

RECEIVED

2011 SEP -9 PM 12:51

TOWN CLERK
BURLINGTON, MA

WARRANT

**Burlington Town Meeting
Monday
September 26, 2011
@ 7:30 P.M.**



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

INDEX OF ARTICLES
 Burlington Town Meeting
 Monday
 September 26, 2011

ARTICLE NUMBER	SUBJECT	PAGE NUMBER
-------------------	---------	----------------

GENERAL ARTICLES (blue paper)

1	Reports of Town Officers & Committees	1
2	2012 Annual Town Election Date	1
3	Discontinuance for 2 nd & 3 rd Avenue	1
4	Acceptance of Public Ways	2

FINANCIAL ARTICLES (golden paper)

5	Acceptance of Real Estate Exemption Provisions/Chapter 73, Acts of 1986	3
6	Adjustment of Real Estate Exemption Factors	3
7	Sewer I/I Fund	3
8	Will of Marshall Simonds	4
9	Purchase of Conservation Land on Sawmill Road	4
10	DPW Operations Facility	5
11	Cross Connection Revolving Fund Amendment	5
12	Phase 5 Inflow/Infiltration Construction	5
13	Center Street Water Tank Repairs	5
14	Disposition of Carpenter House	6
15	Burlington Ice Palace Revolving Fund	6
16	Municipal Relief Fund	6

GENERAL BYLAW ARTICLES (yellow paper)

17	Amend General By-Law 1.24.6 (handicapped fines)	7
----	---	---

ZONING BYLAW ARTICLES (green paper)

18	Amend Zoning Map and Rezone Property to One Family Dwelling (RO District)	8
19	Zoning Bylaw Amendment to Article II: Definitions and Article IV Use Regulations (Residential and Consumer Trade Definitions)	8-10
20	Zoning Bylaw Amendment to Article II: Definitions and Article IV Use Regulations (Business and Industrial)	11-12
21	Zoning Bylaw Amendment to Article II: Definitions (Housekeeping)	13-16
22	Amend Zoning ByLaw by Changing Setback and Dimensional Requirements	17
23	Amend Zoning ByLaw by Changing Setback and Dimensional Requirements	18
24	Amend Zoning ByLaw Article XII: Planned Development District	18-26

CONSTABLE'S REPORT	27
--------------------	----

TOWN COUNSEL'S LETTER	28
-----------------------	----

WARRANT

BURLINGTON TOWN MEETING

Monday, September 26, 2011

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 September 2011 at seven-thirty o'clock in the evening then and there to act on the following articles of the warrant:

GENERAL ARTICLES

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 the Board of Selectmen at the request of the Rules Committee

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

ARTICLE 2

RE: 2012 Annual Town Election Date

To see if Town Meeting will vote to set the date of the 2012 Annual Town Election as Saturday, April 14, 2012; or to act in any manner in relation thereto.

Submitted by the Board of Selectmen at the request of Amy Warfield, Town Clerk

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

ARTICLE 3

RE: Discontinuance for 2nd & 3rd Avenue

To see if the Town will vote pursuant to General Laws Chapter 82, Section 21 to discontinue as a public way the portion of Second Avenue and Third Avenue shown as located between "Future Line of Discontinuance" and "Existing Town Layout" on a plan entitled "Permanent and Temporary Easement Plan of Middlesex Turnpike Second Avenue and Third Avenue in the Town of Burlington, Middlesex County," prepared by Vanasse Hagen Brustlin, Inc., dated August 25, 2010, revised through January 25, 2011, and recorded with the Middlesex South District Registry of Deeds as Plan No. 57 of 2011 (Sheet 6 of 7), which portion to be discontinued lies outside the layouts of Second Avenue and Third Avenue as altered by the vote taken under Article 6 of the September 27, 2010 Special Town Meeting, and to authorize the Board of Selectmen to release all right, title and interest held by the Town in said discontinued portion on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate; or to act in any other manner in relation thereto.

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

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

GENERAL ARTICLES (continued)

ARTICLE 4

RE: Acceptance of Public Ways

To see if the Town will vote to accept the layouts(s) as a public Town way(s) of Benson Way, Dublin Circle, Erin Lane, Thornton Drive, and Kingsdale Street, as laid out by the Board of Selectmen, copies of which order and plan were filed with the Town Clerk not later than seven days prior to this vote, and to authorize the Board of Selectmen to acquire easements for all purposes for which public ways are used in the Town of Burlington, within such layout(s), by gift, purchase or eminent domain, or to act in any other manner in relation thereto.

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

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

FINANCIAL ARTICLES

ARTICLE 5

RE: Acceptance of Real Estate Exemption Provisions/Chapter 73, Acts of 1986

To see if the Town will vote, pursuant to Chapter 73 of the Acts of 1986, as amended, to grant an additional exemption to taxpayers who otherwise qualify for an exemption under G.L. Chapter 59, Section 5, Clauses 17D, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41C, 42 or 43, of 100% of said exemptions, provided however, that in no instance shall the taxable valuation of such property, after all applicable exemptions, be reduced below ten percent of its full and fair cash valuation or result in any taxpayer paying less than taxes paid in the preceding fiscal year, except through the application of G.L. Chapter 58, Section 8A, or G.L. Chapter 59, Section 5, Clause 18; or to act in any other manner in relation thereto.

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

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

ARTICLE 6

RE: Adjustment of Real Estate Exemption Factors

To see if the Town will vote, pursuant to G.L. Chapter 59, Section 5, Clause 41C, as amended by Chapter 184, Section 51 of the Acts of 2002, to decrease from 70 to 65 the age at which seniors become eligible to be granted a tax exemption under said Clause 41C and to increase the amount of income allowed for said exemption from \$13,000 to \$20,000 annually for single and from \$15,000 to \$30,000 annually for married couple and to increase gross assets from \$28,000 to \$40,000 for a single applicant and from \$30,000 in gross assets to \$55,000 for a married couple; or to act in any other manner in relation thereto.

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

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

ARTICLE 7

RE: Sewer I/I Fund

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$16,335 for the purpose of paying the FY 2012 debt service on the Town's May 2011 0% MWRA loan, or to act in any manner in relation thereto.

AMOUNT: \$16,355

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

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

FINANCIAL ARTICLES (continued)

ARTICLE 8

RE: Will of Marshall Simonds

To see if the Town will vote to accept from the trustees under the will of Marshall Simonds a sum of money for the improvement of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

Amount: \$80,000

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

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

ARTICLE 9

RE: Purchase of Conservation Land on Sawmill Road

To see if the Town will vote to:

a) raise, appropriate, transfer from available funds, accept gifts and grants or borrow the sum of up to \$195,100.00 (One hundred ninety-five thousand and one hundred dollars) for the purpose of acquiring, for conservation and passive recreation purposes, the fee ownership interest in properties, or in a portion of properties, located on Sawmill Road, Burlington, Middlesex County, shown as Assessor's Parcels 98, 99 & 100 on Map 13, and consisting of approximately 3.2 acres, said property now or formerly owned by the Sawmill Farm Realty Trust, William Galvin, trustee.

b) authorize the Conservation Commission to acquire the fee ownership interest in said property, or in a portion of said property, for conservation and passive recreation purposes subject to the protections of Article 97 of the Amendments of the Massachusetts Constitution, upon such terms and conditions as the Conservation Commission, with the approval of the Board of Selectmen, shall determine to be appropriate, and that said interests in said property be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, section 8C, as it may hereafter be amended, and other Massachusetts statutes relating to conservation, to be managed and controlled by the Conservation Commission; and

c) authorize the Conservation Commission to submit on behalf of the Town a grant application under the "Local Acquisitions for Natural Diversity (LAND) grant program, M.G.L. c. 132A sec. 11" from the Executive Office of Energy and Environmental Affairs and under any state and/or federal programs including those in aid of conservation land acquisition and to receive and accept such grants or reimbursement for this purpose, and/or any others in any way connected with the scope of this Article, and that the Board of Selectmen and/or the Conservation Commission be authorized to enter into all agreements and execute any and all instruments, as may be necessary on behalf of the Town to effect said purchase or obtain such grant; and

d) authorize the Conservation Commission, the Board of Selectmen, and Town officers to take all related actions necessary or appropriate to carry out this acquisition, or act or transact anything in relation thereto; or to act in any other manner in relation thereto.

Amount: \$195,100

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

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

FINANCIAL ARTICLES (continued)

ARTICLE 10

RE: DPW Operations Facility

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$77,000 or any other sum for the purpose of funding the due diligence activities related to the purchase of property for the facility including but not limited to title research, appraisals, engineering and structural analysis, to determine the suitability of the property and plan the construction of the improvements; or to act in any other manner in relation thereto.

Amount: \$77,000

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

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

ARTICLE 11

RE: Cross Connection Revolving Fund Amendment

To see if the Town will vote to amend article 2 of the May 2011 Town Meeting, Cross Connection Revolving Fund, to allow expenses related to Cross Connection surveys and Cross Connection testing salary expenses; or to act in any other manner in relation thereto.

Amount: \$75,000

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

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

ARTICLE 12

RE: Phase 5 Inflow/Infiltration Construction

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$200,000 or any other sum for the purpose of supplementing MWRA Grant/Loan Funds for the completion of the Phase 5 Inflow/Infiltration; or to act in any other manner in relation thereto.

Amount: \$200,000

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

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

ARTICLE 13

RE: Center Street Water Tank Repairs

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$50,000 or any other sum for the purpose of repairing the Center Street Water Tank; or to act in any other manner in relation thereto.

Amount: \$50,000

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

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

FINANCIAL ARTICLES (continued)

ARTICLE 14

RE: Disposition of Carpenter House

To see if the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of a single family residential parcel located at 1 Dearborn Rd (Map 29, Parcel 108) containing 23,600+/- sq ft and to do; or act in any other manner in relation thereto.

Amount: \$

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

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

ARTICLE 15

RE: Burlington Ice Palace Revolving Fund

To see if the Town will vote to authorize a revolving fund for the maintenance and improvement of the Burlington Ice Palace under Massachusetts General Laws Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2011; or to act in any other manner in relation thereto:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Ice Palace Improvement & Maintenance	Board Of Selectmen	Rent from Lease	Improvements & Maintenance	\$32,000	Available For Expenditure Next year

Amount: \$32,000

Submitted by Board of Selectmen at the request of the Treasurer/Collector

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

ARTICLE 16

RE: Municipal Relief Fund

To see if the Town will vote to appropriate the sum of \$47,890.35 from the Municipal Relief Fund payment pursuant to a Consent Judgment entered into between the Commonwealth of Massachusetts and Wheelabrator Saugus, Inc. and to use said funds for repairs and enhancements to the Town owned median within the Mall Road corridor and to do; or act in any other manner in relation thereto

Amount: \$47,890.35

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

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

GENERAL BYLAW ARTICLES

ARTICLE 17

**RE: Amend General By-Law 1.24.6
(handicapped fines)**

To see if the Town will vote to authorize the Board of Selectmen to change the wording in the Handicapped Parking ByLaw 1.24.6.

From:

ByLaw as written:

1.24.6 Penalty for violation of this ByLaw shall be \$100.00.

To:

1.24.6 Penalty for violation of this ByLaw shall be \$200.00.

Or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of
the Disability Access Commission

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

ZONING BYLAW ARTICLES

ARTICLE 18

RE: Amend Zoning Map and Rezone Property to One Family Dwelling (RO District)

To see if the Town Meeting will vote to amend the Zoning Map of the Town of Burlington, by rezoning certain parcels of land from a General Industrial (IG) District to a One Family Dwelling (RO) District. Said parcels of land are generally identified as being located off of Muller Road and are further identified on the Town of Burlington Assessors' Map as follows:

Map 57, Parcels 1-0, 2-0, 3-0, 4-0, 5-0, 6-0, 7-0, 8-0, 9-0;

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of Muller Glen LLC

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

ARTICLE 19

RE: Zoning Bylaw Amendment to Article II: Definitions and Article IV Use Regulations (Residential and Consumer Trade Definitions)

To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by adding the following residential, retail consumer and trade definitions as follows:

SECTION 2.0 DEFINITIONS

2.1.1 Accessory Apartment (See Article XI, Section 11.2.0 Accessory residential Uses in One-Family Dwellings: Accessory Apartments)

2.3.8 Convenience Store

A retail store that is designed and stocked to sell food, beverages, lottery and other household supplies to customers. It is designed to attract a large volume of stop-and-go pass-by traffic.

2.4.4 Drive-through

A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service

2.4.6 Drugstore/Pharmacy

An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

2.19.8 Supermarket

Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

ZONING BYLAW ARTICLES (continued)

And further to see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article IV: Use Regulations, by adding new sections, 4.2.6.2.1 “Supermarket”, and amending existing section 4.2.6.10. “Restaurant by striking “(under 50 Seats)” to the Principal Use Table and 4.3.2.22 “Drive-through to the Uses Normally Accessory to Non-Residential Principal Uses Table as follows:

4.2.0 PRINCIPAL USE REGULATION SCHEDULE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.1	Personal service businesses such as, but not limited to, barbers and hairdressers	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	SP	SP	YES ₁	YES ₁
4.2.6.2	Convenience food stores, drugstores, retail stores for sale of beauty and health aids, smoking supplies, periodicals; none with the sale of food intended for consumption on the premises	NO	NO	NO	SP	SP	YES	SP	NO	NO	YES	NO	YES	YES	SP ₁	SP ₁
4.2.6.2.1	Supermarket	NO	NO	NO	NO	NO	SP	NO	NO	NO	SP	NO	YES	YES	SP₁	SP₁
4.2.6.3.A	Retail stores other than above and showrooms, each tenant less than 10,000 sq. ft.	NO	NO	NO	NO	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.3.B	Retail stores other than above and showrooms, any individual tenant greater than 10,000 sq. ft.	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	SP ₁	SP ₁
4.2.6.4	Post offices, banks	NO	NO	NO	NO	NO	YES	NO	SP	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.5	Establishments for the repair of radios, televisions, appliances, and other household goods	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	SP	YES ₁	YES ₁
4.2.6.6	Photographers, decorators, stationers, dressmaking or tailoring establishments (excepting photo processing)	NO	NO	NO	NO	YES	YES	NO	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.7	Travel agencies	NO	NO	NO	NO	YES	YES	NO	NO	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.8	Laundry and dry cleaning establishments other than pickup stations or self-service	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁
4.2.6.9	Fast order food establishments	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.6.10	Restaurants	NO	NO	NO	NO	NO	SP	NO	SP	NO	SP	NO	YES	YES	SP ₁	SP ₁
4.2.6.11	Bakeries	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	YES ₁	YES
4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CB D
4.3.2.22	Drive-through	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	SP	SP	NO	SP₁

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 BYLAW ARTICLES (continued)

ARTICLE 20

**RE: Zoning Bylaw Amendment to Article II:
Definitions and Article IV Use Regulations
(Business and Industrial)**

To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by adding the following business and industrial definitions as follows.

SECTION 2.0 DEFINITIONS

2.3.7 Conference Center

A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. A conference center must be associated with a Hotel or office park.

2.16.6 Prototype Manufacturing

The manufacture of an original, full-scale or partial scale model of a new product or new version of an existing product which will be mass manufactured elsewhere.

2.18.4 Research and Development

Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard.

And further to see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article IV: Use Regulations, by adding new sections, 4.2.4.5 “Conference Center”, 4.2.7.1.1 “Research and Development” to the Principal Use Table as follows in the table below:

And further to amend existing section 4.2.4.1 to strike “physicians, dentists and opticians” and to create a new section 4.2.4.1.1 “Professional medical offices such as, but not limited to physicians, dentists, opticians” and further to amend existing section 4.2.7.1 “Light Manufacturing or processing plants” by adding the term “prototype manufacturing” and striking YES and replacing with SP in the CC and CBD Overlay Districts as follows in the table below:

4.2.0 PRINCIPAL USE REGULATION SCHEDULE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CB D
4.2.4	OFFICE USES															
4.2.4.1	Professional offices such as, but not limited to real estate brokers, lawyers	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.1.1	Professional medical offices such as, but not limited to physicians, dentists, opticians	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.2	Offices of salesmen, agents, and representatives of manufacturing, distributing, insurance, and wholesale companies	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.3	Administrative, executive, and similar offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.4	Public offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.5	Conference Center	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.7	INDUSTRIAL USES															
4.2.7.1	Light manufacturing or processing plants, prototype manufacturing	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	SP	SP
4.2.7.1.21	Research and Development	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	SP	SP
4.2.7.2	Printing establishments other than those under 4.2.6.24	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	SP	YES	YES
4.2.7.3	Food processors, bakeries, not operated at retail	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES

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 BYLAW ARTICLES (continued)

ARTICLE 21

**RE: Zoning Bylaw Amendment to Article II:
Definitions (Housekeeping)**

To see if Town Meeting will vote to amend the Zoning By-Laws of the Town of Burlington by amending Article II: Definitions by, relocating and consolidating definitions from Article VIII, Section 8.3.0 Aquifer and Water Resource Districts, Section 8.3.4 Pertinent Definitions, Article VIII, Section 8.4.0 Wireless Communication Facilities , Section 8.4.2 Definitions and Article VI, Section 11.8.0 Inclusionary Zoning requirements for Multifamily Housing, Section 11.8.2, Definitions of the zoning bylaw and re-numbering the entire article for consistency. The new and relocated definitions are below, for the full renumbering refer to the back-up.

SECTION 2.0 DEFINITIONS

2.1.1 Accessory Apartment

(See Article XI, Section 11.2.0 Accessory residential uses in One-Family Dwellings: Accessory Apartments)

2.1.9 Affordable Housing Unit

A dwelling unit that qualifies as a local initiative unit under the Commonwealth’s Local Initiative Program and meets the requirements of a subsidized housing unit for purposes of listing in the subsidized housing inventory under G. L. c. 40B Sec. 20-23.

2.1.10 Qualified Affordable Housing Unit Purchaser

An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD), for the standard Metropolitan Statistical Area that includes Burlington.

2.1.11 DHCD Affordable Housing Unit Sales Price or Rent

The sales price or rent for each Affordable Housing Unit shall be a price that is affordable to a qualified affordable housing unit purchaser, adjusted for household size depending on the size of the applicable affordable unit(s), which sales price is calculated in accordance with the Commonwealth’s Local Initiative Program and acceptable to DHCD for the standard Metropolitan Statistical Area in which Burlington is located. DHCD will determine the sales price for all for-sale units and the rental payment for all rental units.

8.3.4 Pertinent Definitions (Refer to Article II: Definitions)

2.1.12 Aquifer

ZONING BYLAW ARTICLES (continued)

Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

2.4.2 District

A zoning district as established by Article III of this Bylaw. In addition, there are Wetlands, Flood Plain, Aquifer, Water Resource, **Civic Center and, Central Business** overlay districts.

2.7.5 Groundwater

All water found beneath the surface of the ground.

2.8.1 Hazardous Material

As defined by MGL Chapter 21E:2, material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human, health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. This term shall not include oil. The term shall also include all those substances which are included under 42 U.S.C. Section 9601(14), but is not limited to those substances.

2.8.1.1 Hazardous Waste

As defined by MGL Chapter 21C:2, a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential threat to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not to include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954.

2.8.1.2 Very Small Quantity Generator of Hazardous Waste (VSQG)

A facility which does not generate more than an average of 100 kilograms (220 pounds) per month on a yearly basis, nor accumulates at any one time 600 kilograms or more, of regulated recyclable material or non-acutely hazardous waste identified or otherwise described in 310 CMR 30.120 through 30.125 and 30.130 through 30.135, and further does not generate or accumulate any regulated recyclable material or acutely hazardous waste listed or otherwise described in 310 CMR 30.136.

2.9.6 Interim Wellhead Protection District Area

ZONING BYLAW ARTICLES (continued)

An area of one half (1/2) mile radius may be extended around any proposed public water supply well for which a Zone II has not been defined, within which all regulations and restrictions pursuant to this Bylaw shall apply. For wells with approved yields less than 100,000 gallons per day (GPD), the radius of the Interim Wellhead Protection Area shall be determined in accordance with Massachusetts Department of Environmental Protection (DEP) Division of Water Supply (DWS) Policy for Small Wells, DWS Policy 92-01, issued June 10, 1992. An Interim Wellhead Protection Area shall not be in effect unless such radius is reflected as an amendment to the Aquifer and Water Resource District Map and adopted by Town Meeting.

2.12.1 Leachable Wastes

Waste materials including solid wastes, sludge and pesticide and fertilizer wastes capable of releasing water-borne contaminants to the environment

2.12.6 Lowest floor

Lowest floor means the lower floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lower floor, provided that such enclosure is built in compliance with the provisions of Subsection 8.1.6(4).

2.16.5 Primary Aquifer Recharge Area

Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

2.19.7 Substantial improvements

Substantial improvements shall include rehabilitation, reconstruction and/or extension of an existing building where the value of construction as determined by the Inspector of Buildings exceeds 50% of the appraised fair market value of the buildings as determined by the Town of Burlington Appraiser/Assistant Assessor. For the purposes of this determination, "value of construction" shall include all construction work undertaken on the building for the past three year period together with proposed work. In the case of the repair of a damaged building, fair market value shall be based on value of a building before it was damaged. Fair market value shall not include the value of the land nor site improvements and land costs or the cost of site improvements shall not be included in the estimate of the value of construction.

8.4.2 Definitions (Refer to Article II: Definitions)

2.23.1 Wireless Communication Facilities (WCF)

Wireless Communication Facilities" (WCF) shall mean a facility for the provision of wireless communication service, including, but not limited to, towers, monopoles, antennas, antennas

ZONING BYLAW ARTICLES (continued)

attached to existing structures and associated accessory structures, if any, which facilitate the provision of wireless communication services.

2.23.2 Wireless Communication Services (WCS)

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

2.23.3 Watershed

Lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.

2.26.1 Zone I

The protective radius required around a public water supply well or wellfield.

2.26.2 Zone II

That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams, or lakes may act as recharge boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

2.26.3 Zone III

That land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In locations where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

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 BYLAW ARTICLES (continued)

ARTICLE 22

**RE: Amend Zoning ByLaw by Changing
Setback and Dimensional Requirements**

To see if the town will vote to amend the zoning by-law by making the following changes regarding setbacks and dimensional requirements:

1. In Article V, Section 5.2.0, Density Regulation Schedule, change the row label

Minimum Yard Adjoining RO & RG, and Residentially Zoned Land in Contiguous Municipalities by changing “RO & RG” to “RO, RG & OS” so the text reads as follows:

Minimum Yard Adjoining RO, RG & OS, and Residentially Zoned Land in Contiguous Municipalities

2. Also, add the following footnote as number 10 at the end of the text “Minimum Yard Adjoining RO, RG & OS, and Residentially Zoned Land in Contiguous Municipalities:”

For any proposed use in the Business or Industrial Districts on property that is adjacent to an Open Space or primarily residential Planned Development District, which requires a special permit as set forth in the Principal Use Regulation Schedule, the SPGA may require a greater setback (in feet) than is set forth in this Density Regulation Schedule. If the leasable square feet of residential space plus the useable square feet of any amenities useable by tenants of the residential component are equal to or more than the leasable square feet of non-residential space, then the entire development shall be considered "primarily residential"

Or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of
Sally Willard, Town Meeting Member/Precinct 4

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

ZONING BYLAW ARTICLES (continued)

ARTICLE 23

**RE: Amend Zoning ByLaw by Changing
Setback and Dimensional Requirements**

To see if the town will vote to amend the zoning by-law by making the following changes regarding setbacks and dimensional requirements:

In Article V, Section 5.2.0, Density Regulation Schedule, add the following footnote (#11) to the row labeled in the columns labeled BN, BL, BG, BT, IG, IH and IR

Maximum Building & Structure Height

11 Within 30 feet of OS 30 feet.

Or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of
Sally Willard, Town Meeting Member/Precinct 4

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

ARTICLE 24

**RE: Amend Zoning ByLaw Article XII:
Planned Development District**

To see if the Town will vote to amend Zoning Bylaw Article XII: Planned Development District, Section 12.1.1 through Section 12.1.10 and other related sections of the Zoning Bylaw, by replacing the current bylaw with the bylaw as written below.

SECTION 12.1.0 PLANNED DEVELOPMENT DISTRICT

12.1.1 Purpose and Intent

The Planned Development District (PDD) is intended to:

1. Permit an entity to propose, and for Town Meeting to vote on, a development proposal that specifies a mixture of commercial, industrial, residential, open space or other uses and the site development requirements to be used for a specific site.
2. Permit some flexibility in the development of individual tracts of land by required and predetermined standards.
3. Permit the use of development standards tailored to a specific site and more detailed than those for the standard zoning districts.
4. Permit the Town to evaluate the potential impacts of a proposed development and to authorize the Planning Board, as the Special Permit Granting Authority, to require that the development of the site substantially conforms to site development standards approved as

ZONING BYLAW ARTICLES (continued)

part of the rezoning to a PDD, including mitigation of or compensation for the project's impacts.

12.1.2 Permissible Uses and Requirements

A Planned Development District may be composed of commercial, industrial, residential, open space, or other uses, alone or in combination. A Planned Development District requires a rezoning amendment to the Burlington Zoning Bylaw. The PDD does not have any minimum lot size and there is no minimum lot area required to seek a rezoning to the PDD.

12.1.3 Procedures

Proponents for a PDD Rezoning Amendment shall observe the following procedures in order to promote review of the proposed amendment and to facilitate public-private cooperation in the establishment of the PDD.

The procedures are outlined below and detailed in Section 12.1.4. In addition, the *PDD Rules and Regulations* are available (in the office of the Planning Board) to give further descriptions and advice.

1. Pre-Application Review
 - a. Project description
2. Rezoning Warrant Article Submission – “Development Proposal”
 - a. Submission of documents and fee
 - b. MOA – memorandum of Agreement
 - c. Documents as outlined in section 12.1.4
 - d. Administrative Requirements
 - e. Additional Requirements
 - f. Development Agreement

1. Pre-Application Review: Proponents are strongly encouraged to schedule a pre-application review with representatives of the Planning Board, Planning Department and Land Use Committee at least six (6) months before the Town Meeting at which it will be considered. Pre-Application Review should precede the preparation of detailed plans or specifications. For the Pre-Application Review, a Proponent will submit a project description that describes the uses to be proposed and the benefits to the Town from those uses. Detailed information about the project description and a description of the Memorandum of Agreement can be found in the *PDD Rules and Regulations*.

2. Rezoning Warrant Article Submission: Ninety days before the Town Meeting at which it will be considered, the Proponent shall submit a warrant article for the PDD rezoning in consultation with the Planning Board, Planning Department and the Land Use Committee. The warrant article shall contain the requirements set forth in Section 12.1. The finalized warrant article shall be presented to Town Meeting for approval of the proposed PDD along with the text of the rezoning amendment. The Planning Board and its staff shall prepare the text of the warrant article and rezoning amendment(s) and locate the new district on the Zoning Map. The Planning Board must close the public hearing on the Warrant Article with

ZONING BYLAW ARTICLES (continued)

sufficient time for Planning Department staff to process the warrant article before the final print warrant is submitted to the Board of Selectmen. It is recommended that the hearing be closed at least 30 days prior to the Town Meeting at which the Warrant Article will be considered.

3. *Statutory Requirements.* The zoning amendment shall thereafter be processed in accordance with G.L. c. 40A, s. 5.

12.1.4 Submission Requirements for a PDD Rezoning Warrant Article

The application for a PDD Rezoning Warrant Article shall include a Development Proposal which consists of the following 6 (six) requirements detailed in the section. The initial Development Proposal shall be prepared with sufficient detail to facilitate peer review, if required. The results of such peer review, if required, shall be incorporated into the Final Development Proposal, and submitted to Town Meeting ninety (90) days before consideration.

1. **Submission Fee Requirements:** The Planning Board shall specify submission fees for a PDD rezoning in its Rules and Regulations. The required fee shall be submitted with the rezoning request and Development Plan.
2. **Development Plan Requirements:** A Development Plan shall include the following at a level of detail sufficient to enable a peer review, including the following at a scale of not less than 1:40 unless otherwise noted:
 - a. A plan containing the following proposed site construction information:
 1. Location of buildings, number of stories, approximate floor area and maximum height of each building and the distance (in feet) between buildings
 2. Proposed and existing contours
 3. Lot lines
 4. Grading and landscaping treatments
 5. Location and dimensions of driveways and parking areas and capacity
 6. Location and characteristics of any common open space or usable open space
 7. Drainage system
 8. Building elevations, and
 9. Building envelope.
 - b. A plan, which may vary in scale, explaining locus-context and all land within 500 feet of any part of the tract and showing:
 1. All dwellings and principal buildings
 2. The land use of each lot
 3. Lot and right-of-way lines
 4. Existing contours at two-foot intervals
 5. Principal natural features in general such as:
 - Significant rock outcroppings
 - Water systems (including standing surface water, brooks or streams, the direction of drainage, wetlands, and the 100-year flood elevation).

ZONING BYLAW ARTICLES (continued)

- Significant vegetation (including mature trees, unique specimens of vegetation, and vegetation that indicates wetness).
 - 6. Zoning district boundaries
 - 7. Recorded easements on the site and within the 500-foot locus
 - 8. Public facilities, such as conservation or recreation land, footpaths, bicycle paths, or streets
 - 9. Significant noise/visual impact (including views from the site and sources of noise affecting the site), and
 - 10. Historically or architecturally significant structures and sites on or adjacent to the site.
- c. A plan explaining property rights and dimensional standards showing:
- 1. The location of existing easements or other property rights affecting the development
 - 2. The approximate locations of any sections of the land to which the Town may be granted property rights, other easements or transfer of ownership for street, utility, conservation or other purposes
 - 3. The anticipated division of the property into parcels in private ownership, if any, if it affects zoning provisions
 - 4. The boundaries of any common open space or usable open space, and
 - 5. The yard setback, in feet, for buildings and parking lots from lot lines and, where applicable, a zoning district boundary, a brook or a pond.
The Plan shall specifically show appropriate setbacks to adjacent Residential Districts, Business Districts, Industrial Districts, PD Districts and Open Space Districts, considering the development potential of any vacant land in such districts using the setback requirements set forth in Article V, Section 5.2.0.
- d. A plan explaining utilities analysis showing:
- 1. The location and size of the Town's existing water mains, fire hydrants, sanitary sewers, and storm drains and
 - 2. The proposed locations and the approximate size of utilities to be constructed on the site and their proposed connections to the Town's utilities, and any special features, such as culverts or pumping stations, that might affect the ability of the Town to service the development.
3. Development Narrative Requirements: In addition to the Development Plan, the Proponent shall submit all of the following in writing, at a level of detail sufficient to enable a peer review:
- a. A narrative that describes:
 - 1. Social, economic, or community needs which are served by the proposed development proposal
 - 2. Traffic flow and safety, including parking and loading
 - 3. Adequacy of utilities and other public services
 - 4. Neighborhood character and social structures
 - 5. Impacts on the natural environment, and

ZONING BYLAW ARTICLES (continued)

6. Potential fiscal impact, including impact on town services, tax base, and employment.
- b. Uses permitted by special permit: The requested uses will be listed with a description of the type and character of uses requested. The plan use table will consist of primary and secondary uses and include the expected ratios of the project for each use. Refer to Article IV Sections 4.2.0, 4.3.0 and 4.4.0 for allowed uses. An example use table is provided as an appendix to the *Planned Development District Rules and Regulations*.
- c. A table showing:
 1. Total land area
 2. Developable site area
 3. Common or usable open space, if any
 4. Site coverage of buildings
 5. Impervious surface area
 6. Impervious surface ratio
 7. Gross floor area of all nonresidential buildings
 8. Floor area ratio if applicable
 9. Density of dwelling units, or their equivalent, if applicable, and
 10. Number of off-street parking spaces and, if applicable, loading bays.
- d. A traffic analysis conducted by a traffic engineer who will certify that he/she qualifies for the position of member of the Institute of Transportation Engineers (ITE). The analysis will include:
 1. Traffic counts on arterial streets that provide access to the development site showing data on Average Daily Traffic (ADT) and a.m. and p.m. peak periods (conducted for two hours divided into fifteen-minute segments)
 2. Intersection turning movement counts at intersections likely to be affected by the proposed development (conducted for two hours divided into fifteen-minute segments)
 3. An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of sidewalks and their conditions
 4. Estimated trip generation showing the projected inbound and outbound vehicular trips for the a.m. and p.m. peak periods and a typical one hour off-peak trip generation
 5. The estimated distribution of new trips by approach streets
 6. The effect of additional traffic generated by the development on traffic "levels of service" on each approach street, and
 7. Estimated off-street parking and loading requirements and time of peak accumulation.
4. Development Agreement Requirements: The Development Agreement is a contract between the Proponent and the Town of Burlington. It is also a covenant that will run with the land. The Proponent, its assignees, tenants, and other successors-in-interest will also be bound by the Development Agreement. Once executed, it will be recorded at the Registry of Deeds to give prospective buyers notice of the covenant. The Development Agreement shall be executed with

ZONING BYLAW ARTICLES (continued)

the Board of Selectmen 21 days prior to the Town Meeting at which it will be considered. The purpose and process for the Development Agreement are defined in the *PDD Rules and Regulations*.

5. Administrative Requirements

- a. All documents must be submitted to the Planning Department no later than five (5) business days prior to meetings at which the warrant article will be considered.
 1. Copies of documents will be submitted for:
 - a. Planning Board members
 - b. Planning Department staff
 - c. Land Use Committee
 2. Proponents will submit documents electronically for access by the general public.
 3. Please consult the PDD Rules and Regulations for specific information concerning the number of hard copy documents required.
6. In addition to the submission requirements outlined in this section, the Planning Board may impose additional submission requirements.

12.1.5 PDD Special Permit Requirements

Development pursuant to a PDD rezoning is subject to the approval of a PDD Special Permit as outlined in this section. An application for a PDD Special Permit will be made to the Town Clerk by submitting 12 copies of all submission materials. The materials will include a Final Site Development and Use Plan, as described in this section, together with the required submission fee. The PDD Special Permit application to Town departments will be distributed as outlined in Article IX Section 9.2.2.1. All documents related to the Special Permit application will be submitted to the Planning Board and staff no later than five (5) business days prior to meetings at which the Special Permit will be considered.

1. Submission Fee Requirements: The Planning Board shall specify a submission fee for a PDD Special Permit in its Rules and Regulations. The required submission fee shall be submitted with the Final Development and Use Plan.
2. Final Site Development and Use Plan Requirements: The Final Site Development and Use Plan shall include all of the material and information contained in the approved PDD Rezoning Amendment with all modifications, including but not limited to:
 - a. Information typically required on a site plan in accordance with Planning Board Site Plan Rules and Regulations
 - b. A utilities plan showing the location, size, materials and connections to the Town's utilities
 - c. A property rights plan based on an instrument survey identifying parcels, if any, to be conveyed to the Town by deed or easement
 - d. A site grading plan showing changes in contours and identifying landscaping materials, species of plants and sizes and specific plans for any open space

ZONING BYLAW ARTICLES (continued)

- e. A traffic analysis including proposed mitigating measures, if any, to maintain an acceptable traffic level of service
- f. Preliminary drafts of any deed, easement, offer or agreement to carry out any special condition, and
- g. Such information as the Planning Board may specify in its Rules and Regulations or in response to questions which may arise in the course of public hearings.

12.1.6 Public Hearing

The Public Hearing shall be held in accordance with the provisions of Article IX Section 9.6.0. Additionally, notice of the public hearing shall be mailed, by the Proponent, post prepaid, to all current Town Meeting Members, based on the active list of Town Meeting Members as maintained by the Town Clerk at the time of submission of the Petition.

12.1.7 Criteria for Approval

The Planning Board may approve the PD Special Permit if the Board finds that all the following conditions are met:

1. The Final Site Development and Use Plan is substantially in conformance with the PDD Rezoning Amendment approved by Town Meeting. The Planning Board may permit insubstantial changes in view of the more detailed survey and engineering design provided that they do not conflict with the intent of the PDD Rezoning Amendment. The Planning Board may not approve any of the following changes as “insubstantial.”
 - a. Any change by five (5) percent or more in the composition or number of uses specified in the PDD Rezoning Amendment that results in an increase in traffic generation above the vehicle trips for the morning and evening peak hours as identified in the record documents after reference to the Institute of Traffic Engineers Trip Generation Manual, current edition;
 - b. A proposal that is inconsistent with the PDD Rezoning Amendment as approved by Town Meeting.
 - c. Changes to the architectural character of the buildings shown in the PDD Rezoning Amendment;
 - d. Change from a “yes” to a “no” of an item so specified in the Sustainable Design Matrix attached to the PDD Special Permit (if LEEDS performance required).
2. The PDD Rezoning Amendment approved by Town Meeting and the Site Development and Use Plan are incorporated into the PD Special Permit by reference.
3. Methods satisfactory to the Planning Board of ensuring the performance of the Development Agreement included in the PDD Rezoning Amendment have been submitted by the developer.
4. Any land designated as common open space on the PDD Rezoning Amendment shall, at the

ZONING BYLAW ARTICLES (continued)

Town's discretion, be either conveyed to the Town or protected by an easement granted to the Town.

5. The Planning Board reserves the right to require that up to 30% of all new housing units be made affordable to persons of low and moderate income, according to the standards of the State and/or Town of Burlington, as determined by the Planning Board.
6. The project meets the evaluation criteria specified in this article and the Planning Board's Rules and Regulations and the Planned Development District Rules and Regulations.

The Planning Board in granting a PDD Special Permit may impose such additional conditions as the Planning Board finds will serve the public interest and are consistent with the intent of the PDD Rezoning Amendment approved by Town Meeting.

The Planning Board may deny an application for PDD Special Permit and base its denial on the finding that the development proposed in the Final Site Development and Use Plan did not meet one or more of the above listed six (6) criteria for approval.

In the event the Planning Board determines that the Final Site Development and Use Plan is not in substantial conformance with the PDD Rezoning Amendment approved by Town Meeting, the application for a PDD Special Permit shall be denied. The Proponent shall be required to submit a new PDD Rezoning Warrant Article and zoning amendment to Town Meeting in order to proceed.

No changes to the obligations contained in the special conditions or to the specifications contained in the Zoning Table, or changes in uses as reflected on the Development Proposal, shall be permitted except by a vote of Town Meeting.

12.1.8 Changes in a Final Site Development and Use Plan

Changes in uses or substantial changes in the site development from that shown on the Final Site Development and Use Plan, referenced in the PD Special Permit, are not permitted without the approval of Town Meeting. A new PDD Rezoning Warrant Article must be submitted in accordance with the procedures outlined in Section 12.1.3 followed by the issuance, by the Planning Board, of a new PDD Special Permit.

12.1.9 Use Allowed by Special Permit in the Planned Development District

Application for a special permit for a particular use within a PD District shall be made concurrent with a PDD Special Permit or subsequent to its approval. The approval criteria for the special permit for a particular use shall be those set out in Article IX Section 9.2.0.

12.1.10 Lapse

The development and uses approved in a rezoning to PDD must be commenced by obtaining a PD Special Permit as required in Section 12.1.6 within two (2) years. Until such time as the required PD Special Permit is granted and recorded by the property owner, or if a PD Special Permit is not obtained within two (2) years, the development of the property shall be governed by the provisions presently in effect in the zoning district for which the land was zoned immediately prior to its inclusion in the PDD. The foregoing two (2) year time period shall not

ZONING BYLAW ARTICLES (continued)

be applicable to any Planned Development District which involves land owned by the Town. on January 1, 2003 as part of the original PDD rezoning proposal. For any such Planned Development District involving such Town owned land as part of the original PD rezoning proposal, the zoning established by the Planned Development District shall be effective upon the date of approval by Town Meeting. If the PDD lapses, then any covenants that were tied to the PDD will also lapse; or to act in any other manner in relation thereto.

Submitted by Board of Selectmen at the request of
Sally Willard, Town Meeting Member/Precinct 4

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 September 26, 2011 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 September in the year of our Lord 2011

Walter T. Zenkin, Chairman
Daniel R. DiTucci, Vice Chairman
Ralph C. Patuto
Robert C. Hogan
Daniel J. Grattan

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 of September 26, 2011.

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 9th day of September, 2011.

Attest: Amy Warfield, Town Clerk