TOWN OF BURLINGTON

Meeting Posting

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

DEPT./BOARD: ZBRC
DATE: Monday, May 11, 2020
TIME: 7:00 PM
PLACE: Remote Meeting: Zoom - sign-up instructions follow the agenda

AGENDA

1. Public Participation
2. ZBRC Mission Statement and Charter and Committee position for Town Meeting
3. Recap of Approval of May 2020 Warrant Article Submissions – Back-up materials discussion
   a. Article(s) – Escadrille: Amending Articles IV, V and VII
   b. Article (s) – Amending Article II - Definitions
      i. Review of requested edits: Monte Pearson
   c. Submittal #11- Amend Article IX – Section 9.2 and 9.3 – Planning Board Applicant
   d. ZBL Submittal #12 - Short Term Rentals and GBL Article Submittal
4. Subcommittee reports: voting status of members on subcommittee
   a. NWP Housing - RFP - Shari
5. Capitol Warrant Articles – status update
   a. Signage Bylaw Review and Revision Consultant
   b. Wireless Overlay Consultant
6. Approval of Minutes: 03/04/2020 and 4/01/2020
7. New Business / Next meeting change date// June 3rd
8. Adjourn
TOWN OF BURLINGTON

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

05-11-2020 ZBRC Zoom Meeting Instructions:

Topic: Burlington ZBRC Committee
Time: May 11, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
https://zoom.us/j/596170867?pwd=b1JrOFBhV1Zta0wxd1BwTVV6NjhFZz09

Meeting ID: 596 170 867
Password: 01803

One tap mobile
+16465588656,,596170867#,,1#,01803# US (New York)
+13017158592,,596170867#,,1#,01803# US (Germantown)

Dial by your location
   +1 646 558 8656 US (New York)
   +1 301 715 8592 US (Germantown)

Meeting ID: 596 170 867
Password: 01803
Call the Meeting to Order

Chair Shari Ellis called the meeting to order at 7:00 PM. The ZBRC meeting of May 11, 2020 will be held virtual/electronic meeting on Zoom due to the current State of Emergency due to the COVID-19 virus. As such, the Governor issued an Executive Order on March 12, 2020 authorizing remote meeting under M.G.L c. 30A, Section 20. This meeting is being recorded.

**Voting Members Present:** Shari Ellis, Betsey Hughes, Michael Murray, Edward Parsons, Tamara Maniscalco, Sally Willard, and Cathy Beyer

**Voting Members Not Present:** Michelle Prendergast and Gregory Ryan

**Non-Voting Members Present:** Ernest Covino and Andrew Ungerson

**Also Present:** Kristen Kassner, Planning Director; Scott Martin, General Bylaw Committee Chairman; and Monte Pearseon, Land Use Committee Chairman

1. Public Participation

There was no public participation.

2. ZBRC Mission Statement and Charter and Committee Position for Town Meeting

Ms. Ellis stated that the ZBRC has two missions: to review articles for proper form and wording and to determine if the article is what is best for Burlington.

- Members and guests had additional comments to the article:
  - Should there be two votes? One vote on wording and one vote to recommend or not recommend the article to Town Meeting.
  - This divides words vs. content. A vote of what is best for the Town is the responsibility of a Town Meeting member and a vote of words maybe different than the content.
  - Discussions during the meetings cover the wording and the content, two votes are not needed.
  - If a Warrant Article is not supported by the ZBRC, the ZBRC should nonetheless make sure the wording is clear and effective, per the mission and charter of the committee
  - The committee can suggest language to an applicant to make it clearer, but the proponent can say no.
  - There was general support for two votes if separate issues are identified but with a goal to present one clear vote to Town Meeting.

3. Recap of Approval of May 2020 Warrant Article Submissions – Back-up Materials Discussion

3a. Article(s) – Escadrille: Amending Articles IV, V and VII

Ms. Kassner stated that the Planning Board had concerns with not having design review and the amount of green space (footprint vs. total square footage of structure). The Planning Board does not have design review in the BG zone; it is based on criteria and restrictions. Ms. Kassner stated that the Planning Board has not discussed the design review in great detail and she is recommending the required green space is specified in terms of the building footprint to be consistent with the IH Bylaw.
The Members and guests had additional comments to the article:

- The design review is a general feature of Planning Board procedures which is well outside the scope of the Warrant Articles under consideration. Some members stated that it is subjective and not appropriate for the Bylaws under consideration.
- Adding design review is a large undertaking and the timing of Town Meeting does not allow adding it at this time.
- Some districts have design review such as the TCOD and PDD within the special permit conditions.
- There were concerns with making the article more restrictive as to what was already submitted. This may not be allowed by the Massachusetts Attorneys General

**MOTION -** Mr. Parson made a motion to not consider adding design review guidelines to the Escadrille zoning articles. The motion was seconded by Ms. Hughes and voted 6-0-1. On a roll call vote Mr. Parson, Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Ms. Willard and Ms. Ellis voting in favor and Mr. Murray abstained from voting.

- The language specifying green space in terms of building area was discussed, with respect to the difference between referencing occupied floor area vs. building footprint.
- If the requirement for green space is the total square footage, the applicant would have to provide 200% of green space which is not practical.
- Building footprint refers to less area, commensurate with the lot surface area developed.
- The Planning Board was concerned that parking decks would then be allowed in all BG zones. Referring to the total square footage would be more restrictive and limit the number of parcels that a parking deck could go on.
- The committee understands the intent of the article to provide a coherent framework for the allowance and restrictions of parking decks, while preserving green space. The proposed amendment to the use table only allows parking decks in the BG zone, not other parking structures.
- The footprint should be used; it is not mathematically reasonable to implement the regulation if reference is made to “total square footage”.

The ZBRC recommended changing Section 7.2.7.3 to read: Section 7.2.7.3 Green Space Requirement - Parking Structures shall not be allowed in the BG District unless the parcel within which the Parking Structure is located has an equivalent square footage of upland Green Space equal to 100% of the Building Area footprint of the Parking Structure, unless through a finding of the Planning Board pursuant to a “Site Plan” or “Special Permit” as described in Section 9.2.0 and 9.3.0 of Article IX, they determine an alternative public benefit.

3b. **Article (s) – Amending Article II – Definitions**

3b.i **Review of Requested Edits – Monte Pearson**

Mr. Pearson stated that there is not a definition of green space in the Planner’s dictionary. The definition for green space should be separated into green space and landscaping. Green space should be used for passive recreation and animal habitat and landscape is lawn, plants and trees. Mr. Pearson stated that if the ZBRC
does not agree with splitting out the definitions of green space and landscaping, he will stand up at Town Meeting and vote against it and also request that the members of the Land Use Committee vote against it.

- The Members and guests had additional comments to the article:
  - In the memo from M. Pearson dated 5/11/2020, he suggests the following change of ZBL to read 2.7.4.1 Green Space: a mixed area of plants, trees, water, and lawn suitable as habitat for birds and animals, for passive recreational usage by the public, or for the situations were the two are combined. {Green Spaces are suitable for use by birds and animals or by humans, on some occasions for both. Mary Cummings Park, the Burlington Common, and playgrounds are Green Spaces in this definition.}
  - If the green space is on the property with the parking deck, then it should be landscaping. If it is a separate parcel, then it could be green space as defined.
  - The definition for green space as submitted encompasses landscaping and wildlife habitat and should be left as is and not split up.
  - The applicant should not be generally required to create green space that is more like open space wherein assessments of the suitability for wildlife habitat and passive recreation would have to be made. Neither should a property holder be required to provide public access to conform to a definition.
  - The Planning Board would have the flexibility to negotiate the expansion of Green Space, as defined in the current Article, on another property. There was concern that green space is already used in the bylaw.
  - The proposed modification to the definition of “Green Space” would not serve the purpose intended by its use in the Articles currently at issue, and would necessitate defining and using a separate term. Otherwise, the use of the term “Green Space” would add undue restriction on property owners. Further, the modified definition would not be applicable to any other existing or contemplated Zoning Bylaw (involving wildlife or passive recreation on a property).

**MOTION** - Ms. Hughes made a motion to use the definition for Green Space as follows: 2.7.4.1 Green Space – An upland area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes. For purposes of this definition, retention areas and designated wetlands are not Green Space. The motion was seconded by Ms. Beyer and unanimously voted 7-0-0. On a roll call vote Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Mr. Parsons, Mr. Murray, Ms. Willard and Ms. Ellis voted in favor.

**MOTION** - Ms. Beyer made a motion to recommend the language for the articles as revised. The motion was seconded by Ms. Hughes and voted 6-0-1. On a roll call vote Ms. Beyer, Ms. Hughes, Ms. Maniscalco, Mr. Parsons, Ms. Willard, Ms. Ellis voting in favor and Mr. Murray abstained from voting.

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

Ms. Ellis stated that this article added criteria for electronic submittals for the Planning Board applications.

3d. **ZBL Submittal #12 – Short Term Rentals and GBL Article Submittal**

Ms. Ellis stated that she would recommend pulling the General Bylaw article for Short Term Rentals from the warrant. This article needs to be reviewed in depth by the General Bylaw Committee, this needs input
from the public and the Administration has asked that all articles that are not imperative be pulled from the May Town Meeting. Mr. Martin stated that he was asked to review this article. He would like time to review in depth and they need the public involved. Town Counsel has stated that Short Term Rental should not be in the General Bylaw.

**MOTION** - Ms. Hughes made a motion to withdraw the Short Term Rental article for the General Bylaw. The motion was seconded by Mr. Parsons and unanimously voted 7-0-0. On a roll call vote Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Mr. Parsons, Mr. Murray, Ms. Willard and Ms. Ellis voted in favor.

Ms. Ellis stated that we should also recommend that the Planning Board postpone the Short Term Rental article for the zoning bylaw due to the fact that this is a prohibition and we need public comment.

**MOTION** - Ms. Hughes made a motion to request that the Planning Board withdraw their Short Term Rental article from the Zoning Bylaw. The motion was seconded by Mr. Parsons and unanimously voted 7-0-0. On a roll call vote Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Mr. Parsons, Mr. Murray, Ms. Willard and Ms. Ellis voted in favor.

Mr. Parsons stated that we need to look at the State regulations on Short Term Rentals when we bring this back up.

4. **Subcommittee Reports: Voting Status of Members on Subcommittee**

4a. **NWP Housing – RFP - Shari**

Ms. Ellis stated that the draft RFP for a housing consultant is ready to go. It is in the finance department.

4b. **Signage – 4/23/20 Meeting - Sally**

Ms. Willard stated that the signage subcommittee has met and made good progress. They started with a Prior Town Center Overlay signage amendment that never was presented to Town Meeting. They have agreed to definitions from A through M. They have looked at pockets of small commercial areas and not just the Burlington Mall, 3rd Ave areas. The committee will be preparing a report for Town Meeting with a 5-minute presentation. They hope to have articles ready for the September and January 2021 Town Meeting.

5. **Capital Warrant Articles – Status Update**

5a. **Signage Bylaw Review and Revision Consultant**

Ms. Ellis stated that they are meeting with the Ways and Means Committee this week to discuss the article for $75,000 for a consultant for the signage bylaw. She is not sure if this is still moving forward.

- Members and guests had additional comments to the article:
  - In light of the current situation, this article should be withdrawn and revisited in September.
  - The subcommittee is making good progress so bringing in a consultant now might not be worth it.
  - This article was submitted before COVID-19, we should ask Ways and Means to postpone this Article and come back to Town Meeting after substantial progress is made.

**MOTION** - Ms. Hughes made a motion to request that the Planning Board withdraw their article for $75,000 for a consultant for the sign bylaw due to the fact this is not an urgent matter at this time and Ms. Willard and unanimously voted 7-0-0. On a roll call vote Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Mr. Parsons, Mr. Murray, Ms. Willard and Ms. Ellis voted in favor.
5b. **Wireless Overlay Consultant**
This article was not submitted on behalf of the ZBRC.

6. **Approval of Minutes – 03/04/20 and 04/01/20**

   **MOTION** - Ms. Beyer made a motion to approve the ZBRC minutes of March 4, 2020 as amended. The motion was seconded by Ms. Hughes and unanimously voted 7-0-0. On a roll call vote Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Mr. Parsons, Mr. Murray, Ms. Willard and Ms. Ellis voted in favor.

   **MOTION** - Ms. Willard made a motion to approve the ZBRC minutes of April 1, 2020 as amended. The motion was seconded by Ms. Hughes and unanimously voted 7-0-0. On a roll call vote Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Mr. Parsons, Mr. Murray, Ms. Willard and Ms. Ellis voted in favor.

7. **New Business – Next Meeting Change Date – June 3, 2020**

   The next ZBRC meeting will be June 3, 2020 at 6:00 PM.

   **MOTION** - Ms. Hughes made a motion to adjourn the ZBRC meeting of May 11, 2020 at 9:50 PM. The motion was seconded by Ms. Willard and unanimously voted 7-0-0. On a roll call vote Ms. Hughes, Ms. Beyer, Ms. Maniscalco, Mr. Parsons, Mr. Murray, Ms. Willard and Ms. Ellis voted in favor.
05/11/20 Agenda

1. **Public Participation:** None

2. **ZBRC Mission Statement and Charter and Committee Position for Town Meeting:** ZBRC Mission Statement and Charter

3. **Recap of Approval of May 2020 Warrant Article Submission:** Memo Definition of Green Space by M. Pearson dated 5/11/20, Proposed Zoning Articles for Ray Ave - Murray Hills Proponent

4. **Sub-Committee Reports:** None

5. **Capital Warrant Articles:** None

6. **Approval of Minutes:** ZBRC Minutes 03/04/20 and 04/01/20

7. **New Business:** None

Respectfully Submitted,

Dawn Cathcart, Recording Clerk

Approved: At the 05/11/2020 ZBRC meeting 7-0-0