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 April 24, 2019

TIME: 6:00 PM

PLACE: Town Hall Annex B Meeting Room

AGENDA

1. Approval of Minutes

2. Zoning Bylaw Amendment – Article XII: Planned Development District

3. Zoning Bylaw Amendment – Article VII Section 8.4.0: Wireless Communication Facilities

4. Open Seat on ZBRC- Update and discussion


6. Prioritization – discussion of current and anticipated issues and next steps

7. Public Participation

8. Adjournment
Vice Chairman Hughes called the April 24, 2019 Zoning Bylaw Review Committee to order at 6:04 p.m. in the Town Hall Annex Basement, Room B, 25 Center Street.

Members Present: Cathy Beyers, Betsey Hughes, Michael Murray, Edward Parsons, Sally Willard, Michelle Prendergast, Gregory Ryan

Members Absent: Shari Ellis, Tom Conley

Non-Voting Members Present: Kristen Kassner, Jack Kelly (substituting for Ernest Covino), and David Miller

1. Approval of Minutes

Motion to approve the Zoning Bylaw Review Committee minutes of February 6, 2019 was made by Sally Willard. Seconded by Edward Parsons, and approved (6-0-1; as she was not in attendance, Michelle Prendergast abstained).

2. Zoning Bylaw Amendment – Article XII: Planned Development District

Ed Parsons supported this amendment at the Planning Board meeting of April 4, 2019. He reported that the Planning Board was in favor of this amendment with a vote of 5-0-0.

Motion for the Zoning Bylaw Review Committee to recommend favorably to Town Meeting the petition to amend the Zoning Bylaw, Article XII “Planned Development District” and to create a new section 12.5.0 “Existing Planned Development Districts” to modify the review process for Planned Development Districts was made by Sally Willard. Seconded by Edward Parsons, and approved (6-0-1; Michelle Prendergast abstained)

3. Zoning Bylaw Amendment – Article VII Section 8.4.0: Wireless Communications Facilities

Kristen Kassner explained what Small Wireless Facility is. An FCC ruling went into effect January 14, 2019, giving communities until April 14, 2019 to comply with strict limitations on
permit fees, review timelines, and regulation of Small Wireless Facilities (SWF). Because local communities are required address permit applications on a schedule, we need to adopt design guidelines to facilitate timely review. Carriers may be expected to install transceivers with a range of approximately 100 feet, so we may expect numerous facilities, spaced within approximately 200 feet from each other. We seek to establish an application process and some design regulations. As Burlington learns more about small cell wireless, this can be amended. The FCC limited local regulation based on health & safety and other considerations, though states are appealing some parts of the ruling.

The Zoning Bylaw Review Committee discussed:

- Carriers co-locating on telephone poles, light poles, and stand-alone poles
- Defining small cell wireless in the bylaw (FCC definition is general)
- Definition of 5G
- Backup material for Town Meeting should show the limited control municipalities have, and the ways Burlington is trying to capture as much control as possible
- Board of Selectmen handle the General Bylaw – Public Ways
- Planning Board handle the Zoning Bylaw – Private Property
- Small Wireless Facilities must conform to zoning bylaws on private property, but have certain rights as a utility when in a public right-of-way.

Kristen Kassner agreed to distribute the link to the design regulations and add members of the Zoning Bylaw Review Committee to the email distribution list for the Small Wireless Committee.

Two concerns were noted: It was suggested that town legal counsel consider 1) making explicit reference to the definition of “Small Wireless Facility” in the Code of Federal Regulations, and 2) if the numbering of the new section (8.4.8) interferes with the applicability of the severability clause (existing section 8.4.7) upon it.

Motion for the Zoning Bylaw Review Committee to recommend favorably to Town Meeting Zoning Bylaw Amendment – Article VII Section 8.4.0: Wireless Communications Facilities was made by Sally Willard. Seconded by Michael Murphy, and approved (7-0-0)

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4. **Open Seat on ZBRC – Update and discussion**

The position has been filled by Ms. Prendergast (TMM, precinct 5).

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5. **Development of Style Guide for ZBRC – review of BRC style guide**

Betsey Hughes explained this item would be tabled until the ZBRC of May 29, 2019. She will distribute the guide to the members, and edits should be submitted to her.

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6. **Prioritize**
Ideas were generated for items to address and prioritize in the future as part of systematic Zoning Bylaw review:

- Speak with the Building Department regarding issues that have arisen because of ambiguity in the bylaw
- Sign Bylaw – alleviate burden on Board of Appeals
- Add a Zoning Bylaw enforcement officer, and staff for the Board of Appeals
- Accuracy of references to Massachusetts General Law
- Definitions, e.g.:
  - Full Service Hotel, Extended Stay vs. Short Stay, Boutique hotel, types of hotels that cooktops are allowed, etc. (Residence Inn Marriott/Archer Hotel)
  - Wall Art (MilliporeSigma)
  - Monument directory sign (Target)

7. **Public Participation**

No one spoke.

8. **Meeting Schedule**

Next meeting is Wednesday May 29, 2019.

9. **Other Business**

None.

10. **Adjournment**

Motion to adjourn the Zoning Bylaw Review Committee Meeting of April 24, 2019 at 8:07 pm was made by Michael Murray. Seconded by Sally Willard and approved (7-0-0).

Respectfully Submitted by
Noelle Judd,
Recording Clerk

Minutes approved (6-0-0) at the Zoning Bylaw Review Committee Meeting of May 29, 2019.