

Burlington Planning Commission

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*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Erin Malone
Julia Randall*

Burlington Planning Commission

Tuesday, May 14, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, J. Randall, A. Friend, E. Malone, M. Gaughan, B. Baker
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	Earhart Monka, Tom Freiheit, Sharon Bushor, Jak Tiano, Todd Deluca

1. Agenda

Call to Order	Time: 6:30pm
Agenda	Added new communication to item 8.

2. Public Forum

Name(s)	Comment
Earhart Monka	• Thanked for all the work done up to this point. • Supports increased measures to "eliminate some of the exclusive provisions in our zoning ordinance." • Thinks the standards went a little too far, especially around the neighborhoods surrounding the university. • Spoke about the Portland example. • Thinks the missing piece of the NC is to not have any provision to guarantee affordability to low- and moderate-income families. • Thinks the NC doesn't encourage homeownership.
Tom Freiheit	• Agrees with previous speaker. • Viewing 44 Wright Ave as a test case for NC: "It stands as a monolith, defying the sensibilities of its surroundings and its neighbors." • "Additional bonuses are far too extreme to be in keeping with the ideals of Plan BTV for slow and thoughtful growth with the well-being of the residents at the core of its values." • Has written a letter to the DAB/DRV and PC. • Committed to stay involved in the process.
Sharon Bushor	• Recognized Earhart for his expertise in affordable housing and his awareness for housing issues. • Doesn't think there is a timeline that prioritizes and addresses the issues of Part 1 of the NC. • Asked for Act 47 to be linked whenever it is cited. • Thinks the graphics in Part 1 that are also used in Part 2 are inadequate for her to really understand the impact. They are linear and don't look at the 360 angles of the additional structures. Would like to see clearer graphics when discussing the impacts of the NC.

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	• The NC doesn't address preserving mature trees. • Wants clarification on whether parcels with a separate accessory dwelling unit can have a second structure for a total of 3 structures on a parcel. • Concerned about the consolidation process for the DAB and the DRB. • Mentioned a state report that made a statement that Burlington does not provide adequate open space for the quality of life in the inner city and for air quality. • "The inability to incentivize the creation of units that are large enough for families to inhabit is something that continues to trouble me."
Jak Tiano	• Talked about secondary structures in Part 2 of the NC. • Thinks the original design of the secondary structures should remain the same. • Thinks some of the things people bring up in public forums for discussion in part 2 are best served by other processes and other City Departments.
Todd Deluca	• Shared a BFP paragraph from March 9th, 1987 about the condominium conversion fee.

3. Chair's Report

A. Montroll	N/A
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4. Director's Report

M. Tuttle	• Talked about the City's FY25 budget, the Mayor's presentation at the Board of Finance, and the press release on the topic that day 5/14. • The Planning office will be less impacted compared to other departments. a. The team is 100% funded by the GF. b. 89% of budget is covering staff salaries and benefits. c. A data fellow position will remain vacant in FY25. d. Find modest ways to reduce other operating costs. e. Proposed budget > ~\$25k in FY25 than FY24. • Working with the Mayor planning for next steps related to the department Director search and an interim transition plan. • Working to coordinate with the City Attorney's office and DPI to "actually kind of move us through the final administrative steps of the neighborhood code that was adopted by the City Council at the end of March." • Provided updates on upcoming projects.
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5. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2

Action:		
Motion:	Seconded by:	Vote:
Presentation by S. Morgan.		
M. Gaughan: • The need for a PUD for a condo project and the barrier of secondary structures. <u>M. Tuttle:</u> "one of the challenges of implementing condos in a lot of the residential areas in Burlington in the past is that in most cases the density limits would not allow for multi-unit buildings. Either the density limits or the uses that were allowed would not allow for multi-unit buildings unless you had a lot that was large enough IE 2 acres or more to allow you to get kind		

of like the developments of scale that we're most familiar with in places like Ledgewood or Northgate." "We do have on the list to consider things like you know, what is the size of a property that's required for APUD for other types of solutions for housing as well."

- Spoke about the topography changes up in the part of the South end where he Andy live.
- "Open to a conversion of use, not changing the existing structure, the existing footprint because we do allow that with like historic structures. I don't think that the footprint or the size should be expanded if it's in a non, yeah, if it's non-conforming."

A. Montroll:

- Thinks it would be useful to have staff recommendations early on in the process.
- Agrees with A. Friend's comment on limiting the height.
- "Is there ever a time when you could build the ADU in your backyard as the secondary structure, but you wouldn't be able to build secondary structures, your secondary structure?"
M. Tuttle: "We can definitely think through a couple more scenarios to see if we can think of any situations where an ADU physically like spatially could be built where a secondary structure would not, especially if it's the secondary structure that's not utilizing the full maximum size that's allowed under the NC."
- "Is there a process for the secondary structure versus the process for getting the permit for AADU that could that could make it so you can't do the secondary structure but you could do in ADI think the latter question is actually the more applicable."
M. Tuttle: "I think in a lot of cases the types of secondary structures that could come forward from the neighborhood code, especially if they more fully utilize what's allowed, might trip a threshold of dollar amount dollar value of construction that would require the project to be previewed."
- "Is there a problem with having the ADU code in the secondary structure?"
M. Tuttle: "I think there's just like some administrative awkwardness. I think that we already do know of an example of someone who had an ADU who was required to be an owner-occupied property. The ordinance says that if the property is no longer owner occupied, the kitchen has to be removed from the ADU so that it is no longer a separate habitable structure."
- If the process of creating ADUs is easier, than keep it separate from the secondary structure process, but if there are no meaningful differences, can keep together.

E. Malone:

- Are secondary structures always behind?
M. Tuttle: "The ordinance did not specifically define where they're located, but I think in a lot of our analysis, we anticipate that they would either be behind or beside."
- Do ADUs have the same set back requirements as secondary structures in the NC?

B. Baker:

- Made the Commission aware that the historic preservation standards apply in this scenario.
M. Tuttle: "We are not recommending making any changes to our historic regulations in terms of how it would apply to the implementation of the neighborhood code."
- Suggests for consideration the rhythm of the pattern on the street.

J. Randall:

- Supports not having any relationship between the primary and secondary structure.

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A. Friend:

- Supports limiting the height of the secondary structure to the primary building.

6. Commissioner Items

Next PC meeting – May 28.

M. Tuttle's last day – June 28.

7. Minutes

Action: Review and approve the 4/23 PC meeting minutes

Motion by: J. Randall

Second by: A. Friend

Approved: unanimous

8. Communications

Action: Review and accept the communications

Motion by: J. Randall

Second by: A. Friend

Approved: unanimous

9. Adjournment

Adjournment

Time: 8:47 p.m.

Motion: A. Friend

Second: E. Malone

Vote: unanimous