TOWN OF BURLINGTON

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

DEPT./BOARD:  ZBRC

DATE:  Wednesday October 9, 2019

TIME:  6:00 PM

PLACE:  Town Hall Annex Meeting Room B

AGENDA

1. Approval of Minutes

2. Open Meeting Law – meeting invite

3. Northwest Park – Follow-up from Town Meeting

4. Zoning Amendment Coordination – Update
   a. Planning Board
   b. Town Clerk

5. Zoning Bylaw Review and Prioritization - Updates
   a. Housing/ Airbnb: Cathy and Planning staff/board
   b. Signage: Tamara, Sally
   c. Definitions: Shari

6. Auto Dealership Bylaw Amendment – Planning Department discussion

7. Public Participation

8. Adjournment
Call The Meeting to Order

Chairman Shari Ellis called the October 9, 2019 Zoning Bylaw Review Committee to order at 6:00 PM in the Town Hall Annex Basement, Room B, 25 Center Street.

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

Members Absent: Gregory Ryan

Non-Voting Members Present: Ernest Covino and Andrew Ungerson (Late Arrival),

Guests: Michael Espejo and William Gaffney, Planning Board Members

Ms. Ellis stated that they are going to take the agenda out of order. They will discuss Agenda Item 5a: Housing/Airbnb.

5a. Housing/Airbnb: Cathy and Planning Staff/Board

Mr. Gaffney stated that the Planning Board formed a subcommittee in August to look at short term rentals. He and Mr. Espejo are the subcommittee. The Planning Office has provided a lot of information and they are looking at Westfield, MA as a starting model. The subcommittee is looking at:

- On July 1st, the State said we could start collecting room tax on these units;
- Protecting the neighborhoods;
- Look at prohibiting short term rentals or regulating them for safety;
- Determine length of stay to be considered short term. They are looking at 29 days;
- Work with the Building Inspector for enforcement issues;
- Require yearly inspections with Building/Fire;
- Need to add definitions for Short Term Rentals;
- Currently 6 short term rental units were found in Burlington;
- Should they be owner occupied, entire house or unit;
- Conflicting definitions in the bylaw with primary and accessory.

Mr. Ungerson joined the meeting at 6:07 PM.

Ms. Willard joined the meeting at 6:08 PM.

The following comments were from the Building Inspector:

- Believes short term rentals in Burlington are closer to 20-30;
- There are some in brand new homes, others in basements and attics with no emergency egress;
- Airbnb website states that the owner is responsible for local approval;
- Sewer fees are allocated per bedroom so perhaps people are creating bedrooms for use in short term rentals without building permits;
• Should check with Town Council on the Town’s liability issues;
• If short term rentals are to be regulated, they should be required to have a business certificate, pay taxes, have the required parking, and have the proper egress.

The following were comments from the ZBRC:

• We are community leaders and the protection of the neighborhood is compelling to maintain the integrity of the community.
• Short term rentals should be looked at similar to Home Occupation. Should notification to abutters be required?
• If regulations are in place, it helps with enforcement when there is a problem.
• Review should include: regulating short term rentals, limit to 1 room with a special permit, limit the number of people allowed, require them to be owner occupied and inspected yearly.
• Can in-law areas be rented? Mr. Ungerson stated that in-law areas cannot: however, accessory apartments can be as long as they meets the zoning requirement. Are accessory apartments registered? Mr. Ungerson stated that an Occupancy Permit is issued when built and the Assessor’s categorizes it as a R2 use but there is no registration.
• We need to look at the Town’s liability for short term rentals. If these are prohibited then the Town would not be responsible. If they are allowed and regulated then there is concern with enforcement.
• Short term rentals are online so it would be hard to deny they exist.
• Notifications could be sent to the websites (Airbnb, VRBO, Home Away, etc.) that there are no legally licensed units in Burlington.
• Units should be registered, inspected, and a Special Permit issued.
• The definitions need to be created for short term rentals and it doesn’t seem like this will be ready for the January Town Meeting.
• The Bed and Breakfast definition in the existing bylaw may meet the requirements for short term rentals. It must comply with State and Board of Health regulations.
• Look at consequences of an illegal unit in both Building and Zoning violations.
• How many accessory apartments in Burlington? Mr. Ungerson replied there are probably hundreds.
• Safety, liability and neighborhood integrity should be our primary concern
• Can a person rent an entire house? Yes.

Ms. Ellis stated that the Planning Board subcommittee will be Mr. Gaffney, Mr. Espejo, and that Ms. Beyer and Ms. Ellis from the ZBRC will work with the Planning Board Subcommittee.
Ms. Ellis took a poll of the committee to see if there was an interest in banning or regulating Short Term. The comments were:

- If allowed, there is a need for really good regulations. No inspections is dangerous. If prohibited, they will still happen. Better off to regulate.
- Need more information, if regulated can put restrictions and limitations.
- Leading toward prohibiting, focus on enforcement and protecting neighborhoods.
- If they are regulated, we can only regulate the building, not who comes in to rent.
- Looking to regulate. The use of the property would now be a business. Can identify potential problems including safety of neighborhoods and renters. Look at maybe adding a general bylaw. Notification should be sent to websites to force the providers to do some of the work. Must have inspections.
- Don’t want to completely prohibit. Add regulations and have Town Council should weigh in.
- Not in favor of short term rentals especially single rooms. If it was a whole house, it may be different.

Mr. Gaffney and Mr. Espejo left the meeting at 7:31 PM.

1. **Approval of Minutes**

   **MOTION** - Ms. Hughes made a motion to approve the Zoning Bylaw Review Committee meeting minutes of August 28, 2019 as presented. The motion was seconded by Ms. Maniscalco and unanimously voted 6-0-2. Mr. Parsons and Ms. Prendergast abstained from voting.

   **MOTION** - Ms. Hughes made a motion to approve the Zoning Bylaw Review Committee meeting minutes of September 11, 2019 as amended. The motion was seconded by Ms. Beyer and unanimously voted 7-0-1. Mr. Murray abstained from voting.

   **MOTION** - Ms. Hughes made a motion to approve the Zoning Bylaw Review Committee meeting minutes of September 23, 2019 as presented. The motion was seconded by Ms. Maniscalco and unanimously voted 7-0-1. Mr. Murray abstained from voting.

2. **Open Meeting Law – Meeting Invite**

   Ms. Ellis stated that Town Council is hosting an open meeting law meeting on October 23, 2019. There will be two sessions 4:00 PM and 7:00 PM. Every committee should have at least one representative but everyone should try to make it.

   Ms. Hughes asked if the meeting could be taped and in the future, hold the meetings on two different days. Ms. Willard and Ms. Ellis will be the ZBRC representatives.

3. **Northwest Park PDD – Follow-up from Town Meeting**

   Ms. Ellis asked for any comments or follow up from the Town Meeting article.
The following were comments from the ZBRC:

- Great job working together with other committees and boards as well as with the applicants.
- Ms. Ellis to follow up with the Board of Selectmen to make sure they create the joint committee as stated in the article to address the agreement.
- We need to understand what the agreement says. It should be clear.
- The Moderator and Ms. Ellis did a good job laying the process out.
- The questionnaire form that was given to the applicants from the ZBRC should be updated. If there are documents or attachments, they should be listed on the form then attached.
- Condos should be an option for housing. There should be a mix of apartments and condos.

4. **Zoning Amendment Coordination – Update**

4a. **Planning Board**

4b. **Town Clerk**

Ms. Ellis stated that the flow chart for the zoning amendment coordination discussion may now include the Board of Selectmen and Town Council. The Town Clerk has said that the Board of Selectmen should be kept in the loop from the beginning of any proposed zoning amendment. The process from the last Town Meeting showed there is a communication issue and that should be addressed for any future proposed zoning change. There should be joint meetings with the Planning Board, ZBRC, Land Use and Board of Selectmen if necessary. The Board of Selectmen now has liaisons. Nick Priest is the Planning Board liaison, so perhaps he could come to sub-committee meetings to discuss short term rentals. Ms. Ellis will send an email to Mr. Gaffney and Mr. Espejo.

Mr. Murray stated that he thinks the flow chart is confusing and how does an applicant know which board or committee to go to. Ms. Ellis stated that would depend on what the article is trying to do. Ms. Ellis stated that she will reach out to Nordblom and ask how they thought the process went. It was rough at the beginning but ultimately it sped up the process for Town Meeting. The process needs to be streamlined as much as possible but Land Use reviews how amendments affects use of the land.

Mr. Murray stated that he will be submitted two articles for the January Town Meeting for his company, Murray Hills.

5. **Zoning Bylaw Review and Prioritization – Update**

5b. **Signage: Tamara, Sally**

This will be discussed at the next meeting.

5c. **Definitions: Shari**

This will be discussed at the next meeting.

6. **Auto Dealership Bylaw Amendment – Planning Department Discussion**

This will be discussed at the next meeting.
7. **Public Participation**

Ms. Ellis stated that there is a training session in Lowell on October 24th from 7:00 to 9:00 PM on how to write a zoning amendment. If anyone is interested, the Planning Director said that they would be willing to pay for the $35 fee for 1 or 2 members. If anyone is interested, let her know as soon as possible.

Mr. Murray and Ms. Maniscalco will not be here for the next meeting.

8. **Adjournment**

**MOTION** - Ms. Hughes made a motion to adjourn at 8:30 PM. The motion was seconded by Ms. Willard and unanimously voted 8-0-0.

Respectfully Submitted by Dawn Cathcart, Recording Clerk

Approved on: November 11, 2019 ZBRC meeting (5-0-0)