

**TOWN MEETING MEMBER MEETING
MONDAY, JANUARY 15, 2020
BURLINGTON TOWN HALL
MAIN HEARING ROOM**

At 6:00 P.M., the meeting was called to order by Amy Warfield, Town Clerk, the Town Meeting Members of Precincts 1 & 3 assembled to fill the vacancy in their Precinct.

Present from Pct 3 were Sean Connors, Shari Ellis, Joanne Frustaci, Stephen Marchese, Steve Morin, Millie Nash, Monte Pearson, Daniel Raske, Roger Riggs and Andrew Wells-Bean.

There were only two nominees who were present who were Jeffery DiBona of 3 Michelle Dr and Samantha Ellis of 3 Hickory Ln. A secret ballot was taken and Samantha Ellis was appointed by a vote of 6 to 4. She will be sworn in prior to the Town Meeting on the 27th.

Present from Pct 1 were William Boivin, Bradford D. Bond, Michael Hardy, Bruce Morey, Gregory Ryan, Adam Senesi and David Woodilla. There were only two nominees who were present who were Carol Perna of 6 Beaverbrook Rd and Jayashree Voruganti of 12 Tinkham Rd. A secret ballot was taken and Jayashree Voruganti was appointed by a vote of 7 for (unanimous). She will be sworn in prior to the Town Meeting on the 27th.

The meeting was adjourned at 7:15 PM

**ADJOURNED TOWN MEETING
MONDAY, JANUARY 27, 2020
FOGELBURG PERFORMING
ARTS CENTER
BURLINGTON HIGH SCHOOL**

**ADJOURNED TOWN MEETING
MONDAY, MAY 13, 2019
FOGELBURG PERFORMING ARTS
CENTER BURLINGTON HIGH SCHOOL**

A quorum being present, the meeting was called to order at 7:40 PM. The Moderator, Bill Beyer, called the meeting to order and lead the body in the Pledge of allegiance to the flag. The Moderator called for a moment of silence for Virginia Igo, who recently passed away. Virginia was a long time Town Meeting member, and member of the first elected Representative Town Meeting members. The Moderator announced the Rep. Ken Gordon the Moderator also recognized our Audio/Video staff for tonight's meeting included: Nolan Woods, Badr Hakim, Douglas Edwards, and David Kolifrath. Then the Moderator recognized the new Town Meeting Members and they were sworn in by the Town Clerk. Prior to starting business, the Moderator asked for a motion to continue until Wednesday January 29, 2020 if the business of the Town was

not completed tonight. Then to accept a show of hands as the method for voting than a standing count which was moved and seconded. Finally the he asked for a motion for accepting Frank Monaco to be the Deputy Moderator in case it was needed, it was moved and seconded. 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.

Reports were made by Paul Sagarino regarding the DPW/Recreation Facility the Bid has been awarded to CTA Construction and work will begin shortly. Also, he introduced the Economic Development Director, Melisa Person.

Brian Curtin spoke on the resent OPEB report that had been submitted to the Town Meeting members for review.

Two members of the Town Scholarship Fund committee gave a report on the distribution of the funds for 2019. Bill Boivin and Sherry Fitzpatrick reported that 2 – \$5,000 scholarships were given out.

Town meeting member, Jonathan Sachs reported that a committee has been created to support the creation of a Committee Preservation Act Fund for Burlington. There will be an Article in May for putting the question on the November Ballot. Dr. Conti reported on the Budget schedule for the School Budget.

Steve Morin representing the Cyber Security ISAC Committee gave an update on what the committee has been working on and that they would be presenting a Bylaw change and final report at May Town Meeting.

Marge MacDonald, COA Director updated Town Meeting on the transportation system that will be replacing the B-Line. It will be system that uses point to point transportation and those that qualify will pay the first \$1 and the Town will cover the next \$9, the rider will pay anything over \$10. To qualify, individuals will need to be disabled, age qualified, or financial qualified.

ARTICLE #2 RE: Dimensional Requirements of the High-Rise Industrial (IH) Zoning District

To see if the Town will vote on the petition of The Planning Board to amend Article V: Dimensional Requirements of the Burlington Zoning Bylaw to modify the height and dimensional requirements of the High-Rise Industrial (IH) Zoning District as follows:

See notes for Density Regulation Table immediately following.

SECTION 5.2.0 DENSITY REGULATION SCHEDULE: No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the Density Regulation Schedule, as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear yard setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein.⁴

	IG	IH	IR
<i>Minimum Lot Area</i> ⁹	40,000 sf	120,000 sf	18 Acres
Minimum Lot Frontage	150 ft	100 ft	400 ft
Minimum Front Yard	15 ft ⁵	25 ft	100 ft
Minimum Side Yard	15 ft ⁵	15 ft ⁵	100 ft
Minimum Rear Yard	15 ft ⁵	15 ft ⁵	100 ft
Minimum Lot Width	N/A	N/A	N/A
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities ¹⁰	20% depth of lot ⁶	100 ft	20% depth of lot ⁶
Maximum Aggregate Building-to-Ground Area Percentage	25%	25%	25%
Maximum Building & Structure Height ¹¹	80 ft ⁸	90 ft ^{7, 12}	80 ft ⁸
Minimum Feet Between Buildings	None	None	None
Maximum Floor Area Ratio (FAR)	.15 ^{2,3}	.15 ^{2,3}	None

See notes for Density Regulation Table immediately following

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 5.1.5.1 of Article V and further may permit the Maximum Floor Area Ratio (FAR) to increase to .50 if such application or applications meets the performance criteria specified in Section 5.1.5.2 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 (C) shall apply.

- 4 Reference Section 8.5.5 for additional criteria applicable to the CC and CBD Districts.
- 5 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 firefighting purposes.
- 6 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%.
- 7 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 90 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.
- 8 Same as IH except maximum equals 80 feet.
- 9 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.

10 For any proposed use in the Business or Industrial Districts on property that is adjacent to an Open Space or primarily residential Planned Development District, which requires a special permit as set forth in the Principal Use Regulation Schedule, the Planning Board may require a greater setback (in feet) than is set forth in this Density Regulation Schedule. If the useable square feet of residential space plus the useable square feet of any amenities useable by occupants of the residential component are equal to or more than the useable square feet of non-residential space, then the entire development shall be considered "primarily residential"

11 Within 50 feet of OS 30 feet.

12 Within 400 feet of an RO or RG use or residentially-zoned land in a contiguous municipality, Structured Parking directly under the finished floor area of a building to a maximum of one level of parking use above the average finished grade around the building can be excluded when calculating structure height.

Beyond 400 feet of an RO or RG use or residentially-zoned land in a contiguous municipality, Structured Parking directly under the finished floor area of a building to a maximum of two levels of parking use above the average finished grade around the building can be excluded when calculating structure height.

The equivalent footprint of the parking footprint under the finished floor area of a building shall be set aside as green space unless, through a finding by 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.

And further to amend Article 10.5.0 of the Zoning Bylaw to delete the existing language in its entirety.

MAIN MOTION: As Printed in the Warrant

Recommendation: Planning 6-0-0; Land Use 3-0; Zoning Bylaw Review 8-0

ACTION: Called 2/3s by the Moderator

ARTICLE #3 RE: Amend Zoning Map and Rezone Property to High Rise Industrial (IH) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, to rezone certain property located at 400 and 600 Summit Drive as said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor’s Map 56 Parcel 19-0 and Map 56 Parcel 20-2 and more particularly described on the parcel deeds referenced as Book 68907 Page 298 and Book 68907 Page 304 to the High-Rise Industrial (IH) District. Said parcels of land are generally identified as being located off of Summit Drive (formerly Wheeler Road), consisting of approximately 35.04 acres; or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: Planning 6-0-0; Zoning Bylaw Review 6-0

ACTIONS: 2/3 required- Passed Unanimously

ARTICLE #4 RE: Amend Zoning Map and Rezone Property to High Rise Industrial (IH) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, to rezone certain property located at 3 Van De Graaff Drive and known as Town of Burlington Assessor’s Map 53 Parcel 7-0, consisting of approximately 16.16 acres and more particularly identified as being the parcels of land shown as Lot 1A and Lot 1B on a plan of land entitled: “Plan of Land in Burlington, Massachusetts, prepared for: Orix JLL Burlington Venture”, prepared by Vanasse Hangen Brustlin, Inc., Scale: 1 inch = 100 feet, dated April 4, 2001 and recorded with the Middlesex South Registry of Deeds as Plan No. 770 of 2001 from the General Industrial (IG) Zoning District to the High-Rise Industrial (IH) Zoning District, or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: Planning 6-0-0; Zoning Bylaw Review 6-0

ACTIONS: 2/3 required- Passed Unanimously

ARTICLE #5 RE: Amend Zoning Map and Rezone Property to High Rise Industrial (IH) District

To see if the Town will vote to amend the Zoning Map of the Town of Burlington, as most recently amended, to rezone certain property located at 60 Blanchard Road as said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor’s Map 53 Parcel 4-0, and more particularly described in the Quitclaim Deed recorded with the Middlesex South Registry District of the Land Court as Document No. 1818413 on Certificate of Title 271040, Book 1546, Page 193 to the High-Rise Industrial (IH) Zoning District, consisting of approximately 7.77 acres, or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: Planning 6-0-0; Zoning Bylaw Review 6-0

ACTIONS: 2/3 required- Passed Unanimously

ARTICLE #6 RE: Repurpose School Capital Warrant Article

To see if the Town will vote to transfer from Article 7-27 of May 2019 Annual Town Meeting (MSMS Cafeteria Tables) the sum of \$11,576 to Article 7-19 of May 2019 Annual Town Meeting (Pine Glen Sewer Pumps), or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: W&Ms 14-0-0; School 5-0

ACTION: Majority Passed

ARTICLE #7 RE: Auction Fund

To see if the Town will vote to transfer from available funds the sum of \$50,000 for the purpose of establishing an auction fund the same to be spent under the direction of the Board of Selectmen; or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the warrant

ACTION: Withdrawn

ARTICLE #8 RE: Amend Administrative and Professional Classification Plan

To see if the Town will vote to amend the Administrative and Professional Classification Plan for FY20, by eliminating the position of Purchasing Analyst in Group 12 and adding the position of Financial/Purchasing Analyst in Group 10, and eliminating the position of Budget Analyst in Group 12 and by adding the position of Budget Director in Group 14; or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: W&Ms 14-0-0; Selectmen 5-0

ACTION: Passed by Majority

ARTICLE #9 RE: Burlington Transportation Study

To see if the Town will vote to transfer from available funds the sum of \$1,000 to hire a consultant to report by April 30, 2020, on transportation infrastructure (including but not limited to school buses, B-line, Uber Transportation Subsidy, COA vans and authorized taxis, MBTA and Lowell system, commercials businesses' mini and employee shuttle buses) regarding:

--areas of congestion re traffic in Burlington (times/locations per police/fire logs)

--stratagems currently in place to mitigate this congestion

--data re Cost and Revenue for each component of Burlington traffic's infrastructure—with the specific added tax cost per household—for the past five years, as well as the populations served by each (i.e., residents, commuters, daytime population, students and all those doing business in town)

--the number of households without cars (via excise tax data)

The consultant shall aid the Board of Selectman (and related departments) on any research not already undertaken by the Board in previous studies. The report shall be made available to all Town Meeting Members prior to the May 2020 session of Town Meeting and presented to the May 2020 session of Town Meeting; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to Instruct the Moderator to appoint an Ad Hoc committee to study and report to Town Meeting the problems of transportation in the town of Burlington and compare with other communities possible solutions.

ACTION: Passed by Majority

ARTICLE #10 RE: Transfer from Free Cash to Water Stabilization Fund

To see if the Town will vote to transfer from Free Cash the sum of \$355,760 to the Water Stabilization Fund, or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: W&Ms 13-0-0

ACTION: Passed Unanimously

ARTICLE #11 RE: Replenish Reserve Fund

To see if the Town will vote to transfer from Free Cash to the budget line item 92 - Reserve Fund, the sum of \$100,000, or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: W&Ms 14-0-0; Selectmen 5-0

ACTION: Passed by Majority

ARTICLE #12 RE: Burlington Historical Museum Lift

To see if the Town will vote to transfer from available funds the sum of \$120,000 for the purpose of funding Handicap Accessibility Improvements at the Burlington Historical Museum, or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: W&Ms 13-0-0;
Capital Budget 4-1

ACTION: Passed by Majority

ARTICLE #13 RE: Alteration of Public Way Mooney Road

To see if the Town will vote to discontinue that portion of the public way known as Mooney Road shown as Lot's "X, "Y" and "Z" and as shown on a plan prepared by Eastern Land Survey Associates dated September 5, 2018 on file with the Town Clerk, said parcels already having been approved by the January 28, 2019 Town Meeting Article 8 for conveyance; or to act in any other manner in relation thereto.

MAIN MOTION: As Printed in the Warrant

ACTION: Passed by Called 2/3s Vote

ARTICLE #14 RE: Authorizing Confirmatory or Release of Deed

To see if the Town will vote to authorize the Board of Selectmen to enter into a deed conveying and/or releasing a parcel of land incorrectly conveyed to the Town identified as "Parcel I" in the after mentioned deed, and/or take any other corrective and confirmatory action related to the purchase of land as authorized under Article 7 of the September 9, 2002 Town Meeting for the property identified in that certain deed recorded in Book 37433 Page 516 in the

Middlesex Registry of Deeds located off of Marion Road, Burlington, Middlesex County, currently located at Assessor's Map 21 Parcel 235 containing approximately 15.7 acres more or less, described as "Parcel II" in said deed, and to execute any other documents necessary to effectuate the correction in the deed description, or take any other action in relation thereto.

MAIN MOTION: As Printed in the Warrant

Recommendation: Selectmen 5-0

ACTION: Passed by Called 2/3s Vote

ARTICLE #15 RE: Amending Article IV Section 1.10, "Filling of Vacancies Other Than Selectmen"; Article VII, Section 1.0, "Treasurer"; and Article VII, Section 2.0, "Tax Collector"

To see if the Town will vote, based on the passage of the Ballot Question from the April 6, 2019 Annual Town Election, to amend Article IV, Section 1.10, by removing "Treasurer, Collector of Taxes". After approval, this section will read as follows:

1.10 Filling of Vacancies, other than Selectmen

If there is a failure to elect or if a vacancy occurs in any elected town office, other than offices of Selectmen, Town Clerk, or Auditor, the Selectmen shall fill the vacancy in accordance with Massachusetts General Law Chapter 41, Section 11. Vacancies for appointed positions shall be filled by the appointing authority for the office, board, commission or committee.

And to amend Article VII, Section 1.0, "Treasurer" and Section 2.0, "Tax Collector" by removing "duly elected on April 2, 1977, or in any subsequent election" and "whether elected or appointed" from Section 1.7; adding Section 1.8; and removing all gender specific references from all of sections 1.0 and 2.0. After approval, these sections will read as follows:

1.0 Treasurer

The Town Treasurer shall:

1.1 Be responsible for the investment of Town funds, and for the borrowing of funds required by the Town, in a manner most beneficial to the Town;

1.2 Advise Town Officers on fiscal matters delineated in Section 1.1 above;

1.3 Report to the Town annually on the Treasurer's activities of the preceding fiscal year

in sufficient detail to permit proper evaluation of the Treasurer’s performance. Sufficient detail includes as a minimum, a cash analysis sheet and a report of significant financial transactions made during the year;

1.4 Furnish bond as required under Chapter 41, Section 35, General Laws;

1.5 Prosecute actions on bonds, notes and other securities in accordance with Chapter 41, Section 36, General Laws; and

Note: Adopted Art. 3 Spec. TM 6/26/69. App. A.G. 1/21/70. Pub. BTU 2/12, 2/19, 2/26/70.

1.6 Be a member, ex-officio, of any board or committee appointed by or on behalf of the Town, for purpose of planning a project involving the borrowing of money by the Town.

Note: App. Art. 11, Spec. TM 10/14/63. App.A.G. 4/12/65. Pub. BTU 12/3, 12/10, 12/17/70.

1.7 Anything in Article III of the General Bylaws of the Town of Burlington notwithstanding, the Treasurer shall act as Tax Collector, and perform all the duties of Tax Collector. No separate Tax Collector shall be elected or appointed.

Note: Adopted Art. 24A TM 1/26/77. App. A.G. 2/18/77. Pub. Burl. News 2/24, 3/3/77.

1.8 The Board of Selectmen shall exercise general control over the Town Treasurer.

2.0 Tax Collector

2.1 The Tax Collector shall carry out the provisions of Chapter 60 of the General Laws, including as a minimum:

2.1.1 Collect all taxes and interest, account for such funds, and deposit same in any bank;

2.1.2 After receipt of a tax list and warrant, insure each person is notified of the amount of tax due;

2.1.3 Maintain a cash book in accordance with Section 7 of Chapter 60;

2.1.4 Furnish bond as Collector of Taxes;

2.1.5 May appoint deputies in accordance with MG Section 92, General Laws; and

2.1.6 Make proper disposition of the Tax Collector’s records in accordance with Section 97, General Laws.

2.2 Perform all other duties required under Chapter 41, Sections 35 through 43 of the General Laws.

MAIN MOTION: As Printed in the Warrant

Recommendation: Bylaw Review 3-0-1

ACTION: Passed by Called 2/3s Vote

At the end of regular business a resolution was presented by Town Meeting Member Phyllis Neufeld, Pct #5

RESOLUTION #1:

Let it be known that Town Meeting wishes to put on the record our opposition to the 14’ sign that the Selectmen approved for The Shops at Simonds Park on the town owned land.

Submitted by Town Meeting Member Phyllis Neufeld, Pct #5

Signed by:

- | | |
|-------------------------|----------------------------|
| Joanne Frustaci Pct 3 | Miriam Kelly Pct 7 |
| Mildred J. Nash Pct 3 | J. Matt Frost Pct 3 |
| Sonja Rollins Pct 6 | John Cormier Pct 6 |
| Sally Willard Pct 4 | Dan Ditucci, Jr. Pct 6 |
| Shari Ellis Pct 3 | Karen Cooper Pct 4 |
| Elaine Sickler Pct 4 | Michelle Papagno Pct 7 |
| Myrna Ann Saltman Pct 2 | Rose Manni Pct 6 |
| Gary Mercier Pct 3 | Monte Pearson Pct 3 |
| Richard Wing Pct 5 | Tom Conley Pct 4 |
| Kim Milne Pct 7 | Dan Raske Pct 3 |
| Mark Woods Pct 7 | Roger Bell Pct 6 |
| Adam Senesi Pct 1 | Ernest Zabolotny Pct 5 |
| Lois SmithMartin Pct 7 | Scott Martin Pct 7 |
| Gary B. Kasky Pct 6 | Andy Wells-Bean Pct 5 |
| Gayle DaMore Pct 6 | David Van Camp Pct 7 |
| Ed Dube Pct 2 | Kelly Pappas Pct 5 |
| Patricia O’Brien Pct 2 | Eleanor N. O’Connell Pct 2 |
| David Miller Pct 4 | Patricia Angelo Pct 5 |
| Steven Stamm Pct 4 | Schiffon Wang Pct 4 |
| Gene J. Rossi Pct 2 | |

ACTION: Passed by Majority

The business of the Town being concluded, a motion was made to adjourn, seconded and voted unanimously. Meeting was adjourned at 10:15 PM.

Respectfully Submitted

Amy E. Warfield
Town Clerk