

WARRANT

Burlington Town Meeting



**January 26, 2004
@ 7:30 P.M.**

**Burlington High School
Fogelberg Auditorium
123 Cambridge Street
Burlington, MA**

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Burlington Town Meeting
January 26, 2004

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WARRANT

BURLINGTON TOWN MEETING

MONDAY, January 26, 2004

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 26th of January 2004 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 the request of
the Rules Committee

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

GENERAL ARTICLES

ARTICLE 2

RE: Sale of Land/Sleeper Drive

To see if the Town will vote to transfer from the Board of Selectmen for general municipal purchases to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey, for such consideration as the Selectmen may determine, all or any portion of the following properties:

Three parcels of land on Sleeper Drive, being a portion of the premises conveyed to the Town by Ann M. Ruping, Trustee of the Sleeper Drive Realty Trust, by deed recorded with the Middlesex District Registry of Deeds on November 23, 2002 as Instrument No. 69, which three parcels are shown on Town Assessors Map 30 as Parcels 35-10, 35-11 and 35-15; and further are identified as Lots 18, 19 and 23 on a plan entitled "Marion Estates Definitive Subdivision Plan in Burlington, Mass.," dated August 9, 1977 prepared by Raymond Engineering Service, recorded with the Middlesex District Registry of Deeds as Plan No. 588 of 1978 in Book 13456, Page 125, or to take any other action relative thereto.

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

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

FINANCIAL ARTICLES

ARTICLE 3

RE: Simonds Trust

To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds the amount of \$9,500.00, or any other sum, for the maintenance and improvement of Simonds Park, same to be spent under the direction of the Recreation Commissioners, or to act in any other manner in relation thereto.

AMOUNT: \$9,500.00

Submitted by Board of Selectmen at the request of the Recreation Commission

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

ARTICLE 4

RE: DPW Pavement Management/Chapter 90

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$480,603.00 or any other amount to pay for the purpose of funding the paving, drainage repairs and installation of sidewalks, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

AMOUNT: \$480,603.00

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

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

ARTICLE 5

RE: TRW Park Water Bubbler

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money to pay for the installation of a water bubbler at TRW park, or to act in any other manner in relation thereto.

AMOUNT: \$5,000.00

Submitted by Board of Selectmen at the request of James Williams, Town Meeting Member/Precinct 3

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

FINANCIAL ARTICLES

(continued)

ARTICLE 6

RE: Street Light Purchase

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money to pay for the debt service associated with the previously approved Town Meeting vote to purchase the street lights in the Town of Burlington, or to act in any other manner in relation thereto.

AMOUNT: \$157,500.00

Submitted by Board of Selectmen at the request of
Gail LaPointe, Town Accountant

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

ARTICLE 7

RE: Cemetery Perpetual Care Trust Fund

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money to pay for FY 2004 expenses within the Cemetery Dept, or to act in any other manner in relation thereto.

AMOUNT: \$12,000.00

Submitted by Board of Selectmen at the request of
Gail LaPointe, Town Accountant

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

ZONING ARTICLES

ARTICLE 8

**RE: Rezone Burlington Sand and Gravel
Property From One Family Dwelling
(RO) To Planned Development (PD)
District**

To see if the Town will vote to amend the Zoning Map to rezone a certain parcel of land known as 14 Wheeler Road, identified on Town of Burlington Assessors Map 56 as Parcel 24, from One Family Dwelling (RO) District to Planned Development (PD) District in accordance with the Concept Plan including, without limitation the “ArborPoint at Burlington” zoning regulations submitted in accordance with Article XII, Section 12.1.4 of the Town of Burlington Zoning By-Law included as part of the backup material to this Warrant Article; said land is further described as follows:

Legal Description

A certain parcel of land located on the northwesterly side of Muller Road and southeasterly side of Wheeler Road in the Town of Burlington, in the County of Middlesex and the Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point at the intersection of Wheeler Road and Old Concord Road (a private way) and being the southwest corner of the parcel hereinafter described; thence

Northeasterly	and curving to the right along the arc of a curve having a radius of three hundred sixty and no hundredths feet (360.00'), a length of thirty three and fifty nine hundredths feet (33.59') to a point; thence
N 68° 04'03" E	a distance of two hundred nineteen and eighty one hundredths feet (219.81') to a point; thence
Northeasterly	and curving to the left along the arc of a curve having a radius of four hundred twenty and no hundredths feet (420.00'), a length of two hundred thirty eight and seventy six hundredths feet (238.76') to a point; thence
N 35° 29'46" E	a distance of four hundred ninety three and ninety five hundredths feet (493.95') to a point; thence
Northeasterly	and curving to the right along the arc of a curve having a radius of six hundred twenty and no hundredths feet (620.00'), a length of two hundred ten and thirty three hundredths feet (210.33') to a point; thence
N 54° 56'00" E	a distance of three hundred thirty two and thirty two hundredths feet (332.32') to a point; thence
<i>(CONTINUED)</i>	

Northeasterly	and curving to the right along the arc of a curve having a radius of five hundred forty and no hundredths feet (540.00'), a length of four hundred sixty nine and seventy four hundredths feet (469.74') to a point; thence
Southeasterly	and continuing curving to the right along the arc of a curve having a radius of four hundred and no hundredths feet (400.00'), a length of one hundred seven and twenty two hundredths feet (107.22') to a point; thence
S 59° 52'02" E	a distance of eighty one and twenty three hundredths feet (81.23') to a point; thence
Southeasterly	and curving to the left along the arc of a curve having a radius of five hundred thirty five and eighty six hundredths feet (535.86'), a length of three hundred twenty five and twenty nine hundredths feet (325.29') to a stone bound; thence
N 85° 19'57" E	a distance of one hundred ten and forty eight hundredths feet (110.48') to a stone bound; thence
Southeasterly	and curving to the right along the arc of a curve having a radius of fifty five and sixty three hundredths feet (55.63'), a length of seventy eight and forty six hundredths feet (78.46') to a point; thence
S 13° 52'12" E	a distance of seventy four and ninety eight hundredths feet (74.98') to a point; thence
S 13° 07'48" W	a distance of thirty nine and forty four hundredths feet (39.44') to a point; thence
Southeasterly	and curving to the left along the arc of a curve having a radius of one hundred thirty and fifty nine hundredths feet (130.59'), a length of eighty three and fifty nine hundredths feet (83.59') to a point; thence
S 23° 32'42" E	a distance of one hundred eighty and four hundredths feet (180.04') to a point; thence
S 13° 52'12" E	a distance of two hundred forty one and seven hundredths feet (241.07') to a point; thence
Southeasterly	and curving to the right along the arc of a curve having a radius of one thousand nine hundred ninety six and twenty eight hundredths feet (1996.28'), a length of one hundred forty eight and eight hundredths feet (148.08') to a point; thence
S 09° 37'12" E	a distance of two hundred twenty four and eighty four hundredths feet (224.84') to a stone bound; thence
	<i>(CONTINUED)</i>

Southwesterly	and curving to the right along the arc of a curve having a radius of three hundred ninety one and twenty seven hundredths feet (391.27'), a length of five hundred fifteen and nineteen hundredths feet (515.19') to a stone bound; thence
Southwesterly	and continuing curving to the right along the arc of a curve having a radius of nine hundred forty five and sixty five hundredths feet (945.65'), a length of two hundred ninety three and seventy eight hundredths feet (293.78') to a bound; thence
S 83° 37'18" W	a distance of three hundred ninety seven and twenty seven hundredths feet (397.27') to a point; thence
Southwesterly	and curving to the left along the arc of a curve having a radius of five hundred fifty eight and ninety eight hundredths feet (558.98'), a length of two hundred seventy one and sixty four hundredths feet (271.64') to a stone bound; thence
S 62° 50'02" W	a distance of seventy and sixty eight hundredths feet (70.68') to a point; thence
S 68° 52'40" W	a distance of sixty six and six hundredths feet (66.06') to a point; thence
S 79° 46'12" W	a distance of one hundred seventeen and sixty four hundredths feet (117.64') to a point; thence
S 80° 32'22" W	a distance of eighty two and two hundredths feet (82.02') to a point; thence
N 58° 44'43" W	a distance of one hundred three and eighty nine hundredths feet (103.89') to a point; thence
Northwesterly	and curving to the left along the arc of a curve having a radius of fifty seven and no hundredths feet (57.00'), a length of twenty eight and forty nine hundredths feet (28.49') to a stone bound; thence
N 58° 44'43" W	a distance of fifty eight and sixty five hundredths feet (58.65') to a stone bound; thence
N 53° 46'24" W	a distance of ninety six and nineteen hundredths feet (96.19') to a stone bound; thence
Northwesterly	and curving to the right along the arc of a curve having a radius of three hundred fifty six and seventy five hundredths feet (356.75'), a length of one hundred eighty six and five hundredths feet (186.05') to a point; thence
Northwesterly	and continuing curving to the right along the arc of a curve having a radius of three hundred fifty six and seventy five hundredths feet (356.75'), a length of eighty three and seventeen hundredths feet (83.17') to a point; thence
<i>(CONTINUED)</i>	

N 39° 11'07" W	a distance of three hundred ninety four and sixty hundredths feet (394.60') to a stone bound; thence
N 29° 18'27" W	a distance of one hundred thirty eight and six hundredths feet (138.06') to a point; thence
N 62° 09'07" W	a distance of two hundred five and forty one hundredths (205.41') to the point of beginning.
	Above described parcel has a lot area of 69.258 Acres

or to act in any other manner in relation thereto.

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

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

THE COMMONWEALTH OF MASSACHUSETTS

To either of the Constables of the Town of Burlington in the County of Middlesex Greeting.

You are hereby directed to serve this warrant by posting up attested copies thereof at the billboard at the Town Hall, in said Town, fourteen days at least before the Town Meeting of January 26, 2004 at Fogelberg Auditorium, Burlington High School.

HEREOF FAIL NOT, to make due return of the warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid

Given under our hands this 9th day of January in the year of our Lord 2004

Albert L. Fay, Jr., Chairman
Gary J. Gianino, Vice-Chairman
Joseph A. Impemba
Juliet M. Perdichizzi
Kevin B. McKelvey

SELECTMEN OF BURLINGTON, MASSACHUSETTS

A true copy attest.

_____ Constable

Dated _____

Middlesex ss

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Burlington by posting up an attested copy of the same at the billboard in the Town Hall and as within directed, at least fourteen days before Town Meeting, January 26, 2004.

s/s _____
Constable of Burlington

A copy of the warrant was mailed to each Town Meeting Member, the Town Moderator and the Town Clerk on the _____ day of _____, 2004

Attest: Jane L. Chew, Town Clerk