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Posted by AW

WARRANT

Burlington Town Meeting



January 24, 2022
7:30 P.M.

Burlington, MA
Burlington High School
Fogelberg Auditorium

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Burlington Town Meeting
Monday
January 24, 2022

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WARRANT

BURLINGTON TOWN MEETING

Monday, January 24, 2022

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium in said Town, the 24th of January 2022 at seven-thirty o'clock in the evening then and there to act on the following articles of the warrant.

GENERAL ARTICLES

ARTICLE #1

RE: Reports of Town Officers & Committees

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

Submitted by the Rules Committee

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

ZONING BYLAW ARTICLES

ARTICLE 2

RE: Modernizing Retail Uses: Education, Experiential and Interactive Uses

To see if the Town will vote to amend the Burlington Zoning Bylaws, Article II and Article IV to permit additional Education, Experiential and Interactive uses as follows:

A. Amend Article II, Section 2.0 Definitions, by adding new sections as follows:

Section 2.5 E

Educational Use, For-Profit - Use for the establishment of a for-profit school or educational institution which may include, but not limited to: trade, music, dance, art, etc.

Section 2.18 R

Retail, Experiential & Commercial Interactive Venue – The use of a retail tenant space for experiential and participatory uses through engaging actives, sounds, motion, or special settings, including virtual reality and multimedia.

B. Amend Article IV, Principal Use Regulation Schedule, Section 4.2.0 by adding the following new uses :

4.2.6.32	Retail, Experiential & Commercial Interactive Venue 20,000 SF or less	By Right in the General Business District
4.2.6.33	Retail, Experiential & Commercial Interactive Venue above 20,000SF	SP in the General Business District
4.2.2.14	For Profit Educational Uses	By Right in the General Business District

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
The Economic Development Director and Planning
Director

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

ZONING BYLAW ARTICLE

ARTICLE #3

RE: Outdoor Seating

To see if the Town will vote to amend Article X of the Town of Burlington Zoning Bylaw by adding a new section 10.10, Outdoor Seating, as follows:

10.10 Outdoor Seating

10.10.1 Purpose: The purpose of this section is to enhance safe and attractive outdoor seating options for local qualified businesses to address health conditions, enliven commercial spaces, and promote business activity.

10.10.2 Procedure: An Applicant for an outdoor seating permit shall submit the required application to the Inspector of Buildings who may, notwithstanding any other requirement under this bylaw or any existing special permit or site plan review for the applicant or its establishment or the property on which it is located, issue a permit for outdoor seating if the threshold requirements are met per section 10.10.3.

The Inspector of Buildings shall be authorized to promulgate regulations consistent with this bylaw which shall, at a minimum, set forth specific procedures and required submittals for any permit hereunder.

10.10.3 Requirements for the Issuance of an Outdoor Seating Permit

10.10.3.1 The outdoor seating capacity shall not exceed 50% of the authorized internal capacity and shall not exceed the number of seats in total for which bathrooms are provided at the establishment.

10.10.3.2 The outdoor seating shall be located on the parcel and adjacent or near the building.

10.10.3.3 The outdoor seating, if adjacent to a street or parking lot, shall be protected by barriers approved by the police department for safety of the customers per regulations.

10.10.3.4 The Inspector of Buildings shall have the discretion to determine if the proposed change to any parking requirements is consistent with public safety including but not limited to pedestrian and traffic safety.

10.10.3.5 If the Applicant for a permit for outdoor seating is someone or some entity other than the owner of the real property, the owner of the real property shall also sign the application.

10.10.3.6 If the location for which the outdoor seating is sought is located on real property or in a building where there is more than one tenant, then the property owner shall have the responsibility to manage all parking between tenants of the real property of building.

10.10.3.7 If alcohol is served at the premises, prior to issuing a permit hereunder, the Inspector of Buildings shall require proof of modification of the alcohol license.

10.10.3.8 All outdoor seating proposed hereunder shall be temporary in nature as determined by the Inspector of Buildings. In the event it is determined that the proposed outdoor seating is permanent, then the Applicant is required to seek a modification to any existing permits which govern the use of the property or establishment.

10.10.3.9 The Inspector of Buildings may include conditions to any permit issued hereunder and which are consistent with the intent and purpose of this bylaw.

10.10.4 Term of Permit. Any permit issued by the Inspector of Buildings hereunder shall be valid for the term written in the regulations so long as there are no changes to the number of seats or configuration of the seating area of the establishment. In the event there are any changes to the foregoing, the Applicant must reapply for a new permit.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
The Economic Development Director

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

ZONING ARTICLES - Continued

ARTICLE #4

RE: Article II Definitions

To see if the Town will vote to amend the Zoning Bylaw, Article II by adding the following sections:

2.1 A

Awning, Continuous

A roof like covering, as of canvas, stretched upon a frame that is affixed to a building to cover more than one business front and used above or before any place as a shelter from rain or sun.

2.2 B

Building Front

A building front is the side of a building that is nearest to the street.

2.16 P

Parapet

A parapet is a wall or railing that runs along the edge of the roof of a building.

Pedestrian Scale

The proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

2.19 S

Storefront

A storefront is the front side of a store or store building facing a street

and to place same in the appropriate alphabetical order within section 2.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
Zoning Bylaw Review Committee

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

ZONING ARTICLES - Continued

ARTICLE #5

RE: Article XIII Sign Regulations

To see if the Town will vote to amend the Zoning Bylaw, Article XIII by amending Section 13.1.0 as follows (remove indicated by ~~cross-out~~, remainder is new):

13.1.0 SIGNS

~~For the purpose of this section, SIGN shall include any letter, word, symbol, drawing, picture, design, device, article or object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of material and manner of composition or construction.~~

13.1.0 Signs Purpose

The purpose of this sign bylaw is the following:

- A. To facilitate efficient communication to ensure that people receive the information they need or want;
- B. To encourage signs which are harmonious with both the buildings, the sites where they are displayed and their larger environs;
- C. To protect public and private investments in buildings and open spaces;
- D. To support business vitality by accomplishing the above objectives without burdensome procedures and restrictions.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of Zoning
Bylaw Review Committee

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

FINANCIAL ARTICLES

ARTICLE #6

RE: Replenish Reserve Fund

To see if the Town will vote to transfer from Free Cash to the budget line item 87 - Reserve Fund, the sum of \$100,000, or to act in any other manner in relation thereto.

Amount: \$100,000

Submitted by the Select Board the request of
the Town Administrator

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

ARTICLE #7

RE: Transfer from Free Cash to Water Stabilization Fund

To see if the Town will vote to transfer from Free Cash the sum of \$802,040 to the Water Stabilization Fund, or to act in any other manner in relation thereto.

Amount: \$802,040

Submitted by the Select Board at the request of
the Town Administrator.

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

ARTICLE #8

RE: Transfer from Free Cash to Stabilization Fund

To see if the Town will vote to transfer from Free Cash the sum of \$150,000 to the Stabilization Fund, or to act in any other manner in relation thereto.

Amount: \$150,000

Submitted by the Select Board at the request of
the Town Administrator.

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

FINANCIAL ARTICLES - Continued

ARTICLE #9

RE: Transportation Infrastructure Fund

To see if the Town will transfer the sum of \$12,001.10 from Receipts Reserved for Appropriation-Commonwealth Transportation Infrastructure Fund to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation or to act in any other manner in relation thereto.

Amount: \$12,001.10

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

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

ARTICLE # 10

**RE: Repurpose Article 25 of June 2020 - Economic
Development Study**

To see if the Town will vote to repurpose the funding originally appropriated in Article 25 at June 2020 Annual Town Meeting for an economic development study or otherwise provide the sum of \$35,000, or any other sum, for the purpose of supporting communications and marketing through the Economic Development departments online and social media outreach, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$35,000

Submitted by Select Board at the request of
the Town Administrator

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER

FINANCIAL ARTICLES - Continued

ARTICLE # 11

RE: Fox Hill School Feasibility Study

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the Fox Hill feasibility study, Fox Hill Elementary School, Fox Hill Road in Burlington, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Amount: \$1,500,000

Submitted by the Select Board at the request of the School Committee.

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

ARTICLE # 12

RE: Fox Hill School Feasibility Study Non-MSBA Project

To see if the Town will vote transfer from available funds the sum of \$TBD or any other sum for the purpose of funding a feasibility study for a potential Fox Hill School Project outside of the MSBA program, or to act in any other manner in relation thereto.

Amount: \$TBD

Submitted by the Select Board at the request of School Committee

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

GENERAL ARTICLES - Continued

ARTICLE #13

**RE: Amendment to the Town General Bylaws –
Article II, Section 2.0 – Town Meeting Members**

To see if the Town will vote to petition the Legislature to amend Chapter 686 Special Act to amend the Burlington General Bylaws, Article II, Section 2.0, paragraph 2 by replacing the existing paragraph with the following:

Any incumbent Town Meeting Member may become a candidate for re-election by giving written notice thereof to the Town Clerk not later than twenty-one (21) day prior to the last day and hour for filing nomination papers, provided the Town Meeting Member has been in attendance for fifty percent (50%) or more of the individual days of Town Meeting held during their term of office, whether or not a quorum is present or any business is conducted. Otherwise, the incumbent shall follow the same guidelines as a non-incumbent candidate for Town Meeting.

or to act in any other manner in relation thereto.

Submitted by the Select Board

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

GENERAL BYLAW ARTICLE

ARTICLE #14

**RE: Amendment to the Town General Bylaws –
Article II, Section 2.0 – Town Meeting Members**

To see if the Town will vote to amend the Burlington General Bylaws, Article II, Section 2.0, paragraph 2 by replacing the existing paragraph with the following:

Any incumbent Town Meeting Member may become a candidate for re-election by giving written notice thereof to the Town Clerk not later than twenty-one (21) day prior to the last day and hour for filing nomination papers, provided the Town Meeting Member has been in attendance for fifty percent (50%) or more of the individual days of Town Meeting held during their term of office, whether or not a quorum is present or any business is conducted. Otherwise, the incumbent shall follow the same guidelines as a non-incumbent candidate for Town Meeting.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of
Betsey Hughes – Town Meeting Member, P7

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

GENERAL BYLAW ARTICLES

ARTICLE #15

RE: Select Board Public Hearing Requirement

To see if the Town will vote to amend Article IV of the General Bylaws of the Town of Burlington to add the following language:

1.14 Residential Housing Process: Before the Select Board can approve, disapprove, send a letter of support, or commit any other action which involves the construction of four (4) or more residential units, pursuant to housing projects proposed under M.G.L. Section 40B, Sections 20-23 the Select Board shall hold a public hearing.

1.14.1 Public Hearing: Notice of the public hearing shall be published in a local newspaper and on the Town website not less than fourteen (14) days prior to the scheduled date of the hearing and shall include the date, time, place and purpose of the hearing and a brief description of the residential project(s) under consideration.

1.14.2 Notifications: At least seven (7) days prior to the Public Hearing, details of the housing project(s) provided to the Select Board shall be sent to the Town Clerk and to: the Building Commissioner, Planning Director, and Conservation Agent; the Chair of the Housing Partnership; the Chairs of the Town Meeting Land Use and Zoning Bylaws Review Committees; and the Fire Chief and Police Chief. Notification of the public hearing shall be sent not less than seven (7) days prior to the Public Hearing, by regular first-class mail to all abutters as defined in G.L.c.40A sec. 11.

1.14.3 Vote: A vote of the Select Board to provide a letter of support or not to provide a letter of support shall be taken at a meeting of the Select Board, which is not the same date as the Public Hearing, but which is not less than three (3) days subsequent to the public hearing. A letter of any determination of the Board shall be recorded and filed with the Town Clerk.

1.14.4 Comments: The Select Board may vote to issue comments with the letter of support or letter of no support at the same meeting.

or to act in any other manner in relation thereto.

Submitted by the Land Use Committee of Town Meeting

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

GENERAL BYLAW ARTICLES

ARTICLE 16

RE: Amend Section of Bylaw Regarding Land Use Committee

To see if the Town will vote to amend Article V of the General Bylaws of the Town of Burlington to replace the second paragraph of Section 2.6 Land Use Committee with the following language:

The committee shall annually elect a chairperson and vice-chairperson and appoint a secretary. The secretary shall not be a member of the committee. The committee shall define the duties of the secretary and fix the compensation thereof.

or to act in any other manner in relation thereto.

Submitted by the Land Use Committee of Town Meeting

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

THE COMMONWEALTH OF MASSACHUSETTS

To either of the Constables of the Town of Burlington in the County of Middlesex Greeting. You are hereby directed to serve this warrant by posting up attested copies thereof at the billboard at the Town Hall, in said Town, at least fourteen days before the Town Meeting of January 24, 2022 at Burlington High School, Fogelberg Auditorium.

HEREOF FAIL NOT, to make due return of the warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 13th day of December in the year of our Lord 2021.

James M. Tigges, Chairman

Nicholas C. Priest, Vice-Chairman

Robert C. Hogan, Board Member

Michael S. Runyan, Board Member

Joseph E. Morandi, Board Member

SELECT BOARD OF BURLINGTON, MASSACHUSETTS

A true copy attest: _____ Constable _____

Dated _____

Middlesex ss

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Burlington by posting up an attested copy of the same at the designated location at Burlington Town Hall, and Burlington High School and Town of Burlington website page <http://www.burlington.org/>, at least fourteen days before Town Meeting date of Monday, January 24, 2022.

s/s _____
Constable of Burlington

A copy of the warrant was mailed to each Town Meeting Member, the Town Moderator and the Town Clerk on Friday, the 7th day of January, 2022.

Attest: Amy E. Warfield, Town Clerk