



Town of Burlington
29 Center Street
Burlington, MA 01803

Office of the Town Clerk

Phone (781)270-1660
FAX (781)270-1608

Email: clerk@burlmass.org

Jane L. Chew, CMC
Town Clerk

Eleanor M. Gelinas, CMC
Assistant Town Clerk

Post 4/22/09 – 5/6/09

**Pct. 1 Fox Hill School
Pct. 2 Sammy's Superette
Pct. 3 Town Hall
Pct. 4 Francis Wyman School
Pct. 5 Fire Dept.
Pct. 6 Pine Glen School**

LEGAL NOTICE

The following bylaws were approved by the Attorney General on April 16, 2009. Any claims of invalidity by reason of any defect in the procedure of adoption or amendment may be made no later than August 5, 2009.

Copies of these bylaws may be examined/obtained at the Town Clerk's Office.

ADJOURNED TOWN MEETING MONDAY, JANUARY 26, 2009 FOGELBERG AUDITORIUM – BHS

ARTICLE 17 RE: Zoning Amendment/Article IX, Section 9.2.2/Special Permit Fees

To see if the Town will vote to amend the Zoning Bylaw, by amending Article IX, Section 9.2.2 "Special Permit Fees" by deleting the existing subsection in its entirety, and substituting therefore the following: "Where Special Permits are required for uses pursuant to this Bylaw, filing fees shall be as established in the Planning Board Rules and Regulations for Special Permits, as may be amended from time to time to offset the cost of interdepartmental review.", or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 18 RE: Zoning Bylaw Amendment/Delete Article IX, Section 9.1.3 Demolition Permit Delay from Zoning Bylaws Add to General Bylaws

To see if the Town will vote to amend the Zoning Bylaw, by deleting Article IX, Section 9.1.3 “Demolition Permit Delay” in its entirety, and adopting same as a General Bylaw, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 19 RE: Zoning Bylaw Amendment Reorganize and Restructure Zoning Bylaws

To see if the Town will vote to reorganize and restructure the Zoning By-laws of the Town of Burlington as described in the document on file with the Town Clerk, Planning Board and the Library (disk also), or to act in any other manner in relation thereto. *(Due to the complexity of this 163 page document, it is also available on the Town’s website on the Planning Board’s homepage at www.burlington.org)*

MAIN MOTION: As printed in the Warrant

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 20 RE: General Bylaw Amendment/Article XIV Environment/Add Section 8.0 Demolition Permit Delay

To see if the Town will vote to amend Article XIV “Environment” of the General Bylaw to add a new Section 8.0 “Demolition Permit Delay”, as follows:

Section 8.0 Demolition Permit Delay

8.1 Intent and Purpose

It is the intent and purpose of this bylaw to preserve and protect from demolition, whenever possible, historically significant buildings or structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; to seek out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them; and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

8.2 Procedure

8.2.1 Notice of Intent to Demolish

No demolition permit shall be issued for any building or structure which was constructed one hundred (100) or more years prior to the year of application, other than in conformity with the provisions of this Bylaw. An application for a demolition permit shall first be filed by the applicant and/or property owner with the Inspector of Buildings, and a copy of such application shall be forwarded within one (1) week by the Inspector of Buildings to the Historical Commission, the Board of Selectmen, and the Planning Board. Such application shall be in the form provided and established by the Inspector of Buildings and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property. If the applicant and/or property

owner is unable to specify the exact age of the building or structure, the application shall so state and shall set forth the most approximate age known and the basis for such approximation.

8.2.2 Determination

The Historical Commission shall, within fifteen (15) days after receipt of the application for a demolition permit, make a determination whether the building is historically significant.

Non-Applicability

Upon determination by the Historical Commission that the building is not historically significant, the Historical Commission shall submit a negative finding to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of fifteen (15) days from the date of submission of the demolition permit to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

Determination of Significance

Upon determination by the Historical Commission that the building is historically significant, the Historical Commission shall submit a positive finding to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit. The Historical Commission shall then hold a public hearing on the matter according to Section 8.2.3.

8.2.3 Public Hearing

The Historical Commission shall hold a public hearing within twenty (20) days after a positive Determination of Significance to determine whether the building should be preferably preserved. The Public Hearing shall be held pursuant to applicable statutory requirements. The newspaper publication and abutter notification shall be completed by the Historical Commission at the expense of the applicant. The Historical Commission shall complete the following:

a) Hold a public hearing to determine the following:

- (i) if the proposed demolition of the historically significant building or structure would be detrimental to the historical or architectural heritage or resources of the Town, and therefore, such building or structure shall be considered preferably preserved;
- (ii) if less than a complete demolition is proposed, whether the work to be done will materially diminish its historical significance, and
- (iii) to explore alternatives to demolition.

b) Submit such determination according to Section (a) in writing to the Inspector of Buildings and the applicant and/or property owner.

8.2.4 Determination of Non-Applicability

If after the Public Hearing the Historical Commission determines that the building or structure is not historically significant, or where less than a complete demolition is being proposed that the work to be done will not materially diminish its historical significance, then the Historical Commission shall within seven (7) days after the Public Hearing notify the Inspector of Buildings of its determination. The Inspector of Buildings may thereafter proceed with the proposed demolition in accordance with applicable law. The failure of the Historical Commission to issue its written determination within seven (7) days after such hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

8.2.5 Determination of Applicability and Delay of Demolition

If after the Public Hearing the Historical Commission determines that the building or structure is preferably preserved and that the proposed work would materially diminish its historical significance, then the Historical Commission shall notify the Inspector of Buildings with seven (7) days after the Public Hearing of its determination. The Historical Commission is hereby empowered to impose a demolition delay of up to six (6) months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein; provided, however, that such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the applicant and/or owner (i) has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to, preserve, rehabilitate, restore or relocate same, or (ii) has agreed to alternatives to demolition as set forth in [Section 8.3](#).

8.3 Alternatives to Demolition

If the Historical Commission imposes a demolition delay as set forth in [Section 8.2.5](#) and/or if alternatives to demolition are developed in the public hearing which are acceptable to the applicant and/or owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such applicant and/or property owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town agency, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

8.4 Expiration of Demolition Delay

At the end of any period of demolition delay as set forth in this bylaw, including any alternatives agreed upon pursuant to [Section 8.3](#), the Historical Commission shall notify the Inspector of Buildings that the period of delay has expired, and the applicant and/or property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law.

8.5 Emergency Demolition

Nothing in this bylaw shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure which is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

8.6 Enforcement and Remedies

8.6.1 Enforcement

The Inspector of Buildings shall have the authority to enforce this Bylaw.

8.6.2 Non-Compliance

Anyone who undertakes demolition of any building or structure without complying with the provisions of this bylaw shall be subject to a fine of three hundred dollars (\$300.00). Each day such violation continues following such demolition shall constitute a separate offense.

8.6.3 Issuance of Building Permit

No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property listed in the Cultural Resources Inventory, has been demolished by an intentional or grossly negligent violation of this bylaw for a period of up to two (2) years after completion of such demolition.

8.6.4 Multiple Remedies

The remedies and enforcement procedures set forth in this Section may be applied separately or in conjunction with one another, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

ACTION: MAJORITY APPROVED MAIN MOTION

Attest:

Jane L. Chew
Town Clerk