

**Monday, September 27, 2004
Fogelberg Auditorium, BHS**

At 7:20 P.M., the Town Meeting Members of Precincts 3 and 5 assembled to fill the vacancies created by the resignations of Lee, Forte, and Williams.

Precinct 3 - Present and voting: Coady, Cool, Grattan, Marchese, Nash, Nevins, Raske, Riggs, Rowe, Rubino, Wasserman

Nominations: Carol Powers, 80 Lexington St.

Unanimously voted to fill the vacancy until the next election.

Precinct 5 – Present and voting: Angelo, Boari, Burkhart, Carpenter, Paulson, A. Gerbrands, V. Gerbrands, Hanley, Hofferty, Igo, Murphy, Roussell, Squeri, Tait.

Nominations: Janine Towle, 57 Macon Rd.; Auralie Slowey, Paulson Dr.; Richard Wing, Wing Terrace.

By a vote of Towle – 10, Slowey - 4, Wing – 10 and Blanks – 4 Towle and Wing were voted to fill the 2 vacancies until the next election.

Attest:

Jane L. Chew
Town Clerk

**ADJOURNED (SECOND) TOWN MEETING
FOGELBERG AUDITORIUM, BHS
MONDAY, SEPTEMBER 27, 2004**

A quorum being present, the meeting was called to order at 7:40 P.M. with a salute to the flag. The Moderator swore in new Town Meeting Members. A motion to adjourn to Wed. September 29, 2004 to complete the business of the Warrant, if necessary, was moved, seconded and so voted. The reading of the Warrant and Constable's Report was waived upon unanimous consent.

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.

The Moderator announced that further committee reports would be heard when respective articles were discussed.

ARTICLE 2 RE: Set Annual Town Election Date

To see if the Town will vote to set the date of the 2005 Annual Town Election as Saturday, April 9, 2005, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 3 RE: Amend General Bylaw Article V, Section 2.1 -- Finance Committee (Ways & Means)

To see if the Town will vote to amend General Bylaw, Article V, Section 2.1 to read as follows:

There shall be a Finance Committee consisting of fifteen (15) voters, *the majority of whom should be town meeting members*, none of whom shall be a Town Officer or employee, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant.

Recommendations: Bylaw Review Committee recommended no change.

ACTION: MAJORITY APPROVED MAIN MOTION

App'd. By A.G. . Adv. Daily Times .

ARTICLE 4 RE: Acceptance of Chapter 90

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$539,998 or any other amount to pay for the purpose of paving, drainage repairs and installation of sidewalks, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to appropriate the sum of \$539,998 for the purpose of paving, drainage repairs and installation of sidewalks, same to be spent under the direction of the Board of Selectmen.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 5 RE: Fund the BMEA Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account the sum of \$65,000 or any other sum, for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the BMEA (Local 1703), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the Negotiated Settlement Account the sum of \$65,000 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the BMEA (Local 1703), same to be spent under the appropriate authority.

Recommendations: Ways & Means voted 8-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 6 RE: Fund the DPW Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account the sum of \$53,000 or any other sum, for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Dept. of Public Works (Local 1703), same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the Negotiated Settlement Account, the sum of \$53,000 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Department of Public Works (Local 1703), same to be spent under the appropriate authority.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 7 RE: Structural Repairs to Grandview Farm

To see if the Town will vote to transfer from available funds, borrow or otherwise provide a sum of money for the purpose of making structural repairs and renovations to the Grandview Farm property, or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 8 RE: Grandview Senior Housing

To see if the Town will vote to authorize the Board of Selectmen to convey a parcel of land shown as "Area 3" on a plan entitled "Grandview Farm Planned Development District", prepared by the Town of Burlington Planning Department, dated April 2, 2001, which land contains 1.96 acres, more or less, and is subject to the Senior Affordable Housing Restriction, on such terms and conditions and for such monetary consideration as the Selectmen may determine, 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 convey a parcel of land shown as "Area 3" on a plan entitled "Grandview Farm Planned Development District", prepared by the Town of Burlington Planning Department, dated April 2, 2001, which land contains 1.96 acres, more or less, and is subject to the Senior Affordable Housing

Restriction, on such terms and conditions and for such monetary consideration as the Selectmen may determine,

and will further vote to approve the proposed design and development plans for the Affordable Housing Development project in Development Area, 3, which plans are available at the Town Hall for review by Town Meeting members, being the site design and development plans for the Affordable Housing Development which are proposed to be submitted as part of the PD Special Permit application required under Section 12.1.5 of the Burlington Zoning Bylaws.

Recommendations: Ways & Means voted 9-0-2 in favor. Land Use Committee voted 6-0-0 in favor.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 9 RE: Repairs to the Wildwood School

To see if the Town will vote to transfer from available funds (NESWC: Base Fee Credit distribution) the sum of \$75,000 or any other amount to pay for exterior repairs, structural analysis and securing of the Wildwood School, or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from available funds (NESWC: Base Fee Credit distribution) the sum of \$75,000 to pay for exterior repairs, structural analysis and securing of the Wildwood School.

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 10 RE: Transfer of Funds FY2005 Various Accounts

To see if the Town will vote to transfer from available funds (NESWC: Base Fee Credit distribution) the sum of \$235,000 to the following FY 2005 line items:

Line item 100 (Reserve fund)	\$110,000
Line item 71 (Street Lights)	\$ 25,000
Line item 41 (Town Insurance)	\$100,000

same to be spent under the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 11 RE: Purchase of Bucket Truck

To see if the Town will transfer from Article 22 of the May 2004 Town Meeting the sum of \$14,400 to pay for the purchase of a bucket truck to be used by the Recreation Dept and the DPW, same to be spent under the direction of the appropriate authority, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 12 RE: Lightning Strike Deficit

To see if the Town will vote to transfer from the Insurance Reimbursement Account the sum of \$121,562 to offset the deficit created by the expenditures related to the lightning strike at the Burlington Police Department, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 13 RE: Amend Zoning Article IV, Section 4.2.0 "Principal Use Regulations Schedule" And To Create A New Section 4.1.7 "Additional Regulations for Restaurants in an IG District"

To see if the Town will vote to amend Zoning Bylaw Article IV, Section 4.2.0 "Principal Use Regulations Schedule" by changing Section 4.2.6.10 "Restaurant" to permit such use in a General Industrial (IG) District by Special Permit. The amended Section 4.2.6.10 should read as follows:

Use Designation	District
	IG
4.2.6.10 Restaurant	SP

and further to amend the Zoning By-Law Article IV by adding a new Section 4.1.7 "Additional Regulations for Restaurants in an IG District". The new Section shall read as follows:

4.1.7 "Additional Regulations for Restaurants in an IG District"

The Planning Board may grant a Special Permit for a restaurant use within a General Industrial (IG) District, subject to the following restrictions:

4.1.7.1 Purpose

The purpose of allowing restaurants by Special Permit within an office/commercial park setting is to enhance previously established commercial areas by permitting a mixture of uses which reduce the number of vehicular trips generated during peak hour periods and promote pedestrian activities through the interconnection of compatible uses and facilities.

4.1.7.2 Procedures

All requests for consideration by the Planning Board for a Special Permit pursuant to this section shall be consistent with Section 9.2.0 "Special Permit" of this bylaw.

4.1.7.3 Approval Criteria

In addition to the approval criteria for special permits pursuant to Section 9.2.4 of this bylaw, the applicant shall comply with additional criteria as detailed below and the Planning Board shall make findings pursuant to these specific requirements:

- a) Any proposed restaurant within an IG District shall be located within a previously established office/commercial park of 600,000 square feet or more.
- b) Prior to the submission of any formal application to the Planning Board for consideration of a Special Permit under this section, the Planning Board shall make a determination as to whether the property qualifies as part of a previously established office/commercial park. An "office/commercial park" shall be defined as a property which, when taken as a whole with other properties in the general area, possesses a commonality of purpose, use, management, maintenance, and other indicia which provides to the general public a perception of a unified operation and character. In an office/commercial park, the individual parcels do not have to be under the same ownership. The definition of a particular office/commercial park may change over time based upon the Planning Board's determination that other properties have been incorporated into a commonality of operation and character. The determination of whether a property qualifies under this definition shall be at the discretion of the Planning Board.
- c) Once an area has been designated by the Planning Board as an office/commercial park, any addition or removal of a parcel, shall require authorization by the Planning Board prior to the submission of any Special Permit application under this Section.
- d) Any proposal for a restaurant submitted pursuant to this section of the bylaw shall be required to incorporate pedestrian enhancements which interconnect adjacent commercial buildings/properties through a network of sidewalks and/or bike paths. These amenities shall be considered by the Planning Board when analyzing any applicable traffic analysis and/or transportation demand management alternatives.
- e) The total square footage of each restaurant pad and the total number of restaurants within an office/commercial park shall not exceed the following criteria:
 - i) No individual restaurant pad shall exceed 12,000 square feet.

- ii) An office/commercial park with a square footage of 600,00-800,000 square feet shall be limited to no more than two (2) restaurant pads.
- iii) An office/commercial park with a square footage in excess of 800,00 square feet shall be limited to no more than three (3) restaurant pads.
- iv) In no case shall the maximum permitted square footage of a restaurant space within an office/commercial park include existing or proposed accessory cafeteria space.

f) Any restaurant proposed under this bylaw shall be a full service, sit down restaurant.

or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

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

AMENDMENT: A motion to amend the main motion section e) by eliminating section iii and amending section ii to read as follows: "An office/commercial park with a square footage of 600,000 or more square feet shall be limited to no more than two (2) restaurant pads." And to renumber section iv to section iii was moved, seconded and so voted.

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

ACTION: BY A VOTE OF 87 IN FAVOR AND 1 OPPOSED THE MAIN MOTION AS AMENDED CARRIED.

App'd. By A.G. . Adv. Daily Times .

ARTICLE 14 RE: Amend Zoning Bylaw Article VIII, Section 8.4.0 "Open Space Residential Development"

To see if the Town will vote to amend Zoning Bylaw Article VIII, Section 8.4.0 "Open Space Residential Development" as follows:

To amend Section 8.4.4.a to reduce the minimum parcel size from ten acres to three acres, as flows: "The area of the parcel to be developed is not less than three (3) acres."

And further to amend Section 8.4.8 – Table of Open Space Residential Dimensional Requirements, to reduce the Minimum area of parcel from 10 acres to 3 acres, as follows:

Minimum area of parcel feet 3 Acres (130,680 square feet)

or to act in any other manner in relation thereto.

ACTION: WITHDRAWN

ARTICLE 15 RE: Petition to Rezone 2 Wayside Road From a General Industrial (IG) District to a General Business (BG) District

To see if the Town will vote to amend the Zoning Map to rezone a certain parcel of land located at 2 Wayside Road, identified on Town Assessors Map 48, Parcel 2 consisting of approximately 16 acres, from General Industrial (IG) District to General Business (BG) District, as shown on the attached plan entitled "Wayside Commons, Site Plan", prepared by Arrowstreet, dated July 6, 2004, situated in the Town of Burlington, Massachusetts, Middlesex County, bounded and described as follows:

Legal Description

The parcel of land located in Burlington, Middlesex County, Massachusetts, described as follows:
Beginning at a point at the intersection of South Bedford Street and Wayside Road, thence N 50°08' 53" W for a distance of 176.84' along South Bedford Street
Thence N 51°32' 15" W for a distance of 72.68' along South Bedford Street
Thence along an arc of radius 1575.00' for a distance of 282.72' to a point at the intersection of South Bedford Street and the Northern Circumferential Highway
Thence along an arc of radius 12,100.00' for a distance of 742.40' along the Northern Circumferential Highway
Thence along an arc of radius 270.00' for a distance of 315.79'
Thence S 66°53' 25" E for a distance of 139.10'
Thence along and arc of radius 655.00' for a distance of 195.16'
Thence S 83°57' 42" E for a distance of 155.45'

Thence along an arc of radius 170.00' for a distance of 181.54' to a point along Cambridge Street
Thence along an arc of radius 2670.86' for a distance of 77.35' along Cambridge Street
Thence along an arc of radius 40.00' for a distance of 62.67' to a point along Wayside Road
Thence S 65°18' 49" W a distance of 11.23' along Wayside Road
Thence along an arc of radius 200.00' for a distance of 69.65' along Wayside Road
Thence S 85°16' 00" W for a distance of 148.00' along Wayside Road
Thence along an arc of radius 256.00' for a distance of 99.55' along Wayside Road
Thence S 62°59' 14" W for a distance of 208.09' along Wayside Road
Thence along an arc of radius 306.00' for a distance of 89.30' along Wayside Road
Thence S 46°16' 00" W for a distance of 545.81' along Wayside Road
Thence along an arc of radius 52.00' for a distance of 75.86' to the point of beginning,
or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to amend the Zoning Map to rezone a certain parcel of land located at 2 Wayside Road, identified on Town Assessors Map 48, Parcel 2 consisting of approximately 16 acres, from General Industrial (IG) District to General Business (BG) District, as shown on the attached plan entitled "Wayside Commons, Site Plan", prepared by Arrowstreet, dated July 6, 2004, situated in the Town of Burlington, Massachusetts, Middlesex County, bounded and described as printed in the warrant and to authorize the Board of Selectmen to accept a Covenant with respect to said land that further restricts the future development of said land.

Recommendations: Planning Board voted 6-1-0. Land Use Committee voted 4-1-0.

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

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

ACTION: BY A VOTE OF 65 IN FAVOR AND 21 OPPOSED THE MAIN MOTION CARRIED.

App'd. By A.G. . Adv. Daily Times .

Resolution #1 by Sherri Ellis, Pct. 3

Town Meeting requests that the Board of Selectmen specifically request of the engineer who performs the structural analysis of the Wildwood School to provide the following information:

- (1) What use(s), by current codes, could the building be used for as is. Specifically knowing if it could still be used as a school and to have him/her make suggestions for it's potential future use.

Majority voted in support of the resolution.

At 10:20 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew
Town Clerk