

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin*

Regular Meeting Burlington Planning Commission

Tuesday, October 12, 2021, 6:30 P.M.

Remote Meeting via Zoom OR

In-person option available at:

Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church St.

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/85854161639>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 858 5416 1639

AGENDA

I. Agenda

II. Chair's Report

III. Public Forum

IV. Department Work Plan & Upcoming Commission Items

Staff will present information about the Department's approved FY22 budget and related reorganization, projects on the horizon for both the staff and Commission over the year, and anticipated upcoming agenda items.

V. Planning Commission Meeting Plan

The Commission will discuss how it would like to conduct its upcoming meetings now that hybrid meeting technology is available in City facilities.

VI. Commissioner Items

- a. Upcoming Meetings –
 - i. Tuesday, October 26, 2021 at 6:30pm
 - ii. Tuesday, November 9, 2021 at 6:30pm

VII. Minutes & Communications

- a. The minutes of the September 14, 2021 meeting are enclosed in the agenda packet on page 3.
- b. Communications are enclosed in the agenda packet on page 6.

VIII. Adjourn

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

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Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.

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Burlington Planning Commission

Tuesday, September 14, 2021, 6:30 P.M.

Remote Meeting via Zoom, with City Hall In-Person Option

Draft Minutes

Members Present	A Montroll, Y Bradley, A Friend, E Lee, M Gaughan, B Martin
Staff Present	D White, M Tuttle, S Gustin
Attendance	S Bushor

I. Agenda

Call to Order	Time: 6:35pm
Agenda	Add new item VII regarding 2020 Census Data

II. Chair's Report

A Montroll	No report
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III. Director's Report

D White	Council Ordinance Committee has approved three amendments public hearing on October 18, and will take up short-term rental proposal. Staff has many items on the radar from our FY22 budget and work plan, and many other requests have come in since. Councilor Hanson has introduced a proposal to eliminate minimum parking requirements and institute transportation demand management requirements city-wide. Staff supports eliminating parking requirements, though prefer it be included in other major amendments on the work plan, but have recommended that the TDM study in the department's budget inform any new TDM regulations.
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IV. Public Forum

Name(s)	Comment
S Bushor	Regarding two proposed amendments on the agenda, request clarification on maximum lot coverage for the Adaptive Reuse bonus, if permitting simplification includes lots with less than 60' frontage, and what state level floodplain review includes. Changing one non-residential use to another seems straightforward, but concerned about administrative review eliminating opportunity to evaluate any difference in impacts.

V. Proposed CDO Amendment ZA-22-01 Historic Preservation Bonus

Action: Approve Municipal Bylaw Amendment Report and warn for public hearing		
Motion by: E Lee	Second by: A Friend	Vote: Approved 5-0-1; Y Bradley absent during vote
Type: Discussion, Action	Presented by: D White	

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D White presented an overview of this amendment, which is a complement to ZA-21-04 which the Commission referred last year. Text of the amendment is available online at:

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>

- It was noted that table 4.4.5-6 needs to be renumbered with the move to Article 5, and confirm that all of the applicable bonuses from all locations are accounted for in the maximums.
- E Lee expressed support for incentives for adaptive reuse because it helps with the preservation and repair of older buildings that serve the community.

VI. Proposed CDO Amendment ZA-22-02 Permitting Simplifications

Action: Approve Municipal Bylaw Amendment Report and warn for public hearing

Motion by: A Friend

Second by: M Gaughan

Vote: 5-0-1; Y Bradley absent during vote

Type: Discussion, Action

Presented by: S Gustin

S Gustin presented an overview of the amendment, which is available online at:

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>

In response to questions about these changes, S Gustin noted that these are primarily eliminating requirements that are duplicative and/or do not add value:

- Regarding changing one permitted non-residential use to another, often the main consideration was the change in minimum parking required. But this is not applicable in certain mixed-use areas now where there is no minimum parking requirement.
- Special Flood Hazard area along lake and river presently requires even small projects to be reviewed by the DRB regardless of impact. This eliminate the all-inclusive requirement; projects in this area are still reviewed by VT Agency of Natural Resources under City's standards per state statute.

VII. 2020 Initial Census Data Summary

Action: No Action

Motion by:

Second by:

Vote: N/A

Type: Presentation

Presented by: M Tuttle

M Tuttle provided an overview of the 2020 Census Redistricting data, including changes in city and ward population, race and ethnicity, and housing units. Slides from this presentation are available online at:

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>

VIII. Commissioner Items

- Next Meeting is September 28, 2021 at 6:30pm
- There will be an Executive Committee meeting prior to the October 12 meeting

IX. Minutes and Communications

Action: Approve the minutes and accept the communications

Motion by: A Friend

Second by: E Lee

Approved Unanimously

Minutes Approved: July 27, 2021

Communications Filed:

- Documents included in agenda packet and posted online
- A Friend asked for more information about the Jurisdictional Opinion regarding University Place. Staff shared information about what these communications are for, and where to find more information about the University Place project on the Department of Public Works website.

X. Adjourn

Adjournment		Time: 7:33pm	
Motion: A Friend	Second: E Lee	Vote: Approved Unanimously	

DRAFT

FOR IMMEDIATE RELEASE | GRAPHICS ATTACHED

Burlington, Vermont – Chittenden County housing and regional planning leaders announced the conclusion of a five year outreach, education, and advocacy campaign focused on the production of much needed housing in the county. The Building Homes Together campaign (<http://www.ecosproject.com/building-homes-together>) pushed for 3,500 new homes between 2016 and 2020, with 700 of them permanently affordable to low-income households.

Over the five years, 3,659 net new homes were built, which eclipsed the target, but only 536 of them are permanently affordable falling short of the affordable home goal – even with the State’s \$37 million Housing for All Revenue Bond helping to boost production slightly in 2018 and 2019. A data dashboard can be found here:

<https://ccrpc.maps.arcgis.com/apps/dashboards/0673704bdd9c4367b746effb6aea8e24>

The campaign was led by the Champlain Housing Trust, Chittenden County Regional Planning Commission, and Evernorth (formerly known as Housing Vermont), and was supported by over one hundred leaders and advocates for housing.

The campaign’s final year ran headlong into the pandemic and its wide-ranging impact on housing affordability and availability ranging from supply chain and labor disruptions, an undercounted number of people living in precarious housing arrangements, and a wave of out-of-state buyers driving up costs.

Coupled with the need to address the systemic inequity for Black, Indigenous and People of Color caused by housing and lending policies and ongoing impacts of the coronavirus, campaign leaders signaled a redoubling of efforts to create a more balanced, equitable, and affordable housing market that invests in our communities and people.

“Our work is incomplete,” said Michael Monte, CEO of the Champlain Housing Trust. “Without adequate and affordable housing supply and services, our communities cannot thrive, our businesses cannot find workers, our vulnerable citizens will not be healthy and stable.”

A key indicator of a housing market that provides choices for people is the vacancy rate. Rentals, especially, are scarce and the vacancy rates keeps dropping from 3.3% in 2016 to 0.9% in 2020. A healthy market is commonly believed to have a 5% vacancy rate.

“Communities across the county are struggling to maintain enough production to satisfy the demand for housing,” explained Charlie Baker, executive director of the Chittenden County Regional Planning Commission. “Even with local housing committees advocating and developers wanting to build, we have had a hard time keeping up. It’ll take a sustained increase in housing production to start to fix the market.”

“What these past five years have shown is that when we work together with intention, we can reach an ambitious goal,” added Nancy Owens, co-president of Evernorth. “We can, and will, do more.”

For more information, visit:

<http://www.ecosproject.com/building-homes-together>
<https://www.getahome.org/bht-2021-results/>

-30-

Chris Donnelly (*he, him*)
Director of Community Relations
Champlain Housing Trust

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88 King Street
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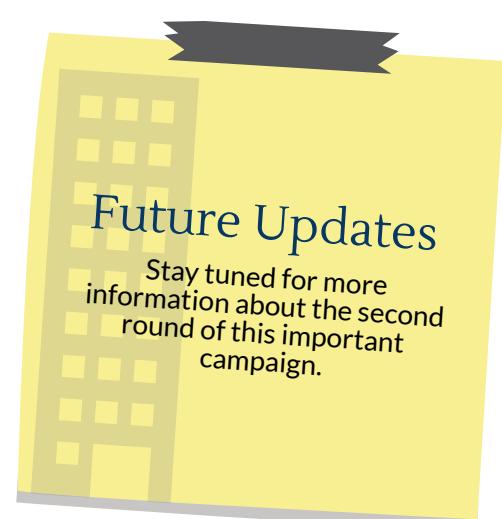
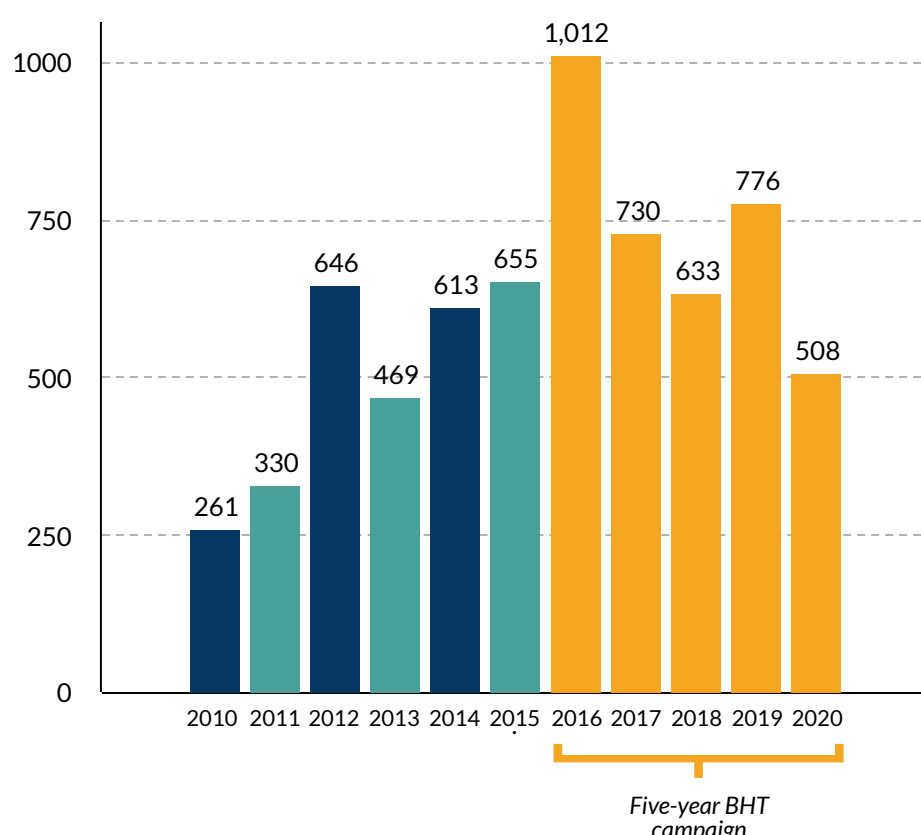
Building Homes Together

A campaign to strengthen Chittenden County communities

Total New Home Construction



Goal: *Average of 700 new homes/year for five years.* (Over the five years, 3,659 new homes were built -- a 732 homes/year average.)

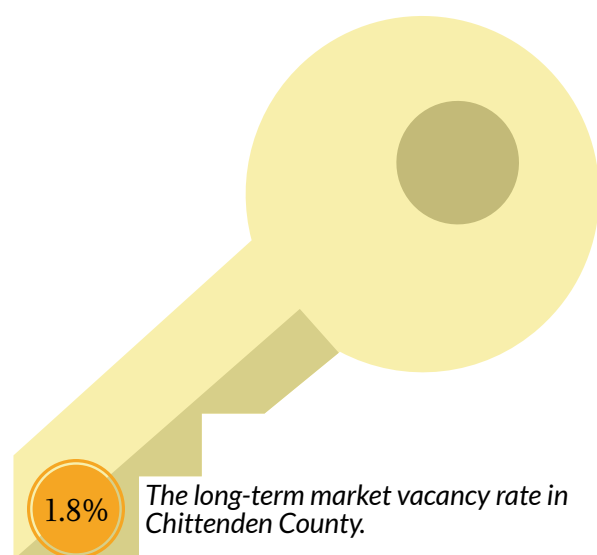
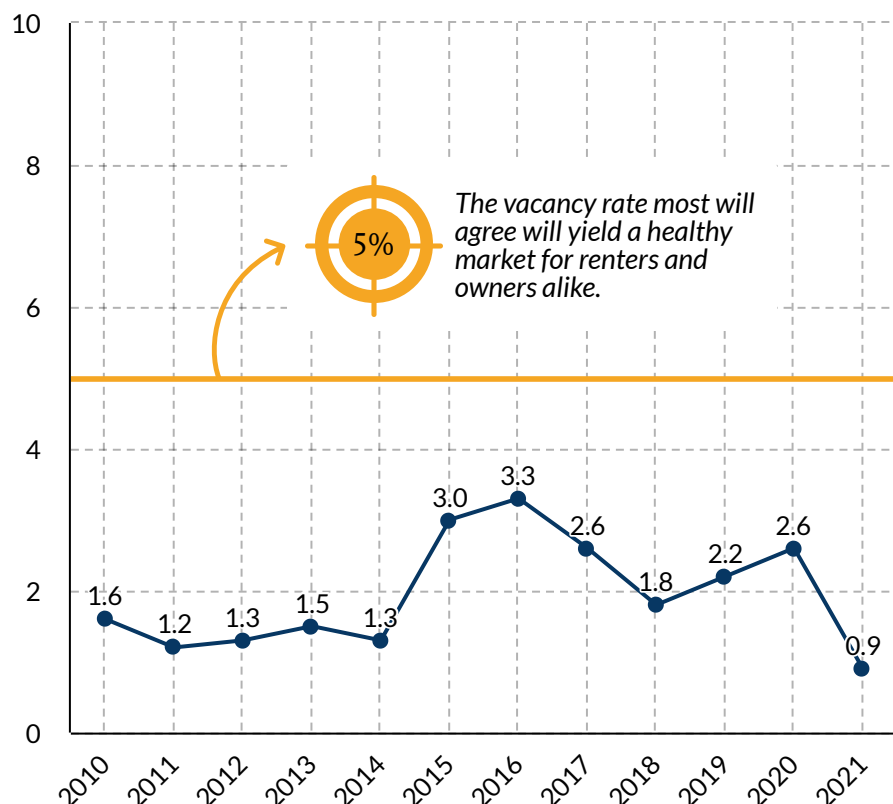


Building Homes Together

A campaign to strengthen Chittenden County communities

Chittenden County Vacancy Rate

While the total construction goal was met the first five years, indicators still point to an undersupplied market. **We are still below a healthy rental vacancy rate.**



Building Homes Together

A campaign to strengthen Chittenden County communities

Affordable Housing Goal Update



MEMORANDUM

TO: City of Burlington Planning Commission Chair
Town of Shelburne Planning Commission Chair
Town of Colchester Planning Commission Chair
Town of Williston Planning Commission Chair
City of Winooski Planning Commission Chair
Town of Essex Planning Commission Chair
Village of Essex Junction Planning Commission Chair
Charlie Baker, Chittenden County Regional Planning Commission
VT Department of Housing and Community Development

FROM: Paul Conner, Director of Planning & Zoning

SUBJECT: Proposed Land Development Regulation Amendments; Public Hearing

DATE: October 7, 2021

Enclosed please find a series of proposed amendments to the City of South Burlington's Land Development Regulations, as well as a report from the Planning Commission, as required under Chapter 117. **The Planning Commission will hold a public hearing on these amendments on Tuesday, October 26, 2021 at 7:00 pm in person and via GoToMeeting.**

Participation options:

- In Person: City Hall Auditorium, 180 Market Street
- Interactive Online: <https://www.gotomeet.me/SBCity/pc-2021-10-26>
- Telephone: 1 (872) 240-3212; Access Code: 631-227-341

A clean and redline version of the proposed amendments are posted on the [City's website](#).

Feedback on the draft amendments is welcome, either at the hearing, or in writing in advance of the hearing date. Should you have any questions, feel free contact the Department of Planning & Zoning.



PROPOSED AMENDMENTS to the SOUTH BURLINGTON LAND DEVELOPMENT REGULATIONS

Public Hearing Tuesday, October 26, 2021 at 7:00 pm

PLEASE TAKE NOTICE that the Planning Commission will hold a public hearing on Tuesday, October 26, 2021 at 7:00 PM to consider amendments to the Land Development Regulations. The amendments affect all parts of the City unless otherwise specified below. The hearing will be held in person and remotely via GoToMeeting. Participation options:

- In Person: City Hall Auditorium, 180 Market Street
- Interactive Online: <https://www.gotomeet.me/SBCity/pc-2021-10-26>
- Telephone: 1 (872) 240-3212; Access Code: 631-227-341

The purpose of the hearing is to consider the following:

- A. LDR-20-01: Replace Surface Water Protection Standards with Environmental Protection Standards, including existing 100-year floodplain, river corridor & stream buffer, wetland & wetland buffer, and stormwater management standards; establish standards regarding 500-year (0.2%) floodplain, habitat block, habitat connector, steep slope, and very steep slope standards; establish criteria to evaluate undue adverse effect; and related amendments referencing the above-listed resources. (Sections 2.02, 2.03, 3.01, 3.02, 9.06, 10.01, 10.06, Article 12)
- B. LDR-21-02: Generally amend or replace existing Subdivision, Master Plan, Planned Unit Development (PUD), Site Plan, Conservation PUD, Traditional Neighborhood Development PUD, Civic Space Types, Street Types, Building Type, and related zoning district, procedural, and site plan standards (Sections 2.02, 3.01, 3.06, 5.08, 6.05, 8.04, 17.08, Articles 9, 11, 11.A, 11.B, 11.C, 14, 15, 15.A, 15.C, 15.C, 11, Appendices C and E)
- C. LDR-20-08: Modify required setbacks applicable to arterial and collector roads (Section 3.06)
- D. LDR-21-04: Modify Southeast Quadrant sub-district boundaries including and between Natural Resource Protection, Neighborhood Residential, and Village Residential (Official Zoning Map)
- E. LDR-21-05: Change zoning of land to the west of Hinesburg Road, immediately south of I-89, from Industrial-Open Space to Residential 7-Neighborhood Commercial (Official Zoning Map)
- F. LDR-21-06: Modify Commercial 1- Residential 15 and Residential 4 boundaries in vicinity of Lindenwood Dr to more closely follow property lines (Official Zoning Map)
- G. LDR-21-07: Update city-wide stormwater standards, including for consistency with state regulations (Section 13.05, formerly 12.03)
- H. LDR-20-10: Establish maximum building envelopes for allowed development in the SEQ-NRP subdistrict, modify allowed building types (Section 9.12)
- I. LDR-20-17: Extend Southeast Quadrant zoning district residential building design standards city-wide, update standards (Section 13.17, formerly Sections 9.08, 9.09, 9.10)

- J. LDR-21-01 Require Solar-Ready Roofs for new buildings subject to Commercial Building Energy Standards (Section 3.18, formerly 3.15)
- K. LDR-19-07 Modify landscape requirements to allow for Solar Canopies in Parking Areas; (Section 13.04)
- L. LDR-20-22: Update to comply with Act 179 pertaining to accessory dwelling units, existing small lots, and conditional use criteria for multi-family housing (Sections 3.05, 3.10, 3.11, 14.11)
- M. LDR-20-25: Increase maximum allowed area of accessory structures and update for consistency with Act 179 (Section 3.10)
- N. LDR-20-28: Expand inclusionary zoning, offset, and bonus provisions city-wide, replacing existing bonus standards where existing (Sections 18.01, 18.02)
- O. LDR-21-03: Allow for “limited neighborhood commercial use” within a larger residential building for neighborhoods with Master Plan (Section 14.11)
- P. LDR-21-07: Exempt the conversion of a dwelling to a licensed child care facility from housing preservation requirements (Section 18.03)
- Q. LDR-20-21 Minor and technical amendments to include:
 - o Modify retaining wall standards (Section 13.16, formerly 13.25);
 - o Eliminate DRB review of Bus Shelters within city ROW (Section 13.09);
 - o Amend RV Parking standards (Section 3.09);
 - o Amend Traffic visibility standards for consistency (Section 3.06);
 - o Update Airport Approach Cones & FAA review (Sections 3.07, 6.02, 6.03, 13.06 [formerly 13.03]);
 - o Amend review standards of Earth Products (Section 14.11 [formerly 13.17]);
 - o Amend review standards for Utility Cabinets and Similar (Section 13.12 [formerly 13.19]);
 - o Re-organize standards for drive-throughs (Appendix C and Section 14.11 [formerly 5.01, 5.02, 13.11]);
 - o Update & clarify height of Accessory Structures (Section 13.10);
 - o Update additional Height Standards for consistency (Section 3.07);
 - o Modify standards for structures requiring setbacks (Section 3.06);
 - o Modify setbacks for pre-existing lots (Section 3.06);
 - o Update setbacks and Buffer Strips for Non-Residential Uses Adjacent to Residential Districts for consistency (Section 3.06);
 - o General re-organization, definitions updates, and corrections (throughout)

Note: principal sections / articles affected or modified by each amendment are listed above; however, amendments are located throughout the regulations. A complete table of contents of the proposed articles is as follows:

1 Purpose and Title; 2 Definitions; 3 General Provisions; 4 Residential Districts; 5 Commercial Districts; 6 Industrial and Airport Districts; 7 Other Districts; 8 City Center Form Based Codes District; 9 Southeast Quadrant; 10 Selected Overlay Districts; 11.A Street Types; 11.B Civic Space Types 11.C Building Types; 12 Environmental Protection Standards; 13 Supplemental Regulations; 14 Site Plan & Conditional Use Review; 15.A Subdivisions; 15.B Master Plans; 15.C Planned Unit Developments; 16 Construction and Erosion Control Standards; 17 Administration and Enforcement; 18 Housing Standards; Appendices; Maps

Copies of the proposed amendments are available for inspection at the Department of Planning & Zoning, City Hall, 3rd Floor, 180 Market Street, and on the city website at www.sbv.gov.

Jessica Louisos, Planning Commission Chair
October 7, 2021



South Burlington Planning Commission Proposed Land Development Regulations Amendment & Adoption Report

Planning Commission Public Hearing Tuesday, October 26, 2021, 7:00 pm

In accordance with 24 V.S.A. §4441, the South Burlington Planning Commission has prepared the following report regarding the proposed amendments and adoption of the City's Land Development Regulations.

Outline of the Proposed Overall Amendments

The South Burlington Planning Commission will hold a public hearing on October 26, 2021 at 7:00 pm, in person and via GoToMeeting electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

- A. LDR-20-01: Replace Surface Water Protection Standards with Environmental Protection Standards, including existing 100-year floodplain, river corridor & stream buffer, wetland & wetland buffer, and stormwater management standards; establishment of standards regarding 500-year (0.2%) floodplain, habitat block, habitat connector, steep slope, and very steep slope standards; establishment of criteria to evaluate undue adverse effect; and related amendments referencing the above-listed resources.
- B. LDR-21-02: Generally amend or replace existing Subdivision, Master Plan, Planned Unit Development (PUD), Site Plan, Conservation PUD, Traditional Neighborhood Development PUD, Civic Space Types, Street Types, Building Type, and related zoning district, procedural, and site plan standards
- C. LDR-20-08: Modify required setbacks applicable to arterial and collector roads
- D. LDR-21-04: Modify Southeast Quadrant sub-district boundaries including and between Natural Resource Protection, Neighborhood Residential, and Village Residential
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- F. LDR-21-06: Modify Commercial 1- Residential 15 and Residential 4 boundaries in vicinity of Lindenwood Dr to more closely following property lines
- G. LDR-21-07: Update citywide stormwater standards, including for consistency with state regulations
- H. LDR-20-10: Establish maximum building envelopes for allowed development in the SEQ-NRP subdistrict, modify allowed building types

- I. LDR-20-17: Extend southeast quadrant zoning district residential building design standard city-wide, update standards
- J. LDR-21-01 Require Solar-Ready Roofs for new buildings subject to Commercial Building Energy Standards
- K. LDR-19-07 Modify landscape requirements to allow for Solar Canopies in Parking Areas;
- L. LDR-20-22: Update to comply with Act 179 pertaining to accessory dwelling units, existing small lots, and conditional use criteria for multi-family housing
- M. LDR-20-25: Increase s.f. maximum specific to accessory structures and update for consistency with Act 179
- N. LDR-20-28: Expand inclusionary zoning, offset, and bonus provisions city-wide, replacing existing bonus standards where existing
- O. LDR-21-03: Allow for “limited neighborhood commercial use” within a larger residential building for neighborhoods with Master Plan
- P. LDR-21-07: Exempt the conversion of a dwelling to a licensed child care facility from housing preservation requirements
- Q. LDR-20-21 Minor and technical amendments to include:
 - o Modify retaining wall standards;
 - o Eliminate DRB review of Bus Shelters within city ROW;
 - o Modify parking lot landscape standards to allow for solar canopies;
 - o Amend RV Parking standards;
 - o Amend Traffic visibility standards for consistency;
 - o Update Airport Approach Cones & FAA review;
 - o Amend review standards of Earth Products;
 - o Amend review standards for Utility Cabinets and Similar;
 - o Re-organize standards for drive-throughs;
 - o Update & clarify height of Accessory Structures;
 - o Update additional Height Standards for consistency;
 - o Modify standards for structures requiring setbacks;
 - o Modify setbacks for pre-existing lots;
 - o Update setbacks and Buffer Strips Adjacent to Residential Districts for consistency;
 - o General re-organization, definitions updates, and corrections (throughout)

Brief Description and Findings Concerning the Proposed Amendments

A. LDR-20-01: Replace Surface Water Protection Standards with Environmental Protection Standards

Brief Description of the Proposed Amendment

The proposed amendments include the following:

- Enhancement of standards and/or geographic area for protection of natural resources currently regulated by the City: notably 100-year floodplains, class I and II wetlands, streams, and river corridors
- Mapping and establishment of standards for newly-regulated natural resources: habitat blocks, habitat connectors, steep slopes, and 500-year floodplains
- Update of stormwater management and 100-year floodplain standards to current best practices and streamlining of review for public stormwater restoration projects
- Update of references to natural resources throughout the regulations to be directed to the Environmental Protection Standards of Articles 10 and 12
- Establishing thresholds and consistent standards of review applicable to limited allowances for impacts to regulated natural resources, including infrastructure
- Categorization of regulated natural resources into three tiers

Below is a table summarizing the proposed changes / additions to natural resource

<i>Hazards</i>	<i>Status</i>	<i>Summary of Proposed Changes</i>
100 year (1%) Floodplain	Existing	Updates for consistency with State guidelines, provision for historic structures
500-year (0.2%) Floodplain B2 Area	New	No new buildings in the 500-year floodplain; substantial renovations must meet floodproofing standards
River Corridors and Surface Waters	Existing	Consolidates two overlapping sets of current standards: Stream Buffer and River Corridors. Geographic areas includes areas previously included under each, and uniform measurement from top of bank/slope for buffers. Allowable incursions into buffers are reduced.
Class I, II Wetlands, Buffers	Existing, Expanded	Buffer for Class II wetlands expanded from 50' to 100' in residential and conservation districts. Allowable incursions in areas outside City Center FBC limited to only certain infrastructure and exemptions. Updated standards within City Center FBC. <i>[Class I wetland buffers also expanded, none presently identified in South Burlington]</i>
Very Steep Slopes (25+%)	New	No new development except certain infrastructure and exemptions
<i>Level I Resources</i>	<i>Status</i>	<i>Summary of Proposed Changes</i>
Habitat Blocks	New	No new development within City-mapped Habitat Blocks except certain allowances to exchange land certain infrastructure, parcels with >70% Hazards/Level 1, and exemptions
Habitat Connectors	New	Habitat connector function must be kept intact, mapped location may be modified with approval
<i>Level II Resources</i>	<i>Status</i>	<i>Summary of Proposed Changes</i>

500-year Floodplain B1 Zone	New	New development and substantial renovation must meet floodproofing standards
Class III Wetlands, Buffers	Existing	Wetlands under 300 s.f. are exempted. Updated standards for review of proposed impact
Steep Slopes (15 to 25%)	New	New development must demonstrate slope stabilization
Intermittent Streams, Buffers	Existing	Clearer definition. Specifically excludes human-created drainage systems. Updated standards for relocation

Background and Context of the Proposed Regulations

The proposed modifications to the Regulations draw on the research work of prior Planning Commission efforts, the 2016 Comprehensive Plan, and several studies undertaken by the community in recent years, including the 2015 Open Space Plan, the 2020 Habitat Block and Assessment and Ranking, and the 2020 Interim Zoning Open Space Committee Final Report, among others.

Standards and geographic boundaries established by these Regulations were developed based on mapping, research, and consultations with subject area experts. Habitat Blocks and Habitat Connectors included in the proposed Regulation used the 2020 Habitat Block Assessment and Ranking as their starting point. Geographic boundaries, thresholds, standards for allowed modifications or incursions were subsequently established.

These draft amendments are proposed to function as one of a collection of tools to support natural resource conservation and thoughtful development in the community in support of the Comprehensive Plan.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan.*

The 2016 Comprehensive Plan establishes four (4) principal Goals for the City:

Vision & Goals. Here and into the Future, South Burlington is...

Affordable & Community Strong Creating a robust sense of place and opportunity for our residents and visitors.

- Be affordable, with housing for people of all incomes, lifestyles, and stages of life;*
- Keep unique features, and maintain or enhance the quality of life of existing neighborhoods;*

- *Be a recognized leader in public education offerings and outcomes;*
- *Provide quality public safety, infrastructure, health, wellness, and recreation services;*
- *Ensure transparent and accessible government.*

Walkable. Bicycle and pedestrian friendly with safe transportation infrastructure.

- *Develop a safe and efficient transportation system that supports pedestrian, bicycle, and transit options while accommodating the automobile;*
- *Establish a city center with pedestrian-oriented design, mixed uses, and public buildings and civic spaces that act as a focal point to the community.*

Green & Clean. Emphasizing sustainability for long-term viability of a clean and green South Burlington.

- *Promote conservation of identified important natural areas, open spaces, aquatic resources, air quality, arable land and other agricultural resources, historic sites and structures, and recreational assets;*
- *Reduce energy consumption city-wide and increase renewable energy production where appropriate.*

Opportunity Oriented. Being a supportive and engaged member of the larger regional and statewide community.

- *Prioritize development that occurs within the community into the higher intensity areas identified within this Plan;*
- *Support a diverse and vibrant economy built on quality jobs, employment centers and a supportive educational and research system; support markets for local agricultural and food products.*

The 2016 Comprehensive Plan also includes the following objectives and strategies specific to ecological resources in the community:

Ecological Objectives

Objective 30. Proactively plan for a network of interconnected and contiguous open spaces to conserve and accommodate ecological resources, active and passive recreation land, civic spaces, scenic views and vistas, forests and productive farmland and primary agricultural soils.

Objective 31. Conserve, restore and enhance biological diversity within the City, through careful site planning and development that is designed to avoid adverse impacts to critical wildlife resources, and that incorporates significant natural areas, communities and wildlife habitats as conserved open space.

Ecological Strategies

Strategy 67. Substantially restrict new subdivision and development from primary resource conservation areas to include hazardous and environmentally sensitive areas identified, mapped and regulated by the City. Minimize the adverse impacts of new subdivision and development, including resource fragmentation and encroachment, within secondary resource conservation areas, to include those resources of state or local significance as indicated on available resource maps, identified in available inventories and studies, and confirmed through site investigation.

Strategy 68. Redefine open space in new developments such that usable, quality open space shall be required. Qualifying open space should include civic spaces, recreation, wildlife habitat, and usable agricultural lands.

Strategy 69. Retain healthy and high-quality existing trees, vegetation, and publicly owned natural areas and woodlands. Develop long-range management plans for each area to foster their continued health and use.

Strategy 70. Encourage public education about tree functions and tree disease inspection in urban areas through cooperation with the UVM Horticultural Farm and Vermont Department of Forest Parks, and Recreation, Urban and Community Forestry Program.

Strategy 71. Maintain the City's wildlife diversity, including making use of available planning and legal tools such as buffers, transfers of development rights, overlay zoning districts, conservation easements and other tools as appropriate.

Strategy 72. Work with adjoining municipalities and regional entities to enact complementary land use policies where wildlife habitat areas cross City boundaries.

Strategy 73. Maintain existing overall tree canopy. Set targets to increase overall tree canopy, with a focus on increasing tree canopy in urban areas and residential property parcels as identified in the Report on Existing and Potential Tree Canopy in the City of South Burlington (2014).

Strategy 74. Foster passive recreational use of natural areas and identify areas that may be appropriate for an "off-limits" designation due to their fragile nature.

And finally, the Comprehensive Plan establishes a series of five categories of Future Land Use, as depicted on Map 11, along with the following statement: *"Together, these broad categories are intended to encompass key issues and areas addressed in this Comprehensive Plan and provide an overall framework for implementation of the plan."*

- *Very low intensity, principally open space.*
- *Lower intensity, principally residential*
- *Medium intensity, residential to mixed use*
- *Medium to higher intensity, principally non-residential*
- *Medium to higher intensity, mixed use*

The proposed Regulations substantively and substantially advance the ecological goals and strategies enumerated in the 2016 Comprehensive Plan, and do so in the context of the overall Vision and Goals for the City and the designations within the Future Land Use Map.

The proposed regulations have been prepared following detailed evaluation of each individual resource as well as their collective and coordinated roles in support of the objectives and strategies above.

The specific resources included within the draft Environmental Protection Standards are not intended to be a precise replication of the individual resources as described or mapped in the Comprehensive Plan; South Burlington-specific study and analysis of these resources, consideration of best practices in resource conservation, and consideration of the geographic context of natural resources across the City were important factors in developing regulatory tools to implement these objectives and strategies.

The amendments have been considered for their impacts on the availability of safe and affordable housing. Establishing restrictions on certain land as priority areas for conservation of natural resources can affect the total land area available for the construction of new housing. The existing and proposed regulations mitigate the effects of this conservation, through several means:

- Existing regulations allow for the re-allocation of allowable housing density within a property through the use of Planned Unit Developments.

- The draft Regulations accommodate circumstances where certain natural resources – notably Habitat Blocks and Habitat Connectors - are present across the substantial majority of the land.
- The draft regulations provide for reduced standards, exemptions, or allowable modifications within areas designated as Medium to Higher Intensity in the Future Land Use Map
- Recent prior amendments to the Land Development Regulations have increased building height allowances along principal transportation corridors, established inclusionary zoning requirements, and reduced or eliminated minimum parking standards
- The proposed regulations are intended to provide greater clarity and certainty for all parties involved in land development

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments do not directly affect planned community facilities. Planned Community facilities are specifically addressed through reference to the Official Map.

B. LDR-21-01: Generally, amend or replace existing Subdivision, Master Plan, Planned Unit Development (PUD)], Site Plan, Conservation PUD, Traditional Neighborhood Development PUD, Civic Space Types, Street Types, Building Type, and related zoning district, procedural, and site plan standards

Brief Description of the Proposed Amendment

This amendment replaces several section and Articles of the Land Development Regulations:

- Subdivision: Update and re-write of Subdivision Standards & Procedures. Proposed subdivisions identify buildable areas and areas unsuitable for development. Regulated natural resources are identified with larger resources on their own lots. Sets forth design process: streets, blocks, lots. Standards similar to current SEQ standards for connectivity, block scale, lots, as well as designs to support renewable energy. A portion of buildable area must be planned civic space. Streets designed for intended function based on street types. Establishes procedures for modifications.
- Master Plan: Proposed replacement of existing Master Plan standards. Intended to closely complement the draft Subdivision and Planned Unit Development Standards and provide a clear, broad-brush picture of the proposed development. The draft standards require a context assessment, demonstration of connectivity of resources and infrastructure, buildout budgets, and the standards to be applied to assure consistency in design. The DRB is authorized to approve a schema or design palate for a project, both of which could vest those elements of the Plan under the Regulations in effect at the time of the Master Plan for a certain number of years, and/or to determine that elements of the project have been shown but are not sufficiently provided so as to vest that element of the project under the current Regulations. The Master Plan is structure to incentivize an applicant to provide detail early. The applicant and City would then be bound by those elements of the project.
- Planned Unit Development: Proposed replacement of PUD standards; establishes two PUD “types” for different settings – Traditional Neighborhood Development PUD and Conservation PUD.

The Traditional Neighborhood Development emphasizes a pedestrian-oriented neighborhood with a variation of housing types, mixed uses, and civic spaces. The Conservation PUD establishes a minimum amount of natural resources to be conserved on site and sets neighborhood design standards for the buildable portion. Generally integrates existing SEQ standards into city-wide PUD standards. The proposed bylaw would set a threshold (4 acres) above which a PUD would be required for subdivisions or multiple principal buildings. Building from the subdivision and master plan standards, PUDs establish modified standards for lots, building types, and other lot arrangements, providing flexibility within a range. Further modifications as “alternative compliance” for certain standards are authorized where the applicant demonstrates an equal or better outcomes based on the specific purposes of the PUD.

Within the TND type, maximum density is determined by the allowed Building Types within the PUD and the specific dimensional standards that accompany each type. Minimum density within the TND and Conservation is based on the underlying zoning district or a minimum threshold applicable to the PUD type. Within a Conservation PUD, maximum density is measured based on the underlying zoning district.

- Site Plan: Updates general site plan standards to ensure that cross-references to related standards are included. Revises waiver standards to allow site plan review to stand "on its own" [currently many properties use PUD as a tool to seek waivers from standards]. Sets guidelines for modifications to zoning district standards to the DRB; establishes standards for when adjacent streetscape improvements are needed. Also allows for very minor site changes to be approved via zoning permit only if standards are met.
- Building Types Establishes specific building types for applicability in the Traditional Neighborhood Development Type. Each building type (eg, single family, small multi-family, etc.) includes building characteristics and a permitted range of lot and building dimensional standards. Where applied, these standards replace underlying zoning district requirements.
- Civic Space / Site Amenities: Modifies/Expands Civic Space Types. Civic Space types are applied to meet minimum space allocations in the City Center FBC, PUDs, and Subdivisions, and as an offset for lot coverage bonus allowance in the Urban Design Overlay District.
- Street Types: Replaces street three sets of standards from City Center FBC, Southeast Quadrant, and General with a single set of standards for the cross-sections of allowable street types across the City.
- Table of Uses / Dimension: This amendment updates the Table of Uses to be consistent with the updated PUDs and zoning district amendments. Specifically:
 - Individual uses previously listed as “PUD” in the Table of Uses are changed to be permitted (or conditional). Previously, properties proposing these uses (such as multi-family residential in certain districts) were ONLY allowed as part of a PUD review. PUD review is no longer tied to individual uses. Instead, if the use is allowed, it can be reviewed as a permitted use under site plan review.
 - Adds PUD Types, and any uses specifically enabled by the PUD itself. A PUD type also may include any use that is permitted within the underlying district. However as certain PUD types are intended to become small nodes of activity in our community, PUDs are proposed

to bring with them a handful of *supplemental* allowed uses. This allowance replaces the “limited neighborhood commercial” provision added a few years ago that was crafted as a bridge to the future PUDs.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington’s Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

“...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

See above under LDR-20-01 for a listing of the Vision & Goals of the 2016 Comprehensive Plan

The proposed amendments, taken together, are intended to implement the land use pattern envisioned through the 2016 Comprehensive Plan. The updated subdivision and master plan articles provide clear standards and process for the subdivision, phasing, and development of land, integrating standards city-wide that had previously applied in only certain parts of the City and linking together with other related amendments, including the expansion of inclusionary zoning and updated Environmental Protection Standards.

Relevant Comprehensive Plan Objectives & Strategies:

Objective 3. Foster the creation and retention of a housing stock that is balanced in size and target income level, is representative of the needs of households of central Chittenden County, and maintains an efficient use of land for use by future generations.

Objective 4. Support the retention of existing and construction of new affordable and moderate-income housing, emphasizing both smaller single family homes and apartments, to meet demand within the regional housing market.

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed used transit corridors, and compact residential neighborhoods.

Objective 16: Build and reinforce diverse, accessible neighborhoods that offer a good quality of life by designing and locating new and renovated development in a context-sensitive manner.

Objective 30. Proactively plan for a network of interconnected and contiguous open spaces to conserve and accommodate ecological resources, active and passive recreation land, civic spaces, scenic views and vistas, forests and productive farmland and primary agricultural soils.

Objective 31. Conserve, restore and enhance biological diversity within the City, through careful site planning and development that is designed to avoid adverse impacts to critical wildlife resources, and that incorporates significant natural areas, communities and wildlife habitats as conserved open space.

Objective 39: The majority of all new development will occur within the Shelburne Road, Williston Road, and Kennedy Drive Corridors, and other areas within the Transit service area.

Strategy 4. Implement a variety of tools and programs to foster innovative approaches to preserving and increasing the City's supply of affordable and moderate income housing. Potential tools should be explored and could include form-based codes that would allow a variety of residential and mixed use building types, transferable development rights, neighborhood preservation overlay districts, household definition regulations, inclusionary zoning, bonuses and incentives, waivers and expedited review processes, and/or a housing retention ordinance.

Strategy 5. Increase the supply of safe and affordable rental housing by allowing higher-density, mixed use and mixed-income development within City Center and transit corridors, allowing multiunit housing within transitional zones between residential neighborhoods and commercial/ industrial land uses.

Strategy 7. Accommodate compatible infill and additions to homes in existing neighborhoods.

Strategy 8. Explore innovative land development regulations that allow for a range of residential building and neighborhood types, including but not limited to cottage housing, clustered housing and infill residential development.

Strategy 67. Substantially restrict new subdivision and development from primary resource conservation areas to include hazardous and environmentally sensitive areas identified, mapped and regulated by the City. Minimize the adverse impacts of new subdivision and development, including resource fragmentation and encroachment, within secondary resource conservation areas, to include those resources of state or local significance as indicated on available resource maps, identified in available inventories and studies, and confirmed through site investigation.

Strategy 68. Redefine open space in new developments such that usable, quality open space shall be required. Qualifying open space should include civic spaces, recreation, wildlife habitat, and usable agricultural lands.

Strategy 69. Retain healthy and high-quality existing trees, vegetation, and publicly owned natural areas and woodlands. Develop long-range management plans for each area to foster their continued health and use.

Strategy 71. Maintain the City's wildlife diversity, including making use of available planning and legal tools such as buffers, transfers of development rights, overlay zoning districts, conservation easements and other tools as appropriate.

Strategy 92: Allow phasing on individual projects as needed to ensure that development occur only in conformance with the City's ability to provide services.

Strategy 94: Assure that designated open space areas are consistent with the district (zone) in which they are located and physically and functionally suitable for their intended use.

Strategy 138: Maintain measures in the LDRs and SEQ zoning map to ensure that open spaces in all developments affecting secondary natural areas be designed in a manner to ensure continued connectivity between other open spaces and the preservation of "stepping stone" or other pockets of important wildlife habitat.

Strategy 134: Review the general height limits and explore architectural design review to ensure that the proposed structures are consistent with the vernacular architectural styles and visual quality of the SEQ.

Ongoing Activity 1: Continue to refine the City's Land Development Regulations to promote the Plan's goals and objectives.

Ongoing Activity 15: Continue to encourage and consider incentivizing neighborhoods that use a mix of housing types and integrate different types next to each other, rather than creating monoculture of one type of housing.

Ongoing Activity 18: Continue to implement a complete streets policy that contemplates sidewalks, crosswalks, crossing signals, bicycle paths, and bicycle lanes as appropriate in funding applications for new roads and roadway improvements.

Action Activity 39: Continue to allow a neighborhood commercial center along Dorset Street in the area of the Chittenden Cider Mill.

Ongoing Activity 45: Continue to require an integrated mix of housing in the SEQ zoning district.

And finally, the Comprehensive Plan establishes a series of five categories of Future Land Use, as depicted on Map 11, along with the following statement: *"Together, these broad categories are intended to encompass key issues and areas addressed in this Comprehensive Plan and provide an overall framework for implementation of the plan."*

- *Very low intensity, principally open space.*
- *Lower intensity, principally residential*
- *Medium intensity, residential to mixed use*
- *Medium to higher intensity, principally non-residential*
- *Medium to higher intensity, mixed use*

The proposed Regulations substantively and substantially advance the quality of life, neighborhood, transportation, civic space, phasing, and open space goals and strategies of the 2016 Comprehensive Plan, and do so in the context of the overall Vision and Goals for the City and the designations within the Future Land Use Map.

The proposed amendments advance two types of Planned Unit Developments, Conservation PUD and Traditional Neighborhood PUD. PUDs are optional in some cases and mandatory in others. And specific PUD types are either optional or required based on geography and circumstance. The Planning Commission finds these proposed amendments to be consistent with the Comprehensive Plan, taken together and with close attention to Map 11, Future Land Use, as well as natural resource maps, community utilities and facilities maps, and the remainder of the Plan's maps.

The Proposed amendments will have the affect of altering the location and form of new housing, including affordable housing. Conservation PUDs, where allowed or required, will redistribute housing that would otherwise be permitted via a classic subdivision to a portion of the property. Traditional Neighborhood Development PUDs will redefine housing density based on the building type, which is expected to foster greater diversity of housing types.

See also proposed amendment to extend inclusionary zoning citywide.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

The Planning Commission has reviewed the proposed amendments in the context of Map 11, future land use map, maps 7 & 8, primary and secondary natural resources and infrastructure maps, and finds the property changes to be consistent with the future land uses and densities of the Comprehensive Plan.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendments clarify the role of the Official Map in subdivision review, provide for greater clarity and prospective planning of development phases through master plan review, and establish a single consistent set of street types for new development in the City.

C. LDR-20-09: Modify planned public rights-of-way along various roads

Brief Description of the Proposed Amendment

Separates required setbacks from the subject of Planned Rights-of-Way (previously required together). Eliminates larger setbacks (50') from most streets and relies on underlying zoning & PUD standards for where homes face. Removes conflict within Southeast Quadrant standards, Urban Design Overlay District standards, and City Center Form Based Code District standards.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

The amendments are intended to establish consistency throughout the regulations and to foster pedestrian-oriented development.

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed used transit corridors, and compact residential neighborhoods.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed amendment will allow for space along select collector and arterial road to be built upon where such development patterns are appropriate.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments do not affect and planned community facilities.

D. LDR-21-04: Modify Southeast Quadrant sub-district boundaries including and between Natural Resource Protection, Neighborhood Residential, and Village Residential

Brief Description of the Proposed Amendment

The proposed amendments modify boundaries within the Southeast Quadrant sub-districts; in several instances expand the area of the SEQ-Natural Resources Protection District; and in certain areas expands the SEQ-Village Residential District. Specifically:

- The SEQ-NRP sub-district replaces the SEQ-Neighborhood Residential sub-district in several areas where an identified Habitat Block is mapped and the Habitat Block Overlay District applies
- The SEQ-NRP sub-district replaces the SEQ-Neighborhood Residential sub-district in areas approved as permanent open space in approved development
- The SEQ-NRP sub-district replaces the SEQ-Neighborhood Residential sub-district in areas / parcels that are unserved by public infrastructure and would require crossing of other parcels and/or identified hazards in order to be reached
- The SEQ-NR replaces the SEQ-NRP sub-district where approved development already exists.
- The SEQ-VC district replaces the SEQ-NR district in certain areas served by public infrastructure.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed amendments have been closely considered in the context of the Comprehensive Plan and the balance of competing priorities that it strives to achieve. The proposed amendments expand the SEQ-NRP in areas that have been identified in the Plan, and through

subsequent analyses, as important natural resources, as well as in areas that are not served by public infrastructure and would require substantial expansion of such infrastructure to reach. Other areas proximate to infrastructure are proposed to be added to the SEQ-Village Residential District. Relevant goals, objectives, and policies include:

Goal: Be affordable, with housing for people of all incomes, lifestyles, and stages of life;

Goal: Provide quality public safety, infrastructure, health, wellness, and recreation services

Goal: Promote conservation of identified important natural areas, open spaces, aquatic resources, air quality, arable land and other agricultural resources, historic sites and structures, and recreational assets;

Objective 5: Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed-used transit corridors, and compact residential neighborhoods.

Objective 26: Protect and improve watershed, stream, and wetland system natural processes, specifically for stormwater treatment, riparian and aquatic habitat, and floodplain and river corridor protection.

Objective 30: Proactively plan for a network of interconnected and contiguous open spaces to conserve and accommodate ecological resources, active and passive recreation land, civic spaces, scenic views and vistas, forests and productive farmland and primary agricultural soils.

Objective 31: Conserve restore and enhance biological diversity within the City, through careful site planning and development that is designed to avoid adverse impacts to critical wildlife resources, and that incorporates significant natural areas, communities and wildlife habitats as conserved open space.

Strategy 8: Explore innovative land development regulations that allow for a range of residential building and neighborhood types, including but not limited to cottage housing, clustered housing and infill residential development.

Strategy 26: Improve and expand public facilities and services in a manner that supports, complements and reinforces the land use and development recommendations of this plan, which includes a preference for infill over expansion of existing service areas.

Strategy 65: Plan for infrastructure such that its location will limit disturbance within identified primary and secondary natural areas throughout the City to the greatest extent possible.

Strategy 67: Substantially restrict new subdivision and development from primary resource conservation areas to include hazardous and environmentally sensitive areas identified, mapped and regulated by the City. Minimize the adverse impacts of new subdivision and development, including resource fragmentation and encroachment, within secondary resource conservation

areas, to include those resources of state or local significance as indicated on available resource maps, identified in available inventories and studies, and confirmed through site investigation.

Strategy 137: Through the development review process, land conservation initiatives, and development of Zoning Map amendments for the SEQ, work towards the addition of supplemental conserved areas adjacent and connected to existing open space lands.

Ongoing Action 44: Continue to ensure that the open space and buffer area provisions are consistent with the SEQ Concept Plan and lead to the creation of usable, attractive conserved spaces.

Ongoing Action 45: Continue to require an integrated mix of housing in the SEQ zoning district.

Ongoing Action 46: Continue the designation of a three hundred foot buffer around the perimeter of the Great Swamp and Cheese Factory Swamp as an additional primary natural area subject to the same limits on disturbance, development or subdivision.

Ongoing Action 47: Continue the designation of lands within a three hundred foot buffer area around the perimeter of the other Primary Natural Areas, and the lands within Secondary Natural Areas, as a supplemental restricted area with limitations on development, subdivision, and disturbance.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments do not affect any specific proposals for planned community facilities.

E. LDR-21-05: Change zoning of land to the west of Hinesburg Road, immediately south of I-89, from Industrial-Open Space to Residential 7-Neighborhood Commercial.

Brief Description of the Proposed Amendment

The proposed amendment changes the designation of approximately 114 acres of land from “Industrial and Open Space” to “Residential 7-Neighborhood Commercial” on the west side of Hinesburg Road, immediately south of I-89.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington’s Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

“...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The 2016 Comprehensive Plan's Future Land Use Map (Map 11) redesignated this area from planned open space / industrial to instead be a transition from "higher intensity, primarily non-residential", to "medium intensity, mixed use", to "lower intensity, primarily residential", to "very low intensity, primarily conservation" from east to west. With the establishment of a Habitat Blocks on the western portion of the property, the designation of the property as R7-NC, and the application of Planned Unit Developments which foster higher intensity uses adjacent to existing roadways & infrastructure (Hinesburg Road), this amendment furthers the goals and policies of the Comprehensive Plan. The additional allowance for housing in this area furthers the availability of safe and affordable housing.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendment does not impact any specific proposals for planned community facilities.

F. LDR-21-06: Modify Commercial 1- Residential 15 and Residential 4 boundaries in vicinity of Lindenwood Dr to more closely following property lines

Brief Description of the Proposed Amendment

This amendment would modify the boundaries of these two districts to align with the property boundaries. A portion of one parcel that is largely in the C1-R15 district and fronts on Shelburne Road would have the entirety of the parcel in that district, while an adjacent parcel fronting on a neighborhood street that is largely in the R4 district would have the entirety of its parcels become R4.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Commission finds the proposed amendments to be consistent with the goals and policies of the Comprehensive Plan and notes that the regulations also contain requirements for vegetated buffers between commercial and residential districts in the event of a significant development of a parcel.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

G. LDR-21-07: Update citywide stormwater standards, including for consistency with state regulations

Brief Description of the Proposed Amendment

These amendments update the City's stormwater standards for consistency with the recently-updated Vermont Stormwater Manual, provide additional clarity, and employ general best practices.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

Comprehensive Plan Goal: Green & Clean. Emphasizing sustainability for long-term viability of a clean and green South Burlington.

Objective 26. Protect and improve watershed, stream, and wetland system natural processes, specifically for stormwater treatment, riparian and aquatic habitat, and floodplain and river corridor protection.

The amendments further the goals and policies of the Comprehensive Plan and support long term safety and affordability of housing through employment of forward-looking stormwater practices from the start.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed amendments are not anticipated to affect proposed future land uses or densities.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments facilitate the construction of stormwater facilities in existing built-up areas.

H. LDR-20-10: Establish maximum building envelopes for allowed development in the SEQ-NRP subdistrict, modify allowed building types

Brief Description of the Proposed Amendment

The proposed amendment establishes a maximum building envelope for any allowed development in the SEQ-NRP district; allows homes to be in buildings containing up to three dwellings (current requirement is for single family homes only), but does not change allowable total dwelling units.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Commission finds that the proposed amendment fosters a greater compliance with the goals and policies of the comprehensive plan by assuring that any allowed development is compact.

Objective 31. Conserve, restore and enhance biological diversity within the City, through careful site planning and development that is designed to avoid adverse impacts to critical wildlife resources, and that incorporates significant natural areas, communities and wildlife habitats as conserved open space.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

I. LDR-20-17: Extend southeast quadrant zoning district residential building design standard city-wide, update standards

Brief Description of the Proposed Amendment

This amendment expands the applicability of basic residential design standards to residential development in the city which are *not* subject to Building Type standards under the TND or NCD PUD Type. This would include homes on existing lots, homes built on subdivided lots without a PUD, and homes build through Conservation Planned Unit Developments. The current standards apply to all development involving a subdivision or PUD in the Southeast Quadrant. The standards themselves would:

- Continue to require that buildings are designed with a focus on sun-facing windows, but replace the minimum percentage of all windows facing south with a design standard of orientation of living space;
- Continue to require front-facing garages to be set back from the principal façade of the building
- Establish a maximum of 40% of the front of the building to be garage doors. This replaces a minimum “non-garage” façade requirement for two-family homes.
- Continue to require a variety of styles of homes in subdivisions.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington’s Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

“...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The amendments are intended to establish consistency throughout the regulations and to foster pedestrian-oriented development.

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed used transit corridors, and compact residential neighborhoods.

The proposed amendments will support the availability of safe and affordable housing by promoting passive solar access and supporting pedestrian-oriented neighborhoods.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

J. LDR-21-01 Require Solar-Ready Roofs for new buildings subject to Commercial Building Energy Standards

Brief Description of the Proposed Amendment

The amendment would require solar-ready roofs on new/substantially altered Commercial Buildings, via the specific methodology of the Commercial Building Energy Standards (CBES). Those standards include specific exemptions based on siting, etc.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Commission finds the proposed amendment implements the goals and policies of the Comprehensive Plan, including the following, and have a neutral, or positive effect on the availability of safe and affordable housing where a building would qualify as a "commercial building" under the CBES.

Objective 23. Achieve a reduction of 20% in carbon dioxide-equivalent emissions from 2009 levels by 2020 through an increase in renewable energy production and reductions in energy use in the following sectors: transportation, commercial/industrial, residential, municipal/school.

Strategy 54. Promote energy efficiency through well-designed buildings, siting and landscaping, and

encourage increased demand side management programs and the use of site-specific renewable energy resources.

Strategy 60. Seek opportunities to develop photovoltaic electric production on City and school grounds and building rooftops, where not in conflict with other goals of this plan.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

K. LDR-19-07 Modify landscape requirements to allow for Solar Canopies in Parking Areas

Brief Description of the Proposed Amendment

Modifies parking lot landscape standards to allow and foster the installation of solar canopies over parking lot areas.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Commission finds the proposed amendment implements the goals and policies of the Comprehensive Plan, including the following, and have a neutral effect on the availability of safe and affordable housing.

Objective 23. Achieve a reduction of 20% in carbon dioxide-equivalent emissions from 2009 levels by 2020 through an increase in renewable energy production and reductions in energy use in the following sectors: transportation, commercial/industrial, residential, municipal/school.

Strategy 54. Promote energy efficiency through well-designed buildings, siting and landscaping, and encourage increased demand side management programs and the use of site-specific renewable energy resources.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

L. *LDR-20-22: Update to comply with Act 179 pertaining to accessory dwelling units, existing small lots, and conditional use criteria for multi-family housing*

Brief Description of the Proposed Amendment

This amendment updates the City's standards for accessory dwelling units, existing small lots, and conditional use review of multi-family dwellings to comply with recently-passed minimum requirements for municipalities. The amendments also provide standards for accessory dwelling units that are proposed to be nearer to a side or rear property line than would be allowed for a single family home.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The proposed amendments comply with, and exceed the minimums established by the recently-passed state legislation. These are also supported in the Comprehensive Plan:

Strategy 6. Promote the preservation of existing housing stock in residential neighborhoods, particularly the supply of affordable and moderately-priced homes.

Strategy 7. Accommodate compatible infill and additions to homes in existing neighborhoods.

Strategy 8. Explore innovative land development regulations that allow for a range of residential building and neighborhood types, including but not limited to cottage housing, clustered housing and infill residential development.

The amendments specifically enhance the availability of safe and affordable housing.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Commission finds the amendments are compatible with the proposed future land uses and densities of the Comprehensive Plan and State statutes.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments do not affect specific proposals for planned community facilities.

M. LDR-20-25: Increase s.f. maximum specific to accessory structures and update for consistency with Act 179

Brief Description of the Proposed Amendment

The proposed amendments would expand the maximum allowable size of accessory structures on a site from 50% of the footprint of the principal dwelling, to 200% of the footprint, so long as the overall building and low coverage maximum are adhered to. The amendments also separate “accessory structures” from “accessory dwelling units”, which may or may not in fact be within an accessory structure.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington’s Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

“...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The current regulations require that a small home have proportionately less space for accessory structures, in many cases precluding minor additions even though the property is nowhere near its maximum building or lot coverage. The proposed amendment improves this relationship by allowing a greater amount of accessory structure space, while retaining the overall cap on building and lot coverage. The 2016 Comprehensive Plan supports such amendments:

Strategy 7. Accommodate compatible infill and additions to homes in existing neighborhoods.

The proposed amendment has no significant impact on the availability of safe and affordable housing.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

N. LDR-20-28: Expand inclusionary zoning, offset, and bonus provisions city-wide, replacing existing bonus standards where existing

Brief Description of the Proposed Amendment

The proposed amendment would extend the Inclusionary Zoning provisions to apply to all geographies of the city that allow for residential uses. As a result, the “affordable housing density bonus” provision, which presently applies to all residential areas *not* subject to Inclusionary Zoning, becomes superfluous and is therefore removed.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington’s Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

“...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Comprehensive Plan places and emphasis on fostering an inclusive community meeting the needs of all household types. Furthermore, the Plan strives for a greater portion of new housing to be affordable.

Comprehensive Plan Goal: Be affordable, with housing for people of all incomes, lifestyles, and stages of life;

Objective 3. Foster the creation and retention of a housing stock that is balanced in size and target income level, is representative of the needs of households of central Chittenden County, and maintains an efficient use of land for use by future generations.

Objective 4. Support the retention of existing and construction of new affordable and moderate-income housing, emphasizing both smaller single family homes and apartments, to meet demand within the regional housing market.

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed use transit corridors, and compact residential neighborhoods.

Strategy 4. Implement a variety of tools and programs to foster innovative approaches to preserving and increasing the City's supply of affordable and moderate income housing. Potential tools should be explored and could include form-based codes that would allow a variety of residential and mixed use building types, transferable development rights, neighborhood preservation overlay districts, household definition regulations, inclusionary zoning, bonuses and incentives, waivers and expedited review processes, and/or a housing retention ordinance.

Strategy 13. Target for construction, by 2025, of 1,080 new affordable housing units - 840 housing units affordable to households earning up to 80% of the AMI and 240 housing units affordable to households earning between 80% and 120% of the AMI.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendments do not change the overall maximum densities of development or future land uses; they re-organize the existing bonus provisions into a required inclusionary minimum amount, offsets, and additional bonuses.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendments do not affect planned community facilities.

O. LDR-21-03: Allow for "limited neighborhood commercial use" within a larger residential building for neighborhoods with Master Plan

Brief Description of the Proposed Amendment

The proposed amendment would allow a "limited neighborhood commercial use" to be sited *within* a residential building in higher density zoning districts and continue to require them to be in a small, separate building in lower density residential districts.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

The proposed amendment supports the establishment of neighborhood-oriented commercial uses within a short walking distance of neighborhoods and recognizes that the scale buildings of in higher density areas warrants an adjustment of the arrangement of the uses. The Comprehensive Plan encourages these environments:

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed used transit corridors, and compact residential neighborhoods

The amendments support the availability of safe and affordable housing by reducing vehicle dependence.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

P. LDR-21-07: Exempt the conversion of a dwelling to a licensed child care facility from housing preservation requirements

Brief Description of the Proposed Amendment

The proposed amendment allow the conservation of a dwelling unit to a child care facility without having to construct a new dwelling unit and without having to pay an “in-lieu” fee.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington’s Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

“...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The State's Municipal and Regional Planning And Development statutes contain 17 planning goals that municipal and regional plans must address and be consistent with. Among them:

24 VSA 4302(c)(13): To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

At the local level, the Comprehensive Plan states the following:

The provision of safe, local, and accessible childcare and pre-school is a vital element in attracting families to South Burlington. As such, the City endeavors to ensure that high-quality and affordable childcare is available within its borders. The policy of the City shall be to undertake actions to assist in this provision. (Comprehensive Plan P. 2-30)

The proposed amendment will have a limited effect on the availability of housing, in that a conversion from a dwelling unit to a child care facility would not require replacement or payment into the affordable housing fund. However, the provision of child care is recognized as a critical need statewide and is directly tied to the ability of families to maintain employment and retain their housing. On balance the Planning Commission finds the overall objectives of affordability and community are enhanced by this proposed amendment.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

Q. LDR-20-21 Minor and technical amendments to include:

- o Modify retaining wall standards (Section 13.16, formerly 13.25);
- o Eliminate DRB review of Bus Shelters within city ROW (Section 13.9);
- o Modify parking lot landscape standards to allow for solar canopies (Section 13.04)
- o Amend RV Parking standards (Section 3.08);
- o Amend Traffic visibility standards for consistency (Section 3.06);
- o Update Airport Approach Cones & FAA review (Sections 3.07, 6.02, 6.03, 13.03);
- o Amend review standards of Earth Products (Section 13.17);
- o Amend review standards for Utility Cabinets and Similar (Section 13.18);
- o Re-organize standards for drive-throughs (Section 5.01, 5.02, 13.11, Table C-1);
- o Update & clarify height of Accessory Structure (Section 3.07):
- o Update additional Height Standards for consistency (Section 3.07);
- o Modify standards for structures requiring setbacks (Section 3.06(F));
- o Modify setbacks for pre-existing lots (Section 3.06(J));

- o Update setbacks and Buffer Strips Adjacent to Residential Districts for consistency (Section 3.06(1));
- o General re-organization, definitions updates, and corrections (throughout)

Brief Description of the Proposed Amendment

The amendments listed above represent minor adjustments to the regulations that promote consistency in approach, policy, and organization within the Land Development Regulations.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The Comprehensive Plan supports consistency and streamlining of regulations.

Strategy 15. Conduct a comprehensive analysis of City regulations relating to permitting with an eye toward ways to eliminate outdated or duplicative requirements and to further streamline the process of obtaining needed permits with a specific focus on improving predictability of the process. Move as much of the permitting process online as is viable to improve customer access and service.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

**ACT 250 NOTICE
MINOR APPLICATION #4C0065-3
10 V.S.A. §§ 6001 - 6093**

On September 29, 2021, University of Vermont and State Agricultural College, 16 Colchester Avenue, Burlington, VT 05405 filed application number 4C0065-3 for a project generally described as the construction of a gravel wetland and associated stormwater infrastructure at the UVM Forestry Research Complex. The project is located at 705 Spear Street in South Burlington, Vermont.

The District 4 Environmental Commission is reviewing this application under Act 250 Rule 51—Minor Applications. A copy of the application and proposed permit are available for review at the office listed below. The application and a draft permit may also be viewed on the Natural Resources Board's web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering the project number "4C0065-3."

No hearing will be held and a permit may be issued unless, on or before **October 28, 2021**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing, or the Commission sets the matter for a hearing on its own motion. Any person as defined in 10 V.S.A. § 6085(c)(1) may request a hearing. Any hearing request must be in writing to the address below, must state the criteria or sub-criteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other person eligible for party status under 10 V.S.A. § 6085(c)(1)(E) must include a petition for party status under the Act 250 Rules. Prior to submitting a request for a hearing, please contact the district coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law may not be prepared unless the Commission holds a public hearing.

If you feel that any of the District Commission members listed on the attached Certificate of Service under "For Your Information" may have a conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, and by no later than October 28, 2021.

The Applicant has requested a partial waiver of notice to adjoining landowners, pursuant to Act 250 Rule 10(F). The District Commission has granted the waiver request based on the determination that the adjoining landowners whose notice has been waived, reasonably could not be affected by the proposed project and that serving notice on all the adjoining landowners constitutes a significant administrative burden without corresponding public benefit.

If you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

Parties entitled to participate are the Municipality, the Municipal Planning Commission, the Regional Planning Commission, affected state agencies, and adjoining property owners and other persons to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 criteria. Non-party participants may also be allowed under 10 V.S.A. Section 6085(c)(5).

Dated at Essex Junction, Vermont this 4th day of October, 2021.

By: /s/Rachel Lomonaco
Rachel Lomonaco, District Coordinator
111 West Street
Essex Junction, VT 05452
802-879-5658
Rachel.Lomonaco@vermont.gov

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LAND USE PERMIT AMENDMENT

State of Vermont

Natural Resources Board

District 4 Environmental Commission

111 West Street

Essex Junction, VT 05452

<https://nrb.vermont.gov/>

[phone] 802-879-5614

This is a **PROPOSED** permit; please submit any written comments to Rachel Lomonaco, District Coordinator, 111 West Street, Essex Junction, VT 05452 by **October 28, 2021**.

A permit will NOT be issued until the District Commission receives and reviews the following information:

1. Revised plans showing the riparian buffer zone around the tributary to the Potash Brook.
2. A review letter from ANR.
3. A review letter from AAFM.
4. Municipal approval of the project.

CASE NO: 4C0065-3

University of Vermont and State
Agricultural College
16 Colchester Avenue
Burlington, VT 05405

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit Amendment #4C0065-3, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 91, Pages 39-41, of the land records of the City of South Burlington, Vermont, as the subject of a deed to University of Vermont and State Agricultural College.

This permit specifically authorizes the construction of a gravel wetland and associated stormwater infrastructure at the UVM Forestry Research Complex. The project is located at 705 Spear Street in South Burlington, Vermont.



Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the project as approved by the District 4 Environmental Commission (the "Commission") in accordance with the following conditions.
2. The project shall be completed, operated and maintained in accordance with: (a) the conditions of this permit, and (b) the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits.

The approved plans are:

Sheet PAS-1 - "Forest Services Agricultural Soils Site Plan," dated 9/13/21 (Exhibit #010);
Sheet SP-F1 - "Forest Services Overall Site Plan," dated 9/27/21 (Exhibit #013);
Sheet SP-F2 - "Forest Services Stormwater Site Plan," dated 9/27/21 (Exhibit #014);
Sheet SP-F3 - "Forest Services Overall Stormwater Plan," dated 9/27/21 (Exhibit #015);
Sheet SP-F4 - "Forest Services Existing Conditions Plan," dated 9/27/21 (Exhibit #016);
Sheet SP-F5 - "Erosion Prevention & Sediment Control Plan," dated 9/27/21 (Exhibit #017);
Sheet CD-1 - "Civil Details," dated 9/27/21 (Exhibit #018); and
Sheet CD-2 - "Civil Details," dated 9/27/21 (Exhibit #019).

3. All conditions of Land Use Permit #4C0065 and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permits:
 - a. Authorization of Notice of Intent #7212-9020.5 under Construction General Permit 3-9020 issued on November 5, 2020 by the ANR Watershed Management Division; and
 - b. Wetland Permit #2020-472 issued in accordance with Wetland General Permit 3-9026 on July 28, 2020 by the ANR Watershed Management Division.
5. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.

7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
9. No further subdivision, alteration, and/or development on the tract of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
12. Construction hours shall be limited to Monday through Friday from 7:00AM to 6:00PM, and Saturdays from 8:00AM to 4:30PM.
13. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division in on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
14. Immediately upon initial clearing, grading or excavation a stabilized construction entrance must be installed and maintained as shown on Exhibits #014, 017 and 019. At a minimum, this entrance must be constructed and maintained in accordance with the specifications as described in the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020). No further clearing or construction beyond the stabilized construction entrance is complete.
15. The Permittee shall comply with Exhibits #005, 014, 017 and 019 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
16. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.

17. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).
18. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
19. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
20. The Permittee shall maintain an undisturbed, naturally vegetated riparian zone on the Project Tract along the unnamed tributary to the Potash Brook. The riparian zone shall be measured inland, perpendicular to, and horizontally 50 feet from the top of bank and extend to the water's edge at base flow conditions as depicted in Exhibit #___. The term "undisturbed" means no activities that may cause or contribute to ground or vegetation disturbance, or soil compaction, including but not limited to construction; earth-moving activities; storage of materials; tree trimming or canopy removal; tree, shrub or groundcover removal; plowing or disposal of snow; grazing, brush-hogging and mowing.
21. The Permittee shall maintain an undisturbed, naturally vegetated Class II wetland and 50-foot wetland buffer zone on the Project Tract except for the disturbances shown on Exhibit #014. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub or groundcover removal; plowing or disposal of snow, grazing or mowing.
22. Prior to any site work, the Permittee shall install and maintain temporary fencing along the tree line to be retained as depicted on Exhibits #014 and 019.

23. Any extracted stumps shall be disposed of on-site above the seasonal high water table and not in any wetland, or at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
24. No exterior signage or lighting is authorized by this permit. The Permittee shall not erect additional exterior signage or lighting without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
25. Should the City at any time agree to accept any private utilities being then operated by the Permittee and/or its assigns and successors in interest, the Permittee and/or its assigns and successors in interest shall be responsible to improve the same to City specifications and shall deed all lands involved with said improvements to the City. Such improvements may require a land use permit amendment.
26. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
27. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #4C0065-3 in all deeds of conveyance and leases.
28. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
29. All site work and construction shall be completed in accordance with the approved plans by **October 15, 2024**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
30. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to

the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.

31. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this day of October, 2021.

By _____
Parker Riehle, Vice Chair
District 4 Commission

Members participating in this decision:

Monique Gilbert

Kate Purcell

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

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CERTIFICATE OF SERVICE

I hereby certify on this 4th day of October, 2021, a copy of the foregoing ACT 250 MINOR NOTICE #4C0065-3, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

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Efficiency Vermont
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Champlain Water District
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Champlain Cable Corporation
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ADJOINING LANDOWNERS

Available via:
<https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0065-3/Application%20Documents/001%20UVM%20705%20Spear%20Constructed%20Wetland%20App.pdf>

Dated at Essex Junction, Vermont, this 4th day of October, 2021.



Jessica Mason
Natural Resources Board Technician
802-879-5614
Jessica.Mason@vermont.gov

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District 4 Environmental Commission

The Burton Corporation

Case No. 4C0174-6; 4C0358-3

**RESPONSE BY SMITH ET AL. TO MOTION TO STRIKE ALAN MARGULIUS
TESTIMONY**

Introduction

Burton has moved to strike the testimony of Alan Margulius on the grounds his testimony does not rebut the evidence submitted by Burton after the initial hearing. Burton is incorrect. The testimony rebuts the newly filed evidence.

Legal Standard

Rebuttal is broadly defined, and trial tribunals have wide discretion in allowing or disallowing it:

The trial court similarly did not abuse its discretion in allowing the State to revisit the basis for the fight on rebuttal. See *State v. Bessette*, 148 Vt. 17, 19, 530 A.2d 549, 550 (1987) (recognizing that trial court “has wide discretion in matters of trial conduct and evidentiary rulings, including the admission of rebuttal testimony,” and that “[u]nless the exercise of this discretion causes undue hardship or results in prejudice to the defendant, it will not be disturbed on appeal”); see also *United States v. Tejada*, 956 F.2d 1256, 1266 (2d Cir.1992) (explaining that “[t]he function of rebuttal evidence is to explain or rebut evidence offered by an opponent,” and trial court “has wide discretion in determining whether to permit evidence on rebuttal”).

State v. Noyes, 2015 VT 11 ¶ 16, 198 Vt. 360, 114 A.3d 1156.

The State of the Noise Evidence As of the Close of the Hearing

By the time of the first hearing, Burton had not submitted modeling or estimates of the Lmax impacts of the proposal at the property line, at surrounding residences, and at outside areas of frequent use, with one exception. See Ex. 9 § 5.4 p.21 (RSG modeled the 1-hour average Leq), and § 5.5 p.24 (1-hour Leq results). Burton’ evidence on noise impacts was limited to 1-hour average Leq impacts, with one incomplete exception. See Ex. 9 § 5.5 and Figures, 5, 6 & 7.

Intervenors argued, therefore, in their proposed findings:

If Lmax values had been modelled, rather than 1-hour Leq, the effects of short-term loud noises would have been taken into account. Although Burton included the noise of 500 vehicles in its 1-hour Leq modeling (Ex. 9, Table 2, p.19), the noises of car horns and car doors being slammed closed are the types of noises that Lmax modeling, not Leq modeling, is designed to evaluate.

And:

In sum, neither the test from *Quechee Lakes Corporation*, Findings of Fact, Conclusions of Law and Order, LUP #3W0411-EB, #W0439-EB, 11/4/85, and nor baseline comparison from *Hinesburg Hannaford Act 250 Application* can be applied. Were the Commission to attempt to apply the *Quechee Lakes* test to the unknown Lmax noise impacts of a proposed 1500-person concert event, in the midst of residential neighborhoods and across the street from the park that the City of South Burlington treats as the crown jewel of its parks, the Commission would be engaging in speculation. Were the Commission to attempt to determine the extent of the change in noise at the Park from the baseline of existing noise, the Commission would have to invent the baseline data out of thin air. The application must be dismissed.

The same problem plagues application of Criterion 10 – in the absence of Lmax modeling, surmise and guesswork must be called upon to predict conformance to the Burlington and South Burlington Comprehensive Plans and the Regional Plan. The Burlington Comprehensive Plan, Ex. 113, on pp. 89-91, classifies Arthur Court and Austin Drive as planned residential areas. It states that “small and subtle changes over time” are expected and appropriate in these areas, and that “we are planning to maintain the primarily residential character, while allowing for some modifications which enable these neighborhoods to continue to be vital, better connected, and more resilient to the influence of nearby growth areas.”

Burton's Post-Hearing Submissions on Noise

The Commission issued orders requiring submission of Lmax modelling, and Burton responded with results that were troubling. RSG's modelling, as reported in their July 29, 2021 memorandum, showed 51 dBA Lmax at a residences for scenario b, 55 dBA Lmax for scenario c, and 61 dBA Lmax at five different residences (on two different streets) for scenario e. The longtime Act 250 residential Lmax standard is 55 dBA Lmax.

RSG's report attempted to diminish the importance of these results by arguing that scenario b is "unrealistic" and scenario c is "even more unrealistic." RSG Report p.3. RSG dismissed the results of scenario e by arguing that a car horn could be sounded in any parking lot, so the results are irrelevant. RSG Report p.4. RSG dismissed all of these results, in its conclusion section, by arguing that Burton's Operational Management Plan will "ensure" that patrons exit as "quietly" as possible. RSG Report p. 5.

Mr. Margulius' Testimony Places in Context the Lmax Modelling

Mr. Margulius visited the existing Higher Ground parking lot prior to the pandemic and, of course, prior to RSG's reports. His testimony places RSG's report in context. He reports:

When the show finished and folks were leaving, there were obviously intoxicated groups yelling to each other outside the building. Others were just hanging-out extending the party for a while in the parking lot.

Attendees continued to talk as if they were at a party as they entered their cars. I could hear many cars "chirping" as they were opened, as the occupants conversed.

One couple was trying to soothe a screaming baby in the parking lot.

The drivers of two trucks revved their engines and then peeled out both within the parking lot and when turning onto Williston Rd.

One guy was yelling "Nahko Wooo" repeatedly as loud as he could hanging out his open car window connecting with the other concert-goers in traffic all the way through the parking lot out onto Williston Rd.

In this context, contrary to RSG's explanation, it is realistic to predict that scenarios b, c and e will occur. The event Mr. Margulius reported on did not include 1500 patrons. It was not on a summer evening. The facts he reports also might suggest to a reasonable person that an Operational Management Plan will not successfully control the behavior of patrons as they exit.

Conclusion

Mr. Margulius testimony is proper rebuttal.

Date: September 28, 2021

/s/James A. Dumont
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CERTIFICATE OF SERVICE

I hereby certify on this 28th day of September, 2021, a copy of the Response by Smith et al to Burton Motion to Strike Testimony of Alan Margulius concerning Act 250 Land Use Permit Application 4C0174-6,4C0368-3, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

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Dated at Lincoln, VT, this 28th day of September, 2021.

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LAND USE PERMIT AMENDMENT

State of Vermont
Natural Resources Board
District 4 Environmental Commission
111 West Street
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<https://nrb.vermont.gov/>

[phone] 802-879-5614

CASE NO: 4C0895-7

University of Vermont & State
Agricultural College
16 Colchester Avenue
Burlington, VT 05405

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit Amendment #4C0895-7, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 9, Page 22; Book 979, Page 561; Book 201, Page 159; Book 181, Page 595; and Book 22, Page 506, of the land records of the City of Burlington, Vermont.

This permit specifically authorizes (1) the demolition of Pomeroy Barn at 489 Main Street; (2) demolition of the Carter House at 172 South Prospect Street; (3) renovations to the Wadhams House and Barn at 178 South Prospect Street including new windows, siding, foundation restoration, sidewalks, and landscaping; and (4) construction of driveway and parking modifications, pedestrian improvements, and landscaping improvements. The project is located at 489 Main Street and 172-178 South Prospect Street in Burlington, Vermont.

Jurisdiction attaches because the Project constitutes a substantial change and a material change and requires a permit pursuant to 10 V.S.A. § 6081.

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the project as approved by the District 4 Environmental Commission (the "Commission") in accordance with the following conditions.
2. The project shall be completed, operated and maintained in accordance with the conditions of this permit, and the permit application, plans, and exhibits on file with the Commission and other material representations.



The approved plans are:

Sheet C-1.0 - "Overall Site Plan," dated 6/22/21, last revision 8/13/21 (Exhibit #013a);

Sheet C-1.1 - "Site Plan," dated 6/22/21, last revision 8/13/21 (Exhibit #014a);

Sheet C-1.2 - "Site Plan," dated 6/22/21 (Exhibit #015);

Sheet C-2.0 - "Existing Conditions Plan," dated 6/22/21 (Exhibit #016);

Sheet C-2.1 - "Demolition Plan," dated 6/22/21 (Exhibit #017);

Sheet C-3.0 - "Erosion Prevention & Sediment Control Plan - Preconstruction," dated 6/22/21 (Exhibit #018);

Sheet C-3.1 - "Erosion Prevention & Sediment Control Plan - Construction & Stabilization," dated 6/22/21 (Exhibit #019);

Sheet C-4.0 - "Civil Details," dated 6/22/21 (Exhibit #020);

Sheet C-4.1 - "Civil Details," dated 6/22/21 (Exhibit #021);

Sheet C-4.2 - "Civil Details," dated 6/22/21 (Exhibit #022);

Sheet SP-1.0 - "Overall Landscape Plan – Perspective Views 1 & 2," dated 6/22/21, last revision 8/13/21 (Exhibit #023a);

Sheet SP-1.1 - "Enlarged Landscape Plan West – Perspective Views 3, 4, & 5," dated 6/22/21 (Exhibit #024);

Sheet SP-1.2 - "Enlarged Landscape Plan East – Pomeroy Plaza – Perspective Views 6, 7, & 8," dated 6/22/21, last revision 8/13/21 (Exhibit #025a);

Sheet SP-1.3 - "Pomeroy Plaza Enlarged Landscape Plan," dated 6/22/21, last revision 8/13/21 (Exhibit #026a);

Sheet E1.0 - "Electrical Site Plan," dated 3/23/21, last revision 8/13/21 (Exhibit #027a);

Sheet E2.0 - "Trench and Pole Base Details," dated 6/22/21 (Exhibit #028);

Sheet E3.0 - "Site Plan Photometric Analysis," dated 3/23/21, last revision 8/13/21 (Exhibit #029a);

Sheet L-1.0 - "Landscape Plan," dated 6/22/21 (Exhibit #030); and

Sheet L-1.1 - "Landscape Details," dated 6/22/21 (Exhibit #031).

3. All conditions of Land Use Permit #4C0895 and amendments are in full force and effect except as further amended herein.
4. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.

5. A copy of this permit and plans shall be on the site at all times throughout the construction process.
6. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
7. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
8. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
10. Construction hours shall be limited to 7:00AM to 6:00PM Monday through Friday, 8:00AM to 4:30PM Saturday, with no construction on Sundays or State and Federal Holidays.
11. The Permittee shall apply and receive amended approval from the District Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
12. No new floor drains shall be installed without first obtaining a permit or submitting other necessary documentation, as required by the Vermont Department of Environmental Conservation.
13. The Permittee shall implement the construction site waste reduction plan included as Exhibit #040.
14. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
15. Immediately upon initial clearing, grading or excavation, a stabilized construction entrance must be installed and maintained as shown on Exhibit #018. At a minimum, this entrance must be constructed and maintained in accordance with the specifications as described in the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020). No further clearing or construction may occur until the stabilized construction entrance is complete.

16. At a minimum, the Permittee shall comply with the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
17. The Permittee shall comply with Exhibits #018, 019 and 021 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
18. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
19. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).
20. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
21. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
22. The Permittee shall implement the following mitigation measures regarding historic sites as further described in Exhibit #009:
 - a. Wadhams House: envelope restoration will include wood-sash window restoration, new Allied storm windows, removal of aluminum siding, new wood siding and trim, and repair of the bilco door, and masonry foundation restoration. Exterior stair railings will be adapted to meet current code requirements. Exterior

doors will either be restored or replaced with historical replicas if the original doors are non-existent.

- b. Wadhams Barn: replace deteriorated structural sills, restore dry stone wall, and repair deteriorated/rotted wood siding. Paint colors will be determined by the Vermont Division for Historic Preservation.
 - c. Wadhams Property: construction of new sidewalks, granite pavers, and landscaping to showcase the renovated buildings.
- 23. Prior to any site work, the Permittee shall install and maintain temporary fencing around trees to be retained. Exhibit #017.
 - 24. Any extracted stumps shall be disposed of at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
 - 25. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibits #030 and 031 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
 - 26. The installation of exterior light fixtures is limited to those approved in Exhibits #027a, 028 and 029a and shall be mounted no higher than 14 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
 - 27. The Permittee shall not erect additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
 - 28. Should the City at any time agree to accept any private utilities being then operated by the Permittee and/or its assigns and successors in interest, the Permittee and/or its assigns and successors in interest shall be responsible to improve the same to City specifications and shall deed all lands involved with said improvements to the City. Such improvements may require a land use permit amendment.
 - 29. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
 - 30. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #4C0895-7 in all deeds of conveyance and leases.
 - 31. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the

date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).

32. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2024**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
33. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
34. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this 27th day of September, 2021.

By /s/Parker Riehle
Parker Riehle, Vice Chair
District 4 Commission

Members participating in this decision:

Monique Gilbert

Kate Purcell

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\UVM\4C0895\4C0895-7\Published Documents\District Commission Documents\4C0895-7 permit.docx

Exhibit List

Application #	4C0895-7 (9/20/21)
Applicant(s)	University of Vermont & State Agricultural College
Landowner(s)	University of Vermont & State Agricultural College
Project Town(s):	Burlington, Vermont



**Natural Resources
Board**

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000		000 Exhibit List	
001	7/19/21	001 Act 250 Application	Applicant
002	7/19/21	002 Schedule G	Applicant
003	7/19/21	003 Cover letter	Applicant
004	7/19/21	004 List of Adjoiners	Applicant
005	7/19/21	005 Map of Adjoiners	Applicant
006	7/19/21	006 VDHP Review of 172 South Prospect	Applicant
007	7/19/21	007 VDHP Review of Pomeroy Barn	Applicant
008	7/19/21	008 VDHP Review of Wadhams Barn	Applicant
009	7/19/21	009 VDHP Comment Letter	Applicant
010	7/19/21	010 Farmland Classification Map	Applicant
011	7/19/21	011 Pomeroy Barn Bat Acoustic Monitoring Memo	Applicant
012	7/19/21	012 Title Page of Plan Set	Applicant
012a	9/20/21	012a Title Page UVM Admissions Landscaping Revised 8-13-21	Applicant
013	7/19/21	013 C-1.0 Overall Site Plan	Applicant
013a	9/20/21	013a C-1.0 Overall Site Plan UVM Admissions Landscaping Revised 8-13-21	Applicant
014	7/19/21	014 C-1.1 Site Plan	Applicant
014a	9/20/21	014a C-1.1 Site Plan UVM Admissions Landscaping Revised 8-13-21	Applicant
015	7/19/21	015 C-1.2 Site Plan	Applicant
016	7/19/21	016 C-2.0 Existing Conditions	Applicant
017	7/19/21	017 C-2.1 Demolition Plan	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
018	7/19/21	018 C-3.0 EPSC	Applicant
019	7/19/21	019 C-3.1 EPSC	Applicant
020	7/19/21	020 C-4.0 Civil Details	Applicant
021	7/19/21	021 C-4.1 Civil Details	Applicant
022	7/19/21	022 C-4.2 Civil Details	Applicant
023	7/19/21	023 SP-1.0 Overall Landscape Plan & Perspective	Applicant
023a	9/20/21	023a SP-1.0 Overall Landscape Perspectives UVM Admissions Landscaping Revised 8-13-21	Applicant
024	7/19/21	024 SP-1.1 Enlarged Landscape Plan & Perspectives	Applicant
025	7/19/21	025 SP-1.2 Enlarged Landscape Plan & Perspectives	Applicant
025a	9/20/21	025a SP-1.2 Enlarged Landscape Perspectives UVM Admissions Landscaping Revised 8-13-21	Applicant
026	7/19/21	026 SP-1.3 Enlarged Landscape Plan	Applicant
026a	9/20/21	026a SP-1.3 Enlarged Landscape UVM Admission Landscapes Revised 8-13-21	Applicant
027	7/19/21	027 E1.0 Electrical Plan	Applicant
027a	9/20/21	027a E1.0 Electrical Site Plan UVM Admissions Landscapes Revised 8-13-21	Applicant
028	7/19/21	028 E2.0 Electrical Details	Applicant
029	7/19/21	029 E3.0 Photometric Plan	Applicant
029a	9/20/21	029a E3.0 Photometric UVM Admission Landscaping Revised 8-13-21	Applicant
030	7/19/21	030 L-1.0 Landscape Plan	Applicant
031	7/19/21	031 L-1.1 Landscape Details	Applicant
032	7/19/21	032 F&W Concur with Bat Survey	Applicant
033	8/23/21	033 ANR Entry of Appearance Comments (8/23/21)	ANR
034	9/17/21	034 Email re Floor Drains	Applicant
035	9/17/21	035 Pomeroy Barn & Garage VHSSS	Applicant
036	9/17/21	036 172 S. Prospect VHSSS	Applicant
037	9/17/21	037 Burlington DRB Findings of Fact re ZP 21-514 and ZP 21-515	Applicant
038	9/17/21	038 ZP 21-514 Permit Conditions	Applicant
039	9/17/21	039 ZP 21-515 Permit Conditions	Applicant
040	9/17/21	040 Approved Construction Waste Management Plan	Applicant
041	9/17/21	041 Email re ANR Approval for UVM CWMP	Applicant
042	9/17/21	042 Cover Letter for Supplemental Information 9/17/2021	Applicant

CERTIFICATE OF SERVICE

I hereby certify on this 27th day of September, 2021, a copy of the foregoing ACT 250 LAND USE PERMIT #4C0895-7, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

University of Vermont
c/o Lani Ravin
16 Colchester Avenue
Burlington, VT 05405
Lani.ravin@uvm.edu

Katherine Schad, Town Clerk
Chair, Selectboard/Chair, Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
burlingtontownclerk@burlingtonvt.gov;
lolberg@burlingtonvt.gov

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpcvt.org

Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
ANR.Act250@vermont.gov

Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov

VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
AOT.Act250@vermont.gov

Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov; james.duggan@vermont.gov
ACCD.ProjectReview@vermont.gov

FOR YOUR INFORMATION

District #4 Environmental Commission
Parker Riehle, Vice Chair
Monique Gilbert/Kate Purcell
111 West Street
Essex Junction, VT 05452

Dated at Essex Junction, Vermont, this 27th day of September, 2021.



Jessica Mason
Natural Resources Board Technician
802-879-5614
Jessica.Mason@vermont.gov

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\UVM\4C0895\4C0895-7\Published Documents\District Commission Documents\4C0895-7 COS permit.docx

Tommy Ott
Andres Torizzo
Watershed Consulting Associates, LLC
208 Flynn Avenue, Suite 2H
Burlington, VT 05401

9/24/2021

Re: LUP Application 4C1278-2, Burlington Country Club, Corp.
Consideration of primary agricultural soils under 10 V.S.A. §§6093, 6086

Dear Applicant:

Thank you for the opportunity to comment on the above-referenced project.

Purpose:

This review letter will aid in the District Commission's determination as to whether any reduction in the agricultural potential of the primary agricultural soils will occur as a result of the construction of the project. Please note that this letter focuses solely on whether there are primary agricultural soils on the project site (10 V.S.A. § 6001(15)), any impact to these primary agricultural soils and whether any proposed mitigation is adequate, pursuant to 10 VSA §6093(a).

Summary of Agency Review:

The Agency holds the opinion that the proposed impacts to primary agricultural soils total:

+/- 0.48 acres of primary agricultural soils that will be impacted, either directly or indirectly;

0* acres of mitigation necessary because of the statutory multipliers:

- Because the total mitigation (+/- 1.23 acres) required for the impacts would be less than two acres, no mitigation is recommended today: the Agency prefers to mitigate these *de minimis* impacts along with any subsequent project impacts at a later date, if/when cumulative mitigation reaches two acres. **See "Conclusions" below for a proposed permit condition regarding mitigation for potential subsequent project impacts.**

Process and Basis for Opinion:

The Agency was originally contacted by Watershed Consulting Associates, LLC on behalf of Burlington Country Club, Corp. (the "Applicant"), to review a project generally described as Burlington Country Club, Corp. Gravel Wetland. The Agency's review primarily consisted of a review of the following submitted materials:

- Primary Agricultural Soils Map showing historic and proposed impacts, Third Revision, revision date 09/22/2021;

- Letter re Criterion 9(B) revisions, dated 09/22/2021;
- Existing Conditions plan, filing date 06/08/2021;
- Soils Overview plan of filing date 06/08/2021;
- Revised Criterion 9(B) intake form, dated 08/10/2021;
- Project review sheet, dated 12/4/1995, referencing “proposed renovation of 18 hole golf course; moving + removing some trees + landscaping; creation/enlargement of ponds (will use that fill for re-shaping 8 tees)...”.
- 1997 course improvement plans, by Hurdzan Golf Course Design, Inc., dated 3/12/1997.

The Agency’s review of primary agricultural soils is also based on an evaluation of USDA soil survey(s), satellite imagery, the supplied site development plans, supplied ground topographic survey, soil limitations, size, location, landscape patterns and other elements of the definition of primary agricultural soil as applied to the project site. See 10 V.S.A. §6001(15).

The review and evaluation indicates:

The impacts to primary agricultural soils, as defined by 10 V.S.A. §6001(15), total +/- 0.48 acres

The Agency accepts your assertion that **+/- 0.48 acres of the primary agricultural soils on the site are directly or indirectly impacted by the proposed development.** The proposed impacts to primary agricultural soils are to the following soil map units:

Key	Soil Type	Ag Value	Slope	Proposed Impact (Acres)
BIB	Belgrade and Eldridge	2	3-8 %	0.10
HnB	Hinesburg fine sandy loam	3	3-8%	0.38

See Applicant’s Criterion 9(B) map, third revision, dated 09/22/2021, for proposed and historic (existing) impacts documented in the project area. In project area focus shown on this revision dated 09/22/21, the Applicant’s research documented pre-existing impacts (fill/grading, altering soil profile) to soils of ag value group 2 and 3, totaling +/- 0.72 acres existing impacts in the project area.

While no mitigation is warranted today (see Conclusions) due to the *de minimis* nature of the proposed 0.48 acre impact, the Agency recognizes the below mitigation calculation would be applicable if/when the result of this and future amendments results in a 2.0 acre or greater cumulative mitigation area (see proposed permit condition below).

[0.38 acres (proposed impact to Prime soils of NRCS ag value group ‘3’) * 2.5 (multiplier, ag value group ‘3’)] + [0.10 acres (proposed impact to soils of ag value group ‘2’) * 2.75 (multiplier, ag value group ‘2’)]

= +/- 1.23 acres mitigation calculated [only if/when the result of this and future amendments ultimately results in a 2.0 acre or greater cumulative mitigation area], *de minimis*.

Conclusions:

Having reviewed your submission, it is the Agency's assessment that the proposed impacts are de minimis and no mitigation is warranted at this time.

However, the Agency acknowledges 0.48 acres of impacts to primary agricultural soils, for which 1.23 acres of PAS mitigation are calculated under Criterion 9(B) according to the statutory multipliers. The Agency respectfully requests that the District Commission add a permit condition stating that the Applicant will be required to mitigate for cumulative impacts if/when the result of this pending application and any subsequent proposed development would result in a total mitigation area of 2.0 acres or more.

The Agency provides the following proposed permit condition:

The project impacts 0.48 of primary agricultural soils (PAS) for which 1.23 acres of mitigation are calculated. The Permittee shall mitigate the PAS impact if/when the cumulative PAS impacts (from this pending Act 250 Permit application and subsequent amendment impacts on this parcel or involved lands) result in a mitigation area of 2.0 or more acres, as further outlined in Exhibit ____ (letter dated 09/24/2021) from the Vermont Agency of Agriculture, Food & Markets).

Sincerely,

Vermont Agency of Agriculture, Food & Markets



By: -----

Ari Rockland-Miller

Act 250 Coordinator

Vermont Agency of Agriculture, Food & Markets

ari.rockland-miller@vermont.gov

Cc: See Cert of Service

CERTIFICATE OF SERVICE

I hereby certify on this 24th day of September 2021, a copy of the foregoing:

Agency of Agriculture, Food & Markets – Criterion 9(B) Review Letter

regarding **LUP Application #4C1278-2, Burlington Country Club, Corp.**

was sent by email to the individuals listed below (or US Mail, postage prepaid, to those listed without email address)

Burlington Country Club Corporation
c/o Jason Shattie
568 South Prospect Street
Burlington, VT 05401
Jason.shattie@burlingtoncountryclub.org

Andres Torizzo/Thomas Ott
Watershed Consulting Associates, LLC
208 Flynn Avenue, Suite 2H
Burlington, VT 05406
andres@watershedca.com; tommy@watershedca.com

Amy Bovee, Ass't City Clerk
Chair, City Council/Chair, City Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
abovee@burlingtonvt.gov

Donna Kinville, City Clerk
Chair, City Council/Chair, City Planning Commission
City of South Burlington
575 Dorset Street
South Burlington, VT 05403
dkinville@sburl.com

Chittenden County Regional Planning Commission
c/o Charlie Baker, Exec. Dir.
Regina Mahony, Planning Program Manager
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpevt.org

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
1 National Life Dr., Davis 2
Montpelier, VT 05620-3901
Anr.act250@vermont.gov

Barry Murphy/VT Dept of Public Service
112 State St., Drawer 20
Montpelier, VT 05620-2601
PSD.VTDPS@vermont.gov

Craig Keller/Jeff Ramsey/Christopher Clow
VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
AOT.Act250@vermont.gov

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
Scott.dillon@vermont.gov; James.duggan@vermont.gov; ACCD.ProjectReview@vermont.gov

District # 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov; Rachel.lomonaco@vermont.gov

Dated this **September 24th, 2021**

VERMONT AGENCY OF AGRICULTURE, FOOD & MARKETS



By: _____
Ari Rockland-Miller
Act 250 Coordinator, VAAFM
ari.rockland-miller@vermont.gov

UVM Parking Lot Capacities and Empty Space Count				
PEAK DEMAND LOT COUNTS - September 2021				
Location	Usable Spaces	Occupied Spaces	Empty Spaces	Percent Full
Athletic Commuter	1,704	1,532	172	89.9%
Core Central	61	42	19	68.9%
Core East	710	657	53	92.5%
Core North	369	248	121	67.2%
Core South	193	124	69	64.2%
Core West	387	259	128	66.9%
Commuter Lots	323	239	84	74.0%
Redstone	626	526	100	84.0%
Trinity	314	238	76	75.8%
Total	4,687	3,865	822	82.5%
Counts done September 14th to September 16 th , 2021				

E-Notification CERTIFICATE OF SERVICE Regarding Monthly Information for LUP# 4C1043-1A,
For UVM Firestone Building for September, 2021

I hereby certify that I, Lani Ravin, Associate Planner at the University of Vermont & State Agricultural College, sent a copy of documents, dated September 24, 2021, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot, by electronic mail to those with email addresses as indicated:

District #4 Environmental Commission

111 West Street

Essex Junction, VT 05452

NRB.Act250Essex@vermont.gov

Rachel.Lomonaco@vermont.gov

University of Vermont & State Agricultural
College

c/o Lani Ravin, AICP, Associate Planner

Lisa Kingsbury, Associate Director

Planning, Design & Construction

16 Colchester Avenue

Burlington, VT 05405

Lani.ravin@uvm.edu; Lisa.mcnaney@uvm.edu;

Lisa.kingsbury@uvm.edu;

Burlington City Clerk

Chair, Selectboard/Chair, Planning Commission

City of Burlington

149 Church Street

Burlington VT 05401

burlingtontownclerk@burlingtonvt.gov;

lolberg@burlingtonvt.gov;

abovee@burlingtonvt.gov;

mtracy@burlingtonvt.gov;

amontroll@burlingtonvt.gov

Chittenden County Regional Planning
Commission

110 West Canal Street, Suite 202

Winooski VT 05404

Permitting@ccrpcvt.org

Agency of Natural Resources

1 National Life Drive, Davis 2

Montpelier, VT 05602-3901

Anr.act250@vermont.gov

Dept. of Public Service

112 State Street, Drawer 20

Montpelier, VT 05620-2601

barry.murphy@vermont.gov;

PSD.VTDPS@vermont.gov;

VTrans Policy, Planning & Research Bureau

Barre City Place

219 N. Main Street

Barre, VT 05641

AOT.Act250@vermont.gov;

Agency of Agriculture, Food & Markets

116 State Street, Drawer 20

Montpelier, VT 05620-2901

AGR.Act250@vermont.gov;

Division for Historic Preservation

National Life Building, Drawer 20

Montpelier, VT 05620

scott.dillon@vermont.gov;

james.duggan@vermont.gov;

ACCD.ProjectReview@vermont.gov;

Dated at Burlington, Vermont, September 24,
2021

Lani Ravin, AICP

Lani Ravin, AICP, Associate Planner

Planning, Design & Construction

University of Vermont & State Agricultural

College



The University of Vermont
DEPARTMENT of PLANNING, DESIGN
and CONSTRUCTION

October 11, 2021

Rachel Lomonaco, District 4 Coordinator
111 West Street
Essex Junction, VT 05452

Re: Draft LUP 4C0065-3 Supplemental Material Submittal

Dear Rachel,

The University would like to submit revised plans showing the riparian buffer zone around the tributary to Potash Brook, SP-F1_10-07-2021 and SP-F2_10-07-2021.

The University has concluded that a 50 foot riparian buffer is appropriate for the portion of the stream channel that is downslope of the project site. The stream channel, which is currently collecting undetained runoff from our site, is currently stable. Our project is not proposing any new development that would increase flows. The purpose of the project is to capture, treat, and detain existing untreated flows in order to improve the water quality of Potash Brook. The detained flows will actually reduce the peak discharge rate of the stormwater reaching the riparian buffer, which will effectively help to reduce the potential for streambank erosion.

Please let me know if there is any further information needed.

Thank you,

Lani Ravin, AICP

Lani Ravin, AICP
Associate Planner
Department of Planning, Design & Construction

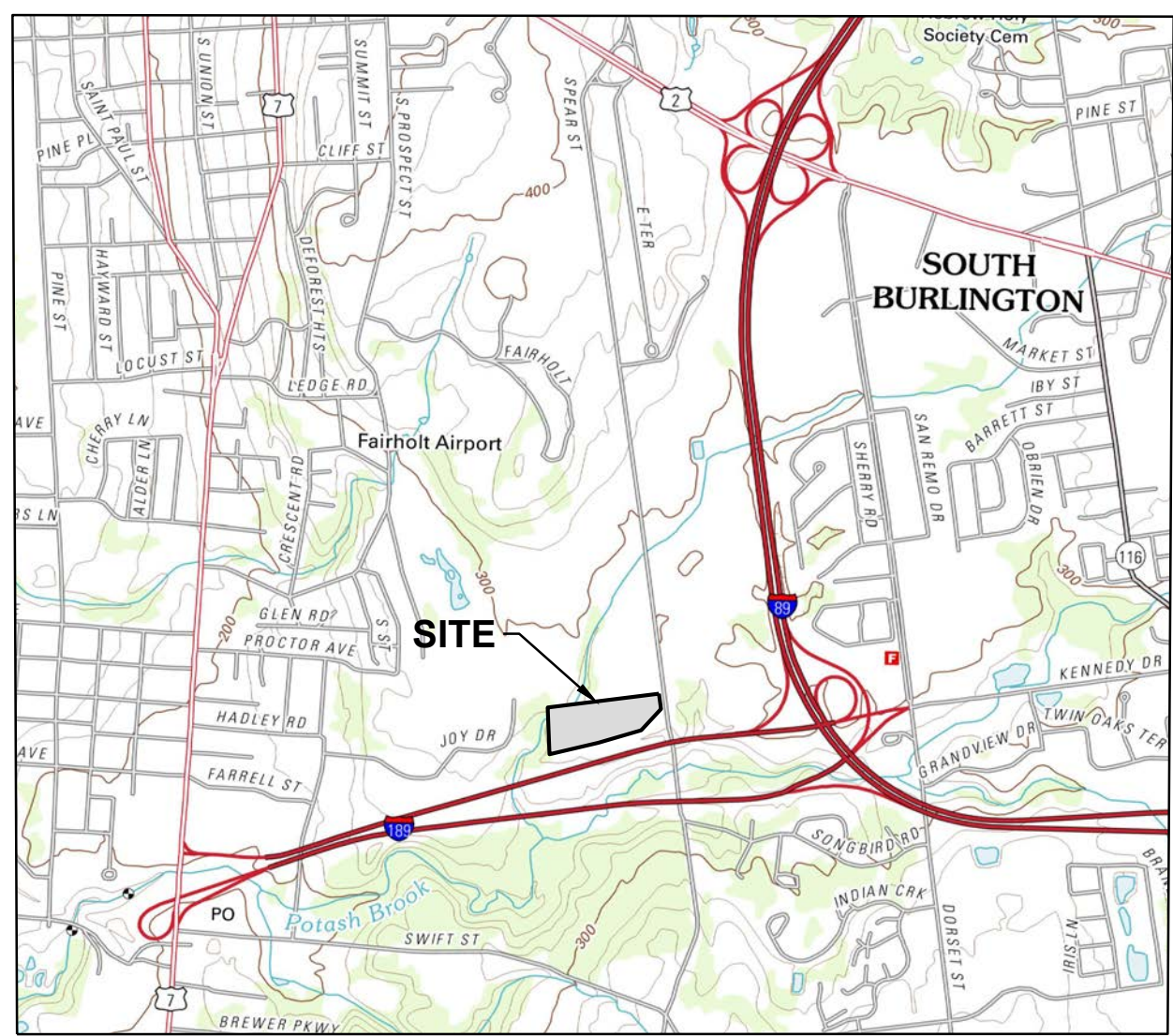
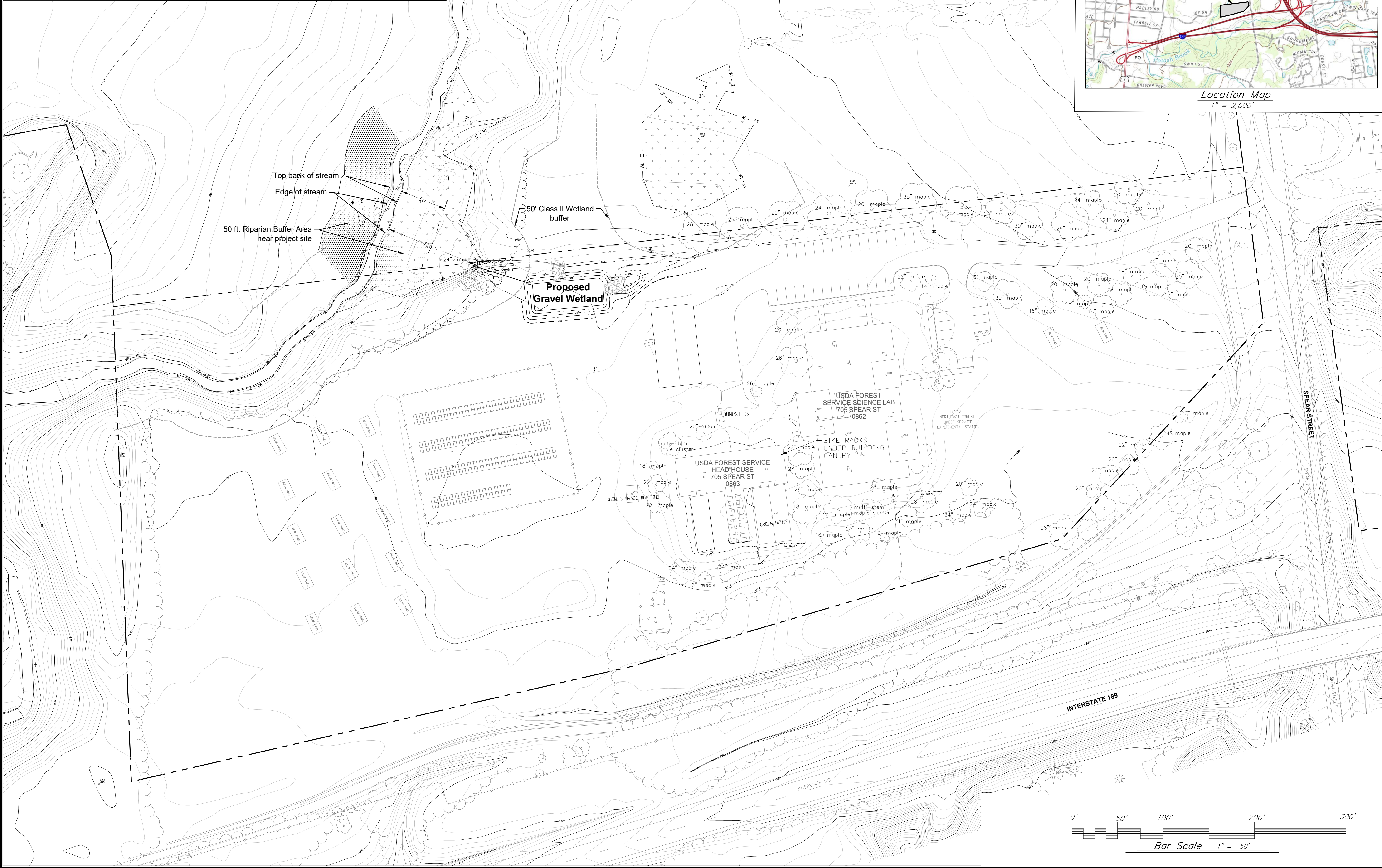
Attachments: SP-F1_10-07-2021, SP-F2_10-07-2021, Certificate of Service

cc:

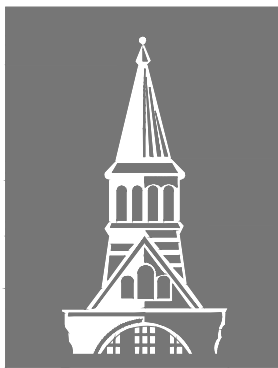
Lisa Kingsbury, Associate Director, Planning Design & Construction;
Luce Hillman, VP Facilities;
Scott Goodwin, Project Manager, Physical Plant Department.

Notes:

1. The existing features shown on this plan are base on mapping provide to UVM by the Sells Mapping Company.
2. The underground utilities show on this are based on the UVM Utility Master Plan mapping. Other utilities may exist that are not shown. Underground utilities are approximate and not warranted to be exact or complete. Dig Safe and non member utilities shall be contacted prior to any excavation.
3. Elevations reference the NAVD 88 vertical datum.
4. Horizontal Coordinates are based on the Vermont State Plane Grid coordinate system.
5. Only limited filed surveying was completed for the gravel wetland.



Location Map
1" = 2,000'



The
UNIVERSITY
of VERMONT
UVM

University of Vermont

Physical Plant Department
284 EAST AVENUE
BURLINGTON, VERMONT 05405
Project Manager: Scott Goodwin

CIVIL ENGINEER

KREBS & LANSING
CONSULTING ENGINEERS
164 Main Street, Suite 201
Colchester, Vermont 05446
P: (802) 878-0375
www.krebsandlansing.com



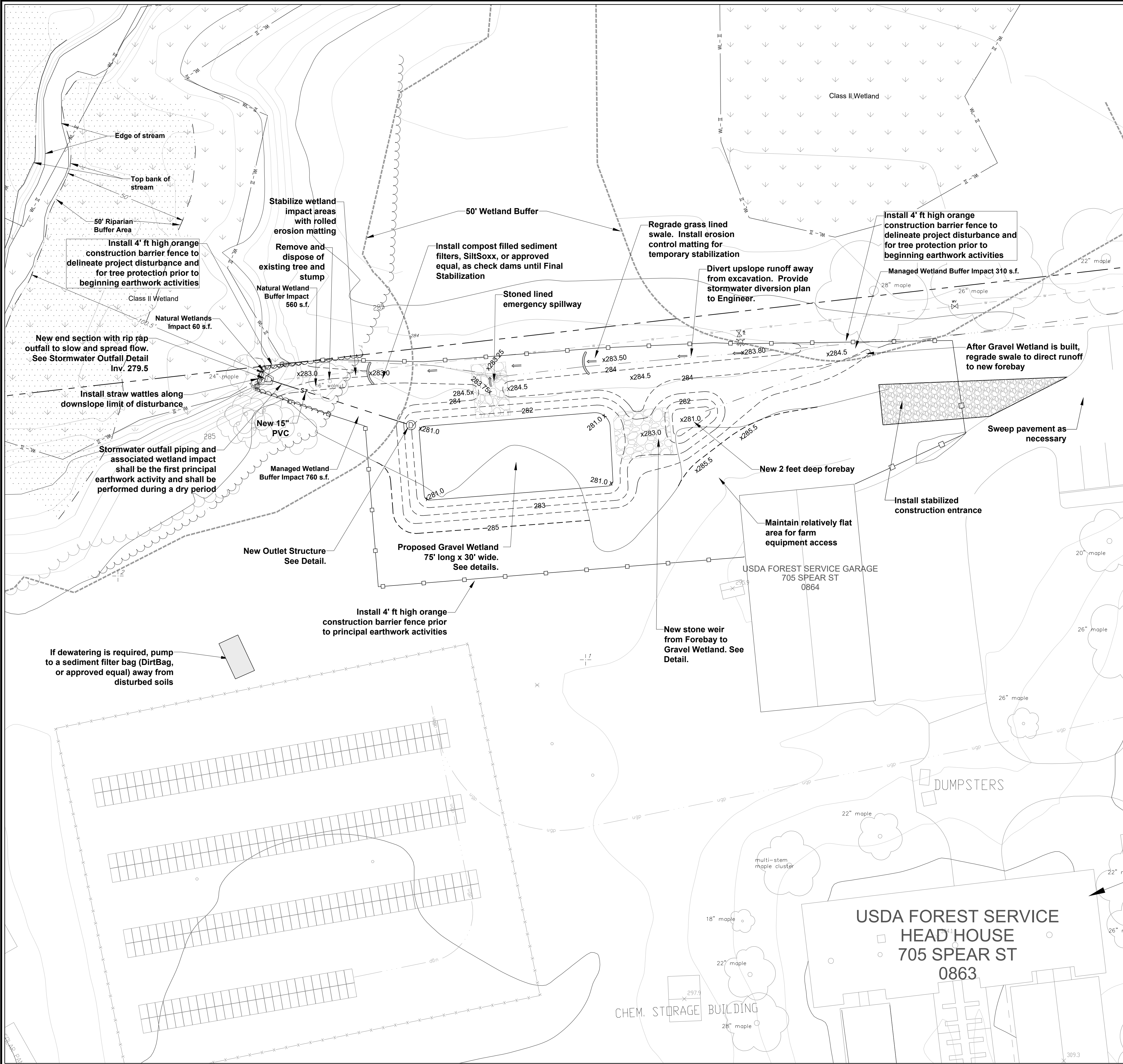
Project:
UNIVERSITY of VERMONT
Potash Brook
Watershed
South Burlington, Vermont

Project No. 18314
Scale 1" = 50'
Drawn by DMR
Checked by
Date 9/27/2021

Revisions	No.	Date
1	10/07/2021	Riparian Buffer Zone

Drawing Title
Forest Services
Overall Site Plan

Drawing No.
SP-F1



Wetland Construction Notes

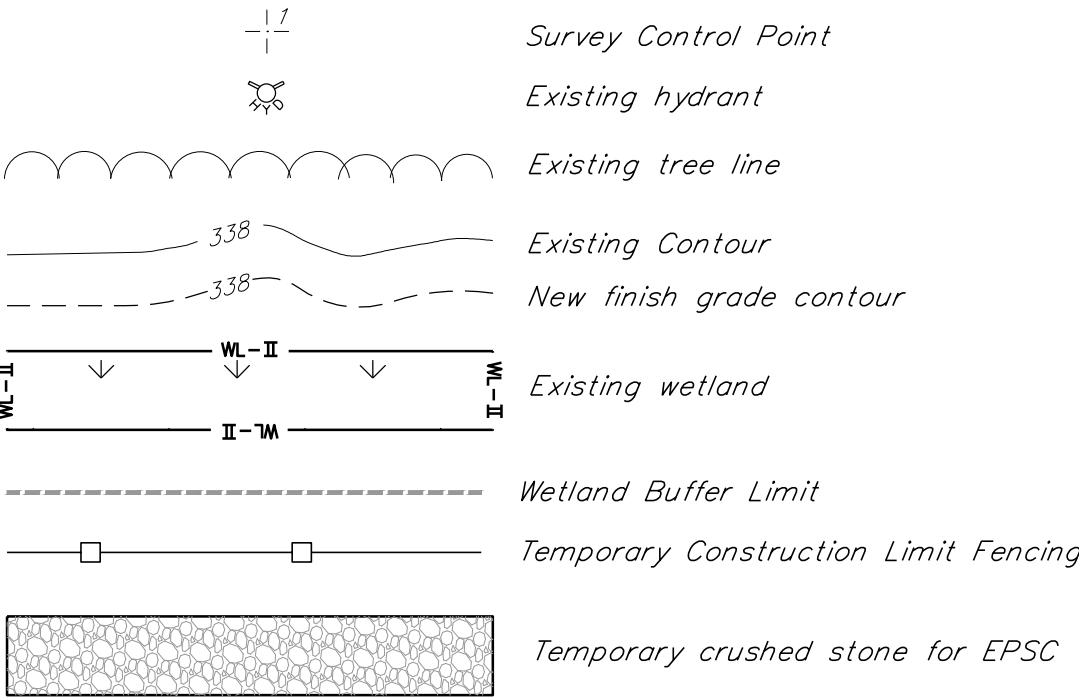
- Limits of construction shall be clearly marked in accordance with the plans. Maintain wetland flagging and barrier limits adjacent to the wetlands for the duration of construction.
- Construction staging and stockpiling of materials shall be kept out of wetland and wetland buffers.
- Construction machinery shall be restricted to as few areas and the shortest duration as possible. Use the lowest ground pressure construction equipment as possible within the wetland and buffer areas to reduce soil compaction and rutting.
- Contractor shall assess site conditions during construction and adjust accordingly. If the work being performed is causing ruts or excessive disturbance due to soil saturation, methodology, or equipment, STOP WORK and come up with a better approach. This may require waiting until the site dries out, changing equipment, or using mats.
- Clean equipment brought from other sites, away from the wetland and its buffer so that invasive plants and animals are not introduced into the work site.
- Use clean fill materials to prevent invasive plant introduction
- Use only straw mulch for temporary stabilization material to prevent invasive plant introduction.
- If temporary fill must be used for access or other construction purposes, make removal easier by placing geotextile fabric or geogrid below the fill.
- Construction shall only take place during dry conditions.
- When excavating in the wetland or buffer, separate and stockpile material (topsoil, A horizon, etc.) so it can be replaced with the same or similar integrity prior to extraction.
- Install plantings in appropriate season.

Wetland Impacts

Natural Wetland Impacts	60 s.f.
Managed Wetland Impacts	0 s.f.
Natural Wetland Buffer Impacts	560 s.f.
Managed Wetland Buffer Impacts	1,070 s.f.

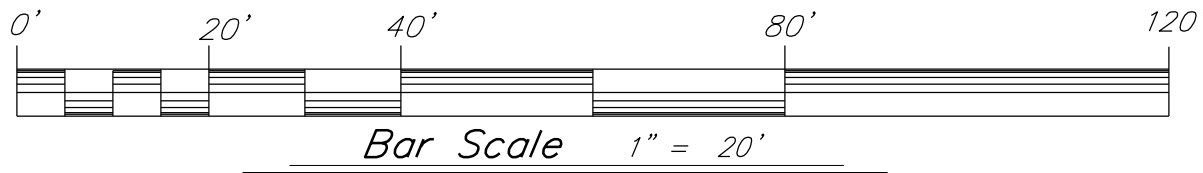
Wetlands shown on this plan were delineated by Arrowwood Environmental in May 2020.

Legend



GENERAL NOTES

- The Contractor shall be responsible for repairing all disturbed areas back to original condition.
- All stumps, rock, and other non-approved backfill material discovered during construction is the exclusive property of the Contractor and shall be removed from UVM property and disposed of in a State approved disposal location.
- Exposed soil for construction of the outfall pipe located on the slope of the wetland and wetland buffer are to be limited to the shortest duration possible. Disturbed areas shall be topsoiled, seeded, and stabilized with straw erosion matting (North American Green SC150, or approved equal) within 48 hours of backfill, or before a forecasted rain event, whichever occurs first.
- Temporary groundwater or surface water dewatering and/or diversion is the responsibility of the Contractor. The Contractor is responsible for providing all necessary pumps and equipment to perform the work. Pumped or by-passed water shall not be visibly discolored.
- The erosion prevention and sediment control practices shown on these plans are the minimum required for the project. The Contractor shall be responsible for installing and maintaining as many best management practices as necessary to prevent soil from leaving the construction site. If evidence is found of offsite sediment transport by construction vehicle tracking, pump-out/ bypass procedures, or erosion, the Engineer or Owner may direct the Site Contractor to implement additional best management practices at no additional cost to the Owner.
- Contractor shall be responsible for all costs of importing and placing topsoil and/or compost necessary to complete the project. Contractor shall test topsoil for approval by the Owner and Engineer.
- The Contractor shall be responsible for all signage and fencing necessary to providing safe vehicular and pedestrian access through or around the site during construction.
- Removal of all erosion control matting and other erosion prevention and sediment control practices is the responsibility of the Contractor.



The
UNIVERSITY
of VERMONT
UVM

University of Vermont

Physical Plant Department
284 EAST AVENUE
BURLINGTON, VERMONT 05405
Project Manager: Scott Goodwin

CIVIL ENGINEER

KREBS & LANSING
CONSULTING ENGINEERS
164 Main Street, Suite 201
Colchester, Vermont 05448
P: (802) 878-0375
www.krebsdansing.com

Project:
UNIVERSITY of VERMONT
Potash Brook
Watershed

South Burlington, Vermont

Project No. 18314/14199
Scale 1" = 20'
Drawn by DMR
Checked by
Date 9/27/2021

Revisions	No.	Date
1	10/07/2021	Riparian Buffer Zone

Drawing Title
Forest Services
Stormwater
Site Plan

Drawing No.

SP-F2

E-Notification CERTIFICATE OF SERVICE Regarding Supplementary Information for Draft LUP# 4C0065-3,
For UVM Constructed Wetland at 705 Spear Street, South Burlington VT

I hereby certify that I, Lani Ravin, Associate Planner at the University of Vermont & State Agricultural College, sent a copy of documents, dated October 11, 2021, for the University of Vermont, regarding draft LUP# 4C0065-3, regarding a proposed UVM constructed wetland at 705 Spear Street, South Burlington, by electronic mail to those with email addresses as indicated:

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov
Rachel.Lomonaco@vermont.gov

University of Vermont & State Agricultural College
c/o Lani Ravin, AICP, Associate Planner
Lisa Kingsbury, Associate Director
Planning, Design & Construction
16 Colchester Avenue
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Lani.ravin@uvm.edu;
Lisa.kingsbury@uvm.edu;

Donna Kinville, City Clerk
Chair, Selectboard/Chair, Planning Commission
City of South Burlington
180 Market Street
South Burlington, VT 05403
dkinville@sburl.com

Katherine Schad, Burlington City Clerk
Chair, Selectboard/Chair, Planning Commission
City of Burlington
149 Church Street
Burlington VT 05401
burlingtontownclerk@burlingtonvt.gov;
lolberg@burlingtonvt.gov;

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski VT 05404
Permitting@ccrpcvt.org

Agency of Natural Resources
1 National Life Drive, Davis 2

Montpelier, VT 05602-3901
Anr.act250@vermont.gov

Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov;
PSD.VTDPS@vermont.gov;

VTTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
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AOT.Act250@vermont.gov;

Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
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Division for Historic Preservation
National Life Building, Drawer 20
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scott.dillon@vermont.gov;
james.duggan@vermont.gov;
ACCD.ProjectReview@vermont.gov;

FOR YOUR INFORMATION

Natural Resources Conservation Service
68 Catamount Park, Ste. B
Middlebury, VT 05753
marybeth.whitten@vt.usda.gov

Winooski NRCD Office
617 Comstock Road, Suite 1
Berlin, VT 05602
info@winooskinrcd.org

Ethan Tapper, County Forester/FPR
John Gobeille/Toni Mikula, ANR/Dept. of Fish &
Wildlife
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Green Mountain Power Corporation
163 Acorn Lane
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Vermont Gas Systems
PO Box 467
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efficiency@vermontgas.com

Champlain Water District
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South Burlington, VT 05403
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Efficiency Vermont
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Champlain Cable Corporation
175 Hercules Drive
Colchester, VT 05446
jmayer@champcable.com

Dated at Burlington, Vermont, October 11, 2021

Lani Ravin, AICP

Lani Ravin, AICP, Associate Planner
Planning, Design & Construction
University of Vermont & State Agricultural
College

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Burlington Planning Commission

Tuesday, October 12, 2021, 6:30 P.M.

Remote Meeting via Zoom, with City Hall In-Person Option

Minutes

Members Present	A Montroll, Y Bradley, A Friend, E Lee, M Gaughan, B Martin
Staff Present	D White, M Tuttle
Public Attendance	S Bushor

I. Agenda

Call to Order	Time: 6:33pm
Agenda	Add Item VIII before adjournment for Executive Session

II. Chair's Report

A Montroll	No report
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III. Public Forum

Name(s)	Comment
No comments	

IV. Department Work Plan & Upcoming Commission Items

Action: Requested staff draft a letter on behalf of the Commission to advocate for additional staff		
Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: D White	
D White presented an overview of the department’s functional responsibility, the FY22 reorganization, and upcoming FY22-FY24 projects on the horizon. The presentation is available at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		
Commission Discussion:		
- Commissioners asked for information on specific ways that it can support the department and advocate for additional resources to achieve the work load. - Commissioners shared ideas for comparing the size of the department to other planning departments, communicating the value of the work the department performs, and identifying grant or consultant resources that could support aspects of the department’s work plan. - A Commissioner requested that staff help communicate priority for zoning amendment requests that come before the Commission, to balance responsiveness to community with department capacity and potential community outcomes.		

V. Planning Commission Meeting Plan

Action: No action		
Motion by:	Second by:	Vote: N/A

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

Tuesday, October 12, 2021

Type: Discussion	Presented by: M Tuttle
M Tuttle shared with the Commission that technology is now available in City Hall to accommodate hybrid Commission meetings based on the Commission's preference. Commissioners expressed a preference to continue mostly virtual/hybrid meetings vs. in-person, except for having one fully in-person meeting in the near term so that the new Commissioners can meet other board members.	
Staff indicated they would work with the Commission to schedule an in-person meeting.	

VI. Commissioner Items

- Upcoming meetings include October 26 and Nov 9 at 6:30pm

VII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: E Lee	Approved Unanimously
Minutes Approved: September 14, 2021		
Communications Filed:		
Documents included in agenda packet and additional materials posted at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

VIII. Executive Session

Action: Enter Executive Session to discuss a personnel matter, including D White & M Tuttle		
Motion by: A Friend	Second by: E Lee	Approved Unanimously
Commission entered the Executive Session at 7:36pm, and adjourned at 7:47pm with no action taken.		

IX. Adjourn

Adjournment	Time: 7:49pm	
Motion: A Friend	Second: M Gaughan	Vote: Approved Unanimously



Andy Montroll, Chair

Signed: October 29, 2021

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner