

WARRANT

TOWN OF BURLINGTON

SPECIAL TOWN MEETING, OCTOBER 25, 2000

In accordance with the provisions of Section 12 (a) of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, I hereby call a Special Town Meeting at the Burlington High School, Fogelberg Auditorium, on Wednesday, October 25, 2000 at seven-thirty o'clock in the evening, then and there to act on the following article of this Warrant.

s/s Robert P. Marrano
Town Moderator

FINANCIAL ARTICLE

ARTICLE 1

**RE: Fund Special Counsel re:
Comprehensive Permits**

To see if the Town will raise and appropriate or transfer from available funds the sum of \$50,000, or any other sum, for the purposes of appointing Special Counsel to appeal the granting of any current or previous comprehensive permit in or around the Town of Burlington, and to challenge the legality and constitutionality of comprehensive permit legislation in Massachusetts. The appointment to be made for Town Meeting by the Moderator and progress to be monitored by the Moderator on behalf of Town Meeting.

Said counsel to develop and implement a legal strategy to carry the appeal up to and including the Massachusetts Housing Appeals Court, the Supreme Court of the State of Massachusetts and the Supreme Court of the United States. That strategy should include the encouragement of other aggrieved communities in Massachusetts to participate in Burlington's legal effort. Grounds for stated legal challenge may include, but not be limited to:

1. Massachusetts comprehensive permit legislation usurps the legal authority of the Town Meetings or other local legislative bodies in Massachusetts communities to establish and maintain zoning bylaws within a communities own boundaries.
2. The comprehensive permit statute is a state un-funded mandate and is illegal under Massachusetts State law.
3. The Zoning Board of Appeals as an appointed body is an inappropriate legal body to conduct deliberations on development issues of such magnitude.
4. The comprehensive permit laws cannot meet the stated objective of achieving minimum standard levels of affordable housing because of the limited time said units remain affordable.
5. Application of the law is not uniform throughout the Commonwealth and is arbitrary and capricious.

or to act in any other manner in relation thereto.

AMOUNT: \$50,000

Submitted by 10 Town Meeting Members

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