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Burlington Town Meeting
September 27, 2004

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WARRANT

BURLINGTON TOWN MEETING

MONDAY, SEPTEMBER 27, 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 27th of September 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 ()

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.

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

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

GENERAL BYLAW ARTICLES

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.

Submitted by the Board of Selectmen at the request
of Joan Hastings, Precinct 4/Town Meeting Member

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

FINANCIAL ARTICLES

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.

AMOUNT: \$539,998

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

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

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.

AMOUNT: \$65,000

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

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

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.

AMOUNT: \$53,000

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

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

FINANCIAL ARTICLES

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.

Submitted by the Board of Selectmen at the request

of the Town Administrator

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

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.

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

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

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.

AMOUNT: \$75,000

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

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

FINANCIAL ARTICLES

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.

AMOUNT: \$235,000

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

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

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.

AMOUNT: \$14,400

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

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

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.

AMOUNT: \$121,562

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

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

ZONING ARTICLES

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.

(Zoning Bylaw Article IV, Section 4.1.7 continued)

ZONING ARTICLES

ARTICLE 13

(Zoning Bylaw Article IV, Section 4.1.7 continued)

- 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.

Submitted by the Board of Selectmen at the request
of the Planning Board

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

ZONING ARTICLES

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.

Submitted by the Board of Selectmen at the request

of the Planning Board

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

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

(Zoning _ Rezone 2 Wayside Road continued)

ZONING ARTICLES

ARTICLE 15

(Zoning _Rezone 2 Wayside Road continued)

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.

Submitted by the Board of Selectmen at the request
of the Planning Board

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 September 27, 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 7th day of September in the year of our Lord 2004

Albert L. Fay, Jr., Chairman
Joseph A. Impemba, Vice-Chairman
Gary J. Gianino,
Kevin B. McKelvey
Sonia Rollins

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, September 27, 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 September 10, 2004.

Attest: Jane L. Chew, Town Clerk