ARTICLE 6 RE: Fund FY 2011 Capital Budget**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money or any other amount for the items contained within the following proposed Fiscal Year 2011 Capital Budget, same to be expended under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT	PROJECT NAME/ DESCRIPTION	SPENDING AUTH	APPROP. REQUEST
<u>FROM FREE CASH OR STABILIZATION (11-1 thru 11-18):</u>				
11-1	DPW	Paint Filter Room	Selectmen	\$18,000
11-2	DPW	2-way Comm Radio Upgrade	Selectmen	\$75,000
11-3	DPW	Sander for Highway Truck	Selectmen	\$40,000
11-4	DPW	Water Utility Truck w/Crane	Selectmen	\$55,000
11-5	DPW	Hwy 1-ton Truck/Sander	Selectmen	\$60,000
11-6	Recreation	Van Replacement	Rec. Comm	\$21,000
11-7	Recreation	Pick Up Truck	Rec. Comm	\$30,000
11-8	Fire	Zimek System	Selectmen	\$50,000
11-9	Fire	Command Car	Selectmen	\$35,000
11-10	Fire	Fire Alarm Radio Box	Selectmen	\$65,000
11-11	BHS	Bathroom Renovation	Sch Comm	\$60,000
11-12	BHS	Admin. Area Renovations	Sch Comm	\$85,000
11-13	Pine Glen	Admin. Area Renovations	Sch Comm	\$35,000
11-14	Pine Glen	Roof Replacement	Sch Comm	\$66,000
11-15	Pine Glen	Floor Replacement	Sch Comm	
11-16	Fox Hill	Café Floor Replacement	Sch Comm	\$30,000
11-17	Francis Wyman	Library AC Installation	Sch Comm	\$75,000
11-18	Francis Wyman	Greenhouse Installation	Sch Comm	\$10,000
<u>FROM SEWER ENTERPRISE (11-19)</u>				
11-19	DPW	Corrosion/Odor Control	Selectmen	\$20,000
<u>FROM CEMETERY SALE OF LOTS (11-20):</u>				
11-20	DPW	Repave Cemetery Roadways	Selectmen	\$20,000

**MAIN MOTION:** To see if the Town will vote transfer from Free Cash, Cemetery Sale of Lots and Sewer Enterprise as follows, for those items contained within the following proposed Fiscal Year 2011 Capital Budget, same to be expended under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT	PROJECT NAME/ DESCRIPTION	SPENDING AUTH	APPROP. REQUEST
<u>FROM FREE CASH OR STABILIZATION (11-1 thru 11-18):</u>				
11-1	DPW	Paint Filter Room	Selectmen	\$18,000
11-2	DPW	2-way Comm Radio Upgrade	Selectmen	Postpone
11-3	DPW	Sander for Highway Truck	Selectmen	\$40,000
11-4	DPW	Water Utility Truck w/Crane	Selectmen	Postpone
11-5	DPW	Hwy 1-ton Truck/Sander	Selectmen	\$60,000
11-6	Recreation	Van Replacement	Rec. Comm	Postpone
11-7	Recreation	Pick Up Truck	Rec. Comm	\$30,000
11-8	Fire	Zimek System	Selectmen	Postpone
11-9	Fire	Command Car	Selectmen	Postpone
11-10	Fire	Fire Alarm Radio Box	Selectmen	\$65,000
11-11	BHS	Bathroom Renovation	Sch Comm	\$60,000
<b>A motion to amend by striking the figure 60,000 and substituting therefore the figure \$30,000 was moved and seconded. There was a</b>				

**division of the house and tellers were appointed. By a vote of 25 in favor and 54 opposed, the amendment failed.**

11-12	BHS	Admin. Area Renovations	Sch Comm	Postpone
11-13	Pine Glen	Admin. Area Renovations	Sch Comm	Postpone
11-14	Pine Glen	Roof Replacement	Sch Comm	\$66,000
11-15	Pine Glen	Floor Replacement	Sch Comm	\$84,000
11-16	Fox Hill	Café Floor Replacement	Sch Comm	\$30,000
11-17	Francis Wyman	Library AC Installation	Sch Comm	Postpone
11-18	Francis Wyman	Greenhouse Installation	Sch Comm	\$10,000

**There was a division of the house and tellers were appointed. By a vote of 36 in favor and 43 opposed the motion under 11-18 was defeated.**

FROM SEWER ENTERPRISE (11-19)

11-19	DPW	Corrosion/Odor Control	Selectmen	\$20,000
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FROM CEMETERY SALE OF LOTS (11-20):

11-20	DPW	Repave Cemetery Roadways	Selectmen	\$20,000
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Recommendations: Capital Budget voted in favor of all items except items 11 and 18. Ways & Means voted in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION EXCEPT ITEM 11-18

**ARTICLE 7 RE: Special Counsel/Pending Appellate Tax Board Cases**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000 or any other sum for the purpose of hiring special counsel and expert witnesses to defend pending Appellate Tax Board cases, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to transfer the sum of \$100,000 from the Overlay Surplus Account for the purpose of hiring special counsel and expert witnesses to defend pending Appellate Tax Board cases.

Recommendations: Ways & Means voted 6-3-0 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 8 RE: DPW/Cemetery Backhoe and Attachments**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$125,000 or any other sum for the purpose of purchasing a cemetery backhoe and attachments, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to transfer the sum of \$125,000 from the Cemetery Sale of Lots for the purpose of purchasing a cemetery backhoe and attachments.

A motion to amend the article by striking the words “from the Cemetery Sale of Lots” and substituting therefore the words “from free cash” was moved, seconded and defeated.

Recommendations: Capital Budget voted 6-0-0 in favor. Ways & Means voted 9-0 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

At 11:00 PM, a motion to adjourn was moved, seconded and so voted.

Attest:  
Jane L. Chew  
Town Clerk

**ADJOURNED TOWN MEETING  
WEDNESDAY, MAY 12, 2010  
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:35 PM with a salute to the flag. A motion to adjourn to Monday, May 17, 2010 to complete the business of the Warrant, if necessary, was moved, seconded and so voted.

A motion to take up Article 10-12 on Monday, May 17<sup>th</sup> as first order of business was moved, seconded and so voted.

**ARTICLE 4 RE: Fund FY2011 Operating Budget Cont.**

LOCAL EDUCATION (Line 68) (H)  
 68- TOTAL LOCAL EDUCATION \$44,016,290

A motion to end debate was moved, seconded and so voted.

**ACTION: MAJORITY APPROVED LINE ITEM #68**

**ARTICLE 9 RE: DPW/Stream Cleaning**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000 or any other sum for the purpose of funding Stream Cleaning, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$150,000 from Receipt Reserve Oracle TIF Account** for the purpose of funding Stream Cleaning, same to be spent under the direction of the Town Administrator.

A motion to amend by striking the words "Town Administrator" and substituting therefore the words "Board of Selectmen" was moved, seconded and so voted.

Recommendations: Ways & Means voted 8-1-0 in favor. Capital Budget voted 6-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION AS AMENDED**

**ARTICLE 13 Bond Authorization**

To see if the Town will vote to appropriate a sum of money for installing water mains, repair and painting of water system storage tanks and repaving various roadways and top determine whether this appropriation shall be raised by borrowing or otherwise and to take any other action related thereto

<u>Project</u>	<u>Amount</u>
Water Main upgrades	\$1,000,000
Water System Storage Tank repair and Painting	\$1,200,000
Roadway construction and paving	\$1,500,000

**MAIN MOTION:** To see if the Town will vote to appropriate the sum of \$3,700,000, to be expended at the direction of the Selectmen, to pay for the following projects, including any and all costs incidental or related thereto:

<u>Project</u>	<u>Amount</u>
Water Main upgrades	\$1,000,000
Water System Storage Tank repair and Painting	\$1,200,000
Roadway construction and paving	\$1,500,000

and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby **authorized to borrow** said amount under the pursuant to Chapter 44, Section 7, clauses (5) and Section 8, clauses (4) and (5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

Recommendations: Ways & Means voted 8-1-0 in favor. Capital Budget voted 6-0 in favor.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**ARTICLE 14 RE: Sewer I/I Fund**

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$---- for the purpose of paying the FY2011 debt service on the Town's two existing 0% MWRA loans, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$48,400 from the Sewer Inflow/Infiltration Fund** for the purpose of paying the FY2011 debt service on the Town's two existing 0% MWRA loans.

Recommendations: Ways & Means voted 11-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 15 RE: Inflow/Infiltration-Permanent Flow Meters**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$200,000 or any other sum for the purpose of installing 14 permanent sewer flow meters in order to monitor and identify sources of extraneous infiltration and inflow in the Burlington sewer system, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$200,000 from the Sewer Inflow/Infiltration Fund** for the purpose of installing 14 permanent sewer flow meters in order to monitor and identify sources of extraneous infiltration and inflow in the Burlington sewer system.

Recommendations: Ways & Means voted 7-2 in favor. Capital Budget voted 6-0 in favor.

A motion to end debate was moved, seconded and so voted.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 16 RE: Sewer Services Enterprise Fund**

To see if the Town will vote to raise and appropriate the sum of \$4,542,510 to operate the FY 2011 Sewer Services Enterprise of which \$4,542,510 will come from the FY 2011 Sewer Services Enterprise Estimated Revenue Account; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to raise and appropriate the sum of \$4,542,510** to operate the Sewer Enterprise Fund, of which **\$4,542,510 will be transferred from the FY11 Sewer Services Estimated Revenue.**

Recommendations: Ways & Means voted 11-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 17 RE: Water Treatment-SCADA**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$114,000 or any other sum for the purpose of installing an upgraded Supervisory Control And Data Acquisition (SCADA) system at the Vine Brook Treatment Plant, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$114,000 from the MTBE Court Settlement Account** for the purpose of installing an upgraded Supervisory Control and Data Acquisition (SCADA) System at the Vine Brook Treatment Plant.

Recommendations: Ways & Means voted 8-1 in favor. Capital Budget voted 6-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 18 RE: Drug and Alcohol Task Force**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,500 or any other amount to fund the Fiscal Year 2011 expenses of the Burlington Drug and Alcohol Task Force, same to be expended under the direction of the Board of Selectmen; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$2,500 from Free Cash** to fund the FY2011 expenses of the Burlington Drug and Alcohol Task Force, same to be expended under the direction of the Board of Selectmen.

Recommendations: Ways & Means voted 9-2 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 19 RE: Fund the Administrative & Professional Compensation Plan**

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for Fiscal Year 2011, and transfer from the Fiscal Year 2011 Negotiated Settlement Account the sum of \$--- or any other amount for the purpose of funding the plan under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$75,000 from FY2011 Negotiated Salary Account (line Item #101)** to pay for salary adjustments to the Town's Administrative & Professional Compensation Plan.

Recommendations: Ways & Means voted 10-1-0 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 20 RE: Amend Administrative and Professional Classification Plan/Group 11**

To see if the Town will vote to amend Group 11 of the existing Administrative and Professional Classification Plan by adding the new title of "Senior Planner", or to act in any other manner in relation thereto.

**MAIN MOTION:** As Printed in the Warrant

Recommendations: Ways & Means voted 8-2 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 21 RE: Fund the Part-time Compensation Plan**

To see if the Town will vote to transfer from the Fiscal Year 2011 Negotiated Settlement the amount of \$---, for the purpose of funding the Part-time Salary Plan (under 20 hours) for Fiscal Year 2011, same to be expended under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$10,000 from FY2011 Negotiated Salary Account (line item #101)** to pay for salary adjustments to the Town's Part-time Compensation Plan.

Recommendations: Ways & Means voted 10-1 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 22 RE: Chapter 90**

To see if the Town will vote to accept the Chapter 90 allocation of \$---- and appropriate the sum of \$---- for the purpose of funding roadway improvements, same to be spent under the direction of the Town Administrator; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to accept the Chapter 90 allocation of \$793,436 and appropriate the sum of \$793,436** for the purpose of funding roadway improvements, same to be expended under the direction of the Town Administrator.

A motion to strike the words "Town Administrator" and substitute therefore the words "Board of Selectmen" was moved, seconded and so voted.

Recommendations: Ways & Means voted 10-0 in favor. Capital Budget voted 6-0 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION AS AMENDED

**ARTICLE 23 RE: Ice Palace Debt Service**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$135,692 or any other sum to operate the Burlington Ice Palace, of which the \$135,692 will come from the FY11 Burlington Ice Palace Estimated Revenue Account, same to be expended under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to raise and appropriate the sum of \$135,692** to operate the Burlington Ice

Palace, of which **\$135,692 will be transferred from the FY11 Ice Palace Estimated Revenue Account.**

Recommendations: Ways & Means voted 11-0 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 24 RE: Health Actuarial Study**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 or any other sum to conduct a re-analysis of the Town's liability for future health care cost to comply with requirements of the GASB 45 accounting standards, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$20,000 from Free Cash** to conduct a re-analysis of the Town's liability for future health care cost to comply with requirements of the GASB 45 accounting standards.

Recommendations: Ways & Means voted 8-1 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 25 RE: G.L. Chapter 32B, Section 20**

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 that will allow the Town to establish an "Other Post Employment Benefits Liability Trust Fund", or to act in any other manner in relation thereto.

**MAIN MOTION:** As Printed in the Warrant

Recommendations: Ways & Means voted 9-1-1 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 26 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 \$25,000 or any other amount for the maintenance and improvements of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to accept the sum of \$25,000 from the Trustees under the Will of Marshall Simonds** for the maintenance and improvements of Simonds Park, same to be expended under the direction of the Recreation Commissioners.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 27 RE: Fire Pumper**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$ 490,000 or any other sum, for the purpose of replacing a Engine 4, a 1990 Pierce Model Engine, or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

**ARTICLE 28 RE: Human Service Building Repairs**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000 or any other sum for the purpose of engaging the services of the appropriate contractor(s) to make repairs to the Human Services Building needed to prevent continued water damage to the structure, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$100,000 from the Stabilization Fund** for the purpose of engaging the services of the appropriate contractor(s) to make repairs to the Human Service Building needed to prevent continued water damage to the structure.

Recommendations: Ways & Means voted 9-0 in favor. Capital Budget voted 6-0 in favor.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**ARTICLE 29 RE: Library Energy Program**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000 or any other sum for the purpose of undertaking the energy efficiency opportunities that were recommended by the NSTAR/National Grid Energy Benchmarking Initiative for the Library, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$15,000 from the Stabilization Fund** for the purpose of undertaking the energy efficiency opportunities that were recommended by the NSTAR/National Grid Energy Benchmarking Initiative for the Library.

Recommendations: Ways & Means voted 9-0 in favor. Capital Budget voted 6-0 in favor.

There was a division of the house and tellers were appointed.

**ACTION: BY A VOTE OF 76 IN FAVOR AND 1 OPPOSED, THE MAIN MOTION CARRIED**

**ARTICLE 30 RE: Police Department Repairs**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000 or any other sum for the purpose of engaging the services of the appropriate contractor(s) to make repairs to the Police Department needed to prevent continued water damage to the structure, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$50,000 from the Stabilization Fund** for the purpose of engaging the services of the appropriate contractor(s) to make repairs to the Police Department needed to prevent continued water damage to the structure.

Recommendations: Ways & Means voted 7-0 in favor. Capital Budget voted 6-0 in favor.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**ARTICLE 31 RE: Community Custodial Services**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$40,000 or any other sum for the purpose of Community Custodial Fees for the events to be covered for Burlington Scout Organizations. PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Youth Lacrosse, Pop Warner, Hockey, Soccer and Skating Associations and other non profit Burlington Civic Organizations, to be spent under the direction of the School Committee; or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town **will vote to transfer the sum of \$31,442 from Free Cash** for the purpose of Community Custodial Fees for the events to be covered for Burlington Scout Organizations. PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Youth Lacrosse, Pop Warner, Hockey, Soccer and Skating Associations and other non profit Burlington Civic Organizations, to be spent under the direction of the School Committee.

Recommendations: Ways & Means voted 10-1-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 32 RE: Marshall Simonds Middle School**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money to be expended under the direction of the School Committee for renovation and addition to the Marshall Simonds Middle School, for which construction the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the design and construction in excess of any grant approved by and received from the MSBA shall be the sole

responsibility of the Town, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to appropriate the sum of \$32,865,272 for the Design and Construction of renovations and additions to the Marshall Simonds Middle School, said sum to be expended under the direction of the Burlington School Committee, that the Town of Burlington / Burlington School Committee acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Burlington / Burlington School Committee incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Burlington / Burlington School Committee, and that the sum of **\$ 32,865,272** be and hereby is appropriated, to be expended at the direction of the School Committee, to pay the cost of designing and construction of renovations and additions to the Marshall Simonds Middle School, which may or may not include entering into a contract with a construction management at risk firm, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3) and Chapter 70B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town of Burlington. The amount to be raised and appropriated and borrowed by issue of bonds or notes or otherwise provided pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Burlington / Burlington School Committee and the MSBA.

Recommendations: Ways & Means voted 11-0 in favor. Capital Budget voted 6-0 in favor.

A motion to end debate was moved, seconded and so voted. The Moderator called for the roll.

**ACTION: BY A VOTE OF 72 IN FAVOR, 5 OPPOSED AND 1 ABSTENTION, THE MAIN MOTION CARRIED**

At 11:10 PM, a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew  
Town Clerk

**ADJOURNED TOWN MEETING  
MONDAY, MAY 17, 2010  
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:35 PM with a salute to the flag pin. A moment of silence was held for Larry Rittenberg, former Assistant Town Administrator who recently passed away.

The Moderator announced that he received a Resolution that will be taken up at the end of business.

**ARTICLE 10 RE: Recreation Fields/City of Boston**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$250,000 to develop two multi-purpose fields and off street parking on a portion of the land held in trust (Mary Cummings Trust) by the City of Boston, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town **will vote to transfer the sum of \$250,000 from the Stabilization Fund** for the purpose of developing two multi-purpose fields and off street parking on a portion of the land held in trust (Mary Cummings Trust) by the City of Boston.

Recommendations: Ways & Means voted 8-2 in favor. Capital Budget voted 6-0 in favor. Land Use Committee voted 5-0 in favor. Selectmen voted 5-0 in favor.

A motion to amend by adding the following: "provided that any agreement entered into by the Board of Selectmen be for a minimum

term of 15 years and to authorize the Board of Selectmen to enter into said agreement and to petition the General Court for authorization under Article 97 of the Massachusetts Constitution, if necessary.” was moved and seconded. The amendment failed.

A motion to end debate was moved, seconded and so voted.

There was a division of the house and tellers were appointed.

**ACTION:** BY A VOTE OF 57 IN FAVOR AND 19 OPPOSED, THE MAIN MOTION CARRIED

**ARTICLE 11 Sale of Lot/40 South Bedford Street**

To see if the Town will vote to authorize the Board of Selectmen to sell a single family residential parcel located at 40 South Bedford Street (Map 47, Parcel 3) and to use the proceeds from such sale for the construction of the Grandview complex barn and outside landscaping, or act in any other manner in relation thereto.

**MAIN MOTION:** As Printed in the Warrant

Recommendations: Ways & Means voted 11-0 in favor. Capital Budget voted 6-0 in favor. Land Use voted 5-2 in favor.

A motion to discuss Articles 11 and 12 together and vote separately was moved, seconded and so voted. A motion to end debate was moved, seconded and so voted.

There was a division of the house and tellers were appointed.

**ACTION:** BY A VOTE OF 52 IN FAVOR AND 22 OPPOSED, THE MAIN MOTION CARRIED

**ARTICLE 12 Sale of Lot/Parcel B – Sleeper Drive Extension**

To see if the Town will vote to authorize the Board of Selectmen to sell a single family residential parcel located and identified as “parcel B” on an approved sub-division plan dated January 20, 2005 and furthermore to use the proceeds from such sale for the construction of the Grandview complex barn and outside landscaping, or to act in any other manner in relation thereto.

**MAIN MOTION:** As Printed in the Warrant

Recommendations: Ways & Means voted 11-0 in favor. Capital Budget voted 6-0 in favor. Land Use voted 5-2 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 33 RE: School System-Wide Pavement**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$500,000 or any other sum, to be expended at the direction of the School Committee, to pay the cost of replacing / repairing paved areas at various schools including the payment of all costs incidental and related, or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

**ARTICLE 34 RE: Burlington High School Interior Bleacher Replacement**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$250,000 or any other sum, to be expended at the direction of the School Committee, to pay the cost of replacing the interior bleachers at the John Vanella Gymnasium, Burlington High School, including the payment of all costs incidental and related, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$250,000 from Free Cash** to be expended at the direction of the School Committee, to pay the cost of replacing the interior bleachers at the John Vanella Gymnasium, Burlington High School, including the payment of all costs incidental and related.

Recommendations: Ways & Means voted 10-1 in favor. Capital Budget voted 6-0 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 35 RE: Burlington High School Access Road Lighting**

To see if the Town will vote to appropriate, transfer from available funds, borrow or otherwise provide the sum of \$120,000 or any other sum, to be expended at the direction of the School Committee, to pay the cost of replacing access road and perimeter poles and lights at Burlington High School, including the payment of all costs incidental and related, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$120,000 from Free Cash** to be expended at the direction of the School Committee, to pay the cost of replacing access road and perimeter poles and lights at Burlington High School, including the payment of all costs incidental and related.

Recommendations: Ways & Means voted 11-0 in favor. Capital Budget voted 5-0-1 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

**ARTICLE 36 RE: Francis Wyman Auditorium Chair Replacement**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$114,000 or any other amount, to be expended at the direction of the School Committee, to pay the cost of replacement of the auditorium chairs at the Francis Wyman School, including the payment of all costs incidental and related, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will **vote to transfer the sum of \$114,000 from Free Cash** to be expended at the direction of the School Committee, to pay the cost of replacement of the auditorium chairs at the Francis Wyman School, including the payment of all costs incidental and related.

Recommendations: Ways & Means voted 10-1 in favor. Capital Budget voted 3-3.

There was a division of the house and tellers were appointed.

**ACTION:** BY A VOTE OF 52 IN FAVOR AND 17 OPPOSED, THE MAIN MOTION CARRIED

**ARTICLE 37 RE: Town-wide Computer Equipment Replacement**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$200,000 or any other sum, to be expended at the direction of the School Committee, to pay the cost or replacement and purchase of identified computer technology for all town buildings and departments, including the payment of all costs incidental and related, or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

**ARTICLE 38 RE: Amend Zoning Map and Rezone Property to Planned Development (PD) District/Muller Road**

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, by rezoning certain parcels of land from a One Family Dwelling (RO) District and General Industrial (IG) District to a Planned Development (PD) District. Said parcels of land are generally identified as being located off of Muller Road and are further identified on the Town of Burlington Assessors’ Map as follows: Map 56, Parcel 29-0; Map 57, Parcels 1-0, 2-0, 3-0, 4-0, 5-0, 6-0, 7-0, 8-0, 9-0; or to act in any other manner in relation thereto.

**ACTION:** Withdrawn

**ARTICLE 39 RE: Amend Zoning Bylaw Article VIII, Section 8.1.0, “100-Year Flood Plain District”**

To see if the Town will vote to amend Article VIII “Overlay Districts” of the Zoning Bylaw, by amending Section 8.1.0 “100-Year Flood Plain District as follows:

To amend Section 8.1.2 District Boundaries, to read as follows:

#### 8.1.2 District Boundaries

~~The District includes all areas designated A, AO and A1 through A30 on maps entitled, "Flood Insurance Rate Maps (FIRM), Town of Burlington, Mass.," dated July 5, 1984, Community Panel Numbers 250185-0001B through 0004B, prepared by the Federal Emergency Management Agency. The boundaries of the Floodway within the FP District are the floodway boundaries as delineated on the "Flood Boundary and Floodway Maps, Town of Burlington, Mass.," dated July 5, 1984, Community Panel Numbers 250185-0001B through 0003B, prepared by the Federal Emergency Management Agency. These two sets of maps dated July 5, 1984 and the publication entitled,~~

~~"Burlington Flood Insurance Study" dated January 5, 1984 and published by the Federal Emergency Management Agency are on file with the Burlington Town Clerk and the Planning Board and are incorporated into this section by reference.~~

The District includes all special flood hazard areas within the Town of Burlington designated zones A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Burlington are panel numbers 25017C0287E, 25017C0288E, 25017C0289E, 25017C0293E, 25017C0401E, 25017C0402E, 25017C0404E, and 25017C0406E dated June 4, 2010. The boundaries of the District are defined by the 100 year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Burlington Town Clerk and the Planning Board.

AND further to amend Section 8.1.4 Permitted Land Uses, to read as follows:

#### 8.1.4 Permitted Land Uses

~~The FP District is established as an overlay district. Uses which are permitted or approved in accordance with the provisions of the underlying zoning district are allowed in the FP District provided that such uses meet the additional requirements of this section as well as those of the Massachusetts State Building Code dealing with construction in flood plains.~~

The FP District is established as an overlay district to all other districts. Structures and uses which are permitted or approved in accordance with the provisions of the underlying zoning district are allowed in the FP District, provided that such structures and uses meet the additional requirements of this section. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- 1) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G "Flood Resistant Construction and Construction in Coastal Dunes");
- 2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- 3) DEP Inland Wetlands Restrictions (currently 310 CMR 13.00);
- 4) DEP Minimum Requirements for Subsurface Disposal of Sanitary Sewage (currently 310 CMR 15, Title 5).

AND further to amend Section 8.1.5 Requirements for Development within the Floodway, to read as follows:

#### 8.1.5 Requirements for Development within the Floodway

Within the floodway portion of the FP District, as delineated on the ~~Flood Boundary and Floodway Maps, FIRM~~, the following requirements apply:

1. All encroachments, which include fill, new construction, substantial improvements to existing buildings, and other development, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating that such encroachment will not result in any increase in flood levels during the occurrence of a 100-year flood. Such certification shall be to the satisfaction of the Planning

Board where site plan approval or a special permit is required and shall be to the satisfaction of the Inspector of Buildings where such approvals are not required.

2. Any encroachment permitted within the floodway in accordance with Section 8.1.5.1 shall comply with the flood plain requirements of the Massachusetts State Building Code.

AND further to amend Section 8.1.6 Requirement for development within the Flood Plain District, to read as follows:

#### 8.1.6 Requirements for Development within the Flood Plain District

~~1. For residential buildings, including manufactured homes, the lowest floor, including the basement of all development within the Flood Plain District, shall be elevated to or above the base flood elevation, as shown on the FIRM maps.~~

~~2. For nonresidential buildings, all development shall either have the lowest floor including the basement elevated to or above the base flood elevation, or shall be designed so that below the base flood elevation the building, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates shall be maintained by the Inspector of Buildings.~~

13. For all development, and for proposed subdivisions, the related utilities and utility facilities, such as sewer, water, gas and electrical systems, shall be located and constructed to minimize or eliminate flood damage.

~~4. For all development, including manufactured homes and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

~~—A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~

~~—A record of such certification and/or compliance shall be maintained by the Inspector of Buildings.~~

25. The design standards for utilities are as follows:

- (a) Mechanical and utility equipment must be elevated above the base floor elevation or designed so as to prevent water from entering or accumulating within the equipment components.
- (b) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) New or replacement water supply systems shall be designed to minimize, or eliminate infiltration of flood waters into the systems.
- (d) New or replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (e) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

36. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated so that the lowest floor of the

manufactured home is at or above the base flood elevation and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

47. Where base flood elevation data and/or flooding data is not provided on the Flood Insurance Rate Maps (FIRM) or on the Flood Boundary and Floodway Maps (FBFM), the applicant shall use the best available federal, state, local or other base flood elevation and floodway data. The determination of a base flood elevation or floodway boundaries pursuant to this subsection shall be subject to the review and approval of the Planning Board or the Inspector of Buildings, as provided for in Section 8.1.7.

AND further to amend Section 8.1.8 Submission requirements, by adding the following highlighted subsections:

**8.1.8 Submission Requirements**

All applications for permission to undertake development within the FP District must be accompanied by sufficient information to permit determination regarding the compliance of the proposed development with the provisions of the FP District. Such information includes, but is not limited to:

1. A plot plan showing the property boundaries, the location of existing buildings and site improvements, the location of new construction or improvements to existing buildings and the boundaries of the floodway and the 100-Year Flood Plain District within the property.
2. Base flood elevation for the property. Data from the FIRM maps must be used, if they provide data for the subject property.
  - a) **Base Flood Elevation Data – Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A Zones.**
  - b) **Floodway Data – In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which could result in any increase in flood levels within the community during the occurrence of the base flood discharge.**
3. Elevation of the lowest floor in the building.
4. Elevation of the lowest habitable floor, if different from the lowest floor.

AND further to amend Section 8.1.9 “Exemption from Flood Plain District Requirements,” to read as follows:

**8.1.9 Exemption from Flood Plain District Requirements**

Development may be exempted from the requirements of the FP District when the property owner, lessee, or other party of interest submits documentation that the Federal Government has reevaluated its designation of the property upon which the development would be located from that indicated in the **June 4, 2010 Middlesex County FIRM** and concluded that the property is not subject to flooding during a 100-year flood. For development which requires the approval of the Planning Board, including but not limited to site plan approval or a special permit, the documentation must be found to be satisfactory by the Planning Board before an exemption may be granted.

For development for which Planning Board approval is not required, the documentation must be found to be satisfactory by the Inspector of Buildings before an exemption may be granted. Such documentation may include, but is not limited to, a "Letter of Map Amendment."

AND further to create a new Section 8.1.10 “Notification of Watercourse Alteration”, to read as follows:

**8.1.10 Notification of Watercourse Alteration**

In a riverine situation, the applicant shall notify the following of any alteration or relocation of a watercourse:

- 1) Planning Board and Conservation Commission of adjacent communities;
- 2) NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- 3) NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to amend Article VIII “Overlay Districts” of the Zoning Bylaw, by amending Section 8.1.0 “100-Year Flood Plain District as follows:

To amend Section 8.1.2 District Boundaries, to read as follows:

**8.1.2 District Boundaries**

**The District includes all special flood hazard areas within the Town of Burlington designated zones A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Burlington are panel numbers 25017C0287E, 25017C0288E, 25017C0289E, 25017C0293E, 25017C0401E, 25017C0402E, 25017C0404E, and 25017C0406E dated June 4, 2010. The boundaries of the District are defined by the 100 year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Burlington Town Clerk and the Planning Board.**

AND further to amend Section 8.1.4 Permitted Land Uses, to read as follows:

**8.1.4 Permitted Land Uses**

**The FP District is established as an overlay district to all other districts. Structures and uses which are permitted or approved in accordance with the provisions of the underlying zoning district are allowed in the FP District, provided that such structures and uses meet the additional requirements of this section. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:**

- 1) **Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G “Flood Resistant Construction and Construction in Coastal Dunes”);**
- 2) **Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);**
- 3) **DEP Inland Wetlands Restrictions (currently 310 CMR 13.00);**
- 4) **DEP Minimum Requirements for Subsurface Disposal of Sanitary Sewage (currently 310 CMR 15, Title 5).**

AND further to amend Section 8.1.5 Requirements for Development within the Floodway, to read as follows:

**8.1.5 Requirements for Development within the Floodway**

Within the floodway portion of the FP District, as delineated on the **FIRM**, the following requirements apply:

1. All encroachments, which include fill, new construction, substantial improvements to existing buildings, and other development, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating that such encroachment will not result in any increase in flood levels during the occurrence of a 100-year flood. Such certification shall be to the satisfaction of the Planning Board where site plan approval or a special permit is required and shall be to the satisfaction of the Inspector of Buildings where such approvals are not required.

**2. Any encroachment permitted within the floodway in accordance with Section 8.1.5.1 shall comply with the flood plain requirements of the Massachusetts State Building Code.**

AND further to amend Section 8.1.6 Requirement for development within the Flood Plain District, to read as follows:

**8.1.6 Requirements for Development within the Flood Plain District**

- 1. For all development, and for proposed subdivisions, the related utilities and utility facilities, such as sewer, water, gas and electrical systems, shall be located and constructed to minimize or eliminate flood damage.
- 2. The design standards for utilities are as follows:
  - (a) Mechanical and utility equipment must be elevated above the base floor elevation or designed so as to prevent water from entering or accumulating within the equipment components.
  - (b) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (c) New or replacement water supply systems shall be designed to minimize, or eliminate infiltration of flood waters into the systems.
  - (d) New or replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
  - (e) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated so that the lowest floor of the manufactured home is at or above the base flood elevation and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

4. Where base flood elevation data and/or flooding data is not provided on the Flood Insurance Rate Maps (FIRM) or on the Flood Boundary and Floodway Maps (FBFM), the applicant shall use the best available federal, state, local or other base flood elevation and floodway data. The determination of a base flood elevation or floodway boundaries pursuant to this subsection shall be subject to the review and approval of the Planning Board or the Inspector of Buildings, as provided for in Section 8.1.7.

AND further to amend Section 8.1.8 Submission requirements, by adding the following highlighted subsections:

**8.1.8 Submission Requirements**

All applications for permission to undertake development within the FP District must be accompanied by sufficient information to permit determination regarding the compliance of the proposed development with the provisions of the FP District. Such information includes, but is not limited to:

- 1. A plot plan showing the property boundaries, the location of existing buildings and site improvements, the location of new construction or improvements to existing buildings and the boundaries of the floodway and the 100-Year Flood Plain District within the property.
- 2. Base flood elevation for the property. Data from the FIRM maps must be used, if they provide data for the subject property.
  - a) **Base Flood Elevation Data – Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A Zones.**
  - b) **Floodway Data – In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit**

**encroachments in floodways which could result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

- 3. Elevation of the lowest floor in the building.
- 4. Elevation of the lowest habitable floor, if different from the lowest floor.

AND further to amend Section 8.1.9 “Exemption from Flood Plain District Requirements,” to read as follows:

**8.1.9 Exemption from Flood Plain District Requirements**

Development may be exempted from the requirements of the FP District when the property owner, lessee, or other party of interest submits documentation that the Federal Government has reevaluated its designation of the property upon which the development would be located from that indicated in the **June 4, 2010 Middlesex County FIRM** and concluded that the property is not subject to flooding during a 100-year flood. For development which requires the approval of the Planning Board, including but not limited to site plan approval or a special permit, the documentation must be found to be satisfactory by the Planning Board before an exemption may be granted.

For development for which Planning Board approval is not required, the documentation must be found to be satisfactory by the Inspector of Buildings before an exemption may be granted. Such documentation may include, but is not limited to, a "Letter of Map Amendment."

AND further to create a new Section 8.1.10 “Notification of Watercourse Alteration”, to read as follows:

**8.1.10 Notification of Watercourse Alteration**

In a riverine situation, the applicant shall notify the following of any alteration or relocation of a watercourse:

- 1) Planning Board and Conservation Commission of adjacent communities;
- 2) NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- 3) NFIP Program Specialist  
Federal Emergency Management Agency, Region 1  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

Recommendations: Planning Board voted 7-0 in favor. Land Use voted 5-0 in favor.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**App. A.G. . Posted .**

**ARTICLE 40 RE: Zoning Bylaw Amendment Article II & IV - Business & Biotechnology Definitions**

To see if the Town of Burlington will vote to amend the Zoning By-Laws of the Town of Burlington by adding the following new definitions and use restrictions, as follows:

By amending Article II “Definitions” to include the following new definitions:

- 2.6.0.2 **Biotechnology:** The fusion of biology and technology. Biotechnology is the application of biological techniques to product research and development. In particular, biotechnology involves the use by industry of recombinant DNA, cell fusion, and new bioprocessing techniques. Biotechnology uses are subject to all federal, state and local regulations. NIH Biosafety Level 4 (BL-4) laboratories are prohibited in Burlington.
- 2.16.0.1 **Clinic:** A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the

premises. A building that has been licensed as part of a larger hospital campus is not considered a clinic.

2.16.0.2 Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include accessory uses such as fast food, restaurant and banks. A conference center is not designed to be only utilized by the general public for overnight purposes and must be associated with a Hotel or office park.

2.64.1 Prototype Manufacturing: The manufacture of an original, full-scale or partial scale model of a new product or new version of an existing product which will be mass manufactured elsewhere.

And further to replace the existing Section 2.69 "Repair, Auto" with the following:

2.69 Research and Development: Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard.

And further to Amend Article IV "Use Regulations", by adding the following subsections:

4.2.4.5 "Conference Center", and providing a "NO" in the RO, RG, RC, BN, BL, BG, BT, IR and OS Districts, an "SP" in the IG, IH, CC and CBD Districts, and a "YES" in the A and WR Districts.

4.2.7.1.1 "Research & Development", and providing a "NO" in the RO, RG, RC, BN, BL, BG, BT, and OS Districts, a "YES" in the IG, IH, IR, CC and CBD Districts, and an "SP" in the A and WR Districts.

4.2.7.1.2 "Prototype Manufacturing", and providing a "NO" in the RO, RG, RC, BN, BL, BG, BT, and OS Districts, a "YES" in the IG, IH, IR, CC and CBD Districts, and an "SP" in the A and WR Districts.

4.2.7.1.3 "Biotechnology, subject to the regulations of the National Institute of Health and the Burlington Board of Health. NIH Level 4 laboratories are prohibited", and providing a "NO" in the RO, RG, RC, BN, BL, BG, BT, IR and OS Districts, an "SP" in the IG, IH, A, WR, CC, and CBD Districts.

*Abbreviated Principal Use Table Addendum A (see back-up for full table)*

**MAIN MOTION:** As Printed in the Warrant

A motion to strike the words "similar personnel" under section 2.16.0.1 and substitute therefore the words "associated licensed independent practitioners" was moved and seconded. Amendment carried.

Recommendations: Planning Board voted 7-0 in favor. Land Use voted 7-0 in favor as amended.

**ACTION:** MAIN MOTION AS AMENDED WAS DEFEATED

**ARTICLE 41 RE: Amend Zoning Bylaw Article IV & Article XI/Inclusionary Housing Bylaw**

To see if Town Meeting will vote to amend the Zoning Bylaw as follows:

To amend Article IV, Section 4.2.0 "Use Table to amend Subsection 4.2.1.2 "Garden Apartment dwelling units" by changing the use designation from YES to SP in the Garden Apartment (RG) District, and from YES<sub>1</sub> to SP<sub>1</sub> Civic Center (CC) and Central Business District (CBD) Overlay Districts, and further to amend Subsection 4.2.1.17 "Multi-Family other than 4.2.1.2" by changing the use designation from NO to SP in the Garden Apartment (RG) District, and YES<sub>1</sub> to SP<sub>1</sub> in the Civic Center (CC) and Central Business District (CBD) Overlay Districts, as follows:

*See Addendum B*

**AND** further by amending Article XI "Special Residential Regulations" by adding a new Section 11.8.0 "Inclusionary Zoning Requirements for Multifamily Housing", as follows:

**11.8.0 Inclusionary Zoning Requirements for Multifamily Housing**

**11.8.1 Purpose and Intent**

The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable housing in compliance with the 2004 Burlington Community Development Plan, G.L. c. 40B sec. 20-23 and ongoing initiatives of the Burlington Housing Partnership to promote a reasonable percentage of housing that is affordable to low and moderate income buyers. It is intended that the affordable housing units that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Massachusetts Department of Housing and Community Development (DHCD), or successor, or additional programs adopted by the Commonwealth or its agencies, and that said units count toward the Town's requirements under G. L. c. 40B sec. 20-23, as amended.

**11.8.2 Definitions**

**Affordable Housing Unit:** A dwelling unit that qualifies as a local initiative unit under the Commonwealth's Local Initiative Program and meets the requirements of a subsidized housing unit for purposes of listing in the subsidized housing inventory under G. L. c. 40B Sec. 20-23.

**Qualified Affordable Housing Unit Purchaser:** An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD), for the standard Metropolitan Statistical Area that includes Burlington.

**DHCD Affordable Housing Unit Sales Price or Rent:** The sales price or rent for each Affordable Housing Unit shall be a price that is affordable to a qualified affordable housing unit purchaser, adjusted for household size depending on the size of the applicable affordable unit(s), which sales price is calculated in accordance with the Commonwealth's Local Initiative Program and acceptable to DHCD for the standard Metropolitan Statistical Area in which Burlington is located. DHCD will determine the sales price for all for-sale units and the rental payment for all rental units.

**11.8.3 Applicability**

Beginning with the adoption of this Bylaw by Town Meeting, applications for approval of 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. This provision shall apply whether the proposal is for rental or ownership units.

The Affordable Housing Units required above shall be affordable to persons and households of low and moderate income as defined by G.L. c. 40B, Section 20. The applicant shall be responsible for preparing a Massachusetts Local Initiative Program Units Only Application, as administered by the DHCD or any successor program, or an application for any other program that provides for inclusion of such Affordable Housing Units as part of the Town's affordable housing inventory under G.L. c. 40B Section 20.

**11.8.3.1 Projects less than 10 units**

For multifamily housing developments of less than 10 housing units, the applicant may choose to:

- 11.8.3.1.1 Provide an Affordable Housing Unit within the development, or;
- 11.8.3.1.2 Provide an Affordable Housing Unit off-site, pursuant to the off-site provisions in Section 11.8.3.3, or;
- 11.8.3.1.3 Pay a financial contribution pursuant to the formula below to the Burlington Affordable Housing Trust Fund pursuant to Section 11.8.3.4 of this Bylaw, to be used for the development and/or preservation of affordable housing by the Town or its designees.

**Financial Contribution Formula for projects under 10 units**

The financial contribution shall be 5% of the total purchase price of each of the units in the project, or for rental units, the equivalent sales value of the units. Payment of the contribution shall be made prior to the issuance of a final Certificate of Occupancy for each such unit.

**11.8.3.2 Projects equal to or greater than 10 units**

For multifamily housing developments of ten (10) or more housing units, the applicant shall provide one (1) 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 may choose to:

- 11.8.3.2.1 Round up to the next whole number of Affordable Housing Units; or
- 11.8.3.2.2 Provide an Affordable Housing Unit off-site, pursuant to the off-site provisions in Section 11.8.3.3, or;
- 11.8.3.2.3 Pay a financial contribution pursuant to the formula below to an Affordable Housing Trust Fund pursuant to Section 11.8.3.4 of this Bylaw for such fraction to be used for the development and/or preservation of affordable housing by the Town or its designees. Such payment option shall not be used in lieu of construction of at least one affordable unit for every ten units constructed, but only for fractions resulting from the calculation.

**Financial Contribution Formula for projects greater than 10 units**

For fractional units in multifamily housing developments of 10 or more units, an applicant choosing not to provide an Affordable Housing Unit for that fraction shall contribute a financial contribution. The financial contribution shall be: 5% of the total purchase price of each of the fractional market rate units in the project, or for rental units, the equivalent sales value of the units. Payment of the contribution shall be made prior to the issuance of a final Certificate of Occupancy for each unit.

**11.8.3.3 Provisions for off-site affordable units**

Affordable Housing Units shall be provided within any multifamily housing project, unless the Planning Board finds that unique or extraordinary circumstances exist and that the public purpose may be better served by authorizing off-site Affordable Housing Units. The off-site Affordable Housing Units shall be affordable to persons and households of low and moderate income as defined by G.L. c. 40B, Section 20. The applicant shall be responsible for preparing a Massachusetts Local Initiative Program Units Only Application, as administered by the Department of Housing and Community Development, or any successor program, or an application for any other program that provides for inclusion of such affordable units as part of the Town's affordable housing inventory under G.L. c. 40B Section 20. The units shall be equivalent or better in bedroom count to the on-site project and be phased with the project pursuant to 11.8.5. Timing of construction or provision of off-site Affordable Housing Units shall be provided coincident to the development of market rate units, but in no event shall the development of the Affordable Housing Units be delayed beyond the schedule noted in Section 11.8.5.

**11.8.3.4 Payments to the Affordable Housing Fund**

If the Affordable Housing Trust Fund has not yet been established at the time of said payment, the payment shall be placed in such fund(s) as the Town Treasurer shall determine appropriate for the purpose of being held and used for affordable housing purposes. Such fund shall be established by the Town Treasurer to receive all payments made under this Section, and shall be kept separate and apart from other monies by the Town Treasurer. Any moneys in said fund shall be expended in accordance with G.L. c. 44 Section 55C or other applicable statutes, to support the creation of low and moderate income housing units which meet the definition of "low or moderate income housing" as defined by MGL Chapter 40B, Section 20. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the Town Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in

such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the Commonwealth. Any interest earned thereon shall be credited to and become a part of such fund.

**11.8.4 Monitoring**

The monitoring of affordability for rental units, including changes in tenants, shall be supervised by the Burlington Housing Partnership (BHP) pursuant to a Memorandum of Agreement (MOA) between the applicant and the BHP. Such MOA shall provide for monitoring fees for the administration of such affordable units by the BHP and shall be subject to approval by the Board of Selectmen.

The monitoring of home ownership units shall be supervised by the BHP. Affordability of these units shall be established by deed rider, covenant, or equivalent mechanism, subject to review and approval of the Board of Selectmen. Funding for oversight of conducting a lottery and other administrative actions shall be provided by the applicant for first sale. Subsequent sales shall be subject to the guidelines and requirements established by the DHCD.

**11.8.5 Provisions Applicable to Affordable Housing Units**

1. Siting of Affordable Housing Units – All Affordable Housing Units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space or recreational facilities, as the market-rate units.
2. Minimum design and construction standards for Affordable Housing Units – Affordable Housing Units within market rate developments shall be integrated with the rest of the development and shall be compatible in size, design, appearance, construction and quality of materials with other units.
3. Timing of construction or provision of Affordable Housing Units or lots – Where feasible, Affordable Housing Units shall be provided coincident to the development of market rate units, but in no event shall the development of Affordable Housing Units be delayed beyond the schedule noted below:

**Timing of construction or provision of affordable units or lots**

MARKET RATE UNIT %	AFFORDABLE HOUSING UNIT %
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
Up to 90%	100%

**11.8.6 Administration**

The Planning Board shall adopt and maintain regulations incorporating the necessary policies, procedures and requirements to implement the provisions of this Section. Such regulations may include criteria of maximum incomes, sales or rental prices, resale price, preservation of affordability and calculation of payments for fractional units.

or to act in any other manner in relation thereto.

**MAIN MOTION:** As Printed in the Warrant

Recommendations: Planning Board voted 6-1 in favor. Land Use voted 5-0 in favor. Selectmen voted 5-0 in favor.

A motion to amend by striking the words "the equivalent sales value of the units" in Section 11.8.3.1 and substituting therefore the words "the fair market value of the units as determined by the Town Assessor", and further by amending the last paragraph in Section 11.8.3.2 by striking the words "the equivalent sales value of the units" and substituting therefore the words "the fair market value of the units as determined by the Town Assessor" was moved, seconded and so voted.

A motion to end debate was moved, seconded and so voted.

There was a division of the house and tellers were appointed.

**ACTION:** BY A VOTE OF 46 IN FAVOR AND 9 OPPOSED, THE MAIN MOTION AS AMENDED CARRIED

**App'd. A.G.** . **Posted** .

**ARTICLE 42 RE: Amend Zoning Bylaw Article II/"Definitions", Section 2.34/"Home Occupations"**

To see if the Town will vote to amend the Zoning Bylaw Article II/"Definitions", Section 2.34 "Home Occupation", to read as follows:

"Any business, occupation, or activity undertaken for gain within a residential dwelling or permitted accessory structure, by a person residing in the dwelling, that is incidental and secondary to the use of that premises as a dwelling unit."

AND further to amend Article II "Definitions" create a new Section 2.34.1 "Home-Based Business", to read as follows:

"A home occupation conducted by a resident of the premises, but subject to a special permit due to nonresident employee(s) or business-related visitors to the premises over the course of a day."

AND further to amend Article IV "Use Regulations", Subsection 4.3.1.2 to read as follows:

"Use of a portion of a dwelling as an office by a physician, dentist or other professional person residing in the dwelling, incidental to such residence provided that there is no display or advertising other than a permitted sign."

AND further to amend Article X "Miscellaneous and Special Regulations", by creating a new Section 10.1.1 as follows:

**10.1.1 Additional Regulations for Home-Based Businesses:**

1. A special permit shall be required for home occupations or businesses that employ nonresident employees or bring patrons, clients or customers to the premises, or otherwise do not qualify as a home occupation under Section 10.1.0. This section is intended to addresses those accessory uses permitted under Section 4.3.1.2 of this Bylaw.
2. The provisions of this section are intended to accommodate limited business uses in dwellings, conducted by the residents thereof, in order to promote wider economic opportunities for Burlington residents, while at the same time protecting residential neighborhoods from adverse impacts
3. Home based businesses shall be considered accessory uses to the principal residential use of a property or dwelling, and shall comply with the restrictions of Section 5.1.4, and shall be conducted by a resident of the dwelling.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home based business other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building, and except as provided herein for off-street parking.
5. There shall be no exterior storage of materials, supplies, or equipment related to the business. Such business shall not use and/or store hazardous materials (as defined in Massachusetts General Laws, Chapter 21E, § 2) in excess of quantities permitted in residential structures.
6. No equipment or process shall be used in such home occupation which created noise, vibrating, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises
7. More than one home occupation may be established in a dwelling, but all home occupations combined shall not exceed any of the standards of this section.
8. Hours of operation and business visits to a home based business shall be limited to the hours from 7:00 a.m. to 9:00 p.m., unless otherwise authorized by special permit.
9. A home based business shall provide off-street parking spaces in addition to two spaces for the dwelling unit, as follows:

- (1) One parking space shall be provided for each nonresident employee, partner, or contractor regularly working on the premises;
  - (2) The Planning Board may require, at its discretion, the provision of up to one parking space for each client or customer expected to visit the premises at one time. Provision of such spaces shall be in addition to parking required for the dwelling unit and nonresident employees.
10. In addition to the special permit approval criteria in Section 9.2.4 of this Bylaw, the Planning Board may impose conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, maximum number of daily customer vehicle trips, terms of length, or the transfer of the property, where the Planning Board deems such to be in the public interest, or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

**ARTICLE 43 RE: Amend Zoning Bylaw Article XIII Signs/Municipal**

To see if the Town will vote to amend Article XIII "Signs" of the Zoning Bylaw, by adding the following new Section 13.1.5 "Municipal Uses (Town of Burlington)" as follows:

- 13.1.5 Municipal Uses (Town of Burlington)
- 13.1.5.1 Wall Signs
- 13.1.5.1.1 Wall Signs shall be the same as Business Districts
- 13.1.5.1.2 One (1) Building Directory shall be permitted on the exterior wall of the building at each entrance. A building directory shall not exceed one (1) s.f. for each Town Department.
- 13.1.5.2 Marquee Signs
- 13.1.5.2.1 Marquee Signs shall be the same as Business Districts.
- 13.1.5.3 Freestanding Ground Signs
- 13.1.5.3.1 One (1) freestanding sign shall be permitted for each Town owned property.
- 13.1.5.3.2 The freestanding sign shall be at least ten (10) ft. or more from any property line.
- 13.1.5.3.3 The maximum size for any freestanding sign shall be six (6) ft. in height and ten (10) ft. in length. The height of the sign shall be measured from the average adjoining grade to the top of the sign. The free standing sign is permitted to be double sided.
- 13.1.5.3.4 The freestanding sign shall be landscaped around its base so as to help diminish the exposure above grade of the sign structure. The freestanding sign is permitted to have a base. The base shall be included in the height calculation.
- 13.1.5.4 Freestanding Message Monument Sign
- 13.1.5.4.1 The Town of Burlington shall be permitted to install two (2) manually changeable letter freestanding signs. The location of said signs shall be determined by the Board of Selectmen.
- 13.1.5.4.2 The freestanding sign(s) shall be subject to the provisions of sections 13.1.5.3.2 through 13.1.5.3.4 for size and landscaping requirements,

or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to amend Article XIII "Signs" of the Zoning Bylaw, by adding the following new Section 13.1.5 "Municipal Uses (Town of Burlington)" as follows:

- 13.1.5 Municipal Uses (Town of Burlington)
- 13.1.5.1 Wall Signs
- 13.1.5.1.1 Wall Signs shall be the same as Business Districts
- 13.1.5.1.2 One (1) Building Directory shall be permitted on the exterior wall of the building at each entrance. A building directory shall not exceed one (1) s.f. for each Town Department.
- 13.1.5.2 Marquee Signs

- 13.1.5.2.1 Marquee Signs shall be the same as Business Districts.
- 13.1.5.3 Freestanding Ground Signs
- 13.1.5.3.1 One (1) freestanding sign shall be permitted for each Town owned property.
- 13.1.5.3.2 The freestanding sign shall be at least ten (10) ft. or more from any property line.
- 13.1.5.3.3 The maximum size for any freestanding sign shall be six (6) ft. in height and ten (10) ft. in length. The height of the sign shall be measured from the average adjoining grade to the top of the sign. The free standing sign is permitted to be double sided.
- 13.1.5.3.4 The freestanding sign shall be landscaped around its base so as to help diminish the exposure above grade of the sign structure. The freestanding sign is permitted to have a base. The base shall be included in the height calculation.

- 13.1.5.4 Freestanding Message Monument Sign
- 13.1.5.4.1 The Town of Burlington shall be permitted to install **three (3)** manually changeable letter freestanding signs. The location of said signs shall be determined by the Board of Selectmen.
- 13.1.5.4.2 The freestanding sign(s) shall be subject to the provisions of sections 13.1.5.3.2 through 13.1.5.3.4 for size and landscaping requirements.

Recommendations: Planning Board voted 7-0 in favor. Land Use voted 6-0 in favor. Bylaw Review voted in favor. Selectmen voted in favor.

A motion to discuss Articles 43 and 46 together and vote separately was moved, seconded and so voted.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**App'd. A.G. . Posted .**

**ARTICLE 46 RE: Amend General Bylaw Article XIV, Section 3.0 Signs and Advertising Devices/"Municipal Signs"**

To see if the Town will vote to amend Article XIV "Environment", Section 3.0 "Signs and Advertising Devices" of the General Bylaw, by adding the following new Section 3.3.4 "Municipal Uses (Town of Burlington)" as follows:

- 3.3.4 Municipal Uses (Town of Burlington)
- 3.3.4.1 Wall Signs
- 3.3.4.1.1 Wall Signs shall be the same as Business Districts
- 3.3.4.1.2 One (1) Building Directory shall be permitted on the exterior wall of the building at each entrance. A building directory shall not exceed one (1) s.f. for each Town Department.
- 3.3.4.2 Marquee Signs
- 3.3.4.2.1 Marquee Signs shall be the same as Business Districts.
- 3.3.4.3 Freestanding Ground Signs
- 3.3.4.3.1 One (1) freestanding sign shall be permitted for each Town owned property.
- 3.3.4.3.2 The freestanding sign shall be at least ten (10) ft. or more from any property line.
- 3.3.4.3.3 The maximum size for any freestanding sign shall be six (6) ft. in height and ten (10) ft. in length. The height of the sign shall be measured from the average adjoining grade to the top of the sign. The free standing sign is permitted to be double sided.
- 3.3.4.3.4 The freestanding sign shall be landscaped around its base so as to help diminish the exposure above grade of the sign structure. The freestanding sign is permitted to have a base. The base shall be included in the height calculation.
- 3.3.4.4 Freestanding Message Monument Sign
- 3.3.4.4.1 The Town of Burlington shall be permitted to install two (2) manually changeable letter freestanding signs. The

- location of said signs shall be determined by the Board of Selectmen.
- 3.3.4.4.2 The freestanding sign(s) shall be subject to the provisions of sections 13.1.5.3.2 through 13.1.5.3.4 for size and landscaping requirements, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to amend Article XIV "Environment", Section 3.0 "Signs and Advertising Devices" of the General Bylaw, by adding the following new Section 3.3.4 "Municipal Uses (Town of Burlington)" as follows:

- 3.3.4 Municipal Uses (Town of Burlington)
- 3.3.4.1 Wall Signs
- 3.3.4.1.1 Wall Signs shall be the same as Business Districts
- 3.3.4.1.2 One (1) Building Directory shall be permitted on the exterior wall of the building at each entrance. A building directory shall not exceed one (1) s.f. for each Town Department.
- 3.3.4.2 Marquee Signs
- 3.3.4.2.1 Marquee Signs shall be the same as Business Districts.
- 3.3.4.3 Freestanding Ground Signs
- 3.3.4.3.1 One (1) freestanding sign shall be permitted for each Town owned property.
- 3.3.4.3.2 The freestanding sign shall be at least ten (10) ft. or more from any property line.
- 3.3.4.3.3 The maximum size for any freestanding sign shall be six (6) ft. in height and ten (10) ft. in length. The height of the sign shall be measured from the average adjoining grade to the top of the sign. The free standing sign is permitted to be double sided.
- 3.3.4.3.4 The freestanding sign shall be landscaped around its base so as to help diminish the exposure above grade of the sign structure. The freestanding sign is permitted to have a base. The base shall be included in the height calculation.
- 3.3.4.4 Freestanding Message Monument Sign
- 3.3.4.4.1 The Town of Burlington shall be permitted to install **three (3)** manually changeable letter freestanding signs. The location of said signs shall be determined by the Board of Selectmen.
- 3.3.4.4.2 The freestanding sign(s) shall be subject to the provisions of sections 13.1.5.3.2 through 13.1.5.3.4 for size and landscaping requirements.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**App. A.G. . Posted .**

**ARTICLE 44 RE: Amend Zoning Bylaw Article XIII/Wall Signs**

To see if the Town will vote to amend Article XIII "Sign Regulations" of the Zoning Bylaw, as follows:

**SECTION 13.1.0 SIGNS**

For the purpose of this section, SIGN shall include any letter, word, symbol, drawing, picture, design, device, article or object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of material and manner of composition or construction.

Signs are permitted as follows:

- 13.1.1 One Family Dwelling Districts (RO)
- 13.1.1.1 A temporary sign advertising rental, lease or sale of the premises which shall be six (6) sq. ft. or less.
- 13.1.1.2 A sign stating the home occupation or profession of a resident, which shall be one (1) sq. ft. or less.

13.1.2 Continuing Care Districts (RC)

13.1.2.1 Wall Signs

~~13.1.2.1.1 One wall sign shall be permitted for each building.~~

~~13.1.2.1.2 A wall sign shall be less than 4 feet in height.~~

~~13.1.2.1.3 A wall sign shall be less than 6 feet in length.~~

**13.1.2.1.1 Wall signs shall be allowed as in business districts.**

13.1.2.1.4 **2** Plus one building directory shall be permitted on the exterior wall of the building at each entrance. Each building directory shall be 5 square feet or less.

13.1.2.2 Marquee Signs

13.1.2.2.1 Signs shall only be attached to the sides or front of a marquee and shall be 7 feet or more above the ground.

13.1.2.2.2 The sign shall be 6 square feet or less.

13.1.2.3 Free Standing Signs

13.1.2.3.1 A temporary sign erected during construction of a building shall be 48 square feet or less and 10 feet or less in any other dimension.

13.1.2.3.2 A free standing sign may be permitted provided that no such sign shall exceed 48 total square feet, and shall not exceed twelve (12) feet in height.

13.1.3 General Business Districts (BG), Neighborhood Business Districts (BN), Limited Business Districts (BL), Continuous Traffic Business Districts (BT)

13.1.3.1 A temporary sign advertising rental, lease or sale of the premises which shall be six (6) sq.

13.1.3.2 Wall Signs:

~~13.1.3.2.1 One wall sign shall be permitted for each business side of a building and direct entrance into a store.~~

**13.1.3.2.1 Number of Wall Signs:**

**13.1.3.2.1.1 At the first floor level, one wall sign shall be permitted for each business side of a building and direct entrance into a store.**

**13.1.3.2.1.2 Above the first floor level, one wall sign shall be permitted by right per building. Additional wall signs may be permitted by the Board of Appeals pursuant to Section 13.2.0.**

**13.1.3.2.1.3 On any side of a building, wall signage shall be permitted either at the first floor level or on upper floors, but not both.**

~~13.1.3.2.2~~

**13.1.3.2.1.4** At gasoline stations and garages the wall sign may be divided into separate signs indicating operations or departments, provided the size of each sign does not exceed the maximum permitted for a wall sign

~~13.1.3.2.3 A wall sign shall be four feet or less in height.~~

~~13.1.3.2.4 At the first floor level a sign may extend across the full width of the wall. At other than the first floor level, a sign shall be six (6) feet or less in length.~~

**13.1.3.2.2 Size of Wall Signs:**

**13.1.3.2.2.1 At the first floor level, a wall sign may extend across up to 80% of a storefront with up to two (2) foot high lettering and 40 square feet per sign, consisting of channel lettering, halo lighted or front externally illuminated. A corporate logo shall be exempt from the two (2) foot height requirement, but shall be included in the maximum size of sign.**

**13.1.3.2.2.2 Above the first floor level, a wall sign may be no more than 75 square feet with a maximum of 30 inch high lettering. A corporate logo shall be exempt from the 30" height restriction, but shall be included in the maximum size of sign.**

**13.1.3.2.2.3 Above the first floor level and within 400 feet from and facing Middlesex Turnpike or Burlington Mall Road, a wall sign may be no more than 90 square feet with a maximum lettering height of three (3) feet.**

**13.1.3.2.2.4 Above the first floor level and within 1000 feet from and facing Interstate 95 (Route 128) or Route 3, a wall sign may be no more than 120 square feet with a maximum lettering height of four (4) feet.**

**13.1.3.2.3 Location of Wall Signs: Wall signs shall be allowed attached to any vertical plane or part of the building façade.**

13.1.3.2.5 **4** One building directory shall be permitted on the exterior wall of the building at each entrance. A building directory shall be one (1) sq. ft. or less for each tenant or occupant of the building.

13.1.3.3 Projecting Signs:

13.1.3.3.1 One sign shall be permitted for each business.

13.1.3.3.2 The sign shall be four (4) ft. or less in height and shall not project more than six (6) ft. from the face of the building, nor closer than 15 ft. from the property line. **Sign lettering shall be limited to two (2) feet high or less.**

**13.1.3.3.3 Projecting signs shall be allowed on, or just above the first floor level and sized to a pedestrian scale.**

13.1.3.4 Marquee Signs:

13.1.3.4.1 Signs shall only be attached to the sides or front of a marquee and shall be seven (7) ft. or more above the ground.

13.1.3.4.2 The sign shall be six (6) sq. ft. or less. An individual letter sign shall be two (2) ft. or less in height.

13.1.3.5 Free Standing Signs:

13.1.3.5.1 No free standing signs shall be permitted except temporary signs which shall be 10 ft. or more from any property line.

13.1.3.5.2 A temporary sign erected during construction of a building shall be 48 sq. ft. or less and 10 ft. or less in any dimension.

13.1.4 Retail Industrial (IR), General Industrial (IG), and High-Rise Industrial Districts (IH)

13.1.4.1 A temporary sign advertising rental, sale or lease of premises not exceeding 24 sq. ft.

13.1.4.2 Wall Signs:

13.1.4.2.1 Wall signs shall be allowed as in business districts zones except that signs shall be six (6) feet or less in height.

13.1.4.3 Roof Signs *[DELETED]*

~~13.1.4.3.1 One roof sign shall be permitted for each building, but no roof sign shall be permitted for a building exceeding eighty (80) feet in height.~~

~~13.1.4.3.2 A roof sign shall be ten (10) ft. or less in height and shall not exceed 100 sq. ft. An individual letter roof sign shall be six (6) ft. or less in height.~~

13.1.4.4 Projecting Signs - Same as Business Districts.

13.1.4.5 Marquee Signs - Same as Business Districts.

13.1.4.6 Free Standing Signs:

13.1.4.6.1 No free standing signs shall be permitted except temporary, traffic control, or directory signs which shall be ten (10) ft. or more from any property line.

13.1.4.6.2 A temporary sign erected during the construction of a building shall be 48 sq. ft. or less and 10 feet or less in any dimension.

13.1.4.6.3 A free standing sign may be permitted for purposes of a business directory provided that no more than 20 sq. ft. shall be permitted for each business.

13.1.4.6.4 Size and location of traffic control signs to be approved by the Inspector of Buildings when building permit is issued.

**SECTION 13.1.5 TOWN CENTER OVERLAY DISTRICTS**

**In addition to the applicable regulations in Section 13.1.1 through 13.1.4 above governing the dimensions and placement of signs, any sign within the Civic Center and Central Business Districts shall also be subject to design review pursuant to Section 8.5.8 Design Requirements.**

SECTION 13.2.0 SPECIAL SIGNS

In particular instances, the Board of Appeals may permit signs of differing quantities, larger maximum sizes, materials, or locations than specified herein when any such sign is located at least 100 feet from the nearest residential zoning district boundary or public way, whichever is more distant, and within a Business or Industrial Zoning District, and when such a permit is in the public interest,

or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

**ARTICLE 45 RE: Amend General Bylaw Article XIV, Section 3.0 Signs and Advertising Devices/“Walls Signs”**

To see if the Town will vote to amend Article XIV “Environment”, Section 3.0 “Signs and Advertising Devices” of the General Bylaw, by amending Section 3.3 “Permitted Signs”, as follows:

3.3 Permitted Signs

3.3.1 One Family Dwelling Districts (RO)

- 3.3.1.1 A temporary sign advertising rental, lease or sale of the premises which shall be 6 sq.ft. or less.
- 3.3.1.2 A sign stating the home occupation or profession of a resident which shall be one sq.ft. or less.

3.3.1.A Continuing Care Districts (RC)

3.3.1.A.1 **Wall Signs:**

3.3.1.A.1.1 Wall signs shall be allowed as in business districts.

3.3.1.A.1.2 One building directory shall be permitted on the exterior wall of the building at each entrance. Each building directory shall be 5 square feet or less.

3.3.1.A.2 **Marquee signs:**

3.3.1.A.2.1 Signs shall only be attached to the sides or front of a marquee and shall be 7 feet or more above the ground.

3.3.1.A.2.2 The sign shall be 6 square feet or less.

3.3.1.A.3 **Free Standing Signs**

3.3.1.A.3.1 A temporary sign erected during construction of a building shall be 48 sq.ft or less and 10 ft. or less in any other dimension.

3.3.1.A.3.2 A free standing sign may be permitted provided that no such sign shall exceed 48 sq.ft. total square feet, and shall not exceed twelve (12) feet in height.

3.3.2 General Business Districts (BG), Neighborhood Business Districts (BN), Limited Business Districts (BL), and Continuous Traffic Business Districts (BT):

3.3.2.1 Same as 3.3.1.1 above

3.3.2.2 **Wall Signs:**

~~(a) One wall sign shall be permitted for each business side of a building and direct entrance into a store.~~

(a) **Number of wall signs:**

- 1) One wall sign shall be permitted by right per building. Additional wall signs may be permitted by the Board of Appeals.
- 2) On any side of a building, wall signage shall be permitted either at the first floor level or on upper floors, but not both, unless permitted by the Board of Appeals for multitenant buildings.

~~(b) 3) At gasoline stations and garages, the wall sign may be divided into separate signs indicating operations or departments, provided that the size of each sign does not exceed the maximum permitted for a wall sign.~~

~~(c) A wall sign shall be 4 ft. or less in height.~~

~~(d) At the first floor level, a sign may extend across the full width of the wall. At other than the first floor level, a sign shall be 6 ft. or less in length.~~

(b) **Size of Wall Signs:**

- 1) At the first floor level, a wall sign may extend across up to 80% of a storefront with up to two (2) foot high lettering and 40 square feet per

sign, consisting of channel lettering, halo lighted or front externally illuminated. A corporate logo shall be exempt from the two (2) foot height requirement, but shall be included in the maximum size of sign.

2) Above the first floor level, a wall sign may be no more than 75 square feet with a maximum of 30 inch high lettering. Corporate logo exempt from 30” height restriction, but shall be included in the maximum size of sign.

3) Above the first floor level and within 400 feet from and facing Middlesex Turnpike or Burlington Mall Road, a wall sign may be no more than 120 square feet with a maximum lettering height of three (3) feet.

4) Above the first floor level and within 1000 feet from and facing Interstate 95 (Route 128) or Route 3, a wall sign facing such highway may be no more than 120 square feet with a maximum lettering height of four (4) feet.

(c) **Location of wall signs: Wall signs shall be allowed attached to any vertical plane or part of the building façade.**

~~(d)~~ (d) One building directory shall be permitted on the exterior wall of the building at each entrance. A building directory shall be one (1) sq.ft. or less for each tenant or occupant of the building.

3.3.2.3 **Projecting Signs:**

- (a) One sign shall be permitted for each business.
- (b) The sign shall be four (4) feet or less in height and shall not project more than six (6) feet from the face of the building, nor closer than 15 feet from the property line. Sign lettering shall be limited to two (2) feet in height or less.

(c) **Projecting signs shall be allowed on, or just above, the first floor level and sized to a pedestrian scale.**

3.3.2.4 **Marquee Signs:**

- (a) Signs shall only be attached to the sides and front of a marquee and shall be seven (7) feet or more above the ground.
- (b) The sign shall be six (6) square feet or less. An individual letter sign shall be 2 ft. or less in height.

3.3.2.5 **Free Standing Signs**

- (a) No free standing signs shall be permitted except temporary signs which shall be 10 ft. or more from any property line.
- (b) A temporary sign erected during construction of a building shall be 48 sq.ft. or less and 10 ft. or less in any dimension.

3.3.3 Retail Industrial Districts (IR), General Industrial Districts (IG) and High-Rise Industrial Districts (IH)

3.3.3.1 A temporary sign advertising rental, sale or lease of a premises not exceeding 24 sq.ft.

3.3.3.2 **Wall Signs:**

(a) Wall signs shall be allowed as for business districts zones except that signs shall be 6 ft. or less in height.

3.3.3.3 **Roof Signs: [DELETED]**

~~(a) One roof sign shall be permitted for each building, but no roof sign shall be permitted for a building exceeding eighty (80) feet in height.~~

~~(b) A roof sign shall be 10 ft. or less in height and shall not exceed 100 sq.ft. An individual letter roof sign shall be six (6) ft. or less in height.~~

3.3.3.4 Projecting Signs – Same as for Business Districts.

3.3.3.5 Marquee Signs – Same as for Business Districts.

3.3.3.6 **Free Standing Signs**

- (a) No free standing signs shall be permitted except temporary or directory signs which shall be 10 ft. or more from any property line.
- (b) A temporary sign erected during construction of a building shall be 48 sq.ft. or less and 10 ft. or less in any dimension.
- (c) A free standing sign may be permitted for the purposes of a business directory provided that no more than 20 sq. ft. shall be permitted for each business.

3.3.5 **Town Center Overlay Districts**

**In addition to the applicable regulations in Sections 3.3.1 through 3.3.4 above governing the dimensions and placement of signs, any sign within the Civic Center and Central Business Districts shall also be subject to design review pursuant to Section 8.5.8 Design Requirements of the Zoning Bylaw,**

or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

**ARTICLE 47 RE: Soliciting Money or Selling Upon or Abutting Public Ways**

To see if the Town will vote to amend the General Bylaws by adding the following new sub-sections, sequentially numbered, to Article XIII Public Safety, Section 1 Use of Streets and Public Places:

No person shall solicit money on or abutting any public way or other public place or sell any tag, badge, or other article of any intrinsic value for the purpose of obtaining money or sell any commodity whatsoever on or abutting any public way or other public place, except as authorized by law, without first having obtained permission so to do from the Chief of Police designating the appropriate time, place and manner therefore in order to assure the public safety and safe and convenient flow of foot and vehicular traffic.

No person or persons shall congregate or stand on any public sidewalk or public way so as to obstruct the free passage thereof, after being directed by a police officer to move on,

or to act in any other manner in relation thereto.

**MAIN MOTION:** As Printed in the Warrant

A motion to strike the second paragraph was moved and seconded. Amendment was defeated.

Recommendations: Bylaw Review voted 2-1 in favor.

**ACTION:** MAJORITY APPROVED MAIN MOTION

App'd. A.G. . Posted .

**ARTICLE 48 RE: Affordable Housing Trust Fund**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a Town of Burlington Affordable Housing Trust Fund, as follows

The Trust shall be called the Town of Burlington Affordable Housing Trust, herein referred to as the "Trust".

**1.1.0 Purpose**

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Burlington for the benefit of low and moderate income households.

**1.2.0 Board of Trustees**

There shall be a Board of Trustees consisting of five (5) Trustees who shall be appointed by the Board of Selectmen. One of the Trustees shall be a member of the Board of Selectmen. Only persons who are residents of the Town of Burlington shall be eligible to hold the office of Trust. The Chairman of the Town of Burlington Housing Partnership shall be an ex-officio member with no right to vote. Trustees shall serve for a term of two (2) years, except that two of the initial appointments shall be for a term of one (1) year. Trustees may be reappointed by the Board of Selectmen for succeeding terms, and there is no limit on the number of terms which a Trustee can serve.

**1.3.0 Meetings of the Trust**

The Trust shall meet at least quarterly at such time and place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. c.39, Sections 23A, 23B, and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person. Minutes of all meetings shall be recorded and

filed with the Town Clerk in accordance with the provisions of the Open Meeting Law.

**1.4.0 Powers of Trustees**

The powers of the Trust, shall be the following, except that (a) any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property is subject to a two-thirds vote of the Trustees; (b) the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the total value of the Trust's assets; and (c) any debt incurred by the Trust shall not constitute a pledge of the full faith and credit of the Town of Burlington and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Burlington with an acknowledgement of said statement by the holder.

**1.4.1** The Affordable Housing Trust Fund shall receive all payments made pursuant to the Article 11.8.0 "Inclusionary Zoning Requirements for Multifamily Housing", Section 11.8.3.4 "Payments to the Affordable Housing Fund" of the Zoning Bylaw

**1.4.2** To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning bylaw or any other bylaw.

**1.4.3** To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income.

**1.4.4** To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise and to make such contracts and enter into such undertakings relative to trust property as the Trust deems advisable notwithstanding the length of any such lease or contract.

**1.4.5** To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust.

**1.4.6** To employ advisors and agents, such as accountants, appraisers and lawyers as the Trust deems necessary.

**1.4.7** To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trust deems advisable.

**1.4.8** To apportion receipts and charges between incomes and principal as the Trust deems advisable, to amortize premiums and establish sinking funds for such purpose and to create reserves for depreciation, depletion or otherwise.

**1.4.9** To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or with power of substitution to vote on any securities or certificates of interest and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person.

**1.4.10** To deposit any security with any protective reorganization committee and to delegate to such committee such powers and authority with relation thereto as the Trust may deem proper and to pay out of Trust property, such portion of expenses and compensation of such committee as the Trust may deem necessary and appropriate.

**1.4.11** To carry property for accounting purposes other than acquisition date values.

**1.4.12** To borrow money on such terms and conditions and from such sources as the Trust deems advisable. To mortgage and pledge trust assets as collateral.

**1.4.13** To make distributions or divisions of principal in kind.

**1.4.14** To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation and subject to the provisions of state statutes, to continue to hold the same for such period of time as the Trust may deem appropriate.

**1.4.15** To manage or improve real property and to abandon any property which the Trust determines not to be worth retaining.

**1.4.16** To hold all or part of the Trust property un-invested for such purposes and for such time as the Trust may deem appropriate.

**1.4.17** To extend the time for payment of any obligation to the Trust.

**1.5.0 Funds paid to the Trust:**

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any Burlington Zoning Bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust.

Funds appropriated by the Burlington Town Meeting for payment into the Trust become Trust property and these funds need not be further appropriated to be expended except as may be set forth herein. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust, remain Trust property. The Trust shall comply with any conditions stipulated in any motion for moneys appropriated by Town Meeting.

**1.6.0 Annual Audits**

As required under chapter 491, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. Such audit will be available to the public.

**1.7.0 Expenditures of Non-appropriated funds received by the trust**

Funds not appropriated by Town Meeting may be used for the following purposes during the first calendar year after Town Meeting adoption:

Enable the Trustees, together with the Housing partnership to explore suitable non-profit developers who would like to work with the town of Burlington to develop affordable housing which meets the needs of the community.

In cooperation with the appropriate town bodies identify town owned parcels as well as privately owned parcels which would be suitable for affordable housing development or conversion.

In cooperation with the housing partnership identify the term limits on all affordable housing restrictions to evaluate expiration deadlines. Identify steps to ensure that expiring restrictions are either extended or balanced with new developments or conversions.

In cooperation with the Planning Board, Board of Assessors and a subcommittee of Town Meeting identify opportunities to ensure consistent funding to the AHTF. Explore the options of adopting the Community Preservation Act, as well as an Inclusionary Housing Bylaw which secondarily could fund the AHTF when a developer chooses not to include the affordable units but rather pay the cash equivalent.

A report outlining additional non-appropriated funding allocations shall be submitted to Town Meeting for review of compliance with the purpose set forth in the adoption of this fund.

**1.8.0 Summary**

The Affordable Housing Trust Fund is a flexible mechanism that will allow the Town of Burlington to effectively utilize funds in accordance with all applicable votes of town meeting and input of all appropriate town bodies,

or to act in any other manner in relation thereto.

**ACTION:** Postpone Indefinitely

A Resolution signed by twenty-five members was moved and seconded by Lucy Damiani and Joanne Frustaci and so voted.

**Resolution #1:**

That all further applications for multiple family housing within the Town Center Overlay District be put on hold until the Selectmen and Planning Board assess the impact of the already permitted units.

At 11:10 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:  
Jane L. Chew  
Town Clerk



**ADDENDUM A – as referenced under article 40**

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																	
4.2.1	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS				
		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR		OS	A	WR	CC	CBD
4.2.1.3	Motels, hotels, motor hotel	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	YES	YES	NO	NO
4.2.4	OFFICE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD	
4.2.4.5	Conference Center	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP	SP	
4.2.7	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS				
		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR		OS	A	WR	CC	CBD
4.2.7.1.1	Research and Development	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	YES	YES	
4.2.7.1.2	Prototype manufacturing	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	YES	YES	
4.2.7.1.3	Biotechnology subject to the regulations of the National Institute of Health and the Burlington Board of Health. NIH Level 4 laboratories are prohibited.	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	SP	SP	SP	SP	

**ADDENDUM B – as referenced under Article 41**

4.2.0 PRINCIPAL USE REGULATION SCHEDULE																
USE DESIGNATION		DISTRICT											OVERLAY DISTRICTS			
RESIDENCE USES		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.1.2	Garden Apartment dwelling units (see 11.3.0)	NO	<del>YE</del> S SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	<del>YES</del> SP <sub>1</sub>	<del>YES</del> SP <sub>1</sub>
4.2.1.17	Multi-Family other than 4.2.1.2	NO	<del>NO</del> SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	<del>YES</del> SP <sub>1</sub>	<del>YES</del> SP <sub>1</sub>