



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

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

**Voting Members Present:** Shari Ellis, Sally Willard, Tamara Maniscalco, Cathy Beyer, Greg Ryan, Jeff DiBona, Ed Parsons, Mark Donahue

**Voting Members Absent:** Betsey Hughes

**Non-Voting Members Present:** Mark Dupell, Ernie Covino

**Non-Voting Members Absent:**

**Guests:** Liz Bonventre and Caleb Zimmerman, Planning Department

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### 1. Public Participation – 5-minute limit

- None.
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### 2. Master Plan Update - Planning

- Liz updated the committee that in January 2021, the Planning Department contracted with Emily Innes from Innes Associates to help create a user-friendly version of the 2018 Master Plan. She was able to provide an Executive Summary and any changes will be finalized in November. The plan is to bring it to vote and get approval from the Planning Board and go through the spreadsheet and mark off completed tasks as well.
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### 3. Housing Choice Update - Planning

- Liz updated the committee that at the Planning Board meeting, Town Center Housing was an open item on the agenda, however they would like to step back from looking at just Town Center and look at the MBTA communities from a Townwide perspective as a two-pronged approach. This will be re-presented January 2023. Liz noted there is a need for Middle Housing, and they are looking to add this in as well.
    - Sally asked if they will be able to meet the January 2023 deadline. Liz noted they are not too worried about the timeline and are looking to hire a consultant. The January 2023 deadline is a break down of the ideas they are working on and if they are on track with the project.
    - Shari asked who the Planning Board sub-committee members were. Liz noted the members currently are Bill Gaffney and Barbara L'Heureux. Shari asked if there was value in having a member or two from the ZBRC to be a part of the committee as well. Liz noted they haven't met yet but would discuss with the current members.
    - Ed suggested a joint sub-committee to discuss the issues. He noted the ZBRC members would have some good information to provide and "all hands-on deck" would be ideal to smooth out the issues at hand. Liz noted she would like to meet with the current sub-committee members, hire a consultant and potentially a steering committee with members from different groups to get ideas from all sides.
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**4. TCM – Town Center Multi-Family Housing Update - Planning**

- Liz noted they will be taking a step back and not submitting a Warrant Article for January Town Meeting to ensure this is not rushed and have time to plan out the effort.
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**5. Future Zoning Issues/ Discussion**

A. Signage

- a. Liz noted she received a lot of information from Sally but has not had the time to go through it just yet to state her opinion.
- b. Sally noted the committee is in a good place and are happy to do the work. She also noted they are unable to do the Design Rules & Regulations and setting up the 3A Committee. They need to move forward with other items and need the Planning Board to make some efforts towards a slow progress.
  - i. Cathy asked before making changes, is there a requirement for a hearing process or commentary type meetings before Town Center Overlay Bylaws and submit to Town Meetings. Sally noted that with any Zoning Articles, a hearing must be open. Town Council recently recommended the hearings don't have to be open 75 days anymore.
  - ii. Tamara noted the two items needed before anything could be submitted is a committee and to add signage to the Town Center Overlay Design Rules & Regulations. She noted this has been worked on for a while now and it would be good to get some momentum and move forward.
  - iii. Shari added there the Design Rules & Regulation document is in place, just needs signage to be added. She said it would be helpful if the Signage Sub-Committee reviewed and added some recommendations.
- c. Mark Donahue made a motion to vote to submit warrant articles as discussed. Tamara seconded the motion
  - i. Vote **8-0-0**

B. ZBL audit – discussion; purpose of ZBL's

- a. Ed noted the purpose is from a 1954 law, and the language has changed. He added it is not specific enough to be problematic, but if you pull from the newer law, it can get confusing. He noted that the committee will learn more about the purpose during the debate.
  - b. Mark Donahue asked is the committee here to review material or be proactive and advocate.
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**6. Approval of ZBRC minutes: 9/14/22, 9/28/22**

- 9/14/22
    - Approved as amended
      - **Vote 6-0-2**
  - 9/28/22
    - Approved as written
      - **Vote 7-0-1**
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**Documents Referenced:**

- 20220829 Master Plan Executive Summary – DRAFT – available at Planning Department
- MBTA Communities – PB 10-6-2022 – available at Planning Department
- 2022023\_January/Zoning/Deadlines - attached
- [TCO Design Rules and Regulations](#)
- ARTICLE nn Article XIII – Sept 2022 TTM (ver 3 4-4-22) - available from Select Board
- Article nn related to the establishment of Burlington Signage District 3.2.- available from Select Board
- Burlington Signage Districts maps DRAFT 2.- available from Select Board
- 220404\_Article to create Town Center Design Review Committee v11. - attached

**Motion to Adjourn: 8:45 pm**

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

**Approved: November 9, 2022 [7-0-0]**



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**GENERAL BYLAW ARTICLE**

**Article (zbrc2)**

**Re: Create a Town Center Design Review Committee by adding a new Section 2.10 to Article V of the Burlington General Bylaws**

To see if the Town will vote to create a Town Center Design Review Committee by adding the following new Section 2.10 to Article V of the Burlington General Bylaws:

2.10 Town Center Design Review Committee

The Town Center Design Review Committee (hereinafter referred to as the Committee) shall provide design review services to the Planning and Building Departments, or other Town boards, committees, or departments, as requested.

2.10.1 Committee organization

The Committee shall consist of eight (8) total members, seven (7) voting, and shall be comprised of one (1) representative each, appointed by their respective authority, from:

- Economic Development Department (non-voting member)
- Planning Board
- Zoning Board of Appeals
- Building Department

and two (2) representatives each from the

- Commercial Community, appointed by the Planning Board
- Residential Community, appointed by the Planning Board.

It is preferred that the Commercial representatives be residents of the town.

The recommended backgrounds of the Commercial and Residential representatives include:

- a plant material or horticultural background
- a visual-design background, as an architect or landscape architect
- represent a business located within the Town Center Overlay
- member of the Town of Burlington Beautification Committee

Members shall serve for a three (3) year term. In the absence of an active committee, three (3) members will be appointed for a term expiring at the next May Town Meeting, two (2) members expiring at the next subsequent May Town Meeting, and two (2) members expiring at the third subsequent May Town Meeting.

The initial meeting of the Committee shall be convened by a member designated by the Select Board. At this meeting, the Committee shall choose its Chair, Vice-Chair and a Recording Clerk. A quorum shall consist of four (4) members.

**Commented [SE1]:** I believe this should be Planning Department, as they will have the experience needed as well as being able to mobilize quickly (as in the outdoor seating task force). If the Planning Board wished to appoint one of their own members, they can use such action in the Residential component.

**Commented [SW2]:** Do we need to change this to 1 appointed by SB and 1 by PB? That would skew to 4 SB and 3 PB rather than 2 SB and 5 PB.

**Commented [SW3]:** Not sure why the Select Board would have a say in convening the committee.



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2.10.2 Committee Responsibilities

- To review and advise on site improvements, visual design, and façade changes within the Town Center Overlay
- To make recommendations on all sign permit applications for the Town Center Overlay, or sign applications requiring a variance from the Board of Appeals
- To act upon any design issue within the Town Center Overlay, as referred to the Committee by the Appointing Authorities, or Town Meeting
- To make recommendations for updating the Town Center Overlay Design Rules and Regulations

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of  
Zoning Bylaw Review Committee

PASSED ( ) DEFEATED ( ) POSTPONED INDEFINITELY ( ) OTHER ( )



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**Proposed Time Frames for Zoning Bylaw Amendments**

Town Meeting Printing Mailing Date: **January 23, 2023**

35 Days before Town Meeting– All final zoning articles: **December 19, 2022**

46 Days before Town Meeting– final Planning Board Hearing: **December 8, 2022**

67 Days before Town Meeting – Advertise for Planning Board Public Hearing: **November 17, 2022**

90 Days Prior to Town Meeting Submission deadline: **October 25, 2022**

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Application for Zoning Change: (Created by Planning Department)

1. Application submitted to Planning Department for Completeness Review
  2. Applicant filed with Select Board after Planning Department determines complete.
  3. Select Board votes to refer to the Planning Board
  4. BEFORE proposal is advertised for a public hearing, and within first 45 days from referral to Planning Board, Zoning Bylaw Review, Planning Board and Land Use Committee meet in public meeting to discuss proposal and discuss changes, amendments etc. Send to departments and Town Counsel for preliminary review.
  5. Planning Board advertises for a public hearing AFTER the sub-committees and public have discussed at a preliminary public meeting. Public Hearing must be advertised no later than 67 days before Town Meeting.
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