

# WARRANT

## BURLINGTON TOWN MEETING

**MONDAY, SEPTEMBER 25, 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 25<sup>th</sup> of September 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 ( )

## ZONING ARTICLES

### ARTICLE 2

### RE: PDD Burlington Corporate Center

To see if the Town will vote to amend that certain Planned Development District ("PDD") approved by Town Meeting on January 25, 1988, as subsequently amended by the May 1993 Town Meeting, and known as Burlington Corporate Centre, located off of Cambridge Street, Burlington, Massachusetts in the following manner:

1. To add to the PDD that certain parcel of land known as 88/90 Cambridge Street; Assessor's Maps 41 and 35, Parcels 92-1 and 105, respectively, as further described as follows:

That certain parcel of land, with the buildings and improvements thereon, situated in Burlington in the County of Middlesex and the Commonwealth of Massachusetts, bounded and described as follows:

|           |  |
|-----------|--|
| WESTERLY  | by the Easterly line of Cambridge Street, three hundred forty and 88/100 (340.88) feet;              |
| NORTHERLY | by Lot 1 as shown on plan hereinafter mentioned, seven hundred forty-three and 11/100 (743.11) feet; |
| EASTERLY  | by land now or formerly of Burlwood Realty Corp., three hundred sixty-one and 85/100 (361.85) feet;  |

NORTHWESTERLY thirty-six and 97/100 (36.97) feet; and

SOUTHERLY five hundred and 44/100 (500.44) feet by lot 23 as shown on said plan

All of said boundaries are determined by the Court to be located as shown on subdivision plan (no. 26374-1), as approved by the Court, filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 675, Page 99, and said parcel is shown as Lots 21 and 22 on said plan.

2. To amend the Concept Plan approved on January 25, 1988 by approving the revised Concept Plan dated July 27, 2000 entitled "Burlington Centre-Corporate Drive Project – Proposed Concept Plan Trammel Crow Company" prepared by Daylor Consulting Group and annexed hereto as Exhibit "A".
3. To amend the Zoning Provisions and Special Conditions as follows:
  - (a) Planned Development District Zoning Provision – ("PDD Zoning Provisions")
    - (i) Notwithstanding anything to the contrary contained in the PDD Zoning Provisions, the maximum commercial/office development at the PDD shall not exceed 602,000 gross square feet of which up to 35,000 gross square feet may be permitted retail uses.
    - (ii) Notwithstanding anything to the contrary contained in the PDD Zoning Provisions and Concept Plan, the following dimensional limitations shall govern development at the PDD Premises:

PD DISTRICT  
DIMENSIONAL REQUIREMENTS

|  |  |
|--|--|
| Total Land Area                                    | 77.05 acres*   |
| Site Coverage of Buildings                         | 224,310 – office<br>85,940 - garage<br>49,120 - residential<br>359,370sf (825 acres) * |
| Area Covered by Impervious Surface                 | 1,132,560 sf<br>(26 acres) *   |
| Building Surface Area Ratio                        | 8.25 acres<br>77.05 acres = 11.7% *  |
| Impervious Surface Ratio                           | 26 acres<br>77.05 acres = 33.7% *  |
| Gross Floor Area<br>(of non-residential buildings) | 602,000 sf   |

Provided Parking Spaces (off-street parking) 1,144 - surface  
 855 – structured  
 1,999 (3.32/1,000sf) – Total  
 \*includes Residential Development

The above-referenced table shall not alter or amend the Density and Dimensional Requirements set forth in Article II of the PD Zoning Provisions.

(iii) Exhibit “A” Use Table is hereby amended by adding thereto as Section 1.4.12 the following:

| <u>Section</u> | <u>Use Designation</u>          | Permitted at PD District (yes– Permitted as Matter of Right SP-Special Permit Required) | Allocation to PD Premises Category |
|----------------|---------------------------------|---|------------------------------------|
| 1.4.12         | Hotel/Motel/<br>Residence Hotel | SP  | Commercial/<br>Office              |

(b) Special Conditions

- (i) The Special conditions shall be amended by providing that Phase II and Phase III of the development shall consist of a maximum of 517,000 square feet of office/retail development.
- (ii) Notwithstanding anything to the contrary contained in the Special Conditions, the Project shall not exceed 602,000 gross square feet of development of which up to 35,000 square feet may be retail space.
- (iii) Prior to the development of Building B as shown on the Revised Concept Plan, the owner of the PD Premises shall abandon the existing curb cut at 88/90 Cambridge Street and provide access to the building located at 88/90 Cambridge Street via Corporate Drive”

or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of Trammell Crow

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

**ARTICLE 3**

**RE: Amend Zoning ByLaw 4.3.2 –  
 Uses Normal Accessory to Non-residential  
 Principal Uses - Kiddie Rides**

To see if the Town of Burlington will vote to adopt the following provision as Section 4.3.2.21 of its Zoning Bylaw:

4.3.2 Uses Normally Accessory to Non-residential Principal Uses

4.3.2.21 Coin-operated children’s rides (also known as “Kiddie Rides”), powered by electrical motors, which rides shall be located wholly within the building(s) comprising a retail Shopping Center or retail Shopping Mall

|                 |    |    |    |    |    |     |    |    |    |    |     |     |
|-----------------|----|----|----|----|----|-----|----|----|----|----|-----|-----|
| ZONING DISTRICT | RO | RG | RC | BN | BL | BG  | BT | IG | IH | IR | A   | WR  |
|                 | NO | NO | NO | NO | NO | YES | NO | NO | NO | NO | YES | YES |

or to act in any other manner in relation thereto.

Submitted by Town Meeting Member  
Judy Wasserman

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

**ARTICLE 4**

**RE: Amend Article IV, Section 4.1.6  
Temporary Partial Moratorium on  
Personal Wireless Services Facilities  
(As Submitted by Planning Board)**

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

To amend Article IV by deleting Section 4.1.6 “Temporary Partial Moratorium on Personal Wireless Services Facilities” in its entirety, and replacing it with the following new section 4.1.6 “Wireless Communications Facilities” as follows:

4.1.6 Wireless Communications Facilities

4.1.6.1 Purpose and Intent

The Town of Burlington recognizes the quasi-public nature of wireless communications systems and finds that these regulations are necessary to protect public safety, to protect the ecological, scenic, historical and recreational values of the Town and to ensure that adverse visual and operational effects will not contribute to blighting, deterioration or other deleterious effects upon the surrounding neighborhood.

It is the intent of this Section to provide for establishment and/or expansion of cellular telephone, mobile radio and personal communication and similar systems within the Town of Burlington while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening and in furtherance of the requirements of the Federal Telecommunications Act of 1996. More specifically the Section has been developed in order to:

- a) Comply with the intent and obligations of the Federal Telecommunications Act of 1996;
- b) Increase and promote competition in the telecommunications industry;

- c) Regulate the siting of wireless communications facilities relative to visual and aesthetic concerns;
- d) Encourage the use of screening and camouflaging techniques to minimize adverse visual and aesthetic impacts of wireless communications facilities on adjacent properties and residential neighborhoods;
- e) Minimize the overall number of wireless communications facilities and structures as may be necessary to provide wireless communications services within the community, by promoting shared use of facilities among multiple providers while providing reasonable opportunity for all providers to operate facilities within the community;
- f) Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of wireless communications facilities needed to serve the community;
- g) Minimize the location of facilities in visually sensitive areas;
- h) Site facilities below visually prominent ridge lines;
- i) Protect historic and residential areas from potential adverse impacts of such facilities;
- j) Avoid potential damage to adjacent properties from facility failure through engineering and careful siting of facilities.

#### 4.1.6.2. Definitions:

4.1.6.2.1 “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 service.

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

#### 4.1.6.3 General Requirements:

a) Wireless communications facilities, including towers, poles, antennas, satellite dishes, and accessory equipment cabinets, shall be considered structures under this Zoning Bylaw and shall be subject to the density and dimensional requirements of Section 5.2.0.

b) No wireless communications facility, including towers, poles, antennas, satellite dishes...shall be erected or installed except in compliance with the provisions of this Section. Unless otherwise noted in Section 4.3.0 “Accessory Use Regulations Schedule”, or in subsection “c” below, a special permit is required from the Planning Board. Any proposed construction of a new freestanding support structure, extension in height of an existing freestanding facility, or replacement of an existing freestanding facility, shall be subject to a new application for a special permit.

c) Wireless communication facilities may only be proposed within the overlay districts identified on the map entitled “Town of Burlington – Wireless Communications Overlay Districts”. WCF’s involving new freestanding support structures, or any facility proposed to be located within 200 feet of a property occupied by a residence shall be permitted in these overlay districts by special permit, pursuant to the criteria set out under

Section 9.2.0 of this Bylaw, in addition to the approval criteria of this Section. WCF's proposed to co-locate on a previously approved freestanding support structure shall be permitted by right in these overlay districts. Building façade-mounted facilities and building rooftop facilities which are more than 200 feet from a property occupied by a residence shall be permitted by right in the overlay districts. (Municipal communication facilities shall be exempt from this section.)

d) Wireless communications facilities shall be appropriately screened and/or camouflaged to minimize their visual and aesthetic impacts upon the surrounding neighborhood.

e) Wireless communications facilities shall be sited so as to minimize visibility from abutting streets and nearby buildings and to limit the need to remove existing vegetation.

f) Collocation is generally viewed as preferable to construction of a new freestanding support structure where it is assumed that collocation may often be less imposing. To minimize the number of wireless communications facility sites in the community in the future, the proposed facility shall be designed and constructed so it is reasonably capable of accommodating other users, including other wireless communication companies and local police, fire and ambulance companies, unless it is determined to be technically infeasible based on the Board's evaluation of information submitted.

g) Where a new freestanding support structure is proposed, alternative structures that employ "stealth" or camouflage techniques, such as artificial trees and flagpoles, shall be considered preferred. Freestanding monopoles are less preferential, but may be acceptable where the applicant can successfully demonstrate to the satisfaction of the Planning Board that the proposed facility will have minimal visual impact on the landscape. Lattice towers and guyed towers are not preferred as they present a more imposing presence on the landscape. (Structures that were existing when this bylaw became effective shall be exempt from this provision.)

h) For freestanding support structures, any principal part of the structure shall be setback from the nearest occupied residential structure by a minimum distance equal to the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of two hundred feet (200').

i) No artificial lighting shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.

j) No interference to existing television, cable television or radio signals, including emergency systems and public safety communications, shall be permitted from the tower or components thereon. If interference occurs, it shall be the responsibility of the facility owner to immediately remedy it.

k) A wireless communications facility may be sited on a lot which already accommodates a lawful principle use. Due consideration will be given to the overall functioning of the lot, and other applicable sections of this bylaw, during the Board's review of the special permit application.

l) All structures and/or equipment erected for providing wireless communication services shall be removed within six (6) months of upon cessation of use at the owner's expense.

m) Antennas and directly related facilities used exclusively for communication for the purpose of federally licensed amateur radio operators shall be exempt from this section.

#### 4.1.6.4. Design Criteria:

The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications facilities:

a) All freestanding towers and monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future users.

b) All satellite dishes and antennas attached to a structure shall be screened or camouflaged so as to minimize visibility from abutting streets and residences. All support equipment shall be painted, colored, molded, and/or installed to blend into the structure or background horizon/landscape.

c) Free standing wireless communications facilities shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to minimize the need to remove existing vegetation. All equipment shall be painted, colored, molded, and/or installed to blend into the landscape.

d) Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the total number of structures, which will be required to provide service throughout the community by multiple providers.

e) All free standing towers, poles, and similar support structures shall maintain a fall zone from any adjacent residential buildings or structures not associated with the wireless communications facility, or the proponent shall submit a structural analysis from a professional structural engineer certifying that the proposed structure does not need a fall zone due to its design specifications. A fall zone shall not be required for antenna panels, whip antennas, or satellite dishes, which are attached to existing structure facades or erected on building rooftops.

f) Fencing shall be provided to provide security and control access to freestanding wireless communications facilities and ground mounted support equipment. Additional landscaping shall be required to provide additional screening for safety as well as to enhance the visual and aesthetic appearance of the facility, in consideration of the character of the neighborhood in which the facility is proposed. The fencing style and specific landscaping species and quantities shall be shown on a landscaping plan to be approved by the Planning Board as part of the special permit approval process.

g) There shall be no sign except for "no trespassing" signs, and any required safety signage. No advertising shall be permitted on the facility. All signs shall conform with the Sign Bylaw.

- h) Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA. If such lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.
- i) For free standing towers, monopoles, or satellite dishes, there shall be a minimum and maximum of one (1) off street parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment. When abutting residential districts, such parking space shall be suitably situated and screened to minimize its potential visual impact on such abutting residences.
- j) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, facilities shall be painted non-contrasting gray or blue in color, or camouflaged with some other treatment deemed acceptable by the Board. Façade mounted antenna(e) shall be non-contrasting or camouflaged to match the background color of the surface to which they are attached.
- k) Any related equipment and appurtenances shall not be more than twelve (12) feet in height.
- l) All utilities proposed to serve the facility shall preferably be installed underground.
- m) Dish antennae shall be no more than six (6) feet in diameter, and shall be mesh (rather than solid). Panel antennae shall be no more than five (5) feet in height.
- n) Antennas or panels which are located on nonresidential buildings shall be mounted so as to be less than twelve (12) feet in height above the roof of the building.

#### 4.1.6.5 Additional Submittal Requirements for WCF Requiring a Special Permit

In addition to the submittal requirements of Section 9.2.2 of the Zoning Bylaw, the following items and information are required to be submitted at the time an application under this section is filed:

- a) A locus plan at a suitable scale, which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and neighborhoods, and all buildings within three hundred (300) feet of the proposed facility.
- b) A color photograph or rendition of the proposed wireless communications facility. A rendition shall also be prepared illustrating a view of the proposed facility from the nearest street or streets.
- c) A description of the facilities and structures, and the technical, economic and other reasons for the proposed location, height, and design in relation to the regional network of facilities existing and proposed by the provider.
- d) A description of the capacity of the proposed facility with respect to the number and type of panel antennas, drum antennas, and or transmitter receivers that it can

accommodate and the basis for these calculations, and the technical specifications for the antennas proposed.

- e) Coverage Maps reflecting current coverage and proposed coverage, including a breakdown of “excellent”, “good”, “fair”, and “poor” reception areas, using the same criteria as Comp Comm analysis in the Comprehensive Plan for the Siting of Wireless Communications Facilities in Burlington:  $>-74.0$  DBM,  $-74.0$  to  $-80.0$  DBM,  $-80.0$  TO  $-86.0$  DBM,  $-86.0$  to  $-93.9$  DBM, and  $<-93.0$  DBM (nonexistent), with each range to be illustrated by a different color or shading pattern. Such coverage maps shall include facilities existing or proposed in adjoining towns which provide coverage in Burlington.
- f) If a rooftop installation, the layout of the equipment on the rooftop, and/or a floor plan of any interior space to be occupied by such supporting equipment cabinets or backup power sources.
- g) If a ground installation, a site plan layout of all equipment and structures, access drives, and any other site improvements or alterations involved.
- h) Documentation that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration and the Federal Communications Commission.
- i) A report by a professional or radio frequency engineer describing the general design and capacity of any proposed installation, including but not limited to the following:
  - The number and type of antenna(e) proposed;
  - A description of the proposed antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height, materials, color and lighting.
  - A description of the proposed antenna(e) function and purpose;
  - The frequency, modulation and class or service;
  - Direction of maximum lobes;
  - An evaluation of the potential to utilize existing facilities for the proposed facility;
  - An evaluation of the feasibility of attaching the proposed facility to existing buildings;
  - Copies of all applicable permits, including but not limited to all State and Federal permits required for this project and a certification of compliance with the terms and provisions of the license issued for this purpose by the Federal Communications Commission (FCC).
- J) Site Justification or Appropriateness Statement, including a description of the selection process that eliminated other potential sites;
- k) Evidence that the applicant has filed a notice of proposed construction with the Federal Aviation Administration if the proposed facility exceeds 200 feet in height or in the event such notice is otherwise required.
- l) Material describing a specific plan for a “balloon” or similar test, including the date and time, as well as a rain date and time, suitably and clearly described for

inclusion in a legal notice in the newspaper and for inclusion in a notice to abutters.

- m) A statement indicating how the proposal meets, in the opinion of the applicant, the intents and purposes of this bylaw.
- n) For free standing structures proposed to be sited closer to the property line than the height of the proposed structure, the proponent shall submit a structural analysis from a professional structural engineer certifying that the proposed structure does not need a fall zone due to its design specifications.

#### 4.1.6.6. Approval Criteria:

4.1.6.6.1 In addition to the approval criteria for special permits pursuant to Section 9.2.4 of this bylaw, the Planning Board shall make findings on which to base its determination on the specific issues of:

- a) How well the use and proposal meet all required conditions and specifications of the Zoning Bylaw;
- b) How well the use and proposal meet the policies and recommendations of the Comprehensive Plan for the Siting of Wireless Communications Facilities in Burlington;
- c) Whether the proposed facility employs available stealth techniques, or is otherwise camouflaged to the extent possible, in order to minimize the visual impact of the facility upon the adjoining streets and surrounding neighborhood.
- d) The proximity of the facility to residential dwellings and the visual, aesthetic impact on such residences.

4.1.6.6.2 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 not later than the close of the calendar year. Annual testing of electromagnetic emission shall be required to ensure continual compliance with the FCC regulations.

4.1.6.6.3 A special permit shall only be granted if the Planning Board determines that the intent of this bylaw and the criteria of Section 9.2.4 are met.

#### 4.1.6.7 Separability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision herein.

And further to amend Section 4.3.1.14(a) "Towers and antennas for generation and transmission of telecommunication signal, other than those permitted under Section 4.2.2.24", to add the following text to the end of the notation: "subject to the requirements and exemptions of Section 4.1.6." or to act in any other manner in relation thereto

Submitted by Board of Selectmen at request of  
Planning Board

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

**ARTICLE 5**

**RE: Amend Article 1V, Section 4.1.6  
“Temporary Partial Moratorium on  
Personal Wireless Services Facilities”  
(As Submitted by 5 TMM)**

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

To amend Article IV by deleting Section 4.1.6 “Temporary Partial Moratorium on Personal Wireless Services Facilities” in its entirety and replacing it with the following new Section 4.1.6 “Wireless Communication Facilities – Placement Requirements” as follows:

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 (to mean any and all properties that abut residential zoned neighborhoods) by minimizing the number and height of associated facilities and by considering the sharing of facilities.

4.1.6.2 Definitions:

4.1.6.2.1 Wireless Communications 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.

4.1.6.2.2 Wireless Communication Services, WCF, shall mean the provision of the 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 permit. The Special Permit Granting Authority (SPGA) 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 4.1.6.

B. Only freestanding 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 received WCF's unless identified in the current (or future) version of the Town's Master Plan as a suitable area for this type of placement, and approved by the SPGA, and except those structures that were existing when this by-law became effective

C. All structures and/or equipment erected for providing Wireless Communication Services shall be removed within 6 months of cessation of use at the owners expense.

D. Any proposed extension in the height, addition of cells, antennas, panels or vendors, or construction of a new or replacement of an existing facility shall require a new application for a special permit pursuant to Section 9.2.0 and 4.1.6 of the Town's by-laws.

4.1.6.4 Application Process:

A. 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.

B. Wireless Communication Facilities and Services are dependent upon multiple sitings to complete its network. Therefore, the application process requires the identification of all projected network sites, so that the Town can evaluate the application within the contents of the whole entity.

4.1.6.5 Approval Criteria:

A. For a 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 structure, the existing building/structure must meet the height requirement set forth under this bylaw in the applicable zoning district, or met 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 significantly exceed the height requirements set forth under this bylaw in the applicable zoning district.

D. Antennas or panels which are located on non residential building/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 WCFs shall be sited so as to minimize visibility from abutting streets and nearby buildings and to limit the need to remove existing vegetation.

G. WCFs may 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. To preserve the character of residential neighborhoods and to minimize the associated negative visual images and auditory impacts on adjacent property and its value, and to minimize the accessibility of the equipment storage facilities to children, WCFs may not be placed within 200 feet of adjacent residential property, and 800 feet from school property, preschool facility or daycare. This measurement is taken from the base of the structure and the equipment storage facility to the nearest point of abutting property lines.

I. All free standing towers and monopoles shall maintain a fall zone of at least the height of the tower or monopole from any adjacent buildings or structures not associated with the telecommunications facility. Antenna panels, whip antennas, satellite dishes, which are attached to existing structures or erected on building tops will comply with a direct fall zone (straight fall).

J. Annual emissions monitoring is required for all sites by an independent engineer be hired with the Planning Board approval and at the owner's expense. Timely test results will be submitted to the Town. Annual testing of any and all emissions shall be requires. These emissions must comply with Federal standards or immediately terminate services

or to act in any other manner in relation thereto.

Submitted by following Town Meeting  
Members: Robert M. Mottolo; Marie A. Ardito;  
Gregg Ganley; Richard N. Binnall,  
Michael J. Austin

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

## **ARTICLE 6**

### **RE: Amend Zoning Bylaw Article XI, Section 11.1.0 – Moratorium on Site Plans and Special Permits**

To see if the Town will vote to amend Article XI of the Zoning Bylaws of the Town as follows, by striking Section 11.1.0 in its entirety and substituting in lieu thereof a new Section 11.1.0 containing a moratorium which shall prohibit for two (2) years from the date of adoption of proposed bylaw amendment by Town Meeting, the acceptance of an application or approval of site plans, site plan waivers and special permits, with the following exceptions:

11.1.1. Under the Zoning Bylaw, all development, except one family dwellings and municipal services in one family dwelling districts, require site plan approval. Certain other uses require special permit.

11.1.2. Special permit, site plan or site plan waiver applications properly filed with the Town on or before, the date of the fist notice of public hearing for the amendment to adopt this Article, shall be exempt from the moratorium.

11.1.3. The proposed moratorium shall prohibit for two years the approval of all uses requiring site plan approval, site plan waivers and special permits except for those developments which would result in less than 20,000 square feet of floor area

development including alteration or reconstruction of existing structures of additional development and also excepting multifamily development.

The limit of 20,000 square feet for smaller scale new or additional development, alteration or reconstruction of existing structures which do not have the same potential for adverse impact on the Town's infrastructure.

Calculation of the 20,000 square feet shall include the floor area, as defined in Article II, "Definitions", Section 2.28, of all new or additional construction or alteration or reconstruction shown on applications submitted after the date of the first publication of notice of public hearing for this moratorium, to prevent the circumvention of the moratorium by sequential submissions. The calculation of 20,000 square feet shall be determined without regard to the number of parcels affected or the ownership of said parcels.

11.1.4. These prohibitions shall not apply to work the building inspector shall determine is necessary in order to protect public health, safety or welfare.

11.1.5 If any section of this bylaw or portion thereof is declared invalid, it shall not affect the validity or application of the remainder of the bylaw. If the two (2) year moratorium period established hereby is determined by an authority or court of competent jurisdiction to be longer than allowed under law, the moratorium period shall be for the longest period of time allowed by law.

Said moratorium shall allow the Town the necessary time to revise its Zoning Bylaws, its subdivision rules and regulations, and identify course of action to address the serious problems existing with the water quality and quantity, sewer system upgrade, drainage, environmental contamination and traffic congestion, or to act in any other manner in relation thereto.

Submitted by Virginia E. Mooney, TMM  
Precinct 4

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

## GENERAL BYLAWS

### ARTICLE 7

#### **RE: Amend the General Bylaws Article 1 – General Provisions, by adding a new section 12 – Circuit Breakers for Seniors**

To see if the Town will vote to allow eligible low and moderate-income seniors the tax benefits allowed under "Circuit Breakers" as passed by the Legislature to become effective when filing taxes in 2002 for 2001, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request  
Of Town Administrator

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

**ARTICLE 8**

**RE: Amend General Bylaws, Article II,  
Section 1.2 Warrants**

To see if the Town will vote to amend General Bylaws, Article II, Section 1.2. Warrants by adding the following paragraph:

“The date by which the Board of Selectmen shall receive articles, by petition or otherwise, for inclusion in the warrant for Town Meeting shall be no later than forty-five days before the meeting notwithstanding the provisions of Chapter 686 of the Acts of 1970, Section 12(a) relating to Special Town Meetings. The Board of Selectmen are not prohibited from inserting in the warrant, after that date, articles which, in the Board’s opinion, are of such importance to the welfare of the Town as to make their consideration at such meeting necessary or desirable”, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen

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

**ARTICLE 9**

**RE: Amend General Bylaws, Article II, Section 1.2  
Warrants, and Chapter 686 of the Acts of 1970**

To see if the Town will vote to amend the General Bylaws, Article II, Section 1.2 Warrants by striking the words “seven days” in the first sentence and substituting therefore the words “fourteen (14) days” so the sentence reads as follows:

“Warrants for Town Meeting sessions shall be issued by the Board of Selectmen to the Town Meeting Members, Moderator and Town Clerk, and a copy shall be posted on the Town Bulletin Board at least fourteen (14) days before the meeting is to convene”

And further, to petition the General Court to amend Chapter 686 of the Acts of 1970 “An Act Establishing a Representative Town Meeting Form of Government in the Town of Burlington”, Section 12 (f) to reflect the above change, 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 ( )

**ARTICLE 10**

**RE: Amend General Bylaws, Article II  
Section 2.0 Town Meeting Members, and  
Chapter 686 of the Acts of 1970**

To see if the Town will vote to amend the General Bylaws, Article II, Section 2.0 Town Meeting Members, ninth paragraph, which reads as follows:

“No Town Meeting Member shall hold any other Town office, elective or appointive, except the following membership on advisory committees appointed for a special temporary purpose by the Selectmen, School Committee, or any other Town Board; members of Town committees or political parties; officers of elections, or Town employees”

by adding the following sentence:

”For purposes of this section only, “Town Office” shall not be construed to include Police Officers, Special Police Officers or the Animal Control Officer”

and further, to petition the General Court to Amend Chapter 686 of the Acts of 1970 “An Act Establishing a Representative Town Meeting Form of Government in the Town of Burlington”, Section 8 (a) to reflect the above change, 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 ( )

**ARTICLE 11**

**RE: Setting the Date for the 2001 Annual Town Election**

To see if the Town will vote to set the date for the 2001 Annual Town Election as April 7, 2001, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of  
Town Clerk

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

**ARTICLE 12**

**RE: Building Department Revolving Fund**

To see if the Town will vote to establish a self supporting Building Department revolving fund equal to 2% of the total Building Department fees (said fund not to exceed \$10,000 annually) collected per year for archival imaging (microfilming or equal media) of building permit drawings and specifications as permitted by Chapter 44, Section 53 ½ of the General Laws of Massachusetts, under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of  
Inspector of Buildings & Town Administrator

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

**ARTICLE 13**

**RE: Adjust Building Department Fees**

To see if the Town will vote to adjust the Building Department fees for permits, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of  
Inspector of Buildings & Town Administrator

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

**ARTICLE 14**

**RE: Extend Solid Waste & Recyclables Contract**

To see if the Town will vote to authorize the Board of Selectmen to extend this current contract with BFI when it expires in 2003 for a renewable option of an additional two years, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of  
Town Administrator

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

**GENERAL ARTICLES**

**ARTICLE 15**

**RE: Special Legislation to transfer  
State Property to the Town**

To see if the Town will vote to authorize the Board of Selectmen to petition the State Legislature for a Special Act to convey to the Town of Burlington a 2.3+/- acre parcel of land located on Grant Avenue within the Town of Burlington to be used as a Public Works facility, and/or other appropriate use as determined by the Board of Selectmen, or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at request of  
Town Administrator

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

**FINANCIAL ARTICLES**

**ARTICLE 16**

**RE: Study of Town-wide Facilities  
I/I removal**

To see if the Town will vote to transfer from the Sewer Enterprise Fund the amount of \$300,000, or any other sum, for the purpose of conducting a Town-Wide Facilities Infiltration & Inflow Removal from the Sewer System, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

AMOUNT: \$300,000

Submitted by Board of Selectmen at request  
Of Town Administrator

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

**ARTICLE 17**

**RE: Septic Tank Closure**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$10,000, or any other sum, to clean and close the Septic Tank System at Marshall Simonds Middle School, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

AMOUNT: \$10,000

Submitted by Board of Selectmen at request  
of Town Administrator

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

**ARTICLE 18**

**RE: Clapp's Mill Preservation**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of \$20,000, or any other sum, to provide engineering/survey and title work on the Clapp's Mill Property and the surrounding area for historic preservation purposes, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

AMOUNT: \$20,000

Submitted by Board of Selectmen at request  
of Historical Commission

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

**FINANCIAL ARTICLES**

**ARTICLE 19**

**RE: Funding Conservation Land Trust**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$60,000, or any other sum, to add to the Conservation Land Trust Account, same to be spent until the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

AMOUNT: \$60,000

Submitted by Board of Selectmen at request  
of Conservation Commission and  
Town Administrator

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

**ARTICLE 20**

**RE: Stream Cleaning Study**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$45,000, or any other sum, for the purpose of conducting a Stream Cleaning Study, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

AMOUNT: \$45,000

Submitted by Board of Selectmen at request of  
the Town Administrator

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

**ARTICLE 21**

**RE: Expand Hours of B-Line**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$28,500, or any other sum, for the purpose of expanding the hours of operation of the B-Line bus service, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

AMOUNT: \$28,500

Submitted by Board of Selectmen at request of  
B-Line Advisory Committee

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

**FINANCIAL ARTICLES**

**ARTICLE 22**

**RE: Jaws of Life Power Unit & Tools**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$22,209, or any other sum, for the purpose of purchasing a Jaws of Life Power Unit and Tool, same to be spent under the direction of the Board of Selectmen, or to act in any other manner in relation thereto.

AMOUNT: \$22,209

Submitted by Board of Selectmen at request of  
Fire Chief and Town Administrator

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

**ARTICLE 23**

**RE: BHS Track Replacement**

To see if the Town will vote to raise and appropriate, transfer from available sums, or otherwise provide a sum of money for the purpose of replacing the outdoor track at Burlington High School same to be spent under the direction of the School Committee, or to act in any other manner in relation thereto.

Submitted by School Committee

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

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