

RECEIVED

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WARRANT

Burlington Town Meeting



**September 29, 2025
7:00 P.M.**

Burlington, MA
Burlington High School
Fogelberg Auditorium

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Burlington Town Meeting
Monday
September 29, 2025

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September 3, 2025

Bill Beyer, Town Moderator
Selectboard
Town of Burlington
29 Center Street
Burlington MA 01803

RE: September 29, 2025 Town Meeting

Dear Mr. Moderator and Members of the Selectboard;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant for the September 29, 2025 Town Meeting and have found it legal as to form. I will note the following:

- Article 3 is a borrowing article which will require a 2/3 vote pursuant to G.L. c. 44 §8.
- Article 12 is a zoning article and given that it's subject matter is by right multifamily housing it requires a simple majority under G.L. c. 40A §5.

Should you have any questions, please let me know. Otherwise, I will update this letter upon review of the final motions.

Respectfully submitted,

Lisa L. Mead

WARRANT

BURLINGTON TOWN MEETING

Monday September 29, 2025

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly within locations at the Burlington High School, Fogelberg Auditorium, in said Town, the 29th of September 2025 at seven o'clock in the evening then and there to act on the following articles of the warrant.

GENERAL ARTICLES

ARTICLE NUMBER -1

ARTICLE NAME - REPORTS OF TOWN OFFICERS & COMMITTEES

AMOUNT – N/A

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

Submitted by the Rules Committee

ARTICLE NUMBER - 2

ARTICLE NAME – ANNUAL TOWN ELECTIONS

AMOUNT – N/A

To see if the Town will vote to set the Annual Town Election for April 11, 2026; or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Town Clerk

FINANCIAL ARTICLES

ARTICLE NUMBER - 3

ARTICLE NAME – BURLINGTON HIGH SCHOOL CONSTRUCTION PROJECT

AMOUNT - \$340,000,000

To see if the Town will vote to appropriate the sum of \$340,000,000 for the purpose of paying costs of project management, Project design services, constructing, equipping and furnishing a new and renovated Burlington High School, including the payment of all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or any other authorizing authority, provided, however, that any borrowing approved hereunder shall be contingent upon approval of a Proposition 2½ debt exclusion referendum under M.G.L. Chapter 59, Section 21C(k); or take any action in relation thereto.

Submitted by the Select Board

Requested by the School Committee

ARTICLE NUMBER - 4

ARTICLE NAME – FUND ELECTION COSTS FOR DEBT EXCLUSION

AMOUNT - \$30,000

To see if the Town will vote transfer from available funds the sum of \$30,000 or any other sum for the purpose of funding a special town election for a debt exclusion for a potential Burlington High School Construction Project outside of the MSBA program, or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Town Administrator

ARTICLE NUMBER - 5

ARTICLE NAME – WILL OF MARSHALL SIMONDS (2nd Reading)

AMOUNT - \$73,762.09

To see if the Town will vote to accept a donation from the Trustees under the will of Marshall Simonds in an amount \$73,762.09, for the improvement of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Recreation Commission

ARTICLE NUMBER - 6**ARTICLE NAME – FUND BURLINGTON POLICE COMMAND OFFICERS’ CONTRACT****AMOUNT - TBD**

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

Submitted by the Select Board

Requested by the Town Administrator

ARTICLE NUMBER - 7**ARTICLE NAME – FUND BURLINGTON POLICE PATROLMEN’S ASSOCIATION CONTRACT****AMOUNT - TDB**

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

Submitted by the Select Board

Requested by the Town Administrator

ARTICLE NUMBER - 8**ARTICLE NAME – FUND BURLINGTON INTERNATIONAL FIREFIGHTERS’ ASSOCIATION CONTRACT****AMOUNT - TDB**

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

Submitted by the Select Board

Requested by the Town Administrator

GENERAL BYLAW ARTICLE

ARTICLE NUMBER - 9

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

AMOUNT – N/A

To see if the Town will vote to amend Article XIII of the Town of Burlington General bylaws by adding a new Section 10.0 as follows:

10.0 Non-emergency Lift Assists at Long-term Health Care Facilities

10.1 Purpose and Scope

This Bylaw authorizes the Fire Department to implement a fee for services for Burlington Fire Department and Emergency Medical Services responses for non-emergency lift assist calls to long-term health care facilities within the Town.

The Bylaw further authorizes the Select Board, in consultation with the Fire Chief, to promulgate regulations to implement this Bylaw, which may include, but shall not be limited to, establishment of procedures, fees and fines associated with non-emergency medical responses to long-term health care facilities, as well as from time to time amend fees and fines as outlined in Sections 10.3 and 10.4 of this Bylaw.

10.2 Definitions

“Emergency Responders” shall mean emergency response personnel from the Burlington Fire Department, Emergency Medical Services or Police Department.

“Lift Assist” shall mean a response from Burlington Fire Department, Emergency Medical Services or Police Department to help lift an otherwise uninjured person to a standing or seated position as a result of that individual's inability to do so themselves.

“Long-term Health Care Facility” shall mean nursing homes, rehabilitation facilities, assisted living facilities, group homes or other such facility where residents are provided care by full-time staff.

10.3 Fees

For each response for a non-emergency lift assist by Burlington emergency responders, a fee shall be charged to the calling long-term health care facility. The fee shall be calculated using the current version of the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates for charges for an ambulance and a fire engine. The appropriate minimum personnel costs that staff the apparatus on a medical aid incident at a

minimum of one hour shall also be included. Such fee shall be paid by the long-term health care facility within thirty (30) days to the Town of Burlington.

10.4 Penalty for Non-Payment of Fees

Any such long-term health care facility that refuses or neglects to pay fees pursuant to this Bylaw in a timely manner shall be subject to a late fee penalty for every thirty (30) days the fee remains unpaid.

Nothing in this Bylaw shall prevent the Town of Burlington from exercising all existing remedies at law or in equity for collection of unpaid fees.

, or act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Fire Chief

ARTICLE NUMBER - 10

ARTICLE NAME – AMEND AND RENAME STORMWATER AND EROSION AND SEDIMENTATION CONTROL BYLAW

AMOUNT – N/A

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

6.0 Stormwater Management

6.1 Purpose: administration and application

6.1.1 The purpose of this Bylaw is to:

- a. implement the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) issued by the United States Environmental Protection Agency, and the Stormwater Management Standards and regulations promulgated by the Massachusetts Department of Environmental Protection;
- b. protect the public health, safety, and welfare of Burlington residents;
- c. protect the natural resources, water bodies, groundwater resources, aquatic habitat, wildlife habitat, environment, and municipal facilities and residential properties of the Town;
- d. mitigate the effects of climate change including flooding;
- e. satisfy the appropriate water quality requirements of the Federal Clean Water Act and State Clean Water Act;
- f. regulate discharges to the municipal storm drain system;
- g. prevent pollutants from entering, and minimize discharge of

- pollutants from, the MS4;
- h. eliminate or reduce the adverse effects of soil erosion and sedimentation as a result of land disturbance activities;
- i. prevent contamination of downstream areas;
- j. manage Stormwater runoff to minimize adverse impacts to the Town, its citizens, and the environment;
- k. recognize Burlington's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement;
- l. prevent overloading or clogging of municipal catch basins and storm drainage systems;
- m. Encourage the preservation and protection of trees on public and private property to protect the environment.

- 6.1.2 The Conservation Commission and Conservation Department are authorized to administer and enforce this Bylaw, and shall promulgate rules and regulations to effectuate the purpose of this Bylaw. Where there is a conflict between promulgated Regulations and this Bylaw, the provisions of this Bylaw shall supersede.
- 6.1.3 The 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.
- 6.1.4 The provisions of this Bylaw shall apply to all properties, rights-of-way and roadways in the Town.

6.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.3 Authority

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

6.4 Applicability

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

6.5 Thresholds and types of permits

- 6.5.1 No person may construct a single-family house or larger nor may they undertake any land-disturbing activity that results in an increase in impervious surface equaling 5% or more of the total surface of a lot or disturbs an area equal to or greater than 5,000 square feet of land, that drains to the Burlington storm system (MS4), or onto an adjacent property, or into a municipal/private street, or into a wetland/stream without either an Abbreviated or Standard Stormwater Permit from the Burlington Conservation Commission. Segmenting projects part of a larger common plan of development or sale to avoid thresholds shall not be permitted.
- 6.5.2 For a proposed project that results in an increase in impervious surface equaling at least 5% but less than 10% of the total area of the property, or results in equal to or greater than 5,000 square feet but less than 20,000 square feet of land disturbance, or results in fill that increases the elevation of an area greater than 1000 square feet by more than 6 inches, must apply for an Abbreviated Stormwater Permit.
- 6.5.3 For a proposed project that results in 10% or greater increase in impervious surface or results in greater than 20,000 square feet of land disturbance, must apply for a Standard Stormwater Permit.
- 6.5.4 Although a permit under this bylaw is not required for projects resulting in an increase of less than 5% of added impervious surface or less than 5,000 square feet of land disturbance (unless increasing grade by over six inches), no person may allow soil erosion and/or increased Stormwater from their property onto the public way or onto an abutting property. Such action constitutes a violation of this bylaw.
- 6.5.5 For all permits, trees in the rear zoning setback shall not be removed without the authorization of the Conservation Commission or their authorized agent(s). For other tree removals, the Conservation Commission encourages 1:1 replacement.

6.6 Regulations

- 6.6.1 Regulations adopted by the Conservation Commission pursuant to this Bylaw shall include, but are not limited to, the following:
 - a. Implementation of Stormwater runoff pollution reduction requirements for new development and redevelopment consistent with the MS4 General Permit, including requirements for Stormwater management permits to be issued by the Conservation Commission.
 - b. Implementation of methods to control Stormwater runoff so that both rates and volume of runoff are reduced from pre-construction conditions or eliminated.
 - c. Requirements for the design, construction, and ongoing maintenance of privately owned and municipally-owned Stormwater systems and facilities.
 - d. Requirements for use of low-impact development, utilization of green space, trees and other native vegetative cover to reduce runoff and promote

- infiltration and for preservation and replacement of trees and natural vegetation.
- e. Provisions for inspections, reporting requirements, and enforcement actions necessary to insure compliance with the MS4 General Permit, the Massachusetts Stormwater Standards, this Bylaw, and the regulations.
- f. Implementation and maintenance of soil erosion and sedimentation control measures and Stormwater runoff control practices in site planning and design.

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

6.7 Waiver

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

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

6.8 Consultant fees

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

6.9 Surety

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

6.10 Appeals

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

6.11 Remedies Not Exclusive

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

6.12 Certificate of Completion

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

6.13 Enforcement; violations and penalties

- 6.13.1 The Conservation Commission or its authorized agent may issue a written order to enforce the provisions of this bylaw or any associated regulations.
- 6.13.2 The Conservation Commission shall have the authority to enforce this Bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, cease and desist orders, and civil and criminal court actions pursuant to MGL c.83, §10, or any other applicable statute or regulation, including actions for injunctive relief and the imposition of civil penalties. The Town may seek to recover from each violator any additional cost for any expense, loss, or damage to the Town occasioned by such violation.
- 6.13.3 As an alternative to criminal prosecution or civil action, the Town of Burlington may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, in which case the Conservation Administrator of Burlington shall be the enforcing agent. The penalty for the first violation shall be \$100 each day or part thereof such violation occurs. The penalty for the second violation shall be \$300 each day or part thereof such violation occurs. The penalty for subsequent violations shall be \$300 each day or part thereof for every day such violation occurs.

6.14 Entry

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

privately owned property for the purpose of performing their duties, and may make such inspections and sampling as is reasonably necessary.

6.15 Severability

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

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

Submitted by the Select Board
Requested by the Conservation Commission & Department

ARTICLE NUMBER – 11

ARTICLE NAME – CAPITAL PLAN REPORT

AMOUNT – N/A

To see if the Town will vote to add three new sentences to the General By-laws, in Article III, Section 16.0 Report of Town Officials. The new sentences would follow the current sentence “The information contained... including legal issues.”

The sentences will read: “At each Town Meeting in January, the Town Administrator will give Town Meeting a brief presentation about the current 10-year Capital Plan, including any potential changes of five million dollars or more in any item in the document by the time it will be presented in written form to the May Town Meeting. Before the discussion of capital expenditures to be purchased with Free Cash at the May Town Meeting, the Town Administrator will give TM a presentation on the 10-year Capital Plan that is included as part of that Fiscal Year’s Proposed Operating Budget. The presentation shall include: a listing of the boards, committees, and departments involved in creation of the Capital Plan, highlighting all projected expenditures of five million dollars or more, a brief description of the use of those funds, why those funds are allocated to a particular fiscal year, and how the sum will affect the Town’s financial status,” or to act in any other manner in relation thereto.

Submitted by the Select Board
Requested by Monte Pearson, Town Meeting Member, Precinct 3

ZONING ARTICLES

ARTICLE NUMBER - 12

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

AMOUNT -N/A

To see if the Town will vote to amend the Zoning Bylaws, Article VIII, Section 8.6.0 “MBTA Communities Multi-Family Overlay District” by adding a new Subdistrict C as identified in black, underlines and bold type as follows:

SECTION 8.6.0 MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT

8.6.1 Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow Multi-Family Dwellings as of right in accordance with G.L. c. 40A sec. 3A. This zoning consists of ~~two~~three subdistricts, Subdistrict A ~~and~~Subdistrict B and Subdistrict C, which provide for as of right multi-family dwellings to accomplish the following purposes:

The purpose of Subdistrict A is to:

1. Encourage the as of right production of Multi-Family Dwellings within residential neighborhoods;
2. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;

The purpose of Subdistrict B and Subdistrict C is to:

1. Encourage the as-of-right production of Multi-Family Dwellings in commercial areas;
2. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
3. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services.
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.

5. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
6. Increase the municipal tax base through private investment in new residential developments in established neighborhoods and commercial areas.

8.6.2 Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 61.4 acres in size, consisting of Subdistricts A ~~and~~, Subdistrict B and **Subdistrict C**, that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

1. Applicability of MCMOD.

An applicant may develop Multi-Family Dwellings located within a MCMOD in accordance with the provisions of this Section 8.6.0.

2. Overlay District.

The MCMOD is an overlay district superimposed on the underlying zoning district(s) and any overlay district(s). The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district shall remain in full force, except for uses allowed as of right in the MCMOD. Uses that are not identified in Section 8.6.0 are governed by the requirements of the underlying zoning district(s).

Subdistrict A of the MCMOD shall consist of the following parcels of land:

26 Beacon Street, Parcel 37-52-0	1 Dover Drive, Parcel 37C-4-0
2 Dover Drive, Parcel 37C-5-0	3 Dover Drive, Parcel 37C-3-0
4 Dover Drive, Parcel 37C-6-0	5 Dover Drive, Parcel 37C-2-0
6 Dover Drive, Parcel 37C-7-0	7 Dover Drive, Parcel 37C-1-0
8 Dover Drive, Parcel 37C-8-0	10 Dover Drive, Parcel 37C-9-0
12 Dover Drive, Parcel 37C-10-0	14 Dover Drive, Parcel 37C-11-0
16 Dover Drive, Parcel 37C-12-0	1 Georgia Drive, Parcel 37C-22-0
2 Georgia Drive, parcel 37C-21-0	3 Georgia Drive, Parcel 37C-23-0
4 Georgia Drive, Parcel 37C-20-0	5 Georgia Drive, Parcel 37C-24-0
6 Georgia Drive, Parcel 37C-19-0	7 Georgia Drive, Parcel 37C-25-0
8 Georgia Drive, Parcel 37C-18-0	9 Georgia Drive, Parcel 37C-26-0
10 Georgia Drive, Parcel 37C-17-0	12 Georgia Drive, Parcel 37C-16-0
14 Georgia Drive, Parcel 37C-15-0	16 Georgia Drive, Parcel 37C-14-0
18 Georgia Drive, Parcel 37C-13-0	1 Littles Brook Court, Parcel 42-99-0

Subdistrict B of the MCMOD shall consist of the following parcels of land:

20 Second Ave, Parcel 45-23-0	32 Second Ave, Parcel 45-27-0
20 Fourth Ave, Parcel 39-11-0	0 Middlesex Turnpike, Parcel 39-11-1
111 Middlesex Turnpike, Parcel 45-32-0	121 Middlesex Turnpike, Parcel 45-33-0
129 Middlesex Turnpike, Parcel 45-34-0	131 Middlesex Turnpike, Parcel 45-34-1
0 Middlesex Turnpike, Parcel 45-35-0	141 Middlesex Turnpike, Parcel 45-36-0

Subdistrict C of the MCMOD shall consist of the following parcels of land:

129 Middlesex Turnpike, Parcel 45-34-0 **131 Middlesex Turnpike, Parcel 45-34-1**

8.6.3 Definitions

For the purpose of the MCMOD only the following definitions shall apply.

Family

Any number of persons living together as a single economic unit and using a single cooking facility.

Multi-Family Dwellings

A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building

8.6.4 Permitted Land Uses

The MCMOD District is established as an overlay district.

1. Uses Permitted as of Right.

The following uses are permitted as of right within Subdistrict A of the MCMOD:

- a. Multi-Family Dwellings up to 20 dwelling units per acre.

The following uses are permitted as of right within Subdistrict B of the MCMOD:

- a. Multi-Family Dwellings up to 20 dwelling units per acre.

b. Mixed-use development with up to 15% of the development including commercial uses as follows:

Ground Floor

Community space.

Educational uses.

Personal services.

Retail.

Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.

Restaurant, cafe, and other eating establishments without a drive-through. Office, professional office, and co-working space

Artists' studios, maker space, and small-scale food production no more than 5,000 SF, and retail associated with each use.

Any Floor

Residential (required component).

The following uses are permitted as of right within Subdistrict C of the MCMOD:

a. **Multi-Family Dwellings - up to 57 dwelling units per acre with a maximum height of 70 feet.**

2. Permitted by Special Permit.

The following uses are permitted with a Special Permit from the Planning Board in Subdistrict B of the MCMOD:

a. Mixed-use development with over 15% of the development designated for commercial uses as listed in Section 8.6.4. 1.b

i. Density Bonus: Mixed-use developments in Subdistrict B with over 15% of the development designated for commercial uses are eligible for a residential density bonus, which allows for:

1. Up to 30 dwelling units per acre
2. Max building height of 45 feet

3. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in subsection 1, **notwithstanding anything to the contrary noted elsewhere in the Zoning Bylaws.**

- a. Parking, including surface and structured parking such as an above ground or underground parking garage on the same lot as the principal use.
- b. **Ancillary uses commonly associated with Multi-Family Dwellings, including, but not limited to community amenities (business center, indoor/outdoor recreational uses, fitness studio, or the like.).**

8.6.5 Dimensional Standards

Dimensional Standards for the MCMOD district are as listed in the Dimensional Table in Section 5.2.0 "Density Regulation Schedule".

1. Multi-Building Lots. In the MCMOD, lots may have more than one principal building.
2. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
3. Exceptions: Renewable Energy Installations. The Planning Board may waive the height and setbacks in Section 8.6.6.1 for the installation of renewable energy facilities.
4. **Exceptions: Impervious Surface Areas: Notwithstanding any other provisions in the Zoning By-laws, including the provisions of Section 8.3.8.4, development under the MCMOD bylaw in Subdistrict C only, shall be subject to a maximum impervious surface area of 70%. For purposes of calculating impervious surface areas and/or landscaping within any multifamily or mixed use development, all areas dedicated to public or private recreational space which may include a combination of natural and landscaped areas, as well as impervious surface areas and sidewalks as well as pavers, crushed stone or stone dust which are used to promote a diversification of activities and uses on or around the subject premises shall not count towards impervious surface areas and shall be considered green space/open space.**

8.6.6 Off Street Parking

These parking requirements are applicable to development in the MCMOD.

1. Number of parking spaces. The following maximum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

<u>Use</u>	<u>Required Spaces</u>
Multi-family Dwellings	1.5 spaces per dwelling unit. Required Spaces are subject to Section 7.2.0 "Parking Requirements and Standards".
Non-residential uses	See Section 7.2.0 "General Parking Requirements and Standards "
2. Number of bicycle parking spaces. The following minimum numbers of covered bicycle storage spaces shall be provided by use, unless a lesser number of spaces are deemed appropriate by the Planning Board :	
<u>Use</u>	<u>Required Spaces</u>
Multi-family Dwellings	1 bicycle parking space per dwelling unit
Non-residential uses	1 bicycle parking space for every 10 parking spaces
3. Bicycle storage. For a multi-family development of 25 units or more, or a mixed-use development of 25,000 square feet or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s).	
4. Shared Parking within a Mixed-Use Development. Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.	
5. EV charging stations. For all uses within the MCMOD, electric charging stations are required with one EV space required for every twenty (20) parking spaces, rounded up to the next highest number of EV stations.	

8.6.7 General Development Standards

1. Development standards in the MCMOD are applicable to all multi-family development (including mixed use buildings) within the MCMOD. These standards are components of the Site Plan Review process in Section 8.6.9. Site Plan Review.
2. Site Design.
 - a. Connections. Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

- b. Vehicular access. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
- c. Open Space.
- d. Screening for Parking. Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than ~~6~~ (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- e. Parking Materials. The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- f. Plantings. Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- g. Lighting. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skylight.
- h. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- i. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- j. Stormwater management. Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Burlington MS4 Permit for projects that disturb more than one acre and discharge to the Burlington municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. Buildings: General.

- a. Position relative to principal street. The primary building shall have its principal facade and entrance facing the principal street.

- b. Entries. Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.
- 4. Buildings: Multiple buildings on a lot.
 - a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
 - b. Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
 - c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
 - d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building facade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
 - e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.
- 5. Buildings: Mixed-use development.
 - a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
 - b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
 - c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
 - d. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- 6. Buildings: Shared Outdoor Space. Multi-Family Dwellings and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
- 7. Buildings: Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing facades or on the primary corner

as an entrance serving both streets.

- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. All facades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire exits serving more than one story shall not be located on either of the street-facing facades.
8. Buildings: Infill Lots. If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section ~~8.6.6~~8.6.5 Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
9. Buildings: Principal Facade and Parking. Parking shall be subordinate in design and location to the principal building facade.
 - a. Surface parking. Surface parking shall be **predominately** located to the rear or side of the principal building. Parking shall not be located in the **building** setback between the building and any lot line adjacent to the public right-of-way **used for purposes of frontage**.
 - b. Integrated garages. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. Parking structures. Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
10. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Planning Board may waive the requirements of this Section ~~8.6.8~~8.6.7. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

8.6.8 Site Plan Review

1. Applicability. Site Plan Review is required for all projects within the MCMOD. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of Section 8.6.

2. Submission Requirements. As part of any application for Site Plan Review for a project within the MC MOD, the Applicant must submit the following documents to the Town:
 - a. Application and fee for Site Plan Review.
 - b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties.
 - c. Elevations of the building(s) showing the architectural design of the building.
 - d. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the Permitting Authority.
 - e. Narrative of compliance with the General Development Standards of Section 8.6.7.

All submission materials must comply with the Burlington Planning Board Site Plan Rules and Regulations which are available at the Planning Department office or on the town's website.

3. Timeline. Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously within 90 days of submission. The Planning Board may, when appropriate, seek the input of other municipal boards or officials.
4. Site Plan Approval. Site Plan approval for uses listed in Section 8.6.5.18.6.4. Permitted Land Uses shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - a. The Applicant has submitted the required fees and information as set forth in Burlington's requirements for a Building Permit and Site Plan Review; and
 - b. The project as described in the application meets the development standards set forth in Section 8.6.7. General Development Standards.

5. Project Phasing. An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase.

8.6.9 Severability

If any provision of this Section 8.6 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.6 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 8.6 shall not affect the validity of the remainder of the Burlington's Zoning.

- 1) Amend the Town of Burlington Zoning Map to add the following areas shown on maps on file with the Town Clerk to the MBTA Communities Multifamily Overlay District (MCMOD)
 - a. Beacon Village Apartments located at 26 Beacon Street said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 37 Parcel 52-0.
 - b. Beacon Woods Condominiums located at Georgia Drive and Dover Drive. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 37C Parcels 1-0 through 26-0.
 - c. Westgate Apartments located at 103 and 105 Westgate Drive. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 37C Parcels 56-0 and 55-0
 - d. Heritage at Stoneridge Apartments located at 1 Littles Brook Court. Said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 42 Parcel 99-0. The portion of the property deeded as age restricted is not included in the MCMOD.
 - e. The Tremont and Huntington Apartments located at 20 Second Ave. and 32 Second Ave. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 45 Parcels 23-0 and 27-0.
 - f. Lifetime Living Apartments located at 20 Fourth Ave and an unimproved adjacent parcel known as O Middlesex Turnpike. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 39 Parcels 11-0 and 11-1.
 - g. The following properties located between Middlesex Turnpike and Great Meadow Road. These properties consist of 111 Middlesex Turnpike, 121 Middlesex Turnpike, 131 Middlesex Turnpike, 0 Middlesex Turnpike, and

141 Middlesex Turnpike. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 45 Parcels 32- 0, 33-0, 34-0, 34-1, 35-0, 36-0.

All as shown on the Proposed Amended Map on file with the Town Clerk and dated February 13, 2024.

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

Submitted by the Select Board
Requested by the Nordblom Development Company

RESOLUTIONS

ARTICLE NUMBER - 13

ARTICLE NAME – RESOLUTIONS CONCERNING VIOLATIONS AT THE ICE FACILITY

AMOUNT -N/A

Resolution Concerning Violations at the ICE Detention Facility in Burlington, Massachusetts

Whereas, the tenant of the facility, the Department of Homeland Security (DHS), after more than a month-long delay, has denied the Town of Burlington's formal request to conduct an inspection of said facility; and

Whereas, credible and consistent reports have emerged of deplorable and inhumane treatment of detainee Marcelo Gomes while in ICE custody, reflecting unacceptable conditions at the facility; and

Whereas, the Town of Burlington, Burlington's Planning Board, and Congressman Tierney were expressly assured by Bruce Chadbourne, Field Office Director for Department of Homeland Security in a letter dated 11/21/2007; "There are no beds in the holding areas; they are for temporary use only. No aliens will be held overnight in the facility..." and

Whereas, United States Representatives Seth Moulton and Jake Auchincloss have personally visited the facility and publicly confirmed information that violates the promise made above, specifically:

- ICE, in writing and orally, promised no overnight detention, yet detainees are being held overnight and for extended periods; and

Whereas, reports from federal officials and witnesses indicate detainees have been subjected to inhumane conditions, including but not limited to, being forced to sleep on cement floors with only a thin Mylar blanket, food insufficiencies, overcrowding, poor temperature control and lack of hygiene; and

Whereas, Bruce Chadbourne, in same letter as mentioned above, said "ICE and GSA will comply with any and all zoning ordinances as required by the town." and

Whereas, the Building Inspector deemed the holding cells a permitted "accessory use" (definition accessory is of a minor, casual or subordinate nature), ICE in the informational Session of 11/26/07 when asked, "Would the ICE facility have been sited here if the holding cells were not allowed?" stated, "No. It is a part that has to be there."

Now, therefore, be it resolved, that the Burlington Town Meeting formally condemns these violations of local zoning law and the inhumane treatment of detainees, and calls upon:

1. U.S. Immigration and Customs Enforcement to cease overnight and extended detentions at the Burlington facility and to comply fully with the conditions set forth by ICE itself (see above).
2. Federal, state, and local authorities to investigate and take corrective action, including but not limited to, gaining access to the property, to ensure compliance with Burlington's zoning bylaws, ICE statement of how property was to be used and the humane treatment of all individuals held at the facility.

Be it further resolved, that the Town Clerk shall transmit copies of this resolution to the Burlington Select Board, the Burlington Building Inspector, the Burlington Police Department, Representatives Seth Moulton and Jake Auchincloss, the Governor of Massachusetts, and the Secretary of the Department of Homeland Security.

Submitted by the Select Board
Requested by Phyllis Neufeld— Precinct 5 TMM

And you are directed to serve this Warrant by posting attested copies thereof at the Town Hall and in at least three other public places in the Town at least 14 days before the time of said meeting.

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 18th day in August in the year Two Thousand Twenty Five

SELECT BOARD of Burlington

Michael Espejo, Chair

James Tigges, Vice Chair

Joseph Morandi, Member

Nicholas Priest, Member

Sarah Cawley, Member

A true copy

Attest:

Constable

I have served this Warrant by posting attested printed copies thereof at the Town Hall and three other places in Town.

_____, 2025, Month and Day