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TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
August 10, 2022

Chair Shari Ellis called the August 10, 2022 Zoning Bylaw Review Committee to order at 6:30 PM remotely via Zoom.

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

Voting Members Absent: Greg Ryan

Non-Voting Members Present: Mark Dupell, Ernie Covino

Non-Voting Members Absent: --

Guests: Planning: Kristin Kassner, Liz Bonventre, Caleb Zimmerman, Brenda Rappaport, Bill Gaffney, Jessica Sutherland **Land Use:** Patricia O'Brien, David Webb, Mimi Bix-Hylan, Monte Pearson, Zi Wang **General Bylaw Review:** Susan Kadilak

1. **Public Participation** - none

2. **ZBL Amendments – September Warrant Articles - Joint meeting with Planning Board and Land Use**

a. Definitions: Smoke Shop

- Kristin presented the proposed amendment to the Zoning Bylaws for the definition of “Smoke Shop” and also regulating it in the use table, as there seems to be more of these types of stores popping up around Burlington and surrounding towns. Note, this definition does not include Registered Marijuana Dispensaries.
 - Committee and Board members discussed some clarification issues. There was a need to define if vape products are classified as tobacco products under state law or if there is a need to separate the definitions.

b. Groundwater

- Kristin presented the proposed amendment to the Zoning Bylaws to regulate the distance between groundwater and building basements, crawl space floors or slab elevations.
 - Committee and Board members discussed adding climate change effect on groundwater over time as well a presentation regarding the issue and what is/is not allowed currently.

c. TCM – Town Center Multi-Family Housing

- Liz stated that the DHCD amended their regulations based upon the letters regarding MBTA communities and tightened up the regulations and extended the deadline for another year.



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- Kristen presented the proposed amendment to the Zoning Bylaws to create a new Zoning District (Overlay) within the Town Center Overlay District to be called Town Center Multifamily (TCM) District.
 - After some discussion about the complexity and level of review necessary, it appeared that this article would be postponed to the January Town Meeting
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3. Future Zoning Issues / Discussions / Articles

a. Master Plan – discussion

- Kristin noted that it is very important keep up with the discussions. There were delays due to consultant changes. They are still working on finalizing everything and discussing with the new consultant to see what they can announce by September Town Meeting.

b. ZBL recodification – discussion

- Shari noted that the committee started to discuss the outside consultant audit and review process, and if it is valuable. Betsey added that this is still in the beginning stages and how much effort this would take and if bringing in a consultant is beneficial. The committee is looking for feedback from Kristin and Planning Board regarding this project.
 - Kristin noted that they first attempted a reorganization of the Bylaws, not including and changes, just moving the definitions into one section and restructuring the remaining sections. She also asked what are the problems or issues that have been identified that need to immediate attention for this process. Liz added that the Attorney General has approved everything that is currently defined.
 - Shari added the immediate concerns of zoning amendments take precedence over the review of the entire Bylaw. There isn't always the time to address the overall review, which is also part of the Committee's charge. Betsey noted the recodification that was done previously was very helpful and the next step is to audit the bylaw to see where or if other changes are needed.

c. Pero Farm – discussion

- Shari explained that Pero Farm is the last agricultural property in Burlington. As such, the Town has first right of refusal if the property ever is for sale. There is hope to have an opportunity to add input on the future of the property.
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4. Approval of ZBRC minutes: 06/08/22

- **Vote 6-0-1**
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Documents Referenced:

- 220628_TM22-9-Smoke Shop
- Revision JK 8_9_2022_TM22-9 Groundwater Separation Zoning Bylaw (1)
- 220628_TM22-9 Town Center Multi-Family_MBTA
- Town Center Multi-Family 6-24-22 Map

Motion to Adjourn: 9:50 pm

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

Approved: September 14, 2022 [6-0-0]