

BACKUP PART 2 OF 2

WARRANT

Burlington Town Meeting



May 10, 2021 7:30 P.M.

**Burlington High School
Burlington, MA
And Virtual Via WebEx**

BACKUP – PART 1
INDEX OF ARTICLES
Burlington Town Meeting
Monday
May 10, 2021

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BACKUP – PART 2
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CONSTABLE'S REPORT

TOWN COUNSEL'S LETTER

BORROWING

DPW Warrant Article Backup

Article 14

Francis Wyman Pump Station/Forcemain Rehabilitation

\$4,000,000

The design for this station was approved at Town Meeting in 2020 with the intent of asking for funding and going forward with construction in 2021.

This station is a duplex type below grade concrete chamber can with a concrete entrance tube. The station houses two centrifugal pumps, check valves, gate valves, level control panel and associated electrical. A standby generator set and automatic transfer switch is located above grade in a weatherproof enclosure.

The station had a thorough inspection in 2012 by Weston & Sampson Engineers, Peabody MA and documented the following deficiencies:

1. The electrical service cabinet and components are deteriorated.
2. The equipment is exposed to vehicular traffic.
3. Wet well is full of grease and debris.
4. The level control panel is deteriorated.
5. Man lift is in need of inspection.
6. The pumps have many hours of service
7. The pump chamber structure floor is deteriorated.
8. Piping is aged. Poor condition; Priority 1.

Additionally, the Department has repaired two (2) failures of the forcemain within the past 10 years. During the repairs it was noted that the Ductile Iron forcemain is showing signs of corrosion due to age; it is beyond it's 50 year design life and needs to be replaced. The forcemain was constructed within and adjacent to wetlands, both pipe failures caused sewage to discharge into brooks.

Purpose/Benefit:

To maintain sanitary sewer system operational

Financial Article 15
PEG Cable Access Enterprise Fund
(2 pages)



TOWN OF BURLINGTON

WHITNEY C. HASKELL

BUDGET DIRECTOR/CHIEF PROCUREMENT OFFICER

DEPARTMENT OF ACCOUNTING

29 CENTER STREET, 2ND FLOOR | BURLINGTON, MA 01803

(781) 270-1669 | whaskell@burlington.org

To: Town Meeting Members

From: Whitney Haskell, Budget Director

Re: PEG Cable Access Enterprise Fund

Date: March 23, 2021

In January of 2018, Town Meeting voted to establish a PEG Cable Access Enterprise Fund, pursuant to Chapter 352 of the Acts of 2014, which required municipalities receiving PEG Cable Access Funds to create a new funding mechanism through which those funds are submitted to the approval of the municipality's legislative body.

After the creation of the enterprise fund, PEG cable access funds and associated fees paid to the Town from the cable providers are deposited into the fund. In accordance with regulations governing the operation of enterprise funds, this year, and for each going forward Town Meeting will need then vote the appropriation from the enterprise fund to BCAT.

Since the payments from the cable providers are based on the number of subscribers, the amount of that appropriation will vary from year, but traditionally it has been approximately \$585,000.

The creation and annual funding of this enterprise fund has no impact on the Town's budget, or the operation of BCAT. It is merely a mechanism used to ensure the Town's compliance with DOR regulations.

Financial Article 17
Tax Abatement Defense Fund

BACK UP FOR ARTICLE #17
TAX ABATEMENT DEFENSE FUND

These funds are utilized, when necessary, to defend the assessed valuations which are filed with the Appellate Tax Board. Historically, there has been funds available in an account for this purpose. These funds will be held in that account and funded from the overlay account.

Burlington has had a long history of resolving issues, if possible, at the local level. However, there are situations on the commercial side which require some legal and valuation support to resolve various matters.

Will of Marshall Simonds

At a regular meeting of the Board of Recreation Commissioners, held on March 24, 2021 it was voted unanimously to submit a warrant article to accept the amount \$65,656.54 from the Will of Marshall Simonds to be submitted for the May 2021 Town Meeting.

Financial Article 23
Repurpose Article 31 May 2018
Terrace Hall Avenue Sidewalk
(1 page)

DPW Warrant Article Backup

Article 23

**Repurpose Article 31 May 2018 Terrace Hall Avenue Sidewalk
\$120,000**

Winter Street Sidewalk

Originally approved by Town Meeting in May 2018, Article 31 was intended to finish the sidewalk on Terrace Hall between Fire Station 2 and Baron Park Drive. Since proposed, the DPW obtained funding via MassDOT Winter Streets Program to complete the Terrace Hall sidewalk, so the Departments requests to reallocate this funding to complete a gap in the sidewalk on Winter Street between Peach Orchard Rd and Burlington/Woburn Townline, the remaining balance, if any, to be applied toward other future sidewalk projects.

Purpose/Benefit:

Completes the gap between Woburn and Burlington sidewalks

Financial Article 24
School Community Custodial
Services
(1 page)

Community Custodial
FY22 Warrant Article

		Anticipated Hours	Avg. Cost/Hr	Total
Fox Hill School				
	Boys Scouts	68	\$44.99	\$3,059.32
	Girls Scouts	68	\$44.99	\$3,059.32
	PTO Special Functions	30	\$44.99	\$1,349.70
	PTO	20	\$44.99	\$899.80
Pine Glen				
	Boys Scouts	68	\$44.99	\$3,059.32
	Girls Scouts	68	\$44.99	\$3,059.32
	PTO Special Functions	25	\$44.99	\$1,124.75
	PTO	20	\$44.99	\$899.80
Memorial				
	Boys Scouts	68	\$44.99	\$3,059.32
	Girls Scouts	68	\$44.99	\$3,059.32
	PTO Special Functions	25	\$44.99	\$1,124.75
	PTO	20	\$44.99	\$899.80
Francis Wyman				
	PTO Special Functions	25	\$44.99	\$1,124.75
MSMS				
	PTO Special Functions	40	\$44.99	\$1,799.60
System Wide				
	Adopt a class	25	\$44.99	\$1,124.75
	Scouts Annual Banquet	12	\$44.99	\$539.88
	Youth Soccer	45	\$44.99	\$2,024.55
	Youth Baseball	45	\$44.99	\$2,024.55
	Youth Basketball	62	\$44.99	\$2,789.38
	Youth Volleyball	18	\$44.99	\$809.82
	Pop Warner	60	\$44.99	\$2,699.40
	Boosters	85	\$44.99	\$3,824.15
	Hockey & Skating	10	\$44.99	\$449.90
	Youth Wrestling	40	\$44.99	\$1,799.60
	Youth Lacrosse	40	\$44.99	\$1,799.60
			Total:	\$47,464.45

Financial Article 25
School Accured Liability fund
(1 page)

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 40	POWERS AND DUTIES OF CITIES AND TOWNS
Section 13D	RESERVE FUND FOR FUTURE PAYMENT OF ACCRUED LIABILITIES FOR COMPENSATED ABSENCES DUE EMPLOYEE OR OFFICER OF TOWN UPON TERMINATION OF EMPLOYMENT

Section 13D. Any city, town or district which accepts the provisions of this section by majority vote of its city council, the voters present at a town meeting or district meeting or by majority vote of a regional school committee may establish, appropriate or transfer money to a reserve fund for the future payment of accrued liabilities for compensated absences due any employee or full-time officer of the city or town upon the termination of the employee's or full-time officer's employment. The treasurer may invest the monies in the manner authorized by section 54 of chapter 44, and any interest earned thereon shall be credited to and become part of the fund. The city council, town meeting or district meeting may designate the municipal official to authorize payments from this fund, and in the absence of a designation, it shall be the responsibility of the chief executive officer of the city, town or district. In a regional school district, funds may be added to the reserve fund for the future payment of accrued liabilities only by appropriation in the annual budget voted on by the city council of member cities or at the annual town meeting of member towns.

General Article 26
Alteration of Public Way Darmouth
Road
(6 pages)

455647

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

April 26, 1968

ORDER OF TAKING

THE MAJORITY OF
We, the Board of Selectmen for the Town of Burlington, hereby adopt the
following order of taking for highway purposes:
On behalf of the Town of Burlington, an easement of right of way for highway
purposes is taken in the following described land:

Dartmouth Road

Beginning at the northeasterly corner thereof where said Dartmouth Road intersects
with University Avenue and Amherst Road at Lot 23 all as shown on Land Court Plan 23266A,
a copy of a portion of which is on file with the Land Registration Office for the Southern
District of Middlesex County, with Certificate of Title 96807 in Book 614, Page 57; thence
turning the line runs

SOUTHWESTERLY AND WESTERLY	by a curved line having a radius of 20 feet, 31.42 feet to a point; thence turning the line runs
NORTH 74° 13' 58" West	222.55 to a point; thence turning the line runs
NORTHWESTERLY	by a curved line having a radius of 20 feet, 19.25 feet to a point; thence turning the line runs
NORTHWESTERLY, WESTERLY, SOUTHWESTERLY, SOUTHERLY, SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY	253.33 to a point; thence turning the line runs
NORHEASTERLY AND EASTERLY	by a curved line having a radius of 20 feet, 19.25 feet to a point; thence turning the line runs
SOUTH 74° 13' 58" East	222.55 feet to a point; thence turning the line runs
SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY	by a curved line having a radius of 20 feet, 31.42 feet to a point at the sideline of University Avenue as shown on said plan; thence turning the line runs
NORTH 15° 48' 02" East	along said University Avenue to the point of beginning at said Lot 23.

Meaning and intending to take herein that portion shown on said plan as Dartmouth Road.

1-3

455647

<u>LOT NUMBER</u>	<u>STREET NUMBER</u>	<u>PRESUMED OWNERS</u>	<u>AREA TAKEN</u>	<u>CERTIFICATE NO. BOOK AND PAGE</u>
23	-	Petrino, Michael J. & Lorraine P. Information, Burlington, Vt.	Indefinite	123857, 749-107 ✓
24	1		"	123428, 99800, 689-50747-18
25	3	Silvia, Richard C. & Catherine M.	"	101514, 637-164 ✓
26	2	Forbes, George F. & Joan T. Vanderwalle, Jean E. & Ross M.	"	101831, 639-81 ✓ 101851, 638-101 ✓

No betterments are to be assessed as a result of this taking.

Signed this twenty-fourth day of April 1968.

s/ Leonard F. Doyle
Leonard F. Doyle, Chairman

s/ Thomas F. Murphy
Thomas F. Murphy, Vice Chairman

s/ Robert J. Nagle
Robert J. Nagle

s/ John M. Kilmartin
John M. Kilmartin

~~Under seal of the Commonwealth of Massachusetts~~

Middlesex, ss.

May 10, 1968

I, Joseph M. Nolen, hereby certify that the foregoing is a true copy of an Order of Taking adopted by the Board of Selectmen for the Town of Burlington on April 24, 1968.

Joseph M. Nolen
Joseph M. Nolen, Clerk to the Board of
Selectmen for the Town of Burlington

b
w

- TWO -

455647

CONFIDENTIAL

Middlesex, 33.

April 24, 1968

ORDER OF TAXING
(Bartamaha Road)

Se. Middlesex Land Court
FEC Report, Dealer Registration
At: 100 m
Filed on 5/14/1968
Chck # 23957
Fee
Entered C. B. 3-23-68
Ass't Recorder

103488 - 740 - 138
101314 - 633 - 164
101831 - 639 - 81
101651 - 638 - 101

Pay 400
ref 400
800

REGISTRATION
Mary A. DiPietro 272-4515
Colonial Bldg.
Burlington, Mass.

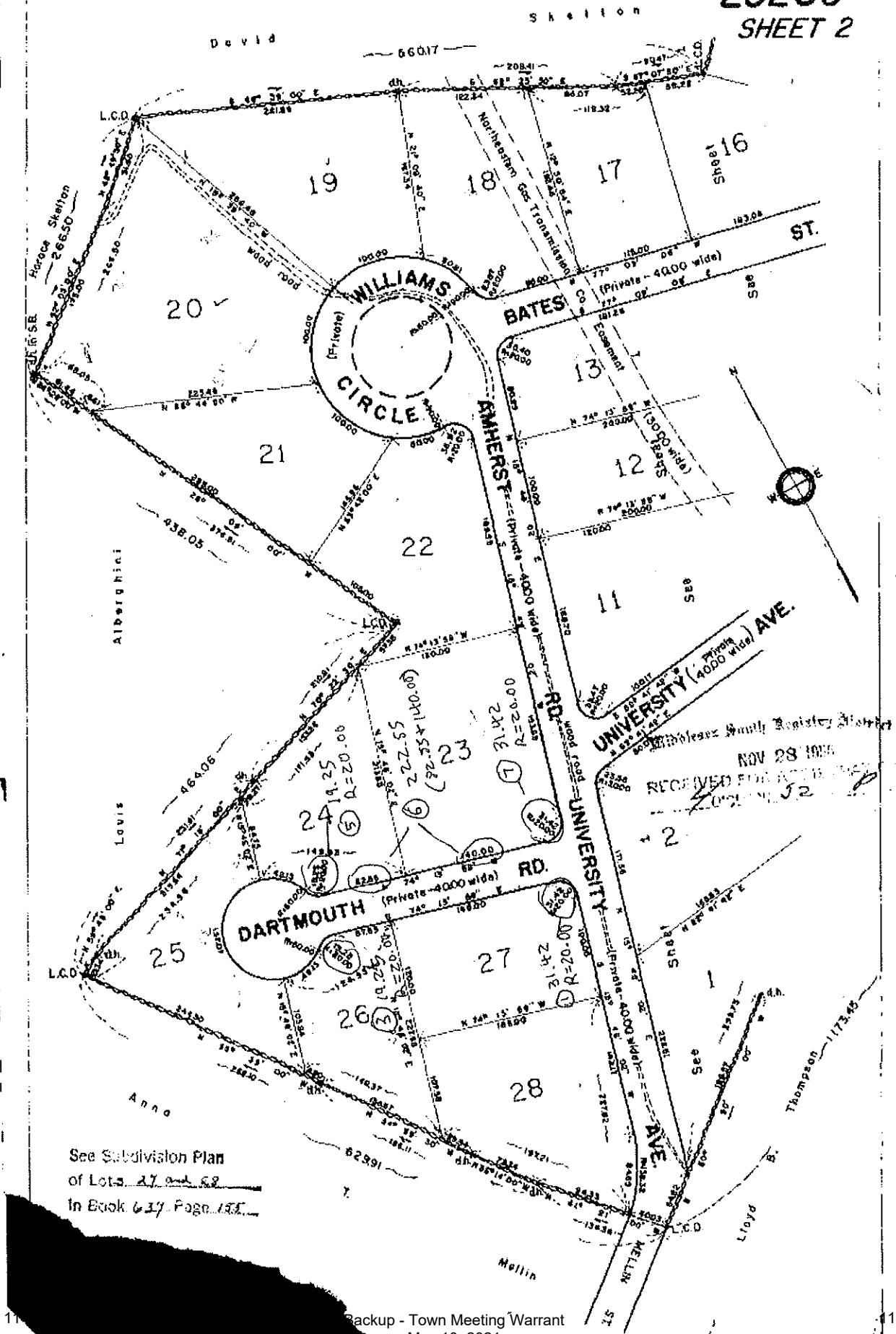
3-23

SLEEPER & SLEEPER
ATTORNEYS-AT-LAW
THE COLONIAL BUILDING
35 CENTER STREET
BURLINGTON, MASS. 01803
272-4515

IF 6732

box 86

23266 A
SHEET 2



See Subdivision Plan
of Lots 47 and 58
In Book 637, Page 152.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

April 26, 1968

455647

ORDER OF TAKING

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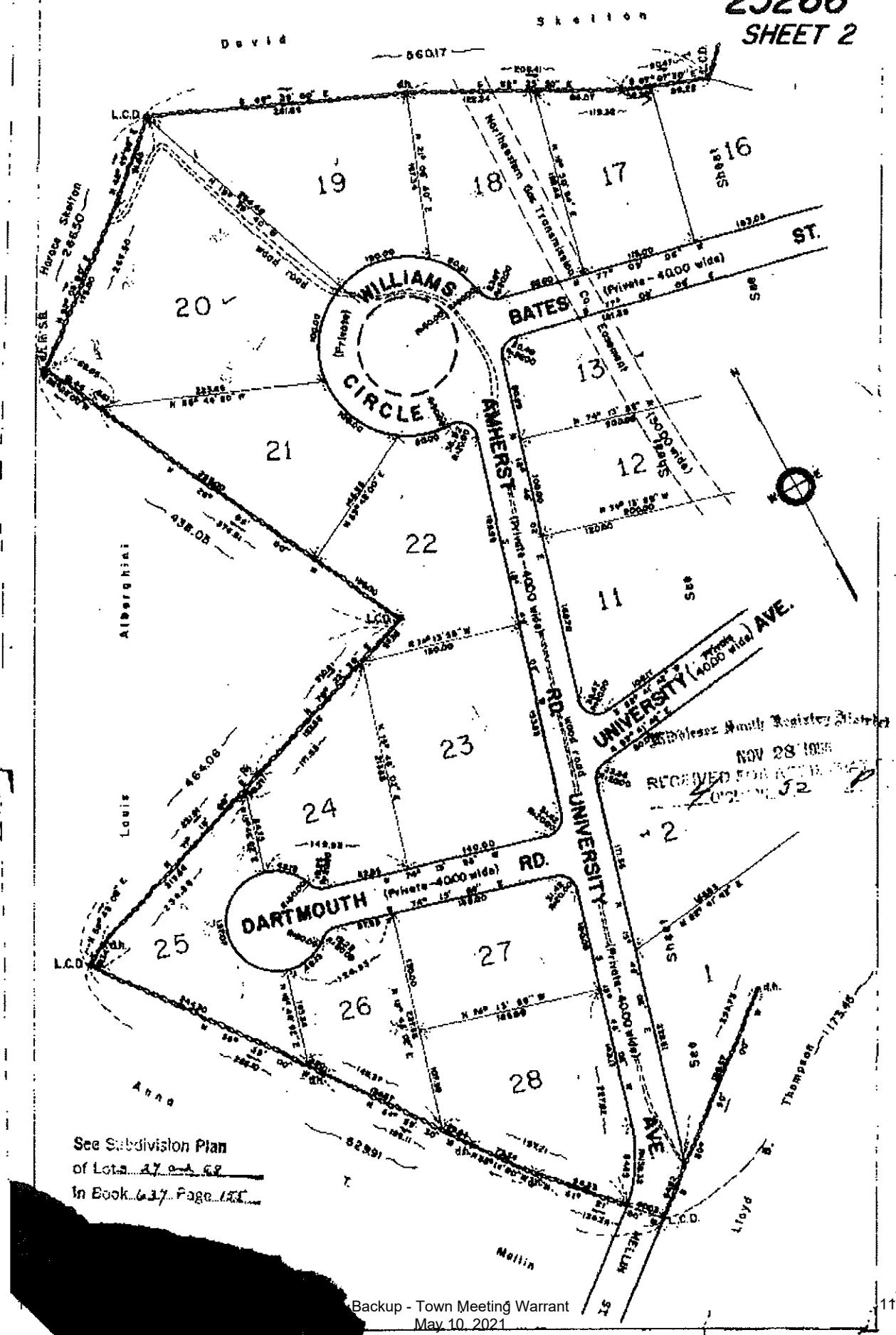
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253.33 to a point; thence turning the line runs
- ⑤ NORTHEASTERLY AND EASTERLY by a curved line having a radius of 20 feet, 19.25 feet to
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- ⑥ SOUTH 74° 13' 58" East 222.55 feet to a point; thence turning the line runs
- ⑦ SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY by a curved line having a radius of 20 feet,
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- ⑧ NORTH 15° 48' 02" East along said University Avenue to the point of beginning at
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Meaning and intending to take herein that portion shown on said plan as Dartmouth Road.

1-3

23266A
SHEET 2



General Bylaw 27
Amendment to Town General Bylaw –
Bylaw Review Committee (No. of
Members
(1 page)

Article # 21

Amendment to the General Bylaws – Bylaw Review Committee

Background and Supporting Information

Currently as defined in Article 1, General Provisions, Section 1.0, and Article V, Section 2.3 of the Burlington General Bylaws, the Bylaw Review Committee is defined in paragraph 2.3.1 as consisting of five (5) members. Each member serving a term of three (3) years.

For many years this number of members has been adequate for the yearly review of the current general Bylaws. A number of changes each year have taken place having been identified as needed and fairly easy to adjust to correct minor errors or updates. In the last several years, as many of the Bylaws have changed, new Bylaws have been added, and existing Bylaws of greater length not being reviewed, it has become apparent that this number of members is not large enough. The number of changes and additions, the complexity of the updates, and the coordination with the Zoning Bylaw Review Committee has increased the workload considerably.

By increasing the number from 5 to 7 members, the Bylaw Review Committee will be able to break into subcommittees to more efficiently work on several areas of the Bylaws at a time. This increase will allow new Bylaws brought to the Committee to be reviewed more quickly and in a timely manner, allowing the proposed Bylaw to be submitted for inclusion in the warrant faster. Finally, this increase will allow individual members to be liaisons to work with other Committees and Departments for better understanding and needs in those areas.

General Bylaw 28
Amendment to Town General Bylaw –
Rename the Bylaw review Committee
(1 page.)

Article # 28

Amendment to the General Bylaws – Rename the Bylaw Review Committee

Background and Supporting Information

The Bylaw Review Committee (BRC) has the responsibility to annually review the General Bylaws, and all special Bylaws of the Town of Burlington. The Zoning Bylaw Review Committee (ZBRC) has the responsibility to annually review the Zoning Bylaws of the Town of Burlington. Prior to the existence of the ZBRC there was no confusion when referencing the Bylaw Committee. Since 2018 when the ZBRC was established, it has become apparent that a distinction is necessary. By naming the BRC the General Bylaw Review Committee (GBRC) there will be an easy and recognizable distinction between the two committees.

Therefore, this Warrant Article requests in each reference of the BRC in the General Bylaws the title be changed to General Bylaw Review Committee. Currently there are no references in the Zoning Bylaws of the BRC. There are three areas where the BRC is referenced:

1. Table of Contents
2. Article I, Section 1.0, § 1.1
3. Article 5, Section 2.0, § 2.3

The individual areas above would now appear as follows:

Table of Contents –

ARTICLE V AUTHORITIES, COMMISSIONS, AND COMMITTEES

2.0	Moderator Appointments	
2.1	Finance Committee (Ways & Means)	5-2
2.2	Capital Budget Committee	5-3
2.3	General Bylaw Review Committee	5-4
2.4	Town Facilities Committee	5-4
2.5	Rules Committee	5-5
2.6	Land Use Committee	5-5
2.7	Human Services Advisory Committee	5-6
2.8	Zoning Bylaw Review Committee	5-6

Article I, Section 1.0, § 1.1 –

1.0 These General Bylaws are in addition to the Bylaws and votes of the Town heretofore in effect.

1.1 The General Bylaws, and all special Bylaws, shall be reviewed each year prior to the Annual Town Meeting by a General Bylaw Review Committee of five (5) members to be appointed by the Moderator within thirty (30) days after each Annual Town Meeting. The Bylaw Review Committee shall report to the next Annual Town Meeting their recommendations for the amendment, adoption or repeal of Bylaws.

Article V, Section 2.0, § 2.3 –

2.3 General Bylaw Review Committee

2.3.1 The General Bylaws, and all special Bylaws, shall be reviewed annually by the General Bylaw Review Committee consisting of five members to be appointed annually, for a term of three (3) years, by the Moderator within thirty (30) days after the final adjournment of the May Town Meeting. In the absence of an active committee, two (2) members will be appointed for three (3) years, two (2) members will be appointed for two (2) years and one (1) member will be appointed for one (1) year. Thereafter, all appointments shall be three years;

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

2.3.3 All proposed bylaws appearing on the Warrant for any session of Town Meeting, and all articles on any Warrant for any session of Town Meeting proposing actions which must be taken by law, shall be referred by the Town Administrator as soon as the Warrant closes to the General Bylaw Review Committee. Said committee shall consider (a) where in said Bylaws the proposed Bylaw should be placed; (b) the form, clarity and conciseness of the proposed Bylaw; and (c) all arguments in favor of or in opposition to the proposed Bylaw, and shall make recommendations to Town Meeting based on these considerations.

General Bylaw 30
Add to General Bylaws of the Town of
Burlington, Article IV, Selectmen
(9 pages)

Warrant Article Back Up

P.1 Mandatory Public Hearing for Selectman Meetings/Decisions on Housing

Sponsored By: The Land Use Committee of Town Meeting

Problem Statement: Since January of 2021, the residents of Richardson Road in Burlington have been appearing before the Zoning Board of Appeals in a desperate attempt to save their small street from an enormous 24-unit apartment building. They were forced to pool their resources and hire a lawyer to search for an opportunity to stop the project. Why is this happening in Burlington? A local developer, Gary Litchfield, is trying to take advantage of a loophole in Massachusetts law that allows a developer to seek waivers of the Town's zoning and housing regulations. This is only possible if the developer receives a letter of support from the Town's Board of Selectmen.

A bit of history is needed here. Since 2012, the Planning Board and the Town Meeting have followed a careful 40b strategy to prevent this kind of random, over-sized development coming into a Burlington neighborhood. The strategy refers to Section 40b of the state's affordable housing laws. If less than 10% of a town or city's housing units are not affordable (that is, able to be purchased by a person making 80% or less of the county's median income) then a developer can come into a town, **bypass** the town's zoning and other regulations and build affordable apartments/condos in any neighborhoods.

Our strategy to ensure Burlington was over the 10% affordable mark was to work with developers to allow "friendly" 40b apartments, that is, complexes with 20% or more affordable units that **follow** our zoning and other rules. These apartments/condos are being developed in commercial areas that are connected to major roads, have good traffic flow and adequate traffic lights, and are near to stores and other services. We reached our 10% goal two years ago with the new apartments at Corporate Drive and Northwest Park.

Now that we are at approximately 13% affordable housing units for the town, no developer can drop into a Burlington neighborhood and do an "unfriendly-violate-the-rules" 40b. Unfortunately, the new project on Richardson Road is a "condo complex without rules" plopped into the middle of a residential neighborhood – exactly what we were trying to prevent.

The Rendering on the next page (Exhibit 1) shows how big the project is. This complex is being built on 2.7 acres of land. Right now, with one vote by the Selectmen, a similar project can be pushed into any three-acre lot in any residential neighborhood in Burlington.

P.3 Mandatory Public Hearing for Selectman Meetings/Decisions on Housing

Sponsored By: The Land Use Committee

How the Developer got his Project: Mr. Litchfield took his 40b-without-the-rules project to the Town of Burlington's Housing Partnership Committee in January of 2019. The members of the Housing Partnership Committee are appointed by the Burlington Board of Selectmen. We do not know what happened at the HPC's meeting about this matter because no Minutes for it have, as of March 25, the date this back up was written, been submitted to the Town Clerk. However, James Doherty, then a town employee and a member of the committee wrote a letter to Mr. Litchfield saying the committee unanimously voted to support the plan.

Evidently, by this time the developer had learned that a 40b could still be imposed on a neighborhood if the Selectmen approve the project and turn over final approval to the Zoning Board of Appeals. The ZBA then can decide on the multiple waivers the project will need. By this time, the developer called the 40b-without-the-rules project Winn View Heights II.

Note that the Housing Partnership meeting was not a public hearing – nor was anyone on the Planning Board, the Planning Board staff, the Land Use Committee, the Town Meeting Moderator, or the residents of the neighborhood notified of or invited to the meeting.

The Board of Selectmen Stage: The Board of Selectmen met in regular session on March 11, 2019. The Board reviewed Mr. Doherty's letter and other documents submitted by Mr. Litchfield and voted 5-0 in favor of sending a letter in support of the Winn View Heights II project. The support letter was sent to the state of Massachusetts on May 4, 2019.

Note that the Board of Selectmen did not hold a public hearing, nor was anyone on the Planning Board, the Planning Board staff, the Town Meetings Land Use Committee, the Town Meeting Moderator, or the residents of the neighborhood notified of or invited to the meeting.

The proposal then went to the state government, where the bureaucracy happily endorsed the unusual spectacle of a Board of Selectmen approving an apartment complex in a single family zoned residential neighborhood. The Dept. of Housing and Community Development gave its okay and the Board of Selectmen, at its meeting of January 13, 2020 reached a Memo of Understanding with the developer. The Memo calls for all of the units to be for people 55+ with six units listed as affordable.

Note that the Board did not hold a public hearing, nor was anyone on the Planning Board, the Planning Board staff, the Town Meetings Land Use Committee, the Town Meeting Moderator, or the residents of the neighborhood notified of or invited to the meeting.

P.4 Mandatory Public Hearing for Selectman Meetings/Decisions on Housing

Sponsored By: The Land Use Committee

The Zoning Board of Appeals: The state gave final approval last fall and the entire project was brought to the ZBA in January of 2021. The process for the ZBA is complicated because the developer has asked for 37 waivers. These include changing the site zoning from residential single family to residential multi family, waiving rules about how steep a lot can be, waiving rules about how dense a site can be and minimum front, side, and back yard requirements.

Remarkably, considering it is a 55+ development, Mr. Litchfield is asking the ZBA to waive the town's rules for number of handicap parking spaces. Waivers are also asked for corner clearance, for an occupancy permit, and for open space requirements for residential units. Finally,

This waiver request generally extends to all other Town of Burlington Zoning By-Laws, and any and all Administrative Rules and/or Regulations of any Board or Department thereunder, whether or not specifically named, herein, but which may affect in any way the proposed project set forth in this Submission.

Presumably, this blanket request means there would be no Fire Department, Conservation Commission, or Board of Health rules that this project would follow. This is hinted at in the site plan (see Exhibit 2, Site Plan) which shows only one way in and out through Richardson Road. It really is a request to throw out all the rules decided on by our community.

At least, at this last moment, the ZBA held a public hearing in January with notices going to nearby residents and the Planning Board, but not the Town Meeting or its Land Use Committee. The residents are now opposing the development and the waiver requests. The Planning Board and the Land Use Committee have little control over how the ZBA will handle this project.

Our Solution: The common thread in each step of the process is the lack of communications with other decision-making bodies in Burlington and with the residents affected by the project. Therefore, the Land Use Committee is bringing to the Town Meeting a General By-Law proposal, requiring the Selectmen to hold well announced public hearings when voting or making decisions on the renovation or new construction of residential buildings.

The language in this proposal would be added to Article IV which lays out the powers and duties of the Selectmen. The language is similar to the language in 1.12 of Article IV, which outlines the public process the Selectmen must follow when selling public land. The Land Use Committee believes similar public participation requirements should be followed when doing something as complex and far reaching as approving new residential units for the Town.

Requested Waivers of Town of Burlington Zoning By-Laws
and Administrative Procedures
Re: Winn View Heights II
Proposed Age Restricted Residential Development

Article IV – Use Regulations

- 4.1.4 Use Limitations
- 4.2.1.17 Principal Use – RO Zoning District
- 4.3.1.4 Garage parking – more than 3 vehicles
- 4.3.1.5 Outdoor parking

Article V – Dimensional Requirements

- 5.1.0 Applicability of regulations
- 5.1.1 Compliance with Density Regulation Schedule
- 5.1.2.5 Lot Slope Requirements
- 5.2.0 Density requirements with respect to Minimum lot area; minimum lot frontage; minimum front yard; minimum side yard; minimum rear yard; minimum lot width; maximum building heights

Article VII - General Regulations

- 7.2.2 Parking space, aisle dimensions
- 7.2.2.5 Aisle width
- 7.2.3 Handicap parking space requirements
- 7.2.4 Minimum and maximum parking space requirements
- 7.2.4.3 Minimum and maximum parking for multi family dwellings
- 7.2.4.8 Elderly housing parking
- 7.2.7 Parking structures and garages
- 7.4.4 Landscaping requirements
- 7.4.5 Landscaping plans
- 7.5.1 Corner clearance

Article IX – Administration and Procedures

- 9.1.1 Building permit
- 9.1.2 Occupancy permit
- 9.1.3 Penalty
- 9.1.4 Request for enforcement
- 9.2.1 Special Permit requirements
- 9.2.2.3 Special Permit fees

- 9.2.3 Special Permit public hearings
- 9.2.4 Special Permit criteria for approval
- 9.2.5 Final Action
- 9.3.0 Site Plan and all subsections thereunder (9.3.1 through 9.3.7)

Article XI – Special Residential Regulations

- 11.1.0 Development incentive for affordable housing
- 11.1.1 Special permit to increase number of dwelling units
- 11.1.2 Site plan requirement
- 11.1.3 Site plan
- 11.1.4 Conditions of site plan
- 11.4.0 Regulations for Housing for elderly in RO zoning district
- 11.6.0 Open space Residential, including all subsections thereunder (11.6.1 through 11.6.8)
- 11.8.0 Multi family housing, including all subsections thereunder (11.8.1 through 11.8.6)

Also Section 1 through Section 12 of the Planning Board Rules and Regulations Governing the Subdivision of Land in Burlington, MA.

This waiver request generally extends to all other Town of Burlington Zoning By-Laws, and any and all Administrative Rules and/or Regulations of any Board or Department thereunder, whether or not specifically named herein, but which may affect in any way the proposed project set forth in this Submission.



TOWN OF BURLINGTON, MA

Office of the Board of Selectmen and Town Administrator

BOARD OF SELECTMEN

JOSEPH MORANDI, CHAIRMAN • JAMES TIGGES, VICE-CHAIRMAN • ROBERT HOGAN • MICHAEL RUNYAN • NICHOLAS PRIEST
PAUL SAGARINO, TOWN ADMINISTRATOR

May 4, 2019

Ms. Rieko Hayashi, Program Coordinator
Local Initiative Program
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: Winn View Heights, II
Local Initiative Program

Dear Ms. Hayashi:

On behalf of the Burlington Board of Selectmen, I am pleased to convey our support for the Local Initiative Program (LIP) Project Eligibility Application submitted by Gary J. Litchfield, Manager, Winn View Heights II, LLC for a 24 unit building as a 55+ age restricted project, in a building with enclosed parking and an elevator that will include six units that will be affordable to low or moderate income households defined in 760 CMR 45.02.

The site is located at the end of Richardson Road (Parcel 49-28-0), surrounded by major employers including the Burlington Mall, Lahey Clinic, and many others.

The proponent has worked for several months to prepare this LIP Application, meeting with the Board of Selectmen and other local officials in order to address concerns and create a shared vision for the parcel and neighborhood.

Winn View Heights II, LLC ("the Project") will provide the following types of public benefits:

1. An increase in high-quality affordable housing for low or moderate income households;
2. The development of a site in a setting identified by the Town as appropriate for higher-density residential development and served by existing infrastructure;
3. An increase in high-quality housing in an undersupplied housing market will continue to assist Burlington retain and attract more businesses to the area;

4. An increase in the Town's Subsidized Housing Inventory; and
5. Sustainable growth in tax and other revenue to the Town.

Towards these ends, the Town and developer have entered in a development agreement for the project.

If you have any questions or need additional information, please contact Jim Doherty, Burlington Housing Partnership, at 781-270-1653.

Sincerely,



Joseph E. Morandi
Chairman, Burlington Board of Selectmen

Cc: Board of Selectmen
Jim Doherty, Housing Partnership
Paul Sagarino, Town Administrator

SITE DEVELOPMENT PERMIT PLAN

WINN VIEW HEIGHTS II

BURLINGTON, MASSACHUSETTS

PROPOSED AGE RESTRICTED RESIDENTIAL DEVELOPMENT

DATE AUGUST 20, 2018

SCALE 1" = 20'

Prepared by: Winn View Heights II
Main Street, Burlington, MA 01803
Prepared for:
Burlington, Massachusetts, the
Commonwealth of Massachusetts
Date August 20, 2018
Prepared by:
Michael & Stacy Traly

Prepared by: Winn View Heights II
Main Street, Burlington, MA 01803
Prepared for:
Burlington, Massachusetts, the
Commonwealth of Massachusetts
Date August 20, 2018
Prepared by:
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**24 UNITS
25 EXTERIOR PARKING SPACES
35 EXTERIOR PARKING SPACES**

**STEPHEN &
FRANCES O'BRIEN**

GENERAL NOTES

1) THIS PLAN IS THE RESULT OF AN ON THE GROUND FIELD SURVEY AND PUBLIC AND PRIVATE PLANS.
2) UTILITIES SHOWN ARE BASED UPON FIELD SURVEY AND RECORD PLANS AND ARE NOT NECESSARILY INDICATIVE OF UNDERGROUND CONDITIONS.
3) THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS.
4) THIS PLAN IS BASED ON THE REFERENCED PLANS, DEEDS AND THE RESULTS OF A FIELD SURVEY AS OF THIS DATE. NO CERTIFICATION IS INTENDED AS TO PROPERTY TITLE OR AS TO THE EXISTENCE OF UNWRITTEN OR UNRECORDED EASEMENTS.
5) THE OWNER SHALL COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS CONCERNING THE MATERIALS AND/OR METHODS OF INSTALLATION OF ANY AMENITIES DEPICTED ON THIS PLAN.
6) THE CONTRACTOR SHALL CONTRACT WITH THE APPROPRIATE UTILITY PROVIDERS AT LEAST 90 DAYS IN ADVANCE OF ANY WORK PRIOR TO COMMENCEMENT OF ANY WORK.

NOTES:

1. ZONING DISTRICT: R0
2. ASSESSORS MAP #1 & PARCELS 81 & 82
3. DEED REFERENCE: BOOK 12319 PAGE 229
4. PLAN REFERENCE: PLAN 1242 OF 1964 & 1121 OF 1989
5. RECORD OWNER: JOHN A. HUSSEY, JR. & DENISE M. BUTTARO

SEE SHEET 2

SEE SHEET 1

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Backup - Town Meeting Warrant
May 10, 2021



Winn View Heights
Burlington, Massachusetts