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TOWN OF BURLINGTON
ZONING BYLAW REVIEW COMMITTEE (ZBRC) MINUTES
September 28, 2022

Chair Shari Ellis called the September 28, 2022, Zoning Bylaw Review Committee to order at 6:35 PM. Meeting was held in BHS Cafeteria

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

Voting Members Absent: Mark Donahue

Non-Voting Members Present:

Non-Voting Members Absent: Ernie Covino, Mark Dupell

Guests: none

1. Re-vote of Article #14 Smoke Shop

- Shari presented the reason for re-vote.
- The vote was based on an "improper use of the bylaws" stating the notion that we should not regulate based on how or where we morally believe the smoke shop should be zoned as that it is not the purpose of zoning. Upon reviewing the ZBL's purpose, I believe we may have made an inaccurate assumption.
- Purpose of current ZBL's: The purpose of these Bylaws currently contains the language "to promote the health, safety, convenience, morals, and welfare of the inhabitants of the Town of Burlington. The objectives of these Bylaws are, among other purposes, to lessen congestion in the streets, to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town; to preserve and increase amenities; and to accomplish any other purpose for which Zoning Bylaws may now or hereafter be enacted under the laws of the Commonwealth of Massachusetts.
- Discussion: After discussion, it was concluded :
 - design review for TCO took care of the issues concerning what was visible in the windows of the shop
 - consequences of passing this article moves the use to a more restrictive area that includes two areas directly across from high school, just as undesirable
 - passing the amendment does not stop the currently permitted smoke shop in Town Center.



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- Motion: Vote to recommend Amendment as revised to Town Meeting
 - **Vote: 0-8-0**
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Documents Referenced:

- TM22-9-Smoke Shop – Warrant Submission – ZBRC Amended Article found in the Clerk's office
- [Burlington ZBL's](#)

Motion to Adjourn: 6:52 pm

*Respectfully Submitted,
Shari Ellis, Chair ZBC*

Approved: October 12, 2022 [7-0-1]