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 June 26, 2019

TIME: 6:00 PM

PLACE: Town Hall Annex B Meeting Room

AGENDA – REVISED

1. Introduction of Recording Secretary – Dawn Cathcart

2. Approval of Minutes

3. Northwest Park PDD Zoning Amendment – update from June 20th joint meeting

4. Zoning Amendment Coordination; Planning, ZBRC and LUC rolls and goals - update

5. Style Guide discussion - continued

6. Bylaw Review and Prioritization; recommendations from Departmental overviews

7. Meeting Schedule review

8. Public Participation

9. Adjournment
Call The Meeting to Order

Chairman Shari Ellis called the June 26, 2019 Zoning Bylaw Review Committee to order at 6:05 PM in the Town Hall Annex Basement, Room B, 25 Center Street.

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

Members Absent: Cathy Beyer

Non-Voting Members Present: Ernest Covino, Andrew Ungerson

Guests Present: TMM’s Patricia O’Brien and David Miller.

1. Introduction of Recording Secretary – Dawn Cathcart

Ms. Ellis introduced the new Recording Secretary Dawn Cathcart to the committee.

2. Approval of Minutes

Ms. Ellis stated that we will continue this until later in the meeting.

3. Northwest Park PDD Zoning Amendment – Update from June 20th Joint Meeting

Ms. Ellis stated that the presentation was done on June 20th at the joint Meeting of the Planning Board, Land Use Committee and the Zoning Bylaw Review Committee. Most of the committee members were present at the meeting. Mr. Murray stated that he was not at the meeting but did watch the presentation.

Frank DiPietro from the BSC Group, Todd Fremont Smith from Nordblom, Robert Buckley and Kristine Hung from Riemer & Braunstein appeared for discussion on the Northwest Park PDD Zoning Amendment.

Mr. Buckley stated that the PDD district was created 11 years ago. It took a year and half to get together to reinvent the district to include mixed use with retail, housing and entertainment. This became a live, work, play area. The zone is divided into two areas, Area A and Area B. Area A has retail and residential uses. Area B has primarily business uses. They are proposing a zoning change to add a residential use in Area B. They are looking at adding 2 buildings with approximately 150 units each. If this gets approved at Town Meeting, they would still need to go to the Planning Board with plans for permit approval. Since Burlington has met the State 10% affordable unit requirement, the Town has the freedom to be creative with the requirements. They are looking at adding a 55+ affordable option similar to the Grandview but again, the Town can be flexible. It was later clarified that the PDD requires the developer to build 10% of the units to Federal, State, or Town affordable housing requirements, so that the Town could specify which requirements will be satisfied by each permitted project.

Ms. Willard stated that our seniors are aging without housing options and nowhere to go. Ms. Willard asked how these facilities would be managed. Mr. Buckley stated that it would be up to the Town.

Ms. Hughes stated that the article is to add residential to Area B. Ms. Hughes asked if there will be walking trails to connect the two areas and what is the long-term vision for Nordblom. Mr. Smith stated that the evolution of this area is driven by the market This entire parcel is controlled by one family and they also manage and co-invest in the Network Drive area. The parcel development has
been done over time and we need to tie in the two parcels for pedestrian access. The walking trails have begun construction. Mr. Smith added that in regard to the affordable units, they would look to construct something similar to the Huntington building with parking underneath.

Ms. Willard asked if there are any original tenants dating back to the original PDD. Mr. Smith replied yes, there are original and new tenants.

Ms. Prendergast asked if any existing tenants would be removed. Mr. DiPietro stated that they would be reutilizing empty space. Mr. Smith stated that they look for buildings that are out of date or empty.

Ms. Ellis asked if this article plans for the future. This article would max out residential units to 600 but what if the site could handle 1,200 units. Mr. Buckley stated that the site could possibly expand but we would like to take an incremental approach.

Mr. Covino stated that the original PDD discussions included plans for a 2-story Target. Ms. Ellis asked if the height restrictions are still in place. Mr. Buckley replied yes, all dimensional requirements stay the same. Mr. Covino stated that the height limit is 60’ along the Middlesex Turnpike and asked if a building could fit that requirement. Mr. Smith replied yes, it would conform to the PDD rules that respect the topography. Mr. Covino asked if they ever looked at getting an easement for a pedestrian walkway under Rt. 3. Mr. Smith replied that they did and it was very expensive and not worth it.

There was discussion of the various issues that were encountered with access to and across route 3 and the on-ramp reconfiguration that was accomplished.

Mr. DiPietro stated that there is a high ground water table, ledge, etc. on site and there is a large infiltration system that needs to recharge at 110%. We have overbuilt the infiltration in Area A so we are in surplus now. We provide a chart showing recharge updates with every change.

Ms. Hughes asked why not just change the uses to be allowed in both Areas A and B. Mr. Buckley stated that we wanted to keep this as simple as possible. This area is a work in process.

Patricia O’Brien asked if this affects flood plain. Mr. DiPietro stated that there is a culvert down 4th Avenue. According to FEMA we cannot lose flood storage, so we would provide compensatory flood storage.

Mr. Miller stated that he was concerned with the ability to go to the ZBA and get a work around. Ms. Ellis stated that they can’t, this is a Town Meeting action. Mr. Buckley added that a variance would require a hardship usually dealing with topography. Mr. Covino stated that the ZBA can issue a variance. Mr. Buckley clarified they cannot issue a use variance.

Mr. Parsons asked if the amended bylaw, as written, could allow for exceeding the limitation on units by dimensional variance, for example, by later reconfiguring 300 larger units into 600 smaller units. Mr. Ungerson stated that they would have to appeal to the ZBA for dimensional variance. Several limitations on size and configuration of units were mentioned, which would preclude exceeding the limitation.

Mr. Smith was asked about school-age children and stated that he is not aware of any incremental children enrolled in Burlington schools that occupy the Huntington building market-rate units. Ms. Hughes asked if there are short term leases available. Mr. Smith replied not yet, but they may consider it. There are no condominiums contemplated, all residential units are rental apartments.

Mr. Parsons asked if the PDD requires 10% affordable requirement. Mr. Buckley replied that the Planning Board requires 10%. Mr. Murray stated that local and state guidelines require 10%.
Buckley clarified that the town’s overall requirement has been satisfied by recent development, and the Planning Board could specify the specific requirements for new units here. Mr. Smith stated that they can commit to smaller units with 144 maximum units. Mr. Murray stated that the proposal increases the total number of residential units from 300 to 600, and asked if we could retain the 300 unit cap in area A and change Area B to allow for 300 residential units to encourage development in Area B. Ms. Willard agreed, the article could be changed to allow 300 residential units in Area A and 300 residential units in Area B. Ms. Hughes agreed because she would not want all residential apartments in one area. She likes the split of 300 units in each area. Mr. Parsons stated might disagree and thinks that would add constraints to the development that may be unnecessary; in that case the market should dictate where the development should be done. Ms. Ellis stated that if the residential units are spread out over the entire site it would help with traffic and promote mixed use. Mr. Smith stated that he tentatively prefers building the 300 additional units in area B and could live with the more specific use change. Mr. Parsons stated that he would like to see any analysis that could support the decision to develop in area B as opposed to area A; it would also be helpful to see a rendering and concept plan.

Ms. O’Brien asked what the market demand is of 55+ and what if there is no one on a waiting list. Mr. Buckley stated that if no one is on the list, then they can rent it out to tenants not-qualified for affordable housing. Ms. Ellis stated that the Council of Aging may have the numbers because there is a wait list for the Grandview. Ms. O’Brien stated that if a resident sells their house, then the money they get counts against them for affordable units. Ms. Ellis stated that she will get the information on the Grandview regulations. Mr. Covino asked if we could get demographic information on the current occupancy in the existing buildings on site. Mr. Smith stated that the Huntington has underground parking and a lot of the tenants are empty nesters.

Mr. Parsons asked why 300 was selected as the limit as opposed to a higher number. Mr. Smith stated that a higher number was possible within the constraints of the PDD and market conditions, but this is the next measured step. Ms. Hughes stated that the residential units would most likely help keep the businesses on site. Mr. Buckley stated that Towns are trying to lure companies and with this type of development we can help companies to grow their business in town.

Mr. DiPietro, Mr. Smith, Mr. Buckley and Ms. Hung left the meeting at 7:30 PM.

4. Zoning Amendment Coordination – Planning, ZBRC and LUC Rolls and Goals Update

Ms. Ellis stated that we are working on coordination and workflow process between Town boards and committees when a zoning article comes in. There seems to be confusion on the rolls of LUC and ZBRC, including concerns about overlapping reviews. We need to develop a workflow guideline for efficiency, and clarity for the applicants. Ms. Ellis stated that currently an article will come into the Board of Selectmen, go to the Planning Board, then go to the LUC and now the ZBRC. We need a statement of rolls and goals for all boards/committees. The committee charters are defined in the General Bylaw. There will be a meeting on Monday, July 8th with all the chairs to define and agree to the process.

Mr. Miller stated that the General Bylaw Review Committee (GBRC) looks at amendments to the General Bylaw. They review it to make sure it does not violate the current bylaw with verification of
text and to see if it is going to do what the bylaw is intended for. They make recommendation to form only. Ms. Ellis stated that all these committee are looking at the bylaw from different prospective.

Mr. Parsons stated that the ZBRC considered the GBRC’s guidance in formulating a mission statement and style guide, and have examined the General bylaws to draw a distinction between the rolls of the LUC and ZBRC. The key now is to coordinate between all the boards/committees.

Ms. Prendergast left the meeting at 7:45 PM. Ms. Ellis stated that the next meeting will be July 24th.

Ms. O’Brien stated that she is new to the LUC and is still learning the ropes, so she requested the development framework and guidance of existing bylaw. Mr. Parsons stated that he can send over the mission statement, questionnaire and rolls and draft goals documents. Ms. Willard stated that the LUC was involved with zoning changes for uses of land or if the Town was buying land.

Ms. Ellis stated that she will report back at the next meeting.

5. **Style Guide Discussion Continued**

Ms. Hughes handed out the style guide with changes incorporated from last meeting. This should be considered a working documents and we should start using it. Ms. Hughes asked that everyone look at it and let her know of any changes. The first revision of the document will be June 29, 2019.

Mr. Parsons stated that he has spoken with the Town Clerk about some outstanding issues for the bylaw review style guide. There was a lot of talk about the physical document. The Town Clerk has confirmed that the page numbers and table of content are not part of the legal documents. The Burlington Zoning Bylaws (ZBL’s) has the list of changes located in the back of the bylaw, but the General Bylaws has the change and date within the section. Mr. Ungerson stated that in the ZBL, it is not useful to have the changes within the section. This makes the document long and suggested that they be kept in the back.

Mr. Parsons stated that they also discussed the requirement in the General Bylaw about providing copies of the bylaw to all Town Meeting members and if they can be electronic copies instead of paper copies. Paper copies are now provided only upon request. Ms. Willard stated that if you go on the State website, the MGL’s are not available in text form; you can only look at them online.

Mr. Parsons stated that they looked at the definitions in the General Bylaws and ZBL’s and there are no defined standards or styles. In the ZBL, most of the definitions are in Section 2. The definition is in all caps and then it is followed by the definition; but Articles 8, 10 and 11 have some definitions within the bylaw. Mr. Ungerson stated that all caps of the definitions would be helpful. Ms. Hughes stated that she could add that to the Style Guide so whatever is decided just let her know. Mr. Parsons stated that there are no legal distinctions in font or style, but distinction between specifically defined terms and other language may be helpful.

6. **Bylaw Review and Prioritization – Recommendation from Departmental Overviews**

There was no discussion on Agenda Item 6 and this will be discussed at the July 24th meeting.

2. **Approval of Minutes – May 29, 2019**

Mr. Parsons provided one insertion and three grammatical errors to be fixed to Ms. Ellis.

**MOTION** - Mr. Murray made a motion to approve the ZBRC minutes of May 29, 2019 as amended by Mr. Parsons. The motion was seconded by Ms. Hughes and voted 6-0-1 with Mr. Ryan abstaining.
7. **Meeting Schedule Review**

Ms. Ellis stated that the next meeting will be July 24, 2019. Currently the agenda will include continued discussions on current agenda items #3 Northwest Park PDD Zoning Amendment and #4 Zoning Amendment Coordination. Mr. Miller stated that a new item will be to update you on the changes to the General Bylaw regarding small wireless and the comparison of the general bylaw and zoning bylaw.

Ms. Hughes stated that she will not be in Town but asked if she could call in. Mr. Ungerson stated that the phone # for the conference call is 781-270-1807. Mr. Ungerson stated that he is not sure if you could vote by phone. Ms. Ellis stated that she will check with the Town Clerk to see if phone voting is allowed or if facetime voting is allowed.

Mr. Ungerson asked if the AG has approved the May Town Meeting changes. Ms. Ellis stated that it is still pending.

8. **Public Participation**

There was no public participation.

Ms. Ellis stated that Bill Beyer is still working on getting a new member for the missing Precinct #4 spot.

9. **Adjournment**

**MOTION** - Ms. Hughes made a motion to adjourn at 8:15 PM. The motion was seconded by Ms. Willard and unanimously voted 7-0-0.

*Respectfully Submitted by Dawn Cathcart,*

*Recording Clerk*

Approved at July 24, 2019 ZBRC meeting: 4-0-1