

**THURSDAY, APRIL 16, 2009
TOWN HALL**

At 7:30 PM, the Town Meeting Members of Precinct 6 assembled to fill the vacancies created by the resignations of R. Howard (elected to BHA) and D. DiTucci (elected to Selectman). Present and voting were: E. Cormier, J. Cormier, D. Creedon, D. Ghio, C. Perna, S. Spinosa.

Nominations were as follows: Robert MacMunn, Anisha Shaikh

Both nominees were unanimously appointed to fill the vacancies until the next Annual Town Election. The meeting adjourned at 7:35 PM

Attest:
Jane L. Chew
Town Clerk

**MONDAY, MAY 11, 2009
FOGELBERG AUDITORIUM – BHS**

At 7:30 PM, the Town Meeting Members of Precinct 1 assembled to fill the vacancy created by the resignations of E. Walsh. Present and voting were: S. Curtin, N. Glantz, B. Morey, J. O’Keeffe, C. Phillips, G. Rossi

Nominations were as follows: Mark Kashgegian and Robert Glynn.

Ballots were cast and by a vote of 4-2, Kashgegian was appointed to fill the vacancy until the next election.

Attest:
Jane L. Chew
Town Clerk

**ADJOURNED TOWN MEETING
MONDAY, MAY 11, 2009
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:40 P.M. All newly elected Town Meeting Members were sworn in.

Zaven Ovian sang the National Anthem and Elana Schlansky and Mia Campbell sang Tomorrow accompanied on piano by Mr. Middleton-Cox.

The Moderator acknowledged Virginia Igo who served as TMM since 1972 and chose not to run for re-election this year as well as Lou Rubino who recently resigned after 28 years of service. Charter member Joan Hastings led the body in the Pledge of Allegiance.

Dr. Conti gave a State of the Schools address and recognized the accomplishments of the school sports teams that achieved numerous awards this season.

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.

MAIN MOTION: As printed in the Warrant

The Moderator appointed Mr. Monaco and Mrs. Damiani as deputy moderators without objection.

The Ways & Means, Town Administrator and Town Accountant presented a financial overview. The DPW Superintendent and Town Engineer gave a presentation on the Illicit Sump Pump/Sewer Connection Amnesty Program.

A motion to adjourn until Wednesday, May 13 to complete the business of the warrant, if necessary, was moved, seconded and so voted.

ARTICLE 2 RE: Fund Revolving Account

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2009 or to act in any other manner in relation thereto.

Town Meeting sets \$ spending limit, not more than 10% of tax levy, employee benefit costs must be included.					
Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Home Composting/Rainwater Recycling	Public Works	Fees charged for compost bins/Rainwater Recycling Barrels	Purchase of compost bins/Rainwater Recycling Barrels	\$5,000	Available for expenditure next year
Cross Connection-Backflow prevention	Public Works	Fees charged for testing devices that prevent mixing of potable and non-potable water	Contract services to EPA authorized vendors who perform the testing	\$50,000	Available for expenditure next year
B-line Local Mini Bus	Public Works	Bus user fees	Salaries, expenses, contractual services to operate the in-town B-Line bus service.	\$45,000	Available for expenditure next year
Nursing Programs & Services	Board of Health	Fees charged for medical diagnosis & screening services and Medicare or insurance reimbursements; i.e. Flu/Pneumonia vaccination	Medical equipment and supplies, immunizations, educational materials	\$20,000	Available for expenditure next year
Plan Imaging	Building Department	2% of Building Department Fees Not to exceed \$20,000 annually	Archival imaging of building permit drawings and specifications May be used to offset the cost of curbside collection and disposal of solid waste	\$20,000	Available for expenditure next year
Sale of Recyclable Materials	Board of Selectmen	Receipts from the Sale of Recyclable Material		\$50,000	Available for expenditure next year

MAIN MOTION: As printed in the Warrant

Recommendations: Ways & Means voted 11-1-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 3 RE: Transfer of Funds FY 2009 Various Accounts

To see if the Town will vote to transfer from available funds the sum of \$_____ or any other amount for the purpose of paying for expenses incurred in Fiscal Year 2009 to various accounts same to be expended under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from available funds the sum of \$102,800 for the purpose of paying for expenses incurred in Fiscal Year 2009 to various accounts, same to be expended under the direction of the appropriate authorities as follows:

From:

<u>LINE</u>	<u>ITEM#</u>	<u>SOURCES</u>	
21		Central Adm/Health Ins.	\$37,800
24		Central Adm/Town Ins.	\$40,000
101		FY09/Negotiated Settlements	\$25,000
			=====
			\$102,800
To:			
5		Ways & Means/PT	\$ 700
22		Central Adm/Unemployment	\$15,000
30		Legal/Collective Bargaining	\$25,000
40		Town Clerk/Special Accts	\$ 4,500
48		Board of Appeals/Salaries	\$ 7,600
55		Police/Special 111F	\$25,000
58		Fire/Special 111F	\$13,500
83		Veterans/Special Aid to Veterans	\$11,500
			=====
			\$102,800

Recommendations: Ways & Means voted 11-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 4 RE: Fund FY 2010 Operating Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money sufficient to cover the requests of the various departments for Fiscal Year 2010; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate the sum of \$95,149,926 and transfer from free cash the sum of \$300,000 for a total budget of \$95,449,926 to cover the requests of various departments for the Fiscal Year 2010.

All budgets not held were approved. All held budgets (H) were voted separately and approved.

TOWN MEETING & REPORTS (Lines 1-2)	
1-	Salaries - Part Time \$2,481
2-	Expenses - Cont. Services \$17,500
	TOTAL MEETINGS & REPORTS \$19,981
MODERATOR (Lines 3-4)	
3-	Salaries \$150
4-	Expenses - Mat. & Supp \$0
	TOTAL MODERATOR \$150
WAYS AND MEANS (Lines 5-6)	
5-	Salaries - Part Time \$2,118
6-	Expenses - Mat. & Supplies \$300
	TOTAL WAYS & MEANS \$2,418
CAPITAL BUDGET COMMITTEE (Lines 7-8)	
7-	Salaries-Part Time \$600
8-	Expenses-Mat.& Supplies \$0
	TOTAL CAPITAL BUDGET \$600
TOWN ADM/SELECTMEN (Lines 9-11) (H)	
9-	Total Salaries \$427,817
10-	Total Expenses \$7,383
11-	Total Special Accounts \$9,000
	TOTAL TOWN ADM/SELECTMEN \$444,200
ACCOUNTING (Lines 12-13) (H)	
12-	Total Salaries \$215,759
13-	Total Expenses \$3,000
	TOTAL ACCOUNTING \$218,759
ASSESSORS (Lines 14-15)	
14-	Total Salaries \$245,951
15-	Total Expenses \$104,550
	TOTAL ASSESSORS \$350,501
TREASURER/COLLECTOR (Lines 16-18)	
16-	Total Salaries \$528,175
17-	Total Expenses \$10,333
18-	Total Special Accounts \$100
	TOTAL TAX COLL./TREASURER \$538,608
CENTRAL ADMINISTRATION (Lines 19-28)	
19-	Central Supply \$108,150
20-	Central Machines \$24,580
21-	Chapter 32B - Health Ins. (AA) \$9,600,000
22-	Unemployment Comp (AA) \$75,000
23-	Pension Reimbursement (AA) \$3,000
24-	Town Insurance (AA) \$700,000
25-	Financial Audit (AA) \$50,000
26-	Medicare Tax (AA) \$625,000
27-	Chas George Settlement (AA) \$0
28-	4th of July/Town Event \$0
	TOTAL CENTRAL ADMIN. \$11,185,730
LEGAL (Lines 29-32) (H)	
29-	Legal Fees \$95,000
30-	Collective Bargaining \$57,000
31-	Tax Title \$1,500
32-	Cable TV Negotiations \$2,000
	TOTAL LEGAL \$155,500
HUMAN RESOURCES (Lines 33-35) (H)	
33-	Total Salaries \$54,897
34-	Total Expenses \$1,500
35-	Total Special Accounts \$11,500
	TOTAL - HUMAN RESOURCES \$67,897
MANAGEMENT INFO. SYSTEMS (Lines 36-37)	
36-	Total Salaries \$166,631
37-	Total Expenses \$94,750
	TOTAL MNGMNT INFO. SYS. \$261,381
TOWN CLERK (Lines 38-40) (H)	
38-	Total Salaries \$251,028
39-	Total Expenses \$15,325
40-	Total Special Accounts \$15,220
	TOTAL TOWN CLERK \$281,573
REGISTRAR OF VOTERS (Lines 41-42)	
41-	Total Salaries \$1,000
42-	Total Expenses \$5,550

	TOTAL REGISTRARS \$6,550
CONSERVATION (Lines 43-45)	
43-	Total Salaries \$173,965
44-	Total Expenses \$2,000
45-	Total Special Accounts \$13,000
	TOTAL CONSERVATION \$188,965
PLANNING BOARD (Lines 46-47)	
46-	Total Salaries \$206,627
47-	Total Expenses \$13,111
	TOTAL PLANNING BOARD \$219,738
BOARD OF APPEALS (Lines 48-50)	
48-	Salaries -- Part Time \$10,302
49-	Expenses --Mat & Supplies \$300
50-	Spec. Accts -- Ads & Postage \$4,000
	TOTAL BOARD OF APPEALS \$14,602
TOWN FACILITIES (Lines 51-52) (H)	
51-	Total Salaries \$423,228
52-	Total Expenses \$462,018
	TOTAL TOWN FACILITIES \$885,246
POLICE DEPARTMENT (Lines 53-55) (H)	
53-	Total Salaries \$5,544,157
54-	Total Expenses \$424,377
55-	Total Special Accounts \$295,280
	TOTAL -- POLICE DEPARTMENT \$6,263,814
FIRE DEPARTMENT (Lines 56-58) (H)	
56-	Total Salaries \$5,000,584
57-	Total Expenses \$374,542
58-	Total Special Accounts \$106,010
	TOTAL FIRE DEPARTMENT \$5,481,136
BUILDING DEPARTMENT (Lines 59-61)	
59-	Total Salaries \$417,560
60-	Total Expenses \$28,956
61-	Total Special Accounts \$10
	TOTAL-- BUILDING DEPT \$446,526
SEALER OF WEIGHTS (Lines 62-63)	
62-	Salaries -- Part Time \$9,064
63-	Total Expenses \$650
	TOTAL SEALER OF WEIGHTS \$9,714
EMERGENCY MGT SERVICE (64-66)	
64-	Total Salaries \$5,000
65-	Total Expenses \$17,700
66-	Total Special Accounts \$202
	TOTAL EMERG. SERVICES \$22,902
SHAWSHEEN VALLEY TECH (Line 67) (H)	
67-	TOTAL (AA) \$1,448,445
LOCAL EDUCATION (Line 68) (H)	
68-	TOTAL - LOCAL EDUCATION \$42,675,015 A motion to end debate was moved, seconded and so voted.
DEPT. OF PUBLIC WORKS (Lines 69-74) (H)	
69-	Total Salaries \$3,645,778
70-	Total Expenses \$2,399,895
71-	Total Special Accounts \$696,000
	TOTAL -- DPW (Operating) \$6,741,673
72-	Rubbish and Garbage (AA) \$1,915,500
73-	Street Light (AA) \$348,000
74-	Swift Law (AA) \$20,000
	TOTAL -- DPW (AA) \$2,283,500
	TOTAL PUBLIC WORKS \$9,025,173
BOARD OF HEALTH (Lines 75-77)	
75-	Total Salaries \$357,269
76-	Total Expenses \$51,800
77-	Total Special Accounts \$106,569
	TOTAL -- BOARD OF HEALTH \$515,638
COUNCIL ON AGING (Lines 78-80) (H)	
78-	Total Salaries \$213,339
79-	Total Expenses \$5,950
80-	Total Special Accounts \$5,350
	TOTAL COUNCIL ON AGING \$224,639
VETERANS' SERVICES (Lines 81-83) (H)	
81-	Total Salaries \$117,837
82-	Total Expenses \$4,514
83-	Total Special Accounts \$52,500
	TOTAL VETERANS SERVICES \$174,851

COMMUNITY LIFE CENTER (Lines 84-85)		
84-	Total Salaries	\$397,958
85-	Total Expenses	\$18,921
	TOTAL --COMM. LIFE CENTER	\$416,879
DISABILITY ACCESS (Lines 86-87)		
86-	Total Salaries	\$2,146
87-	Total Expenses	\$400
	TOTAL DISABILITY ACCESS	\$2,546
PUBLIC LIBRARY (Lines 88-90)		
88-	Total Salaries	\$923,789
89-	Total Expenses	\$163,394
90-	Total Special Accounts	\$153,000
	TOTAL -- PUBLIC LIBRARY	\$1,240,183
RECREATION DIRECTOR (Lines 91-93)		
91-	Total Salaries	\$465,110
92-	Total Expenses	\$41,770
93-	Total Special Accounts	\$13,240
	TOTAL REC. DIRECTOR	\$520,120
RECREATION MAINTENANCE (Lines 94-95)		
94-	Total Salaries	\$677,259
95-	Total Expenses	\$182,483
	TOTAL RECREATION MAINT.	\$859,742
HISTORICAL COMMISSION (Line 96)		
96-	Total Expenses	\$1,920
	TOTAL -- HISTORICAL COMM.	\$1,920
DEBT SERVICE (Lines 97-98)		
97-	PRINCIPAL (AA)	\$3,007,001
98-	INTEREST (AA)	\$1,137,500
	TOTAL DEBT SERVICE (AA)	\$4,144,501
OTHER ACCOUNTS (99-104)		
99-	RESERVE FUND	\$200,000
100-	COUNTY RETIREMENT (AA)	\$5,993,783
101-	NEG SETTLEMENTS (H)	\$474,000
102-	STABILIZATION (AA)	\$0
103-	53rd WEEK PAYROLL (AA)	\$0
	LOCAL TRANSPORT (AA) (H)	
	A motion to amend to \$217,000 was moved and seconded.	
104-	Amendment failed.	\$166,000
105-	CAPITAL IMPROVE (AA) (H)	\$300,000
	GRAND TOTAL	\$95,449,926

Recommendations: Ways & Means voted in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

At 11:20 PM, a motion to adjourn was moved, seconded and so voted.

Attest:
Jane L. Chew
Town Clerk

**ADJOURNED TOWN MEETING
WEDNESDAY, MAY 13, 2009
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:40 PM with a salute to the flag. A motion to adjourn to Monday, May 18, 2009 to complete the business of the Warrant, if necessary, was moved, seconded and so voted.

The Town Administrator provided an explanation of Line Item #105 which was taken up late the previous meeting.

The Board of Selectman and School Superintendent agreed not to use any of the appropriated funds under Line 105 until a detailed plan in the form of a Warrant Article is brought before the September 2009 Town Meeting.

A resolution was presented to the Moderator to be taken up at the end of the session.

ARTICLE 5 RE: Fund FY 2010 Capital Budget

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money or any

other amount for the items contained within the following proposed Fiscal Year 2010 Capital Budget, same to be expended under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT	PROJECT NAME/ DESCRIPTION	SPENDING AUTH	APPROP. REQUEST
<u>FROM FREE CASH (10-1 thru 10-8):</u>				
10-1	DPW	Traffic Light Inventory/PM	Selectmen	\$18,000
10-2	DPW	Water Line Leak Detection	Selectmen	\$20,000
10-3	DPW	Paint Filter Room	Selectmen	\$18,000
10-4	Police	Portable Radios (2 nd Payment)	Selectmen	\$51,200
10-5	Town Facilities	Roof Repair	Selectmen	\$42,650
10-6	School	HS Locker Renovations	School	\$91,638
10-7	School	HS Fitness Room Renovations	School	\$68,200
10-8	School	MS Student & Faculty Bathroom Renovations	School	\$85,000

<u>FROM CEMETERY SALE OF LOTS (10-9):</u>				
10-9	DPW	Repave Cemetery Roadways	Selectmen	\$20,000

<u>FROM SEWER ENTERPRISE (10-10)</u>				
10-10	DPW	Corrosion/Odor Control	Selectmen	\$20,000

MAIN MOTION: To see if the Town will vote transfer from Free Cash, Cemetery Sale of Lots and Sewer Enterprise as follows, for those items contained within the following proposed Fiscal Year 2010 Capital Budget, same to be expended under the appropriate authorities as indicated:

PROJECT NUMBER	DEPT	PROJECT NAME/ DESCRIPTION	SPENDING AUTH	APPROP. REQUEST
<u>FROM FREE CASH (10-1 thru 10-8):</u>				
10-1	DPW	Traffic Light Inventory/PM	Selectmen	\$18,000
10-2	DPW	Water Line Leak Detection	Selectmen	\$20,000
10-3	DPW	Paint Filter Room	Selectmen	\$18,000
10-4	Police	Portable Radios (2 nd Payment)	Selectmen	\$51,200
10-5	Town Facilities	Roof Repair	Selectmen	\$42,650
10-6	School	HS Locker Renovations	School	\$40,000
10-7	School	HS Fitness Room Renovations	School	\$68,200
10-8	School	MS Student & Faculty Bathroom Renovations	School	\$85,000

<u>FROM CEMETERY SALE OF LOTS (10-9):</u>				
10-9	DPW	Repave Cemetery Roadways	Selectmen	\$20,000

<u>FROM SEWER ENTERPRISE (10-10)</u>				
10-10	DPW	Corrosion/Odor Control	Selectmen	\$20,000

Recommendations: Capital Budget voted in favor. Ways & Means voted in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 6 RE: Town-wide Vehicle Replacement

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$57,000 or any other amount for the purpose of replacing various vehicles; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$57,000 for the purpose of replacing various vehicles, to be expended under the direction of the Board of Selectmen.

Recommendations: Capital Budget voted 7-0 in favor. Ways & Means voted 12-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 7 RE: Fund the Administrative & Professional Compensation Plan

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for Fiscal Year 2010, and transfer from the FY2010 Negotiated Settlement Account the sum of \$50,000 or any other amount for the purpose of funding the plan under the direction of the appropriate authorities; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from FY2010 Negotiated Salary Account the sum of \$50,000 (line item #101) to pay for salary adjustments to the Town's Administrative & Professional Compensation Plan.

Recommendations: Ways & Means voted 11-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 8 RE: Fund the Part-time Compensation Plan

To see if the Town will vote to transfer from the FY2010 Negotiated Settlement the amount of \$10,000, for the purpose of funding the Part-time Salary Plan (under 20 hours) for Fiscal Year 2010, same to be expended under the appropriate authority; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from FY2010 Negotiated Salary Account the sum of \$10,000 (line item #101) to pay for salary adjustments to the Town's Part-time Compensation Plan.

Recommendations: Ways & Means voted 11-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 9 RE: Drug and Alcohol Task Force

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$2,500 or any other amount to fund the FY2010 expenses of the Burlington Drug and Alcohol Task Force, same to be expended under the direction of the Board of Selectmen; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$2,500 to fund the FY2010 expenses of the Burlington Drug and Alcohol Task Force, same to be expended under the direction of the Board of Selectmen.

Recommendations: Ways & Means voted 11-1-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 10 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 of \$25,000 or any other amount for the maintenance and improvements of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds the sum of \$25,000 for the maintenance and improvements of Simonds Park, same to be expended under the direction of the Recreation Commissioners.

Recommendations: Ways & Means voted 11-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

A motion to take Article 16 out of order to discuss together with Article 11 and vote first was moved, seconded and so voted.

ARTICLE 16 RE: Terrace Hall FM Upgrade

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$9,000,000 or any other amount for the purpose of constructing upgrades to the Terrace Hall Pump Station and Force Main; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote the sum of \$9,000,000 be and hereby is appropriated, to be expended at the direction of the Board of Selectmen, to pay for construction upgrades to the Terrace Hall Pump Station and Force Main, including any and all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 8(4) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 11 RE: Sewer Services Enterprise Fund

To see if the Town will vote to raise and appropriate the sum of \$4,525,223 to operate the FY 2010 Sewer Services Enterprise of which \$4,525,223 will come from the FY 2010 Sewer Services Enterprise Estimated Revenue Account; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate the sum of \$4,525,223 to operate the Sewer Enterprise Fund, of which \$4,525,223 will be transferred from the FY10 Sewer Services Estimated Revenue.

Recommendations: Ways & Means voted 12-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 12 RE: Sewer I/I Fund

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of \$179,146 for the purpose of paying the FY2010 debt service on the Town's three existing 0% MWRA loans; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant.

A motion to amend by striking the word "debt" and substituting therefore the word "principle" was moved, seconded and so voted.

Recommendations: Ways & Means voted 6-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION AS AMENDED

ARTICLE 13 RE: Ice Palace Parking Lot

To see if the Town will vote to transfer the sum of \$_____ from the Ice Palace enterprise account for the purpose of funding the paving of the Ice Palace parking lot, same to be expended under the direction of the Board of Selectmen; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer the sum of \$29,655 from the Ice Palace Enterprise Account for the purpose of fund the paving of the Ice Palace parking lot, same to be expended under the direction of the Board of Selectmen.

Recommendations: Ways & Means voted 12-0-1 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 14 RE: Chapter 90

To see if the Town will vote to accept the chapter 90 allocation of \$769,513 and appropriate the sum of \$769,513 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.

MAIN MOTION: To see if the Town will vote to accept the Chapter 90 allocation of \$769,513 and appropriate the sum of \$769,513 for the purpose of funding roadway improvements, same to be expended under the direction of the Town Administrator.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 15 RE: Automated Water Meter Reading System

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$1,500,000 or any other amount for the purpose of installing an automated water meter reading system; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote the sum of \$1,500,000 be and hereby is appropriated, to be expended at the direction of the Board of Selectmen, to pay for installing an automated water meter reading system, including any and all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to

Chapter 44, Section 8(7C) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Recommendations: Ways & Means voted 9-3-0 in favor. Capital Budget voted 7-0 in favor.

There was a division of the house and tellers were appointed.

ACTION: BY A VOTE 79 OF IN FAVOR AND 7 OPPOSED, THE MAIN MOTION CARRIED

ARTICLE 17 RE: Human Services Parking

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$30,000 or any other amount for the purpose of repairing and expanding the parking area south of the Human Services Building; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$30,000 for the purpose of repairing and expanding the parking area south of the Human Services Building.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 18 RE: Town Common Sidewalk

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$60,000 or any other amount for the purpose of construction of a sidewalk on the Bedford Street Side of the Town Common; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 19 RE: DPW Two-Way Communication Radio Upgrade

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$75,000 or any other amount for the purpose of upgrading the DPW two-way radio communication system; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 20 RE: Street Sweeper

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$160,000 or any other amount for the purpose of purchasing a new Street Sweeper; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the Free Cash the sum of \$160,000 for the purpose of purchasing a new Street Sweeper.

Recommendations: Ways & Means voted 11-1-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 21 RE: Sander Truck

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$170,000 or any other amount for the purpose of purchasing a Sander Truck for the Highway Division; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 22 RE: Assessment Center for Police/Fire Chiefs

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$30,000 or any other amount to conduct a Search/Recruitment and Assessment of candidates for the positions of Police Chief and Fire Chief; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$30,000 for the purpose of conduct a Search/Recruitment and Assessment of candidates for the positions of Police Chief and Fire Chief.

Recommendations: Ways & Means voted 9-0-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 23 RE: Master Plan/Town Assets

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$50,000 or any other amount for the purpose of evaluating all Town land assets as well as potential privately owned properties within Burlington to determine future uses of those assets involving Recreation, School and Town-wide needs; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the Stabilization Fund the sum of \$50,000 for the purpose of evaluating all Town land assets as well as potential privately owned properties within Burlington to determine future uses of those assets involving Recreation, School and Town-wide needs.

Recommendations: Ways & Means voted 8-4-0 in favor. Capital Budget voted 2-5 in opposition. Land Use Committee voted 6-0 in favor.

ACTION: MAIN MOTION WAS DEFEATED

ARTICLE 24 RE: Mower Replacement

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$77,000 or any other amount for the purpose of replacing the Howard mower, same to be spent under the direction of the Recreation Commission; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$77,000 for purpose of replacing the Howard mower, same to be spent under the direction of the Recreation Commission.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 25 RE: Fire Department/Ambulance

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$215,000 or any other amount for the purpose of purchasing a new replacement for Ambulance 2 for use at the Fire Department, same to be spent under the direction of the Board of Selectmen; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the Stabilization Fund the sum of \$215,000 for the purpose of purchasing a new replacement for Ambulance 2 for use at the Fire Department, same to be spent under the direction of the Board of Selectmen.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 26 RE: Burlington High School Elevator Design

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$72,000 or any amount to pay the cost of preparing design and construction specifications for the addition of a new elevator at Burlington High School, same to be spent under the direction of the School Committee, including all costs incidental and related thereto; or to take act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$52,000 to pay the cost of preparing design and construction specifications for the addition of a new elevator at Burlington High School, same to be spent under the direction of the School Committee, including all costs incidental and related thereto.

Recommendations: Ways & Means voted 11-1-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 27 RE: Burlington High School Pavement Replacement

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$200,000 or any other amount for the purpose of funding the repairs/replacement to the existing pavement at Burlington High School, including the payment of all costs incidental and related thereto, to be spent under the direction of the School Committee; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 28 RE: Marshall Simonds Student Locker Replacement

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$125,000 or any other amount to pay the cost of replacing one half of the student lockers at Marshall Simonds Middle School, including the payment of all costs incidental and related thereto, to be spent under the direction of the School Committee; or to take any other action in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 29 RE: Community Custodial Services

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$30,385 or any other amount for the purpose of Community Custodial Fees for the events to be covered for Burlington Scout Organizations. PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Youth Lacrosse, Pop Warner, Hockey, Soccer and Skating Associations and other non profit Burlington Civic Organizations, to be spent under the direction of the School Committee; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$30,385 for the purpose of Community Custodial Fees for the events to be covered for Burlington Scout Organizations. PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Youth Lacrosse, Pop Warner, Hockey, Soccer and Skating Associations and other non profit Burlington Civic Organizations, to be spent under the direction of the School Committee.

Recommendations: Ways & Means voted 10-2-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 30 RE: Computer Technology Infrastructure and System Replacement

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$300,000 or any other amount to pay the cost of replacing the computer infrastructure system within all town and school buildings, including the payment of all costs incidental and related, to spent under the direction of the School Committee; or to act in any other manner in relation thereto

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 31 RE: Wildwood School Athletic Fields

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money for the purpose of building athletic fields and to make site improvements to the Wildwood School parcel, including the payment of all costs incidental and related thereto, same to be spent under the direction of the Recreation Commission; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

At 10:43 PM, a motion to adjourn was moved, seconded and so voted.

Attest:

Jane L. Chew
Town Clerk

**ADJOURNED TOWN MEETING
MONDAY, MAY 18, 2009
FOGELBERG AUDITORIUM – BHS**

A quorum being present, the meeting was called to order at 7:40 PM with a salute to the flag.

ARTICLE 32 RE: Burlington School Department Day Care Facility

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$167,500 or any other amount to pay the cost of renovations and alterations to the Boys Locker Room area at Francis Wyman School for the creation of Burlington School Department Day Care Facility, including the payment of all costs incidental and related, to be spent under the direction of the School Committee; or to take any other action in relation thereto.

MAIN MOTION: To see if the Town will vote to transfer from the LABB credit the sum of \$167,500 to pay the cost of renovations and alterations to the Boys Locker Room area at Francis Wyman School for the creation of Burlington School Department Day Care Facility, including the payment of all costs incidental and related, to be spent under the direction of the School Committee.

Recommendations: Ways & Means voted 12-1-0 in favor. Capital Budget voted 6-0 in favor. There was a division of the house and tellers were appointed.

ACTION: BY A VOTE OF 53 IN FAVOR AND 24 OPPOSED THE MAIN MOTION CARRIED.

ARTICLE 33 RE: Burlington High School Varsity Field Repairs

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$2,000,000 or any other amount to pay the cost of renovations and improvements to the Varsity Field Complex at Burlington High School, including the payment of all costs incidental and related thereto, to spent under the direction of the School Committee; or to take any other action in relation thereto.

MAIN MOTION: To see if the Town will vote the sum of \$2,000,000 be and hereby is appropriated, to be expended at the direction of the School Committee, to pay for the Costs of renovations and improvements to the Varsity Field Complex at Burlington High School, including any and all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(25) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Recommendations: Ways & Means voted 9-3-0 in favor. Capital Budget voted 6-0 in favor.

A motion to breakdown the amount into 5 items to be voted separately was moved and seconded. Amendment failed.

There was a division of the house and tellers were appointed.

ACTION: BY A VOTE OF 57 IN FAVOR AND 19 OPPOSED THE MAIN MOTION CARRIED. Seven members asked for a roll call.

BY A ROLL CALL VOTE OF 59 IN FAVOR AND 21 OPPOSED, THE MAIN MOTION CARRIED.

ARTICLE 34 RE: Memorial School/New Construction

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money, for construction of a new Memorial Elementary School located at 125 Winn Street, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (MSBA). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of (1) **52.11 percent** of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; same to be spent under the direction of the School Committee; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town of Burlington will vote to appropriate the sum of twenty-seven million, nine hundred twenty-three thousand, two hundred forty four (\$27,923,244) dollars for construction of a new Memorial Elementary School located at 125 Winn Street, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the Town of Burlington acknowledges that the Massachusetts School Building Authority’s (“MSBA”) grant program is non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 52.11 percent(%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

Recommendations: Ways & Means voted 12-0-0 in favor. Capital Budget voted 7-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

ARTICLE 35 RE: Amend Article IV/Selectmen, Section 3.1

To see if the Town will vote to amend the General Bylaw Article IV/Selectmen, Section 3.1 by adding a new paragraph at the end as follows:

The Board of Public Works is hereby authorized to promulgate regulations relative to the use of water in the Town’s water distribution system. Violation of any regulations promulgated under authority of this bylaw may be enforced through any lawful means in law or in equity by the Board of Public Works or the Superintendent of Public Works, or their designees, including but not limited to enforcement by non-criminal disposition in accordance with Article I, Section 4.0 of the General Bylaws. Each day a violation exists shall constitute a separate violation. The regulations authorized by this section shall establish specific penalties for violation thereof in amounts not to exceed \$300 per violation; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 36 RE: Amend General Bylaw Article XIII/ Public Safety, Use of Streets and Public Places, Section 1.12

To see if the Town will amend the General Bylaw, Article XIII, Public Safety, Section 1.12 to read as follows:

No person having a vehicle under his care or control shall leave the same parked or unattended upon a street between the hours of 2:00 a.m. and 8:a.m. from December 1 through April 1 in each year.

to add: Persons violating this regulation shall be fined ten dollars (\$10.00) for the first offense and twenty-five dollars (\$25.00) for the second or subsequent offenses; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Bylaw Review Committee voted 4-0 in favor of a higher fine.

A motion to include fines of \$50 for a first offense and \$100 for a second offense was moved and seconded. Amendment failed.

A motion to amend the fine(s) for violation of the overnight parking bylaw be changed from \$10 and \$25 to \$25 and \$50 for subsequent violations was moved and seconded. Amendment carried.

ACTION: MAJORITY APPROVED MAIN MOTION AS AMENDED

App. A.G.	Posted	.

ARTICLE 37 RE: Amend General Bylaw Article I/General Provisions

To see if the Town will vote to amend the General Bylaw Article I/General Provisions by adopting the following new section:

12.0 Meeting Minutes and Agenda – all Town boards and committees whether elected or appointed shall file an electronic copy of their meeting minutes and agendas with the Town Clerk. Minutes shall be filed within 30 days of the meeting and agendas shall be filed at least 24 business hours prior to the meeting. Executive Session minutes shall be filed with the Town Clerk as soon as they have been reviewed and released for the public under the provisions of MGL Chapter 39, Section 23B and Chapter 66, Section 10 (a); or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Bylaw Review Committee voted 4-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

App. A.G.	Posted	.

ARTICLE 38 RE: Term Limits/Breaks for Elected Officials

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition in the following form, provided, however, 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 provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF BURLINGTON TO ESTABLISH TERM LIMITS FOR CERTAIN ELECTED OFFICIALS.

Section 1. No elected official in the Town of Burlington, with the exception of elected town meeting representatives, shall serve for more than three consecutive terms in the same office. For the purposes of this section, service to complete the term of another elected official shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving in an elected office by this section may be reelected or reappointed to that office after two years have elapsed from the ending date of his or her previous service.

Section 2. This Act shall take effect upon passage; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 39 RE: Amend Article XIII/Public Safety, Section 1.0/Use of Streets and Public Places; Sub-Section 1.35/Alcoholic Beverages

To see if the Town will vote to amend General Bylaw Article XIII/Public Safety, Section 1.1/Use of Streets and Public Places; Sub-Section 1.35/Alcoholic Beverages to read Alcoholic Beverages and Substance Consumption; and to add the follow Sub-Section 1.35.6/Substance Consumption as follows:

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Bylaw Review Committee voted 4-0 in favor.

ACTION: MAJORITY APPROVED MAIN MOTION

App. A.G. Posted .

ARTICLE 40 RE: Amend Zoning Bylaw Article XI/ Special Residential Regulations, Add Section 11.8.0/Inclusionary Zoning Requirements for Multifamily Housing

To see if the Town will vote to amend the Zoning Bylaw by amending Article XI "Special Residential Regulations" by adding as new Section 11.8.0 "Inclusionary Zoning Requirements for Multifamily Housing", as follows:

11.8.0 Inclusionary Zoning Requirements for Multifamily Housing

11.8.1 Purpose and Intent

The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable

housing in compliance with the 2004 Burlington Community Development Plan, G.L. c. 40B sec. 20-23 and ongoing initiatives of the Burlington Housing Partnership to promote a reasonable percentage of housing that is affordable to moderate income buyers. It is intended that the affordable housing units that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Housing and Community Development and that said units count toward the Town's requirements under G. L. c. 40B sec. 20-23.

11.8.2 Definitions

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.

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).

11.8.3 Applicability

This Bylaw shall apply to the construction of ten (10) or more multifamily dwelling units in accordance with any section of the Zoning Bylaw, whether on one or more contiguous parcels, owned or controlled by the applicant or a related entity and shall require a special permit from the Planning Board.

11.8.4 Mandatory Provision of Affordable Units

The Planning Board shall, as a condition of approval of any development referred to in Section 11.8.3, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this Bylaw and more fully described in Section 11.8.5.

11.8.5 Provision of Affordable Units

The Planning Board shall deny any application for a special permit for multifamily development unless at least ten (10%) percent of the units in a multifamily development subject to this Bylaw shall be established as affordable housing units in one or any combination of methods provided for below. When the calculation of 10% yields a fraction of .5 dwelling units or greater, the number of affordable housing units to be provided shall be rounded up to the nearest whole number. Affordable housing units may be:

1. Constructed or rehabilitated on the locus subject to the special permit;
2. Constructed or rehabilitated on a locus different than the one subject to the special permit;

3. Alternatively achieved when the applicant may offer, and the Planning Board, in concert with the Board of Selectmen, may recommend acceptance of donations of land in fee simple, on or off-site, that the Planning Board determines are suitable for the construction of affordable housing units. The Planning Board may require, prior to recommending acceptance of land as satisfaction of the requirements of this Bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value;

4. Alternatively achieved when the applicant may offer a cash payment to an Affordable Housing Trust Fund, pursuant to Section 11.8.9 of this Bylaw. The applicant may offer, and the Planning Board may accept, any combination of the requirements (a) through (d) herein, provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this Bylaw.

11.8.6 Provisions Applicable to Affordable Housing Units On- and Off-Site

1. Siting of affordable units – All affordable units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

2. Minimum design and construction standards for affordable units – Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

3. Timing of construction or provision of affordable units or lots – Where feasible, affordable housing units shall be provided coincident to the development of market rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

MARKET RATE UNIT %	AFFORDABLE HOUSING UNIT %
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
Up to 90%	100%

Fractions of units shall not be counted.

11.8.7 Marketing Plan for Affordable Units

Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board, which describes how the affordable units will be marketed to potential homebuyers. This plan shall comply with the regulations established by the Massachusetts Department of Housing and Community Development, or its successor agencies, under the Local Initiative Program provisions of G.L. c. 40B

11.8.8 Provision of Affordable Housing Units Off-Site

As an alternative to the requirement of Section 11.8.5 (1), an application subject to the Bylaw may develop, construct or otherwise provide affordable units equivalent to those required by this section off-site. All requirements of this Bylaw that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. If the off-site units are proposed as single family dwelling units in an RO District, such units shall not require a separate special permit.

11.8.9 Fees in Lieu of Affordable Housing Units

As an alternative to Section 11.8.5 (1) through (3), an applicant may contribute a cash payment to an Affordable Housing Trust Fund, to be used for the development of affordable housing by the Town or its designees, in lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

11.8.10 Maximum Incomes and Selling Prices: Initial Sale

The Planning Board shall adopt Rules and Regulations governing the creation of affordable housing units through this Inclusionary Zoning provision. Such regulations may include criteria of maximum incomes, sales or rental prices, resale price, preservation of affordability, and calculation of fees in lieu of affordable housing units; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 41 RE: Amend Zoning Bylaw Article II/Definitions, Article III/Establishment of Districts and Article IV/Use Regulations, Article V/Dimensional Requirements, Article X/Special Regulations, Section 10.4.0, Add Section 10.5.0/Additional Regulations in the Business Park District, Amend Article XIII/Signs

Proposed Business Park (BP) District

To see if the Town of Burlington will vote to amend the Zoning By-Laws of the Town of Burlington by adding the following new sections or amending certain existing provisions:

To amend Article II: Definitions to include the following definitions:

Amenities Center: Shall be accessory to an “office/commercial park” housing uses that directly support the office uses within the park providing comfort and convenience to park employees. It is

the intent of the amenities center to be within a building centrally located to serve the daily needs of employees within the park.

Biotechnology: The fusion of biology and technology. Biotechnology is the application of biological techniques to product research and development. In particular, biotechnology involves the use by industry of recombinant DNA, cell fusion, and new bioprocessing techniques. Biotechnology uses are subject to all federal, state and local regulations. NIH Biosafety Level 4 (BL-4) laboratories are prohibited in Burlington.

Clinic: A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises. A building that has been licensed as part of a larger hospital campus is not considered a clinic.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include accessory uses such as fast food, restaurant and banks. A conference center is not designed to be only utilized by the general public for overnight purposes and must be associated with a Hotel or office park.

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.

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.

To amend Article III Establishment of Districts, Section 3.1.0 Districts, by adding the following new use district:

BP - Business Park Districts

AND further to amend Article IV Use Regulations, Section 4.2.0 Principal Use Regulation Schedule, Section 4.3.0 Accessory Use Regulation Schedule, and Section 4.4.0 Permitted Uses in the Wetlands District, by inserting a new column for the BP District and identifying the permitted and prohibited uses as follows:

AND further to Amend Section 5.2.0 Density Regulation Schedule to insert a new column for the BP District as follows:

(See Use Table and Density Regulation Schedule in Addendum to Minutes)

To further amend Article X, by creating a new Section 10.5.0 Additional Regulations in the Business Park District, as follows:

10.5.1 Purpose: The Business Park (BP) District is hereby adopted to achieve the following purposes and objectives:

The fulfillment of goals and strategies enumerated in the 1993 Land Use Element of the Master Plan and the 2004 Community Development Plan and objectives identified in the Findings Report: Issues, Opportunities, and Constraints for Economic Development in the Town of Burlington, prepared by Larry Koff and Associates, dated _____, 2008,

The implementation of a district which reflects the goals of the town to promote modern office environments to ensure continued economic vitality for the Town.

The encouragement of communication and shared redevelopment efforts among adjoining property owners to help achieve their long term goals and objectives; and,

The promotion of increased density where utility and transportation infrastructure already exist to better accommodate future growth;

The consideration of a mixture of uses to reduce vehicle trips, such that residents and area employees can walk to needed services and amenities, and to conversely provide a built-in demand for the local commercial and retail uses; and enhancement and improvement of existing properties and/or structures relative to pedestrian access, vehicular circulation, and signage;

The reutilization of properties that have reached their market or physical obsolescence;

The application of “Smart Growth Principles” and environmentally sensitive policies as enumerated by the Commonwealth of Massachusetts to the future redevelopment of Burlington’s commercial sector;

10.5.2 Floor Area Ratio (F.A.R.)

All projects shall be subject to the dimensional requirements in Section 5.2.0. An increase in the allowed The Floor Area Ratio (F.A.R) (resulting in not more than a 1.0 F.A.R¹) is permitted through the application of selected options below and shall require the issuance of a Finding from the Planning Board, in conjunction with any applicable Site Plan or Special Permit application, that the proposal has sufficiently met the following selected standards:

Available F.A.R. Increase	Incorporated Elements
(0.05)	The site design has provided enhancements to pedestrian interconnectivity, vehicular circulation and traffic control signage
(0.1)	Any commercial development which results in a net floor area in excess of .50 FAR or provides parking in excess of 3.0 parking spaces per 1,000 SF shall be required to provide all required parking spaces (for said square footage in excess of .50 FAR, or above the 3.0 parking spaces per 1,000 SF) within a structured parking garage. Square footage within a parking garage shall not be counted towards a FAR calculation, although will be counted toward a building to ground percentage
(0.05)	Method satisfactory to the Planning Board to insure that the site operator or owners reduces 20% of the estimated Institute of Transportation ITE forecast trip generation rates related to the development in both the a.m. and p.m. peak hours based upon the most recent IT trip generation manual.
(0.1)	The project has incorporated methods to improve recharge from the site by 150% of existing conditions and improve stormwater quality through BMP and/or Low Impact Development practices meeting.
(0.1)	Pervious surface area on the subject property is increased by 10% over existing conditions. A pervious green roof may be counted toward this goal.
(.05)	The Applicant shall contribute to a Traffic Mitigation Fund which will be utilized to mitigate traffic impacts generated by the development. This mitigation contribution shall be calculated based on the additional number of parking spaces required to support the proposed expansion beyond 0.50 F.A.R (Calculations/procedures to be determined by the Planning Board). The mitigation fee shall be used to directly mitigate impacts associated with the proposed development (i.e. signalization, roadway or pedestrian enhancements)
(.05)	The site and building incorporate ten or more LEED elements from the U.S. Green Building Council LEED (The Leadership in Energy and Environmental Design) Rating Checklist.
(0.2)	U.S. Green Building Council LEED (Leadership in Energy and Environmental Design) Certified Building

¹ The 1.0 F.A.R. cap is not applicable if Transfer of Development Rights have been implemented.

10.5.3. Transfer of Development Rights

The Planning Board may, by Special Permit, consider requests to transfer development capacity between parcels of land within the business park (BP) district within an “office/commercial park”. An “office/commercial park” shall be defined as a property which, when taken as a whole with other properties in the general area, possesses a commonality of purpose, use, management, maintenance, and other indicia which provides to the general public a perception of a unified operation and character. In an

office/commercial park, the individual parcels do not have to be under the same ownership. The delineation of a particular office/commercial park may change over time based upon the Planning Board’s determination that other properties have been incorporated into a commonality of operation and character. The determination of whether a property qualifies under this definition shall be at the discretion of the Planning Board.

Development rights may **not** be transferred from land which may not be otherwise developed because of deed restrictions, easements, prior transfer of development rights, or other reasons that render the land not developable, including land with conservation restrictions, land owned by a government agency or a nonprofit corporation or other entity for park, open space, agricultural, historical, or conservation purposes.

Transfer of development rights is contingent upon placing a permanent deed restriction and recording such restriction at the South Middlesex Registry of Deeds, the form of which is subject to approval by Town Counsel, on the land from which the development rights are being transferred and restricting the use of the land to a limited developable capacity, agriculture, forestry, open space, passive or active recreation, or deeding the land to the Town of Burlington as permanent open space.

Development rights may be transferred from a sending parcel with the accompanying deed restriction and held indefinitely by the owner of the parcel before being transferred to a receiving parcel. Development rights may be transferred by sale or other means and may subsequently be transferred to any owner of receiving parcels in the “office/commercial” park within the Business Park (BP) District allowed pursuant to this bylaw. The 1.0 F.A.R. cap under section 10.5.3 is not applicable if Transfer of Development Rights are implemented.

10.5.4 Additional Dimensional Requirements

10.5.4.1 Maximum Building & Structure Height
 Building height shall be the same as the Industrial High Rise (IH) District requirements, although within 100’ of a local road the building height cannot exceed more than 50 feet in height.

10.5.4.2 Parking Requirements
 Parking requirements shall be as specified in Article VII of this Bylaw, with the following additional criteria:

If the parking ratio is above 3.0 spaces per 1,000 square feet of (net) building Square footage², all spaces above the 3.0 ratio shall be in structured parking.

² If Net Square Footage is unavailable the Net will be calculated as 12% less than the Gross Floor Area.

10.5.5 Additional Regulations

In addition to the requirements prescribed in this Bylaw, development uses within the BP District shall be subject to the following:

One **Amenities Center** may be permitted per 600,000 SF of gross square footage within an “office/commercial park”. An amenities center shall be defined as accessory to an “office/commercial park” housing uses that directly support the office uses within the park providing comfort and convenience to park employees. It is the intent of the amenities center to be within a building centrally located to serve the daily needs of employees within the park. The total size of the amenities center shall be not larger than 5% of the gross floor area of the park. These amenities include but are not limited to: Café/coffee shop, dry cleaning drop-off/pick-up, bank, shoe repair, convenience store, fast food, personal service, ATM, travel agency and retail under 10,000 SF. It is the intent of the amenities center to be in a building centrally located to serve the daily needs of employees within the park.

AND further to amend:

Article X: Section 10.4.0 by adding the following

“Additional Regulations for Restaurants in an IG and BP Districts”

The Planning Board may grant a Special Permit for a restaurant use within a General Industrial (IG) and Business Park (BP) Districts, subject to the following restrictions:

10.4.3 Approval Criteria

In addition to the approval criteria for special permits pursuant to Section 9.2.4 of this bylaw, the applicant shall comply with additional criteria as detailed below and the Planning Board shall make findings pursuant to these specific requirements:

- a) Any proposed restaurant within an IG and BP Districts shall be located within a previously established office/commercial park of 600,000 square feet or more.

Article XIII Signs, by amending the following section:

Section 13.1.4 Retail Industrial (IR), General Industrial (IG), High-Rise Industrial (IH) and Business Park (BP); or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITLY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 42 RE: Amend Zoning Bylaw Article I/Purpose and Authority

To see if the Town will vote to Amend Article I "Purpose" of the Zoning Bylaw, by deleting the existing Section 1.0 "Purpose" in its entirety and substituting therefore the following Section 1.0 "Purpose and Authority":

~~SECTION 1.0 PURPOSE~~

~~The purpose of this Bylaw is to promote the health, safety, convenience, morals, and welfare of the inhabitants of the Town of Burlington. The objectives of this Bylaw are, among other purposes, to lessen congestion in the streets, to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town; to preserve and increase amenities; and to accomplish any other purpose for which Zoning Bylaws may now or hereafter be enacted under the laws of the Commonwealth of Massachusetts.~~

SECTION 1.0 PURPOSE AND AUTHORITY

1.0.1 TITLE. The full title of these regulations shall be the "Zoning Bylaws of the Town of Burlington, Massachusetts." These regulations shall be referred to herein as the "Zoning Bylaws" or "this Bylaw".

1.0.2 PURPOSE. These regulations are enacted to promote the general welfare of the Town of Burlington, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, and to increase the amenities of the town, all as authorized by, but not limited by, the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of 1975 Mass. Acts 808.

1.0.3 AUTHORITY. This Zoning Bylaw is enacted in accordance with the provisions of the General Laws, Chapter 40A, any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts. The Planning Board shall be responsible for the maintenance of the official copy of this Bylaw.

1.0.4 SCOPE. For these purposes, the construction, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

1.0.5 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning Bylaw. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law

imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control. Nothing herein shall be construed to supersede the provisions of the State Building Code, 780 CMR 1.00, et seq.

AND further to amend Section 1.3.0 "Defect in the Form of Notices", by adding the following sentence, highlighted in bold text, to the end of the section, as follows:

1.3.0 DEFECT IN THE FORM OF NOTICES

No defect in the form of any notice under this Bylaw shall invalidate any action taken thereunder or pursuant thereto unless such defect is found to be misleading. **When notice is required to be provided to the public, an abbreviation shall not be used without clear indication of the subject matter or specific term being abbreviated;** or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Planning Board voted 7-0-0 in favor. Land Use Committee voted 7-0-0 in favor.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION

App. A.G.	Posted	.

ARTICLE 43 RE: Amend Zoning Bylaw Article VII, Section 7.5.2/Streets, Driveways, Parking and Service Areas and Article VIII/Overlay Districts, Section 8.3.8.4/Impervious Surfaces

LOW IMPACT DEVELOPMENT DRAINAGE TECHNIQUES

To see if the Town of Burlington will vote to amend Article VII "General Regulations" and Article VIII "Overlay Districts" of the Zoning Bylaws of the Town of Burlington by adding the following new sections or amending certain existing provisions:

To amend Section 7.5.2 Streets, Driveways, Parking and Service Areas as follows:

In all districts except "RO" One Family Dwelling Districts, all streets, driveways, parking areas, service areas, ramps, loading docks and exterior storage areas shall be paved or surfaced with impervious materials. **In areas where contamination or other environmental factors do not preclude infiltration, porous pavement, porous concrete, and/or permeable pavers may be used in streets, driveways and parking areas. All systems shall be designed** and constructed ~~with curbing slopes and similar design features~~ so that water falling on such areas will be directed into an approved system of **drainage structures and pipes pipes and/or drainage structures.**

And further to amend Section 8.3.8.4 Impervious Surfaces as follows:

Within the Aquifer and Water Resource Districts, not less than forty percent (40%) of the lot shall be landscaped or if wooded, may be left in a natural state. Within the Aquifer and Water Resource Districts all streets, sidewalks, parking areas, driveways, ramps, service areas, loading docks, and exterior service areas shall be paved or surfaced with impervious materials; **in areas where contamination or other environmental factors do not preclude infiltration, porous pavement, porous concrete and/or permeable pavers may be used. All systems shall be designed** and constructed ~~with curbing, slopes, and similar design features~~ so that water falling on such areas and on buildings on the same premises, and spilled liquid substances on such areas and in adjacent buildings, will be contained and controlled and directed into an approved system of **drainage structures and pipes pipes and/or drainage structures.** Such drainage system shall trap for removal, all oil based pollutants and suspended sediment and materials and shall provide for the full recharge of stormwater and precipitation to the ground beneath the site by the use of leaching structures, pipes, and fields, **or an approved low impact development technique.** The outlet from such drainage system shall be designed to obtain the efficient operation of the leaching structures and to allow the passage of excess amounts of water so that no flooding of the site will occur. Residential lots which render impervious not more than fifteen percent (15%) or 2,500 square feet of the lot, whichever is greater,

shall be exempt from this recharge and maintenance requirement. A drainage maintenance schedule shall be developed, subject to the approval of the Board of Health and the Town Engineer, which provides for the periodic inspection and maintenance of all drainage structures and systems. The property owner shall be responsible for continually implementing such drainage system maintenance, or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Planning Board voted 4-0-0. Land Use Committee voted 6-0-0 in favor.

There was a division of the house and tellers were appointed.

ACTION: BY A VOTE OF 60 IN FAVOR AND 0 OPPOSED THE MAIN MOTION CARRIED.

App. A.G.	Posted	.
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ARTICLE 44 RE: Amend Zoning Bylaw Article VII/General Regulations, Section 7.3.0/General Loading Requirements and Purpose, and Section 7.4.2/ Landscaping, and Section 7.5.0/General Performance Regulations

LOADING, LANDSCAPING AND PERFORMANCE STANDARDS

To see if the Town of Burlington will vote to amend Article VII "General Regulations" the Zoning Bylaws of the Town of Burlington by adding the following new sections or amending certain existing provisions:

To amend Section 7.3.0 General Loading Requirements and Purpose, by adding the following new text, highlighted in bold print, as follows:

7.3.0 LOADING REQUIREMENTS

Loading space dimensions and locations shall be approved by the Planning Board, and loading spaces shall be so placed as not to require maneuvering within a public way or way used by the public.

7.3.1 General. Adequate off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each nonresidential building or use which is erected, enlarged or altered after the effective date of this By-law, according to the following regulations.

7.3.2 Same Lot. All loading spaces or loading areas required by this By-law shall be on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this By-law.

7.3.3 No Queues or Backing onto Street. No loading facility shall be designed to require trucks to queue on a public way while awaiting off-loading. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.

7.3.4 Shared Loading. No part of an off-street loading area required by this By-law for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the Planning Board.

7.3.5 Screening. Loading areas shall be screened in accordance with Section 7.4.

7.3.6 Size. Loading bays shall not be less than twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height, exclusive of driveway and maneuvering space.

7.3.7 Location. No loading dock or bay shall be located within twenty (20) feet of the boundary of any residential district.

7.3.8 Special Permit. Any loading requirement set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is

not inconsistent with public health and safety, or that the reduction promotes a public benefit.

And further to amend Section 7.4.2 Landscaping, by adding the following new text highlighted in bold print, as follows:

7.4.2 Purpose. This section is designed to accomplish the following objectives:

- 1. Provide a suitable boundary or buffer between residential uses and nearby nonresidential uses;**
- 2. separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots;**
- 3. provide visual relief and a source of shade in parking lots and other areas, and protection from wind in open areas; and**
- 4. offer property owners protection against diminution of property values, if any, due to adjacent nonresidential use.**

7.4.3 Applicability. The requirements of this section shall apply to any nonresidential use and to multifamily dwellings.

7.4.4 Landscaping Requirements. Some combination of planting, screening, or fencing shall be installed at the following locations:

- 1. Property line(s) which also bound residential districts shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential use and multifamily dwellings. No part of any building or structure or paved space intended for or used a parking area may be located within the buffer area. Planted buffer areas along property lines which also bound residential districts or uses shall be of a minimum depth of 20 feet.**
- 2. Any accessory receptacle or structure with a holding capacity of at least one hundred (100) cubic feet for temporary storage or solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with this Section.**
- 3. Any loading area or HVAC equipment or other electrical equipment placed on the ground level shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with this Section.**
- 4. Landscaping shall be provided, erected and maintained on any part of any BN, BL, BG, BT, IH, IR, IG, or RG lot which is not occupied by a structure or by required parking areas, service areas, and driveways; except that all or part of the required landscaping may be in its clean original wooded state. Landscaping features shall be erected or planted before the premises are first occupied. Alternatively, the Planning Board may accept a financial guarantee in the amount of the cost of installing the landscaping and an agreement to complete the landscaping within a specified time and permit occupancy before the landscaping is installed.**

7.4.5 Planted Area Requirements. Planted areas shall contain an appropriate mix of the following types of plants. Plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.

- 1. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting, and have a spread of at least 18 inches.**

2. Grass is preferable to mulch where practical.
3. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible. Measurement shall take place six inches above grade.
4. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting. Measurement shall take place six inches above grade.

7.4.6 Coordination with Site Plan Approval. The Planning Board shall require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.

7.4.7 Maintenance of Landscaped Areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section and shall have a continuing obligation to comply with the provisions set forth herein. All plant materials required by this Section shall be maintained in a healthful condition.

7.4.8 Special Permit. By special permit, the Planning Board may authorize a reduction in the requirements of this Section, where such reduction will not result in substantial detriment.

And further to amend Section 7.5.0, General Performance Regulations, by adding the following new text highlighted in bold print, as follows:

SECTION 7.5.0 GENERAL PERFORMANCE REGULATIONS

7.5.3 Environmental Performance Standards

7.5.3.1 General. No activity shall be permitted in any district unless it shall be in conformity with the standards included herein. After a permit is issued in accordance with this section, continuing compliance is required. The following standards are hereby established.

7.5.3.2 Noise. No use shall be permitted within the town which, by reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property, as set forth in 310 CMR 7.01. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.

7.5.3.3 Erosion Control. Site design, materials, and construction processes shall be designed to avoid erosion damage, sedimentation, or uncontrolled surface water runoff by conformance with the following:

1. Grading or construction which will result in final slopes of 15% or greater on 25% or more of lot area, or on 20,000 square feet or more on a single lot, even if less than 25% of lot area, shall be allowed only by special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.
2. All such slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of 4 inches

and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber.

3. No area or areas totaling 0.5 acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity, or unless necessarily incidental to construction on the premises under a currently valid building permit, or unless within streets which are either public or designated on an approved subdivision plan, or unless a special permit is approved by the Planning Board on condition that runoff will be controlled, erosion avoided, and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a soil control plan approved by the Planning Board, except in the case of agricultural activity where such temporary cover would be infeasible.

4. The Inspector of Buildings may require the submission of all information from the building permit applicant or the landowner, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover, and the nature of impoundment basins proposed, if any.

5. In granting a special permit hereunder, the Planning Board shall, unless waived, require a performance bond to ensure compliance with the requirements of this Section.

6. Hillside areas, except naturally occurring ledge or bedrock outcroppings or ledge cuts, shall be stabilized with vegetative cover as per an approved plan.

7.5.3.4 Nuisance. Cinders, dust, fumes, gases, odors, smoke, radiation, refuse or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state, federal, and town laws and regulations.

7.5.3.5 Interference. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in excess of ten (10) percent in line voltage off the premises.

7.5.3.6 Flammable or Explosive Substances. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate fire fighting and fire suppression equipment standard in this industry.

7.5.3.7 Pests. All materials which may be edible by or attractive to rodents or insects shall, when stored in or outdoors, be stored in tightly closed containers, and separated as required.

And further to create a new section 7.5.4 Lighting Standards/Light Pollution, as follows:

SECTION 7.5.4 Lighting Standards/Light Pollution

7.5.4.1 Purpose and intent. The purpose of this bylaw is to create standards for outdoor lighting so that its use does not unreasonably interfere with the reasonable use and enjoyment

of property within Burlington. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spilling over to neighboring properties, streets and the night sky. It is the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of Burlington, conserve energy and decrease lighting cost without decreasing nighttime safety, security, and productivity, and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within Burlington.

7.5.4.2 Uses. All municipal uses, uses in industrial and commercial districts, special permit uses and signs in all districts are subject to this section.

7.5.4.3 Definitions. Except as noted hereinafter, all definitions are provided in the Zoning Bylaw. Unless the context clearly indicates otherwise, certain words and phrases used in this section shall mean the following:

CUTOFF ANGLE: The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

DIRECT LIGHT: Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.

FILDERED: When referring to an outdoor light fixture means that the fixture is to be fitted with a glass, acrylic, or other translucent enclosure of the light source.

GLARE: Light emitted from a light fixture with intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

HEIGHT OF light fixture: The vertical distance from the finished grade of the ground directly below to the lowest direct light emitting part of the light fixture.

LAMP: The component of an outdoor light fixture that produces light.

LIGHT FIXTURE: A complete lighting system, including the assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens, or diffuser lens.

LIGHT TRESPASS: Direct light emitted by an outdoor lamp fixture that shines beyond the boundaries of the property on which the outdoor light fixture is installed.

SHIELDED LIGHT FIXTURE: A lamp and fixture assembly designed to eliminate up-lighting with a cutoff angle of 90°, so that no direct light is emitted above a horizontal plane.

UP-LIGHT: Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light-emitting part.

7.5.4.4 Lighting Plan. A lighting plan is required and shall include:

1. The location and type of any outdoor lighting fixtures, including the height of the fixture;
2. The lighting fixture manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. The type of lamp such as: metal halide, compact fluorescent, high pressure sodium;
4. A photometric plan showing the intensity of illumination at ground level, expressed in foot candles; and
5. That light trespass onto any street or abutting lot will not occur. This may be demonstrated by

manufacturer's data, cross section drawings, or other means.

7.5.4.5 Prohibited light sources.

- (1) Mercury vapor and quartz lamps. For the purposes of this bylaw, quartz lamps shall not be considered an incandescent light source.
- (2) Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
- (3) Searchlights. The operation of searchlights for advertising purposes is prohibited.

7.5.4.6 Control of Glare and Light Trespass

All light fixture shall be equipped with whatever shielding, filters, lenses, or cutoff devices required to eliminate light trespass onto any street or abutting lot or parcel, to eliminate glare perceptible to persons on any street or abutting lot or parcel and to minimize up-lighting. This requirement shall not apply to any light fixture intended solely to illuminate any freestanding sign or the walls of any building but such light fixture shall be shielded so that its direct light is confined to the surface of such sign or building.

7.5.4.7 Metal halide lighting. All outdoor light fixtures utilizing a metal halide lamp or lamps shall be shielded and filtered. Filtering using quartz glass does not meet this requirement.

7.5.4.8 Exemptions.

- (1) Fossil fuel light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this bylaw.
- (2) Other light sources. All outdoor light fixtures using an incandescent lamp or lamps of 150 watts or less are exempt from all requirements of this bylaw. All outdoor light fixtures using any lamp or lamps of 50 total watts or less are exempt from all requirements of this bylaw.

7.5.4.9 Special permit. Alternative outdoor light fixtures may be allowed by special permit if it is found that the fixture's design and appearance are superior, significant light pollution will not be created, and light trespass and glare are minimal; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 45 RE: Amend Zoning Bylaw Article IX/ Administration and Procedures, Amend Section 9.2.0 Special Permit and Section 9.3.0 Site Plan

To see if the Town will vote to amend Article IX "Administration and Procedures" of the Zoning Bylaw, by amending Section 9.2.0 "Special Permit" and Section 9.3.0 "Site Plan", as follows:

To amend Subsection 9.2.2.1 "Procedures", by deleting the reference to Section 9.2.2.3 and substituting therefore "the Planning Board's Rules and Regulations", highlighted in bold print as follows:

9.2.2 Procedures.

1. Any person desiring a special permit shall submit an application to the Town Clerk, together with the required filing fee as specified in Section 9.2.2.3 **the Planning Board's Rules and Regulations**, and twelve (12) copies of a Site Plan and/or other supporting documentation. The Town Clerk shall within three (3) days transmit the original application and four (4) copies of the plan and any supporting documentation to the Planning Board; and one (1) copy each of the

application, plan, and supporting documentation to the Inspector of Buildings, the Board of Selectmen, the DPW, the Town Engineer, the Board of Health, the Conservation Commission, the Fire Chief, and the Police Chief, who shall consider the application and submit a report thereon with recommendations to the Planning Board. The Planning Board shall not make a finding and determination upon the application until it has received the reports from the Building Commissioner, the Board of Selectmen, the Board of Health, the Fire Chief or designated representative, the Police Chief or designated representative, the Town Engineer, and the Conservation Commission or until thirty-five (35) days shall have elapsed without such reports being submitted and until a public hearing has been held.

AND further to amend Subsection 9.2.2.2 by replacing the existing text in its entirety and substituting therefore the following:

- 2. ~~The Planning Board shall require that a site plan and/or supporting documents be submitted with the application.~~ **The Planning Board shall adopt and from time to time amend rules and regulations relative to the issuance of such permits and shall file a copy of said rules in the office of the Town Clerk. Such rules shall prescribe a size, form, contents, style and number of copies of application forms, plans and specifications and the procedure for a submission and approval of such permits.**

AND further to amend section 9.2.3 "Public Hearing" by replacing the reference for the requirements for public hearings with a citation of the State Statute, highlighted in bold print as follows:

9.2.3 Public Hearing

The Planning Board shall hold a public hearing within sixty-five (65) days after the special permit application has been transmitted to the Planning Board giving notice as prescribed in Section 9.6 of this Article. **G.L. c. 40A, s. 11.**

AND further to amend Section 9.2.4 "Criteria for Approval", by replacing the existing text in its entirety and substituting therefore the following:

9.2.4 Criteria for Approval

~~9.2.4.1 The Planning Board shall not approve any application for approval of a special permit unless it finds that all of the following conditions are met:~~

~~9.2.4.1.1 The specific site is an appropriate location for such use.~~

~~9.2.4.1.2 The use as developed will not adversely affect the neighborhood.~~

~~9.2.4.1.3 There will be no nuisance or hazard to vehicles or pedestrians.~~

~~9.2.4.1.4 The public convenience and welfare will be substantially served.~~

~~9.2.4.2 The Planning Board, in granting a special permit, shall attach such conditions and safeguards as it deems necessary.~~

~~9.2.4.3 The Planning Board shall not approve a special permit for a Development Incentive for Affordable Housing (Section 5.1.9 (now 11.1.0) unless it finds that all of the following conditions are met:~~

~~9.2.4.3.1 All conditions noted above in Sections 9.2.4.1 through 9.2.4.2.~~

~~9.2.4.3.2 All housing units are designed and sited to reflect the character of the neighborhood.~~

~~9.2.4.3.3 The site will not cause environmental degradation to the neighborhood.~~

Special permits shall be granted by the Planning Board, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Zoning Bylaw, the determination shall include consideration of each of the following:

- 1. **Social, economic, or community needs which are served by the 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**
- 6. **Potential fiscal impact, including impact on town services, tax base, and employment.**

AND further to amend Section 9.2.5 "Final Action", by adding the following sentence, highlighted in bold print, to the end of the section:

9.2.5 Final Action

The Planning Board shall take final action on a special permit application within ninety (90) days after the public hearing has been closed. The failure to do so will constitute a favorable action by the Planning Board. Final action shall consist of (1) a written approval of the special permit, or (2) a written denial of the special permit application, stating the reasons for such approval or denial. **Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Planning Board may deem necessary to serve the purposes of this Zoning Bylaw.**

AND further to create a new subsection 9.2.5.1 "Expedited Permitting for Priority Development Sites", as follows:

9.2.5.1 Expedited Permitting for Priority Development Sites

Town Meeting may, by majority vote, accept the expedited permitting provisions of G.L. c. 43D and designate any particular lot or lots as Priority Development Sites. In such cases, the Planning Board shall undertake review and render a decision on any special permit application so affected within 180 days of submission. The Planning Board may address provisions for such expedited permitting in its rules and regulations.

AND further to amend Section 9.2.6 "Implementation" by replacing the first sentence, highlighted in bold print as follows:

9.2.6 Implementation

~~An approved special permit application shall be carried into effect and completed by the applicant within one (1) year of the date of approval.~~ **Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.** The Planning Board may at the time of approval or thereafter, upon application

therefore, grant such extensions of time, each not longer than one (1) year, as it shall deem necessary to carry the use into effect.

AND further to amend subsection 9.3.1 "Requirements of Plan" by deleting the words "registered architect, landscape architect" and substituting therefore "professional land surveyor", highlighted in bold print as follows:

SECTION 9.3.0 SITE PLAN

9.3.1 Requirements of Plan.

In all districts except RO and FP, no structure or premises shall be constructed, reconstructed, altered, or used except in conformity with a site plan, prepared by a ~~registered architect, landscape architect~~, **professional land surveyor**, or registered professional engineer, and bearing an endorsement of approval by the Planning Board. Said site plan shall show, among other things, all existing and proposed buildings with ground floor plan and elevations, structures, parking spaces, driveway openings, driveways, service areas, and other open uses; all facilities for sewage, refuse and other waste disposal and for surface water drainage; and all principal landscape features, such as fences, walks, walls, signs, exterior lighting, and planting areas showing size and kind of plants to be used.

The Planning Board may in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of this section, waive strict compliance with its rules and regulations and with the requirements herein.

AND further to amend subsection 9.3.3 "Public Hearings", by replacing the reference for the requirements for public hearings with a citation of the State Statute, highlighted in bold print as follows:

9.3.3 Public Hearings.

The Planning Board shall hold a public hearing within sixty-five (65) days after the site plan has been transmitted to the Planning Board, giving notice as prescribed in ~~Section 9.6.0 of this Article~~ **G.L. c. 40A, s. 11**.

AND further to amend subsection 9.3.5.3 "Final Action", by deleting the words "in Section 9.3.4 of this Article" and substituting therefore the word "herein", highlighted in bold print as follows:

9.3.5 Final Action.

The Planning Board shall take final action on an application for site plan approval within ninety (90) days after the public hearing has been closed. The failure to do so shall constitute approval of the site plan as submitted. Final action shall consist of (1) approval of the site plan as submitted; or (2) approval of the site plan subject to conditions, modifications, and/or restrictions set forth thereon which in the opinion of the Planning Board are necessary to cause the site plan to meet the criteria for approval set forth in ~~Section 9.3.4 of this Article~~ **herein**; or (3) denial of the application for site plan approval if in the opinion of the Planning Board the site plan fails to meet any one or more of the criteria for approval set forth in ~~Section 9.3.4 of this Article~~ **herein**, and the applicant fails or refuses to make such amendments to the site plan as are necessary in the opinion of the Planning Board to cause the site plan to meet the criteria for approval.

AND further to create a new subsection 9.3.5.1 "Expedited Permitting for Priority Development Sites", as follows:

9.3.5.1 Expedited Permitting for Priority Development Sites

Town Meeting may, by majority vote, accept the expedited permitting provisions of G.L. c. 43D and designate any particular lot or lots as Priority Development Sites. In such cases, the Planning Board shall undertake review and render a decision on any site plan application so affected within 180

days of submission. The Planning Board may address provisions for such expedited permitting in its rules and regulations.

AND further to add a new subsection 9.3.7 "Appeal", as follows:

9.3.7 Appeal.

The appeal of a decision of the Planning Board pursuant to this Section 9.3.0 shall be made to a court of competent jurisdiction as set forth in G.L. c. 40A, s. 17; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the Warrant

Recommendations: Planning Board voted 7-0-0 in favor. Land Use Committee voted 5-2-0 in favor.

A motion to amend section 9.3.1 "**professional land surveyor**, or registered professional engineer" to "**professional land surveyor** and registered professional engineer" was moved, seconded. Amendment carried.

ACTION: UNANIMOUSLY APPROVED MAIN MOTION AS AMENDED

App. A.G. Posted .

ARTICLE 46 RE: Amend Zoning Map/Rezone Parcels New England Executive Park

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, by rezoning certain parcels of land from a General Industrial (IG) District and High Rise Industrial (IH) District to a Business Park (BP) District. Said parcels of land are generally identified as being located within New England Executive Park and as further identified on the Town of Burlington Assessors Map as follows: Map46, Parcels 43, 44, 45, 47, 48, 50, 51, 52, 53 and Map 52, Parcels 13, 14 and 15 together with any fee interest in any adjacent private ways or passageways possessed by all of these parcels more commonly referred to as New England Executive Park Drive and Park Place; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 47 RE: Amend Zoning Map and Wireless Communications Overlay District Map/Kimball Court

To see if the Town will vote to amend the existing Zoning Map of the Town of Burlington including the map entitled "Town of Burlington – Wireless Communications Overlay Districts" to add the property now or formerly of The Mullins Company, Assessor's Map 31, Lot 130, and establish the same as part of the Wireless Communications Overlay Districts.

MAIN MOTION: As printed in the Warrant

Recommendations: Planning Board voted 0-5-0 in opposition. Land Use Committee voted 0-8-opposed.

ACTION: MAJORITY DEFEATED MAIN MOTION

ARTICLE 48 RE: Amend Planned Development (PD) District Zoning Provisions, Use Table and Concept Plan/Arborpoint

To see if the Town will vote to approve the proposed amendments to the Zoning Provisions, Use Table and Concept Plan of the previously approved Arborpoint Planned Development (PD) District, as filed with the Board of Selectmen on February 23, 2009, and as modified by the recommendations of the Planning Board. The proposed amendments are included as part of the backup material to this Warrant Article, which shall govern the use and development of the Planned Development (PD) District. The affected property is generally known as Arborpoint and Seven Springs at Arborpoint, located off Wheeler Road and Muller Road. The property is more specifically identified on the Town of

Burlington Assessor's Map 56 as Parcel numbers: 24-0 and 24-1, or to act in any other manner in relation thereto.

MAIN MOTION: Withdrawn

ARTICLE 49 RE: Amend Planned Development (PD) District Zoning Provisions, Use Table and Concept Plan/90 Middlesex Turnpike

To see if the Town will vote to approve the Concept Plan as filed with the Board of Selectmen on March 18, 2009, and filed with the Planning Board on March 18, 2009, as modified by the recommendations of the Planning Board; and further to amend the Zoning Map to rezone a certain parcel of land from a General Industrial (IG) District to a Planned Development (PD) District, said parcel generally known as 90 Middlesex Turnpike (formerly Burlington Dodge), bounded by Middlesex Turnpike, Route 128, Route 3, and properties commonly known as Barnes & Noble and the AMC theater remote parking lot. The property is more specifically identified on the Town of Burlington Assessor's Map 52 as Parcel 8-0. The proposed Planned Development District Provisions which shall govern the use and development of the proposed Planned Development (PD) District are included as part of the backup material to this Warrant Article; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

ARTICLE 50 RE: Amend Zoning Map from General Industrial (IG) to General Business (BG)/201 Middlesex Turnpike

To see if the Town will vote to amend the Zoning Map of Town of Burlington, as most recently amended, by rezoning a certain parcel of land from a General Industrial (IG) District to a General Business (BG) District. Said parcel is generally identified as 201 Middlesex and is further identified on the Tow of Burlington Assessors Map as Map 33, Parcel 72-0; or to act in any other manner in relation thereto.

MAIN MOTION: POSTPONE INDEFINITELY

ACTION: MAJORITY APPROVED MAIN MOTION

Resolution #1 presented by G. Rossi, E. Zabolotny, R. MacMunn, P. Angelo, J. Cormier, V. Mooney

Be it resolved that we, the undersigned members of the Burlington Representative Town Meeting, petition the Board of Selectmen to rescind the provisions of Massachusetts General Law, Chapter 32B, which allows the benefit of health insurance (to include dental and life insurance, if applicable) to compensated elected officials who work less than 20 hours per week, both active and retired.

By a vote of 39 in favor and 22 opposed, the resolution carried.

At 11:30 P.M., a motion to adjourn was moved, seconded and so voted.

Attest:
Jane L. Chew
Town Clerk

ADDENDUM

AS REFERENCED UNDER ARTICLE 40

BUSINESS PARK 3.26.2009 USE TABLE		ADDENDUM TO MAY 2009 TOWN MEETING MINUTES																
4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																		
	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS					INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS				
		RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR		OS	A	WR	CC	CBD
4.2.1	RESIDENTIAL USES																	
4.2.1.1	One family dwellings	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.1.A	2-Family Dwellings	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.1.B	3-Family Dwellings	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.2	Garden Apartment dwelling units	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁	
4.2.1.3	Motels, hotels , motor hotel	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	YES	YES	NO	NO	
4.2.1.3.1	Residence hotel/motel	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.3.2	Hotel	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.4	Garden Apartment dwelling units purchased, or erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.5	Dormitories primarily used for nonprofit educational corporations, for religious purposes, or for public purposes.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.1.6	One family dwellings purchased or erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.7	Garden apartment dwelling units purchased, or erected and maintained for the purpose of providing subsidized housing.	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES

4.2.1	RESIDENTIAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.1.8	Tents, trailers, campers, and mobile homes	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.9	Dormitories other than those specified in 4.2.1.5	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.10	Open space residential	SP	SP	NO	NO	NO	NO	NO	MO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.11	Assisted Living	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.12	Independent living facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.13	Custodial Care Facility, Group Care Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.14	Congregate Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.15	Continuing Care Retirement Community	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.16	Group Care Facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.1.17	Multi-Family other than 4.2.1.2	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.18	Inn, Bed & Breakfast	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS	OTHER	OVERLAY DISTRICTS						
4.2.2	INSTITUTIONAL AND RECREATIONAL USES	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.2.1	Places primarily used for religious purposes, including rectories, and parish houses.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.2	Places primarily used for nonprofit educational corporations, including related museums, libraries and recreational facilities.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.3	Child Care Facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.4	Cemeteries and related facilities	SP	SP	SP	SP	SP	SP	SP	NO	SP	SP	SP	SP	YES	YES	YES	YES

4.2.2	INSTITUTIONAL AND RECREATIONAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.2.5	Fire stations and sub-fire stations	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.2.6	Police stations	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.2.7	Municipal maintenance and garage facilities	NO	NO	NO	NO	NO	YES	YES	SP	YES	YES	YES	NO	NO	SP	NO	SP
4.2.2.8	Public parks	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.9	Related facilities for public parks	SP	SP	SP	SP	SP	SP	SP	YES	SP	SP	SP	SP	YES	YES	YES	YES
4.2.2.10	Public libraries, public museums, public art galleries	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.2.11	Community centers and public recreation buildings	NO	NO	NO	NO	YES	YES	YES	SP	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.2.12	Nonprofit private clubs, recreational centers and facilities	NO	NO	NO	NO	YES	YES	YES	NO	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.2.13	Private museums, private art galleries	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES ₁	YES ₁
4.2.2.14	Other than nonprofit educational uses on land not owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, by a religious sect or denomination, or by a nonprofit educational corporation	NO	NO	NO	SP	YES	YES	SP	NO	SP	SP	SP	NO	YES	YES	YES	YES
4.2.2.15	Golf courses and related facilities	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2.16	Billiard rooms, bowling alleys, dance halls, tennis clubs, skating rinks, health clubs and similar commercial amusement places, including membership clubs, public	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2.17	Miniature, driving, and novelty golf installations	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2.18	Places and buildings for public assembly other than above	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2	INSTITUTIONAL AND RECREATIONAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD

4.2.2.19	Hospitals, sanatoria	NO	NO	NO	NO	NO	SP	NO	NO	SP	SP	SP	NO	NO	SP	NO	NO	
4.2.2.20	Convalescent, rest homes and nursing homes	NO	NO	YES	NO	NO	SP	NO	NO	SP	SP	SP	NO	YES	YES	YES ₁	YES ₁	
4.2.2.21	Clinics	NO	NO	NO	NO	NO	SP	NO	SP	SP	SP	NO	NO	SP	SP ₁	SP ₁		
4.2.2.22	Telephone exchanges	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	
4.2.2.23	Passenger stations; landing fields; sites, buildings, and facilities for other public services; public works structures	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	NO	SP	SP	SP	SP	
4.2.2.24	Radio and television transmitting sites	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	NO	YES	YES	NO	NO	
4.2.2.25	Theaters and cinemas	NO	NO	NO	NO	NO	SP	SP	NO	SP	SP	SP	NO	YES	YES	NO	NO	
4.2.2.26	Adult Day Care	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	
4.2.2.27	Public Water & Sewer Distribution Structures	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	
4.2.2.28	Fitness Centers	NO	NO	NO	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁	
4.2.2.29	Performance Theater or Center	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁	
4.2.2.30	Health clubs	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	YES	YES	NO	NO
	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS					INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS				
4.2.3	AGRICULTURAL AND ANIMAL HUSBANDRY USES	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	
4.2.3.1	All kinds of agriculture, horticulture and floriculture on parcels of five acres or more	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.2.3.2	All kinds of agriculture, horticulture and floriculture on parcels of less than five acres	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.2.3	AGRICULTURAL AND ANIMAL HUSBANDRY USES (cont)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	

4.2.3.3	Garden centers; also commercial greenhouses and nurseries occupying five (5) acres of land or less	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.3.4	Commercial raising, boarding, breeding, or keeping of birds, fish, and animals; subject to the regulations of the Board of Health	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	SP	NO	SP	SP	SP	SP
4.2.3.5	Manure storage	NO	NO	NO	NO	NO	SP	SP	NO	SP	SP	SP	NO	NO	NO	NO	NO
4.2.3.6	Pesticide herbicide fungicide application, outdoor storage	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	* - disapp'd by A.G.	SP	SP	SP	SP
	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS					INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS			
4.2.4	OFFICE USES	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.4.1	Professional offices such as, but not limited to physicians, dentists, opticians, real estate brokers, lawyers	NO	NO	NO	SP	YES	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	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	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.4	Public offices	NO	NO	NO	NO	YES	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	SP	NO	NO	YES	YES	SP	SP
	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS					INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS			

4.2.5	AUTOMOTIVE SALES AND SERVICE USES	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.5.1	Retail gasoline, oil and lubrication stations with the incidental sale and installation of tires and other automobile accessories, maintenance and minor repairs of motor vehicles	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.2	Automotive repair shops	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.3	Places for the sale and installation of tires and other automotive parts and accessories, maintenance and minor repairs of motor vehicles	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.4	Car wash establishments	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.5	Retail sales and rental of other craft, farm and other heavy machinery and vehicles, including the accessories thereof	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.5.6	Automobile dealership	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.5.7	Used car sales establishment	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.5.8	Automotive rental agency	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.5.9	Outdoor storage of motor vehicles intended for sale to the general public, incidental and subordinate to an Automobile Dealership use existing as of the date of adoption of this subsection, and located on an abutting lot. Such storage must be located at least 1,100 feet from the nearest residential zoning district boundary. The Planning Board shall determine the maximum number of vehicles to be stored on such parcel. Access to the parcel upon which such storage occurs shall be from the lot upon which the Automobile Dealership is located.	NO	NO	NO	NO	NO	NO	SP	NO	SP	NO	NO	NO	YES	YES	NO	NO
	USE DESIGNATION	RESIDENTIAL			BUSINESS				INDUSTRIAL			OTHER	OVERLAY DISTRICTS				

		DISTRICTS			DISTRICTS					DISTRICTS							
4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BG	BT	BP	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	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	NO	YES	NO	YES	YES	SP ₁	SP ₁
4.2.6.3.1	Retail stores other than above and showrooms, each tenant less than 10,000 sq.ft.	NO	NO	NO	NO	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.3.2	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	NO	YES	NO	YES	YES	SP ₁	SP ₁
4.2.6.3.3	Amenities Center	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	YES	YES	YES	YES
4.2.6	RETAIL, CONSUMER, AND TRADE USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.4	Post offices, banks	NO	NO	NO	NO	NO	YES	NO	YES	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	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	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.7	Travel agencies	NO	NO	NO	NO	YES	YES	NO	SP	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	NO	YES	YES	YES ₁
4.2.6.9	Fast order food establishments	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.6.10	Restaurants	NO	NO	NO	NO	NO	SP	NO	SP	SP	NO	SP	NO	YES	YES	SP ₁	SP ₁

									See 10.1.4	See 10.1.4							
4.2.6.11	Bakeries	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.12	Commercial boarding, care, and treatment of birds, fish, and animals	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	SP	SP	SP ₁
4.2.6.13	Sale of air conditioning, heating, refrigerating and plumbing equipment and supplies	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	SP	NO	YES	YES	YES	YES ₁
4.2.6.14	Establishments for contractors in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling	NO	NO	NO	NO	NO	SP	NO	NO	SP	NO	NO	NO	YES	YES	SP	SP ₁
4.2.6.15	Retail dealers in grain and animal feed	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.6.16	Funeral parlors however denominated	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	SP	YES	YES
4.2.6.17	Diagnostic medical laboratories appurtenant to offices of physicians and dentists	NO	NO	NO	NO	SP	YES	SP	SP	YES	SP	SP	NO	NO	SP	YES ₁	YES ₁
4.2.6	RETAIL, CONSUMER, AND TRADE USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.18	Sale of structural and building supplies (<i>Repealed T.M. 5/19/1993, Article 25</i>)	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	NO	NO
4.2.6.19	Kiosk	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.20	Massage parlors	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.20.1	Massage Therapy, subject to the regulations of the Board of Health	NO	NO	SP	NO	NO	SP	SP	SP	SP	SP	SP	NO	YES	YES	SP ₁	SP ₁
4.2.6.21	Photo processing	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	SP	NO	NO	NO	YES ₁	YES ₁
4.2.6.22	Shoe repair, dry-cleaning and laundry pickup stations	NO	NO	NO	SP	YES	YES	YES	NO	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.23	Self-service laundry and dry-cleaning	NO	NO	NO	SP	YES	YES	YES	NO	NO	NO	YES	NO	NO	SP	SP ₁	YES ₁

4.2.6.24	Printers and similar shops or trades provided that all work shall be of custom or job order type for sale on the premises and that there shall be no production for stock or for wholesale (Kinkos?)	NO	NO	NO	NO	NO	YES	NO	SP	NO	NO	YES	NO	SP	SP	YES ₁	YES ₁
4.2.6.24.1	Retail shipping and receiving store (limited to 4,000 square feet or less) (Ex: Fed Ex)	NO	NO	NO	SP	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	SP ₁	SP ₁
4.2.6.25	Adult Bookstore	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.26	Adult Club	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.27	Adult Paraphernalia Store	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.28	Adult Theater	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.29	Adult Video Store	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.30	Body Art	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO
	USE DESIGNATION	RESIDENTIAL DISTRICTS				BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS			
4.2.7	INDUSTRIAL USES	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.2.7.1	Light manufacturing or processing plants	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	YES	YES
4.2.7.1.1	Research and Development	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO	SP	SP	YES	YES
4.2.7.1.2	Prototype manufacturing	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO	SP	SP	YES	YES
4.2.7.1.3	Biotechnology subject to the regulations of the National Institute of Health and the Burlington Board of Health. NIH Level 4 laboratories are prohibited.	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	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	SP	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	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES
4.2.7.4	Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	NO	SP	NO	SP
4.2.7.5	Wholesale trade, warehousing (except toxic and hazardous materials and salts)	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	YES	YES
4.2.7.6	Electronics industries	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.2.7.7	Electroplating, metal finishing	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.8	Hazardous and toxic materials/chemicals manufacture	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.9	Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.2.7	INDUSTRIAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	
4.2.7.10	Commercial facilities for hazardous waste storage and treatment	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.11	Generation or storage of hazardous waste, limited to the volumes classified as a very small quantity generator (VSQG)	NO	NO	--	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.2.7.12	Generation or storage of hazardous waste, in excess of the volumes classified as a very small quantity generator (VSQG)	NO	NO	--	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	NO	SP	YES	YES
4.3.0	ACCESSORY USE REGULATION SCHEUDLE																	
	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS				INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS					

4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.3.1.1	Renting of rooms without cooking facilities to not more than two persons in an existing dwelling by a family resident therein; provided there is no sign or display to advertise such use	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.1.1	An accessory apartment (See Section 4.1.5.2) located in a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family unit	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.3.1.2	Use of a portion of a dwelling as an office by a physician, dentist or other professional person residing in the dwelling, incidental to such residence provided there is no display or advertising other than a permitted sign	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.3	Home occupations provided there is no display or advertising other than a permitted sign	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.4	Garage space for parking not more than three automobiles. This subsection does not apply to farms	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.5	Outdoor parking of not more than one unregistered motor vehicle or one boat per dwelling unit	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES

4.3.1.6	Swimming pool	YES	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.3.1.7	Greenhouses with a ground area of 250 sq. ft. or less not intended and not used for commercial purposes	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	SP	YES	YES	YES	YES	
4.3.1.8	Tennis courts	YES	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES	
4.3.1.9	Bomb shelters	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.3.1.10	Roadside stands for sale of produce grown on the premises	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	
4.3.1.11	Sheds, barns, and similar structures	YES	YES	SP	NO	NO	NO	NO	NO	NO	NO	NO	SP	YES	YES	YES ₁	YES ₁	
4.3.1.12	The keeping of animals, other than the usual household pets; subject to restrictions of the Board of Health	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	
4.3.1.13	Buildings and structures normally accessory to garden apartments	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁	
4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	
4.3.1.14	Towers, antenna, windmills, and similar structures:																	
	(a) towers and antennas for generation or transmission of telecommunication signals other than those covered by subsection 4.2.2.24 and Section 4.1.6	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES	
	(b) antennas, other than satellite dish antennas, for the purpose of private reception of telecommunication signals, which antennas do not exceed 12 feet in height above the ground or 12 feet above the roof of a building on which they are mounted	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	

(c) towers, windmills and similar structures that do not exceed 12 feet in height measured from the ground	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	SP	YES	YES	YES	YES
(d) towers, windmills and similar structures that exceed 12 feet in height measured from the ground	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES
(e) satellite dish antennas that are 8 feet or less across at their greatest width <u>and</u> which do not exceed 12 feet in height above the ground or above the roof of a building on which they are mounted <u>and</u> which are at least 100 feet away from property that is zoned RO - One Family Dwelling	NO	SP	SP	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	
(f) satellite dish antennas that are greater than 8 feet across at their greatest width <u>or</u> which exceed 12 feet in height above the ground or the roof of a building on which they are mounted <u>or</u> which are located on or within 100 feet of property that is zoned RO - One Family Dwelling	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES	
(g) Wireless Communications Facilities which are subject to Section 4.1.6 shall be permitted in the Wireless Communications Overlay Districts in accordance with the map depicting the districts and the provisions of Section 4.1.6	(refer to Wireless Communication Overlay Districts map for allowed uses)																

4.3.1.15	A mobile home to be used for a predetermined period of time, which time may be extended by the Inspector of Bldgs. for the occupancy of a family whose dwelling has been damaged by fire or other cause until their permanent dwelling has been repaired or rebuilt. The limit of time, including extensions, shall not exceed a period of one (1) year	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	* - disapp'd by A.G.	YES	YES	YES	YES
4.3.1.16	Temporary tents for groups of more than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.17	Temporary tents for groups of less than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.18	Child care facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.19	Garage space for parking more than three automobiles	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
	USE DESIGNATION	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS					INDUSTRIAL DISTRICTS			OTHER	OVERLAY DISTRICTS				
4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	
4.3.2.1	Incidental sale at retail of parts or components necessary for the maintenance of articles stored and distributed	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES	
4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	
4.3.2.2	Retail uses such as cafeterias, soda or dairy bars, wholly within the same building as the principal permitted use, conducted primarily for convenience of employees and with no exterior advertising display	NO	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	

4.3.2.3	Retail uses in support of a hotel or motor hotel such as dining halls, restaurants, cafeterias, soda or dairy bars, and shops wholly within the hotel or motor hotel building	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	NO	YES	YES	YES ₁	YES ₁
4.3.2.4	Delicatessens, lunch counters and soda fountains incidental to the permitted business of a drug store, food store	NO	NO	NO	NO	SP	YES	SP	SP	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.3.2.5	Keeping of more than one protective animal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES
4.3.2.7	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment or buses	NO	NO	NO	NO	NO	YES	SP	YES	YES	YES	YES	NO	YES	YES	SP	SP
4.3.2.8	Maintenance shops, power plants, machine shops and similar structures to support permitted uses	NO	NO	NO	NO	NO	SP	SP	SP	YES	YES	YES	NO	SP	SP	SP	SP
4.3.2.9	Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground	NO	NO	NO	NO	NO	NO	NO	SP	NO*	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES (cont.)	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD
4.3.2.10	Off-street outdoor parking of vehicles, other than those in 4.3.2.7, only if the principal use to which the parking relates (or is accessory to) is permitted or permitted by special permit in the zoning district in which the off-street outdoor parking will be located	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.11	Portion of the premises as permanent resident or proprietor or manager of an establishment	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES

4.3.2.12	Warehousing incidental to a permitted principal use (except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	SP	NO	YES	YES	YES	YES
4.3.2.13	Kiosks	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.3.2.14	Incidental sale at retail of the same merchandise sold at wholesale	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES
4.3.2.15	Storage and disposal of oils and fuels/petroleum products	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	NO	SP	SP ₁	SP ₁
4.3.2.16	Storage of hazardous and toxic materials/chemicals for retail sale	NO	NO	--	NO	NO	SP	SP	NO	NO	NO	SP	NO	SP	SP	SP ₁	SP ₁	
4.3.2.17	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment containing toxic and hazardous materials/chemicals	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.3.2.18	Temporary tents for groups of more than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.19	Temporary tents for groups of less than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.20	Child care facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.21	Farmer's Markets	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.4.0 PERMITTED USES IN THE WETLANDS DISTRICT																		
4.4.1	PRINCIPAL USES IN THE WETLANDS DISTRICT	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS	A	WR	CC	CBD	
4.4.1.1	Conservation of soil, water plants, and wildlife including wildlife management shelters	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.4.1.2	Outdoor noncommercial recreation limited to nature study areas, walkways, boating or fishing where otherwise legally permitted	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.4.1.3	Agriculture, horticulture and floriculture	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	See 4.2.3	See 4.2.3	YES	YES	

AND further to Amend Section 5.2.0 Density Regulation Schedule to insert a new column for the BP District as follows:

5.2.0 DENSITY REGULATION SCHEDULE		ADDENDUM TO MAY 2009 TOWN MEETING MINUTES										
	RESIDENTIAL DISTRICTS			BUSINESS DISTRICTS					INDUSTRIAL DISTRICTS			OTHER
	RO	RG	RC	BN	BL	BG	BT	BP	IG	IH	IR	OS
Minimum Lot Area (sf)	20,000	120,000	100,000	5,000	10,000	10,000	10,000	80,000	40,000	120,000	18 acres ⁸	None
Minimum Lot Frontage (ft)	100	100	100	50	100	100	100	150	150 ft	100 ft	400 ft	None
Minimum Front Yard	25	50	25	10 ⁴	15 ⁴	15 ⁴	15 ⁴	25	25 ⁴	50 ⁴	100	25
Minimum Side Yard	15	50	25	10 ⁴	15 ⁴	15 ⁴	15 ⁴	15	15 ⁴	50 ⁴	100	15
Minimum Rear Yard	15	50	25	10 ⁴	15 ⁴	15 ⁴	15 ⁴	15	15 ⁴	50 ⁴	100	15
Minimum Yard Adjoining RO & RG, and Residentially Zoned Land in Contiguous Municipalities	None	50	50	20% depth of lot ⁵	20% depth of lot ⁵	20% depth of lot ⁵	20% depth of lot ⁵	20% depth of lot⁵	20% depth of lot ⁵	100	20% depth of lot ⁵	None
Maximum Aggregate Building-to-Ground Area Percentage	None	25%	25%	33 1/3%	33 1/3%	33 1/3%	33 1/3%	33 1/3%	25%	25%	25%	5%
Maximum Building & Structure Height (ft)	30	30	30	30	30	30	30	30⁶ 155⁶	30 ⁷ 80 ⁷	30 ⁶ 155 ⁶	30 ⁷ 80 ⁷	30
Minimum Feet Between Buildings ¹	None	50	20	None	None	None	None	None	None	50	None	None
Maximum Floor Area Ratio (FAR)	None	None	None	None	None	None	None	0.50	0.15 ^{2,3}	0.15 ^{2,3}	None	

NOTES FOR DENSITY REGULATION TABLE

- 1** But not less than required by the State Building Code
- 2** Except that the Planning Board pursuant to a “Site Plan” or “Special Permit” as described in Section 9.2.0 and 9.3.0 of Article IX, may permit the Maximum Floor Area Ratio (FAR) to increase to .25 if such application or applications meets the performance criteria specified in Section 5.1.10 of Article V.
- 3** The Net Floor Area of any structure or building in which a child care facility is to be operated as an accessory or incidental use shall be excluded from the Maximum Floor Area Ratio (FAR) calculation, such that the otherwise allowable FAR of such structure or building shall be increased by an amount equal to the floor area of such child care facility up to a maximum increase of ten (10%) percent. All terms and conditions of M.G.L. Chapter 40A, Section 9 © shall apply.
- 4** Unless its outside walls are of fireproof construction and any openings in such walls are protected by a suitable fire resistive door or shutter or water curtain device, subject to the approval of the Inspector of Buildings. There shall extend across the rear of every building or structure an open area at least 10 feet wide for fire fighting purposes.
- 5** 20% of the average depth of the lot measured perpendicularly from the common lot boundary line but not less than 10 feet and not more than 100 feet. Not less than 75% shall be landscaped or, if wooded, left in a natural state. Screening may be placed on remaining 25%.
- 6** Within 200 feet of RO or RG – 30 feet; for each 100 feet in excess of 200 feet from RO or RG – 15 additional feet, with a maximum of 155 feet, except that no structure located within 1,800 feet of the center point of the intersection of Cambridge Street and Route 128 shall exceed 80 feet in height.
- 7** Same as IH except maximum equals 80 feet.
- 8** Land use principally for a coordinated, integrated retail or industrial use (for example, a shopping center or an industrial park) shall be deemed to be one lot for density regulation and parking purposes notwithstanding that legal ownership in the land is divided, by lease, in fee or otherwise, among two or more owners.