

RECEIVED

By Town Clerk's Office at 6:44 pm, Sep 10, 2025

BACK UP

Town Meeting September 29, 2025

7:00 pm

ARTICLE 1

REPORTS OF TOWN OFFICERS

(No backup)

ARTICLE 2

ANNUAL TOWN ELECTIONS

Election 2026 Back-up

The proposed election date for the 2026 Annual Town Election is **Saturday, April 11, 2026**, rather than the first Saturday of the month. This decision is consistent with recent practice and considers both historical precedent and religious observances.

- In **April 2021**, **Easter Sunday fell on April 4**, and the election was held the following Saturday, **April 10**.
- In **April 2022**, there was **no holiday conflict**, but the election was still scheduled for **April 9**, rather than April 2 (the first Saturday).
- For **2026**, the **first Saturday falls on April 4**, during **Passover (April 1–9)** and **Easter weekend (Easter is April 5)**.
- Holding the election on April 4 would conflict with **two major religious observances**, potentially limiting voter participation and the availability of poll workers.

Scheduling the election for **April 11, 2026** helps ensure broader community access and engagement, while maintaining consistency with prior scheduling practices.

ARTICLE 3

BURLINGTON HIGH SCHOOL CONSTRUCTION PROJECT

September 12, 2025

Dear Town Meeting Members,

We write to you as the Burlington High School Building Committee, a diverse group of 22 members who have been deeply involved in the planning and development of the proposed new high school for our district. Over the past two years, we have worked together, alongside town officials and community stakeholders, to ensure that this project meets the needs of our students, aligns with our community's values, and represents the most advantageous approach from both a cost and educational standpoint. We are pleased to report that our entire committee stands united in the work that has been accomplished so far.

The proposed high school has been thoughtfully designed and sized to accommodate the current and projected student population in our town. Extensive studies have been conducted to ensure that the building will meet the needs of our students. The current high school enrolls 950 students and the new high school will have capacity for 1100 students to account for an increase in student population. We have worked with the district to provide flexibility and space for special education programming. Although the total number of classrooms will decrease in the new school, they will be more accommodating to the current educational program and be brought up to 21st century standards to enhance our student's learning experience.

The design includes new classrooms, science labs, a media center, and computer labs that are all equipped with new and improved technology that caters towards a more innovative educational program than what the high school currently has. Extracurricular spaces like Robotics and the Science Center will be updated to provide a better educational experience. The design will also make the school 100% ADA accessible and achieve code compliance and replace all of the existing mechanical systems that are at the end of their useful life.

Throughout the past two years, we have devoted significant time and effort to evaluate all aspects of this project. Our focus has been on creating a solution that is both financially responsible and educationally sound. We have carefully reviewed various design options and configurations, cost considerations, and potential educational outcomes to arrive at the best possible plan. This proposal balances fiscal prudence with the need to offer a modern, adaptable learning environment that will serve our students well into the future. Should this project not move forward, the existing school will require significant work (mechanical and electrical systems, windows, security and technology, fire protection and accessibility upgrades) to extend its useful life. The estimated cost to the town is anticipated to be roughly the same as this proposal, however the work will be very disruptive and prolonged as the school will need to remain open while the work is completed.

As we look to the future, we are extremely happy to be able to provide a building that is more sustainable than what currently stands. Updated mechanical infrastructure will reduce operational expenses and emissions while the green roof design provides another sustainable feature.

We understand that there is a great deal of information to consider regarding this project. Unfortunately, we are also aware that some of the information circulating in the community is inaccurate or based on rumors. We strongly encourage you to reach out directly to any member of our committee or to our consultant team if you have questions or need clarification. We are fully committed to providing clear, factual, and comprehensive answers to ensure that you have the accurate information needed to make an informed decision.

As you prepare to vote, please know that this letter is not a request for your support, but rather a request that you base your decision on reliable information. We trust that you will vote in the way you feel is best for our community.

Thank you for your continued dedication to our town.

Respectfully,

The Burlington High School Building Committee

Nichole Coscia, School Business Manager

Melissa Massardo, School Committee

Katherine Bond, SBC Chair & SC

Jeremy Brooks, School Committee

Christine Monaco, SBC Vice Chair & SC

Meghan Nawoichik, School Committee

Eric Conti, Superintendent of Schools

Lisa Chen, Assistant Superintendent

Bob Cuhna, BPS Director of Operations

Mark Sullivan, BHS Principal

John Attubato, Director of Support Services

Doug Davison, Ways & Means

Neil Guanci, Maintenance Manager

Wendy Czerwinski, BHS Teacher

Laura Maida, BHS Teacher

Tom Regan, BHS Teacher

Gail Pinkham, BHS Parent

Christopher Campbell, Ways & Means Parent

Martha Simon, Burlington Resident

Mimi Bix-Hylan, Burlington Resident

Zachary Titus, BHS Student, Class of 2028

**BURLINGTON
HIGH SCHOOL**

**The Proposed Burlington High School
Building Project**



An addition and renovation to the existing Burlington High School



Existing Conditions

- Multiple essential systems beyond end of life
- Science labs from the 1970s are obsolete
- Over half of classrooms have no windows
- School lacks key modern systems like fire suppression
- ADA accessibility is extremely poor



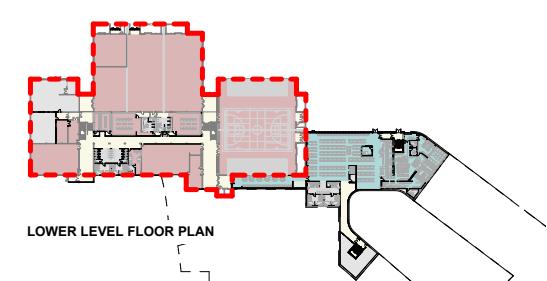
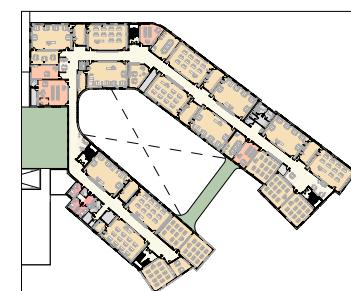
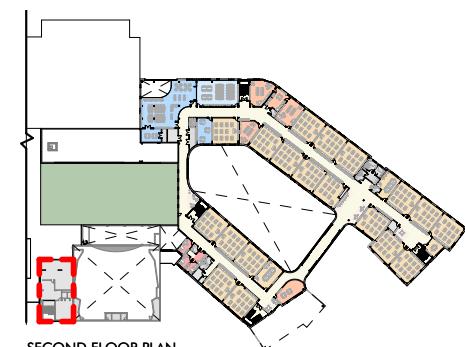
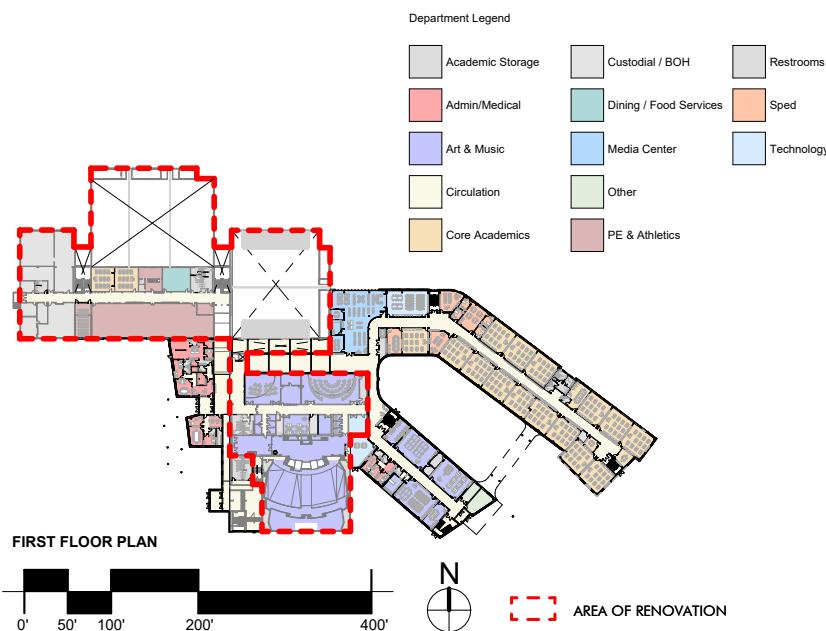
Features of Proposed Design

- All new academic classrooms including state of the art science labs
- Fully designed with 21st century educational practices
- 100% ADA accessible
- Includes renovated “Center for Education” building that houses BECC, BCAT, Central Admin, Robotics, Science Center, BTech and Area123
- Improved traffic circulation for both school and community uses
- It would cost \$330 million to simply bring the current school up to 2025 code compliance with no functional educational improvements. For \$334.8 million we could provide a new high school built for today's students AND renovate the auditorium, gyms and Center for Education!
- If the school opens in the fall of 2029, then current 7th graders would graduate from the new school

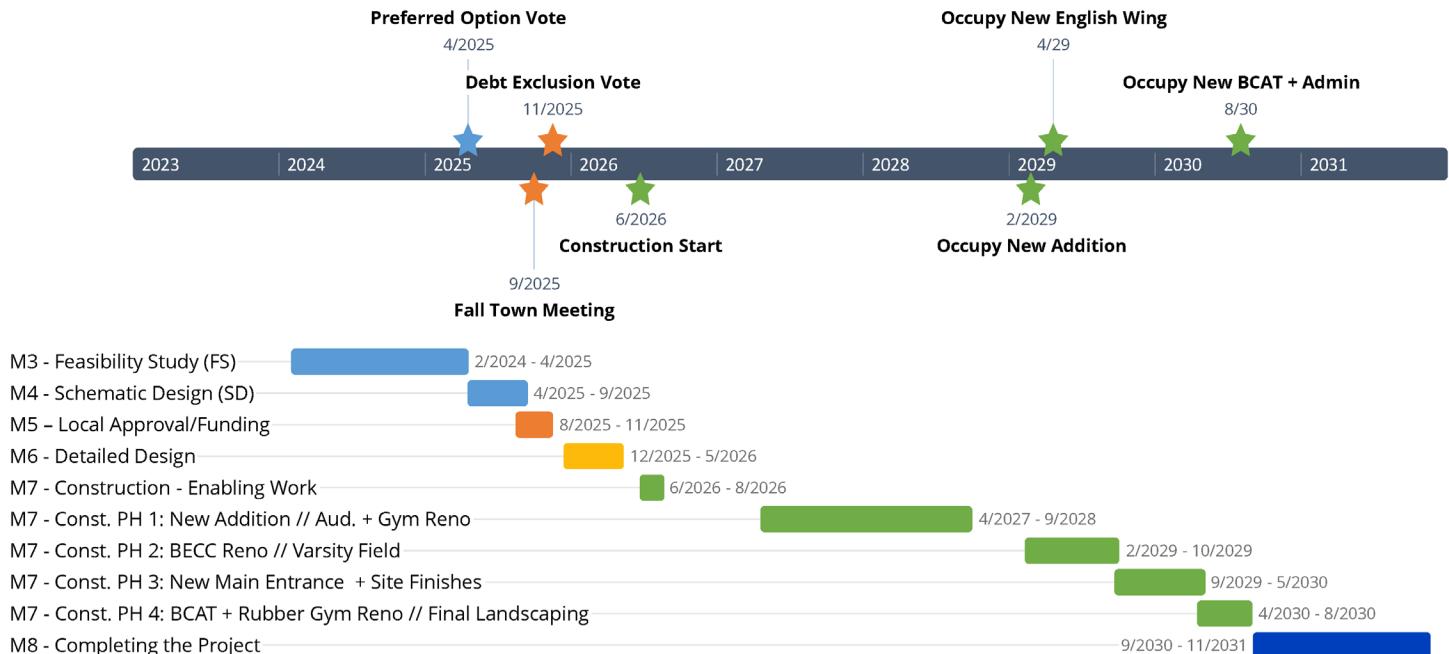




Proposed Floor Plans



Project Timeline



* All dates are shown as month/year (M/YYYY) and are approximate. Durations/dates for Modules 6 through 8 are subject to change

** Module 7 durations are indicated as approximate

Visit the project website for the latest information, content and continued project updates



www.bhsbuildingproject.com



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Architecture · Project Management

ARTICLE 4

FUND ELECTION COSTS FOR DEBT EXCLUSION

(No additional backup information has been included as of the print deadline)

ARTICLE 5

WILL OF MARSHALL SIMONDS (2ND READING)



Center for Human Services
61 Center Street, Burlington, MA 01803
Mailing Address: Town Hall, 29 Center Street, Burlington, MA 01803
Phone (781) 270-1695 * Fax (781) 270-1657
Email: recreation@burlington.org

Simonds Trust

The Simonds Trust was established in 1906 with a gift of land to the Town of Burlington now known as Simonds Park and a parcel of land which is presently the Town Common. With the gift of land came a yearly appropriation of funds from a Trust which is intended to help maintain the facilities on the two parcels. The appropriation grew from \$2,000 to \$9,500 where it remained for 20 years. Currently, thanks to the generosity of the Trustees, the annual appropriation is **\$73,762.09**.

The land and the expenditure of the **\$73,762.09** is under the control of the Recreation Commission. The Trust is controlled by three individuals; Joshua Simonds, who replaces Marshall Simonds and is a relative of the original founder of the Trust; Karen Hoyt a Burlington resident and former Recreation Department Supervisor and Recreation Commissioner and Lauren Cerullo, who is representing Bank of America, which manages the Trust.

Past projects which the Trust money has been spent include renovating the bathrooms/snack bar, construction of the bandstand and Visco building, renovating the tennis courts and skate park, installing a new Musco lighting system, stone walls, sprinkler systems, wading pool, and purchasing picnic tables, park benches and landscape materials. More recently the Trustees have expressed an interest in seeing a portion of the appropriation go towards programming, special events and scholarships for participants in Simonds Park programs. Previously the disbursement, along with a generous private donation, went to the construction of the universally accessible treehouse.

The provisions of the Trust require two votes of Town meeting. To meet disbursement requirements of the Trust the votes are scheduled for May and September, in order for the funds to be appropriated by the end of the calendar year. The votes are necessary in order to accept the Simonds Trust gift for 2025 in the amount of **\$73,762.09**.

Each year when the disbursement figure has been approved by the Trustees, a meeting with the Trustees is scheduled to hear proposals for the expenditure of the funds. We will be scheduling a meeting later this spring and will have a list of projects in the backup for Fall Town Meeting.

- Hire a Landscape Architect to design phase 3 of the accessible path – connecting the front of the Visco building to the pickleball courts
- Program funds for special events
- Scholarship Fund for programs in the park
- Program funds for entertainers
- Replace the flag pole
- Installation of public art and creation of a mural on Visco building foundation wall

ARTICLES 6-8

**FUNDING PUBLIC SAFETY COLLECTIVE
BARGAINING AGREEMENTS**



TOWN OF BURLINGTON

Office of the Town Administrator

John Danizio, Town Administrator

Patrick J. Lawlor, Assistant Town Administrator

To: Town Meeting Members
From: Town Administration
Date: September 2, 2025
Re: Articles 6 - 8 Funding Public Safety Collective Bargaining Agreements

The Town of Burlington has five collective bargaining agreements that provide representation for union employees. Once an agreement is reached between the town and the union, Town Meeting must vote to approve the funding of the contract. This is typically accomplished by transferring funds that were previously appropriated to the Negotiated Settlements Account to the appropriate department operating budgets.

In May, Town Meeting approved the funding of the Burlington Municipal Employees Association contract, the Department of Public Works contract, and the Administrative and Professional Compensation Plan, which is a framework of funding non-union employee compensation. All of these agreements expired as of July 1, 2025 and successor agreements were in place prior to expiration. Three unions are currently operating under expired contracts and are in the process of negotiating successor contracts.

Below is a brief summary and the current status of each contract or compensation plan proposed for funding under Articles 6 through 8.

Article 6 – Burlington Police Command Officers’ Contract

As of the print deadline for backup materials, the Administration and the Union have not yet reached agreement on the terms of a successor contract. Both parties remain optimistic that an agreement can be finalized prior to Town Meeting. If a deal is reached by September 12, the backup materials will be distributed via email, and the article will proceed as planned. If not, this article will be withdrawn.

Article 7 – Burlington Police Patrolmen’s Association Contract

As of the print deadline for backup materials, the Administration and the Union have not yet reached agreement on the terms of a successor contract. Both parties remain optimistic that an agreement can be finalized prior to Town Meeting. If a deal is reached by September 12, the backup materials will be distributed via email, and the article will proceed as planned. If not, this article will be withdrawn.

Article 8 – Burlington International Firefighters’ Association Contract

As of this writing, the Administration and the Union have not yet reached agreement on the terms of a successor contract. This article will be likely withdrawn and reintroduced at the January Town Meeting.

ARTICLE 9

**AMEND ARTICLE XIII SECTION 10 TO ADD
NON-EMERGENCY LIFT ASSIST FEE**



TOWN OF BURLINGTON

FIRE DEPARTMENT



FIRE@burlington.org • www.burlington.org

21 Center Street • Burlington MA 01803 • Tel: (781) 270-1925 • Fax: (781) 270-1980

Andrew J. Connerty
Fire Chief

Steven M. McLean
Assistant Fire Chief

To: Town Administrator John Danizio

Regarding: Lift Assist Fee

Date: June 17, 2025

Town Administrator John Danizio,

One of the calls for service that the Burlington Fire Department responds to is for a person who fell at one of the three assisted living facilities in town. This could be from a standing or walking position or from slipping out of a chair or bed. We will always respond to this type of call as a possible emergency incident for an injury or medical issue due to that likelihood since the residents are elderly. This is most often the case.

Sometimes, after assessing the resident, injuries or medical issues are ruled out. We then assist the resident back to a chair or to bed. This type of incident is termed a "lift assist" call. There are occasions when we respond to the same facility multiple times a day for lift assist calls. In 2024, we responded to 111 lift assist calls across these three facilities.

These facilities are owned and operated by for-profit companies. Residents pay to live in them. The staff are paid by the companies to serve the residents. Occasionally, that service does not include lifting their residents.

There may be company policies in place at these facilities to call us whenever one of their residents fall. This may be due to the possibility of alleviating the companies' liability in causing further injury to the resident. It may be that at the time, the company may not have medical professionals on staff. Alternatively, it may be that the company may want to avoid their employees being injured while lifting the resident. In all of these cases, our Department and our members are assuming the liability and the responsibility that the facility and its employees are not. Currently, we are not compensated for this type of service.

If we encounter an injury or underlying illness on arrival and transport the patient to the hospital, it is no longer a lift assist. It will be a medical aid call and we will charge the residents through the traditional emergency medical billing process. We do not have the ability to charge the facility for helping their residents to a chair or to a bed. Other communities have instituted a "lift

assist" fee. Therefore, I am requesting that this bylaw establishing the fee be put in place. Town Counsel's proposed language is attached.

To establish a cost basis for a lift assist response, the Fire Department will refer to the Federal Emergency Management Agency's (FEMA) *Schedule of Equipment Rates* for charges for an ambulance and a fire engine. The current appropriate minimum personnel costs that staff the apparatus on a medical aid incident at a minimum of one hour will also be included. The current costs are shown below:

Lieutenant: \$53.11

Firefighters: $\$44.97 \times 2 = \89.94

Paramedics: $\$42.44 \times 2 = \84.88

Fire Engine: \$173.47

Ambulance: \$48.32

Total: \$449.72

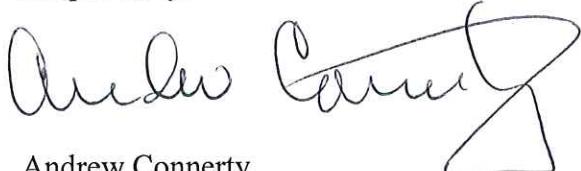
Adjusting for additional increases in personnel costs and FEMA equipment rates, I recommend a lift assist fee of \$500 and a penalty for non-payment of \$25 per 30 days, which may be adjusted from time to time as necessary as stated in the bylaw.

This fee will only be charged to a for-profit assisted living facility, not the resident. It will not be charged to any other residents.

Please contact me if you have any questions or concerns.

Enc: Town Counsel Lift Assist Guidance

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Connerty". The signature is fluid and cursive, with a large, stylized 'A' at the beginning.

Andrew Connerty

Fire Chief

ARTICLE 10

AMEND AND RENAME STORMWATER AND EROSION AND SEDIMENTATION CONTROL BYLAW



TOWN OF BURLINGTON

Conservation Department

Eileen Coleman, Conservation Administrator
Lisa Crockett-Crowe, Principal Clerk

Lucy Hansen, Asst. Conservation Administrator

The purpose of this article is to update the existing Stormwater (Erosion & Sedimentation Control) Bylaw and to promulgate Regulations under the amended Bylaw.

The purpose and authority remain in the Bylaw. The thresholds, which control when the bylaw is applied, remains in the Bylaw. The detailed objectives, procedures and material required to apply for either a Standard or Abbreviated Stormwater permit, including references to state and federal requirements, performance standards, process for approving or waiving all or a portion of a project, are contained within the proposed Regulations.

Since the Bylaw would remain in place, any proposed changes to the purpose, authority, or applicability would still have to be approved by Town Meeting. Proposed changes to the Regulations (found at: <https://www.burlington.org/220/Bylaws-Regulations-Policies>) would go through the Conservation hearing process. In advance of any hearings before the Commission, a subcommittee containing members of the Conservation Commission and “up to 3 members of the public, with 2 members representing the development community,” as detailed in the proposed Regulations, would review proposed changes to the Regulations.

This reformatting and streamlining facilitates the administration and implementation of the Stormwater Bylaw and proposed Regulations in a timely manner. The proposed structure brings Burlington in line with most other towns in the Commonwealth. It provides a more efficient approach to make changes to the application process and technical requirements for a permit if needed.

Describing all sections of the proposed regulations and their origins in the original bylaw

1.0 Purpose

Same as original bylaw, except added to causes of impairment: “Increased runoff causing damage to neighboring properties”

New subcommittee formed “to include Conservation Commission members and staff. The subcommittee would also include up to 3 members of the public, with 2 members representing the development community.”

2.0 Definitions

Definitions altered so that only terms used in the bylaw are defined in the bylaw; only terms used in the regulations are defined in the regulations.

3.0 Detailed Objectives

6.2 of original bylaw moved to 3.0 of regulations in its entirety with the addition of two new objectives:

- (d) Require consideration of and, unless infeasible, implementation of Low Impact Development (LID) Best Management Practices listed in the Massachusetts Stormwater Handbook. Applicants shall demonstrate compliance with design standards for LID BMPs through 5e. f. g. h. i. j. k. l. generally accepted methods. LID BMPs should be considered for their improvements to water quality, and ability to handle water quantity.
- (m) Encourage the preservation and protection of trees on public and private property, and seek to replant trees to replace those removed, recognizing that trees serve a public benefit that protects the public health, welfare, environment and aesthetics.

4.0 Stormwater Management Permit Procedures and Requirements

Note that all exemptions from the requirements to obtain a permit and all thresholds for types of permits **remain in the bylaw**. The requirement limiting tree cutting in the rear zoning setback **remains in the bylaw**.

Administrative requirements for content and format of Standard Stormwater Applications have been moved to the regulations.

4.1.2 Stormwater Management Plan

All content describing the stormwater management plan have been moved from bylaw 6.6.2 to the regulations. Additional details on what a stormwater management plan should contain have been added to the regulation.

4.1.3 Erosion and Sedimentation Control Plan

All content describing the erosion and sedimentation control plan have been moved from bylaw 6.6.3 to the regulations. Additional details on what an erosion and sedimentation control plan should contain have been added to the regulation.

4.1.4 Operation and Maintenance Plan

All content describing the operation and maintenance plan have been moved from bylaw 6.6.4 to the regulations. Additional details on what an operation and maintenance plan should contain have been added to the regulation.

4.1.5 Public Hearing for Standard Stormwater Permit Application

All content of bylaw 6.6.5 describing requirements for public hearings for Standard Stormwater Permit applications have been moved verbatim to the regulations.

4.2 Abbreviated Stormwater Permit

Administrative requirements for content and format of Abbreviated Stormwater Applications have been moved to the regulations. The content is the same as bylaw section 6.7, reformatted without any significant content changes.

5.1 Performance Standards for all projects subject to a Stormwater Permit

The entire content of bylaw section 6.8.1 has been moved to the regulations here. Additionally:

- Rules for tree cutting in the rear zoning setback that appear in the bylaw are reiterated here with guidance that it only applies to trees of 3" dbh (diameter at breast height) or more.
- The following guidance is added to *encourage* (not require) 1:1 replacement of trees removed across the property:
 - “Trees promote the retention and detention of stormwater runoff. For projects applying for the Standard Stormwater Permit, the Conservation Commission encourages a 1:1 replacement of trees removed across the property. For projects applying for an Abbreviated Stormwater Permit, the Conservation Commission encourages the replacement of trees on a 1:1 replacement basis. The property owner shall make a reasonable effort to consider cost, logistics, and alternate vegetation preference in deciding the extent to which this replacement standard will be achieved, except as noted for the rear zoning setback.”

5.2 Additional performance standards for all projects requiring plans stamped by a Professional Civil Engineer:

The entire content of bylaw section 6.8.2 has been transferred here with one additional new requirement: “Drainage calculations shall be submitted to document compliance.”

5.3 Additional Performance Standards for New Development and Redevelopment projects disturbing more than one acre:

The entire content of bylaw 6.8.3 have been transferred here except:

- 6.8.3.4 was moved to regulation section 5.1
- 6.8.3.5 was deleted, it would be self-evident in the regulations.

6.0 Entry

The entire content of bylaw section 6.9 was transferred here.

7.0 Application Fees

The entire content of bylaw section 6.10.1 has been transferred here with the following changes:

- The fee shall be established “by the Burlington Conservation” changed to “by the Commission”.
- Added: “Applicants are also responsible for legal advertisement fees”.
- An attachment containing a table of application fees will be created.

8.0 Information Requests

The entire bylaw section 6.11 transferred here.

9.0 Approval Process for a Standard Stormwater Permit

The entire content of bylaw section 6.12 has been transferred here with the following addition: The Commission may ‘Disapprove the issuance of a Permit “without prejudice” where an applicant fails to provide requested additional information or review fees that in the Conservation Commission’s opinion are needed to adequately describe or review the proposed project’.

10.0 Project Changes for a Standard Stormwater Permit

The entire content of bylaw section 6.13 has been transferred here except that “based on the Stormwater Management Standards in Sections 6.6.3.2, 6.6.4.2, 6.7.2 or 6.8 of this Bylaw” has been replaced with “based on the Stormwater Management Standards of the Stormwater Bylaw”.

11.0 Engineering and / or Consultant Review for Standard Permits

This section is new in its entirety and describes the employment of outside consultants “for specific expert services deemed necessary...to come to a final decision...”. It expands greatly on bylaw section 6.10.1 which states “The Commission is authorized to retain a Professional Civil Engineer or other professional consultant to advise the Commission on any or all aspects of these plans”.

12.0 Inspection and Site Supervision

- 12.1 Pre-construction meeting
 - Bylaw section 6.15.1 has been transferred here in its entirety
- 12.2 Inspections
 - Bylaw sections 6.15.2.1 and 6.15.2.2 have been transferred to 12.2.1 and 12.2.2 respectively in their entirety.

13.0 Surety

Bylaw section 6.16 has been transferred here in its entirety except that “until the Commission has received the final report as required by Section 6.17 and issued a certificate of completion” has been replaced with “until the Commission has received the final report and issued a certificate of completion”.

14.0 Final Reports

Bylaw section 6.17 has been transferred here in its entirety.

15.0 Project Completion for a Standard Stormwater Permit

Bylaw section 6.14 has been transferred in its entirety, and a new paragraph has been added: “Upon determining all work completed under a Standard permit has been satisfactorily completed in conformance with this Bylaw and the Permit, and all required documentation has been submitted, the Commission shall issue a Certificate of Completion. This Certificate shall identify any continuing requirements. The Certificate of Completion shall stipulate the permit holder is to remove required erosion controls unless changed or waived by the Conservation Administrator within thirty (30) days of the date on the Certificate.”

16.0 Enforcement

Bylaw section 6.18 and all its subsections has been transferred here in their entirety.

17.0 Severability

Bylaw section 6.20 has been transferred here in its entirety.

18.0 Waiver

Bylaw section 6.5.1 has been transferred here but modified to read:

“The Commission may waive strict compliance with any requirement of the Town of Burlington Stormwater Regulations promulgated hereunder, where:

1. federal, state and local statutes and/or regulations allow such action, and
2. it is in the public interest, and

3. it is not inconsistent with the purpose and intent of the Town of Burlington Stormwater Management Bylaw.

- a) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Regulations does not further the purposes or objectives of these Regulations.
- b) All waiver requests shall be acted on within 30 calendar days and the Commission will provide written findings.
- c) If, in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may request an extension of the review period. In the event the applicant objects to an extension, or fails to provide requested information, the waiver request may be denied, "without prejudice" by the Commission."

Burlington Stormwater Bylaw Regulations

1.0 Purpose

These Regulations have been adopted by the Burlington Conservation Commission (the Commission) in accordance with Article XIV, Section 6, the Town of Burlington Stormwater Management Bylaw (the Bylaw).

The purpose of these Stormwater Regulations is to protect, maintain and enhance public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased runoff, decreased ground water recharge, erosion and sedimentation, and nonpoint source pollution associated with new development and redevelopment of land, pursuant to, and for administration and implementation of, the Burlington Stormwater Management Bylaw.

Increased and contaminated stormwater runoff associated with development and redevelopment projects and the accompanying increase in impervious surface are major causes of impairment, including

- a. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- b. contamination of drinking water supplies;
- c. alteration or destruction of aquatic and wildlife habitat;
- d. flooding;
- e. erosion of stream channels; and
- f. overloading or clogging of municipal catch basins and storm drainage systems.
- g. increased runoff causing damage to neighboring properties

The Conservation Commission may periodically amend these regulations pursuant to Article XIV, Section 6 of the Burlington Stormwater Management Bylaw.

The Conservation Commission shall form a subcommittee, to include Conservation Commission members and staff. The subcommittee would also include up to 3 members of the public, with 2 members representing the development community. No public hearing on any regulatory changes shall take place prior to a meeting of the subcommittee.

These Stormwater Regulations comply with all the applicable state and Federal statutes and regulations.

2.0 Definitions

The following definitions are in addition to those contained within the Burlington Stormwater Bylaw.

ABBREVIATED STORMWATER PERMIT: An administratively issued permit issued for a land-disturbing activity that meets at least one of the following criteria:
Is equal to or greater than 5,000 square feet, but less than 20,000 square feet, or

Results in an increase in impervious area equaling 5% but less than 10% of the total area of the property, or
Is for construction of a new residential property unless one of the thresholds for a Standard Stormwater Permit Applies.

ABUTTER: The owner(s) of land abutting or within one hundred feet of the activity, unless otherwise specified.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff from a pre-activity condition. Such changes from a pre-activity condition may include: change from distributed runoff to confined discrete point discharges, change in the volume of runoff from the area, change in the peak rate of runoff from the area, and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sedimentation control permit for proposed land-disturbance activity.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from an erosion and sedimentation control permit.

AUTHORIZED ENFORCEMENT AGENCIES: The Burlington Conservation Commission is the lead agency with authority given by this Bylaw to promulgate regulations and policies that support the goals and objectives of this Bylaw. The Burlington Conservation Commission, its employees or agents share the administration and enforcement of this Bylaw as detailed herein.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps reduce the quantity or improve the quality of stormwater runoff. It shall also include schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems.

COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including, but not limited to, concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

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

DISTURBANCE: Action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction and movement and stockpiling of topsoils.

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.

FILL: Fill means soil, sediments, rock and/or stone obtained off-site that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property.

GRADING: Changing the level or shape of the ground surface contour by means of excavation, fill, in-place ground modification, or any combination thereof, including the establishment of a grade following demolition of a structure.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include, but is not limited to: roads, driveways, parking areas and other areas created using non-porous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

LAND IN AGRICULTURAL USE: Normal maintenance and improvement of land in agricultural or aquacultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.4.

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures each development site is designed to protect, or restore, the natural hydrology of the site. This can be achieved by the incorporation of non-structural and natural approaches to new and redevelopment projects to reduce adverse effects on water quality and the natural environment by conserving natural areas, reducing impervious cover and better integrating stormwater treatments.

MILL AND OVERLAY: A street maintenance technique that requires the removal of the top layer (two inches) of a street by the grinding action of a large milling machine. After the top layer is removed, a new layer of bituminous pavement is put in its place.

NEW DEVELOPMENT: Any construction activities or land alteration on an area that has not previously been developed to include impervious cover.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure it continues to function as designed.

PERMITTEE: Person to whom Stormwater Permit is issued.

PHASING: Disturbance of a parcel of land in distinct phases, with the stabilization of each phase completed before the commencement of the next.

PLAN: A technical drawing that shows details of how a building or site will be built or developed.

PRE-CONSTRUCTION: All activity in preparation for construction.

PROFESSIONAL CIVIL ENGINEER: Professional Civil Engineer means a person who has been duly registered as an Engineer by the Massachusetts Board of Registration of Professional Engineers and professional land Surveyors and who holds a current license to practice.

RESPONSIBLE PARTY: Any entity holding the fee title to the property or other person contracted or obligated by other agreement to implement and maintain pre- and post-construction stormwater BMPs.

ROUTINE LANDSCAPING ACTIVITY: Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling conducted in such a way as to not:

- Alter existing grades by more than six (6) inches in elevation, or
- Alter drainage patterns, or
- Add new impervious surface to the site, excluding sheds.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is the product of erosion processes and is transported by wind or water from its origin to another location.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, clay or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STANDARD STORMWATER PERMIT: A permit issued under this Bylaw containing conditions requiring best management practices be implemented to prevent erosion and sedimentation from the site. This permit applies to all commercial projects and to non-commercial projects proposing a land-disturbing activity that results in an increase of impervious area equaling 10% of the total area of the property or greater and/or disturbs more than 20,000 square feet.

STORMWATER AND EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a professional civil engineer (PE), a Certified Professional in Erosion and Sedimentation Control (CPESC) or other qualified professional, which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land-disturbing activities.

STORMWATER CONTROL MEASURE (SCM): Synonymous with Best Management Practice (BMP).

STORMWATER MANAGEMENT PLAN: A plan showing existing and proposed features on a site. This is required as part of the application for a Stormwater Permit. See Section 4.1.2.

STORMWATER PERMIT APPLICATION PACKAGE: The application materials consisting of a Stormwater Management Plan, an Erosion and Sedimentation Control Plan, and an Operation and Maintenance Plan submitted to the Burlington Conservation Commission requesting a Stormwater Permit.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TOTAL MAXIMUM DAILY LOAD (TMDL): Is a calculation of the maximum amount of a pollutant a waterbody can receive and still meet water quality standards and an allocation of that amount to the pollutant's sources. A TMDL includes load allocations for nonpoint sources and/or natural background and must include a margin of safety and account for seasonal variations.

TOTAL SUSPENDED SOLIDS (TSS): Total Suspended Solids is a water quality measurement that includes particles suspended in water that will not pass through a filter.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in either the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 or in Burlington's Wetlands Protection Bylaw (Article XIV, section 1.0).

WETLANDS: Areas characterized by saturated or nearly saturated soils much of the year that are located between terrestrial (land-based) and aquatic (water-based) environments including freshwater marshes around ponds and channels (rivers and streams). Common names include marshes, swamps and bogs.

3.0 Detailed Objectives

The Stormwater Bylaw and these Regulations comply with Federal and state statutes and regulations relating to stormwater discharges including total maximum daily load requirements and with the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection (Municipal Separate Storm Sewer Systems "MS4 Permit"). They are intended to:

- a. Protect ground water and surface water to prevent degradation of water quality and drinking water supply;
- b. Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land-disturbing activities;
- c. Promote infiltration and the recharge of groundwater;
- d. Require consideration of and, unless infeasible, implementation of Low Impact Development (LID) Best Management Practices listed in the Massachusetts Stormwater Handbook.
Applicants shall demonstrate compliance with design standards for LID BMPs through

generally accepted methods. LID BMPs should be considered for their improvements to water quality, and ability to handle water quantity.

- e. Ensure that soil erosion and sedimentation control measures and stormwater runoff control measures are incorporated into the site planning and design process and are implemented and maintained;
- f. Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site that may cause adverse impacts to water quality;
- g. Establish minimum construction and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- h. Prevent pollutants from entering the Burlington MS4 and to minimize discharge of pollutants from the MS4;
- i. Ensure adequate long-term operation and maintenance of structural stormwater best management practices so that stormwater structures work as designed;
- j. Comply with Federal and state statutes and regulations relating to stormwater discharges;
- k. Establish the legal authority for the Town of Burlington to ensure compliance with the provisions of the Bylaw through inspection, monitoring, and enforcement; and
- l. Prevent flooding and erosion to abutting properties.
- m. Encourage the preservation and protection of trees on public and private property, and seek to replant trees to replace those removed, recognizing that trees serve a public benefit that protects the public health, welfare, environment and aesthetics.

4.0 Stormwater Management Permit Procedures and Requirements

4.1 Standard Stormwater Permit

Application for Standard Stormwater Permit

The site owner or his/her agent shall file with the Burlington Conservation Commission three (3) copies of a completed application package for a Standard Stormwater Permit. Permit issuance is required prior to any site-altering activity. While the Applicant can be a representative of the site owner, the permittee must be the owner of the site.

4.1.1 Standard Stormwater Application Package

The Standard Stormwater Application package shall include:

A completed Application Form with original signatures of all owners plus two (2) copies of the signed form;

Proof of written notification to all Abutters within 100 feet of the proposed activity by hand delivery or certified mail, return receipt requested, or by certificates of mailing;

Proof of any test pits witnessed by a Licensed Soil Evaluator;

A narrative describing proposed project including stormwater management.

Three (3) copies of the site plan showing all construction, grading and drainage, stamped by a Professional Civil Engineer;

Three (3) copies of the drainage calculations, stamped by a Professional Civil Engineer;

Three (3) copies of the Stormwater Management Plan, stamped by a Professional Civil Engineer;

Three (3) copies of the Erosion and Sediment Control Plan, stamped by a Professional Civil Engineer;

Three (3) copies of the Operation and Maintenance Plan, stamped by a Professional Civil Engineer;

A copy of the Stormwater Pollution Prevention Plan if one must be prepared in connection with the project;

One (1) electronic copy of the complete package, which may be submitted through the Town's on-line permitting portal; and

Payment of the application fees.

4.1.2 Stormwater Management Plan

The Stormwater Management Plan shall contain sufficient information for the Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards (or as revised), the Massachusetts Stormwater Management Handbook Volumes I and II (or as revised), and the criteria established in these Regulations and must be signed and stamped by a Professional Engineer (PE) licensed to conduct such work in the Commonwealth of Massachusetts.

The Stormwater Management Site Plan shall include:

- 1) Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;
- 2) A locus map;
- 3) The size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
- 4) The existing zoning and land use at the site and on abutting properties;
- 5) The proposed land use;

- 6) Property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, utilities and other encumbrances;
- 7) Lines of existing abutting streets showing drainage, driveway locations and curb cuts;
- 8) Existing and proposed topography on the site, at two-foot (2') intervals, with areas of steep slopes over 15%-25%, and over 25% specifically delineated, and with spot elevations provided when needed. Existing topography fifty feet (50') beyond the perimeter of the parcel as it appears on the most current Mass GIS layer for the Town of Burlington.
- 9) The location of the 100-year flood zone boundary on or within one hundred feet (100') of the project site based upon the most recent Flood Insurance Rate Map (FIRM) or as calculated by a professional engineer for areas not assessed on these maps;
- 10) The general outline of existing vegetation, wooded areas, significant mature trees, unique species and tree clusters and the extent of all vegetation, including all trees 6" or greater and identifying those proposed to be retained or proposed to be removed and demonstrating that trees in the rear zoning setback are to be retained;
- 11) Locations of existing and proposed wells and septic systems on or within 50 feet of the site;
- 12) A drainage area map showing pre and post construction watersheds, sub-watersheds and stormwater flow paths, including municipal drainage system flows;
- 13) A description of existing soils on the site (type, hydrologic soil group, erodibility), and the volume and nature of any imported soil materials from the most recent NRCS atlas;
- 14) Soils logs from test pits performed at the location of proposed infiltration and storage basins, including but not limited to soil descriptions, depth to seasonal high groundwater and depth to bedrock;
- 15) Proposed improvements, including locations of buildings or other structures, impervious surfaces, and drainage facilities;
- 16) Descriptions and drawings of all components of the proposed stormwater management system including:
 - i. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
 - ii. All measures for the detention, retention or infiltration of water;
 - iii. All measures for the protection of water quality;
 - iv. The structural details for all components of the proposed drainage systems and stormwater management facilities;
 - v. Notes on drawings specifying materials to be used, construction specifications, and typical details.
- 17) Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in these Regulations. Such calculations shall be conducted in accordance with the most recent version of the Massachusetts Stormwater Handbook, NOAA 14 plus rainfall data, and the criteria set forth in Section 6 and shall include:
 - i. Description of the design storm frequency, intensity and duration;
 - ii. Time of concentration;
 - iii. Soil Runoff Curve Number (CN) based on land use and soil hydrologic group;

- iv. Peak runoff rates and total runoff volumes for each watershed and subwatershed area under existing and proposed conditions;
- v. Infiltration rates, where applicable;
- vi. Culvert capacities of downgradient culverts;
- vii. Design calculations for closed drainage systems being used to convey stormwater to flow attenuation BMPs;
- viii. Flow velocities at outlets to BMPs; and,
- ix. Documentation of sources for all computation methods and field test results;

18) Post-Development downstream analysis, if deemed necessary by the Conservation Commission;

19) Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed,

20) Erosion and sedimentation control measures;

21) Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within the site and demonstrating by notation on the plan that trees in the rear zoning setback shall be preserved and protected or, where specimens are proposed to be removed in the rear zoning setback or have been removed with the preceding 4 months, the landscaping plan shall show the locations and species of their proposed 1:1 replacements.

22) Any other information requested by the Commission; and,

23) Site plans included with the Stormwater Management Plan shall be prepared on 24 x 36 inch sheets at a scale of 1"= 20', or otherwise approved by the Commission, and shall include a title, date, north arrow, names of abutters, scale, legend, and locus map (1"=800'). Revised plans shall contain a notation listing and describing all revisions, additions, and deletions made to the originally submitted plans and the complete date of each.

The Conservation Administrator may, at their discretion, waive some detail requirements described herein as long as in their opinion, the goals and objectives of the Bylaw or Regulations are not compromised.

The Stormwater Management Plan shall meet the current Standards of the Massachusetts Stormwater Regulations and the MS4 permit requirements of the Town of Burlington. When one or more of the standards cannot be met, an Applicant shall demonstrate an equivalent level of environmental protection will be provided. This determination shall be at the discretion of the Conservation Commission.

4.1.3 Erosion and Sedimentation Control Plan

The Erosion and Sedimentation Control Plan contained within the Stormwater Application Package shall contain sufficient information to describe the proposed erosion and sedimentation controls. The plan shall be designed to ensure compliance with the Stormwater Permit, these Regulations, the Massachusetts Stormwater Handbook (or as revised), and the NPDES Construction General Permit (when applicable). In addition, the plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons. The Applicant shall submit such material as is necessary to show the proposed development will comply with the design requirements. The

Conservation Administrator may, at their discretion, waive some detail requirements described below as long as, in their opinion, the goals and objectives of this Bylaw are not compromised.

The Plan shall at a minimum contain the following information:

- Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
- Title, date, north arrow, names of abutters, scale, legend, and locus map;
- Location and description of natural features;
- Location of all existing and proposed building and impervious surfaces;
- Design details for both temporary and permanent erosion control structures;
- Suitable contours for the existing and proposed topography;
- All trees 6" or greater in diameter at breast height (DBH) within the limit of work showing the location of the trunk, a notation of the diameter and species, and the approximate edge of the canopy drawn to scale. All trees that are proposed to be removed and all protected trees that are proposed to be saved should be identified on the plan;
- Monitoring wells (if applicable); and
- Estimated Seasonal High Groundwater Table (ESHGWT): The estimated highest level to a zone of saturation in the soil in most years under normal wet season, as determined by a Licensed Soil Evaluator.
- Existing soils, volume and nature of imported soil materials;
- Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed; for driveway drainage, either spot elevations, or drainage flow line, or a note on this plan;
- Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
- Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
- Location and details of erosion and sedimentation control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;)

- Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;)
- A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;)
- Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control

The Erosion and Sedimentation Control Plan must conform to the details of the MS4 Permit and these regulations.

4.1.4 Operations and Maintenance Plan

Operation and Maintenance plan (O&M Plan) is required as part of the Stormwater Application Package at the time of application for all projects. Upon request by the Applicant, the Commission may delay the completion date of the O&M plan, but in all cases, the O&M Plan must be submitted and approved prior to the completion of the project and before any occupancy takes place.

The O&M Plan shall remain on file with the Commission and shall be an ongoing requirement for the Responsible Parties in perpetuity. The details of the O&M Plan shall conform to the requirements of the Permit, these Regulations and the Massachusetts Stormwater Management Standards (or as revised), the Massachusetts Stormwater Management Handbook Volumes I and II (or as revised). The O&M Plan shall, at a minimum, include:

- a. The name(s) of the owner(s) for all components of the system;
- b. Detail of maintenance agreements;
- c. Detail on stormwater management easement(s) with the purpose and location of each;
- d. Easements shall be recorded with the Middlesex South Registry of Deeds prior to issuance of a Certificate of Completion by the Conservation Commission;
- e. A map showing the location of the system and facilities including all structural and nonstructural stormwater best management practices (BMPs), catch basins, manholes/access lids, pipes, and other stormwater devices;
- f. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed;
- g. Changes to O&M Plans
 1. The owner(s) of the stormwater management system must notify the Commission of changes in ownership or assignment of financial responsibility.
 2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of these Bylaw Regulations by mutual agreement of the Commission and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility;

g. To ensure adequate long-term operation and maintenance of stormwater management practices, permittees are required to file an annual Operation and Maintenance Report and Certification with the Conservation Commission.

The O&M plan shall be designed to ensure compliance with the Permit and these Regulations and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Commission shall make the final decision of what maintenance option and its frequency is appropriate in a given situation. The Commission will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision.

The O&M Plan for a project with a Standard Stormwater Permit shall be recorded at the Southern Middlesex Registry of Deeds prior to occupancy. The Applicant shall provide proof to the Commission that the O&M Plan has been filed.

4.1.5 Public Hearing for Standard Stormwater Permit Application

Within seven (7) days of the filing date, the Commission (through its agent) shall make a determination on whether to schedule a formal hearing before the Commission. This determination shall be made based on an assessment of the potential for sedimentation and erosion from the proposed land-disturbing activity (including grubbing, clearing and/or grading). The Commission's agent shall give consideration to the original and proposed grading of the site, existing slopes, the presence of intermittent streams or channels, the size of the site, and/or other factors which may contribute to runoff and erosion potential.

The Commission shall hold a public hearing within twenty-one (21) days of the receipt of a complete application (or a greater timeframe as mutually agreed upon) and shall take final action within either twenty-one (21) days from the time of the close of the hearing or within such longer time period mutually agreed to by both the Commission and the Applicant to coincide with other regulatory decisions on the same project. Notice of the public hearing shall be given by publication and posting, and by first-class mailings to abutters (owners of land within one hundred feet from the boundary of the site) at least seven (7) days prior to the hearing. The Commission shall make the application available for inspection by the public during business hours at the Conservation Department office.

4.2 Abbreviated Stormwater Permit

4.2.1 Application for Abbreviated Stormwater Control Permit

The site owner or his/her agent shall file with the Commission two (2) copies of a completed application package for an Abbreviated Stormwater Permit. Application may be made through the Town's on-line permitting portal. Permit issuance is required prior to any site-altering activity. While the Applicant can be a representative of the site owner, the permittee must be the owner of the site.

The application package shall contain

- An Application Form with original signatures of all owners;
- A Stormwater Management/Erosion and Sediment Control Plan;
- Proof of written notification to properties that directly abut the project property by hand delivery or certified mail, return receipt requested, or by certificates of mailing;

- An Acknowledgement Letter signed by the property owner to accept responsibility for compliance with permitting.

The Stormwater Management/Erosion and Sediment Control Plan shall at a minimum contain sufficient information to describe the existing and proposed features of the land including structures, vegetation, and drainage and anticipated maintenance requirements of structures. This Plan shall also contain sufficient information to describe the proposed erosion and sedimentation controls and to show the proposed development will comply with the design requirements. The Conservation Commission and its agents reserves the right to request more information for the application to be consistent with the goals of this bylaw.

The Stormwater Management/Erosion and Sediment Control Plan shall conform to any detail provided in either regulations or policies promulgated under the Bylaw. At a minimum all projects shall comply with the performance standards of the most recent version of the DEP stormwater management standards and The Massachusetts Stormwater Handbook, to the extent practicable, and this Bylaw.

For projects involving construction of a new residential property or for projects on existing residential property proposing an increase in impervious surface of 10% or more of the total lot or for projects with a total land disturbance of 10,000 square feet or more, or for projects including any filling an area over 1000 square feet by more than 6", the following, stamped by a Professional Civil Engineer, shall be submitted:

- drainage calculations,
- an Operation & Maintenance Plan, and
- the Stormwater and Erosion and Sediment Control Plan.

4.2.2 Abbreviated Stormwater Permit Issuance

Within seven (7) days of the filing date, the agent of the Commission will issue an Abbreviated Stormwater Permit under this Bylaw. No public meeting or hearing shall be required for sites in this category. For sites in this size category not adequately covered by the Abbreviated Stormwater Permit, additional special conditions may be appended by the Commission. The Commission may extend the seven (7) day turnaround time for issuing the Abbreviated Stormwater Permit for reasons of insufficient information of which the Applicant has been notified in writing.

4.2.3 Project Completion

Upon completion of a project involving construction of a new residential property, an increase in impervious surface of 10% or more of the total lot size, a total land disturbance of 10,000 square feet or more or any filling of more than 6", the Applicant shall provide certification from a Professional Civil Engineer that stormwater management features were installed as designed.

Upon completion of small projects not requiring a stamped plan for permit issuance, the Applicant shall request an inspection by the Commission or Conservation Department staff.

5.0 Performance Standards for Stormwater Permits

5.1 Performance Standards for all projects subject to a Stormwater Permit:

1. At a minimum, all projects (new and redevelopment) shall comply with the performance standards of the Massachusetts stormwater management standards in 310 CMR 10.00 and the most recent version of the Massachusetts Stormwater Handbook.
2. At a minimum, shall not increase either rates or volume of runoff from existing conditions.
3. All projects must consider and, unless infeasible, propose and implement Low Impact Development (LID) Best Management Practices listed in the latest Massachusetts Stormwater Handbook. Applicants shall demonstrate compliance with design standards for LID BMPs through generally accepted methods. LID BMPs should be considered for their improvements to water quality, and ability to handle water quantity.
4. Except as expressly provided, the design of treatment and infiltration practices and BMPs, shall meet the Standards set forth in the Massachusetts Stormwater Handbook. Where an inconsistency exists between state requirements and the Burlington Stormwater Bylaw, the stricter standards shall apply.
5. No trees over 3 inches dbh (diameter at breast height) shall be removed for either a Standard Stormwater Permit or an Abbreviated Stormwater Permit within the rear zoning setback without a waiver from the Commission. The Commission reserves the right to require replacement of any trees removed from the rear zoning setback.
6. Trees promote the retention and detention of stormwater runoff. For projects applying for the Standard Stormwater Permit, the Conservation Commission encourages a 1:1 replacement of trees removed across the property. For projects applying for an Abbreviated Stormwater Permit, the Conservation Commission encourages the replacement of trees on a 1:1 replacement basis. The property owner shall make a reasonable effort to consider cost, logistics, and alternate vegetation preference in deciding the extent to which this replacement standard will be achieved, except as noted for the rear zoning setback.
7. Redevelopment activities exclusively limited to maintenance and improvement of existing roadways (excavating down to dirt/soil), including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects shall only be required to improve existing drainage conditions where feasible.

5.2 Additional performance standards for all projects requiring plans stamped by a Professional Civil Engineer:

1. Site shall be designed such that the post-development peak discharge rates do not exceed pre-development rates for the 2, 10, 25 and 100-year 24-hour storm event. Projects shall also be designed to ensure that post-development discharge volumes do not exceed pre-development values. The use of infiltration and LID techniques for such purposes is preferred. Drainage calculations shall be submitted to document compliance.

2. All projects shall, at a minimum, utilize the 90% confidence interval of the 24-hour rainfall data taken from the NOAA Atlas 14 Point Precipitation Frequency Estimates unless the Massachusetts DEP Stormwater Management Standards adopts newer sources for 24-hour rainfall data.

5.3 Additional Performance Standards for New Development and Redevelopment projects disturbing more than one acre:

1. Stormwater management systems on new development disturbing more than one acre shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
2. Stormwater management systems on redevelopment sites disturbing more than one acre shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
3. When determining whether the requirements have been met, the Conservation Commission shall consider all stormwater management practices available and capable of being implemented after taking into consideration costs, existing technology, proposed use, and logistics in light of overall project purposes. Project purposes shall be defined generally (e.g., single family home or expansion of a commercial development). Applicants shall detail how the project will:
 - a. Comply with the Massachusetts Stormwater Management Standards as further defined in the Massachusetts Stormwater Handbook or its successor;
 - b. Implement structural and non-structural stormwater best management practices (BMPs) for projects that discharge, directly or indirectly, to a water body subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs). These practices shall be consistent with each such TMDL;
 - c. Implement structural and non-structural stormwater BMPs optimized to remove the pollutant(s) responsible for the impairment to the extent the project will discharge, directly or indirectly, to an impaired water body not subject to a TMDL;
 - d. Avoid disturbance of areas susceptible to erosion and sediment loss;
 - e. Use Low Impact Development (LID) techniques where adequate soil, groundwater and topographic conditions allow. These may include, but not limited to, reduction in impervious surfaces, disconnection of impervious surfaces, bioretention (rain gardens), and infiltration systems.

6.0 Entry

Filing an application for a permit grants the Commission and its agent's permission to enter the site to verify the information in the application.

7.0 Application Fees

The fee table is attached in Appendix A of these regulations.

Standard Stormwater Permit fee

The Commission shall obtain with each submission an Application Fee. The fee shall be established by the Commission to cover expenses connected with the public hearing and application review for the Stormwater Permit and a technical Review Fee (if requested by the Commission) sufficient to cover professional technical review, if needed. The Commission is authorized to retain a Professional Civil Engineer or other professional consultant to advise the Commission on any or all aspects of these plans as provided by G.L.c. 44, Section 53G. Applicants must pay all review fees due before a permit will be issued. The Commission will not be subject to final action deadlines if the appropriate fees have not been paid. Applicants are also responsible for legal advertisement fees.

Abbreviated Stormwater Permit fee

The Commission will establish a reduced fee schedule for Abbreviated Stormwater Permit applications.

8.0 Information requests

The Applicant shall submit all additional information requested by the Commission to issue a decision on the application.

9.0 Approval Process for a Standard Stormwater Permit

The Commission may:

Issue a Permit based upon a determination the proposed plan meets the Massachusetts Stormwater Management Standards, adequately protects the water resources of the community, and complies with the requirements;

Issue a Permit subject to any conditions, modifications or restrictions required by the Commission which will ensure the project meets the Massachusetts Stormwater Management Standards and adequately protect water resources;

Disapprove the issuance of a Permit based upon a determination the proposed plan as submitted does not meet the Massachusetts Stormwater Management Standards referenced or adequately protect surface and/or groundwater resources as set forth in the Bylaw.

Disapprove the issuance of a Permit “without prejudice” where an applicant fails to provide requested additional information or review fees that in the Conservation Commission’s opinion are needed to adequately describe or review the proposed project.

Failure of the Commission to take final action upon an application within either twenty-one (21) days from the time of the close of the hearing or within such longer time period mutually agreed to by both

the Commission and the Applicant to coincide with other regulatory decisions on the same project shall be deemed to be approval of said Application.

10.0 Project Changes for a Standard Stormwater Permit

The permittee must notify the Commission in writing of any drainage change or alteration in the system authorized in a Stormwater Permit before any change or alteration is made. If the Commission determines the change or alteration is significant, based on the Stormwater Management Standards of the Stormwater Bylaw and accepted construction practices, the Commission may require an amended application be filed and a public hearing held. The Commission may also require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

11.0 Engineering and / or Consultant Review for Standard Permits

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.

Funds received by the Conservation Commission pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Conservation Commission without further appropriation as provided in GL Ch. 44 §53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

The Commission reserves the right to permit the applicant to pay the consultant fee(s) directly for smaller projects or in other appropriate situations. Specific consultant services may include but are not limited to hydrogeologic and drainage analysis. The consultant shall be chosen by, and report only to, the Commission and/or its Administrator.

The Conservation Commission will consult with other Town Boards to avoid duplication. The Conservation Commission shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. If the applicant contests the choice of peer review consultant, the Bylaw provides for an appeal process. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given. The fee must be received in its entirety prior to the initiation of consulting services.

The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services.

Failure by the applicant to pay the consultant fee specified by the Commission shall be cause for the Commission to determine that the application is administratively incomplete (except in the case of an appeal). The Commission shall state such in a letter to the applicant. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee.

12.0 Inspection and Site Supervision

12.1 Pre-construction Meeting

When requested, prior to the start of clearing, excavation, construction, or land-disturbing activity, the Applicant, the Applicant's technical representative, the general contractor, or any other person with authority to make changes to the project shall meet with the Commission to review the permitted plans and their implementation.

12.2 Inspections

12.2.1 Commission Inspections

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and may make, or cause to be made, such examinations, surveys or sampling as the Commission deems reasonably necessary to determine compliance with the permit. The Commission or its designated agents shall make inspections as needed and shall either approve any portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Permit as approved.

12.2.2 Permittee Self-Inspections

The permittee or their agent may be required to conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections shall be to determine the overall effectiveness of the control plan and the need for maintenance or additional control measures. The permittee or their agent shall submit weekly reports to the Commission or designated agent in a format approved by the Commission, which may include the signature of the Professional Engineer if required by the Commission.

13.0 Surety

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

14.0 Final Reports

Upon completion of the work under a Standard Stormwater Permit or if required by the Commission, the permittee shall submit a report (including certified as-built construction plans) from a Professional Civil Engineer (P.E.) or surveyor, certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

15.0 Project Completion for a Standard Stormwater Permit

Upon completion of the project, the permittee shall submit as-built record drawings of all structural stormwater controls and best management practices implemented for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Civil Engineer.

Upon determining all work completed under a Standard permit has been satisfactorily completed in conformance with this Bylaw and the Permit, and all required documentation has been submitted, the Commission shall issue a Certificate of Completion. This Certificate shall identify any continuing requirements. The Certificate of Completion shall stipulate the permit holder is to remove required erosion controls unless changed or waived by the Conservation Administrator within thirty (30) days of the date on the Certificate.

16.0 Enforcement

The Burlington Conservation Commission and their employees and agents shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Persons subject to enforcement under this Bylaw include: All permittees who have been issued a Standard Stormwater Permit; all permittees who have been issued an Abbreviated Stormwater Permit; and all other persons who have engaged in a land-disturbing activity as defined in this Bylaw, who have caused substantial erosion and sedimentation due to alteration of drainage characteristics, grading, grubbing, clearing, and/or stripping of soil.

16.1 Orders

16.1.1 The Commission or an authorized agent of the Commission may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder which may include:

- a. A requirement to cease and desist from the land-disturbing activity until there is compliance with this Bylaw and its provisions of any permit issued;
- b. Maintenance, installation or performance of additional erosion and sediment control measures; Monitoring, analyses, and reporting;
- c. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
- d. Regrading, installation of additional erosion controls, replacement of vegetation, or other remedial actions as determined by the Commission;
- e. Elimination of illicit connections or discharges to the MS4; and
- f. Elimination of discharges to the MS4 or, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

16.1.2 Compliance With Enforcement Orders

If the Commission or its agents determines abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Commission may under this Bylaw and subsequent regulation promulgated hereunder impose a fine on a daily basis until such time as the abatement or remediation of erosion and sedimentation has been completed. The Town of Burlington, at its option, may seek a court order requiring the property owner to perform the work.

16.2 Penalties

16.2.1 Criminal Penalty

Any person who violates any provision of this Bylaw, regulation, order, or permit issued thereunder shall be punished by a fine. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

16.2.2 Non-Criminal Disposition

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. For the purposes of issuing a non-criminal disposition penalty, the Burlington Conservation Commission Administrator are named as the specific enforcing agents.

16.3 Appeals

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

16.4 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.

17.0 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.

18.0 Waiver

The Commission may waive strict compliance with any requirement of the Town of Burlington Stormwater Regulations promulgated hereunder, where:

1. federal, state and local statutes and/or regulations allow such action, and
2. it is in the public interest, and
3. it is not inconsistent with the purpose and intent of the Town of Burlington Stormwater Management Bylaw.
 - a) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Regulations does not further the purposes or objectives of these Regulations.
 - b) All waiver requests shall be acted on within 30 calendar days and the Commission will provide written findings.
 - c) If, in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may request an extension of the review period. In the event the applicant objects to an extension, or fails to provide requested information, the waiver request may be denied, "without prejudice" by the Commission.

3. it is not inconsistent with the purpose and intent of the Town of Burlington Stormwater Management Bylaw.

- a) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Regulations does not further the purposes or objectives of these Regulations.
- b) All waiver requests shall be acted on within 30 calendar days and the Commission will provide written findings.
- c) If, in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission may request an extension of the review period. In the event the applicant objects to an extension, or fails to provide requested information, the waiver request may be denied, "without prejudice" by the Commission."

ARTICLE 11

CAPITAL PLAN REPORT

(No additional backup information has been included as of the print deadline)

ARTICLE 12

AMEND ARTICLE VIII, SECTION 8.6.0 MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT

(See separate backup material)

ARTICLE 13

RESOLUTIONS CONCERNING VIOLATIONS AT THE ICE FACILITY

Backup Materials for: Resolution Concerning Violations at the ICE Detention Facility in Burlington, Massachusetts

Evidence and Reasons Why Town Meeting Should Support

1. Town of Burlington Correspondence Log

- **Date:** June 12, 2025
- **From:** Burlington Select Board
- **To:** Department of Homeland Security, Office of the Field Director
- **Subject:** Formal Request for Inspection of Burlington ICE Facility

"This letter formally requests access for inspection of the ICE detention facility located at 1000 District Avenue, Burlington, MA. As representatives of the Town, we have received multiple community concerns regarding the treatment of detainees and the compliance of the facility with zoning regulations. Pursuant to our authority under Massachusetts General Laws, we request access for the purpose of assessing compliance with the stated terms under which the facility was permitted."

- **Response Received:** July 24, 2025 – Access Denied

"After internal review, the Department of Homeland Security declines to grant the Town of Burlington an inspection at this time. Operational security considerations prevent local inspection of federal detention spaces."

2. Documentation of Detention Conditions

- **Incident Report (Excerpt) – Middlesex Legal Aid Society**
- **Date:** May 27, 2025

"Client reports that while detained at the Burlington ICE facility for 19 days, he was forced to sleep on a concrete floor with only a Mylar sheet. Medical attention was delayed despite reports of chest pain. Temperature in the holding room was recorded at 58°F on multiple occasions."

- **Source:** Middlesex Legal Aid Case File #25-441-BUR

3. Congressional Site Visit Report

- **Date of Visit:** April 11, 2025
- **Attendees:** Rep. Seth Moulton (MA-6), Rep. Jake Auchincloss (MA-4), staff representatives
- **Summary:**

- Detainees were observed being held in overnight conditions despite prior agreements.
- Facilities lacked adequate bedding or privacy for prolonged stays.
- Representatives stated publicly: “*This contradicts the assurances made to the Town of Burlington in 2007. Conditions here are not acceptable for any length of stay beyond a few hours.*”
- **Reference:** *Congressional Briefing Note, House Committee on Homeland Security, April 18, 2025*

4. Historical Letter from DHS (2007)

- **Date:** November 21, 2007
- **From:** Bruce Chadbourne, Field Office Director, DHS/ICE
- **To:** Burlington Planning Board
- **Excerpt:**

“There are no beds in the holding areas; they are for temporary use only. No aliens will be held overnight in the facility... ICE and GSA will comply with any and all zoning ordinances as required by the Town.”

- **Source:** Burlington Planning Board Records, 2007, File: ICE Facility Permitting

5. Zoning Bylaw Excerpt (Accessory Use Definition)

- **Burlington Zoning Bylaws, Section 2.4.5 (2007 Edition)**

“Accessory use: A use customarily incidental and subordinate to the principal use of the land or building, and which does not change the character of such principal use.”

- *Interpretation provided by Burlington Building Inspector, 2007: Holding cells deemed ‘accessory use’ on the basis that detentions were to be brief and temporary.*

6. Summary of Violations Identified

- Overnight detention now occurring, contradicting original representations.
- Reports of inhumane conditions (including, but not limited to, sleeping on cement floor, inadequate blankets, poor temperature control, food insufficiencies, overcrowding and lack of hygiene)
 - 30–40 men or 19 women in small rooms
 - Cold, concrete holding areas, no privacy, always-on lights

- No showers, soap, menstrual products; only baby wipes or water for cleaning
- Minimal and poor-quality meals, weight loss, nausea
- All claims substantiated by multiple, credible, and recent news reports and firsthand accounts

- **Massachusetts lawmakers**, including Sens. Elizabeth Warren and Ed Markey and the state's U.S. House delegation, sent a letter on **June 25, 2025**, to ICE, stating they were "alarmed by reports" of inhumane conditions—specifically citing lack of **beds, showers, clean water, adequate food, and health care**.
- Denial of local inspection despite zoning and oversight responsibilities.
- Failure to uphold prior written commitments to Town of Burlington.

7. What the Resolution Demands

1. **Immediate Town Inspection** of the facility.
2. **End to Overnight Detention** in Burlington.
3. **Full Compliance** with the 2007 zoning limits.

8. Why it matters to Burlington?

- **Transparency:** Homeland Security and ICE refuse to allow local oversight.
- **Human Dignity:** No one should be subjected to unsafe, degrading conditions in our town.

Our Message:

Burlington will not be complicit in unlawful or inhumane detention.
We stand for accountability, transparency, and dignity for all.