

WARRANT

BURLINGTON TOWN MEETING

MONDAY, January 22, 2007

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 22nd of January 2007 at seven-thirty o'clock in the evening then and there to act on the following articles of the warrant:

ARTICLE 1 Reports of Town Officers & Committees

To hear and act on the reports 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 ()

FINANCIAL ARTICLES

ARTICLE 2

RE: Simonds Trust

To see if the Town will vote to accept, from the Trustees under the Will of Marshall Simonds, the amount of \$25,000 or any other sum for the maintenance and improvements 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: \$25,000

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

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

ARTICLE 3

**RE: Omnibus Article
FY 2007 Utility Budgets**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,000,000 or any other sum to pay for FY 2007 budget shortfalls in various departments, or act in any other manner in relation thereto.

AMOUNT: \$1,000,000

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

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

ARTICLE 4

RE: Replace Council on Aging Tables

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$12,000 or any other sum to pay for the purchase of tables used by the Council on Aging for various functions at the Murray-Kelly Wing of the Human Services Building, or to act in any other manner in relation thereto.

AMOUNT: \$12,000

Submitted by the Board of Selectmen at the request of the Council on Aging

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

ARTICLE 5

**RE: Management Information Systems
Upgrades**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$20,000 for the purpose of purchasing updated security software for the Town wide e-mail system and internet access , or to act in any other manner in relation thereto.

AMOUNT: \$20,000

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

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

(FINANCIAL ARTICLES CONTINUED)

FINANCIAL ARTICLES

(continued)

ARTICLE 6

RE: Fire Alarm Maintenance

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$25,000 or any other amount to pay for the continued maintenance of the Town's Fire Alarm System, or to act in any other manner in relation thereto.

AMOUNT: \$25,000

Submitted by the Board of Selectmen at the request of the Fire Chief

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

ARTICLE 7

**RE: Bond Authorization
Mill Pond Water Plant**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$400,000 or any other sum for the purpose of paying additional costs related to the improvements to the Mill Pond Treatment plant and for paying any and all cost incidental to this project, or to act in any other manner in relation thereto.

AMOUNT: \$400,000

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

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

ARTICLE 8

**RE: Fund Massachusetts General Law 111F
Police Department and Fire Department
Medical Claims**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$15,000 or any other sum for the medical claims of the Burlington Police Department and \$15,000 for the medical claims of the Burlington Fire Department, or to act and any other manner in relation thereto.

AMOUNT: \$30,000

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

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

(FINANCIAL ARTICLES CONTINUED)

FINANCIAL ARTICLES

(continued)

ARTICLE 9

RE: Reserve Fund

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$100,000 or any other sum to add to the FY 2007 Reserve Fund Line Item, or to act in any other manner in relation thereto.

AMOUNT: \$100,000

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

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

ARTICLE 10

RE: Stabilization Fund

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$500,000 or any other sum to add to the Town of Burlington Stabilization Fund, or to act in any other manner in relation thereto.

Amount: \$500,000

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

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

ARTICLE 11

RE: Rescind Vote of September Town Meeting Article 6/Sawmill Purchase

To see if the Town will vote to rescind the contingency vote of the September Town Meeting (Article 6) to transfer money from the Stabilization Account to fund the purchase of the Sawmill Road properties; and furthermore, to transfer the amount of \$128,304 previously authorized back to the Town of Burlington Stabilization Account, or to act in any other manner in relation thereto.

Amount: \$128,304

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

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

ARTICLE 12

RE: Chapter 90

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$247,165 or any other sum, to pay for the purpose of funding roadway improvements, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

AMOUNT: \$247,165

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

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER
ZONING ARTICLES

ARTICLE 13

**RE: Rezone Northwest Park Property to
Planned Development (PD) District**

To see if the Town will vote to approve the Concept Plan filed with the Planning Board on (insert date), and as modified, included as part of the backup material to this Warrant Article, which shall govern the use and development of the proposed Planned Development (PD) District; and to amend the Zoning Map to rezone certain parcels of land from a General Industrial (IG) District to a Planned Development (PD) District, said parcels generally known as Northwest Park and are bounded by the former Kendall Road on the north, Middlesex Turnpike on the east, Second Avenue on the south and Route 3 on the west. The properties are more specifically identified on the Town of Burlington Assessor's Maps by the following Map and Parcel numbers: 38-8-0, 38-8-1, 38-9-0, 38-10-0, 38-10-1, 39-1-0, 39-2-0, 39-3-0, 39-3-1, 39-3-2, 39-5-0, 39-6-0, 39-7-0, 39-8-0, 39-8-1, 39-8-2, 39-9-1, 39-10-0, 39-11-0, 39-17-0, 39-18-0, 39-19-0, 39-22-0, 45-3-0, 45-4-0, 45-5-0, 45-6-0, 45-7-0, 45-8-0, 45-9-0, 45-10-0, 45-11-0, 45-12-0, 45-13-0, 45-14-0, 45-15-0, 45-16-0, 45-17-0, 45-17-2, 45-18-0, 45-19-0, 45-20-0, 45-21-0, 45-22-0, 45-23-0, 45-24-0, 45-25-0, 45-25-1, 45-27-0.

The aforementioned parcels are further described as follows: Those certain parcels of land located at the northwest intersection of Middlesex Turnpike and Second Avenue in the Town of Burlington, in the County of Middlesex and the Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the westerly side of Middlesex Turnpike and the southerly sideline of Pattison Road and being the northeast corner of the parcel hereinafter described; thence

- S 21° 56'10" E a distance of two thousand eighty four and seventy three hundredths feet (2084.73') to a point; thence
- S 23° 35'10" E a distance of five hundred sixty one and twenty three hundredths feet (561.23') to a point, the last (2) courses by the westerly sideline of Middlesex Turnpike; thence
- S 66° 24'50" W a distance of one hundred sixty two and eighty four hundredths feet (162.84') to a point; thence
- N 70° 19'46" W a distance of seventy two and ninety six hundredths feet (72.96') to a point; thence
- S 66° 24'50" W a distance of fifty and no hundredths feet (50.00') to a point; thence
- S 23° 35'10" E a distance of forty eight and fifteen hundredths feet (48.15') to a point; thence
- S 26° 05'27" E a distance of four hundred eighty nine and forty one hundredths feet (489.41') to a point; thence
- S 69° 49'48" E a distance of sixty nine and fifty six hundredths feet (69.56') to a point; thence
- S 26° 35'10" E a distance of sixty and no hundredths feet (60.00') to a point; thence
- N 63° 44'44" E a distance of two hundred three and sixty one hundredths feet (203.61') to a point, the last (7) courses by land now or formerly Nordblom Co.; thence
- S 25° 13'10" E a distance of four hundred thirteen and fourteen hundredths feet (413.14') to a point; thence

(ZONING ARTICLES CONTINUED)

Southeasterly and curving to the left along the arc of a curve having a radius of one thousand five hundred ninety eight and eighty three hundredths feet (1598.83'), a length of thirty six and eighty eight hundredths feet (36.88') to a point, the last (2) courses by the westerly sideline of Middlesex Turnpike; thence

Southwesterly and curving to the right along the arc of a curve having a radius of twenty and no hundredths feet (20.00'), a length of thirty one and forty hundredths feet (31.40') to a point; thence

S 63° 24'50" W a distance of six hundred sixty seven and sixty eight hundredths feet (667.68') to a point; thence

Northwesterly and curving to the right along the arc of a curve having a radius of twenty and no hundredths feet (20.00'), a length of thirty and two hundredths feet (30.02') to a point; thence

N 30° 35'45" W a distance of ninety one and twenty three hundredths feet (91.23') to a point, the last (4) courses by the northerly sideline of Second Avenue; thence

S 63° 24'50" W a distance of three hundred twenty and twenty three hundredths feet (320.23') to a point, by a portion of Second Avenue and land now or formerly Burlington Crossing LLC and Northwest Industrial Park Trust; thence

Northwesterly and curving to the left along the arc of a curve having a radius of twelve thousand two hundred fifty and no hundredths feet (12250.00'), a length of one thousand two hundred thirty one and forty one hundredths feet (1231.41') to a point of

N 36° 43'40" W a distance of one thousand three hundred three and thirty two hundredths feet (1303.32') to a point; thence

N 36° 44'20" W a distance of one thousand six hundred ninety three and twenty three hundredths feet (1693.23') to a point, the last (3) courses by the easterly sideline of Route 3; thence

N 38° 53'30" E a distance of fifty four and seven hundredths feet (54.07') to a point; thence

N 42° 26'00" E a distance of one hundred three and ninety three hundredths feet (103.93') to a point; thence

N 45° 42'20" E a distance of seventy three and seventy nine hundredths feet (73.79') to a point; thence

N 57° 39'50" E a distance of forty and eighty hundredths feet (40.80') to a point; thence

N 66° 33'30" E a distance of seventy one and eighty nine hundredths feet (71.89') to a point; thence

N 80° 40'20" E a distance of fifty one and eighty two hundredths feet (51.82') to a point; thence

S 89° 08'20" E a distance of one hundred six and sixty four hundredths feet (106.64') to a point; thence

S 82° 33'20" E a distance of five hundred ninety and no hundredths feet (590.00') to a point; thence

N 85° 29'30" E a distance of one hundred fourteen and forty six hundredths feet (114.46') to a point; thence

(ZONING ARTICLES CONTINUED)

Northeasterly and curving to the left along the arc of a curve having a radius of five hundred seventy one and eighty seven hundredths feet (571.87'), a length of three hundred thirty five and sixteen hundredths feet (335.16') to a point; thence

Northeasterly and curving to the right along the arc of a curve having a radius of two hundred forty eight and thirty seven hundredths feet (248.37'), a length of two hundred fifteen and seven hundredths feet (215.07') to a point; thence

S 78° 28'40" E a distance of one hundred thirty five and ninety eight hundredths feet (135.98') to a point; thence

S 62° 59'40" E a distance of one hundred ninety four and seventy two hundredths feet (194.72') to a point, the last (12) courses by the southerly sideline of Kendall Road; thence

N 13° 15'40" E a distance of ten and ten hundredths feet (10.10') to a point; thence

N 28° 46'00" E a distance of one hundred forty and ninety six hundredths feet (140.96') to the point of beginning, the last (2) courses by the southerly sideline of Pattison Road.

The above described parcel contains 127.20 acres in the Town of Burlington, Massachusetts.

Being the same premises shown on the Concept Plan entitled "Northwest Park, Middlesex Turnpike, Burlington, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., dated October 31, 2006 as revised through November 30, 2006, as revised and submitted to Town Meeting.

The above described parcel contains 127.20 acres in the Town of Burlington, Massachusetts, 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 CONTINUED)

ZONING ARTICLES

(continued)

ARTICLE 14

RE: Designation of Northwest Park as a Priority Development Site

To see if the Town will vote to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site land commonly known as "Northwest Park". The affected properties are generally bounded by the former Kendall Road on the north, Middlesex Turnpike on the east, Second Avenue on the south and Route 3 on the west. The properties are more specifically identified on the Town of Burlington Assessor's Maps by the following Map and Parcel numbers: **38-8-0, 38-8-1, 38-9-0, 38-10-0, 38-10-1, 39-1-0, 39-2-0, 39-3-0, 39-3-1, 39-3-2, 39-5-0, 39-6-0, 39-7-0, 39-8-0, 39-8-1, 39-8-2, 39-9-1, 39-10-0, 39-11-0, 39-17-0, 39-18-0, 39-19-0, 39-22-0, 45-3-0, 45-4-0, 45-5-0, 45-6-0, 45-7-0, 45-8-0, 45-9-0, 45-10-0, 45-11-0, 45-12-0, 45-13-0, 45-14-0, 45-15-0, 45-16-0, 45-17-0, 45-17-2, 45-18-0, 45-19-0, 45-20-0, 45-21-0, 45-22-0, 45-23-0, 45-24-0, 45-25-0, 45-25-1, 45-27-0** including **North Avenue, Fourth Avenue, Third Avenue** and a portion of **Second Avenue**, or to take any other action in relation thereto.

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

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

ARTICLE 15

RE: Northwest Park PDD -- Approval of a 150,000 Square Foot Retail Facility Pursuant to the Northwest Park Planned Development (PD) District.

To see if the Town will vote to approve the development of a 150,000 square foot retail facility in accordance with the Northwest Park Planned Development (PD) District Zoning Provisions, Use Table and Concept Plan concerning Retail Stores and Showrooms in excess of 90,000 square feet, subject to final Special Permit authorization from the Planning Board. The development of said retail facility shall be substantially in conformance with the conceptual façade design elevations of the main public entrances entitled "'Target Elevation Study", Northwest Park, Burlington, Massachusetts, dated December 29, 2006, prepared by Elkus Manfredi Architects. Any substantial deviation from the approved conceptual façade design plans, as determined by the Planning Board in consultation with the Inspector of Buildings, shall require further approval by Town Meeting, or to take any other action in relation thereto.

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

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

(ZONING ARTICLES CONTINUED)

ZONING ARTICLES

(continued)

ARTICLE 16

RE: Rezone 56 Middlesex Turnpike

To see if the town will vote to rezone property located at 56 Middlesex Turnpike, said property being shown on Assessor's Map 56, Parcel 12, from the General Industrial (IG) District to the General Business (BG) District, 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 17

RE: Rezone Carol Avenue

To see if the Town will vote to rezone property located off Carol Avenue, said property being shown on Assessor's Map 18, Parcel 1, such that said property will be included as a Wireless Communication Overlay District, and to amend the Wireless Communications Overlay Districts Map dated September 2000 to reflect such change, 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 18

RE: Rezone 35 Ray Avenue

To see if the Town will vote to rezone property located at 35 Ray Avenue, said property being shown on Assessor's Map 54, Parcel 3-11, such that said property will be included as a Wireless Communications Overlay District, and to amend the Wireless Communications Overlay Districts Map dated September 2000 to reflect such change, 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 ()

GENERAL ARTICLES

ARTICLE 19

**RE: Exempt Police Chief and Fire Chief
from Civil Service**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below; and provide further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition.

**AN ACT EXEMPTING THE POSITIONS OF POLICE CHIEF AND FIRE CHIEF IN THE
TOWN OF BURLINGTON FROM THE CIVIL SERVICE LAW.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of same, as follows:

SECTION 1. The positions of police chief and fire chief in the Town of Burlington shall be exempt from Chapter 31 of the General Laws.

SECTION 2. Section 1 shall not impair the civil service status of the persons holding the positions of Police Chief and Fire Chief in the Town of Burlington on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

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

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

ARTICLE 20

**RE: Massachusetts General Law 43D
Expedited Permitting**

To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws as amended, 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

(GENERAL ARTICLES CONTINUED)

GENERAL ARTICLES

(continued)

ARTICLE 21

**RE: Home Rule Petition - Special Legislation
Concerning Liquor Licenses**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth below authorizing the Town to issue within the development known as Northwest Park Planned Development District, 8 additional licenses for the sale of all alcoholic beverages to be drunk on premises, 2 additional licenses for the sale of wine and malt beverages to be drunk on premises, and 2 additional licenses for the sale of all alcoholic/or wine and malt beverages not to be drunk on premises; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

ARTICLE 22

**Re: Amend General Bylaw Article XIV,
Section 3.2/Administration**

To see if the Town will vote to amend Article XIV, Section 3.2 of the General Bylaws by inserting a new section designated as Section 3.2.5 which shall read as follows:

3.2.5. Signs erected in a duly adopted Planned Development District (“PDD”) shall be governed by the zoning provisions applicable to such district and if such provisions conflict with Article 3.0 Sign and Advertising Devices of the Town of Burlington General Bylaws then the zoning provisions of the PDD relating to signage shall control, 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 23

**RE: Amend General Bylaw Article V, Section 2.1
Finance Committee (Ways & Means)**

To see if Town Meeting will vote to amend Articles V, Section 2.1 of the General Bylaw, as follows:

Currently:

“There shall be a finance Committee consisting of fifteen (15) voters, the majority of whom should be town meeting members, . . .”

The proposed change should read:

“ . . . Finance Committee consisting of fifteen (15) voters, the majority of whom should shall be town meeting members, . . .”

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of John G. Cormier, Town Meeting Member/Precinct 6

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, at least fourteen days before the Town Meeting of January 22, 2007 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 5th day of January in the year of our Lord 2007

Gary J. Gianino, Chairman
Kevin B. McKelvey, Vice-Chairman
Albert L. Fay, Jr.
Sonia Rollins
Ralph C. Patuto

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 22, 2007.

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 5th day of January, 2007.

Attest: Jane L. Chew, Town Clerk