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Burlington Planning Commission

Ordinance Committee
645 Pine Street, Rm. 102 & via Zoom

Thursday, July 1, 2021 @ 5:15 PM

Zoom: <https://us02web.zoom.us/j/81423665473?pwd=ejdyeERPZmVGY3E2V3cvazJCL3VoUT09>

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AGENDA

1. Review of current CDO amendments list
 - Make necessary additions or deletions
 - Establish priorities for FY '22
 - Meetings going forward – by referral only or regular schedule
2. Adjournment

CDO Amendments

In Process:

- Vacation rentals (Air B&B, VRBO, etc) **Underway**
- Clarify height measurement methodology when based on the average finished grade and correction subsections to that they are consistent with one another (i.e. item 1 consistent with item 4) **Underway**
- Define “eave” and “roof overhang” in Article 13. **Underway**
- Allow basic zoning permits for single-family uses on lots in the non-design review district (removing ‘conforming’ from the text). (RM) **Underway**
- Correct definition for Adaptive Reuse, Article 13. Review associations with reference to Adaptive Reuse. **Underway**
- Enable administrative review of SFHA zoning permits (unless otherwise trigger DRB review). **Underway**
- Consider dropping zoning permit requirement for changes among permitted non-residential uses (only the use) where minimum onsite parking requirement is eliminated. **Underway**

Technical Amendments:

- Correct definition of “frontage” in Article 13. Should refer to “public” right-of-way.
- Clarify recently adopted mobile home/conditional use amendment language to be closer to that in the explanatory memo (per CC OC)
- Correct references to “downtown” and “downtown transition” zones with reference to FD6 and FD5 (such as in Sec. 5.4.13)
- Clarify definition of Perimeter Building (Article 14) as having two street frontages; and requirement for parking behind – structured AND surface options?
- Put rooftop mechanical screening standards of Sec. 5.2.6 (b) 4 into the Urban Design Standards of Article 14.
- Delete at least part of the last paragraph of 5.3.5 (a) *A non-conforming residential structure may be enlarged up to the dimensional standards of the underlying zoning district, subject to review and approval by the DRB pursuant to Art. 3 Part 4 Design Review and Art. 3 Part 5 Conditional Use Review.*
- “Accessory” reference in Sec. 4.4.5 (d) to Article 5: Part 2 should be to Article 5 (or Article 5, Parts 1 & 2).
- Clarify provisions of Sec. 5.3.6 (c) per the Peru St BLA appeal.
- Swimming pools as accessory residential structure issue & spelling error: (MT)
 - Sec. 4.4.5 (d) 3. A. allows additional 10% lot coverage for accessory residential features including swimming pools and swimming pool aprons; however, Sec. 5.2.3 (b) 5 exempts the pool itself from lot coverage calculation (retains apron as lot coverage)
 - Generally, the list of lot coverage exemptions for residential structures, and the list of lot coverage exemptions for all uses aren’t the same. I wonder if the following amendments to 4.4.5 (d) 3 make sense:

3. Lot Coverage

A. Exceptions for Accessory Residential Features.

1. All lot coverage exceptions as applicable per Sec 5.2.3 (b); and

2. In the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

- (i) Decks;
- (ii) Patios;
- (iii) Porches;
- (iv) Terraces;
- (v) Tennis or other outdoor game courts;
- (vi) Swimming pool aprons;
- (vii) Walkways;
- (viii) Window Wells; and/or
- (ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator.

With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning, requirements such additional lot coverage shall not be permitted for any development where bonus provisions of this ordinance are applicable.

- Provide a Table identification to MA Review 3.5.2 (b)
- Appeals process refers to submission of an appeal at City Hall (or Planning & Zoning?)
- NAC-Riverside header in Appendix A is “NAC-RC” whereas in Article 4 it is “NAC-R.”
- Change Mental Health Crisis Center in the Use Table to a Conditional Use – Sec. 5.4.11 notes that they shall be considered a conditional use in the NMU. Use table has it listed as not permitted.
- Article 9 cross-reference corrections - *1. Table 9.1.8-1, first row, second column: Should the cross-references be Secs. 9.1.8, 9.1.9 and 9.1.10? The ordinance as adopted cites Sec. 9.1.10 and 9.1.11 in referring to marketing and continuing affordability, respectively. The correct reference would be Sec. 9.1.5 and 9.1.16. Sec. 9.1.15: Should the cross-reference be changed from Sec. 18-400 to Sec. 9.1.4? "Housing trust fund manager" is not defined in Sec. 18-400. Ref should be 18-403.*
- There is no 4.4.1 (d) (2) – which I believe used to be ‘Public Trust Restrictions’ in previous editions.

Policy and/or Standards Amendments:

- Lighting standards of Sec. 5.5.2.
- Standards for developing on steep slopes. Also, appropriate refinement to section 5.2.4 (b) regarding **the measurement of steep slopes** and the determination of whether there ought to be delineated exceptions to the standards specified in the ordinance. (dew)
- Review and revise Sec. 5.4.8, Historic Preservation Standards, predicted on historic preservation plan.
- Schools in residential districts – non-conforming. (DW)

- Revision of Home Occupation Standards. Includes allowing some retail sales in home occupations for customers already visiting for a service (i.e. shampoos at a home salon)
- Enable PUD in E-LM (E-AE?) zone.
- Put residential side and rear yard setback limitations (20' and 75', respectively) in place for RCO zones.
- Consider removing averaging provision for waterfront setback (Sharon Bushor)
- NAC/NMU zones still have discretionary IZ bonus for additional 5% IZ. Make by-right as was done for the Residential zones for additional 5% IZ?
- Reexamine (or delete) senior housing bonus in the residential and NAC/NMU zones. Presently, it does not expressly call for affordability in perpetuity but it also requires a higher affordable percentage (25%) than IZ but has less bonus coverage, FAR, and height than IZ does.
- Prohibit gang-style mail boxes (at least outdoors and/or in front of the building).
- Survey requirement for projects involving construction w/in 5' – 10' of the property line. (Norm Baldwin)
- Consider signs mounted on fences as sign type.



Burlington Planning Commission

Ordinance Committee Meeting Minutes

Thursday, July 1, 2021 @ 5:15 PM

Hybrid Remote/In Person Meeting

Attendance

- **Committee Members:** Matt Bushey (MB), Emily Lee (EL), Caitlin Halpert (CH), Bruce Baker (BB)
- **Absent:** Yves Bradley (YB)
- **Public:** None
- **Staff:** Scott Gustin, Mary O'Neil (Permitting & Inspections)

1. Review of current CDO amendments list

Emily Lee provided the following preferences:

- Lighting
- Steep slopes (SG informs a report from the Conservation Board is expected next month.)
- Mental health
- 10% bonus in RL
- RH high density zone, lack of development, parking, preservation standards.

Mary O'Neil suggested that a Preservation Plan would likely touch on all her concerns in the last category, and was long overdue. The last plan was done in 2000. EL then added:

- Preservation Plan to be prioritized by PC and referred to Mayor.

Bruce Baker interjected that the process of creating a Preservation Plan would be a big project, but would be a positive for the Mayor.

2. Adjournment

The Committee adjourned at 5:37 PM.