

**ADJOURNED TOWN MEETING
WEDNESDAY SEPTEMBER 30, 2020
FOGELBERG PREFORMING ARTS
CENTER AND VIRTUAL ATTENDEES
BURLINGTON HIGH SCHOOL**

Town meeting in the time of COVID. Historical first Hybrid Town Meeting. Prior to the meeting the Clerk swore in the newly elected Town Meeting members. A quorum being present, the meeting was called to order at 7:32 PM. The Moderator, Bill Beyer, called the meeting to order and lead the body in the Pledge of allegiance to the flag. The meeting is being shown on BCAT Government Coverage on Facebook. Prior to starting regular business, the Moderator asked for a motion to accept a show of hands as the method for voting rather than a standing count which was moved and seconded. Finally Now to the first Article:

GENERAL ARTICLES

ARTICLE #1 RE: Reports of Town Officers & Committees

MAIN MOTION: To hear and act on the reports of the Town Officers and Committees, or to act in any other manner in relation thereto.

ARTICLE #2 2021 Annual Town Election

MAIN MOTION: To see if the Town will vote to set the date of the 2021 Annual Town Election to Be Saturday, April 10, 2021.

ACTION: Passed by Majority

ARTICLE #3 Will of Marshall Simonds

MAIN MOTION: To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds the sum not to exceed \$67,318.95 for the improvement of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

ACTION: Passed by Majority

ARTICLE #4 Amend the FY 2021 Operating Budget

MAIN MOTION: To see if the Town will vote to amend Article 6 of the June 10, 2020 Annual Town Meeting, “Fund FY 2021 Operating Budget”, by adjusting the amount appropriated in various lines totaling an amount of \$2,100,000.

Dept #	Department	Reduction Amount
122	Selectmen	\$5,000
135	Accounting	\$27,000
141	Assessor	\$20,000
145	Treasurer/Collector	\$45,000
149	Central Administration	\$945,000
155	MIS	\$20,000
210	Police	\$55,000
220	Fire	\$10,000
241	Building	\$25,000
300	Local Education	\$350,000
451	Public Works	\$50,000
510	Board of Health	\$20,000
541	COA	\$25,000
549	Youth and Family Services	\$15,000
610	Library	\$25,000
630	Recreation	\$8,000
710	Debt Service	\$455,000
		\$2,100,000

ACTION: Passed by Majority

ARTICLE #5 Transfer from Stabilization Fund

MAIN MOTION: To see if the Town will vote to transfer a sum of money from the Stabilization Fund to fund various lines in the operating budget; or to act in any other manner in relation thereto.

ACTION: Withdrawn

ARTICLE #6 1,4 Dioxane Legal Action Funding

MAIN MOTION: To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of \$100,000, or any other sum, for the purpose of pursuing legal action against responsible parties for the contamination of the Vine Brook Aquifer, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

ACTION: Postponed Indefinitely

ARTICLE #7 School Department - Salary

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money not to exceed \$81,000 to fund wages for a Director of Diversity, Equity, and inclusion position, same to be spent under the director of the School Committee for FY2021; or to act in any other manner in relation thereto.

Submitted at the request of
 Schiffon Wong, Town Meeting Member, Prct 4
 Shari Ellis, Town Meeting Member, Precinct 3
 Patricia O'Brien, Town Meeting Member, Prct2
 Monte L. Pearson, Town Meeting Member, Prct 3
 Laura Vittum, Town Meeting Member, Prct 2

Several motions were 3 motions were made, 2 failed with the Main Motion then being amended to the follow: the vote on the Amendment was 67 FOR & 17 AGAINST

MAIN MOTION: To see if the Town will vote for \$81,000 be raised and appropriate and added to the current school budget to fund a Director of Diversity, Equity, and Inclusion position to be spent under the direction of the School Committee for FY 2021.

ACTION: Passed by Majority as amended:
 73 FOR & 33 AGAINST

ARTICLE #8 An Act Relative to Changing the Name of the Board of Selectmen in the Town of Burlington

MAIN MOTION: To see if the Town will vote to amend the Burlington General Bylaw by deleting the word "Selectmen" each time it appears in said bylaw and inserting the term "Select Board" in place thereof, and further, deleting the words "Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments to effectuate the purposes hereof; or to act in any other manner in relation thereto.

ACTION: POSTPONED

ARTICLE #9 An Act Relative to Changing the Name of the Board of Selectmen in the Town of Burlington

MAIN MOTION: To see if the Town will vote to amend the Burlington Zoning Bylaw by deleting the word "Selectmen" each time it appears in said bylaw and inserting the term "Select Board" in place thereof, and further, deleting the words

"Board of Selectmen" each time it appears and inserting in place thereof the term "Select Board" and further that the Town Clerk be authorized to make clerical, editorial or other adjustments to effectuate the purposes hereof; or to act in any other manner in relation thereto.

ACTION: POSTPONED

ARTICLE #10 Amend Zoning By-Law, Article II Section 2.6.9 Definitions

MAIN MOTION: To see if the Town will vote to amend Article II of the Town's Zoning By-Laws by adding the following subsection to be labeled Section 2.6.9:

2.6.9 Function Facility

An establishment which is rented for the purpose of hosting private parties, conferences, banquets, weddings or other social events; or to act in any other manner in relation thereto.

RECOMMENDATIONS: Planning 7-0
 ZBRC 7-0-0
 Land Use 7-0-0

ACTION: Passed by 2/3s

ARTICLE #11 Amend Zoning By-Law, Article IV Section 4.3.2 Accessory Use Schedule

MAIN MOTION: To see if the Town will vote to amend Article IV, Section 4.3.2 USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES of the Town's Zoning By-Laws by adding subsections 4.3.2.9.1, 4.3.2.9.2, and 4.3.2.9.3 all as shown on the Table below; or to act in any other manner in relation thereto.

4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES	RO	RG	RC	RY
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
4.3.2.9.1	Detached Parking Structure	NO	NO	NO	NO
4.3.2.9.2	Integrated Parking Structure	NO	NO	NO	NO
4.3.2.9.3	Parking Deck	NO	NO	NO	NO

And further to see if the Town will vote to amend Article VII, Section 7.2.7 PARKING STRUCTURES AND GARAGES FOR USES OTHER THAN ONE-FAMILY DWELLINGS of the Town's Zoning By-Laws to the following:

Section 7.2.7 PARKING STRUCTURES AND GARAGES FOR USES OTHER THAN ONE-FAMILY DWELLINGS

7.2.7.1 Maximum Aggregate Building-to-Ground Area Percentage

Any parking structure or garage which is authorized by a Special Permit pursuant to Article IV, Section 4.3.2.9, 4.3.2.9.1, 4.3.2.9.2 and 4.3.4.9.3, shall be included in the Maximum Aggregate Building-to-Ground Area Percentage (pursuant to Section 5.2.0 of Article V) of the district within which it is built, and shall be subject to the provisions of Article IX, Section 9.2.0.

7.2.7.2 Parking Structures restrictions in the General Business (BG) Zoning District

The use of Parking Structures in the BG District shall not be allowed unless the following criteria are met:

The parcel boundary within which a Parking Structure is located cannot be within two hundred (200) feet of a Residential District.

The lot area must be a minimum of 150,000 sf
The Parking Structure must be an accessory use to a restaurant with a Function Facility having a minimum occupancy of 400.

7.2.7.3 Green Space Requirement

Parking Structures shall not be allowed in the BG District unless the parcel within which the Parking Structure is located has an equivalent square footage of Green Space equal to 200% of the footprint of the Parking Structure, unless through a finding of 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, they determine an alternative public benefit; or to act in any other manner in relation thereto.

RECOMMENDATIONS: Planning 7-0
ZBRC 7-0-0
Land Use 7-0-0

ACTION: Passed by 2/3s

ARTICLE #12 Amend Zoning Map and Rezone Property to General Business (BG) District 1-3 Ray Avenue

MAIN MOTION: To see if the Town will vote to amend the zoning bylaw map of the Town of Burlington, as most recently amended, and to rezone certain property shown on Burlington Assessor's map 54 as Parcel ID # 54-3-4 from the General Industrial (IG) District to a General Business (BG) District; or to act in any other manner in relation thereto.

RECOMMENDATIONS: Planning 7-0
ZBRC 7-0-0
Land Use 7-0-0

ACTION: Passed by 2/3s

ARTICLE #13 Ground Mounted Solar

MAIN MOTION: To see if the Town will vote to amend **Section 10.9.1 (c)** by deleting the section in it's entirety and replacing with the following:

10.9.0 SOLAR

~~c. Ground mounted solar energy systems in any and all positions shall adhere to all setbacks and are prohibited from the front yard of the subject property.~~ **"Ground mounted solar energy systems in any and all positions shall adhere to all setbacks. Ground mounted solar energy systems in the front or side yard of the subject property shall be subject to the Special Permit process, as outlined in Section 9.2.0."**

RECOMMENDATIONS: Planning 0-7-0
ZBRC 7-0-0
Land Use 7-0-0

ACTION: Failed to pass –
vote was 18 FOR & 61 AGAINST

AT 11:18 PM a motion was made to adjourn and reconvene on Monday October 5th at 7:30 PM. It was moved and seconded, the Moderator adjourned the meeting.

Respectfully Submitted

Amy E. Warfield
Town Clerk

**ADJOURNED TOWN MEETING
WEDNESDAY OCTOBER 5, 2020
FOGELBERG PREFORMING ARTS
CENTER AND VIRTUAL ATTENDEES
BURLINGTON HIGH SCHOOL**

Town meeting in the time of COVID. Historical first Hybrid Town Meeting continues. A quorum being present, the meeting was called to order at 7:34 PM.

ARTICLE #14 Amend Zoning Map and Rezone Property to the General Business (BG) District

MAIN MOTION: To see if the Town will vote to amend the Zoning Map of the Town of Burlington to rezone certain property located at 207 Cambridge Street as said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor’s Map 23 Parcel 87-0, to the General Business (BG) Zoning District, consisting of approximately 2.8 acres; or to act in any other manner in relation thereto.

RECOMMENDATIONS: Planning 7-0
ZBRC 7-0-0
Land Use 7-0-0

ACTION: Passed by 2/3s

ARTICLE #15 Storage, Distribution and Warehousing

MAIN MOTION: To see if the Town will vote to amend Article II of the Town’s Zoning Bylaw by creating the following new subsections

2.4.1.1: DISTRIBUTION FACILITY: A facility where goods are received and/or stored for processing, fulfillment and delivery to customers.

2.19.2.2: STORAGE: Buildings or part of buildings used for the storage of items/goods associated with the principal use(s).

2.22.1.1: WAREHOUSE: A facility engaged in long-term storage and distribution of products, supplies, and equipment.

2.22.1.2: WHOLESALE TRADE: An establishment primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies. Wholesale trade is not direct retail sale to the consumer.

And further to see if the Town will vote to amend Section 4.2.0 Principal Use Regulation Schedule and 4.3.0 Accessory Use Schedule as follows:

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																
4.2.7	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.7.5	Wholesale trade, warehousing (except toxic and hazardous materials and salts)	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	NO	NO
4.2.7.5.1	Distribution facility	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	SP	SP	NO	NO
4.2.7.5.2	Warehouse	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	SP	SP	NO	NO
4.3.0 ACCESSORY USE REGULATION SCHEUDLE																
4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.3.2.12	Warehousing incidental to a permitted principal use (except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	NO	NO
4.3.2.12.1	Distribution facility incidental to a permitted principal use (except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP	SP
4.3.2.12.2	Storage incidental to a permitted principal use (except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES

RECOMMENDATIONS: Planning 7-0
 ZBRC 7-0-0
 Land Use 7-0-0

ACTION: Passed by 2/3s

ARTICLE #16 Self-Storage Facilities

MAIN MOTION: To see if the Town will vote to amend Article II of the Town’s Zoning Bylaw by adding the following definition to subsection 2.19.1.1

2.19.1.1: SELF-STORAGE FACILITY: A building or group of buildings consisting of individual, self-contained units with interior or exterior access leased to individuals, organizations, or businesses for self-service storage of non-hazardous personal property, goods, products, materials or objects.

And further to see if the Town will vote to amend Section 4.2.0 and 4.3.0 Use Schedule as follows:

4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.31	Self-Storage Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.3.2.23	Self-Storage Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

or to act in any other manner in relation thereto.

RECOMMENDATIONS: Planning 7-0; ZBRC 7-0-0; Land Use 7-0-0

ACTION: Passed by 2/3s

**ARTICLE #17 PB Application
 Process/Electronic Permitting**

MAIN MOTION: To see if the Town will vote to Amend the Zoning Bylaw Article IX, SECTION 9.2.0 SPECIAL PERMIT and Article IX, Section 9.3.0 SITE PLAN as follows:

SECTION 9.2.0 SPECIAL PERMIT

9.2.2 Procedure

9.2.2.1 Any person desiring a special permit shall submit an application pursuant to the Special Permit Rules and Regulations. The Planning Board shall not make a finding and determination upon the application until it has received the reports from the Inspector of Buildings, 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.

SECTION 9.3.0 SITE PLAN

9.3.2 Procedure

Any person desiring a Site Plan shall submit an application pursuant to the Site Plan Rules and Regulations. The Planning Board shall not make a finding and determination upon an application until it has received the reports from the Inspector of Buildings, 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 have elapsed without such recommendations being submitted and until a public hearing has been held;

or to act in any other manner in relation thereto

RECOMMENDATIONS: Planning 7-0
 ZBRC 7-0-0
 Land Use 7-0-0

ACTION: Passed by 2/3s

ARTICLE #18 Short Term Rentals

Short Term Rentals

MAIN MOTION: To see if the Town will vote to Amend the Zoning bylaw Article II to create the following new definition for Short Term Rentals:

2.19.1.0.2 Short-Term Rental

The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than twenty-eight consecutive calendar days for a fee. A Short -Term Rental may or may not be facilitated through a Booking Agent. A Short-Term rental is a property that is not a hotel, motel, lodging house or bed and breakfast establishment, where at least one room or unit is rented. A short-term rental includes but is not limited to an apartment, house, cottage, condominium or other accommodation.

And further to amend the Article IV, Section 4.2.0 Principal Use Regulation Schedule and 4.3.0 Accessory Use Regulation Schedule by adding the use provisions for Short Term Rentals and eliminating the existing section 4.3.1.1 as follows:

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
4.2.1	RESIDENCE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.1.1	One family dwellings	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.3	Hotel	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.3.1	Residence hotel	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.3.2	Motor Hotel or Motel	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.3.3	Short-Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.3.0 ACCESSORY USE REGULATION SCHEUDLE																
4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	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	YES	YES	YES	YES
4.3.1.1.2	Short-Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO

or to act in any other manner in relation thereto.

RECOMMENDATIONS: Planning 7-0
 ZBRC 7-0-0
 Land Use 7-0-0

ACTION: Passed on 2/3s

The business of the Town being concluded, a motion was made to adjourn, seconded and voted unanimously. Meeting was adjourned at 9:16 PM.

Respectfully Submitted

Amy E. Warfield
 Town Clerk