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By Town Clerk's Office at 9:04 am, May 18, 2023

TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES

~~February 08, 2023~~ April 12, 2023

Chair Shari Ellis called the April 12, 2023, Zoning Bylaw Review Committee to order at 6:30 PM as a hybrid meeting. Remote access via Zoom.

Voting Members Present: Shari Ellis, Betsey Hughes, Cathy Beyer, Jeff DiBona, & Sally Willard

Voting Members Remote: Mark Donahue

Voting Members Absent: Ed Parsons & Greg Ryan

Non-Voting Members Present:

Non-Voting Members Absent: Mark Dupell & Ernie Covino

Remote Guests: Liz Bonventre, Planning Director; Dave Miller, GBRC & Julie Michutka.

1. Meeting Announcements: no meeting announcements.

2. Committee Updates: members and remote participation:

- Shari informed the board about Sally transferring into Precinct 4, replacing Tamara, who resigned.
- Shari placed an ad with the Burlington Area Chamber of Commerce.
- The newsletter from the Burling Area Chamber of Commerce has the ZBRC's want ad in it for the open ZBRC position.
- Jennifer Cutillo introduced as new ZBRC, Recording Clerk

3. Planning Department Updates: Liz Bonventre:

3a. MBTA Communities

- Liz gave a presentation on the upcoming Section 3A program in preparation of September Town meeting.
- Liz briefed the board on the following sections of the Section 3A program:
 - Burlington's Plan for Compliance – reason behind this upcoming statute is from Charlie Baker's administration put forward changes to zoning – Town Meeting no longer needs to have a super majority to change zoning when it comes to housing
 - Multi-family zoning required for MBTA communities
- State's MBTA Information: Law, Importance, Guidelines, and Compliance Information
 - For all related information from the State regarding the MBTA communities, refer to the MBTAS Communities website: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta->

Questions from ZBRC members:

- Members had many questions for Liz about the requirements for Burlington, specific to the Adjacent Communities MBTA category. Liz answered many of the questions; in addition, many of the answers to their questions can be found in the MBTA communities' website.
- Betsey asked Liz why wait until May and not the January Town Meeting.
 - Liz explained to Betsey and the board that this process takes a huge amount of time to inform people and the public outreach. They are actively trying to get money from MA



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
February 08, 2023

Housing Partnership for technical assistance. Liz also mentioned that she needs some help wring up the zoning stuff from the board.

- Cathy asked Liz if she's identified the 50 acres or if she has a list?
 - Liz replied yes, she has a "back of the napkin list" but she wants to be judicious as to where it goes and that she's not ready to release it just yet. She wants more input from the board as to where they think it should go in Town.
- Cathy asked Liz if it was a year from this May? May of 2024?
 - Liz stated that she will update at May Town Meeting to what this is all about, and as to why we need to comply and no option to "opt out". She further explained to the board that the A.G. considers it "law of the land" and it's not optional. The Town could lose out on grant opportunities if they don't comply. The A.G. could take legal action against the communities that don't comply. Liz further commented that since 2004, they've already permitted 2k housing units but only 57 children are going to schools from these units.
- Cathy asked what happens if it's voted down by Town Meeting in May?
 - Liz replied she would withdraw the proposal before it got to that point and resubmit the revised plan at the September fall town meeting.
- Shari wanted Liz to confirm if it had to be "buildable acres"?
 - Liz replied that it can't be wetlands because it would take away some of the acres. Liz suggested pulling out all the acres that can't be built on because it will be smaller, to look at bigger than 50 acres.
- Jeff asked if this would supersede density restrictions as to what's currently there because you can't exceed more than 35% of the floor ration?
 - Liz replied that you would need to adjust the F.A.R. (Floor-Area-Ratio).
- Jeff asked if you would need to adjust what's buildable too?
 - Liz replied that you would still have restrictions on it. She suggested having a formula in there and be creative with it.

Comments from the members:

- Betsey mentioned that she recently when to the Burlington Mall revitalization meeting and that the general consensus of having a "by-right" multi-family dwelling as part of the overlay project was very popular because they can convert large businesses into multi-family properties "by-right".
- Liz briefed the board about the planning aspects for land use, development communities, residential communities, and retail aspects for a "hybrid approach" to the Town. She doesn't think the Town want to see commercial area inundated with multi-family residential properties.
- Betsey agreed with the hybrid & mixed-use properties, as to not turn it into a "suburban slum".
- New overlay will need to go to Town Meeting for Approval; however, once Town Meeting approves the overlay (by majority vote), the properties within the overlay can build multi-family by right with site plan approval from the Planning Board. The underlying zoning regulations remain.
- Cathy commented that the mall area is very desirable for this because everyone can have their say about it.
- Sally commented that one 25-acre parcel would be the entire Mall Road and everything along the Middlesex Tpke. And down to the Lexington town line plus 50 acres more.
- Sally suggested that Seven Springs property could be included in the overlay in addition to Ray Ave., Hallmark Gardens Condominiums and Lord Baron Apartments?



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
February 08, 2023

- Mark commented that Lexington just approved theirs the other day, adding that Lexington has a couple big parcels and that Burlington has so much more commercial space that it's becoming "slighted" and there's some good use for it.

Questions that need follow-up:

- Betsey asked Liz if she knew the status of MBTA stops in Burlington.
- Shari asked if there's a 10% minimum on affordable housing, that Burlington already has a 14% requirement.
 - Liz stated that there will be a 15% increase in any housing. She further commented that you can't have more than 10% affordable, it's the maximum allowed. Liz further stated that she doesn't want the Town to duly restrict it, we are at 15%.
- Shari asked for some clarifications regarding requiring environmental restrictions & if the updated stretch code will be required.

3b. Master Plan:

Liz stated the update on the master plan is complete.

- Images part of draft will be pixelated into the Master Plan and then it will be complete. Shari asked if it needs to go to Town Meeting for approval. Liz replied no, the approval will come from her board, the Planning Board. Shari suggested to Liz that Town Meeting should have an overview of it and that a Master Plan committee should be formed to continuously work on it. (\$250k-\$200k)
- Betsey commented about Roger's Piano was done without a plan and without a context? and that the proposal fit with the Master Plan fit very nicely. She further commented that Town Meeting is ignorant of what's going on and that the Planning Board should give Town Meeting a Master Plan Overview prior to presenting a new overlay plan – MBTA Community.
- Cathy asked if other towns go before Town Meeting to have their Master Plan approved?
 - Liz stated that some do, some don't. She further stated that she will give a Master Plan update at the September Town Meeting.
- Cathy asked if the last Master Plan implemented required Town Meeting approval?
 - Shari answered no it did not.
 - Liz replied not it does not and that a Master Plan in MA is NOT legally binding document it's only a guide.

4. GBRC – Dave Miller: Remote access to public meetings bylaw update – September Town Mtg.

- Dave presented draft Warrant Articles, regarding hybrid meetings for open meetings and Town Meeting, for the Committee's review.
- Dave will forward articles to Shari, and she will share with the ZBRC members.
- Cathy gave an update on the Rules Committee's response to the proposed Warrant Articles: Scott, Chair of GBRC, was told that these articles most likely would not pass at Town Meeting in January. Rules committee pushed GBRC to withdrawal them.
- Discussions and questions about the details of the warrant articles included: cost, quorum, visibility of members, voting requirements (roll call, or other mechanism).
- Jeff stated that the current Governor's extension only applies to open meeting law only, it doesn't apply to Town Meeting.



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
February 08, 2023

- Mark stated that the business world has solved this problem and that there's technology out there for it. Mark also stated that we should be spending the necessary money to invest in it for an active democracy in our Town.
- Dave suggested having some training sessions and getting some costs to budgets for having an extra IT person available for this.
- Cathy noted that currently the Town, through the ADA, can make accommodations for Town Meeting Members. Dave asked if this needed approval from the A.G? Cathy stated that she looked into it and it was reviewed by the A.C.L.U. She also stated that the A.D.A. requires the Town to provide accommodations for persons with disabilities, that they can request it prior to passing the general by-law.
- Dave thanks the committee members for their comments and suggestions and will update the GBRC members and will follow-up with ZBRC when an updated draft is available.

5. Future Town Meeting Warrant Article Updates:

a. Signage Subcommittee Warrant Articles – Update: Sally

- Sally provided an update on the Design Guidelines for the Signage for Town Center Overlay
- Sally briefed the board on her meeting with Planning Board Member, Bill Gaffney, in regards to coming up with signage bylaws for the “subjective side” signage, for the Guidelines Document, such as illumination requirements and functionality purposes. She asked Bill to give her what would be the “subjective side” of the signage requirements. The guidelines are for the town center overly only at this point.

b. Mall Road Corridor Initiative – Update: Betsey

- Betsey updated the committee from the advisory group meeting on 4/12/23.
- Betsey informed the board that at the meeting they broke into “foucs groups” to discuss the future vision of four (4) different areas in the Mall Road corridor.
 - Burlington Mall /Middlesex Tpke.
 - Staples/Vine Brook Plaza
 - Wayside area
 - Office-park area
- She informed the board that the consultant uses this process for developing new zoning regulations, “form based zoning”, which will be presented at the January 2024 town meeting.
- Follow up meeting in May, a 3 day charette. which is open to anyone and will be interactive in the design process (5/23-5/23/2023)

Action item: Shari to send out Economic Development Department newsletter to the committee members for more information regarding the focus group meetings in May.

c. GBL and ZBL Amendment(s) – publication of meeting and legal notices – Update: Greg

- no update given

d. Town Common Sign Advisory Group – Update: Cathy

- no update given

e. Accessory Use Definition/Regulations – Update: Shari

- no update given

6. Approval of ZBRC minutes:



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
February 08, 2023

- 1/11/23: Approved as amended:[**5-0-0**]
- 2/08/23: Approved as written:[**4-0-1**]

Documents Referenced:

- MBTA Communities: Multi-Family Zoning Requirements Presentation: – available through the Planning Department
- Draft Warrant article are available through the GBRC
- 1/22/23 and 2/08/23 ZBRC Meeting Minutes

Motion to Adjourn: 9:02 pm

All in favor. (5-0-0)

*Respectfully Submitted,
Jennifer Cutillo, Recording Clerk*

Approved: May 17, 2023 [6-0-1]