



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
August 9, 2023

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By Town Clerk's Office at 11:24 am, Oct 12, 2023

Chair Shari Ellis called the August 9, 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: Ernie Covino and Mark Dupell

Non-Voting Members Absent: none.

Guests: Liz Bonaventure, Planning Director; John Welch from Herb Chambers, Chris Sparages of Williams & Sparages Engineering, Colin Murphy, Mark Vaughn from Reimer and Braunstein & Melisa Tintocalis, Economic Development Director

1. Meeting Announcements

- o None.

2. Public Participation – 5-minute limit

- o None at this time.

3. September Warrant Articles:

- a. **Article II - Definitions** (relating to public notices) for the warrant article postponed until January 2023.
Vote: Motion to continue definitions until the January 2023 meeting. (5-0-0).
- b. **Amendment to Article IV Use Table** – Liz B. went over some housekeeping items for correcting the section in the use table, adding sections 4.2.7.11.12 & 4.2.7.11.13.
Vote: Motion to approve as written. (5-0-0)
- c. **Shared Parking and Transportation Demand Management** – (taken out of order)
Liz reviewed with the board the changes to the definitions for zoning articles in section A, Mixed-use development, Transportation Demand Management and Shared Parking. In section B, a new section was added to promote shared parking to reduce the need for excess pavement. In section C, two additional subsections were added, a. Non-competing uses & Competing uses under the 7.2.8.1 On Site Shared Parking. In section 7.2.8.2 Off-site parking six subsections were added. (a.-f.)

Questions / Comments:

- The committee discussed suggested changes at tonight’s meeting: There was also discussion about the TDM (Transportation Demand Management) being referenced in this article and if it should be kept in the article. Shari suggested putting entire Section 7 in the backup to avoid confusion.



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
August 9, 2023

- In reference to section 7.2.8.2 (section d) if you have a shared off-site parking space with another business what happens when the other business changes and then becomes a competing?
 - Liz replied that you should have abundant parking for your tenant, however it would be enforced by the Building Inspector and would be out of compliance. This situation would need to be returned to the Planning Board for review.
 - Liz also replied that the agreement between property owners would be in a legally binding document, an attorney would need to type it up and bring it before Town Counsel.
- What would trigger that review?
 - Liz replied anyone can review it at any time.
- Need a special permit to lease the space from another site?
 - Yes. The site does not have enough parking, so that store will need the Special Permit. Liz gave an example of the use of parking requirement for businesses next to each other sharing parking spaces such as a restaurant and a church, the restaurant would need to apply.

Vote: Motion to approve as amended (correction of Inspector of Buildings). **(6-0-0)**

- d. Amendment to Article IV Use Table – Herb Chambers Kia Dealership – Attorney Mark Vaughn of Reimer & Braunstein addressed the committee regarding some clarification points in relation to amendments to the use table. The two proposed amendments are:
- a. Use is only allowed in the BG zoning district – Section 4.2.5
 - b. Change to the building footprint allowing a maximum of 20,000 sq. ft. being inclusive of any accessory building.- Section 4.2.5.11

Questions/Comments:

- Shari commented that the 20,000 sq. ft. can be changed by a variance from the ZBA.
 - Atty. Vaughn replied that their intent is to put a cap on the square footage because that will indicate the intention of Town Meeting if adopted.
 - Attorney Vaughn noted that that the dealership would be capped at 20,000 sq. ft max. It would need a Special Permit review process with the Planning Board. The applicant did not wish to rezone the properties to BT, to protect the Town's interest, and that there's only so many options.
 - Mr. Sparages replied that the existing KIA dealership is 6,019 sq. ft. Atty. Vaughn also commented that the Copy building and Waltham Pest Control are both being demolished as part of this plan. Shari commented that she's not in favor of continually voting to amend zoning articles and by this method of specific use table requirements. She is also not in favor of voting for this article because it potentially opens it up for additional parking in the future.
- Is adjacent property zoned BG?
 - Atty. Vaughn replied, yes, it is.

Vote: Motion to approve and accept article as written. **(5-1-0)**

- e. **Town Common Municipal Sign Advisory Group** – was withdrawn by Select Board.



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
August 9, 2023

4. Future Town Meeting Warrant Article updates:

- a. **128/Mall Road Corridor Initiative:** Melissa updated the board in regard to gathering more community input and formatting it to put forth at the next town meeting. She also informed the members that there's an advisory group meeting on Aug. 30th. At this time she wants the committee to focus on reviewing the document which entails the proposed zoning only for the mixed use district. Melissa showed the committee a map of the proposed new zoning district and to focus on the northern part, which is phase 1 of 2 phases. Phase 1 is north of Route 128 and Phase 2 is south of Route 128.
- b. **Accessory Use Definitions/Regulations:** Shari reviewed with the members all the changes and edits made to the definitions. The goal is to submit these changes to town meeting in January 2024.

Questions /Comments:

- Discussions were had regarding specific definitions.
- Betsey suggested having Mark Dupel identify preferences for each definition option because he has the experience in this area. She also suggested only having one definition for "setback" for clarity purposes.
- Mark Dupel referenced using the Hendrikson, Nevada definition to create our definitions for front, side and rear setback as a guide.

Action Item: Shari will send out in a Word document all the changes/edits made previously on Google Docs to all members.

c. TCO Signage District and Signage Bylaws

Sally commented that she doesn't have any more to go through at this time.

Action Item: Shari will add it to next month's agenda.

5. Approval of ZBRC minutes: 5/17, 6/14, & 7/17.

Motion to approve minutes from May 17, 2023 as written. (6-0-0)

Motion to approve minutes from June 14, 2023 as written. (6-0-0)

Motion to approve minutes from July 17, 2023 as written. (6-0-0)

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- Next ZBRC meeting will be held on September 13, 2023.

Documents Referenced:



TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
August 9, 2023

- Warrant Article: Use Table (Housekeeping) – available from the Planning Department
- Warrant Article: Use Table – adding new automotive use - available from the Planning Department
- Warrant Article: Shared Parking - available from the Planning Department
- Accessory Use Documents: Use Table, Definitions and Sketches – available from ZBRC

Motion to Adjourn @ 8:25 p.m. All in favor. (6-0-0)

Minutes Approved: October 11, 2023 [6-0-1]

*Respectfully Submitted,
Jen Cutillo, Recording Clerk*