Notice of Public Meeting – (As required by G.L. c. 30 A, c. §18-25)

DEPT./BOARD: ZBRC
DATE: Wednesday, March 4, 2020
TIME: 6:00 PM
PLACE: Town Hall Annex Meeting Room B

AGENDA

1. Public Participation
2. Approval of Minutes: 02/05/2020
3. Review/Approval of May 2020 Warrant Article Submissions
   a. Article(s) – Escadrille: Amending Articles IV, V and VII; and Ray Ave Rezoning
   b. Article - Amending Article II - Definitions (back up documentation)
   c. Submittal #11- Amend Article IX – Section 9.2 and 9.3
   d. Submittal #12 - Short Term Rentals
4. Subcommittee reports
   a. NWP Housing - Shari
   b. Signage - Sally
   c. Housing – Cathy
5. Capitol Warrant Articles
   a. Signage Bylaw Review and Revision Consultant
   b. Wireless Overlay Consultant
Call the Meeting to Order

Chair Shari Ellis called the March 4, 2020 Zoning Bylaw Review Committee to order at 6:05 PM in the Town Hall Annex Basement, Room B, 25 Center Street.

Voting Members Present: Shari Ellis, Betsey Hughes, Michael Murray, Edward Parsons, Michelle Prendergast, Tamara Maniscalco (Late Arrival), Sally Willard, Cathy Beyer, and Gregory Ryan

Non-Voting Members Present: Ernest Covino and Andrew Ungerson

Also Present: Kristen Kassner, Planning Director; Brady Caldwell, Assistant Planner; and Dawn Cathcart, Recording Secretary

Ms. Ellis stated that this meeting is being recorded.

Ms. Kassner introduced Brady Caldwell as the new Assistant Planner for Burlington.

1. Public Participation

There was no public participation.

2. Approval of Minutes – 02/05/20

This will be tabled to the end of the meeting.

3. Review of May 2020 Warrant Article Submissions

3a. Articles(s) – Escadrille: Amending Articles IV, V and VII; and Ray Ave Rezoning

Michael Murray represented Escadrille Realty LLC.

- The Planning Board subcommittee and staff met with the proponent to try to restrict the criteria to limit the number of properties this would apply to. They considered:
  - Changing the Ray Ave site to IH instead of BG. Town Council said we can’t do that because BG and IH have different dimensional requirements and uses.
  - The subcommittee came up with criteria including: parcel cannot be within 200’ of a residential district; lot area must be a minimum of 150,000 sf; the parking structure must be an accessory use to a restaurant with a function facility having a minimum occupancy of 400. This is similar to when Lahey was able to get their parking garage.
  - Currently only the Escadrille property would be allowed a parking structure, but there could be a potential of 5-6 other parcels.
  - Submittal #7 – reducing the Maximum Aggregate Building-to-Ground Area does not really apply anymore with the new criteria that has been added and could be confusing.

Ms. Maniscalco joined the meeting at 6:11 PM.

- Members and guests had additional comments:
  - Discussed adding the parking structures to Section 7 (Parking) or Section 10 (Special Use Provisions) of the Zoning Bylaw.
With respect to deviation from the original Warrant submittals, the Town Administrator is amenable to the changes; the legal notice has been re-advertised by the Planning Board.

Requested proponent to submit the list of other potential properties that a parking structure could be on.

There was concern there would be push back from Town Meeting that this proposal was crafted for one business. ZBRC is charged with reviewing proper language of the article but Town Meeting members are charged with if the proposal is good for Burlington.

All proponents have the same burden to prove that the proposed change is good, but with modular restrictions it can be easily changed.

Add “permanent” in front of “function facility having a minimum of occupancy of 400.”

**MOTION** - Ms. Hughes made a motion that the ZBRC recommends leaving Submittal #8 in Section 7 of the Zoning Bylaw. The motion was seconded by Ms. Prendergast and unanimously voted 8-0-1. Mr. Murray abstained from voting.

**MOTION** - Mr. Parsons made a motion that the ZBRC agrees with the proponent on removing Article 5, Submittal #7 from the Warrant. The motion was seconded by Ms. Maniscalco and unanimously voted 8-0-1. Mr. Murray abstained from voting.

**3b. Article – Amending Article II – Definitions (back up documentation)**

A definition is needed for “Function Facility”.

**3c. Submittal #11 – Amend Article IX – Section 9.2 and 9.3**

This article addresses the changes with electronic permitting and submission. The amended Bylaw will allow for process to be determined by the Planning Board in their Rules and Regulations. Proponent, the Town Clerk and Planning Board believe that processes should not be regulated in the Zoning Bylaw.

- Members had additional comments:
  - Add header for SECTION 9.2.0 SPECIAL PERMIT.
  - Specify that the article pertains to the Planning Board Special Permits and Site Plan Rules and Regulations.

**3d. Submittal #12 – Short Term Rentals**

This article addresses the Short Term Rentals. The State definition was used and it has been added to the use table and prohibited in all districts except overlay districts A & WR.

- Members and guests had additional comments to the article:
  - Concerns with in-law apartments becoming accessory apartments and/or 2-Families.
  - Concern with the number of consecutive calendar days.
  - Asked that the definition of short term rentals from similar towns be looked at.
  - Suggested that “Yes” in the Overlay Districts A & WR be changed to “NO” or “NA”
  - Suggested changes to the definition: “The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than twenty-eight consecutive calendar days for a fee. A
short-term rental is a property that is not a hotel, motel, lodging house or bed and breakfast establishment, where at least one room or unit is rented out by an operator. A short-term rental may be comprised of an apartment, house, cottage, condominium or other accommodation.

- If not prohibited, then there are questions of liability and how it would be enforced.
- Prohibiting is based on public safety concerns, enforcement and liability.
- Requested a cost benefit analysis of regulatory enforcement for short term rentals.

Ms. Hughes conducted a straw poll of the ZBRC of opinions on proceeding with the consideration of a short term rentals ban and the subcommittee will work with the Planning Board to clarify the definition and supports having the appropriate level of backup material as to why the ban is appropriate for Town Meeting. The result was 8-1-0 in favor of considering the amendment. Mr. Ryan voted against.

Ms. Beyer and Ms. Ellis will continue with the short term housing subcommittee.

Ms. Kassner and Mr. Caldwell left the meeting at 7:30 PM.

4. Subcommittee Reports

4a. NWP Housing - Shari

- Discussed an RFP for a housing consultant
- Discussed criteria for the affordable units with tiers and pools for Burlington residents
- Nordbloom hopes to go to the Planning Board late summer/fall for the Special Permit for the building.

4b. Signage – Sally

- A meeting was held on February 5th. Members of signage-subcommittee include: Ms. Willard, Mr. Murray, Mr. Covino, Ms. Ellis and Ms. Hughes. Nick Priest will be the Selectmen representative. Sally will be sending an invite to the Economic Development Director. She will also invite Rick Parker from the Chamber. Shari will contact Chair Scott Martin, and request representation from the General Bylaw Committee.
- Meetings will be the 1st and 3rd Tuesday of the month in the morning. They will look at having some night meetings.
- Goals were discuss and they will be reporting a summary to Town Meeting in May.
- Updated Definitions are planned for the September Town Meeting.
- Joe Impemba will attend on March 10th and Scott Weisse will attend on March 17th to discuss what happened during the last effort to address signs.
- They will look at the Town Center Overlay District first.

4c. Housing – Cathy

It was agreed that housing will be tabled until after the short term rental issue is finalized.

5. Capitol Warrant Articles

5a. Signage Bylaw Review and Revisions Consultant
There is an article for $75,000 for consulting services for the sign bylaw.

5b. Wireless Overlay Consultant

It has been at least 15 years since the last wireless bylaw was created. An article has been submitted for $100,000 for consulting services to look at the wireless bylaw including: wireless carriers as public utilities, comparing our regulations vs. the Federal Utilities Act and 5G.

- Members had additional comments to the article:
  - Concern with the amount of both capital warrant articles and would like to see a cost estimate of how the money would be spent.

2. Approval of Minutes – 02/05/20

MOTION - Ms. Hughes made a motion to approve the ZBRC minutes of February 5, 2020 as amended in an email and further amended with the following:

- #2, 2nd bullet – Change “uniquely different” to “unique”
- #3a, 2nd bullet – Change “suggestions” to “comments”
- #3a, 2nd bullet, 6th sub-bullet – Change to read “We expect that parking structures would yield additional green space relative to service lots.”
- #3a, 2nd bullet, 8th sub-bullet – Change the 2nd sentence to read “The committee agreed with the proponent that the 200’ should be from the lot line.”

The motion was seconded by Ms. Maniscalco and unanimously voted 9-0.

6. Adjournment

Ms. Ellis stated that the next meeting will be changed from April 8th to April 1st.

MOTION - Ms. Maniscalco made a motion to adjourn the ZBRC meeting of March 04, 2020 at 8:10 PM. The motion was seconded by Mr. Ryan and unanimously voted 9-0.
03/04/20 Agenda

1. Public Participation: None

2. Approval of Minutes: ZBRC Minutes 2/5/20

3. Review of May 2020 Warrant Article Submissions
   3a. Article(s) - Escadrille: Amending Articles IV, V, and VII; and Ray Ave Rezoning: Draft warrant articles
   3b. Article – Amending Article II - Definitions: Draft Article
   3c. Article – Submittal #11 – Amend Article IX: Draft Article
   3d. Article – Submittal #12 – Short Term Rentals: Draft Article

4. Subcommittee Reports
   4a. NWP Housing – Shari: None
   4b. Signage – Sally: None
   4c. Housing – Cathy: None

5. Subcommittee Reports
   5a. Signage Bylaw Review and Revision Consultant: None
   4b. Wireless Overlay Consultant: None

Respectfully Submitted,
Dawn Cathcart, Recording Clerk

Approved: At the 5/11/2020 ZBRC meeting 7-0-0