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By Town Clerk's Office at 8:29 am, Feb 10, 2022

TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
January 12, 2022

Chair Shari Ellis called the January 12, 2022, Zoning Bylaw Review Committee to order at 6:30 PM remotely via Zoom.

Voting Members Present: Shari Ellis, Betsey Hughes, Tamara Maniscalco, Sally Willard, Cathy Beyer, Michael Murray, Mark Donahue, Ed Parsons

Voting Members Absent: Greg Ryan

Non-Voting Members Present: Mark Dupell, Ernie Covino

Non-Voting Members Absent:

Guests: Kristin Kassner, Planning Director; Melisa Tintocalis, Economic Development Director; Ellen Murphy, Economic Development Staff

1. Public Participation - None

2. Approval of Minutes: 12/08/21

- Approved
-

3. January Zoning Warrant Articles

a. Modernizing Retail Uses: Educational and Experimental and Interactive Uses

- Article 2- The Planning Board approved this at the last meeting. Approved **5-0**
- Committee discussed edits to the document with Melisa & Kristin
- Moved to approve as amended. Vote (**7-0**). Edited version to be sent to Select Board, Planning and Economic Development

b. Outdoor Seating and Placemaking

- Article 3-Melisa noted that this was presented to the Planning Board. The Planning Board took a vote, as printed (**3-3-1**).
- Betsey questioned, 10.10.3.4, why is the building inspector, but not the police involved as this is regarding public safety. Melisa stated the circulation on the site comes down to the site plans, where the building inspector has authority. The Town Council reviewed and found the building inspector the most appropriate fit.
- Committee discussed some edits to the wording to make the article clearer.
- Shari brought up a concern issue from the Planning Board Meeting. - Other tenants in buildings are concerned about a parking issue due to more restaurants utilizing outside seating. Another concern is that some businesses are allowed outdoor seating/uses, but others are not. Melisa brought up parking management. Benefits to have a larger shared space than individualized parking.
- Melisa presented the draft for "Guidelines for Temporary Request for Outdoor Seating". The Planning Board & Board of Selectmen approved guidelines and regulations for the COVID period. This does expire in April 2022 and the Town will need to provide updated guidelines. The Town Council has not reviewed the revised draft article yet.
 - Regulations can be found online with the application.
- There were some questions regarding the term of time within the guidelines. The article



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states an annual permit. There is no limit on reapplying for the temporary permit. Shari asked at what point they would have to apply for permanent seating/installation. Answer is if the seating remains year round, and not removed during the off season (November through March) The applicants would then need to go to the Planning Board for review.

- The Planning Board is concerned that this is a Bylaw, for a temporary rule. There is a question if Bylaws should be put in place for something that is temporary.
- Motion to approve as amended. Vote (8-0) Edited version to be sent to Select Board, Planning and Economic Development

c. Signage Bylaws; Article II and Article 13.1

- Sally and Betsey to work on presentation for Town Meeting

Action Items:

4. Discussion of zoning bylaws and possible amendments for 2022

- Shari presented some issues regarding accessory use definitions and regulations that were brought to her attention during a current variance application before the Board of Appeals. Committee had some questions regarding definitions and regulations for: Structures, Setbacks, and height, particularly for Accessory Use, for the Building Inspector. They also wanted to clarify some issues.
 - Committee asked what are structures and what requires a permit. Building Inspector Mark Dupell noted that structures are typically dictated by the building code. Building code states a shed under 120sq ft does not require a building permit but may still require a permit for zoning purposes.
 - Sally wanted to clarify that residents know that they must apply to building permits to build a structure.
 - Shari asked if there is ever a time that a setback can be moved in a variance application. It was noted that residents can apply for a variance to allow for a specific structure to be located within the set back by going to the Board of Appeals.
 - Committee also discussed a way to enforce regulations and Bylaws and to make a clear way for residents to know to apply for a building permit.
 - Discussion regarding lot lines, in the future, committee to start thinking about clarifying the definitions.

Action Items:

Committee to think about making a master plan for desires for residential zones. Consider creating a subcommittee.

Documents Referenced:

- Past meeting minutes: 12/08/2021
- Zoning Bylaw Articles - Warrant 1.24.2022 DRAFT
- Guidelines for Temporary Request for Outdoor Dining Updated DRAFT



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- 2201133_ZBL Questions related to structures, setbacks, building permits and variances in the RO Zone
- Definitions related to Accessory Use Permits

Motion to Adjourn: 8:32 pm

*Respectfully Submitted,
Emily O'Donoghue, Recording Clerk*

Approved: February 9, 2022 [7-0-0]