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TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
May 17, 2023

Chair Shari Ellis called the May 17, 2023, Zoning Bylaw Review Committee to order at 6:30 PM remotely via Zoom.

Voting Members Present: Shari Ellis, Betsey Hughes, Cathy Beyer, Mark Donahue, Sally Willard, Ed Parsons, Greg Ryan

Voting Members Absent: Jeff DiBona

Non-Voting Members Present:

Non-Voting Members Absent: Mark Dupell, Ernie Covino

Guests: Melisa Tintocalis, Economic Development Director

1. Meeting Announcements

- None.
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2. Public Participation – 5-minute limit

- None
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3. Mall Road – 128 Rezoning Initiative update: Melissa Tintocalis:

- Melisa presented an update of initiative including: goals, issues & opportunities as of May 2023.
 - Goals: Create collective vision.
 - Property owners along with residents' vision for the area
 - Smart Growth: Build within space we have and existing infrastructure taking opportunities with infill design
 - Open space activation
 - More efficient parking.
 - Existing Conditions
 - What type of use do we have the positives and negatives ?
 - Poor street orientation
 - Older building model with over parking, much vacant space full of asphalt
 - Consider increasing the FAR (Floor Area Ratios and Parking Requirements)
 - Opportunities
 - Create zoning that can allow for interface between buildings and space.
 - How much infill does the community want?
- Next steps for town and consultant:
 - Melisa reminded the members about the upcoming Community Design Workshop next week from May 23-May 25. Opportunity for the land use



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committees as well as the broader community members to have hands on opportunity to input for the future of this area and the zoning

- Goal to have something for the community by the middle of June so links will be available and to get word out to the community
- How can ZBRC assist with the zoning aspect of any new zoning (definitions, ZBL language, etc.)

Discussion/Questions:

- How to activate the space, invigorate the tax base with a balance of residential and commercial zoning. What is the “sweet spot” of residential/commercial to keep the tax base relatively the same. What is best use of space. What is the next “interest” to lure into Burlington? Goal to diversify the economic engine in this area by allowing more flexibility to the developers in the area to keep it vibrant and competitive in the region. How will remote work affect this; residential needs to be in the area to support these office and retail sector. Concerns/feedback from commercial representatives : Melisa briefly relayed some feedback from the landowners: they are interested and engaged in the conversations - flexibility and predictability (process easier for their investors – too much red tape slows interest and opportunity) would be good; however, nonconformity questions; implementation process– more problem for developers and uncertainty of the unknown. Housing seemed to be a common discussion among all the landowners as a critical element to any rezoning. Proximity of housing to work is important.
- Mixed diverse uses of 3rd Ave has been successful and can be a model for the mall road area. Although Nordblom is a different landowner as they are the owner, controller and master developer. Other areas in town have multiple landowners and are harder to develop. Find other models that also work and will fit Burlington. Changing policy to allow for flexibility is a way to add to this mixed use.
- Need a fiscal impact analysis once there is a proposed full buildout to determine what that balance can be between residential/commercial tax base
- No mechanism to roll out the regulatory framework yet; however, the most direct way is to remove old zoning and add new zoning rather than an overlay. Overlays create cumbersome issues with the bylaw. Without the overlay, there is the concern of the non-conforming issues created is new zone is implements and changes are needed within the old zone. First the comfort level of the new zones is needed prior to implementation.
- Should Burlington consider a mixed use zone to implement these zoning changes (and to avoid a PDD)?
- Critical to the redevelopment will be the transportation piece. That is a broader issue that Burlington and the region need to address.

Action Items:

- Melisa will forward the slide presentation, and studies
- Shari will forward the information from the consultants regarding other communities’ models



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4. Future Town Meeting Warrant Article Updates:

4a. Signage Subcommittee Warrant Articles – update Sally:

- Sally updated the members on the status of the Town Center Signage and the related warrant articles; they are not ready to go to Town Meeting in September. Currently the subcommittee is working on prior to any submittal:
- Burlington Signage districts guidelines Working with the Planning Board & the Planning Dept. Sally discussed with Melisa any (financial) incentives that can be instituted to assist the property owners to update their signage. Shory of mandating it through the General Bylaws with sunset clauses, there needs to be a mechanism in place to help
 - Tax incentive harder to do – DOR has strict rules for tax collection
 - Storefront improvement program
 - Community block grant funding
 - ARPA money to create a fund to match upgrades
 - Business Improvement Districts – a betterment program but difficult because Burlington businesses are already paying a higher tax rate
- Sally stated that any amendments most likely won't be ready until January 2024.
- Betsey suggested presenting it to the ZBRC before we go public with the Planning Board. Betsey suggested having a more focused discussion at the next meeting.

Action Items:

- Add Signage presentation to ZBRC for next meeting to get some feedback prior to presenting to Planning Board
 - Sally stated she will share the link on the Google drive.
 - Cathy asked Sally to share the link and to pose a few questions as to what she's looking for.
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4b. GBL and ZBL – Amendment(s) – publication of meeting and legal notices: - Shari

- Shari explained to the board that GBRC is still trying to figure it out and needs to discuss with Town Counsel and it's not ready for the September Town Meeting, where the deadline is June 27, 2023.
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4c. Town Common Sign Advisory Group – update: Cathy

Cathy explained to the board that she'd heard nothing since the last meeting.

Shari asked Cathy to follow up with the SB regarding the language & by-laws and get a status update and encourage the Select Board to bring it back for review. ZBRC can assist if the Select Board is willing to move it forward. Shari will add this to the next ZBRC meeting if needed.

4d. Accessory Use Definitions/Regulations – update: Shari:



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- Shari briefed the board about her different ideas for the new definitions for accessory use & regulations and how to bring it forward as a whole to the board. Shari further commented that people are frustrated with it because there are so many unclear regulations with it. She would like to review this at next meeting with the goal to present to Planning Board and submit for June Town Meeting
- Shari reviewed a PowerPoint presentation on the proposed changes to the Definitions related to accessory uses and clarifications to the Density Regulation Schedule.

Action Items:

Shari will send out the documents via email (attached) and add to drive for comments prior to next month's meeting

Accessory Dwelling and In-Law Zoning issues "Accessory Use" – update: Shari:

- There was a brief discussion on Accessory Dwelling, In-Law and other types of housing lacking in Burlington. The question is whether all types of housing should be discussed in relation to MBTA Multi-Family Housing currently in discussion at the Planning level. Can these discussions be piggy backed on the MBTA Multifamily discussions currently at the Planning Board. Can Melisa (Economic Development) get and funding to address zoning initiative needed to address amending the ZBL's related to housing.
- Shari commented that a subcommittee earlier did some early research regarding other towns and how they addressed amending their Town's Zoning to address the lack of housing types allowed in town. It was stopped as it was determined at the time too large an issue for the ZBRC to take on without assistance.

Action Items:

- It was determined to discuss this further at a future meeting as it's an entirely separate matter to discuss and should also be discussed with Planning and Economic Development.
 - Betsey and Shari will share with Cathy the information that was done, so she may share with a contact she has at the Metropolitan Planning Council for comments
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5. Approval of ZBRC minutes: 4/12/23

- Approved as written
 - **Vote 6-0-1**
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Documents Referenced:

- Power Point for Mall Road /128 Initiative: located at Economic Development office
- Accessory Use Definitions and Density Regulation Table proposed amendments – draft attached

Motion to Adjourn: 8:20 pm

Approved: 7-0-0



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Minutes Approved: August 9, 2023 [7-0-0]