

**PRECINCT MEETING OF PRECINCTS 1,2 & 7
MAY 12, 2025
FOGELBURG PERFORMING
ARTS CENTER
BURLINGTON HIGH SCHOOL**

At 6:05 PM the meeting was called to order by the Town Clerk. The body met to fill the open seat in Precinct #1. Present were the Town Clerk, TM members Present were William Boivin, Michael Hardy, Michelle Huntoon, Florence Leone, Shannon Robinson. Shayan Bhattacharya was nominated and voted to fill the Open Seat

Precinct #2. Present were the Town Clerk, TM members Present were Kathleen Coluci, Kevin Coluci, Angela Hanafin, Daniel Hanafin, Cynthia Phillips, Myrna Saltman, Christine Scola. Rosemary Farrow and Michael Madison were nominated. Rosemary Farrow was elected to fill the Open Seat.

Precinct #7. Present were the Town Clerk, TM members present were Cynthia Kazanjian, David VanCamp, Betsy Hughes, Mark Woods, Anthony Salamone, Mark Smukler, Jack Kelly David Webb. Neal Lepasino was nominated and voted to fill the Open Seat.. Meeting was adjourned at 6:28 PM

**ADJOURNED TOWN MEETING
MONDAY, MAY 12, 2025
FOGELBURG PERFORMING
ARTS CENTER
BURLINGTON HIGH SCHOOL**

A quorum being present, the meeting was called to order at 7:18 PM. The Moderator, Bill Beyer, called the meeting to order and lead the body in the Pledge of Allegiance to the flag. The Moderator had four motions at the beginning of the meeting. The Deputy Moderator if needed would be Bruce Morey. The next motion was to accept voting as a show of hands. The next motion was to continue until Wednesday May 14, 2024 if the business of the Town was not completed tonight. The next was to accept a member who has requested ADA accommodation for remote access; these were moved and seconded; passed with a standing vote majority.

The Moderator also recognized our Audio/Video staff for tonight's meeting which were: Chase Jackson, Cole Waisnor, Joane Nzikoba.

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. *Presentations were made by Katherine Bond School Committee and Chair of the High school building project with an update... John Danizio, Town Administrator who gave the Budget Overview and statement of Free Cash (16.7 M after January and*

Annual TM spending) Nicholas Priest of the 4th of July Committee to provide an update on the cancellation on this year's parade.

ACTION: No vote required

ARTICLE #2 RE: FUND FY2026 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, \$TBD sufficient to cover the requests of the various departments for FY2026; or to act in any other manner in relation thereto.

MAIN MOTION: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money, \$186,997,456 sufficient to cover the requests of the various departments for FY2026; or to act in any other manner in relation thereto.

DEPT#	DESC.	AMOUNT	% CHANGE
113	TOWN MEETING AND REPORTS	29,875	87.80%
119	LEGISLATIVE COMMITTEES	11,017	0.00%
112	SELECT BOARD/ TOWN ADMINISTRATOR	1,133,479	7.45%
135	TOWN ACCOUNTANT	546,443	3.39%
141	ASSESSOR	486,320	2.15%
145	TREASURER/COLLECTOR	782,242	-2.77%
149	UNEMPLOYMENT COMPENSATION (A)	100,000	0.00%
149	Ch. 32B BENEFITS (A)	18,513,777	7.85%
149	MEDICARE (A)	1,550,000	5.44%
149	TRANSFER TO OPEB (A)	1,216,666	9.30%
149	TOWN INSURANCE (A)	1,700,000	13.33%
149	FINANCIAL SERVICES (A)	70,000	0.00%
149	CENTRAL SUPPLY	145,000	3.57%
149	CENTRAL MACHINE	30,000	2.70%
151	LEGAL	230,000	13.86%
152	HUMAN RESOURCES	261,597	29.14%
151	MIS	900,757	8.45%
161	TOWN CLERK	501,532	-13.06%
162	BOARD OF REGISTRARS	17,150	3.00%
171	CONSERVATION	313,411	-4.24%
175	PLANNING	451,458	-10.17%
176	BOARD OF APPEALS	13,731	0.00%
192	TOWN FACILITIES	100,663	0.98%
210	POLICE	10,583,902	0.26%
220	FIRE	10,291,352	0.24%
241	BUILDING	763,168	2.16%
244	SEALER OF WEIGHTS AND MEASURES	17,831	3.25%
291	EMERGENCY MANAGEMENT	13,600	0.00%
300	SCHOOL OPERATING	67,601,202	4.50%
300	SPECIAL ED (A)	16,266,011	6.97%
301	SHAWSHEEN ASSESSMENT (A)	3,069,215	9.59%
301	ESSEX TECH (A)	62,000	-45.02%
301	MINUTEMAN (A)	0	#DIV/0!
411:491	DPW OPERATING TOTAL	11,989,857	6.11%
411:491	RUBBISH AND GARBAGE (A)	3,423,041	3.58%
411:491	STREET LIGHTS (A)	360,500	0.00%
411:491	DEP ASSESSMENT (A)	15,000	0.00%

510	BOARD OF HEALTH	836,133	2.02%	
510	HAZARDOUS WASTE (A)	50,000	0.00%	
510	MOSQUITO CONTROL (A)	50,700	10.84%	
541	COUNCIL ON AGING	519,974	11.14%	Motion passes
543	VETERANS SERVICES	301,605	0.77%	
549	YOUTH AND FAMILY SERVICES	601,297	0.87%	
590	DISABILITY ACCESS COMMISSION			
		11,379	1.75%	
610	LIBRARY	1,934,576	2.96%	
630/1	RECREATION	2,309,089	3.00%	
691	HISTORICAL COMMISSION	10,430	4.05%	
710	DEBT SERVICE (A)	9,449,631	7.72%	
115	RESERVE FUND	200,000	0.00%	
901	MIDDLESEX RETIREMENT (A)			
		15,210,846	6.43%	
900	NEGOTIATED SETTLEMENTS	1,100,000	2699.27%	
902	LOCAL TRANSPORATION (A)	150,000	50.00%	
903	TECHNOLOGY INFRASTRUCTURE REFRESH (A)	700,000	75.00%	

ACTION: Passed items first review was an amount of \$81,701,800 Passed by Called Majority, Held items totally **highlighted in the list above** \$105,295,658 were discussed and passed individually for a total amount of \$186,997,457.

As requested it was motioned to take Article #29 out of order at this time and to be discussed and voted prior Article 3 as the changes are reflected in article 3.

ARTICLE #29 RE: RENAMING REVOLVING FUND

To see if the Town will vote to amend the Revolving Funds table as set forth in Article IV Section 6.6.5 as follows (cross out removed and **underline and bold** new):

The following chart is a reproduction of the bylaw which fully describes the mechanics of each fund:

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements/ Reports	G Fiscal Years
B-line Local Mini Bus Local Transportation	<u>Public Works</u> <u>Council on</u> <u>Aging</u>	<u>Bus User</u> <u>fees,</u> <u>transfers</u> <u>from general</u> <u>fund,</u> <u>transfer</u> <u>from special</u> <u>revenue</u> <u>funds</u>	Salaries, expenses, contractual services and any other expenses necessary to operate the in- town B-Line bus <u>transportation</u> service	No restrictions or conditions	Fiscal year-end balance carries forward and is available for appropriation in subsequent years	Fiscal Year 2019 and subsequent years

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: PASSED

ARTICLE #3 RE: AUTHORIZE REVOLVING ACCOUNTS

To see if the Town will vote to authorize revolving funds for certain Town departments under the Town of Burlington General Bylaws Section 6.6 and M.G.L. Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2025, or to act in any other manner in relation thereto.

Revolving Fund Name	Department or Board Authorized to Spend	Expenditure Limit
Cross Connection – Backflow Prevention	Public Works	\$100,000
Local Transportation Program	Council on Aging	\$250,000
Grand View Farm	Select Board	\$90,000
Nursing Programs & Services	Board of Health	\$40,000
Plan Imaging & Property File Documents	Building Department	\$25,000
Sale of Recyclable Materials, Trash Bags & Toters	Select Board	\$120,000
Sealer of Weights and Measures	Select Board	\$30,000
Ice Palace Improvement & Maintenance	Select Board	\$36,000
Meadowbrook School Maintenance and Improvements	Select Board	\$105,000

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Passed

ARTICLE #4 RE: FUND FY2026 CAPITAL BUDGET

To see if the Town will vote to transfer from Free Cash the sum of \$6,014,000, from Sewer Enterprise Fund \$40,000, and from the Receipts Reserved for Wetlands Fund \$42,000, for the items contained within the following proposed FY2026 Capital Budget, same to be expended under the appropriate authorities as indicated:

#	Department -Project Description	Spending Authority	Amount
4-1	Police – Rifle Replacement	Select Board	\$60,000
4-2	Police – AED Replacement	Select Board	\$32,000
4-3	Fire – Command Car	Select Board	\$91,000
4-4	DPW – Drainage Repair/Stream Cleaning	Select Board	\$200,000
4-5	DPW – NPDEA Stormwater Retro-Fit Project	Select Board	\$100,000
4-6	DPW – Vehicle Replacement	Select Board	\$735,000
4-7	DPW – Vactor Skid Mounted	Select Board	\$40,000
4-8	DPW – Water System Master Plan	Select Board	\$100,000
4-9	DPW – Greenleaf Tank Mixing System	Select Board	\$300,000
4-10	DPW – Mill Pond Dam Culvert Gates	Select Board	\$150,000
4-11	DPW – PFAS Clay Media Pilot	Select Board	\$220,000
4-12	Conservation – Vehicle Placement (Hybrid)	Select Board	\$42,000
4-13	Recreation – Athletic Fields Improvement Program	Rec Commission	\$200,000
4-14	Recreation – Fencing, Walkway, and Tree	Rec Commission	\$50,000
4-15	Recreation – Basketball Court Replacement	Rec Commission	\$150,000
4-16	Recreation – Simonds Park Accessible Walkway	Rec Commission	\$100,000
4-17	Recreation – Pickup Truck Replacement (R-11)	Rec Commission	\$105,000
4-18	Recreation – Toro Mower Replacement (R-14)	Rec Commission	\$150,000
4-19	SB/Rec – Town Common Bandstand & Walkways	Select Board	\$350,000
4-20	School – Curriculum K-8 Literacy	School Committee	\$578,700
4-21	School – Green Communities	School Committee	\$276,900
4-22	School – Building Envelope and Vestibule	School Committee	\$335,000
4-23	School – Network Equipment	School Committee	\$637,200
4-24	School – Security Upgrades	School Committee	\$54,800
4-25	School – Tree Maintenance	School Committee	\$50,000
4-26	School – Boiler Room Maintenance	School Committee	\$69,900
4-27	School – HVAC Maintenance	School Committee	\$753,500
4-28	School – Middle School Furniture	School Committee	\$101,000
4-29	School – Scoreboards and Technology	School Committee	\$99,000

4-1 thru 4-12 passed.

A motion was made to adjourn for the evening, seconded and voted unanimously. Meeting was adjourned at 10:47 PM; until May 14th at 7:00 PM

Respectfully Submitted

Jennifer N. Priest
Town Clerk

**ADJOURNED TOWN MEETING
WEDNESDAY MAY 14, 2025
FOGELBURG PERFORMING
ARTS CENTER
BURLINGTON HIGH SCHOOL**

A quorum being present, the meeting was called to order at 7:08 PM. The Moderator, Bill Beyer, called the meeting to order and lead the body in the Pledge of Allegiance to the flag. The body picked up where it left off on article 4-13. A motion was made to amend article 4-19 to remove the cost of the bandstand, as the original donator was willing to cover the repair cost. The motion passed the new balance of 4-19 was 303,401. 4-20 motion to amend the name to K-5 passed. Motion to amend to remove the 10,000 for the middle school pilot program Failed. 4-13 thru 4-29 Pass

The Moderator also recognized our Audio/Video staff for tonight's meeting which were: Kairui Jia, Alice Wisiewski, Giuliana Magrane and Joane Nzikoba, and Auto Engineer Eric Killburn

MAIN MOTION: To see if the Town will vote to transfer from Free Cash the sum of \$5,967,401 from Sewer Enterprise Fund \$40,000, and from the Receipts Reserved for Wetlands Fund \$42,000, for the items contained within the following proposed FY2026 Capital Budget, same to be expended under the appropriate authorities as indicated

ACTION: Passed by Majority

**ARTICLE #5 RE: ACCEPTANCE OF
CHAPTER 90**

To see if the Town will vote to accept any and all grants relative to the Chapter 90 Allocation from the Commonwealth of Massachusetts 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.

Amount: \$1,399,206.67

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Passes

**ARTICLE #6 RE: MWRA SEWER
INFLOW/INFILTRATION DEBT
SERVICE**

To see if the Town will vote to transfer from the Sewer Inflow/Infiltration fund the sum of

\$107,975 for the purpose of paying the FY2026 debt service on the Town's four 0% MWRA I/I loans; or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #7 RE: SEWER ENTERPRISE FUND

To see if the Town will vote to authorize the sum of \$6,585,000 to operate the FY2026 Sewer Services Enterprise, including sewer assessment, equipment, maintenance, and debt services, of which \$6,585,000 will come from the FY2026 Sewer Services Enterprise estimated revenue account; or to act in any other manner in relation thereto.

MAIN MOTION: As printed in the warrant

ACTION: Pass

**ARTICLE #8 RE: TRANSFER FROM WATER
STABILIZATION FUND**

To see if the Town will vote to transfer from the Water Stabilization Fund the sum of \$1,586,954 or any other sum, to cover the operating expenses, MWRA entrance fee, debt service and miscellaneous expenses related to the connection to the Massachusetts Water Resources Authority (MWRA) system; or to act in any other manner in relation thereto.

Amount: \$1,586,954

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #9 RE: SEWER VACTOR

To see if the Town will vote to transfer from free cash the sum of \$790,000, for the purpose of purchasing a sewer vactor vehicle, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

Amount: \$790,000

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

**ARTICLE #10 RE: TOWN HALL AND ANNEX
HVAC UPGRADES**

To see if the Town will vote to borrow the sum of \$5,300,000, or any other sum, for the purpose of funding the costs associated with renovating and replacement of the HVAC systems, generator, and associated site work, including engineering and design and costs of an owner's project manager, at the Town Hall and Town Hall Annex buildings, same to be spent under the

direction of the Town Administrator, or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass 2/3 Called (9 against)

**ARTICLE #11 RE: WATER METER
REPLACEMENT PROGRAM**

To see if the Town will vote to transfer from free cash the sum of \$1,000,000, for the purpose of funding Water Meter Replacement Program, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

**ARTICLE #12 RE: WATER MAIN
UPGRADE/REPLACEMENT**

WATER MAIN UPGRADE/REPLACEMENT
MAIN MOTION: That the Town will vote to raise and appropriate, transfer from free cash to provide the sum of \$1,200,000, for the purpose of purchasing and fitting out a fire engine, same to be spent under the direction of the Town Administrator

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

**ARTICLE #13 RE: INFLOW/INFILTRATION –
MWRA PHASE 16**

To see if the Town will vote to borrow the sum of \$1,432,000, for the purpose of repairing sanitary sewer mains and manholes, and miscellaneous work, same to be spent under the direction of the Town Administrator, or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass 2/3 Called

**ARTICLE #14 RE: TRANSFER FROM RECEIPTS
RESERVED ACCOUNT FOR
AMBULANCE SERVICES – PURCHASE
AMBULANCE**

To see if the Town will vote to transfer from the Receipts Reserved Account for Ambulance Services the sum of \$615,000, or any other sum, for the purchase of a new ambulance including all of the associated equipment costs; or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

**ARTICLE #15 RE: TRANSFER FROM RECEIPTS
RESERVED FOR AMBULANCE
SERVICE FUND – OFFSET FY26 BUDGET**

To see if the Town will vote to transfer from the Receipts Reserved Account for Ambulance Services the sum of \$360,000, or any other sum, to cover the costs associated with operating ambulance services at the advanced life support paramedic level; or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

**ARTICLE #16 RE: CABLE ACCESS
ENTERPRISE FUND**

To see if the Town will vote to transfer the sum of \$550,000 to operate the FY2026 Cable Access Enterprise of which \$550,000 will come from the FY2026 Cable Access Enterprise Fund Estimated Revenue Account; or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

**ARTICLE #17 RE: FUND ADMINISTRATIVE
AND PROFESSIONAL
COMPENSATION PLAN**

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for FY2026, and transfer from the FY2026 Negotiated Settlement Account a sum of money for the purpose of funding the plan, same to be expended under the appropriate authorities; or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

**ARTICLE #18 RE: FUND BURLINGTON
MUNICIPAL EMPLOYEES’ ASSOCIATION
CONTRACT**

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the FY2026 amount approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Municipal Employees’ Association contract for FY2026, FY2027, and FY2028, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #19 RE: FUND DEPARTMENT OF PUBLIC WORKS CONTRACT

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the FY2026 amount approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Public Works Contract for FY2026, FY2027, and FY2028, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #20 RE: FUND BURLINGTON INTERNATIONAL FIREFIGHTERS' ASSOCIATION CONTRACT

To see if the Town will vote to transfer from FY2026 Negotiated Settlement Account a sum of money for the purpose of funding the FY2026 amount approved Collective Bargaining Agreement between the Town of Burlington and the Burlington International Firefighters' Association for FY2026, FY2027, and FY2028, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

MAIN MOTION: WITHDRAWN

ARTICLE #21 RE: FUND BURLINGTON POLICE PATROLMEN'S ASSOCIATION CONTRACT

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the FY2026 amount approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Patrolmen's Association for FY2026, FY2027 and FY2028, same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

MAIN MOTION: WITHDRAWN

ARTICLE #22 RE: FUND BURLINGTON POLICE COMMAND OFFICERS' CONTRACT

To see if the Town will vote to transfer from the Negotiated Settlement Account a sum of money for the purpose of funding the FY2026 amount approved Collective Bargaining Agreement between the Town of Burlington and the Burlington Police Command Officers' Contract for FY2026, FY2027,

and FY2028 same to be spent under the appropriate authority; or to act in any other manner in relation thereto.

MAIN MOTION: WITHDRAWN

ARTICLE #23 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 \$73,762.09, 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.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

Article #24 – FOURTH OF JULY PARADE

Main Motion: To see if the Town will vote to transfer from free cash the sum of \$20,000 to pay for expenses associated with the annual Fourth of July parade and to do or act in any other manner in relation thereto.

MAIN MOTION: WITHDRAWN

ARTICLE #25 RE: SCHOOL COMMUNITY FACILITY USAGE SUPPORT

To see if the Town will vote to transfer from free cash the sum of \$74,783, to be expended under the direction of the Burlington School Committee for the purpose of Community Custodial Fees to fund events which are not school events in order to cover Burlington Scout Organizations, PTO Meetings, Boosters, Citations, Youth Basketball, Youth Volleyball, Youth Baseball Association, Pop Warner, Hockey, Soccer and Skating Associations and other not for profit Burlington Civic Organizations and to act in any manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #26 RE: MIDDLE SCHOOL FIELD RENOVATION PHASE 2

To see if the Town will vote to borrow the sum of \$1,710,000, or any other sum, for the purpose of repairing, replacing and renovating the athletic fields, including engineering fees, at the Marshall Simonds Middle School; same to be spent under the direction of the School Department, or to act in any other manner in relation thereto..

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass 2/3 Called (7 against)

ARTICLE #27 RE: MIDDLE SCHOOL FIELD BATHROOMS

To see if the Town will vote to borrow the sum of \$1,650,000, or any other sum, for the purpose of constructing bathroom facilities, including engineering and an owner's project manager, at the athletic fields at the Marshall Simonds Middle School; same to be spent under the direction of the School Department, or to act in any other manner in relation thereto.

MAIN MOTION: WITHDRAWN

ARTICLE #28 RE: ACCEPTING AT

EASEMENT FOR THE FIRE HYDRANT AT180 CAMBRIDGE STREET

To see if the Town will vote to accept a gift of land located at 180 Cambridge Street, Burlington, Middlesex County, Massachusetts, shown as a portion of "Easement A" on a certain plan entitled "180 CAMBRIDGE STREET BURLINGTON, MA", prepared by Allen & Major Associates, Inc., dated September 1, 2024 (the "Plan"), which Plan is on file with the Town Clerk, said Parcel A containing 48 square feet, more or less, for general municipal purposes under the care, custody and control of the Select Board, or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #30 RE: AMEND AND RENAME STORMWATER AND EROSION AND SEDIMENTATION CONTROL BYLAW

To see if the Town will vote to amend the Town of Burlington General Bylaw by replacing Article XIV, Section 6.0 in its entirety as follows:

6.0 Stormwater Management

6.1 Purpose: administration and application

6.1.1 The purpose of this Bylaw is to:

- a. implement the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) issued by the United States Environmental Protection Agency, and the Stormwater Management Standards and regulations promulgated by the Massachusetts Department of Environmental Protection;
- b. protect the public health, safety, and welfare of Burlington residents;
- c. protect the natural resources, water bodies, groundwater resources, aquatic habitat, wildlife habitat, environment, and municipal facilities and residential properties of the Town;
- d. mitigate the effects of climate change including flooding;
- e. satisfy the appropriate water quality requirements of the Federal Clean Water Act and State Clean Water Act;
- f. regulate discharges to the municipal storm drain system;
- g. prevent pollutants from entering, and minimize discharge of pollutants from, the MS4;
- h. eliminate or reduce the adverse effects of soil erosion and sedimentation as a result of land disturbance activities;
- i. prevent contamination of downstream areas;
- j. manage stormwater runoff to minimize adverse impacts to the Town, its citizens, and the environment;
- k. recognize Burlington's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement;
- l. prevent overloading or clogging of municipal catch basins and storm drainage systems;
- m. Encourage the preservation and protection of trees on public and private property to protect the environment.

6.1.2 The Conservation Commission and Conservation Department are authorized to administer and enforce this Bylaw, and shall promulgate rules and regulations to effectuate the purpose of this Bylaw. Where there is a conflict between promulgated Regulations and this Bylaw, the

provisions of this Bylaw shall supersede.

6.1.3 The provisions of this Bylaw shall apply to all properties, rights-of-way and roadways in the Town.

6.2 Definitions

6.2.1 Unless otherwise defined in this section, the terms in this Bylaw correspond to definitions found in the Clean Water Act (33 U.S.C. § 1251 et seq.) and the General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by the United States Environmental Protection Agency.

6.2.2 The following definitions apply to this Bylaw; further terms shall be defined in regulations:

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as it is amended from time to time.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

GENERAL PERMIT: The most recent National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) issued by the United States Environmental Protection Agency.

LAND DISTURBANCE: Any activity that removes the surface cover from land, changes the grade, or exposes soil to the potential influence of stormwater.

MASSACHUSETTS STORMWATER STANDARDS: The performance standards issued by the Massachusetts Department of Environmental Protection (DEP), codified in regulations at 310 CMR 10.00, and further defined and specified in the latest Massachusetts Stormwater Handbook issued by the DEP.

MUNICIPAL STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, and other drainage structures that together comprise the storm drainage system owned or operated by the Town.

OWNER: A person who alone, or jointly or severally with others, has the legal title to any premises or has care, charge or control of any premises as agent, executor, administrator, trust, lessee or guardian of the estate of the holder of legal title.

PERMITTEE: The person named in the Stormwater Permit, to whom the Permit is issued, usually synonymous with "applicant".

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANTS: Includes sediment, human and animal waste, bacteria, phosphorus and other nutrients, oils and other petroleum products, metals, chlorides and other salts, floatables and trash.

PROFESSIONAL CIVIL ENGINEER: Professional Civil Engineer means a

person who has been duly registered as a Civil Engineer by the Massachusetts Board of Registration of Professional Engineers and Professional Land Surveyors and who holds a current license to practice.

REDEVELOPMENT: Development, rehabilitation, demolition or phased projects that disturb the ground surface on previously developed sites.

STORMWATER: Rain water runoff, snow melt runoff, and drainage of any water resulting from precipitation that runs off surfaces during or after a storm.

6.3 Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

6.4 Applicability

- 6.4.1 This Bylaw applies to all owners that discharge or propose to discharge stormwater off their property, directly or indirectly, into the municipal storm drain system of the Town of Burlington, or into wetlands, streams or other water bodies, or onto adjacent properties.
- 6.4.2 Exemptions from the requirement to obtain a permit (under this Bylaw) are:
 - a. Roadway projects that do not remove existing pavement down to underlying dirt/soil (i.e. mill and overlay) as they are not landdisturbing redevelopment activities;
 - b. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04
 - c. Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling;
 - d. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
 - e. Construction of utilities other than drainage (gas, water, electric, cable, telephone, etc.) which will not alter terrain or drainage patterns;
 - f. As authorized in Burlington's Phase II Small MS4 General Permit, stormwater discharges resulting from the activities that are subject to jurisdiction under either the Wetlands Protection Act or activities which are subject to Burlington's Wetland Bylaw (Article XIV section 1.0) and demonstrate compliance with the Massachusetts Stormwater Management Regulations as reflected in an Order of Conditions or local Stormwater Permit issued by the Burlington Conservation Commission, are exempt from requirement to obtain a separate permit under this Bylaw.

6.5 Thresholds and types of permits

- 6.5.1 No person may construct a single-family house or larger nor may they undertake any land-disturbing activity that results in an increase in impervious surface equaling 5% or more of the total surface of a lot or disturbs an area equal to or greater than 5,000 square feet of land, that drains to the Burlington storm system (MS4), or onto an adjacent property, or into a municipal/private street, or into a wetland/stream without either an Abbreviated or Standard Stormwater Permit from the Burlington Conservation Commission. Segmenting projects part of a larger common plan of development or sale to avoid thresholds shall not be permitted.
- 6.5.2 For a proposed project that results in an increase in impervious surface equaling at least 5% but less than 10% of the total area of the property, or results in equal to or greater than 5,000 square feet

but less than 20,000 square feet of land disturbance, or results in fill that increases the elevation of an area greater than 1000 square feet by more than 6 inches, must apply for an Abbreviated Stormwater Permit.

6.5.3 For a proposed project that results in 10% or greater increase in impervious surface or results in greater than 20,000 square feet of land disturbance, must apply for a Standard Stormwater Permit.

6.5.4 Although a permit under this bylaw is not required for projects resulting in an increase of less than 5% of added impervious surface or less than 5,000 square feet of land disturbance (unless increasing grade by over six inches), no person may allow soil erosion and/or increased stormwater from their property onto the public way or onto an abutting property. Such action constitutes a violation of this bylaw.

6.5.5 For all permits, trees in the rear zoning setback shall not be removed without the authorization of the Conservation Commission or their authorized agent(s). For other tree removals, the Conservation Commission encourages 1:1 replacement.

6.6 Regulations

6.6.1 Regulations adopted by the Conservation Commission pursuant to this Bylaw shall include, but are not limited to, the following:

- Implementation of stormwater runoff pollution reduction requirements for new development and redevelopment consistent with the MS4 General Permit, including requirements for stormwater management permits to be issued by the Conservation Commission.
- Implementation of methods to control stormwater runoff so that both rates and volume of runoff are reduced from pre-construction conditions or eliminated.
- Requirements for the design, construction, and ongoing maintenance of privately owned and municipally-owned stormwater systems and facilities.
- Requirements for use of low-impact development, utilization of green space, trees and other native vegetative cover to reduce runoff and promote infiltration and for preservation and replacement of trees and natural vegetation.
- Provisions for inspections, reporting requirements, and enforcement actions necessary to insure compliance with the MS4 General Permit, the Massachusetts Stormwater Standards, this Bylaw, and the regulations.
- Implementation and maintenance of soil erosion and sedimentation control measures and stormwater runoff control practices in site planning and design.

6.6.2 The regulations may provide for different permitting requirements among projects and facilities, based upon differences in the nature and extent of land disturbance, the effect upon stormwater runoff, and the impacts upon the municipal storm drain system.

6.7 Waiver

The Burlington Conservation Commission may grant a waiver of compliance with this Bylaw. The Commission may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where:

- Such action is allowed by Federal, state, and local statutes and/or regulations; and
- Is in the public interest; and
- Is not inconsistent with the purpose and intent of this Bylaw.

6.8 Consultant fees

As provided by GL Ch. 44 § 53G, the Burlington Conservation Commission may impose reasonable fees for the employment of outside consultants, engaged by the Conservation Commission, for specific expert services deemed necessary by the Commission to come to a final decision on an application submitted to the Conservation Commission pursuant to Burlington Stormwater Bylaw, as it may be amended or enacted from time to time.

6.9 Surety

As part of any Stormwater Permit, the Conservation Commission/Department may require the permittee to post a cash surety before the start of land-disturbing activity. The surety shall be in an amount deemed sufficient by the issuing Commission/Department to ensure that the work will be completed in accordance with the permit. For a phased project the issuing Commission/Board may release part of the surety upon completion of each phase in compliance with the permit. The amount released shall be at the discretion of the Commission/Department. However, the surety may not be fully released until the Commission/Department has received the final report and issued a certificate of completion.

6.10 Appeals

The decisions or orders of the issuing Commission/Department shall be final. Further relief shall be to a court of competent jurisdiction.

6.11 Remedies Not Exclusive

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable Federal, state or local law.

6.12 Certificate of Completion

Upon completion of the work, and if required by the Conservation Commission/Department, the permittee shall submit a report (including certified as-built construction plans unless not required) from a Professional Civil Engineer (P.E.), and/or professional land surveyor when appropriate, certifying that all erosion and sediment control devices, grading, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted. Upon receipt of aforementioned documentation, the Commission shall issue a Certificate of Completion. This Certificate shall identify any continuing requirements.

6.13 Enforcement; violations and penalties

6.13.1 The Conservation Commission or its authorized agent may issue a written order to enforce the provisions of this bylaw or any associated regulations.

6.13.2 The Conservation Commission shall have the authority to enforce this Bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, cease and desist orders, and civil and criminal court actions pursuant to MGL c.83, §10, or any other applicable statute or regulation, including actions for injunctive relief and the imposition of civil penalties. The Town may seek to recover from each violator any additional cost for any expense, loss, or damage to the Town occasioned by such violation.

6.13.3 As an alternative to criminal prosecution or civil action, the Town of Burlington may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, in which case the Conservation Administrator of Burlington shall be the enforcing agent. The penalty for the first violation shall be \$100 each day or part thereof such violation occurs. The penalty for the second violation shall be \$300 each day or part thereof such violation occurs. The penalty for subsequent violations shall be \$300 each day or part thereof for every day such violation occurs.

6.14 Entry

The submission of a Stormwater Bylaw application grants the Commission and its agents permission to enter the site to verify the information in the application. To the extent permitted by law, or if authorized by the owner or other person in control of the property, the Conservation Commission, its officers, agents, and employees may enter upon privately owned property for the purpose of performing their duties, and may make such

inspections and sampling as is reasonably necessary.

6.15 Severability

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

, or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Failed by Roll Call Vote 42 for and 43 against.

A motion was made to adjourn for the evening, seconded and voted unanimously. Meeting was adjourned at 10:54 PM; until May 19th at 7:00 PM

Respectfully Submitted

Jennifer N. Priest
Town Clerk

**ADJOURNED TOWN MEETING
WEDNESDAY MAY 19, 2025
FOGELBURG PERFORMING**

**ARTS CENTER
BURLINGTON HIGH SCHOOL**

A quorum being present, the meeting was called to order at 7:06 PM. The Moderator, Bill Beyer, called the meeting to order and lead the body in the Pledge of Allegiance to the flag. The body picked up where it left off on article 31.

The Moderator also recognized our Audio/Video staff for tonight's meeting which were: Kairui Jia, Giuliana Magrane and Joane Nzikoba, and Auto Engineer Eric Killburn

**ARTICLE # 31 RE: AMEND ARTICLE V
AUTHORITIES, COMMISSIONS, AND
COMMITTEES**

To see if the Town will vote to amend Article V, Authorities, Commissions, and Committees, Section 1.1 Conservation Commissions as follows: **(underline and bold** new and crossout removed):

1.1 Conservation Commission

Voted that the Town accept the provisions of General Laws, Chapter 40, Section 8C as amended, and establish a Conservation Commission of the Town of Burlington for the purposes and with the rights and duties provided by law, to be composed of seven residents of the Town appointed by the Select Board for the terms of three years except that the initial appointments shall be one for one year, two for two years, and two for three years, **and up to two non-voting Associate Commissioners, also residents of the Town and also for the terms of three years**, and there be established a Conservation Fund.

, or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #32 RE: HOME RULE PETITION TO AMEND CHAPTER 686 OF THE ACTS OF 1970, AS AMENDED – AN ACT TO ADD A NEW PARAGRAPH, SECTION 12 (H) – TOWN MEETING ACCESSIBILITY

To see if the Town will vote to authorize the Selectboard to file a Home Rule Petition with the Great and General Court amending Chapter 686 of the Acts of 1970, as amended by adding a new paragraph, Section 12 (h). This new paragraph would read as follows: (h) The Town Meeting shall be accessible by those Town Meeting Members who wish to attend, either in person or remotely via an electronic communications platform, with a maximum of fifteen (15) members attending remotely. This communications platform will allow users to connect via video, audio, phone, and chat, using an internet connection and a supported device. Members of these meetings shall be able to be recognized by the Moderator or Chair, and their vote, where applicable, be recorded via the electronic communications platform.

**Amendment made by GBRC, seconded.
Amendment to the GBRC amendment made by Monte Pearson, seconded, and failed.
Vote on the original GBRC amendment as submitted: failed.**

**Amendment made by John Iler, seconded.
Amendment to the Iler amendment made by Martha Simon, seconded, and failed.
Vote on the original John Iler amendment as submitted: passed and became the main motion.**

MAIN MOTION: To see if the Town will vote to authorize the Select Board to file a Home Rule Petition with the Great and General Court amending Chapter 686 of the Acts of 1970, as amended by adding a new paragraph, Section 12 (h). This new paragraph would read as follows: (h) The Town Meeting shall be accessible by those Town Meeting Members who wish to attend, either in person or remotely via an video conferencing platform, with a maximum of fifteen (15) members attending remotely. This communications platform will allow users to connect using an internet connection and a supported device. Members of these meetings shall be able to be recognized by the Moderator or Chair, and their vote, where applicable, be recorded via the electronic communications platform.

ACTION: Pass

**ARTICLE #33 RE: CREATE AD HOC
IMPLEMENTATION COMMITTEE FOR THE
ELECTRONIC VOTING SYSTEM
IMPLEMENTATION COMMITTEE (EVSIC)**

To see if the Town will vote to authorize the Moderator to establish an ad hoc Electronic Voting System Implementation Committee (EVSIC). The purpose of the Electronic Voting System Implementation Committee (EVSIC) is to request vendor prices, evaluate and recommend a vendor, evaluate continuing expenses including operational procedures and staffing, present the results of these evaluations to the Town Meeting Members, propose changes to the General Bylaws and prepare the articles necessary no later than the May 2026 Town Meeting warrant, set up an implementation schedule including but not limited to - setting up vendor training sessions, and having a launch phase meeting.

The Moderator shall, within 30 days of the adjournment of the Town Meeting where this article is approved, appoint an eight (8) - member ad hoc EVSIC. One member to represent the Finance (Ways & Means) Committee, one member to represent the Town Clerk's Office, one member to

represent the IT Department, three members representing the Town Meeting Membership, and one member to represent the Rules Committee. A representative of the General Bylaw Review Committee shall be a non-voting member of the committee.

The EVSIC shall be disbanded subsequent to adjournment of the Town Meeting post launch phase or 24 months from the creation of the EVSIC Committee.

or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Pass

ARTICLE #34 RE: AMEND ARTICLE VIII, SECTION 8.1, 100-YEAR FLOODPLAIN DISTRICT

To see if the Town will vote to amend the Zoning Bylaws Article VIII, Section 8.1 to include the following language (**underline and bold** new, ~~strikethrough~~ to be removed):

SECTION 8.1.0 100-YEAR FLOODPLAIN DISTRICT

8.1.1 Purpose

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury.
- 2) Eliminate new hazards to emergency response officials.
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
- 5) Eliminate costs associated with the response and cleanup of flooding conditions.
- 6) Reduce damage to public and private property resulting from flooding waters.
- 7) Preserve the natural flood control characteristics and the flood storage capacity of the floodplain.

The floodplain management requirements found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws or regulations.

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

8.1.2 District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Burlington designated as Zone A and AE on the Middlesex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, **dated July 8, 2025**. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further

defined by the Middlesex County Flood Insurance Study (FIS) report dated July 8, 2025~~6~~, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

8.1.3 Definitions

BASE FLOOD ELEVATION defined in Article II

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR defined in Article II

MANUFACTURED HOME defined in Article II

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

RESIDENTIAL defined in Article II

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood

Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL IMPROVEMENTS defined in Article II

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

8.1.4 Permitted Land Uses

The Floodplain District is established as an overlay district to all other districts. The Town of Burlington requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

1. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
2. DEP Inland Wetlands Restrictions (currently 310 CMR 13.00);
3. DEP Minimum Requirements for Subsurface Disposal of Sanitary Sewage (currently 310 CMR 15, Title 5).

8.1.5 Requirements for Development within the Floodway

In Zones A, ~~A1-30~~, and AE, along watercourses that have not had a regulatory floodway designated,

the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

Within the floodway portion of the Floodplain District, as delineated on the **FIRM** the following requirements apply:

1. In Zones ~~A1-30 and AE~~, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such certification shall be to the satisfaction of the Planning Board where site plan approval or a special permit is required and shall be to the satisfaction of the Inspector of Buildings where such approvals are not required.
2. Any encroachment permitted within the floodway in accordance with Section 8.1.5.1 shall comply with the floodplain requirements of the Massachusetts State Building Code.

8.1.6 Requirements for Development within the Flood Plain District

1. For all development, and for proposed subdivisions, the related utilities and utility facilities, such as sewer, water, gas and electrical systems, shall be located and constructed to minimize or eliminate flood damage.
2. The design standards for utilities are as follows:
 - a. New or replacement water supply systems shall be designed to minimize, or eliminate infiltration of flood waters into the systems.
 - b. New or replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
3. Adequate drainage is provided.
4. In A and AE Zones all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

8.1.7 Determination of Compliance with Requirements

For development that requires site plan approval or a special permit, the Planning Board shall have the responsibility to determine whether the proposed building or buildings and related site work conform to the requirements of the Floodplain District. For development for which site plan approval or a special permit is not required, the Inspector of Buildings shall have the responsibility to make this determination.

8.1.8 Submission Requirements

All applications for permission to undertake development within the Floodplain District must be accompanied by sufficient information to permit determination regarding the compliance of the proposed development with the provisions of the Floodplain District. Such information includes, but is not limited to:

1. A plot plan showing the property boundaries, the location of existing buildings and site improvements, the location of new construction or improvements to existing buildings and the boundaries of the floodway and the 100-Year Flood Plain District within the property.

2. Base flood elevation for the property. Data from the FIRM maps must be used, if they provide data for the subject property.

a. Base Flood Elevation Data – Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, **for each developable parcel shown on the design plans within unnumbered A Zones.**

~~b. Floodway Data – When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.~~

3. Elevation of the lowest floor in the building.

4. Elevation of the lowest habitable floor, if different from the lowest floor.

8.1.9 Exemption from Flood Plain District Requirements

Development may be exempted from the requirements of Floodplain District when the property owner, lessee, or other party of interest submits documentation that the Federal Government has reevaluated its designation of the property upon which the development would be located from that indicated in the ~~July 8, 2025~~²⁰²⁴ FIRM Maps and concluded that the property is not subject to flooding during a 100-year flood. For development which requires the approval of the Planning Board, including but not limited to site plan approval or a special permit, the documentation must be found to be satisfactory by the Planning Board before an exemption may be granted.

For development for which Planning Board approval is not required, the documentation must be found to be satisfactory by the Inspector of Buildings before an exemption may be granted. Such documentation may include, but is not limited to, a "Letter of Map Amendment."

8.1.10 Variances to building code floodplain standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

8.1.11 Variances to Zoning Bylaw related to community compliance with the National Flood Insurance Program (NFIP)

A variance from this floodplain bylaw must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

8.1.12 Designation of community Floodplain Administrator

The Town of Burlington hereby designates the Inspector of Buildings to be the official floodplain administrator for the Town.

8.1.13 Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:
FEMA Region I Risk Analysis Branch Chief
~~99 High St., 6th floor, Boston, MA 02110~~

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, ~~251 Causeway Street, Boston, MA 02114~~

8.1.14 Notification of Watercourse Alteration

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

1) Select Board or Mayor, Planning Board and Conservation Commission of adjacent communities;

2) NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
~~251 Causeway Street, 8th Floor~~
~~Boston, MA 02114-2104~~

3) NFIP Program Specialist

Federal Emergency Management Agency, Region 1
~~99 High Street, 6th Floor~~
~~Boston, MA 02110~~

, or to act in any other manner in relation thereto.

MAIN MOTION: AS PRINTED IN THE WARRANT

ACTION: Motion passed by a two-thirds majority (65 in favor, 25 opposed), confirmed by counted vote by the Moderator

ARTICLE #35 RE: ZONING USE TABLE ADVANCEMENT

To see if the Town will vote to remove the Retail Industrial (IR) zoning district from the entirety of the Zoning Bylaw and to amend Article IV, Sections 4.2 “Principal Use Regulation Schedule” and 4.3 “Accessory Use Regulation Schedule” (strikethrough to be removed, **underlined and bold** is new) as follows.

MAIN MOTION: WITHDRAWN

The business of the Town being concluded, a motion was made to adjourn, seconded and voted unanimously. Meeting was adjourned at 9:04 PM.

Respectfully Submitted

Jennifer N. Priest
Town Clerk