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

DEPT./BOARD:  ZBRC

DATE:  Wednesday, December 11

TIME:  6:00 PM

PLACE:  Town Hall Annex Meeting Room B

AGENDA

1. Public Participation 6:00 PM

2. Approval of Minutes: 11-13-19; meeting schedule for 2020 meetings

3. Zoning Bylaw Amendments – Version control and process – update

4. Senior Affordable Housing Committee at NWP – ZBRC representative update

5. Zoning Bylaw Review and Prioritization - Updates
   a. Housing/ Short Term Rental subcommittee report
   b. Shoppes @ Simonds Park RFP - sign
   c. Signage

6. Zoning Bylaw Amendments – January Town Meeting 7:00 PM
   a. Amend ZBL Sections II, IV, V, VII and Rezoning 1-3 Ray Avenue Escadrille Reality - Applicant
   b. Amend ZBL Dimensional Requirements of the IH Zoning District Planning Department - Applicant

7. Adjournment
Call the Meeting to Order

Chair Shari Ellis called the December 11, 2019 Zoning Bylaw Review Committee to order at 6:00 PM in the Town Hall Annex Basement, Room B, 25 Center Street.

Voting Members Present: Shari Ellis, Gregory Ryan, Edward Parsons, Cathy Beyer, Betsey Hughes, Michelle Prendergast, Sally Willard, Michael Murray

Voting Members Absent: Tamara Maniscalco

Non-Voting Members Present: Ernest Covino and Andrew Ungerson

Non-Voting Members Absent: n/a

Also Present:

1. Public Participation
   none

2. Approval of Minutes: 11-13-19; meeting schedule for 2020 meetings
   - Minutes reviewed and approved with small changes
   - 2nd Wednesday monthly meeting schedule will be maintained

Motion: approve minutes of November 13, 2019 ZBRC meeting
Approved: (6-0-2)

3. Zoning Bylaw Amendments – Version control and process – update
   - Chairperson Ellis provided an update on process discussions. Upon the suggestion of ZBRC: 1) Footer will be added to submitted Zoning Bylaw amendment articles including a submittal index number and version number to track edits during reviews before the printing of the Warrant. 2) Changes will be tracked on documents to preserve version and edit history. 3) Each version will be submitted to the office of the Board of Selectmen for indexing and archival.

4. Northwest Park Housing Committee – ZBRC representative update
   - Chairperson Ellis self-appointed to the committee and will represent ZBRC.

5. Zoning Bylaw Review and Prioritization - Updates
   a. Housing/ Short Term Rental subcommittee report
      - Update: Planning Board subcommittee members Espejo and Gaffney presented to Planning Board their interim findings: that regulation of short term rentals appeared to
be costly beyond its benefit, while substantial risks and liabilities to the Town exist for not regulating. This leaves prohibition of short-term rentals as the leading candidate for policy.

- A poll of ZBRC was requested by the PB subcommittee to gauge ZBRC’s thoughts on policy. Issues were first discussed:
  - Lodging houses are currently prohibited per General Bylaws
  - To inform the cost of regulation, Mr. Ungerson was asked and did review the various inspections and permitting that would likely be performed and would require funding.
  - Zoning Bylaw enforcement would fall on the building department, secondarily the police. If prohibited, there would still be enforcement cost. To fund this enforcement, fines could be levied, up to $300/day/violation if of zoning bylaws, and up to $1000/day/violation for Building Code violations. Long-term surveillance and reporting are often needed to prosecute a violation, which can be costly and is unfunded.
  - Currently 27 short-term rental units have been identified in Burlington by a review of advertisements on commercial websites.
  - Revenue to offset cost of regulation and enforcement could come from several sources: Business permits; hotel taxes; Special Permitting fees; Building permit fees; annual inspection fees; if unit includes a Kitchen, pool, or sauna, Board of Health inspections (and fees) would be applicable.
  - If regulation is provided by a General Bylaw, there could be criminal enforcement.
  - Scale issues were discussed, i.e. would permanent staff be required for regulation and enforcement? If so, small-scale regulatory activity may be inefficiently provided, increasing likelihood of cost to the Town.
  - It was asserted that other communities have consistently failed to recoup the cost of regulation of short-term rentals.
  - There are questions of the level of responsibility/liability the town assumes with ignoring rentals vs. regulating them, vs. prohibiting them.
  - Prohibition would be best implemented with both a General and Zoning Bylaw.
  - Chair Ellis noted the thoughts of the committee for transmittal to the Planning Board. Given the information presented, three members favored prohibiting short-term rentals, while five favored allowing and regulating. With some qualifications:
    - Some members would prefer to see a cost analysis to inform the policy decision before regulation is proposed, including costs of regulatory enforcement and potential fee revenue.
    - If short-term rentals are to be allowed and regulated, members were in general agreement that this should include special permits, area limitations, assurances of sufficient parking, and safety/building inspections at a minimum.

b. Shoppes @ Simonds Park RFP – sign proposal
Update: The Request for Proposal to rent the land at the end of Center Street has been extended for 45 days. The Shoppes at Simonds Park have submitted the only proposal thus far. That proposal has been amended from a 16-foot sign to a 14-foot sign, but still offers well below the stated requirement for rental payment.

c. Review of Signage-related bylaws

- This was tabled.

6. Zoning Bylaw Amendments – January Town Meeting 7:00 PM

Attendees joining:
Land Use Committee: P. O’Brien, M. Pierson, D. Webb, G. Mercier
Planning Board: B. L’Heureux,
Planning Department: K. Kassner, E. Bonventre
Other: Tom Murphy (representing Escadrille realty and Ray Ave Trust), Robert Buckley (of Riemer & Brownstein, representing the rezoning applicants), Scott Weiss (representing The Gutierrez Company)

a. Amend ZBL Sections II, IV, V, VII and Rezoning 1-3 Ray Avenue

Escadrille Reality & Ray Avenue Trust – Applicant

- Mr. Murray (speaking on behalf of Escadrille Realty, LLC and the Ray Avenue Trust, petitioners/proponents of zoning bylaw articles) announced delay of the Articles, with the possible exception of the parking structure definitions (amendments to §2 of the zoning bylaws), until the May town meeting. However, he would like to keep open discussions of the articles as time allows before the May town meeting.
- Motion to table discussion of those articles to later in the meeting. Approved (8-0-0)

b. Amend ZBL Dimensional Requirements of the IH Zoning District

Planning Department - Applicant

- Ms. Kassner presented a review of IH districts: Created in 1972 for New England Executive park. The height allowance in IH accommodated the “BayBank Tower”. Currently there are 3 parcels zoned IH.
- Ms. Kassner presented an amendment proposed by PD:
  - Amending §5.2.0
    - Dimensional requirement: 155’ height reduced to 90’ height – purpose is aesthetic, sightlines.
    - Reduced setback requirements – purpose is flexibility of design. Still needs 100’ setback from residential, and frontage to road.
• Adjustment in height requirement for integrated parking structures in note 7 to table are to incentivize integrated parking structures which tend to reduce the area of impermeable surface in a lot.
  o Striking §10.5.0 because it’s redundant with Board of Health regulation which will take precedence.

• Discussion of side and rear setback and impact on density. MFARs would still be in effect, so it allows shifting of footprint within lots without adding to footprints. Mr. Buckley suggested harmonizing setbacks between IG and IH for simplicity. Potential concerns were discussed for proximity of buildings: function, aesthetics, and fireproofing.

• Clarification on definitions of dimensional requirements and setback was provided by Mr. Ungerson. Mr. Buckley and Mr. Weiss provided examples of extant structures.
  o Closer setbacks are allowed with sufficient fireproofing between buildings
  o Mechanical closets and HVAC systems on roof are not included in height.

• The height requirement adjustment based on lower levels of integrated parking was discussed and clarified. ZBRC members suggested simplifying language of footnote 7 for clarity on this.

• There was concern about the policy objective statement at the end of footnote 7. As it was submitted, it doesn’t state a specific regulation. Suggestion to direct this to a determination by the Planning Board.

• Concern that greenspace remains undefined, so it’s hard to specify what is required.

  **Motion by ZBRC:** Chairperson or designate to clarify language and work with Planning Department to refine language of footnote 7. Approved (7-0-0). (Ms. Maniscalco took leave of the meeting before this vote.)

  **Motion by Land Use:** To recommend reduction of IH zone side and rear setback to 15ft, and not reference footnote 5 to the front yard (only side and rear). Approved (3-0-0), (Mr. Mercier took leave of the meeting before this vote.)

c. Rezone 3 parcels to IH Zoning District

  Mr. Buckley spoke, representing all 3 applicants.

  • Reviewed the need for IH zones to facilitate the Life Science uses added to the zoning bylaws in January 2019.
  • Life science uses are allowed in IH, but there are not IH zones currently undeveloped or with plans for redevelopment. Rezoning three parcels to IH may allow redevelopment for these uses.

Committee members discussed the roles of LUC and ZBRC in the review of the present Articles dealing with zoning. ZBRC to focus on clarity of language and intent.
a. Amend ZBL Sections II, IV, V, VII and Rezoning 1-3 Ray Avenue (reprise)
   Escadrille Reality & Ray Avenue Trust – Applicant
   • Brief discussion of the parking definition amendment proposal.
   • Given the other items scheduled for January, it was suggested that the parking
definitions be presented in an article for May town meeting.
   • ZBRC would like time to ensure refined and useful definitions are crafted.

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**Agenda items for January 8, 2019 meeting:**

- Updates to Planning Board’s Warrant Article
- Parking structure definitions and other articles delayed to May town meeting
- Plan for review of signage bylaws

**Motion to Adjourn:** Approved 8-0-0

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**DOCUMENTS REVIEWED AT MEETING – WEDNESDAY, DECEMBER 11, 2019**

a. **Agenda**

b. **Planning Board’s draft Article: Amendments to zoning bylaws §5.2.0, §10.5.0**

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Respectfully Submitted,
Edward Parsons, ZBRC Member, precinct 6

Approved: January 8, 2020 ZBRC meeting (8-0-0)