DEPT./BOARD:  ZBRC  
DATE:  Wednesday August 28, 2019  
TIME:  6:00 PM  
PLACE:  Town Hall Annex Meeting Room B  

AGENDA - REVISED

1. Approval of Minutes
2. New Member discussion and vote
3. Remote access policy approval by BOS - update
4. Northwest Park PDD - Update and discussion
5. Herb Chambers letter to TMM’s – update and discussion relevant to Zoning Bylaw language
6. Zoning Amendment Coordination – Update
7. Zoning Bylaw Review and Prioritization
   a. Zoning Bylaw Enforcement Officer - discussion
8. Public Participation
9. Agenda items for 9/11 meeting
10. Adjournment
Call The Meeting to Order

Chairman Shari Ellis called the August 28, 2019 Zoning Bylaw Review Committee to order at 6:07 PM in the Town Hall Annex Basement, Room B, 25 Center Street.

Members Present: Shari Ellis, Sally Willard, Michael Murray, Cathy Beyer, Betsey Hughes, Gregory Ryan, Tamara Maniscalco (Newly Appointed)

Members Absent: Michelle Prendergast and Edward Parsons

Non-Voting Members Present: Ernest Covino and Andrew Ungerson (Late Arrival),

Guests: David Miller, Resident; Bill Beyer, Town Moderator; Rick Parker Resident; Rich Hosford, BCAT; Nick Cramb, Nintz Levin for Herb Chambers; Jack Kelly, Planning Board; Mimi Kelly, Resident; Todd Fremont-Smith, Nordblom; Amy Warfield, Town Clerk

Ms. Ellis would like to take the agenda items out of order.

3. Remote Access Policy Approval by BOS - Update

Ms. Warfield stated that the Board of Selectmen has approved the remote access policy and the ZBRC will need a vote to accept it.

MOTION - Ms. Hughes made a motion to accept the Remote Access Policy. The motion was seconded by Mr. Murray and unanimously voted 6-0-0.

2. New Member Discussion and Vote

Ms. Ellis stated that we have open member slot for Precinct #4 and a nomination for David Miller was made. During the same time, Mr. Beyer has appointed Tamara Maniscalco. The bylaw reads that if a person is not appointed within 45 days than the committee can appoint. It has been over 90 days. Ms. Ellis stated that Tom Conley resigned in May. Mr. Beyer stated that there are 2 issues, legal and good government. Mr. Beyer stated that although he respects Mr. Miller, he was not going to appoint him because he is already a member of the General Bylaw Review Committee and there is a possibility that the same issue can go before both boards. Each committee has separate jurisdictions and good government gets more people involved. Ms. Hughes asked if Mr. Miller could be a non-voting member. Ms. Ellis stated that Mr. Miller may attend any meeting; however, the committee membership cannot be changed without a bylaw change. Mr. Miller, however, may attend ZBRC as a liaison, should the BRC so appoint. Mr. Beyer stated that he spoke with Town Counsel and the Moderator is responsible for appointing vacancies, unless the committee has already done so. In this case, Mr. Miller had not yet been appointed by the committee, as only the notice went out. Therefore, Ms. Maniscalco was sworn in by Amy Warfield, Town Clerk. Ms. Warfield and Mr. Beyer then left the meeting. Andy Ungerson joined the meeting at 6:12 PM.

1. Approval of Minutes

Ms. Ellis stated that she did not send out the previous updated minutes so those will be approved at the next meeting.

4. Northwest Park PDD – Update and Discussion

Todd Fremont-Smith from Nordblom joined the discussion for the Northwest Park PDD. Ms. Ellis stated that there was a subcommittee meeting yesterday to discuss the Northwest Park PDD zoning
Ms. Hughes stated that the proposal for 300 residential units is proposed to include affordable senior housing. The Town will determine the eligibility for approximately 39 units. There was discussion about the Corporate Drive development but that was a 40B project and some seniors can’t qualify due to asset limitation. This proposal is geared to seniors but the criteria set up can allow for greater flexibility in determining the criteria.

Mr. Smith stated that they are asking for 300 additional residential units. The issue of the Master Lease can be handled latter. They have agreed to 13% for the affordable units, and will also contribute an amount to pay for legal and consultant fees to create the language and requirements for the senior affordability unit agreement. The Town will need to work on educating the seniors on housing costs and the process to apply.

Ms. Ellis stated that our job is to scrutinize the article, words matter.

Mr. Ryan asked if this bylaw amendment is approved, how long from breaking ground to occupancy for the 300 units. Mr. Smith replied about 2 years for the first building and longer for the second. Ms. Ellis stated that the affordable units will be phased in per building. Mr. Ryan stated that it could go to 3 years depending on market. Mr. Ryan stated that the 2010 census shows that there are approximately 3,700 targeted residents for affordable senior housing.

Mr. Miller asked if the location of the units in A vs. B is still relevant. Mr. Smith replied no, we see the logic of having one building in each area (A & B) but they do not want to be boxed in and the market will decide. Residents like to be near Wegman’s and restaurants.

Ms. Ellis stated that she has some language concerns. There is a reference to 30 days that should be looked at and there is conflicting definition; “Affordable Units” and “Affordable Housing Units” that differs from the bylaw. There needs to be a definition for “Local Senior Preference Unit”. Ms. Ellis stated that if there are any other comments from the Committee, please forward them to her and she will get a list to the petitioner.

Mr. Murray stated that the definitions should be in the Definitions section. Mr. Murray stated that the 30 days reference could be for the Building Permit not the Planning Board. He is not sure if “Senior” is defined.

5. Herb Chambers Letter to TMM’s – Update and Discussion Relevant to Zoning Bylaw Language

Ms. Ellis stated that this is an ongoing discussion with the Town and Herb Chambers. The ZBRC was not involved last May. This is a learning opportunity for this Committee. Ms. Hughes stated that this should be put on the agenda after the conclusion.

Ms. Ellis stated that with the PDD article, there was a process. It included a pre-meeting, ZBRC and Land Use review, Planning Board review and then Town Meeting vote. It is a process and we are trying to flush out the issues. Ms. Hughes stated that with this process we hope to get more efficient.

Mr. Ryan asked what will be the roll of the ZBRC in the Herb Chambers issue. Ms. Ellis stated that they have no role, but it will be a learning opportunity.

6. Zoning Amendment Coordination – Update

Ms. Ellis stated that the draft review process was sent to Ms. Kassner but the Planning Board has been busy so she hopes to get comments back soon.
7. **Zoning Bylaw Review and Prioritization**

7a. **Zoning Bylaw Enforcement Officer - Discussion**

Ms. Ellis stated that we don’t have a prioritization yet.

Mr. Murray stated that we should look at typical issues that come before the ZBA and see if we can fix the Zoning Bylaw. The typical issues they see at the ZBA are signs and setback variances.

Ms. Beyer stated that we should cross reference the bylaw with ZBA applications and see if we can fix the bylaw.

Mr. Ungerson stated that one major issue is with fences or vegetation blocking the line of sight at street corners. Ms. Beyer stated that would an issue we should look at. Ms. Beyer stated that if there are safety issues, they should be brought to this committee to look at. Jack Kelly, Planning Board member asked if this should be a General or Zoning bylaw and this issue should involve the safety officer.

Mr. Murray stated that signs make up a lot of the variances they see. Mr. Ungerson stated that the sign bylaw is over 40 years old and should be updated.

*Rick Parker, Town Meeting Member Precinct 7* – The sign bylaw is very complicated and needs to be looked at. It penalizes business owners. Mr. Covino stated that perhaps we can look the signs per district. Ms. Hughes asked if signs should be in General or Zoning Bylaws. They are in both.

Ms. Ellis stated that we should start looking at the sign bylaw.

Mr. Murray stated that another group looked at updating the sign bylaw and he can forward the information. Ms. Beyer stated that if there is a certain section of the bylaw that has the most variances that is where they should start. Mr. Murray stated that he can get the database from the ZBA.

Mr. Ungerson stated that this committee should look at adding regulations for Airbnb’s. They are using permitted accessory apartments. They start as permitted in-law areas and then become something else. Burlington is going to lose the single family feeling and become an R2 community.

Ms. Ellis stated that the items to discuss for next meeting: signage, and housing (Airbnb’s, in home occupation, bed and breakfast, etc) Mr. Covino suggested working on one definition per meeting. Mr. Ungerson stated that if the committee wants to focus on the sign bylaw, he would suggest focusing only on that.

Mr. Ryan stated that zoning changes required 2/3 vote at Town Meeting but general bylaw only requires a majority change so the signs should be moved to the general bylaw. We should look at items that take the least amount of time first.

Ms. Hughes stated that we should take a small issue first and work it through the process. The issue should be broken down, look at resources and come up with an approach to fix the issue including using Town resources. We should look at Airbnb’s, Inns and Bed and Breakfasts.

Ms. Willard and Ms. Maniscalco will look at which piece of the sign bylaw to work on.

Mr. Kelly stated that we should look at the State regulations for Airbnb’s.
8. **Public Participation**

There was no public participation.

9. **Agenda Items for 9/11 Meeting**

**MOTION** - Ms. Hughes made a motion that the meeting on September 11th will be a full meeting and the meeting scheduled for September 26th will be cancelled. The motion was seconded by Ms. Beyer and unanimously voted 7-0-0.

Ms. Ellis stated that the agenda will include the Northwest PDD article and the sign section to be reviewed.

Ms. Beyer stated that she will connect with the Town Clerk and Ms. Kassner to get information of Airbnb’s regulations, definitions, caretaker units and what other communities are doing. Mr. Ungerson stated that Airbnb’s also kick in the room tax.

Ms. Hughes asked Mr. Miller to inform the General Bylaw Committee that they will be starting to look at the Sign Bylaw.

10. **Adjournment**

**MOTION** - Mr. Ryan made a motion to adjourn at 8:33 PM. The motion was seconded by Mr. Murray and unanimously voted 7-0-0.

*Respectfully Submitted by Dawn Cathcart, Recording Clerk*

Approved on: October 9, 2019 ZBRC meeting (6-0-2)