

WARRANT

Burlington Town Meeting



September 23, 2019
7:30 P.M.

Burlington High School
Fogelberg Auditorium
123 Cambridge Street
Burlington, MA

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BURLINGTON TOWN MEETING
MONDAY
MONDAY, SEPTEMBER 23, 2019

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TOWN COUNSEL'S LETTER

GENERAL BYLAW ARTICLE

ARTICLE 3

RE: Vacancy for Town Meeting

To see if the Town will vote to amend Article II section 2.0 paragraph 9 by replacing this section with this wording:

The office of a Town Meeting Member shall become vacant upon his death, resignation, or removal from office in any manner authorized by law. A vacancy in the Town Meeting membership shall be filled at the next regular Town election.

And deleting Article II section 2.1 in its entirety;

And for the Selectmen to petition the Legislature and to amend Chapter 686 Section 9 (a) with these words and deleting section (b)

9 (a) The office of a Town Meeting Member shall become vacant upon his death, resignation, or removal from office in any manner authorized by law. A vacancy in the Town Meeting membership shall be filled at the next regular Town election;

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
Myrna Ann Saltman, Town Meeting Member
Precinct 2.

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

FINANCIAL ARTICLES

ARTICLE 4

RE: MWRA I/I Debt Service

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration Fund, the sum of \$27,750 for the purpose of paying the FY2020 debt service on the Town's 0% MWRA loan; or to act in any other manner thereto.

Amount: \$27,750

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

ARTICLE 5

RE: Transfer of Funds FY2020

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$TBD or any other sum, for the purpose of funding potential litigation, or to act in any other manner in relation thereto.

Amount: \$TBD

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

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

ARTICLE 6

RE: Fund the Burlington Police Command Officers' Contract

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of \$73,305 for the purpose of funding the approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Command Officers Contract for FY2019, FY2020, and FY2021, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

Amount: \$73,305

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

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

FINANCIAL ARTICLES - Continued

ARTICLE 7

RE: Transportation Subsidy

To see if the Town will vote to raise and appropriate, transfer from B-Line revolving fund or otherwise provide the sum of up to \$50,000, or any other sum, for the purpose of performing a transportation subsidy pilot program, same to be spent under the direction of the Town Administrator, 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 ()

ARTICLE 8

RE: Amend the FY2020 Education Budget

To see if the Town will vote to amend Article 3 of the May 15, 2019 Annual Town Meeting, "Fund FY2020 Operating Budget," by reducing the amount appropriated in Line 58 TOTAL LOCAL EDUCATION by a sum of money, or to act in any other manner in relation thereto.

Amount: \$216,381

Submitted by the Board of Selectmen at the request of the School Committee

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

ARTICLE 9

RE: Will of Marshall Simonds

To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds the sum not to exceed \$70,862.05 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: \$70,862.05

Submitted by the Board of Selectmen at Request of the Recreation Commissioners)

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

ZONING ARTICLE

ARTICLE 10

RE: Northwest Park Planned Development District - Zoning Amendment

To see if Town Meeting will vote to amend the Northwest Park Planned Development District approved by the January 22, 2007 Town Meeting as follows:

1. To delete in its entirety the following sentence from The Zoning Provisions Article 1 – Use Regulations: Area A:

“Up to 300 units of multi-family dwellings which may be located above, attached and/or adjacent to all other permitted uses in this Area”

2. To delete in its entirety the following from The Zoning Provisions Article 2 – Density and Dimensional Requirements: Area A:

“Maximum Number of Residential Units.....300”

3. To delete in its entirety the following Section 1.1.1 from The Use Table:

SECTION	USE DESIGNATION	PERMITTED ATPD DISTRICT (YES = PERMITTED AS A MATTER OF RIGHT) SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	AREA (A & B) PERMITTED
1.1.1	Multifamily Housing	YES	A

And substituting therefore the following new Section 1.1.1:

SECTION	USE DESIGNATION	PERMITTED AT PD DISTRICT (YES = PERMITTED AS A MATTER OF RIGHT) SP = SPECIAL PERMIT REQUIRED TM = SPECIAL PERMIT REQUIRED FOLLOWING TOWN MEETING APPROVAL)	AREA (A & B) PERMITTED
1.1.1	Multifamily Housing to a maximum of 600 units	YES	A, B

4. To delete in its entirety the following Section V(3) -Developer's Covenants from the Special Conditions and replace with the following:

“(3) The Developer, in connection with the development of the 300 permitted residential units at the PD Premises, approved at the January 22, 2007 Town Meeting, consisting primarily of studios and one and two bedroom units with no more than three units containing more than two bedrooms agrees, subject to the provisions below, that ten percent (10%) of the residential units (the “Affordable Housing Obligation”) shall be designated as housing units for which the rent is established in accordance with the local, state, or federal guidelines to ensure that it will be rented by a person or household with income at or below the levels established by state statutes and regulations to permit such units to be counted toward any affordable housing unit requirements established by state law and/or regulation (hereinafter, such units are collectively referred to as, the “Affordable Housing Units”). Subject to applicable laws and regulations, Burlington residents shall be given preference with respect to the occupancy of any units created or funded pursuant to this Paragraph, with the local preference criteria to be determined by the Board of Selectmen or its agent. The distribution and phasing of the construction and occupancy of the market rate units and Affordable Housing Units shall be implemented pursuant to an agreement entered into between the Developer and the Town of Burlington acting by and through its Board of Selectmen (hereinafter, the “Affordable Housing Restriction Agreement”).

(4) The Developer, in connection with the development of the 300 permitted residential units at the PD Premises, approved at the September 23, 2019 Town Meeting, which shall consist primarily of studios and one and two bedroom units with no more than three units containing more than two bedrooms agrees, subject to the provisions below, that thirteen percent (13%) of the residential units (rounded to the nearest whole unit but no more than 39 total affordable units in the aggregate), shall, at the Town's sole discretion and within thirty (30) days from the Developer filing an application to develop the project, designate the units as either: (x) housing units for which the rent and qualification guidelines are established by the Town to provide affordable housing opportunities targeted to the senior residents of the Town, subject in all instances to applicable Federal and state laws (the “Local Senior Preference Units”); or (y) Affordable Housing Units. With respect to the Local Senior Preference Units and subject to applicable laws and regulations, Burlington senior residents shall be given preference, with the local preference criteria to be determined by the Town pursuant to an agreement similar to the Affordable Housing Restriction Agreement, set forth above. If the Town fails to make said designation within such timeframe, the aforementioned percentage of required units shall be developed as Affordable Housing Units. The minimum rent payments per unit made to the Developer with respect to the Local Senior Preference Units shall in all instances be, at a minimum, equal to the per unit payments that the Developer would receive if said units were Affordable Housing Units. No new residential building shall contain more than 170 units in the aggregate.”

Or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of
Nordblom Development Company

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 Monday, September 23, 2019 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 12th day of August in the year of our Lord 2019.

Joseph E. Morandi, Chairman
James M. Tigges, Vice Chairman
Robert C. Hogan
Michael S. Runyan
Nicholas C. Priest

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 date of September 23, 2019.

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 6th day of September, 2019.

Attest: Amy E. Warfield, Town Clerk



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August 26, 2019

Bill Beyer, Town Moderator
Board of Selectmen
Town of Burlington
29 Center Street
Burlington MA 01803

RE: September 23, 2019 Town Meeting Warrant (“Warrant”)

Dear Mr. Moderator and Members of the Board of Selectmen;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant dated September 6, 2019 and have found it legal as to form. I will note that Article 10 requires a 2/3 vote in accordance with G.L. c. 40A §5 for the amendment to a zoning bylaw.

Should you have any questions, please let me know. Otherwise I will update this letter upon review of the final motions.

Regards,

A handwritten signature in blue ink, appearing to read 'Lisa L. Mead', written over a horizontal line.

Lisa L. Mead
Town Counsel

Millis Office

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Millis, MA 02054
Phone 508.376.8400