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 September 11, 2019

TIME: 6:00 PM

PLACE: Town Hall Annex Meeting Room B

AGENDA

1. Approval of minutes
2. Meeting Schedule – discussion and approval
3. Northwest Park PDD - Continued discussion and vote
4. Zoning Amendment Coordination – Update
5. Zoning Bylaw Review and Prioritization - Updates
   a. Housing: Cathy
   b. Signage: Tamara, Sally
6. Committee Report to Town Meeting - Discussion
7. Zoning Bylaw Enforcement Officer - Discussion
8. Public Participation
9. Agenda items for next meeting
10. Adjournment
**Call The Meeting to Order**

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

Members Present: Shari Ellis, Sally Willard, Edward Parsons, Cathy Beyer, Betsey Hughes, Gregory Ryan (Late Arrival), Tamara Maniscalco, Michelle Prendergast (Late Arrival)

Members Absent: Michael Murray

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

Guests: Kristen Kassner, Planning Director; Jack Kelly, Planning Board; Mimi Kelly, Resident; Todd Fremont-Smith, Nordblom; Attorney Robert Buckley, Nordblom; Elizabeth Bonventre, Assistant Planner; William Gaffney, Planning Board; Paul Sagarino, Town Administrator

Ms. Ellis asked for a moment of silence for 9/11 victims.

**1. Approval of Minutes**

Ms. Ellis stated that the minutes from the August meeting were just sent out so they will be approved at the next meeting.

**MOTION -** Ms. Hughes made a motion to approve the Zoning Bylaw Review Committee minutes of July 24, 2019. The motion was seconded by Mr. Parsons and unanimously voted 6-0.

Mr. Covino joined the meeting at 6:04 PM.

**2. Meeting Schedule – Discussion and Approval**

Ms. Ellis stated that currently the committee is meeting the 4th Wednesday of the month. She would like to change it to the 2nd Wednesday of the month so not to conflict with the upcoming holidays. The committee universally agreed with the change. The dates for the rest of the year would be October 9th, November 13th and December 11th. Ms. Ellis will send out the updated dates.

Ms. Prendergast joined the meeting at 6:05 PM.

**3. Northwest Park PDD – Update and Discussion**

Ms. Kassner stated that the warrant information was sent out along with the original PDD documents, comments from the Planning Board and a relined version of the warrant. They also sent out a timeline with provisions and commitments from the applicant that was achieved by the working session.

Ms. Ellis stated that the key points from the Planning Board meeting were: Change 13% affordability increased to 14% which changed the affordability units from 39 to 42. The reference to the 30 days timeline for completed agreement was deleted, and the local senior preference was detailed. Ms. Ellis asked why there was an “or” for type of units (local preference, affordable). Attorney Buckley stated that the AG has to approve this change and if it was challenged to only allow seniors there may be a legal problem. There is also an issued raised of what happens with the units if there aren’t enough seniors to apply for the units. The Town will decide who is eligible for the units and the criteria. The developer will proceed with the senior affordability unit as the default until the Town says no.
The following were comments from the ZBRC:

- Local senior housing is the default for the article unless the Town (BOS) changes it.
- A flow chart should be done to show the process to Town Meeting
- The commitment letter should also go to all Town Meeting members including the fact that no building permit can be issued until the Affordable Housing Restriction Agreement is signed.
- A map (delineating areas A and B) should be included for Town Meeting
- Need to define Local Senior Preference. This is defined in the Affordable Housing Restriction Agreement.
- Who sets the 80% income restriction for Affordable Housing option? This is set by the State.

Mr. Ryan joined the meeting at 6:18 PM.

Attorney Buckley explained the process from start to finish:

- The PDD zoning hopefully gets approved;
- The PD Special Permit is applied for and the Planning Board makes the determination of substantial conformance with the bylaw. Before a Building Permit is issued by the Inspector of Buildings, the Affordable Housing Restriction Agreement must be executed. This will be included on the Special Permit Conditions agreed upon.
- The enforcement of this conditions of the Housing Agreement will fall under the Board of Selectmen.

Mr. Kelly stated that the Planning Board votes on the Special Permit and we need to make sure that this concept meets the Town Meeting wish and complies with the bylaw.

Ms. Kassner stated that a committee should be created to develop the criteria for these units. This would be similar to the committee that created the regulations for Grandview. This committee will be determined by the Board of Selectmen but should include members from the Planning Board, ZBRC, Land Use and Council on Aging. Ms. Kassner stated that the biggest benefit for local senior preference is that the sale of a home does not count against a residents assets.

**MOTION** - Ms. Willard made a motion to submit an amendment to Article 10 based on the Planning Board redlined version and further revised tonight. The motion was seconded by Ms. Hughes and unanimously voted 8-0-0.
The following changes are proposed to the redlined article:

- #4 – Change the first sentence to read: “To delete in its entirety the existing Section V(3) – Developer’s Covenants from the Special Conditions and replace with the following V(3) and V(4):”

- #4 (4) – Change to read: “… similar to the Affordable Housing Restriction Agreement, set forth above. Unless the Town of Burlington, acting by and through its Board of Selectmen otherwise advises the Developer,…”

- #4 (4) – Last sentence, delete “in the aggregate”.

The following changes are proposed to the commitment letter:

- Change “Agreement” to “Affordable Housing Restriction Agreement” where referenced.

- In the 3rd bullet – Change the first sentence to “Nordblom shall contract with an independent consultant mutually agreeable by the Town to conduct ….”

**MOTION** - Ms. Willard made a motion to recommend approval of the amended Article 10 premised on the letter of commitment from Nordblom to the Town of Burlington. The motion was seconded by Ms. Maniscalco and unanimously voted 8-0-0.

Mr. Sagarino stated that this discussion was helpful but asked what happens if the Feds say no. Mr. Smith stated that this agreement will need to be signed before a building permit can be issued.

Ms. Maniscalco left the meeting at 7:30 PM.

**MOTION** - Ms. Beyer made a motion that the following recommendation is presented to Town Meeting “The ZBRC recommends that the Board of Selectmen form a committee to include relevant Town departments, board and committees (including the ZBRC) to assist in the creation and implementation of the Affordable Housing Restriction Agreement.” The motion was seconded by Ms. Hughes and unanimously voted 7-0-0.

Attorney Buckley and Mr. Smith left the meeting.

4. **Zoning Amendment Coordination – Update**

Ms. Ellis stated that we are still waiting for the Planning Board to review and update the flow chart.

5. **Zoning Bylaw Review and Prioritization – Update**

5a. **Housing: Cathy**

Ms. Beyer stated that she has been working on definitions and she is gathering information from different sources including Boston and Cambridge. The Town Clerk has also put the request out on her list serves. Mr. Ungerson stated that the State Building Code should also be looked at. Ms. Hughes suggested looking at towns similar to Burlington that have already addressed it. Mr. Ungerson stated that he has information from Town Counsel that he can share.

Ms. Ellis stated that we should look at terminology and definitions.
Mr. Ryan stated that we need to figure out what we want to do for Burlington. Mr. Ungerson stated that we can add an article to prohibit short-term rentals but then we have no control and there will be no safety inspections.

5b. **Signage: Tamara, Sally**

Ms. Willard has been looking discrepancies between the Zoning and General bylaws regarding signs. Mr. Covino stated that the zoning says the ZBA can issue variances for signs. Ms. Willard stated that we should make the bylaws easier to read and she would like to look at the Town Center sign rules and regulations first and then mixed use districts (PDDs).

6. **Committee Report to Town Meeting**

Ms. Ellis will present the amendment to Town Meeting as just voted, recommend adoption of the article and present the report to Town Meeting including recommending a committee be formed to create the housing restriction agreement.

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

Mr. Ungerson stated that he hopes to hire a zoning enforcement employee by January 1st. It was approved for this year’s budget but he was asked by the BOS to put it off until January. He hopes to find someone who will stay for 15-20 years.

The market will drive what Burlington is becoming.

Mr. Covino stated that as specified in the “Master Plan” we want to keep Burlington a single family home community.

8. **Public Participation**

There was no public participation.

9. **Agenda Items for Next Meeting**

ZBRC will continue discussions on short-term rental and signage.

10. **Adjournment**

**MOTION** - Mr. Ryan made a motion to adjourn at 8:32 PM. The motion was seconded by Ms. Prendergast and unanimously voted 7-0-0.

Respectfully Submitted by Dawn Cathcart,
Recording Clerk

Approved on: October 9, 2019 ZBRC Meeting (7-0-1)