

**TUESDAY, APRIL 27, 2011  
TOWN HALL**

At 7:00 P.M., the Town Meeting Members of Precinct 3 assembled to fill the vacancy created by the resignation of Daniel Grattan. Present and voting were: Anne Coady, Lucy Damiani, John D. Kelly, Barbara L'Heureux, Stephan Marchese, James McMakin, Mildred Nash, Paul Noonan, Monte Pearson, Daniel Raske, Roger Riggs, and Paul Vallesi.

Nominations were taken, they were: Binnie Factor, Gary Mercier and Faydeen Sateriale  
A secret ballot was taken and counted, Faydeen Sateriale – 7 votes and was announced as the winner. It was voted to appoint Faydeen Sateriale until the next Annual Town Election.

Next, the Town Meeting Members of Precinct 5 assembled to fill the vacancy created by the resignation Janine Towle. Present and voting were: Pat Angelo, David Icken, Jeanne Kinchla, Mary Ellen Osowski, Norman Steeves, and Richard Wing.

Nominations were taken, Joanne Roy was the only nomination – she was elected unanimously. It was voted to appoint Joanne Roy until the next Annual Town Election.

Finally, the Town Meeting Members of Precinct 6 assembled to fill the vacancy created by the resignation Kristin Russo. Present and voting were: Robert Aloisi, Roger Bell, John Cormier, Diane Kendrigan Creedon, David Ghio, Jaclyn Killilea, Thomas Killilea, Carol Perna, and Brian Pupa

Nominations were taken, they were: Tom Browne and Gary Kasky  
A secret ballot was taken and counted, Gary Kasky announced as the winner. . It was voted to appoint Gary Kasky until the next Annual Town Election

Business was concluded and the meeting was adjourned at 7:16 PM by Phil Gallagher, Moderator.

Attested by:

Amy E. Warfield  
Town Clerk.

**ADJOURNED TOWN MEETING  
MONDAY, MAY 09, 2011**

**FOGELBERG PREFORMING ARTS CENTER – BHS**

A quorum being present, the meeting was called to order at 7:32 P.M.

We were lead in the pledge and then singing the national anthem by a group from Fox Hill Elementary School, under the direction of Jeanne Coroniti. They also preformed a couple of numbers from the musical “Joust” that they had recently presented as part of their spring concert. There was a solo preformed by Mia Campbell.

Introductions of new officials, Amy Warfield new Town Clerk, Daniel Grattan new Selectmen, Kristin Russo new School Committee Member, and Christine Shruhan, new BCLC Director. This is our 211th Town Meeting and Joan Hastings was recognized for serving 40 years and is the last contiguously serving charter member.

All newly elected Town Meeting Members were asked to stand and introduce themselves, they were Pct 1 – Beverlee Vidoli; Pct 2 - Matthew Hanafin (youngest member); Pct 3 – Faydeen Sateriale, Monte Pearson and Mark Woods; Pct 5 – David Icken, Frank O'Brien and Joanne Roy(returning member); Pct 6 – James Mackey and Gary Kasky(returning member) and were then sworn in by the Town Moderator.

**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.

Town Clerk, Amy E. Warfield reporting on ReApportionment and ReDistricting, Chairman of Ways and Means, Brad Bond reporting on Review of W&Ms committee. Town Administrator Robert Mercier reporting on town budget, Federal mandate issues and revenue statistics, School Superintendent, Dr. Eric Conti reporting on school budget and items.

A motion to adjourn to Wednesday, May 11, 2011 to complete the business of the Warrant, if necessary, was moved, seconded and so voted.

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

**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, 2012; or to act in any other manner in relation thereto:

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

Table on next page.

Recommendations: Ways & Means unanimous on items except Cross Connection-Backflow 10-1-0, B-line Bus 9-2-0 and Nursing Programs 10-1-0.

**Amendment Presented on the floor to delete 45,000 from the B-line. Moved by Tim Brown and seconded. Then there was discussion, it was reminded that this was to transfer the money from fees. Amendment was defeated.**

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 2 Continues . . . .**

**ARTICLE 2 Continues . . .**

**TABLE 1**

**Town Meeting sets \$ spending limit, not more than 10% of tax levy, employee benefit costs must be included.**

<b>Revolving</b>	<b>Spending</b>	<b>Revenue</b>	<b>Allowed</b>	<b>Expenditure</b>	<b>Year End</b>
<b>Account</b>	<b>Authority</b>	<b>Source</b>	<b>Expenses</b>	<b>Limits</b>	<b>Balance</b>
<b>Home Composting/ Rainwater Recycling</b>	<b>Public Works</b>	<b>Fees charged for compost bins/Rainwater Recycling Barrels</b>	<b>Purchase of compost bins/Rainwater Recycling Barrels</b>	<b>\$10,000</b>	<b>Available for expenditure next year</b>
<b>Cross Connection- Backflow prevention</b>	<b>Public Works</b>	<b>Fees charged for testing devices that prevent mixing of potable and non-potable water</b>	<b>Contract services to EPA authorized vendors who perform the testing.</b>	<b>\$75,000</b>	<b>Available for expenditure next year</b>
<b>B-line Local Mini Bus</b>	<b>Public Works</b>	<b>Bus user fees</b>	<b>Salaries, expenses, contractual services to operate the in-town B-Line bus service.</b>	<b>\$45,000</b>	<b>Available for expenditure next year</b>
<b>Nursing Programs &amp; Services</b>	<b>Board of Health</b>	<b>Fees charged for medical diagnostic and screening services and Medicare or insurance reimbursements, i.e. Flu/Pneumonia vaccination</b>	<b>Medical equipment and supplies, immunizations, educational materials</b>	<b>\$20,000</b>	<b>Available for expenditure next year</b>
<b>Plan Imaging</b>	<b>Building Department</b>	<b>2% of Building Department Fees Not to exceed \$20,000 annually</b>	<b>Archival imaging of building permit drawings and specifications</b>	<b>\$20,000</b>	<b>Available for expenditure next year</b>
<b>Sale of Recyclable Materials</b>	<b>Board of Selectmen</b>	<b>Receipts from the Sale of Recyclable Material</b>	<b>May be used to offset the cost of curbside collection and disposal of solid waste</b>	<b>\$50,000</b>	<b>Available for expenditure next year</b>
<b>Sealer of Weights &amp; Measures</b>	<b>Board of Selectmen</b>	<b>Fees charged for Weights &amp; Measures Services</b>	<b>Costs associated with the administration of the Weights &amp; Measures Program</b>	<b>\$20,000</b>	<b>Available for expenditure next year</b>

FINANCIAL ARTICLES Continue . . .

**ARTICLE 3 RE: Transfer of Funds FY 2011  
Various Accounts**

To see if the Town will vote to transfer from available funds the sum of \$ TBD or any other amount for the purpose of paying for expenses incurred in Fiscal Year 2011 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 **\$121,700.00 from available funds** for the purpose of paying for expenses incurred in Fiscal Year 2011 to various accounts, same to be expended under the direction of the appropriate authorities as follows:

<u>FROM:</u>		<u>SOURCES</u>	
<u>LINE</u>			
<u>ITEM#</u>			
24	Town Insurance	\$	22,000.00
33	Human Resources/Salaries	\$	2,000.00
37	MIS/Expenses	\$	8,000.00
57	Fire/Expenses	\$	25,000.00
84	BCLC/Salaries	\$	64,700.00
	<b>TOTAL</b>		<b>\$ 121,700.00</b>

  

<u>TO:</u>		<u>USES</u>	
<u>LINE</u>			
<u>ITEM#</u>			
16	Treasurer/Salaries	\$	4,200.00
26	Medicare	\$	22,000.00
36	MIS/Salaries	\$	8,000.00
45	Conservation/ Land Management	\$	1,500.00
55	Police/Special (111F)	\$	37,000.00
56	Fire/Salaries	\$	35,000.00
83	Veterans/Special (Aid to Veterans)	\$	14,000.00
	<b>TOTAL</b>		<b>\$ 121,700.00</b>

Recommendations: Ways and Means voted 10-0-0 in favor.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 4 RE: Fund FY 2012 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 -- \$102,624,111 -- sufficient to cover the requests of the various departments for Fiscal Year 2012; 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 **\$102,236,124** and transfer from Free Cash the sum of **\$285,086** for a total budget of **\$102,521,210** to cover the requests of various departments for Fiscal Year 2012.

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

**GENERAL GOVERNMENT BUDGET 2011**

**TOWN MEETING & REPORTS (Lines 1-2)**

1-	Salaries - Part Time	\$2,481
2-	Expenses - Cont. Services	\$17,575
	<b>TOTAL MEETINGS &amp; REPORTS</b>	<b>\$20,056</b>

**MODERATOR (Lines 3-4)**

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

**WAYS AND MEANS (Lines 5-6)**

5-	Salaries - Part Time	\$2,800
6-	Expenses - Mat. & Supplies	\$268
	<b>TOTAL WAYS &amp; MEANS</b>	<b>\$3,068</b>

**CAPITAL BUDGET COMMITTEE (Lines 7-8)**

7-	Salaries-Part Time	\$800
8-	Expenses-Mat.& Supplies	\$0
	<b>TOTAL CAPITAL BUDGET</b>	<b>\$800</b>

**TOWN ADM/SELECTMEN (Lines 9-11)**

9-	Total Salaries	\$445,630	(H)
10-	Total Expenses	\$7,328	
11-	Total Special Accounts	\$10,000	(H)
	<b>TOTAL TOWN ADM/SELECTMEN</b>	<b>\$462,958</b>	

**ACCOUNTING (Lines 12-13)**

12-	Total Salaries	\$227,806	
13-	Total Expenses	\$3,000	(H)
	<b>TOTAL ACCOUNTING</b>	<b>\$230,806</b>	

**ASSESSORS (Lines 14-15)**

14-	Total Salaries	\$238,174
15-	Total Expenses	\$102,500
	<b>TOTAL ASSESSORS</b>	<b>\$340,674</b>

**TREASURER/COLLECTOR (Lines 16-18)**

16-	Total Salaries	\$572,445	
17-	Total Expenses	\$9,196	
18-	Total Special Accounts	\$100	(H)
	<b>TOTAL TAX COLL./TREASURER</b>	<b>\$581,741</b>	

**CENTRAL ADMINISTRATION (Lines 19-28)**

19-	Central Supply	\$110,000
20-	Central Machines	\$25,480
21-	Chapter 32B - Health Ins. (AA)	\$10,800,000
22-	Unemployment Comp (AA)	\$200,000
23-	Pension Reimbursement (AA)	\$3,000
24-	Town Insurance (AA)	\$700,000
25-	Financial Audit (AA)	\$50,000
26-	Medicare Tax (AA)	\$689,062
27-	Chas George Settlement (AA)	\$0
28-	4th of July/Town Event	\$5000
	<b>TOTAL CENTRAL ADMIN.</b>	<b>\$12,582,542</b>

**LEGAL (Lines 29-32)**

29-	Legal Fees	\$95,000
30-	Collective Bargaining	\$100,000
31-	Tax Title	\$1,500
32-	Cable TV Negotiations	\$2,000
	<b>TOTAL LEGAL</b>	<b>\$198,500</b>

**HUMAN RESOURCES (Lines 33-35)**

33-	Total Salaries	\$59,736
34-	Total Expenses	\$1,500
35-	Total Special Accounts	\$9,500
	<b>TOTAL - HUMAN RESOURCES</b>	<b>\$70,736</b>

**MANAGEMENT INFO. SYSTEMS (Lines 36-37)**

36-	Total Salaries	\$183,815
37-	Total Expenses	\$106,950
	<b>TOTAL MNGMNT INFO. SYS.</b>	<b>\$290,765</b>

**TOWN CLERK (Lines 38-40)**

38-	Total Salaries	\$230,419	
39-	Total Expenses	\$19,125	
40-	Total Special Accounts	\$38,611	(H)
	<b>TOTAL TOWN CLERK</b>	<b>\$288,155</b>	

REGISTRAR OF VOTERS (Lines 41-42)

41-	Total Salaries	\$1,150	
42-	Total Expenses	\$7,050	(H)
	<b>TOTAL</b>	<b>\$8,200</b>	

REGISTRARS

CONSERVATION (Lines 43-45)

43-	Total Salaries	\$150,430	
44-	Total Expenses	\$2,000	
45-	Total Special Accounts	\$13,000	(H)
	<b>TOTAL</b>	<b>\$165,430</b>	

CONSERVATION

PLANNING BOARD (Lines 46-47)

46-	Total Salaries	\$221,092	
47-	Total Expenses	\$13,111	
	<b>TOTAL PLANNING</b>	<b>\$234,203</b>	

BOARD

BOARD OF APPEALS (Lines 48-50)

48-	Salaries -- Part Time	\$10,826	
49-	Expenses --Mat & Supplies	\$250	
50-	Spec. Accts -- Ads & Postage	\$3,500	
	<b>TOTAL BOARD OF APPEALS</b>	<b>\$14,576</b>	

TOWN FACILITIES (Lines 51-52)

51-	Total Salaries	\$443,793	
52-	Total Expenses	\$471,945	(H)
	<b>TOTAL TOWN FACILITIES</b>	<b>\$915,738</b>	

POLICE DEPARTMENT (Lines 53-55)

53-	Total Salaries	\$5,786,932	
54-	Total Expenses	\$449,066	
55-	Total Special Accounts	\$325,400	(H)
	<b>TOTAL -- POLICE DEPARTMENT</b>	<b>\$6,561,398</b>	

FIRE DEPARTMENT (Lines 56-58)

56-	Total Salaries	\$5,327,644	
57-	Total Expenses	\$376,708	
58-	Total Special Accounts	\$129,735	
	<b>TOTAL FIRE DEPARTMENT</b>	<b>\$5,834,087</b>	

BUILDING DEPARTMENT (Lines 59-61)

59-	Total Salaries	\$438,154	
60-	Total Expenses	\$22,916	
61-	Total Special Accounts	\$10	
	<b>TOTAL--BUILDING DEPT</b>	<b>\$461,080</b>	

SEALER OF WEIGHTS (Lines 62-63)

62-	Salaries -- Part Time	\$0	
63-	Total Expenses	\$7,800	(H)
	<b>TOTAL SEALER OF WEIGHTS</b>	<b>\$7,800</b>	

EMERGENCY MGT SERVICE (64-66)

64-	Total Salaries	\$5,000	
65-	Total Expenses	\$17,700	
66-	Total Special Accounts	\$2	(H)
	<b>TOTAL EMERG. SERVICES</b>	<b>\$22,702</b>	

EDUCATION

SHAWSHEEN VALLEY TECH (Line 67)

67-	TOTAL (AA)	\$1,367,834	
68-	TOTAL - LOCAL EDUCATION	\$45,998,402	(H)

DEPT. OF PUBLIC WORKS (Lines 69-74)

69-	Total Salaries	\$3,850,013	
70-	Total Expenses	\$2,332,740	
71-	Total Special Accounts	\$714,700	
	<b>TOTAL -- DPW (Operating)</b>	<b>\$6,897,453</b>	<b>(H)</b>
72-	Rubbish and Garbage (AA)	\$1,748,000	
73-	Street Light (AA)	\$370,500	
74-	Swift Law (AA)	\$15,000	
	<b>TOTAL -- DPW (AA)</b>	<b>\$2,133,500</b>	

HUMAN SERVICES

BOARD OF HEALTH (Lines 75-77)

75-	Total Salaries	\$379,163	
76-	Total Expenses	\$50,007	
77-	Total Special Accounts	\$104,569	(H)
	<b>TOTAL -- BOARD OF HEALTH</b>	<b>\$533,739</b>	

COUNCIL ON AGING (Lines 78-80)

78-	Total Salaries	\$238,195	
79-	Total Expenses	\$7,100	
80-	Total Special Accounts	\$5,693	(H)
	<b>TOTAL COUNCIL ON AGING</b>	<b>\$250,988</b>	

VETERANS' SERVICES (Lines 81-83)

81-	Total Salaries	\$124,378	
82-	Total Expenses	\$3,663	
83-	Total Special Accounts	\$107,500	(H)
	<b>TOTAL VETERANS SERVICES</b>	<b>\$235,541</b>	

COMMUNITY LIFE CENTER (Lines 84-85)

84-	Total Salaries	\$409,602	
85-	Total Expenses	\$21,515	
	<b>TOTAL --COMM. LIFE CENTER</b>	<b>\$431,117</b>	

DISABILITY ACCESS (Lines 86-87)

86-	Total Salaries	\$2,311	
87-	Total Expenses	\$400	
	<b>TOTAL DISABILITY ACCESS</b>	<b>\$2,711</b>	

CULTURE AND RECREATION

PUBLIC LIBRARY (Lines 88-90)

88-	Total Salaries	\$977,690	
89-	Total Expenses	\$171,530	
90-	Total Special Accounts	\$154,000	(H)
	<b>TOTAL -- PUBLIC LIBRARY</b>	<b>\$1,303,220</b>	

RECREATION DIRECTOR (Lines 91-93)

91-	Total Salaries	\$498,494	
92-	Total Expenses	\$37,770	
93-	Total Special Accounts	\$13,620	
	<b>TOTAL REC. DIRECTOR</b>	<b>\$549,884</b>	

RECREATION MAINTENANCE (Lines 94-95)

94-	Total Salaries	\$700,114	
95-	Total Expenses	\$192,991	(H)
	<b>TOTALRECREATION MAINT.</b>	<b>\$893,105</b>	

HISTORICAL COMMISSION (Line 96)

96-	Total Expenses	\$1,870	
	<b>TOTAL -- HISTORICAL COMM.</b>	<b>\$1,870</b>	

DEBT SERVICE (Lines 97-98)

97-	PRINCIPAL (AA)	\$3,819,163	
98-	INTEREST (AA)	\$1,616,518	
	<b>TOTAL DEBT SERVICE (AA)</b>	<b>\$5,435,681</b>	

OTHER ACCOUNTS (99-104)		
99-	RESERVE FUND	\$200,000
100-	COUNTY RETIREMENT (AA)	\$6,200,000
101-	NEG SETTLEMENTS	\$350,000
102-	STABILIZATION (AA)	\$0
103-	53rd WEEK PAYROLL (AA)	\$0
104-	LOCAL TRANSPORT (AA)	\$155,000
105-	CAPITAL IMPROVE (AA)	\$300,000
	GRAND TOTAL	\$102,536,210

**ACTION: BUDGET ITEMS REVIEWED, VOTED AND APPROVED BY THE MAJORITY WITH HOLDS ON LINE ITEMS AS CALLED FOR.**

**Items UNANIMOUSLY APPROVED MAIN MOTION where: 1-8,14, 15,29-37, 46-50, 56-61, 67, 72-74, 84-87, 91-93, 96-99, 101, 105.**

**ITEMS HELD, AFTER DISCUSSION VOTED AND APPROVED BY THE MAJORITY WHERE:**

9-13, 16-27, 38-45, 51-55, 62-66, 68, 75-77 (Board of Health taken out of order and approved)  
 Item 28 - 4<sup>th</sup> of July/Town Event was amended on the floor by Pat Angelo to be increased \$5000. The motion was made and seconded. After discussion it was voted on and majority approved the amendment.  
 Note: \*\* Item 88 was handled on May 11, 2011 –Amended on the floor to be increased by \$10,000, to cover a 15 hour part time position. It motioned by Mildred Nash and seconded by Michael Proulx. Then opened for discussion on the Amendment. The amendment was approved by the Majority

Remaining items to be Taken up when Town Meeting reconvenes. Items: 69-71, 78-83, 88-90, 94-95, 100 & 104.

At 11:05 P.M., a motion to adjourn until May 11, 2011 was moved, seconded and so voted.

Attest: *Amy E. Warfield*  
 Amy E. Warfield  
 Town Clerk

**ADJOURNED TOWN MEETING  
 WEDNESDAY, MAY 11, 2011  
 FOGELBERG PREFORMING ARTS CENTER – BHS**

A quorum being present, the meeting was called to order at 7:36 P.M. with a salute to the flag. A motion to adjourn to Monday, May 16, 2011 to complete the business of the Warrant, if necessary, was moved, seconded and so voted.

The Moderator recognized Jack Kelly and Virginia Mooney we also members of the original Representative Town Meeting in 1972, but have not served consecutive years in Town Meeting.

**ARTICLE 4 RE: Fund FY 2012 Operating Budget – Continued**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money -- \$102,624,111 -- sufficient to cover the requests of the various departments for Fiscal Year 2012; or to act in any other manner in relation thereto.

Recommendations: Ways & Means voted on individual items – voting in favor by a majority

**ITEMS HELD, AFTER DISCUSSION VOTED AND APPROVED BY THE MAJORITY WHERE:**

Items: 69-71, 78-83, 88-90, 94-95, 100 & 104.

**MAIN MOTION: AMENDED ON THE FLOOR :** To see if the Town will vote to **raise and appropriate the sum of \$102,251,124 and transfer from Free Cash the sum of \$285,086 for a total budget of \$102,536,210** to cover the requests of various departments for Fiscal Year 2012.

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**ARTICLE 5 RE: Fund the 53rd Week For FY2012**

To see if the town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$463,370 or any other amount for the purpose of funding the 53rd week of payroll, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the town will vote to transfer from Free Cash the sum of \$463,370 for the purpose of funding the 53<sup>rd</sup> week of payroll.

Recommendations: Ways & Means voted 12-0-0 in favor

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 6 RE: Fund 911 10th Anniversary Ceremony**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$10,000 or any other amount for the purpose of funding 911 10<sup>th</sup> anniversary ceremony, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to transfer from Free Cash the sum of \$5,000 for the purpose of funding 911 10<sup>th</sup> anniversary ceremony.

Recommendations: Ways & Means voted 11-0-1 in favor

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 7 RE: Bond Authorization/Cemetery Expansion**

To see if the Town will vote to appropriate a sum of money to pay the costs of cemetery expansion, including the payment of all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

**MAIN MOTION:** To see if the Town will vote that \$1,200,000 is appropriated to pay the costs of cemetery expansion, including the payment of all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,200,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this vote.

Recommendations: Ways and Means voted 9-1-0 in favor.  
 Capital Budget voted 4-0-0 in favor  
 Selectmen voted 5-0-0 in favor

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**ARTICLE 8 RE: Reauthorize Bond Proceeds (AMR)**

To see if the Town will vote to transfer the sum of \$600,000, which was previously appropriated under Article 15 of the Warrant at the May 13, 2009 Town Meeting for water meters which project is complete and the funds are no longer needed to complete the project, to pay costs of rehabilitating water tanks, including the payments of all costs incidental or related thereto, as authorized by the provisions of Chapter 44, Section 20 of the General Laws, or take any other action relative thereto.

**MAIN MOTION:** That the sum of \$600,000 is hereby transferred from amounts previously appropriated under Article 15 of the Warrant at the May 13, 2009 Town Meeting for water meters, which project is complete and funds are no longer needed to complete the project, to pay costs of rehabilitating water tanks, including the payments of all costs incidental or related thereto, all as authorized by the provisions of Chapter 44, Section 20 of the General Laws; and that the Board of Selectmen are authorized to take any other action necessary or convenient to carry out this vote.

Article 8 continues

ARTICLE 8 Continued

Recommendations: Ways and Means voted 10-0-0 in favor  
 Capital Budget voted 4-0-0 in favor  
 Selectmen voted 5-0-0 in favor

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION**

**ARTICLE 9 RE: Fund FY 2012 Capital Budget**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,001,200 or any other amount for the items contained within the following proposed Fiscal Year 2012 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 (9-1) – (9-19):</u>				
9-1	Selectmen	MUNIS Server Upgrade	Selectmen	\$ 40,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-2	Town	Human Service Bldg Facilities Bathroom Renovations	Selectmen	\$ 80,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-3	Fire	Radio Box System	Selectmen	\$ 65,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-4	Police	Portable Radios	Selectmen	\$ 51,200
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-5	DPW	Engineering Div Utility Vehicle/Escape	Selectmen	\$ 25,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-6	DPW	Highway Div Small Pickup Truck	Selectmen	\$ 20,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-7	DPW	Central Maintenance Small Pickup Truck	Selectmen	\$ 20,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-8	DPW	Water Division Utility One-ton Vehicle	Selectmen	\$ 55,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-9	DPW	Water Division Ford Focus	Selectmen	\$ 15,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-10	DPW	Water Division Dump Truck	Selectmen	\$ 105,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-11	DPW	Water Line	Selectmen	\$ 20,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-12	Recreation	Tractor/Loader Replacement	Recreation Com	\$ 48,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-13	Recreation	Slope Mower	Recreation Com	\$ 30,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-14	Recreation	Ford Escape Recreation Com		\$ 22,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-15	Town	Building Repairs/ Updates to Heating Systems Facilities Police/Main Fire Station/Library	Selectmen	\$ 50,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-16	School	Burlington High School Bathroom Renovations	School Comm	\$ 80,00
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-17	School	Fox Hill Bathroom Renovations	School Comm	\$ 80,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-18	School	Francis Wyman	School Comm	\$ 75,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
9-19	School	Pine Glen School Front Entrance Canopy Replacement	School Comm	\$ 100,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				
<u>FROM CEMETERY SALE OF LOTS (9-20)</u>				
9-20	DPW	Cemetery Roadway Paving	Selectmen	\$ 20,000
PASSED ( ) DEFEATED ( ) PP IND ( ) OTHER ( )				

or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to transfer from **Free Cash, Stabilization or Cemetery Sale of Lots** as follows, for those items contained within the following proposed Fiscal Year 2012 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 (9-1) – (9-19):</u>				
9-1	Selectmen	MUNIS Server Upgrade	Selectmen	\$ 40,000
<b>TRANSFER FROM FREE CASH</b>				
9-2	Town	Human Service Bldg Facilities Bathroom Renovations	Selectmen	\$ 80,000
<b>TRANSFER FROM FREE CASH</b>				

9-3	Fire	Radio Box System	Selectmen	\$ 65,000
<b>TRANSFER FROM FREE CASH</b>				
9-4	Police	Portable Radios	Selectmen	\$ 20,000
<b>TRANSFER FROM FREE CASH</b>				
9-5	DPW	Engineering Div Utility Vehicle/Escape	Selectmen	\$ 25,000
<b>TRANSFER FROM FREE CASH</b>				
9-6	DPW	Highway Div Small Pickup Truck	Selectmen	\$ 20,000
<b>TRANSFER FROM FREE CASH</b>				
9-7	DPW	Central Maintenance Small Pickup Truck	Selectmen	\$ 00
<b>POSTPONED INDEFINITELY</b>				
9-8	DPW	Water Division Utility One-ton Vehicle	Selectmen	\$ 55,000
<b>TRANSFER FROM FREE CASH</b>				
9-9	DPW	Water Division Ford Focus	Selectmen	\$ 15,000
<b>TRANSFER FROM CROSS CONNECTION REVOLVING ACCOUNT</b>				
9-10	DPW	Water Division Dump Truck	Selectmen	\$ 105,000
<b>TRANSFER FROM FREE CASH</b>				
9-11	DPW	Water Line	Selectmen	\$ 20,000
<b>TRANSFER FROM FREE CASH</b>				
9-12	Recreation	Tractor/Loader Replacement	Recreation Com	\$ 48,000
<b>TRANSFER FROM FREE CASH</b>				
9-13	Recreation	Slope Mower	Recreation Com	\$ 30,000
<b>TRANSFER FROM FREE CASH</b>				
9-14	Recreation	Ford Escape Recreation Com		\$ 22,000
<b>TRANSFER FROM FREE CASH</b>				
9-15	Town	Building Repairs/ Updates to Heating Systems Facilities Police/Main Fire Station/Library	Selectmen	\$ 30,000
<b>TRANSFER FROM FREE CASH</b>				
9-16	School	Burlington High School Bathroom Renovations	School Comm	\$ 80,000
<b>TRANSFER FROM FREE CASH</b>				
9-17	School	Fox Hill Bathroom Renovations	School Comm	\$ 80,000
<b>TRANSFER FROM FREE CASH</b>				
9-18	School	Francis Wyman	School Comm	\$ 00
<b>DEFEATED</b>				
9-19	School	Pine Glen School Front Entrance Canopy Replacement	School Comm	\$ 76,360
<b>TRANSFER FROM FREE CASH</b>				
<u>FROM CEMETERY SALE OF LOTS (9-20)</u>				
9-20	DPW	Cemetery Roadway Paving	Selectmen	\$ 20,000
<b>TRANSFER FROM CEMETERY SALE OF LOTS</b>				

Recommendations: All items were voted on favorably by Capital Budget, Ways & Means and Selectmen, except 9-7 was POSTPONED INDEFINITELY  
 Except 9-19 Capital Budget voted 3-5-0 against, then Amended the Amount to \$76,360 and Capital Budget voted on that amount 6-2 in favor. Amended amount was discussed

**ACTION: UNANIMOUSLY APPROVED MAIN MOTION FOR THE AMOUNT OF \$831,360.**

**EXCEPTIONS:**

**9-18 WAS DEFEATED BY A VOTE OF 36– 39**

**9-19 WAS AMENDED TO THE OF AMOUNT \$76,360.**

**IT WAS MOVED, SECONDED AND VOTED**

**42 – 36 IN FAVOR.**

**ARTICLE 10 RE: Stream Cleaning**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$150,000 or any other amount for the purpose of continuing the Town’s stream cleaning program, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to **transfer from Free Cash** the sum of \$150,000 for the purpose of continuing the Town’s stream cleaning program.

Recommendations: Ways & Means voted 11-0-0 in favor  
 Capital Budget voted 4-0-0 in favor  
 Selectmen voted in favor

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 11 RE: Sewer I/I Fund**

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$48,400 for the purpose of paying the FY2012 debt service on the Town's two existing 0% MWRA loans, or to act in any other manner in relation thereto.

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

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

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 12 RE: Grandview Farm Debt Service**

To see if the Town will vote to transfer the sum of \$85,545 from the Land Exchange Development Agreement (LEDA) Fund from the Gutierrez Company for the purposes of paying the Fiscal Year 2012 debt service on the Town's July 1, 2009 Grandview Remodeling Bond; or to act in any other manner in relation thereto.

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

Recommendations: Ways & Means voter 12-0-0 in favor  
Selectmen voted in favor

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 13 RE: Sewer Services Enterprise Fund**

To see if the Town will vote to raise and appropriate the sum of \$4,878,421 to operate the FY 2012 Sewer Services Enterprise of which \$4,878,421 will come from the FY 2012 Sewer Services Enterprise Estimated Revenue Account; or to act in any other manner in relation thereto.

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

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

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 14 RE: EPA Storm Water/Phase II 2010 General Permit**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$150,000 or any other amount for the purpose of complying with the federal mandate, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to **transfer from Stabilization, the sum of \$125,000** for the purpose of complying with the EPA federal mandate of additional stormwater permit requirements.

Recommendations: Ways & Means voted 11-0-0 in favor  
Capital Budget voted 4-0-0 in favor

**ACTION: VOTED 69- 2 IN FAVOR, MOTION APPROVED**

**ARTICLE 15 RE: Recreation, Police, Fire and DPW Communication Upgrades**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$400,000 or any other amount for the purpose of complying with the Federal Communications Commission, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to **transfer from Stabilization, the sum of \$375,000** for the purpose of complying with the Federal Communications Commission for communication upgrades.

Recommendations: Ways & Means voted 9-1-0 in favor.  
Capital Budget voted 8-0-0 in favor  
Selectmen voted 5-0 in favor

**ACTION: MAJORITY APPROVED MAIN MOTION**

At 11:06 P.M, a motion to adjourn until May 16, 2011 was moved, seconded and so voted.

Attest: *Amy E. Warfield*

Amy E. Warfield  
Town Clerk

**ADJOURNED TOWN MEETING  
MONDAY, MAY 16, 2011  
FOGELBERG PREFORMING ARTS CENTER – BHS**

A quorum being present, the meeting was called to order at 7:31 P.M. with a salute to the flag.

**ARTICLE 16 RE: Amend Administrative and Professional Classification Plan**

To see if the Town will vote to amend the existing Administrative and Professional Classification Plan by removing the title of Environmental Engineer from Group 12 and placing said title in Group 13, or to act in any other manner in relation thereto.

**MAIN MOTION:** To Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 17 RE: Fund the Administrative & Professional**

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for Fiscal Year 2012, and transfer from the Fiscal Year 2012 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 Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 18 RE: Fund the Part-time Compensation Plan**

To see if the Town will vote to transfer from the Fiscal Year 2012 Negotiated Settlement the amount of \$\_\_\_\_\_ for the purpose of funding the Part-time Salary Plan (under 20 hours) for Fiscal Year 2012, same to be expended under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:** To Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 19 RE: Fund the Burlington Municipal Employees' Association Contract**

To see if the Town will vote to transfer from the Fiscal Year 2012 Negotiated Settlement the amount of \$\_\_\_\_\_ for the purpose of funding the Burlington Municipal Employees Association Contract for Fiscal Year 2012, same to be expended under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:** To Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 20 RE: Fund the Burlington International Firefighters' Association Contract**

To see if Town Meeting will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington International Firefighters' Association for Fiscal Year 2012, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:** To Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 21 RE: Fund the Department of Public Works Contract**

To see if Town Meeting will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Department of Public Works for FY2012, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:** To Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 22 RE: Fund the Burlington Police Patrolmen's Association Contract**

To see if Town Meeting will vote to transfer from the Negotiated Settlement Account the sum of \$25,000 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen's Association for FY2012, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:** To Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 23 RE: Fund the Burlington Police Command Officers' Contract**

To see if Town Meeting will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Command Officers' Contract for FY2012, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

**MAIN MOTION:** To Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 24 RE: Chapter 90**

To see if the Town will vote to accept the Chapter 90 allocation of \$1,055,106 and appropriate the sum of \$1,055,106 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 \$1,055,106 and appropriate the sum of \$1,055,106 for the purpose of funding roadway improvements, same to be spent under the direction of the Town Administrator.

Recommendations: Ways & Means voted 11-0-0 in favor  
Capital Budget 4-0-0 in favor

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 25 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 2012 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 Postpone Indefinitely

**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 from the Trustees under the will of Marshall Simonds the sum of \$25,000 for the maintenance and improvements of Simonds Park, same to be expended under the direction of the Recreation Commissioners.

Recommendations: Ways & Means voted 11-0-0 in favor  
Second reading of the motion

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 27 RE: Electronic and Digital Mapping/Information Update**

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 amount for the purpose of performing critical updates to Town maps, associated digital information and software. or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to **transfer from Free Cash the sum of \$20,000** for the purpose of performing critical updates to Town maps, associated digital information and software.

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

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

**ARTICLE 28 RE: Fund New Field Surface at the New Memorial School/Confirmatory Vote**

To see if the Town will vote to support and affirm the School Committee decision to utilize available money from the original Memorial School bond authorization to replace the existing natural playing field with a long lasting synthetic turf field and to do or act ion any other manner in relation thereto.

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

**ACTION: POSTPONED INDEFINITELY**

---

**ARTICLE 29 RE: School 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 \$33,000 or any other amount for the purpose of Community Custodial Fees for FY 2012 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.

Article 29 continues . . .

## ARTICLE 29 CONTINUED

**MAIN MOTION:** To see if the Town will vote to **transfer from Free Cash the sum of \$33,000** for the purpose of Community Custodial Fees for FY 2012 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 9-1-0 in favor  
School Comm voted

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 30 RE: School Elementary Technology**

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 amount, to be expended at the direction of the School Committee, to pay the cost of purchase and installation of upgraded technology equipment at the Francis Wyman, Pine Glen and Fox Hill Elementary schools, including the payment of all costs incidental and related thereto, or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to **transfer from Stabilization the sum or \$250,000** to be expended at the direction of the School Committee, to pay the cost of purchase and installation of upgraded technology equipment at the Francis Wyman, Pine Glen and Fox Hill Elementary schools, including the payment of all costs incidental and related thereto.

Recommendations: Ways & Means voted 10-0-0 in favor  
Capital Budget voted 8-0-0 in favor

**ACTION: VOTED 72- 5 IN FAVOR, MOTION APPROVED**

**ARTICLE 31 RE: Burlington High School Practice Field Drainage**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$106,000 or any other amount, to be expended at the direction of the School Committee, to pay the cost of Practice Field drainage improvements at Burlington High School, including the payment of all costs incidental and related thereto, or to take any other action in relation thereto.

**MAIN MOTION:** To see if the Town will vote to **transfer from Free Cash the sum of \$106,000** to be expended at the direction of the School Committee, to pay the cost of Practice Field drainage improvements at Burlington High School, including the payment of all costs incidental and related thereto.

Recommendations: Ways & Means voted 10-0-0 in favor  
Capital Budget voted 0-7-0 against

Amended on the floor by Ernest Zabolotny to amended the amount to \$25,000 to fund an engineering feasibility study to design at options for improving the drainage for the High School Practice Field . It was moved and seconded. The amendment was defeated by a vote of 31-49 against.

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 32 RE: New Memorial School Opening**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$380,000 or any other amount, to be expended at the direction of the School Committee, to pay the cost of opening at the new Memorial School, including the payment of all costs incidental and related thereto, or to take any other action in relation thereto.

**MAIN MOTION:** to Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

**The Moderator asked TMM/ Ways & Means member Frank P. Monaco, Pct. 4 to preside over Article 33.**

**ARTICLE 33 RE: Amend the General Bylaw Article II, Representative Town Meeting**

To see if the Town will vote to amend Chapter 686 of the Acts of 1970, as amended, and the General Bylaws of the Town, by increasing the size of the Town Meeting from 108 to 126 members as a result of an increase of one precinct in the Town as a result of redistricting, to delete the requirement that the Board of Registrars review the number of Town Meeting Members to which each precinct will be entitled in relation to total population once in every five years, and to clarify the process for calling a special town meeting, all as set forth below:

A. To authorize the Board of Selectmen to petition the General Court to amend said Chapter 686 as follows:

An Act Relative to the Town of Burlington Representative Town Meeting Form of Government

Section 1. Chapter 686 of the acts of 1970, as most recently amended by Chapter 103 of the Acts of Chapter 2007, concerning the form of representative town meeting in the town of Burlington is hereby amended by deleting, in section one of said act, the words "one hundred eight" and inserting in place thereof the following:- one hundred twenty-six

Section 2. Said chapter 686 is hereby further amended by deleting the first five sentences of Section 4 and inserting in place thereof the following:-

At the annual town election of 2012 there shall be a total of 18 town meeting members elected from the newly created 7<sup>th</sup> precinct. The six candidates in the precinct who receive the highest number of votes shall be declared elected to a three-year term. The six candidates in the precinct who receive the next highest number of votes shall be declared elected to a two-year term. The remaining six candidates elected in the precinct shall be declared elected to a one-year term. The remainder of the unexpired term of any vacancy created by the removal of a town meeting member due to a revision of precincts shall appear on the same ballot as the election of the 18 town meeting members in said new 7<sup>th</sup> precinct. Thereafter, in all precincts, candidates shall be elected for three years to fill expiring terms and to fill the unexpired term of any vacancy.

Section 3. Section 4 of chapter 686 is hereby further amended by deleting the second and third paragraphs in their entirety.

Section 4. Section 12(a) of said chapter 686 is amended by deleting the third and fourth sentences and inserting in place thereof the following:-

Special meetings may be held on any day other than a legal holiday on the call of the board of selectmen, moderator, or ten or more members. Notwithstanding any provision of section 10 of chapter 39 of the general laws to the contrary, the notice for said special meeting shall be posted on the town bulletin board and delivered to the place of residence of each member and that of the moderator no less than seven days prior to the date of such special meeting.

Section 5. This act shall take effect upon passage.

And further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

B. And further, to amend the General Bylaws of the Town to be consistent with the amendments to said Chapter 686, by:

- (1) Revising Article II, Representative Town Meeting, Section 1.0, by inserting, after the phrase, "March 6, 1971", the following, "and consistent with later votes of the Town Meeting,";
- (2) Deleting in Article II, Representative Town Meeting, Section 1.0 the number "108" and inserting in place thereof the number "126";

Article 33 continues

ARTICLE 33 CONTINUED

- (3) Deleting in Article II, Representative Town Meeting, Section 1.1, the third and fourth sentences and inserting in place thereof the following: Special meetings may be held on the call of the board of selectmen, moderator, or ten or more members. Notwithstanding any provision of section 10 of chapter 39 of the general laws to the contrary, the notice for said special meeting shall be posted on the town bulletin board and delivered to the place of residence of each member and that of the moderator no less than seven days prior to the date of such special meeting.
- (4) Deleting in Article II, Representative Town Meeting, Section 1.4, Reapportionment of Voting Precinct, in its entirety.
- (5) Deleting in Article II, Representative Town Meeting, Section 2.0, paragraph 5 in its entirety and inserting in place thereof the following: At the annual town election of 2012 there shall be a total of 18 town meeting members elected from the newly created 7<sup>th</sup> precinct. The six candidates who receive the highest number of votes shall be declared elected to a three-year term. The six candidates in the precinct who receive the next highest number of votes shall be declared elected to a two-year term. The remaining six candidates elected in the precinct shall be declared elected to a one year term. Thereafter, all such town meeting members shall be elected to three year terms.
- (6) Deleting in Article II, Representative Town Meeting, Section 2.0, paragraph 7 in its entirety.

Provided, however, that such amendments shall not take effect until the amendments to Chapter 686 proposed hereunder take effect, and after approval the Attorney General of the Commonwealth, and all requirements of G.L. c.40, S32 have been met.  
 Or take any other action relative thereto.

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

Recommendations: ReApportionment Comm voted 7-0-0 in favor  
 ByLaw Review voted 5-0-0 in favor

An amendment was made on the floor by John Cormier to delete the phrase "Board of Selectmen" from Section 4 of the proposed amendments to CH 686 and Section 1.1 of the General Bylaws. The amendment was moved and seconded. After discussion it was voted on a Defeated by a vote of 29 – 48. Then discussion was called for on the main motion.

**ACTION: MAJORITY APPROVED MAIN MOTION**

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

**ARTICLE 34 RE: Home Rule Petition/Special Legislation Concerning Liquor Licenses**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below authorizing the Town to issue , 3 (three) additional licenses for the sale of all alcoholic beverages to be drunk on premises, 2 (two) additional licenses for the sale of wine and malt beverages to be drunk on premises; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or to act in any other manner in relation thereto.

**MAIN MOTION: WITHDRAWN**

**ARTICLE 35 RE: Home Rule Petition/Exempt Positions Civil Service/Labor Service/Official Service**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below exempting certain positions in the Town of Burlington from the Civil Service Law; provided that the General Court may only make clerical or editorial changes of form to the bill unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is

hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

**AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF BURLINGTON FROM THE CIVIL SERVICE LAW.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all employees of the Town of Burlington, including employees of the School Department, except uniformed positions within the Police and Fire Departments, shall be exempt from the provisions of Chapter 31 of the General Laws.

SECTION 2. Nothing in this act shall impair the civil service status of an incumbent holding a position described in Section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon passage.

Or to act in any other manner in relation thereto.

**MAIN MOTION:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below exempting certain positions in the Town of Burlington from the Civil Service Law; provided that the General Court may only make clerical or editorial changes of form to the bill unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

**AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF BURLINGTON FROM THE CIVIL SERVICE LAW.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all **positions in** the Town of Burlington, including **positions in** the School Department, except uniformed positions within the Police and Fire Departments, shall be exempt from the provisions of Chapter 31 of the General Laws.

SECTION 2. Nothing in this act shall impair the civil service status of an incumbent holding a position described in Section 1 on the effective date of this act. **As a result, only newly hired employees will be excluded from the provisions of Civil Service.**

SECTION 3. This act shall take effect upon passage.

Recommendations: Ways & Means voted 9-1-2 in favor

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 36 RE: Street Acceptance/Defaulted Sub-Divisions**

To see if the Town will vote to accept the layout(s) as a public Town way(s) of [name of street(s)], as laid out by order of the Board of Selectmen, as listed below, copies of which order and plan were filed with the Town Clerk not later than seven days prior to this vote, and to authorize the Board of Selectmen to acquire easements for all purposes for which public ways are used in the Town of Burlington, within such layout(s), by gift, purchase or eminent domain, or take any action relative thereto.

Street Name:	Plan Title/Date:	Legal Reference
Briarwood Lane	Marion Estates Definitive Subdivision January 5, 1978	588 of 1978
Sleeper Drive	Marion Estates Definitive Subdivision January 5, 1978	588 of 1978
Washington Ave	Terrace Hall Gardens, 3/6/68	127 of 1968
Article 36 continues		

ARTICLE 36 CONTINUED		
Jefferson Ave	Terrace Hall Gardens, 3/6/68	127 of 1968
Shea Cir	Terrace Hall Gardens, 3/6/68	1136 of 1976
Belmont Road	Plan & Profile Cormier Road 2/1/1963	1278 of 1963
Cormier Road	Plan & Profile Cormier Road 2/1/1963	1278 of 1963

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

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 37 RE: Street Acceptance/Completed Sub-Divisions**

To see if the Town will vote to accept the layout(s) as a public Town way(s) of [name of street(s)], as laid out by order of the Board of Selectmen, as listed below, copies of which order and plan were filed with the Town Clerk not later than seven days prior to this vote, and to authorize the Board of Selectmen to acquire easements for all purposes for which public ways are used in the Town of Burlington, within such layout(s), by gift, purchase or eminent domain, or take any action relative thereto.

Street Name:	Plan Title/Date:	Legal Reference
Lieutenant Litchfield Way	Plan of Land in Burlington Mass/ 1/7/1998	Land Court 4422D
Michael Drive	Ipswich Heights, Definitive Subdivision May 21, 1987	981 of 1987
Radcliff Street	Radcliff Street, Definitive Subdivision	192 of 2000
Radcliff Street	Acceptance Plan of Radcliff St, June 1, 1982	944 of 1982
Stonehill Circle	Stonehill Estates 12/1/97	1136 of 1995
Tinkham Ave	Plan of Land Tinkham Ave, Marvel Ave, & Lee Ave July 13, 1981	Land Court 28877
Marvel Ave	Plan of Land Tinkham Ave, Marvel Ave, & Lee Ave July 13, 1981	Land Court 28877
Lee Ave	Plan of Land Tinkham Ave, Marvel Ave, & Lee Ave July 13, 1981	Land Court 28877
Theresa Ave	Theresa Ave Subdivision 3/1/90	200- of 1990
Mullberry Ln	Blackberry Hollow Subdivision, 12/6/91	31 of 1995

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

**ACTION: MAJORITY APPROVED MAIN MOTION**

**ARTICLE 38 RE: Amend Zoning Map and Rezone Property to Planned Development (PD) District/36 Muller Road**

To see if the Town of Burlington will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, by rezoning certain parcels of land from a One Family Dwelling (RO) District and General Industrial (IG) District to a Planned Development (PD) District along with its associated PD Zoning Provisions, Use Table, Special Conditions and Concept Plans. 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.

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

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

**ACTION: ROLL CALL VOTE WAS 23 -61 -3; THE MOTION WAS DEFEATED**

**ARTICLE 39 RE: Amend Zoning Bylaw Article XII, Planned Development District Section 12.2.1 – 12.1.9**

To see if the Town will vote to amend Zoning Bylaw Article XII: Planned Development District, Section 12.1.1. through Section 12.1.9 and other related sections of the Zoning Bylaw, as described, or to act in any other manner in relation thereto.

**MAIN MOTION: WITHDRAWN**

**ARTICLE 40 RE: Amend Zoning Bylaw Article V, Dimensional Requirements Section 5.2.0, Density Regulation Schedule**

To see if the Town will vote to amend Zoning Bylaw Article V, Dimensional Requirements, Section 5.2.0, Density Regulation Schedule and related sections of the Zoning Bylaw, to amend the table to include Open Space and Planned Development (PDD) Districts, as described, or to act in any other manner in relation thereto.

**MAIN MOTION: WITHDRAWN**

**ARTICLE 41 RE: Zoning Bylaw Amendment to Article II: Definitions and Article IV Use Regulations (Residential and Consumer Trade Definitions)**

To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by adding the following residential, retail consumer and trade definitions as follows:

**SECTION 2.0 DEFINITIONS**

Accessory Apartment (See Article XI, Section 11.2.0 Accessory residential Uses in One-Family Dwellings: Accessory Apartments)

2.3.8 Convenience Store

A retail store that is designed and stocked to sell food, beverages, lottery and other household supplies to customers. It is designed to attract a large volume of stop-and-go pass-by traffic.

2.4.4 Drive-through

A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service

2.4.6 Drugstore/Pharmacy

An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

2.19.8 Supermarket

Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

And further to see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article IV: Use Regulations, by adding new sections, 4.2.6.2.1 "Supermarket", and 4.2.6.10.1 "Restaurant (under 50 Seats)" to the Principal Use Table and 4.3.2.22 "Drive-through to the Uses Normally Accessory to Non-Residential Principal Uses Table as follows:

**MAIN MOTION:** Appears after Table  
**Table begins on next page**

**THIS PAGE IS BLANK**

ARTICLE 41 CONTINUES . . .

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.1	Personal service businesses such as, but not limited to, barbers and hairdressers	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	SP	SP	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.2	Convenience food stores, drugstores, retail stores for sale of beauty and health aids, smoking supplies, periodicals; none with the sale of food intended for consumption on the premises	NO	NO	NO	SP	SP	YES	SP	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
<b>4.2.6.2.1</b>	<b>Supermarket</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>SP<sub>1</sub></b>	<b>SP<sub>1</sub></b>
4.2.6.3.A	Retail stores other than above and showrooms, each tenant less than 10,000 sq. ft.	NO	NO	NO	NO	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.3.B	Retail stores other than above and showrooms, any individual tenant greater than 10,000 sq. ft.	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
4.2.6.4	Post offices, banks	NO	NO	NO	NO	NO	YES	NO	SP	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.5	Establishments for the repair of radios, televisions, appliances, and other household goods	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	SP	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.6	Photographers, decorators, stationers, dressmaking or tailoring establishments (excepting photo processing)	NO	NO	NO	NO	YES	YES	NO	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.7	Travel agencies	NO	NO	NO	NO	YES	YES	NO	NO	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.8	Laundry and dry cleaning establishments other than pickup stations or self-service	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>
4.2.6.9	Fast order food establishments	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
4.2.6.10	Restaurants ( <b>Over 50 seats</b> )	NO	NO	NO	NO	NO	SP	NO	SP	NO	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
<b>4.2.6.10.1</b>	<b>Restaurants (Under 50 seats)</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>SP<sub>1</sub></b>	<b>SP<sub>1</sub></b>
4.2.6.11	Bakeries	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>

ARTICLE 41 CONTINUES . .

4.2.6.12	Commercial boarding, care, and treatment of birds, fish, and animals	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	SP	SP	SP <sub>1</sub>
4.2.6.13	Sale of air conditioning, heating, refrigerating and plumbing equipment and supplies	NO	NO	NO	NO	NO	SP	NO	NO	NO	SP	NO	YES	YES	YES	YES <sub>1</sub>
4.2.6.14	Establishments for contractors in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling	NO	NO	NO	NO	NO	SP	NO	SP	NO	NO	NO	YES	YES	SP	SP <sub>1</sub>
4.2.6.15	Retail dealers in grain and animal feed	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.6.16	Funeral parlors however denominated	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	YES	YES
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>IH</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CB D</b>
4.3.2.1	Incidental sale at retail of parts or components necessary for the maintenance of articles stored and distributed	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>IH</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CB D</b>
4.3.2.2	Retail uses such as cafeterias, soda or dairy bars, wholly within the same building as the principal permitted use, conducted primarily for convenience of employees and with no exterior advertising display	NO	NO	NO	NO	SP	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.3.2.3	Retail uses in support of a hotel or motor hotel such as dining halls, restaurants, cafeterias, soda or dairy bars, and shops wholly within the hotel or motor hotel building	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.3.2.4	Delicatessens, lunch counters and soda fountains incidental to the permitted business of a drug store, food store	NO	NO	NO	NO	SP	YES	SP	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>

## ARTICLE 41 CONTINUES . .

4.3.2.5	Keeping of more than one protective animal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES
4.3.2.6	Outdoor storage of supplies and equipment incidental to permitted uses, subject to requirements for location, lighting, screening, fencing, cover and safety precautions	YES	NO	SP	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP	SP
4.3.2.7	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment or buses	NO	NO	NO	NO	NO	YES	SP	YES	YES	YES	NO	YES	YES	SP	SP
4.3.2.8	Maintenance shops, power plants, machine shops and similar structures to support permitted uses	NO	NO	NO	NO	NO	SP	SP	YES	YES	YES	NO	SP	SP	SP	SP
4.3.2.9	Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground	NO	NO	NO	NO	NO	NO	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.10	Off-street outdoor parking of vehicles, other than those in 4.3.2.7, only if the principal use to which the parking relates (or is accessory to) is permitted or permitted by special permit in the zoning district in which the off-street outdoor parking will be located	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.11	Portion of the premises as permanent resident or proprietor or manager of an establishment	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.3.2.12	Warehousing incidental to a permitted principal use (except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	YES	YES
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>IH</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CB D</b>
4.3.2.13	Kiosks	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.3.2.14	Incidental sale at retail of the same merchandise sold at wholesale	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES
4.3.2.15	Storage and disposal of oils and fuels/ petroleum products	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO	SP	SP <sub>1</sub>	SP <sub>1</sub>

## ARTICLE 41 CONTINUES . . .

	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS				
4.3.2.17	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment containing toxic and hazardous materials/chemicals	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.3.2.18	Temporary tents for groups of more than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.19	Temporary tents for groups of less than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.20	Child care facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.21	Farmer's Markets	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	
<b>4.3.2.22</b>	<b>Drive-through</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>SP<sub>1</sub></b>	

**ARTICLE 41 CONTINUES . .**

**MAIN MOTION:** To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by adding the following residential, retail consumer and trade definitions as follows:

**SECTION 2.0 DEFINITIONS**

Accessory Apartment (See Article XI, Section 11.2.0 Accessory residential Uses in One-Family Dwellings: Accessory Apartments)

2.3.8 Convenience Store

A retail store that is designed and stocked to sell food, beverages, lottery and other household supplies to customers. It is designed to attract a large volume of stop-and-go pass-by traffic.

2.4.4 Drive-through

A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service

2.4.6 Drugstore/Pharmacy

An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

2.19.8 Supermarket

Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

And further to see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article IV: Use Regulations, by adding new sections, 4.2.6.2.1 "Supermarket", and 4.2.6.10.1 "Restaurant (under 50 Seats)" to the Principal Use Table and 4.3.2.22 "Drive-through to the Uses Normally Accessory to Non-Residential Principal Uses Table as follows:

See Tables on next pages:

Recommendations: Planning Board voted 7-0-0 in favor

**MAIN MOTION:** to Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

ARTICLE 41 CONTINUES . . .

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.1	Personal service businesses such as, but not limited to, barbers and hairdressers	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	SP	SP	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.2	Convenience food stores, drugstores, retail stores for sale of beauty and health aids, smoking supplies, periodicals; none with the sale of food intended for consumption on the premises	NO	NO	NO	SP	SP	YES	SP	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
<b>4.2.6.2.1</b>	<b>Supermarket</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>SP<sub>1</sub></b>	<b>SP<sub>1</sub></b>
4.2.6.3.A	Retail stores other than above and showrooms, each tenant less than 10,000 sq. ft.	NO	NO	NO	NO	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.3.B	Retail stores other than above and showrooms, any individual tenant greater than 10,000 sq. ft.	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
4.2.6.4	Post offices, banks	NO	NO	NO	NO	NO	YES	NO	SP	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.5	Establishments for the repair of radios, televisions, appliances, and other household goods	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	SP	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.6	Photographers, decorators, stationers, dressmaking or tailoring establishments (excepting photo processing)	NO	NO	NO	NO	YES	YES	NO	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.7	Travel agencies	NO	NO	NO	NO	YES	YES	NO	NO	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.8	Laundry and dry cleaning establishments other than pickup stations or self-service	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>
4.2.6.9	Fast order food establishments	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
4.2.6.10	Restaurants ( <b>Over 50 seats</b> )	NO	NO	NO	NO	NO	SP	NO	SP	NO	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
<b>4.2.6.10.1</b>	<b>Restaurants (Under 50 seats)</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>SP</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>SP<sub>1</sub></b>	<b>SP<sub>1</sub></b>

ARTICLE 41 CONTINUES . . .

4.2.6.11	Bakeries	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.6.12	Commercial boarding, care, and treatment of birds, fish, and animals	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	SP	SP	SP <sub>1</sub>
4.2.6.13	Sale of air conditioning, heating, refrigerating and plumbing equipment and supplies	NO	NO	NO	NO	NO	SP	NO	NO	NO	SP	NO	YES	YES	YES	YES <sub>1</sub>
4.2.6.14	Establishments for contractors in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling	NO	NO	NO	NO	NO	SP	NO	SP	NO	NO	NO	YES	YES	SP	SP <sub>1</sub>
4.2.6.15	Retail dealers in grain and animal feed	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.6.16	Funeral parlors however denominated	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	YES	YES
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>IH</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CB D</b>
4.3.2.1	Incidental sale at retail of parts or components necessary for the maintenance of articles stored and distributed	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>IH</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CB D</b>
4.3.2.2	Retail uses such as cafeterias, soda or dairy bars, wholly within the same building as the principal permitted use, conducted primarily for convenience of employees and with no exterior advertising display	NO	NO	NO	NO	SP	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.3.2.3	Retail uses in support of a hotel or motor hotel such as dining halls, restaurants, cafeterias, soda or dairy bars, and shops wholly within the hotel or motor hotel building	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.3.2.4	Delicatessens, lunch counters and soda fountains incidental to the permitted business of a drug store, food store	NO	NO	NO	NO	SP	YES	SP	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>

ARTICLE 41 CONTINUES . . .

4.3.2.5	Keeping of more than one protective animal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES
4.3.2.6	Outdoor storage of supplies and equipment incidental to permitted uses, subject to requirements for location, lighting, screening, fencing, cover and safety precautions	YES	NO	SP	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP	SP
4.3.2.7	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment or buses	NO	NO	NO	NO	NO	YES	SP	YES	YES	YES	NO	YES	YES	SP	SP
4.3.2.8	Maintenance shops, power plants, machine shops and similar structures to support permitted uses	NO	NO	NO	NO	NO	SP	SP	YES	YES	YES	NO	SP	SP	SP	SP
4.3.2.9	Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground	NO	NO	NO	NO	NO	NO	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.10	Off-street outdoor parking of vehicles, other than those in 4.3.2.7, only if the principal use to which the parking relates (or is accessory to) is permitted or permitted by special permit in the zoning district in which the off-street outdoor parking will be located	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.11	Portion of the premises as permanent resident or proprietor or manager of an establishment	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.3.2.12	Warehousing incidental to a permitted principal use (except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	YES	YES
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>IH</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CB D</b>
4.3.2.13	Kiosks	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.3.2.14	Incidental sale at retail of the same merchandise sold at wholesale	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES

ARTICLE 41 CONTINUES . . .

4.3.2.15	Storage and disposal of oils and fuels/ petroleum products	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO	SP	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.16	Storage of hazardous and toxic materials/chemicals for retail sale	NO	NO	--	NO	NO	SP	SP	NO	NO	SP	NO	SP	SP	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.17	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment containing toxic and hazardous materials/chemicals	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.3.2.18	Temporary tents for groups of more than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.19	Temporary tents for groups of less than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.20	Child care facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.21	Farmer's Markets	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
<b>4.3.2.22</b>	<b>Drive-through</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<del><b>YES</b></del> <b>SP</b>	<del><b>YES</b></del> <b>SP</b>	<del><b>NO</b></del> <b>SP</b>	<del><b>NO</b></del> <b>SP</b>	<del><b>YES</b></del> <b>SP</b>	<b>NO</b>	<del><b>YES</b></del> <b>SP</b>	<del><b>YES</b></del> <b>SP</b>	<b>NO</b>	<b>SP<sub>1</sub></b>

**ARTICLE 42 RE: Zoning Bylaw Amendment to Article II: Definitions and Article IV Use Regulations (Business and Industrial)**

To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by adding the following business and industrial definitions as follows.

**SECTION 2.0 DEFINITIONS**

**2.3.7 Conference Center**

A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. A conference center must be associated with a Hotel or office park.

**2.16.6 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.

**2.18.4 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 see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article IV: Use Regulations, by adding new sections, 4.2.4.5 "Conference Center", 4.2.7.1.1 "Prototype Manufacturing", 4.2.7.1.2 "Research and Development" to the Principal Use Table as follows in the table below:

And further to amend existing section 4.2.4.1 to strike "physicians, dentists and opticians" and to create a new section 4.2.4.1.1 "Professional medical offices such as, but not limited to physicians, dentists, opticians" and further to amend existing section 4.2.7.1 "Light Manufacturing or processing plants" by striking YES and replacing with SP in the CC districts and CC and CBD Overlay Districts as follows in the table below:

SEE Table on next page

**or to act in any other manner in relation thereto.**

**MAIN MOTION:** Appears after Table

**ARTICLE 42 CONTINUES . .**



ARTICLE 42 CONTINUES . .

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.4	<b>OFFICE USES</b>															
4.2.4.1	Professional offices such as, but not limited to real estate brokers, lawyers	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
<b>4.2.4.1.1</b>	Professional medical offices such as, but not limited to physicians, dentists, opticians	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.2	Offices of salesmen, agents, and representatives of manufacturing, distributing, insurance, and wholesale companies	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.3	Administrative, executive, and similar offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.4	Public offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.5	Conference Center	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>SP</b>	<b>SP</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>SP<sub>1</sub></b>	<b>SP<sub>1</sub></b>
4.2.7	<b>INDUSTRIAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>IH</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>
4.2.7.1	Light manufacturing or processing plants	NO	NO	NO	NO	NO	NO	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	NO	SP	SP	<b>SP</b>	<b>SP</b>
4.2.7.1.1	Prototype Manufacturing	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
4.2.7.1.2	Research and Development	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
4.2.7.2	Printing establishments other than those under 4.2.6.24	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	SP	YES	YES
4.2.7.3	Food processors, bakeries, not operated at retail	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES

**ARTICLE 42 CONTINUES . . .**

**MAIN MOTION:** To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by adding the following business and industrial definitions as follows.

**SECTION 2.0 DEFINITIONS****2.3.7 Conference Center**

A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. A conference center must be associated with a Hotel or office park.

**2.16.6 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.

**2.18.4 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 see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article IV: Use Regulations, by adding new sections, 4.2.4.5 "Conference Center", 4.2.7.1.1 "Prototype Manufacturing", 4.2.7.1.2 **1** "Research and Development" to the Principal Use Table as follows in the table below:

And further to amend existing section 4.2.4.1 to strike "physicians, dentists and opticians" and to create a new section 4.2.4.1.1 "Professional medical offices such as, but not limited to physicians, dentists, opticians" and further to amend existing section 4.2.7.1 "Light Manufacturing or processing plants" by **adding the term "prototype manufacturing"** and striking YES and replacing with SP in the CC and CBD Overlay Districts as follows in the table below:

Recommendations: Planning Board voted 7-0-0 in favor

**MAIN MOTION:** to Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CB D
4.2.4	<b>OFFICE USES</b>	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.1	Professional offices such as, but not limited to real estate brokers, lawyers	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.1.1	<b>Professional medical offices such as, but not limited to physicians, dentists, opticians</b>	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.2	Offices of salesmen, agents, and representatives of manufacturing, distributing, insurance, and wholesale companies	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.3	Administrative, executive, and similar offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.4	Public offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>
4.2.4.5	<b>Conference Center</b>	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>
4.2.7	<b>INDUSTRIAL USES</b>	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CB D
4.2.7.1	Light manufacturing or processing plants, <b>prototype manufacturing</b>	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	SP	SP
4.2.7.1.1	<b>Prototype Manufacturing</b>	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES
4.2.7.1.21	<b>Research and Development</b>	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES SP	YES SP	YES SP	YES SP
4.2.7.2	Printing establishments other than those under 4.2.6.24	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	SP	YES	YES
4.2.7.3	Food processors, bakeries, not operated at retail	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES

**ARTICLE 43 RE: Zoning Bylaw Amendment to Article II: Definitions (Housekeeping).**

To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by, relocating and consolidating definitions from Article VIII, Section 8.3.0 Aquifer and Water Resource Districts, Section 8.3.4 Pertinent Definitions, Article VIII, Section 8.4.0 Wireless Communication Facilities, Section 8.4.2 Definitions and Article VI, Section 11.8.0 Inclusionary Zoning requirements for Multifamily Housing, Section 11.8.2, Definitions of the zoning bylaw and re-numbering the entire article for consistency. The new and relocated definitions are below, for the full renumbering refer to the back-up.

**SECTION 2.0 DEFINITIONS****2.1.9 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.

**2.1.10 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.

**2.1.11 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.

**8.3.4 Pertinent Definitions (Refer to Article II: Definitions)****2.1.12 Aquifer**

Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

**2.4.2 District**

A zoning district as established by Article III of this Bylaw. In addition, there are Wetlands, Flood Plain, Aquifer, Water Resource, Civic Center and, Central Business overlay districts.

**2.7.5 Groundwater**

All water found beneath the surface of the ground.

**2.8.1 Hazardous Material**

As defined by MGL Chapter 21E:2, material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human, health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. This term shall not include oil. The term shall also include all those substances which are included under 42 U.S.C. Section 9601(14), but is not limited to those substances.

**2.8.1.1 Hazardous Waste**

As defined by MGL Chapter 21C:2, a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential threat to human health, safety or

welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not to include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954.

**2.8.1.2 Very Small Quantity Generator of Hazardous Waste (VSQG)**

A facility which does not generate more than an average of 100 kilograms (220 pounds) per month on a yearly basis, nor accumulates at any one time 600 kilograms or more, of regulated recyclable material or non-acutely hazardous waste identified or otherwise described in 310 CMR 30.120 through 30.125 and 30.130 through 30.135, and further does not generate or accumulate any regulated recyclable material or acutely hazardous waste listed or otherwise described in 310 CMR 30.136.

**2.9.6 Interim Wellhead Protection District Area**

An area of one half (1/2) mile radius may be extended around any proposed public water supply well for which a Zone II has not been defined, within which all regulations and restrictions pursuant to this Bylaw shall apply. For wells with approved yields less than 100,000 gallons per day (GPD), the radius of the Interim Wellhead Protection Area shall be determined in accordance with Massachusetts Department of Environmental Protection (DEP) Division of Water Supply (DWS) Policy for Small Wells, DWS Policy 92-01, issued June 10, 1992. An Interim Wellhead Protection Area shall not be in effect unless such radius is reflected as an amendment to the Aquifer and Water Resource District Map and adopted by Town Meeting.

**2.12.1 Leachable Wastes**

Waste materials including solid wastes, sludge and pesticide and fertilizer wastes capable of releasing water-borne contaminants to the environment

**2.12.6 Lowest floor**

Lowest floor means the lower floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lower floor, provided that such enclosure is built in compliance with the provisions of Subsection 8.1.6(4).

**2.16.5 Primary Aquifer Recharge Area**

Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

**2.19.7 Substantial improvements**

Substantial improvements shall include rehabilitation, reconstruction and/or extension of an existing building where the value of construction as determined by the Inspector of Buildings exceeds 50% of the appraised fair market value of the buildings as determined by the Town of Burlington Appraiser/Assistant Assessor. For the purposes of this determination, "value of construction" shall

include all construction work undertaken on the building for the past three year period together with proposed work. In the case of the repair of a damaged building, fair market value shall be based on value of a building before it was damaged. Fair market value shall not include the value of the land nor site improvements and land costs or the cost of site improvements shall not be included in the estimate of the value of construction.

**8.4.2 Definitions (Refer to Article II: Definitions)****2.23.1 Wireless Communication Facilities (WCF)**

Wireless Communication Facilities" (WCF) shall mean a facility for the provision of wireless communication service, including, but not limited to, towers, monopoles, antennas, antennas attached to existing structures and associated accessory structures, if any, which facilitate the provision of wireless communication services.

**2.23.2** Wireless Communication Services (WCS)

Wireless Communication Services" (WCS) shall mean the provision of the following types of services: cellular telephone, personal communications and enhanced specialized mobile radio service.

**2.23.3** Watershed

Lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.

**2.26.1** Zone I

The protective radius required around a public water supply well or wellfield.

**2.26.2** Zone II

That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams, or lakes may act as recharge boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

**2.26.3** Zone III

That land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In locations where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage area, or to act in any other manner in relation thereto.

**MAIN MOTION:** to Postpone Indefinitely

**ACTION: MAJORITY APPROVED MAIN MOTION**

---

At 11.35 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:



Amy E. Warfield  
Town Clerk