

WARRANT
BURLINGTON TOWN MEETING

MONDAY, JANUARY 31, 2000

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium, in said Town, the 31st of January 2000 at seven-thirty o'clock in the evening then and there to act on the following articles of the warrant:

ARTICLE 1 RE: Reports of Town Officers & Committees

To hear and act on the reports of the Town Officers and Committees, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of
Rules Committee

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

FINANCIAL ARTICLES

ARTICLE 2 RE: Purchase 3/4 Ton Pickup Truck

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$25,500, or any other sum, for the purchase of a 2000 3/4 ton pickup truck with plow, same to be spent under the direction of the Recreation Commission, or to act in any other manner in relation thereto.

Amount: \$25,500

Submitted by Board of Selectmen at request of
the Recreation Commission

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

FINANCIAL ARTICLES

ARTICLE 3 RE: Will of Marshall Simonds

To see if the Town will vote to accept from the Trustees under the Will of Marshall Simonds the sum of \$9,500, or any other sum for the maintenance and improvement of Simonds Park, same to be spent under the direction of the Recreation Commission, or to act in any other manner in relation thereto.

AMOUNT: \$9,500

Submitted by Board of Selectmen at request of

the Recreation Commission

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

ARTICLE 4 RE: Survey, Create Land Plan and Easement Intersection Lexington Street and Independence Drive

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$1,500, or any other sum, to authorize the Board of Selectmen to direct that the appropriate Town departments conduct a survey and subsequently create a land plan as well as an easement document showing and describing an historic easement on a corner of Parcel 18, Map 35 n/f owned by Fred C. and Anna Born. Said land is located at the intersection of Lexington Street and Independence Drive, an unaccepted public way in the Town. The proposed easement comprises 394 square feet, more or less, and is intended for the purpose of placing a permanent marker, with sufficient setback, to commemorate the location and the history of the Sewall House which is the central motif on the Burlington Town Seal, or to act in any other manner in relation thereto.

Amount: \$1,500

Submitted by Board of Selectmen at request
of the Bicentennial Commission

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

ARTICLE 5 RE: Omnibus Article--Transfer of Funds

To see if the Town will vote to transfer from available funds the sum of \$250,000 or any other sum, to various accounts to pay for costs associated with projects within the Town, same to be spent under the direction of the appropriate authority, or to act in any other manner in relation thereto.

Amount: \$250,000

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

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

FINANCIAL ARTICLES

ARTICLE 6 Re: Re-Authorize Chap 90 Allocation

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$654,050.60 which is the Town's allocation of Chapter 90 funds from the Commonwealth of Massachusetts for FY 2000, same to be spent under the direction of the appropriate authority, or to act in any other manner in relation thereto.

Amount: \$654,050.60

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

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

GENERAL ARTICLES

ARTICLE 7 Re: Petition to Lower Speed Limits

To see if the Town will vote to authorize the Board Of Selectmen to petition the State Legislature to revise the provisions of Massachusetts General Laws Chapter 90 Sections 17 and 18 pertaining to the establishment of certain speed limits/regulations on public ways within “thickly settled” areas of the Town of Burlington by lowering said allowable speed limit to 25mph or to act in any other manner in relation thereto.

Submitted by Board of Selectmen

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

ARTICLE 8 RE: Abandon Easement - 192 Mill Street

To see if the Town will vote to authorize the Board of Selectmen, for such consideration as the Selectmen may determine, which may be nominal consideration of \$1.00 to abandon any easement, and release any right, title or interest that may be held by the Town in an area shown as “cart path” with respect to lot 1 as shown on a plan titled “Confirmation Plan of land in Burlington” prepared by the MacCarthy Engineering Services, Inc. dated November 28, 1961, being Land Court Plan 29669A, or to take any action relative thereto.

Submitted by Board Of Selectmen at request of the Town Administrator

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

ZONING BYLAW ARTICLES

ARTICLE 9 RE: Wireless Communications Facilities-Placement Requirements

To see if the Town will vote to amend Zoning ByLaw Section 4.1.6 - Temporary Partial Moratorium on Personal Wireless Services Facilities - by deleting that entire section as currently written (see backup material) and replacing it with the following Section 4.1.6:

4.1.6 Wireless Communications Facilities - Placement Requirements:

4.1.6.1. Purpose: The purpose of these regulations is to minimize the adverse impacts from the provision of wireless communication services to adjacent areas and residential neighborhoods by minimizing the number and height of associated facilities to only what is necessary and by promoting the sharing of existing or new facilities.

4.1.6.2.1. “Wireless Communication Facility” (WCF) shall mean wireless communication monopoles with antennas, antennas attached to existing structures and associated accessory structures, if any, which facilitate the provision of wireless communication services.

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

4.1.6.3 General Requirements:

A. WCF’s shall be allowed in all zones by special permits. The special permit granting authority for this section shall be the Planning Board. Besides the criteria set out under Section 9.2.0 of this bylaw, any such proposal shall meet the approval criteria set forth under this section.

B. Only free-standing monopoles, with associated antennas and/or panels are allowed for new structure installations. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not permitted to receive wireless communication facilities except those structures that were existing when this bylaw became effective.

C. All structures and/or equipment erected for providing “Wireless Communication Services” shall be removed within two (2) years of cessation of use at the owner’s expense.

D. Any proposed extension in the height, addition of cells, antenna, panels or vendors, or construction of a new or replacement of an existing facility shall be subject to a new special permit pursuant to Section 9.2.0 of this bylaw.

4.1.6.4 Application Process:

The applicant shall follow the application process set forth under Section 9.2.0 of this bylaw and to the rules and regulations of the Planning Board and shall submit complete documentation so as to demonstrate compliance with this section.

4.1.6.5. Approval Criteria:

A. For new construction, regardless of the yard setbacks required under this bylaw in the applicable zoning district, monopoles and accessory structures shall be set back from all property lines at least the height of the monopole structure as measured from the base of said structure. There shall be no exception to this provision.

B. For attachment of “Wireless Communication Services” equipment to existing structures, the existing building/structure must meet the height requirement set forth under this bylaw in the applicable zoning district, or meet the height requirements of the bylaw when built (nonconforming building/structure), or receive a variance pursuant to section 9.5.0 of this bylaw if the proposal exceeds the height requirements.

C. No monopole including the antenna attached thereto shall exceed the height requirements set forth under this bylaw in the applicable zoning district.

D. Antennas or panels which are located on nonresidential buildings/structures shall be mounted so as to be less than 12 feet in height above the roof-line of the building/structure.

E. All monopoles, associated equipment, antennas, buildings, structures and appurtenances shall be painted or treated so as to blend in with the landscape and/or the structure on which they are located.

F. All WFT's shall be sited so as to minimize visibility from abutting streets and nearby buildings and to limit the need to remove existing vegetation.

G. WCF's shall be designed to accommodate as many users as is feasible so as to reduce the number of facilities which will be needed in the surrounding service area.

H. Wireless communication facilities may not be placed within 200 feet of an adjacent residential property, day care and preschool facility or schools. This measurement is taken from the structure and the equipment storage facility.

I. Annual RF emissions monitoring is required for all sites by an independent RF engineer to be hired with the Planning Board approval and at the owner's expense. Test results will be submitted to the Town as soon as available.

and to Amend Section 4.3.1.14 (a) which now reads:

4.3.1.14(a) towers and antennas for generation or transmission of signals other than those covered by subsection 4.2.2.24,

AND ADD THE FOLLOWING:

“For additional requirements see Section 4.1.6.”

or to act in any other manner in relation thereto.

Submitted by Board of Selectmen

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

ARTICLE 10 RE: Rezone Parcels 55 & 56, Map 37

To see if the Town will rezone Parcels 55 and 56 shown on Assessor's Map 37 from RO (One-Family Dwelling District) to RG (Garden Apartment District) as described in Exhibit A in the Backup Material, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of Hamilton Group

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

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