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TOWN OF BURLINGTON

Meeting Minutes

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DEPT./BOARD: General Bylaw Review Committee

DATE: April 20, 2021

TIME: 6:30 p.m.

PLACE: Virtual via Zoom

MEMBERS IN ATTENDANCE: Chair Scott Martin; Vice Chair Phyllis Neufeld; Sandra MacKay; David Miller; Wendy Guthro

GUESTS: Monte Pearson, Land Use Committee; Shari Ellis, Zoning Bylaw Review Committee; Eileen Sickler, Town Meeting Member; Barbara L'Heureux, Planning Board

Minutes

Chair Scott Martin called the meeting to order at 6:35 p.m.

Proposed addition to Article VI, Selectmen -- Mandatory public hearing for residential housing projects

Monte Pearson presented a proposed addition to Article VI which would require that the Selectmen, before taking any action on residential housing projects, conduct a public hearing. The proposal would add a new section (1.14) to Article VI, Selectmen, and is patterned on section 1.12 of the same Article (relating to public lands) in terms of public notifications of a hearing and a vote at the next regularly scheduled meeting of the Selectmen.

Monte said that the need for this additional section to the Article became apparent during the process of approval for a 40b residential housing development on Richardson Road. He noted that the development is a large one for the neighborhood of single-family houses; it is a four-story, 24-unit building. He said that other Town committees and departments, and abutting residents, were not given notice and an opportunity to express their thoughts about this development before it was approved by the Selectmen. Monte said this "was not fair" to the Town and residents, and that the addition he is proposing would ensure greater transparency. This proposed addition to the Bylaws is supported by the Land Use Committee.

In answer to questions and comments, Monte said that information about this development became known only when the matter was scheduled for consideration by the Zoning Board of Appeals. He said that residents are at a disadvantage in presenting their comments at a Zoning Board of Appeals public hearing, as by that time in the process the discussion is "in the weeds" regarding specific details, and it involves lawyers and engineers.





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Barbara noted that the Zoning Board of Appeals does not have any staff assistance and that this project is very complicated – “not something they typically do.” Monte commented that the Zoning Board of Appeals is an unelected body that interprets the regulations, but that zoning is a Town Meeting responsibility and prerogative.

The issue of 40b housing was discussed. The proposed project on Richardson Road was approved under a State process for affordable housing projects, since 25% of the units would be affordable senior housing. Barbara said that the State process applies to communities with under 12% of affordable housing; Burlington is above 12% and so should not have been subject to the process which bypasses local planning boards and public hearings. Monte said that his proposed Bylaw addition would include a public hearing by the Selectmen on 40b housing projects as well, and was intended to “prevent something that’s already happened from happening again.”

Committee members then reviewed the wording of the proposed addition and suggested changes in sentence structure, headings, terminology, and other specifics for greater clarity. Monte agreed with these changes. Upon a motion by Wendy, seconded by Sandra, the committee voted to support this proposal, 5-0-0.

Proposed Conflict of Interest Bylaw

Barbara asked that the committee consider drafting a Conflict of Interest bylaw. She said that she has become aware that some members of Boards/Committees/Town Meeting are voting on proposals that they should not be voting on because of conflicts of interest. She said that the current Bylaw (Article I, Section 5) is too vague and limited to be effective. Committee members noted that generally they do not draft bylaws; they review proposed bylaws submitted to the Committee. However, Wendy agreed to work with Barbara on drafting a proposal which would modify the current Bylaw and be patterned after the State conflict of interest regulations for municipal employees.

Proposed Bylaw for electronic communications

Eileen suggested that the Bylaws be amended to allow for sending the warrant electronically to Town Meeting members. She reported that it costs approximately \$5,500 in printing and postage to send the warrant for each meeting. She said that an optional “opt-in” for Town Meeting members to receive the materials by email would be more convenient and “green.” Committee members discussed the question of convenience/ease of paper vs. digital communications; the need to bring laptops to Town Meeting; and accessibility concerns. Scott said the current Bylaw does not specify written (paper) or electronic notice. Eileen said she would speak with the Town Clerk to obtain more information about the specifics of how her proposal could be accomplished, such as details of opting-in, accessibility, and making paper copies available for those who prefer paper.





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Question on recall provisions in the Bylaws

Eileen asked whether there was any provision in the Bylaws for recalling elected officials. She was informed that Adam Tigges had discussed this at a Committee meeting in December 2019, but no further discussion occurred. Eileen said she would follow up with Adam.

Question on attendance requirements at standing committees

Eileen asked whether there was any provision in the Bylaws to require attendance at standing committee meetings. Wendy said that the intention is not to “make it a hardship” for people to serve on these committees, but that a member can resign if they are unable to attend meetings, or the chair of the committee can ask the non-participating member to resign. Shari commented that committees can vote to accept new members to the committee if the Town Moderator does not appoint someone to fill the vacancy. It was noted that all standing committees should be presenting reports of their activities at Town Meeting. The Committee reaffirmed that all Articles submitted to Town Meeting should have back-up materials submitted as well.

Discussion on Committee process

Committee members resumed their discussion about developing a defined process for bringing proposed new or amended Bylaws to the Committee for review. This information, when finalized, would be communicated to all Town officials, departments, committees and boards; and it would be available to anyone who wants to bring a proposed Bylaw or Bylaw amendment to the Committee. Sandra had prepared a flow chart of a timeline and procedure; she said that this draft needed the addition of notification information and by whom/how Articles are submitted to Town Meeting. Scott and Sandra will work on an updated draft of this document for the next meeting.

The question of deadlines for proposed Articles to be submitted to the Committee (45 or 90 days before Town Meeting), discussed at previous meetings, was tabled to the next meeting. Discussion of a formatting guide, also discussed at previous meetings, was tabled until the next meeting. Shari offered to share the style guide that the Zoning Bylaw Review Committee was considering.

Upon a motion by Phyllis, seconded by Sandra, the minutes of the March 16, 2021 meeting were approved as amended, 3-0-1.

The meeting was adjourned at 9:10 p.m.

