



**RECEIVED**

By Town Clerk's Office at 1:42 pm, Nov 19, 2025

## TOWN OF BURLINGTON

DEPT./BOARD: **ZBRC**

DATE: **Wednesday, October 8, 2025**

TIME: **6:30 pm**

PLACE: **Virtual via ZOOM**

**Attendees:** *Betsey Hughes, Sally Willard, Ernie Covino, Liz Bonventre, Mark Smukler, Alex Rutfeld, Cathy Beyer, Mark Donahue*

**Members Absent:** *Jeff DeBona, Joe Impemba*

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1. Public Comment

2. Administrative Matters

Betsey noted that the meeting is being summarized by AI Companion.

3. ZBRC Amendment DRAFT– Definitions

Betsey described the changes proposed with updated comments. Updates are meant to clarify and make appropriate equally to all properties in Burlington.

The meeting focused on reviewing and discussing proposed changes to the zoning bylaw, particularly around definitions and setback regulations, with the team clarifying permit requirements and updating terminology for consistency. The Committee explored various regulations and exemptions for structures in setbacks, including discussions about building permits, height restrictions, and enforcement mechanisms, while considering the impact on homeowners and potential unintended consequences. After finalizing changes to the bylaws, including the addition of setback definitions and verbiage, the team agreed to submit amendments for the January town meeting with plans for further review and approval at future meetings.

The committee decided to remove text from the original proposal and submit the article simply adding the setback definition and updated Density Regulation schedule and do a housekeeping article at a later date.

### **Summary**

The meeting focused on reviewing and discussing proposed changes to the zoning bylaw, particularly around definitions and setback regulations, with the team clarifying permit requirements and updating terminology for consistency. The Committee explored various regulations and exemptions for structures in setbacks, including discussions about building permits, height restrictions, and enforcement mechanisms, while considering the impact on homeowners and potential unintended consequences. After finalizing changes to the bylaws, including the addition of setback definitions and verbiage, the team agreed to submit amendments for the January town meeting with plans for further review and approval at future meetings.

### **Next steps**

1. Mark Smukler will send the list of locations in the zoning bylaws where "yard" needs to be replaced with "yard setback" to the committee before the weekend.
2. Betsey to submit the amended zoning bylaw changes through Liz as placeholder for the January town meeting.
3. Mark Donahue will prepare and deliver the presentation on the zoning bylaw changes at the January town meeting.
4. Betsey will run the proposed changes by John Eiler to ensure his previous concerns are addressed.
5. Committee will review and finalize the zoning bylaw changes at the next regular meeting on November 12th.
6. Liz will format the proposed changes into a usable warrant article structure once she receives the text from the committee.

### **Zoning Bylaw Updates Review**

The meeting focused on reviewing and discussing proposed changes to the zoning bylaw, particularly around definitions and setback regulations. The Committee clarified that structures

over 200 square feet require building permits, aligning with the building code, and decided to update the bylaw to reflect this. They also discussed updating setback measurements to use "setback" instead of "yard" for consistency across property types. Liz was tasked with confirming the source of the 200 square foot threshold and reviewing the bylaw's accuracy.

### **Zoning Bylaw "Yard" Clarification**

The committee discussed updating references to "yard" in the zoning bylaws, with Mark Smukler identifying approximately 14-15 instances where the term needs to be replaced or clarified with "setback." Liz agreed to perform a search and replace in the document, noting that any bylaw changes would need to be published in the town meeting warrant. The Committee agreed that "yard" was acceptable when paired with "setback," but needed clarification when used alone, and Liz offered to edit both the text and images in the bylaws.

### **Zoning Setback Definition Review**

The Committee discussed amending setback definitions in their zoning code, with Mark Donahue explaining that while setback is not currently defined, yard is already defined in the bylaws with specific measurements for front, rear, and side yards. The team debated whether to keep the yard definitions or replace them with setback measurements, with Cathy suggesting that using "yard setback" might be clearer for homeowners while still allowing for commercial properties with different requirements. Liz proposed creating a cross-reference between the definitions section and the density regulation table to clarify the terms, and The Committee agreed to review the proposed changes to ensure they would be effective in reducing confusion about setback requirements.

### **Yard and Setback Definitions Discussion**

The Committee discussed the definitions of "yard" and "setback" in planning terminology, with Mark Donahue explaining that a yard is unoccupied land on a lot and setbacks are designed to create space between buildings. They agreed that these terms are inextricably linked and decided to keep them together in their documentation. The Committee also discussed the need for a clear and concise presentation of this information for the January town meeting, with Cathy offering to help with the presentation but emphasizing the importance of collaboration. They set a deadline of October 28th for submitting the written materials to the town offices.

**Setback Regulations for Small Structures**

The Committee discussed setback regulations for structures, particularly focusing on a provision allowing structures under 200 square feet in setbacks without requiring building permits. Mark Donahue explained that the regulation was prompted by a neighbor's large shed (14x30 feet) built too close to a property line, which led to complaints and ultimately influenced the current regulation. The discussion revealed confusion about whether the regulation intended to allow small structures like sheds in setbacks, with some members interpreting it as unintended consequences of the compromise language.

**Setback Regulations and Exemptions**

The Committee discussed setback regulations and permit requirements, particularly focusing on structures over 200 square feet that cannot be built in setbacks. They debated the unintended consequences of strict enforcement, including concerns about raised garden beds and swing sets, with Mark Donahue explaining that structures under 10 feet high and 8x8x10 dimensions are exempt. Cathy expressed concern about creating regulations that could have negative impacts, while The Committee agreed that swing sets were exempted from the regulations after concerns about families needing permits for children's play equipment. The discussion concluded with a need for a meeting with building inspectors and ZBA representatives to review the regulations and avoid unintended consequences.

**Residential Zoning and Setback Regulations**

The Committee discussed zoning regulations and setback requirements to prevent unwanted structures in residential areas. They explored options like limiting structure size, height, and location, with Mark Donahue suggesting a 10-foot height limit and 65 square foot size restriction. Liz raised concerns about the effectiveness of building permits in preventing issues, while Cathy emphasized the need for clear regulations that average residents can understand. The Committee debated whether neighbors would be notified of potential issues and considered making certain structures require special permits. They concluded that more research into other towns' regulations and clearer enforcement mechanisms were needed to address their concerns effectively.

**Setback Regulations Review Meeting**

The committee discussed regulations for structures in setbacks, particularly focusing on the building department's website stating that structures under 200 square feet don't require permits but cannot be placed in setbacks. They agreed that the current zoning bylaw needs clarification regarding setbacks, and Cathy suggested having a working meeting to review papers and develop appropriate language. The Committee decided that rather than creating new language as a committee, they should first have a discussion with the building inspector to clarify the existing regulations before making any changes to the bylaw.

**Zoning Setback Regulation Amendments**

The Committee discussed amending setback regulations in their zoning bylaws. Mark Donahue clarified that they only needed to add setback definitions and verbiage to the existing density regulation schedule, as the basic structure and building/structure restrictions already existed. The team agreed to modify the definitions section to include "setback" as the minimum distance between any building or structure and a lot line, while keeping the existing language about lot coverage and density regulations unchanged.

**Zoning Bylaw Updates Finalized**

The Committee discussed and finalized changes to the zoning bylaws, deciding to remove the term "structure" and keep the existing language about buildings, while adding "setback" to the density regulation schedule. Mark Donahue agreed to prepare a presentation for January Town Meeting, and the team will review the changes with John Iler before submission by October 28th. They also agreed to hold a follow-up meeting on October 22nd to approve the final version.

**Zoning Bylaw Amendment Discussion**

The committee discussed the submission of zoning bylaw amendments for the January town meeting, with Mark Smukler identifying three locations where yard setback language needs to be added. The Committee agreed to submit the amendments as a placeholder, with minor changes to be made at the next regular meeting on November 12th. Cathy raised concerns about media coverage of the zoning resolution and inquired about enforcement procedures, which Betsey explained are handled by the building department through warnings and fines.

4. Town Center Signage Update (not discussed)
5. Future Meeting Discussion (Not discussed)
6. Approval of September Meeting Minutes: 6-0-1 Betsey, Ernie, Cathy, Mark S, Mark D (abstain), Alex. Sally

Following a motion to adjourn voted unanimously, the meeting adjourned at 8:35pm

Minutes submitted by

Sally Willard

Links added to chat for folders on google drive:

This is a link to the ZBRC drive Bylaws folder:

[https://drive.google.com/drive/folders/1iBIJdpDf7ZBqCa5h1\\_ZzMuqzlhyKr\\_bW?usp=sharing](https://drive.google.com/drive/folders/1iBIJdpDf7ZBqCa5h1_ZzMuqzlhyKr_bW?usp=sharing)

Link to the "Accessory Uses" folder [https://drive.google.com/drive/folders/1wZi-RO7HiaY6PtLuS96UyYsvGZZY\\_lhl?usp=sharing](https://drive.google.com/drive/folders/1wZi-RO7HiaY6PtLuS96UyYsvGZZY_lhl?usp=sharing)