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

DEPT./BOARD: ZBRC

DATE: Wednesday November 13, 2019

TIME: 6:00 PM

PLACE: Town Hall Annex Meeting Room B

AGENDA - Revised

1. Call Meeting to Order
2. Public Participation
3. OML – presentation review and discussion on meetings
   a. subcommittees, parameters of meetings, proposed new minutes templates, editing process
4. Zoning Amendment Coordination – Update
5. Zoning Text Amendments – January Town Meeting
   a. Escadrille Reality - Applicant
   b. Planning Department, Applicant
6. Zoning Bylaw Review and Prioritization - Updates
   a. Shoppes @ Simonds Park RFP
   b. Housing/Short Term Rental subcommittee report
   c. Signage
7. Senior Affordable Housing Committee at NWP – ZBRC representative
8. CPTC Training Workshop – report and review with ZBRC Style Guide
9. Approval of Minutes: 10/9/19, 1/28/19
10. Adjournment
1. **Call The Meeting to Order**

Chairman Shari Ellis called the November 13, 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, Gregory Ryan, Edward Parsons, Cathy Beyer, Betsey Hughes, and Michelle Prendergast

Members Absent: Sally Willard, Michael Murray, Tamara Maniscalco

Non-Voting Members Present: Ernest Covino and Andrew Ungerson

Ms. Ellis stated that this meeting is being recorded.

2. **Public Participation** - None

3. **OML – Presentation Review and Discussion on Meetings**

3a. **Subcommittees, Parameters of Meetings, Proposed New Minutes Templates, Editing Process**

Ms. Ellis stated that the following processes will be incorporated moving forward:

- The agenda will be emailed to the Committee. If there are additional items to add, these should be sent by email to the Chairman without copies distributed (no cc:).
- All referenced documents will be listed with their location to the end of the minutes.
- Mr. Parsons will be the editor of the minutes. Draft minutes will be emailed to the Committee. Any additions or corrections should be sent to him by email for consolidation (no cc:).
- A template has been submitted for subcommittee and well as committee minutes.

4. **Zoning Amendment Coordination - Update**

Ms. Ellis stated that she discussed with Town Counsel the process for consideration of proposed zoning changes and received the following suggestions:

- The public hearing notice and warrant article should be very similar.
- To this end, the proposed PB, LUC and ZBRC flow chart should indicate an initial review of applicants’ proposed articles by the relevant Town Boards/Committees before holding a public hearing.

The committee further discussed these possibilities:

- Seeking specific guidance from the AGs office on how to test for problematic differences between a public hearing notice and warrant article.
- Considering precedents and interpretations from Legal Counsel in other Massachusetts towns.
- The Town Moderator would ultimately decide if an amendment to an article is in order.
5. **Zoning Text Amendments – January Town Meeting**

5a. **Escadrille Realty – Applicant**

Attorney Thomas Murphy appeared in representing Escadrille Realty proposed zoning articles. Café Escadrille seeks to provide more parking so they would like the possibility of a parking deck be added to the bylaw (in ZB Article IV). The additional parking structure definitions were added (in ZB Article II) after discussions with the Planning Staff in order to provide context and differentiation of various designs and uses. The included dimensional requirements (in ZB Articles V and VII) would limit the size of parking structures and residential areas that would be affected by this bylaw change.

Their intent in rezoning 1-3 Ray Ave (Parcel #54-3-4) to BG is to merge it with the Café Escadrille property (Parcel #54-1-0) forming one parcel with space for a parking deck.

The following discussion occurred:

- Michael Murray is an article proponent and member of the ZBRC therefore should be recused from voting.
- There was concern calling for carefully examining the impact of dimensional requirements to avoid unintended consequences of approving these structures in BG zones.
- The 200’ buffer from residential to a raised parking structure may exclude many sites, but there was concern over the ability of the ZBA to issue a variance to be closer than 200’. Recognizing that the Town Planning office has suggested this will not be possible, the committee would like to examine the governing statute.
- If 1-3 Ray Avenue were not rezoned, then a parking structure would not be an accessory use, as intended by the proposed zoning language. Attorney Murphy stated that if the lots do not merge, then a building permit could not be issued.
- There is concern that multi-level parking structures would change the look of Burlington.
- The committee seeks clarity on the allowed configurations of Integrated Structured Parking, e.g. the possibility that only parking underneath a building be allowed.
- The committee seeks clarity on the impact of the proposed allowance of parking structures on landscaping and green space, given the intent that parking structures allow for relatively more green space.
- The zoning map should be referenced in the rezoning article, parallel with other rezoning articles.
- It was stated by Attorney Murphy that Escadrille LLC purchased the Cycle Loft Building and the intention would be that part of the Escadrille parking would be used to accommodate the parking needs of potential tenants for that facility.
- An understanding of the article’s intent on the issues discussed is required before we can wordsmith.

**Action Items:**

1. Mr. Ungerson will get further clarification of height limits from the Fire Department.
2. The applicant may want to consider limiting the scope of the articles to only the parking deck.
3. ZBRC will provide comments to the Planning Board before the public hearing.

4. Ms. Ellis will speak with the Board of Selectmen to discuss adding a footer with an article identifier, date, version and page # in the warrant article template for easier reference to various articles under discussion.

Ms. Prendergast left the meeting.

5b. **Planning Department - Applicant**

Ms. Ellis stated that this item will be tabled until Ms. Kassner is present.

6. **Zoning Bylaw Review and Prioritization – Updates**
   6a. Shoppes @ Simonds Park RFP
   6b. Housing/Short Term Rental Subcommittee Report
   6c. Signage

Ms. Ellis stated that agenda item 6 will be put on the next meeting agenda.

7. **Senior Affordable Housing Committee at NWP – ZBRC Representative**

Ms. Ellis stated that the Board of Selectmen is creating this committee and would like a ZBRC representative.

*Action Items:*

1. Ms. Ellis will send an email out to the ZBRC asking who is interested and make the appointment to the Senior Affordable Housing Committee at NWP.


Ms. Ellis stated that agenda item 8 will be put on the next meeting agenda.

9. **Approval of Minutes: 10/9/19 and 1/28/19**

   **MOTION** - Ms. Hughes made a motion to approve the ZBRC Minutes of October 9, 2019 as amended. The motion was seconded by Ms. Beyer and unanimously voted 4-0-1. Mr. Ryan abstained from voting.

   **MOTION** - Mr. Parsons made a motion to approve the ZBRC Minutes of January 28, 2019 as amended. The motion was seconded by Mr. Ryan and unanimously voted 5-0-0.

10. **Adjournment**

   **MOTION** - Mr. Ryan made a motion to adjourn at 8:30 PM. The motion was seconded by Ms. Hughes and unanimously voted 5-0-0.

   Respectfully Submitted by Dawn Cathcart, Recording Clerk

Approved on: December 11, 2019 ZBRC Meeting (7-0-0)
DOCUMENTS REVIEWED AT MEETING – WEDNESDAY, NOVEMBER 13, 2019

Current Agenda
Public Participation: None

OML –Presentation Review and Discussion:
ZBRC Subcommittee Template, ZBRC Minutes Template

Zoning Amendment Coordination – Update: ZBRC Flow Chart Draft

Zoning Text Amendments – January Town Meeting:
  *Escadrille Realty and 1-3 Ray Ave.*: Memo from SMG dated 10/29/19; Draft Articles (5), Presentation to the Planning Board 11/7/19 (available at planning department)

Zoning Bylaw Review and Prioritization – Update:
  *Shoppes @ Simonds Park RFP*: None
  *Signage*: None

Senior Affordable Housing Committee at NWP – ZBRC Representative: None

Approval of Minutes: 10/9/19, 1/28/19