

Burlington Planning Commission

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Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member



Burlington Planning Commission

Tuesday, September 26, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
AGENDA

Note: times given are
approximate unless
otherwise noted.

I. **Agenda**

II. **Public Forum**- Time Certain 6:30 p.m.

III. **Report of the Chair**

IV. **Report of the Director**

V. **Proposed CDO Amendment: NAC-Riverside Boundary Adjustment** (10 min)

The Planning Commission will discuss a request by a property owner to move the northern boundary of the NAC-Riverside zoning district along Riverside Avenue. Information related to this proposed amendment is included in the agenda packet on pages 3-16.

Staff Recommended Action: Staff recommends the Commission take no action on this proposed amendment.

VI. **Proposed CDO Amendment: Accessory Dwelling Units** (5 min)

The Planning Commission will discuss an amendment to remove a restriction on the inclusion of ADUs in single-family homes in order to be in compliance with state statute. Information related to this proposed amendment is included in the agenda packet on pages 17-20.

Staff Recommended Action: Staff recommends the Commission approve the Municipal Bylaw Amendment Report and warn the amendment for public hearing.

VII. **Reapprove Municipal Bylaw Amendment Report ZA-18-01** (5 min)

The Planning Commission will review the Municipal Bylaw Amendment Report it approved when referring ZA-18-01 to City Council, and discuss whether or not to make changes to the report consistent with Council's amendments to the proposed ordinance. Information related to this item is included in the agenda packet on page 21.

Staff Recommended Action: Staff recommends the Commission reapprove the Municipal Bylaw Amendment Report as written.

VIII. **Municipal Planning Grant Application** (5 min)

Staff will provide a report to the Commission regarding an anticipated application to the Vermont Department of Housing and Community Development for a Municipal Planning Grant to support the 2019 update of the City's Municipal Development Plan.

Staff Recommended Action: This item is informational; no Commission action is required.

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IX. Great Streets- City Hall Park Plan (20 min)

Staff will provide a presentation of the revised concept plans for the reconstruction of City Hall Park that will be advanced to the Development Review Board this fall. Information on this item are included in the agenda packet on pages 22-28.

Staff Recommended Action: This item is informational; no Commission action is required.

X. Committee Reports

XI. Commissioner Items- *Next meeting is Tuesday, October 10, 2017 @ 6:30 pm in Conference Room 12*

XII. Minutes & Communications

The Commission will review and approve the minutes of the September 12, 2017 meeting, enclosed on pages 29-31 of the agenda packet.

XIII. Adjourn

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



TO: Planning Commission
FROM: Meagan Tuttle
DATE: July 19, 2017
RE: Request to rezone portion of Riverside Avenue from RCO-C to NAC-R

In April 2015, the Planning Commission received a request from Mark Furnari, on behalf of four property owners along Riverside Avenue, to restore the original General Commercial zoning. Mr. Furnari asserts that the change from General Commercial to NAC- Riverside/ RCO- Conservation has restricted development to only the first 75 feet of these properties, when up to 150 feet could be reasonably developed, and has reduced potential residential density from 25-30 units/acre to 10-12 units/acre.

In March 2016, staff provided the Planning Commission with an amendment to expand the NAC-R zoning district boundary to the north by 25 feet in order to: 1) provide some increase in the developable area of sites along this corridor; 2) to achieve the NAC-R district's purpose to encourage reinvestment and mixed-use development; and 3) to allow this development to occur without compromising the intent of the RCO-C district to preserve and protect significant natural features. In May 2016, staff provided a supplemental recommendation to apply the Buildable Area Calculation to the NAC-R zoning district in order to ensure that new development would not occur at an intensity that would compromise the corridor's steep slopes.

At the Planning Commission's request for additional information for consideration, staff took the proposal to the Conservation Board and City Engineer for comment. This request was discussed at the Conservation Board's July 5, November 7 and December 5 meetings. Further, at Mr. Furnari's request, Planning & Zoning staff and the City Engineer, a Planning Commissioner, and several Conservation Board members attended two separate site walks at 237 Riverside Avenue. Notes from these site walks and minutes from Conservation Board meetings are attached to this memo.

Parcels & Zoning District purpose

A map of the parcels, and others in the Riverside Avenue corridor, is attached to this memo outlining the current zoning boundaries, overlays and other conditions which impact the properties. The properties for which Mr. Furnari requested a rezone are outlined below.

Property	Current Zoning	Other Restrictions	Development on Site Today?
189-191 Riverside	RCO	Nearly all of property within NR Overlay	Yes- within first ~100 feet from property line

193 Riverside (not part of requested change)	RCO & NAC-R	Except southwest corner, property in NR Overlay	Yes- within first ~85 feet from property line
199-215 Riverside	RCO & NAC-R	All but first ~65 feet from property line in NR Overlay	Yes- within first ~100 feet from property line
237-241 Riverside	RCO & NAC-R	Roughly $\frac{3}{4}$ of property in NR Overlay	Yes- within first ~75 feet from property line
245 Riverside	RCO & NAC-R	Roughly $\frac{3}{4}$ of property in NR Overlay	No

NAC-Riverside: Purpose is to allow commercial development already predominantly built along this transportation corridor, but to encourage emerging mixed-use development and walkability. Zoning permits up to 2.0 FAR, 80% lot coverage and 20-35 ft building height by right. Bonuses may be granted up to 3.0 FAR, 90% lot coverage and 45 ft building height.

RCO-Conservation: Purpose is to preserve the function, integrity and health of the City's significant natural areas; may contain passive recreation when these activities are compatible with the protection of natural features.

NR Overlay- Riparian and Littoral Conservation Zone: Purpose is to protect and preserve the city's surface waters and upland areas from encroachment by development and from sources of non-point pollution, and to assure that development occurs within flood/hazard areas in a way that minimizes or eliminates potential for flooding or loss/damage to life or property. This overlay applies within 250 feet of the Winooski River.

Buildable Area Calculation: This calculation applies to properties greater than 2 acres within the RCO, WRM, RM, WRL and RL zoning districts, for the purpose of protecting sensitive natural features, preventing overdevelopment of properties with sensitive and unbuildable areas, and ensuring that new development fits within the scale and intensity of an existing neighborhood. Land is considered buildable if it is not inundated by water at least 6 months of the year and if the slope does not exceed 30%. For properties with a slope of 15-30%, the DRB may approve a conditional use to allow development at up to 50% of the maximum density/lot coverage if it can be demonstrated that it does not negatively impact the criteria listed above.

Soil Types & Slopes

The attached map of the Riverside Avenue corridor has been added to include information about the slopes of selected properties along the north side of the street. Steeper slopes are found to the west of the Wastewater Treatment Plant (WWTP) than to the east. According to the City's Buildable Area Calculation, a slope of 30% is considered unbuildable, and a slope of 15-30% is only considered for up to 50% of the permitted density and lot coverage. Slopes in excess of 30% exist to the west of the WWTP, and slopes ranging from 11-30% exist immediately to the east of the WWTP in the vicinity of Mr. Furnari's property.

Staff utilized the Web Soil Survey on the USDA's Natural Resources Conservation Page, and locally available GIS data to research the soil types in the corridor and their suitability to support development.

Below are the soils, followed by their rating to support dwellings (with and without basements), and their greatest limiting factor for development. The Web Soil Survey further indicated that these limitations “generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures.”

- MyC—Munson and Raynham silt loams, 6 to 12 percent slopes. Very limited; depth to saturated zone.
- H|E—Hartland very fine sandy loam, 25 to 60 percent slopes. Very limited; slope.
- Fu—Filled land. Not rated.

Input from Conservation Board and City Engineer

Following its July 5, 2016 meeting, the Conservation Board’s input was summarized and presented in a memorandum from its Chair to the Planning Commission (attached to this memo). At that time, the board concluded that “without geotechnical and river studies regarding the suitability for expanded developable area along this corridor, the board does not feel that it is able to definitively weigh in on the staff’s recommendation” to move the NAC-R boundary 25’ to the north. The Board also offered that the Commission may consider whether opportunities exist to increase development potential within the existing boundaries of the NAC-R zone. At Mr. Furnari’s request, staff revisited the Conservation Board on November 7, 2016; at that meeting, the Conservation Board agreed to participate in a site walk of the subject properties.

The Board discussed the issue again at its December 5, 2016 meeting and unanimously approved a motion to recommend that the Planning Commission make no changes to the existing zoning boundaries, but rather, consider extending the buildable area definition to the NAC-R zoning district. Minutes from this meeting are attached to this memo.

Additionally, the City Engineer has weighed in that development on steep slopes high above river banks is not advised, particularly given the Riverside Avenue corridor’s historic slope failures, and that he is not supportive of a change to the zoning that is not informed by geotechnical and/or river studies indicating the bank’s suitability to support development.

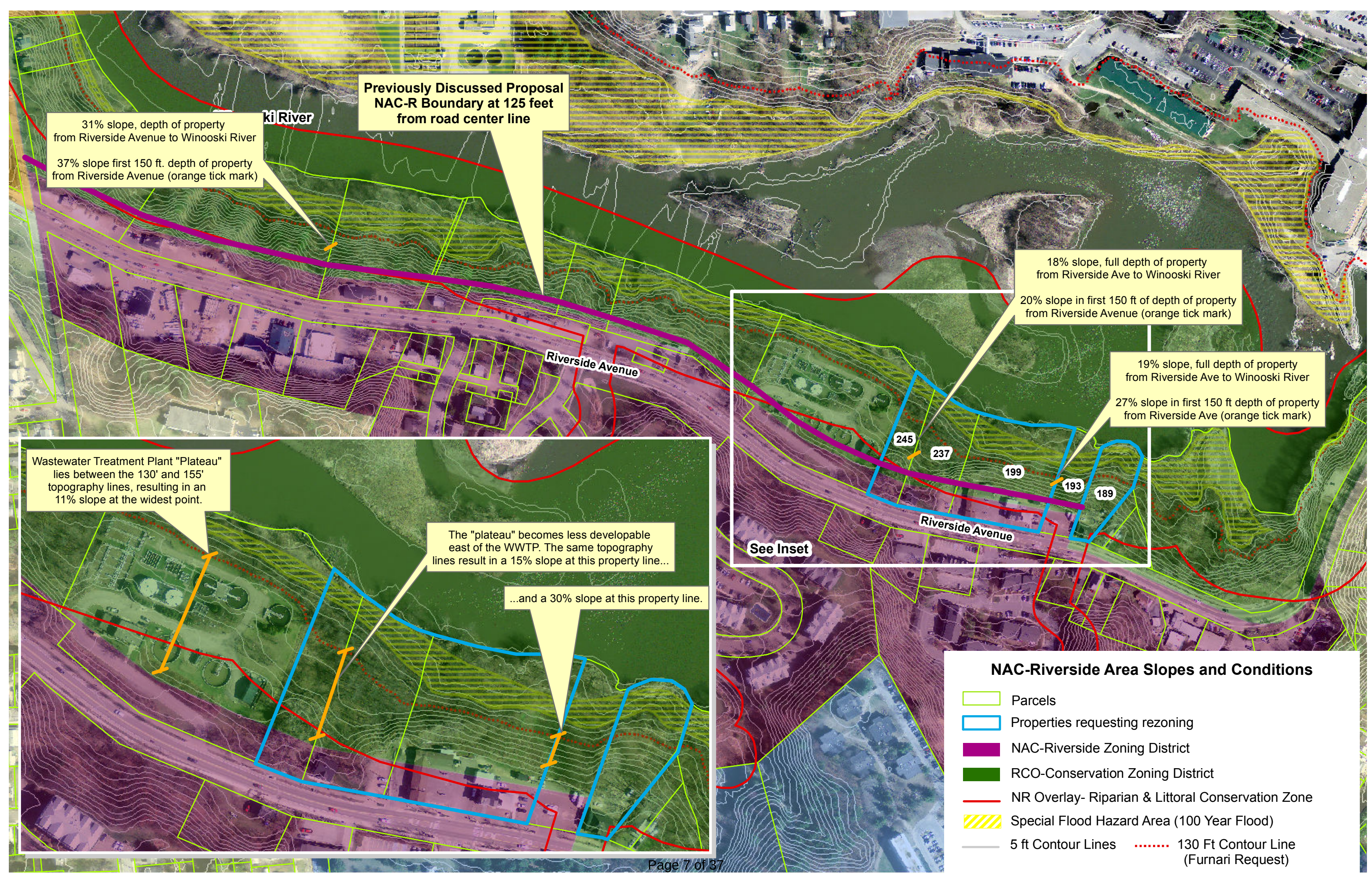
Staff Recommendation

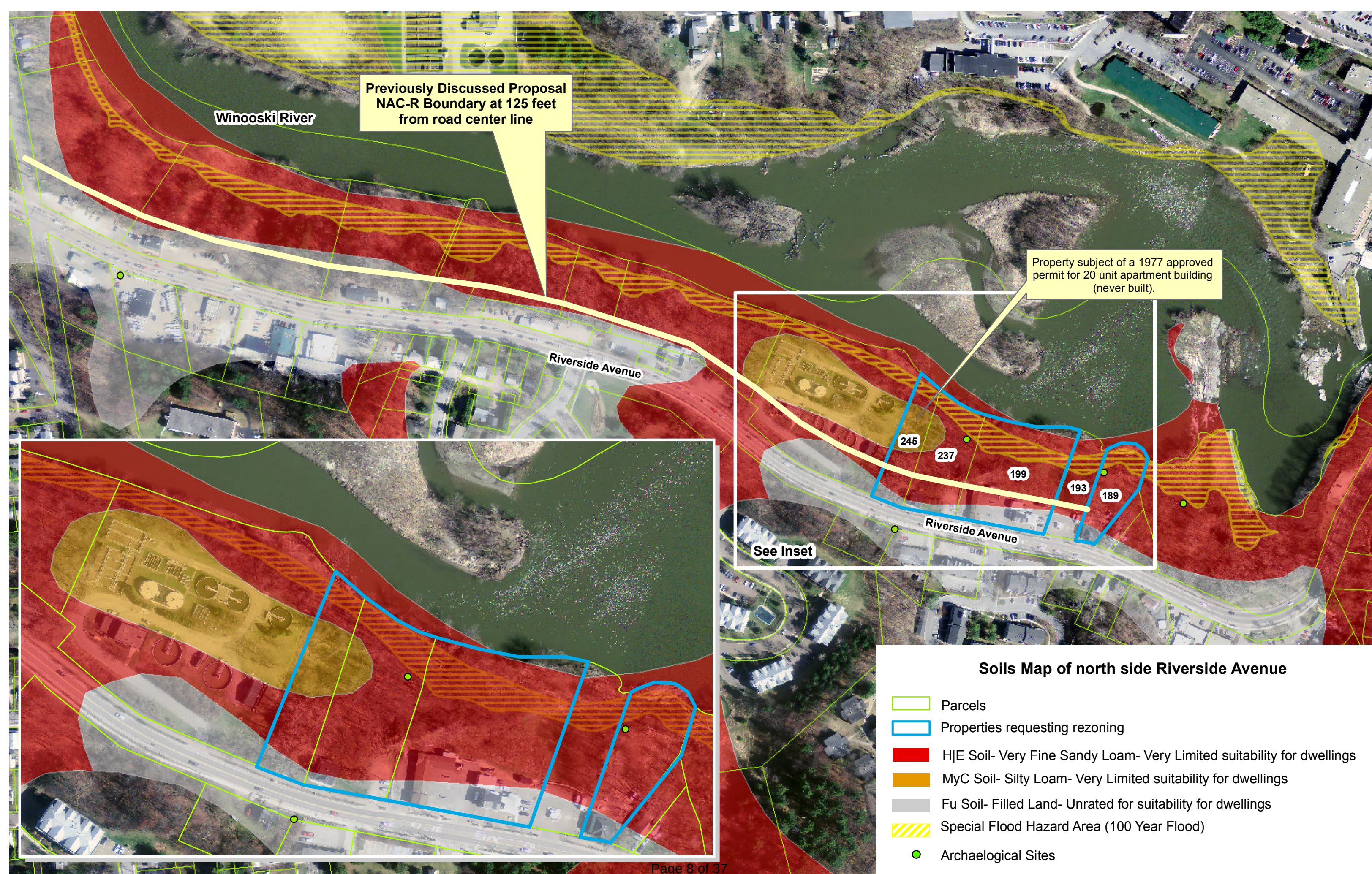
Upon further discussion and analysis, staff recommends no change to the present zoning district boundaries or the buildable area regulations. Many scenarios for changing the zoning boundary line have been offered; however, there are concerns that these proposed changes have not been supported by sufficient evidence to demonstrate the suitability of the slope to accommodate additional development. Changes which expand the applicability of the buildable area definition could create a number of non-conforming properties on the south side of Riverside Avenue and, in some cases, actually further limit development capacity in the NAC-Riverside zone, which is inconsistent with the zoning district’s purpose. While more limited than historic zoning designations predating the 2008 CDO update, there continues to be a portion of the properties along the north side of Riverside Avenue that can accommodate development as presently zoned.

Notes from Sept. 19 Site Walk at 237 Riverside Avenue

Attendees: Mark Furnari, Norm Baldwin (City Engineer), Scott Gustin, Meagan Tuttle, Harris Roen (Planning Commission)

1. Staff met with Mr. Furnari on Aug 29, and understood that he intended to ask the Planning Commission to consider moving the boundary of the NAC-R zoning district to the north to include the WWTP and the "plateau" of the properties to the east. Incorporating these features would mean the extension of the boundary to approximately the 130 foot elevation line.
 - a. Mr. Furnari requested P&Z staff and the City Engineer visit the site before coming to a conclusion on a scenario.
2. During the Sept 19 site visit, several points were clarified:
 - a. Mr. Furnari expressed that his intent was not to extend development (housing/commercial uses) down the slope to the 130 elevation, but rather, to expand development slightly beyond where it exists on site today, and utilize the "plateau" for recreational amenities to support the development, and to enhance connectivity to the WVPD trail at the river.
 - i. Staff indicated that the current RCO-C zoning on the northern portion of the property would likely not preclude recreational amenities.
 - b. Mr. Furnari indicated that the (earlier) request to move the NAC-R on the lots to a depth of 150 feet was based on a land development plan for approximately 30 units from the early 2000's prior to his purchase of the property. Mr. Furnari was not clear if there were any DRB decisions, engineering studies, and/or why the project was never completed by a previous owner.
 - i. Subsequent research by staff found that approved projects on 245 Riverside Avenue included 20 units in 1978, and mixed-use to include 4 units in 1982. Neither project was ever built.
 - c. The City Engineer expressed that while walking the site seems to suggest a decent depth of lot from the river and some areas with more moderate slopes, a change in policy ultimately needs to be informed by the realities of the site and engineering studies. Primary concerns that should be verified include: soil types, presence of and possibility of bringing in additional fill material for site grading, development on high banks, steep slopes, and predictability of the river particularly at a bend where more significant bank erosion occurs. He also questioned who would be responsible for conducting the suitability studies.
 - i. In subsequent discussions among staff, it was agreed that Mr. Furnari should be responsible for site suitability studies to demonstrate suitability of the bank to accommodate increased development under existing or modified zoning.
 - d. Harris indicated that the next steps with the Planning Commission should be to resume the discussion with the proposal that was brought by staff to the Commission in May 2016.
 - i. Mr. Furnari later requested an opportunity to speak with the Conservation Board about their letter prior to revisiting the issue with the Planning Commission.

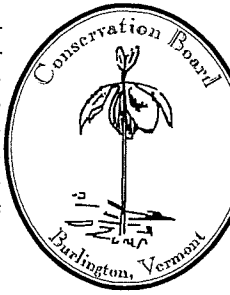




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Scott Mapes
Don Meals
Jeff Severson
Miles Waite
Damon Lane
Zoe Richards



To: Burlington Planning Commission
From: Matt Moore, Chair, Conservation Board 
Date: August 25, 2016
RE: NAC-R/RCO-C Boundary on Riverside Avenue

During the July 11, 2016 Conservation Board meeting, Planning & Zoning staff presented the request to consider the zoning of properties along the north side of Riverside Avenue. This included the request of several property owners along Riverside Avenue and the staff recommendation that was provided to the Planning Commission on May 24.

In general, the board agrees with the purpose of the NAC-R district, which is to revitalize the Riverside Avenue corridor with a greater mix of uses. However, the board is generally reluctant to re-zone the RCO-C district that constitutes the steeply sloped riparian buffer for the Winooski River.

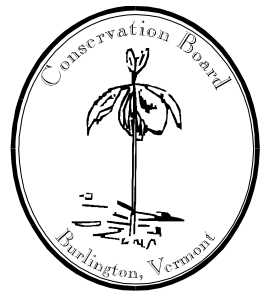
Given the Riverside Avenue corridor's historic slope failures, and the recent slope failure impacting a home on Plattsburg Avenue, the board is particularly concerned with the vulnerability of slopes along the riverbank and encroachment of development into the RCO-C areas. Without geotechnical and river studies regarding the suitability for expanded developable area along this corridor, the board does not feel that it is able to definitively weigh in on the staff's recommendation to move the NAC-R zoning district boundary 25' further to the north. The board feels that protection of riparian buffers is a primary goal of the RCO-C district and changes to the buffer should be carefully considered, and ideally result in greater environmental protection. Instead, the board offers that the Planning Staff and the Planning Commission may consider whether opportunities exist to increase the density/intensity of development that is permitted within the current boundaries and developable area of the NAC-R district.

Thank you for the opportunity to provide these comments on behalf of the Conservation Board as the Commission considers this request. Please feel free to contact me if you have any questions pertaining to the board's discussion of this matter.

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Stephanie Young



Conservation Board Meeting Minutes

Monday, December 5, 2016 – 5:30 pm
Main Meeting Room – Burlington Electric Department
585 Pine Street

Attendance

- **Board Members:** Zoe Richards (ZR), Matt Moore (MM), Jeff Severson (JS), Will Flender (WF), Damon Lane (DL), Miles Waite (MW), Scott Mapes (SM), Stephanie Young (SY), Don Meals (DM)
- **Absent:**
- **Public:** Frank von Turkovich, Andrew Mills, Bob Butani, Brenda & Ed Orr, Andres Torizzo (80 Colchester Ave) Laurie Smith (237 Riverside Ave)
- **Staff:** Scott Gustin & Meagan Tuttle (Planning & Zoning)

MM, Chair, called the meeting to order at 5:30 p.m.

Minutes

November 7, 2016 meeting minutes

A MOTION was made by DM and SECONDED by MW:

ZR, pg. 1, under "Attendance: Public" "Bodette" should be "Boget." Bottom of pg. 2, ____ should be "Mark Funari."

Accept the November 7 meeting minutes as corrected.

Vote: 9-0-0, motion carries

Board Comment

DM, need to have a discussion for deciding on extra meetings.

MM noted that he was recused from review of the North Avenue Cambrian Rise project.

SM, scheduling meetings outside of our normal schedule may be problematic.

SG noted the reasons for the requested special meeting. The Cambrian Project is very large and complex and will take significant time to review. It warrants being the only item on a meeting agenda. The mall redevelopment project is coming soon too. We do not want to have both sharing space on a single meeting agenda. There are also other smaller projects in the application pipeline. In order to keep everything moving along, special meetings in addition to the regular meetings are warranted. Public notice for special meetings is the same as for regular meetings, plus notification is given to local media.

ZR asked if we've had special meetings before. SG noted that we just had one for the Riverside Ave site visit. We also did a couple for the vote to expend BCLF monies on the 12 acre parcel next to Cambrian Rise.

DL said he sees the reason for a special meeting – thinks there's value is having the project as the sole agenda item.

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MM asked who can call a special meeting. SG responded the Chair or Vice Chair.

SY said she'd be ok as long as we provide 2 weeks notice.

WF said he agrees. He thinks we should have things move forward. We're at a moment with a pile of stuff coming at us. We could always continue to January to take action if warranted.

JS, the most important thing is to have adequate public warning of the meeting.

MM, sounds like having a special meeting is reasonable.

SG confirmed he'd schedule a special meeting for December 19. Location TBD.

ZR mentioned the matter of board member recusal. It's possible that members with a lot of expertise have to recuse themselves on large complicated project. She does not know exactly what triggers recusal.

DM, it also influences how the Board comes to a decision. What could have been a mixed vote may need to be unanimous.

MW said that if he is presently hired by a client for a project, that's a clear conflict interest. It becomes grey if he has worked for an applicant in the past but not presently and not relative to the project under review.

SM, there needs to be full disclosure. If after that, no one perceives a conflict, the board member can make a decision to participate in the review. If we end up without our wetlands experts, that's a very challenging place to put the Board in.

SG stated that the Board's bylaws address conflict of interest specifically.

MM said that he does not recall recusals causing loss of a quorum.

MW said that he's worked for a Fletcher Place resident at one point in the past. He does not feel it will affect his participation tonight. DL said that if it's been at least a year, he thinks MW's participation is ok.

JS can't think of a time where he would not respect an individual's decision to recuse or not. He thinks the city attorney set the bar low for recusal of city council members during consideration of the downtown mall project.

MM, for the Cambrian Rise, who's planning to recuse? JS, MW, and MM will recuse. That leaves 6 board members, 5 are needed for a quorum. He asked about the downtown mall. No one is planning to recuse.

SM said that members considering recusal should go to the meeting and offer full public disclosure as to why you plan to recuse. Doing so makes clear to the public why. DL said having it in the record makes sense. Having those people at the meeting could possibly influence the meeting however. Perhaps providing a written statement beforehand could work too.

Public Comment

None.

Open Space Subcommittee

MM we did not have a quorum. We mainly talked about our budding trails initiative. We talked about how we can raise the profile of trails and connectivity in Burlington. ZR said there are a lot of people interested in improving our trails network. It's a multi-ownership matter to tackle.

Project Review

1.17-0388CA/MA; 80 Colchester Ave (Ward 1E, I) Eastern Development Corp.

Construct 75-unit residential building and related parking & site improvements

Frank von Turkovich updated the board on the status of the project and work that has been done since the board last reviewed the project in October. The configuration and layout of the project has not changed. Information relative to the phase 1 ESA and stormwater has been provided.

SG provided procedural background. This is a "major impact" project that has been to the Board once before. Review was continued to allow the applicant time to address questions that arose during the first review. New information has been provided to address those questions.

Andrew Mills overviewed the existing conditions plan. The existing drainage pipe through the site will be intercepted and redirected into the proposed stormwater management system.

Mr. Mills touched on the phase 1 ESA. MW said that he's reviewed the report. Mr. von Turkovich said that additional soil testing will be done as further borings are done.

MM, there had been concern about runoff from the property while not knowing what contaminants, if any, were in the soil.

MW said that phase 1 was a good step. We're hearing that there will be further soil investigation.

JS, the phase 1 report was thorough. It mentioned that fill may have been placed on the property at one time. It gave no indication as to whether there would be problems with the soil. He asked what's planned for future soils analysis. Mr. von Turkovich said that work done so far demonstrates where soils are stable for development. Additional borings will be done, and testing for contaminants will be done concurrently.

MW, two of the 2014 borings talked about perched water at 6'. Did you find any? Andrew Mills, no.

Mr. Mills said that the plan depicts existing and proposed tree line. Erosion control measures will be standard. The applicant has retained a geotechnical engineer to look at stability of the slopes.

JS said he walked the drainage from the site down to Riverside Ave. There are some slope failures in the area. There's one fairly significant one that's been rip rapped to stabilize the slope. Mr. Mills mentioned that the State wetlands office has instructed him to keep work out of the wetlands. There will be no rip rap within the wetlands. JS, are you confident that the limits of work are accurate on the project plans? Mr. Mills, anything that does not have to be done within the wetland buffer will not be. Mr. von Turkovich confirmed. He said they'd like to clean up the area but are being told by the state wetlands office to stay out.

Mr. Mills said he's presently working with the city stormwater program. SM, do you need a state stormwater permit? Mr. Mills, yes.

Mr. Mills, the state wetlands office is generally okay with the project.

SM, is there still flow discharge through the existing pipe? Mr. Mills, if so, we've not been able to find it. SM, we will want to know what's coming through that discharge point. He knows offsite properties are discharging through it, but it needs to be dealt with as it flows across your property.

MW, have you contemplated a dye test? Mr. Mills, it's a matter of discovering what's connected to what.

SM, you don't anticipate significant changes from the state stormwater review. You also say that infiltration may prove to be infeasible. Do you think that infiltration will work here? Mr. Mills, the

state rules limit infiltration in fill. Much of the soils here are fill. We will likely utilize detention and filtration prior to discharge. SM, so you are unlikely to do much infiltration? Mr. Mills, correct.

MW, it would be nice if you could access the native soils for infiltration. The water table is likely far down in this location. Mr. Mills, we could investigate further. SM, are there any locations under the parking that might be appropriate for infiltration? Mr. Mills said that most of the parking is to be located on existing parking – compacted soils.

SM, what's been done for test pits? Mr. Mills, we've done pits down to 14' and didn't see the end of fill. Off to the north, there is some relatively sandy soil that could possibly be used.

MM were infiltration rates fast or slow? Mr. Mills, they were fast but un-uniform and in fill soils.

Mr. Mills said he is still waiting to receive stormwater calculations from Krebs & Lansing. He said the wetlands delineation has been formally reviewed and confirmed by the state. They have reviewed work proposed within the wetlands buffer.

He addressed the letter from Watershed Consulting Associates. Yes, an individual state stormwater permit is needed. The need for a UIC will go away if we do not do infiltration. He said that both DPW and State of Vermont will review the complete stormwater proposal. He will consult to see if a stream alteration permit may be needed. He also expects that risk will be "low" or "moderate" for the state EPSC.

JS, regarding EPSC, the form submitted to DPW contains a number of checked boxes, but he could not find the related information on the project plans. Mr. Mills pointed them out.

SM, you'll need to get a 90-20, right? Mr. Mills, correct.

JS, regarding urban soils that have potential to be contaminated, there need to be protocols in place as to how to handle them. He mentioned the covered contaminated soil pile that was at Leddy Park. Frank von Turkovich said he was advised by Ross Environmental that there's no evidence of offsite contamination affecting the property. Additional soil testing will be done. He can't haul away two foundations worth of contaminated soil.

MW, lead, arsenic, and PAHs are typical urban development soil. If you're stockpiling contaminated soils with things like PCB's and petrochemicals, more stringent measures require special treatment.

SM, have you tested the soils to see if they're "urban?" Mr. Mills, no.

JS, if you find more contaminated soils, there needs to be a plan in place to handle them. Mr. von Turkovich, yes. MM, if the project changes substantially, it will have to come back for review.

SM, we're hearing tonight that what's on paper is fairly likely not to happen insofar as stormwater management is concerned. There are some checks in place like DPW stormwater and the state stormwater folks. We usually have more fully developed project plans. Mr. von Turkovich said he's happy to talk to the Conservation Board again if changes to the project are needed by the DRB or the state.

Public Comment:

Andres Torizzo, WCA Principal, why will an individual state stormwater permit be needed? Mr. Mills said that the site balancing procedure affords doing so. The site lends itself to this approach. Mr. Torizzo, we heard about the rapid infiltration on the site. There is very little green space in the project plans. As he understands it, there are areas of active erosion onsite. He is concerned with discharge of additional stormwater into an unstable gully. This matter may not be fully addressed through the state process.

WF, if infiltration onsite is precluded by fill, what do you propose? Mr. Torizzo suggested a more decentralized approach. Utilization of green infrastructure and use of vegetation to remove some of the water. The impervious surface footprint should also be reduced.

MM, is the parking proposed the minimum required? Mr. von Turkovich, the city requires 1 parking space per dwelling unit. 75 units are proposed. Parking will be shared with the doctors' and dental offices.

MM, are all of the properties on Fletcher Place within the same zoning district? SG, presently, yes they are all institutional. There's presently a zoning amendment to change most of the properties along Fletcher Place to RM.

Bob Butani, he is concerned about flooding in his basement and about the amount of proposed disturbance of unknown soils. His understanding is that there are some 7,000 truckloads of fill brought down from the hospital. He feels that exactly what the applicant will do remains unclear.

SM asked Mr. Butani where his property is. Mr. Butani pointed it out – 31 Fletcher Place. He questioned whether the phase 1 ESA was enough. What's in the soils is unknown. SM, are you concerned with infiltration as to how it might affect your property? Mr. Butani, the stormwater infrastructure comes very close to his property. He's not sure how it might affect him. The project is too big.

Brenda & Ed Orr, has lived on Fletcher Place since 1971. It's still unknown where the drainage pipe originates. She's fought problems with contaminated water flowing through the pipe and onto the property. We have seen flood water flow across the property. The proposed north building is set entirely on fill. She said that questions remain as to how stormwater will be handled. The soils are highly erosive.

Mr. Butani said that there's been recent excavation activity on the property. He also said that the Riverwatch Community is concerned about what might flow onto their property from this site.

Mr. von Turkovich said that there was a connection between a sanitary line and the drainage pipe through the property. That problem has been corrected. He also mentioned the work the city has done to raise the sidewalk in front of the property and avoid flooding.

MW, his big concern is that there might not be infiltration – it's not been finalized.

WF, the application seems to remain incomplete. Exactly how stormwater will be handled is still up in the air. As for soil contamination, it would be good to know, but he's not sure if it would drive BCB's decision. There's also the drainage pipe onsite with unknown origin. We should table this again so we can see what the final stormwater design is. Mr. von Turkovich said he does not want the project to be tabled again for further soil testing. He does owe the Board a final stormwater design.

DM, we need to see the final stormwater design before taking action. SY and JS agree. JS said the applicant has addressed most outstanding issues. The wetland at the bottom of the ravine has been completely overwhelmed by sediment. He finds it unfortunate that the state wetlands office will not allow stabilization of the slope within the wetland buffer. He is comfortable that there will be a process where the applicant will come back if they find a contamination issue that needs to be dealt with. His outstanding matter is the stormwater plan. MM clarified that just the presence of contaminated soils onsite will not necessarily trigger additional review by this board.

SM would prefer the stormwater design be based on all of the information that the applicant's engineer is gathering. There may be a disperse way to incorporate infiltration into the stormwater management design. This forum is the venue for public review and input of the stormwater plan.

MM, continue review to January 9, 2017 meeting to review the final stormwater management plan.

Update & Discussion

1. Follow up discussion with Mark Funari re: Riverside Ave rezoning

SG overviewed the site visit and direction behind the would-be amendment (buildable area calculation and geotechnical analysis). Further action by PC is needed.

ZR said she does not support switching the zone boundary. It results in a narrow buffer along the river corridor.

DM said the "plateau" does not really extend beyond the subject properties. To avoid spot zoning, the change would need to extend along the entire corridor. Meagan Tuttle said about 100' would remain between the revised zone boundary and the river's edge.

WF asked about the riparian buffer along the Winooski River. SG responded that its 250' wide.

JS, there really are just two properties that have this plateau. There's a tremendous amount of fill that's been placed along Riverside. The fill slopes are steeper than the natural slopes. He passed out photos of slope failures along the corridor. Allowing development further down below steeper fill slopes is risky. He is hesitant to change the zoning. Really one property would benefit from this change. Rather than change the zoning, perhaps an individual variance is possible. SG stated that would be a very high bar.

DL said that the distance from the road is arbitrary. It does not reflect slope from the road. The requested change cannot be addressed with the tools available.

Laurie Smith said that the important thing to remember is that prior to the 2008 rezone, most of this property was buildable. For much of Riverside, that change didn't make much difference because the land was not buildable anyway. The change, however, affected 237 Riverside Avenue. The property owner is seeking to regain some of that buildable area. The change would also make the city's wastewater treatment plant conforming and would set a good tone.

JS, one other observation that he had in the field was significant erosion along sections of the river bank. This is a process that will continue at an unknown rate into the future. Over time, the buffer will shrink.

DM, if the buffer is set from the bank, then the buffer would move with the bank.

WF, what we're talking about comes down to enabling construction on 237 Riverside Ave. The 2008 rezone was done for a reason – to protect the river corridor. He's very uncomfortable with changing the zoning along this corridor. This change may open up development opportunity on lots that should not have further development. MM, the property can be used, right? Ms. Tuttle, yes. The front portions of the lots are presently zoned NAC-R. They can be developed.

Mr. Smith asked if the board would support extending the line out to 125'. DL said he'd only suggest including the buildable area calculation in the NAC-R zone. Ms. Tuttle explained the 125' option. It sought to strike a balance between the request and protection of the river corridor. At this point, we feel that any change may not be appropriate in light of slopes discussions with the city engineer.

JS, if the line is extended to 125' from the road, does that preclude placement of additional fill? Ms. Tuttle, there's nothing precluding that.

WF left at 8:00 PM.

MM, does the present configuration of the NAC-R zone reflect the goals of the district? Ms. Tuttle, yes. She said the idea behind the amendment was to enable greater flexibility. It's possible that the RCO-C should be moved uphill.

A MOTION was made by DM and SECONDED by DL:

Following a site visit and extensive discussion, the only change that we recommend at this time is to include the buildable area provision within the NAC-R zone.

Vote: 8-0-0

Meagan said she'd update the Planning Commission with a memo.

2. Invasive species – draft permit condition discussion

Defer to January meeting.

Adjournment

The meeting adjourned at 8:15PM.

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Burlington Planning Commission Report Municipal Bylaw Amendment ZA-18-05 Accessory Dwelling Units **DRAFT**

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to ensure that the provisions regarding accessory dwelling units in the *Burlington CDO* are in compliance with state statute. This includes the elimination of Accessory Dwelling Units from *Appendix A- Use Table*, and additional language in *Sec 5.3.4 (a)2*. to clarify that an accessory dwelling unit is permitted in a single-family home that is a non-conforming use.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment is largely a technical correction to ensure compliance with state statute. However, it has the effect of allowing an accessory dwelling unit within a single-family home, regardless of the zoning district. This adheres to the state-wide goals for expanding the availability of safe and affordable housing. It is also consistent with the housing policy in the Municipal Development Plan to "encourage a wide-range of housing options to meet different and changing needs of households with children, the elderly, people with disabilities, and moderate- and low-income households."

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment is largely a technical correction to ensure compliance with state statute. However, it has the effect of allowing an accessory dwelling unit within a single-family home, regardless of the zoning district. By allowing accessory dwelling units within single-family homes, the city can promote the addition of housing where it is needed, consistent with the built environment policy to "encourage new land uses and housing designs that serve changing demographics" while also adhering to the policy to "conserve the existing elements and design characteristics of its neighborhoods and maintain neighborhood proportions of scale and mass."

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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Ryan Morrison, Assistant Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: September 20, 2017
RE: Proposed ZA-18-05: Accessory Dwelling Units

Based on a resident inquiry regarding the ability to add an Accessory Dwelling Unit (ADU) within an existing, nonconforming, single-family home, it was discovered that two sections of the *Burlington Comprehensive Development Ordinance (CDO)* are not in conformity with state statute regarding the regulation of these units.

Background

24 V.S.A. § 4412 (1) E states that no municipal bylaw "shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling." The statute also outlines conditions that must be met in order that a single-family home may accommodate an ADU, and provides guidance to municipalities on additional provisions that may be utilized within local bylaws regarding ADUs.

In the *Burlington CDO*, *Sec. 5.4.5 Accessory Dwelling Units* has been written to be consistent with this statute. However, within *Appendix A- Use Table*, ADU's are only permitted within the Institutional, Residential Low, Residential Low-Waterfront, Residential Medium, and Residential Medium-Waterfront districts. This is due to the fact that these are the only zoning districts within the City where single-family homes are a permitted use; in other zoning districts, existing single-family homes are considered to be non-conforming. The only exception to this is within the Residential High Density district, where *Footnote 30* clarifies that new single-family homes may not be constructed within the district, but that existing dwellings, originally constructed as a single-family home may be reconverted to a single family home. Therefore, ADUs would not be permitted within an existing single-family home that is a non-conforming use within any other zoning district than those listed above. Furthermore, within the *Burlington CDO*, *Sec. 5.3.4 Nonconforming Uses*, the change or expansion of non-conforming residential uses are prohibited from providing additional dwelling units except when enabled by the adaptive reuse or residential conversion bonuses in *Sec. 4.4.5(d)(7)*.

State statute does not discern between conforming and non-conforming single-family dwellings within the list of conditions an ADU must meet. Therefore, it is the staff's determination that ADU's should be stricken from *Appendix A- Use Table* altogether, and that the language within *Sec 5.3.4 (a) 2.* should be clarified to permit ADUs within existing, non-conforming single-family homes. See attached modifications.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-18-05: Accessory Dwelling Units

Proposed by Staff September 20, 2017

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Sec. 5.3.4 Nonconforming Uses

(a) Changes and Modifications:

A nonconforming use may be changed to a conforming use pursuant to all applicable provisions of this ordinance. When a nonconforming use has been made conforming, it shall not be made nonconforming again.

Any change or modification to a nonconforming use, other than to full conformity under this Ordinance, shall only be allowed as specified below and shall require conditional use approval pursuant to the provisions of **Article 3, Part 5** by the DRB.

1. Nonconforming Non-Residential Use:

A nonconforming non-residential use shall not be expanded or altered in any way, other than to full conformity under this Ordinance, except as follows:

A. Exception for residential conversion.

A non-residential nonconforming use may be converted to a residential non-conforming use pursuant to the applicable adaptive reuse or residential conversion provisions of **Sec. 4.4.5(d)(7)**.

B. Existing Neighborhood Commercial Uses.

Existing non-residential uses intended to primarily serve the nearby residential area shall not be considered non-conforming to the extent they comply with the provisions of **Sec. 4.4.5(d)(6)**.

2. Nonconforming Residential Use:

A change or expansion of a non-conforming residential use may be allowed subject to conditional use approval pursuant to the provisions of **Article 3, Part 5** by the DRB provided:

- A. Such an expansion does not add any additional dwelling units, except as may be permitted for adaptive reuse or residential conversion bonuses approved per the provisions of **Sec. 4.4.5(d)(7)** or when adding an accessory dwelling unit within an existing owner-occupied dwelling per the provisions of Sec. 5.4.5;
- B. Such an expansion does not increase the degree of non-conformity of any non-conforming structure; and,
- C. In such cases where the non-conforming residential use is located in a zoning district where residential uses are generally permitted, expansion of a non-conforming residential use into an existing and previously uninhabited attic or basement within the principle structure may be permitted subject to administrative review provided no additional dwelling units are created.

(b) Discontinuance:

[no changes to this section]

Appendix A- Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N ³⁰	N	N	N ³⁰	N ³⁰	N ³⁰	N ³⁰	N ³⁰	N	N	N
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N		
Attached Dwellings - Duplex	N	N ¹	N	N	Y	CU ²	Y	Y	N	N	N	N	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	CU	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Attached Dwelling(s) – Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N

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Burlington Planning Commission Report Municipal Bylaw Amendment ZA-18-01 planBTV: Downtown Code

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to establish a new Article 14 – planBTV: Downtown Code that will regulate all development in the Downtown and Waterfront District emphasizing the intended physical form, character of place, and compatibility of uses. This amendment replaces all existing regulations pertaining to development in the Downtown, Downtown Waterfront, Downtown Transition, and Battery Street Transition zoning districts

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

In 2013, the City of Burlington completed a comprehensive downtown and waterfront master plan called *planBTV: Downtown and Waterfront Master Plan*, which was unanimously supported and adopted by the City Council and adopted as part of the City's Municipal Development Plan. The *planBTV: Downtown and Waterfront Master Plan* includes a cohesive vision that emerged from a planning process grounded in real-world present-day context. This vision for the future of the downtown and waterfront joins other major City policy documents such as the 2014 Climate Action Plan to ensure a "Sustainable Burlington" for the benefit of this generation and those that follow.

The proposed amendment completes one of the most important implementation tools identified in the *planBTV: Downtown and Waterfront Master Plan* - the development of a new form-based code for the Downtown and Waterfront area. This is seen as a critical tool with which to facilitate infill, allow for a more diverse range of building types, and create a more predictable and transparent public approvals process for new and future development within the city's core.

Compatibility with the proposed future land uses and densities of the municipal development plan:

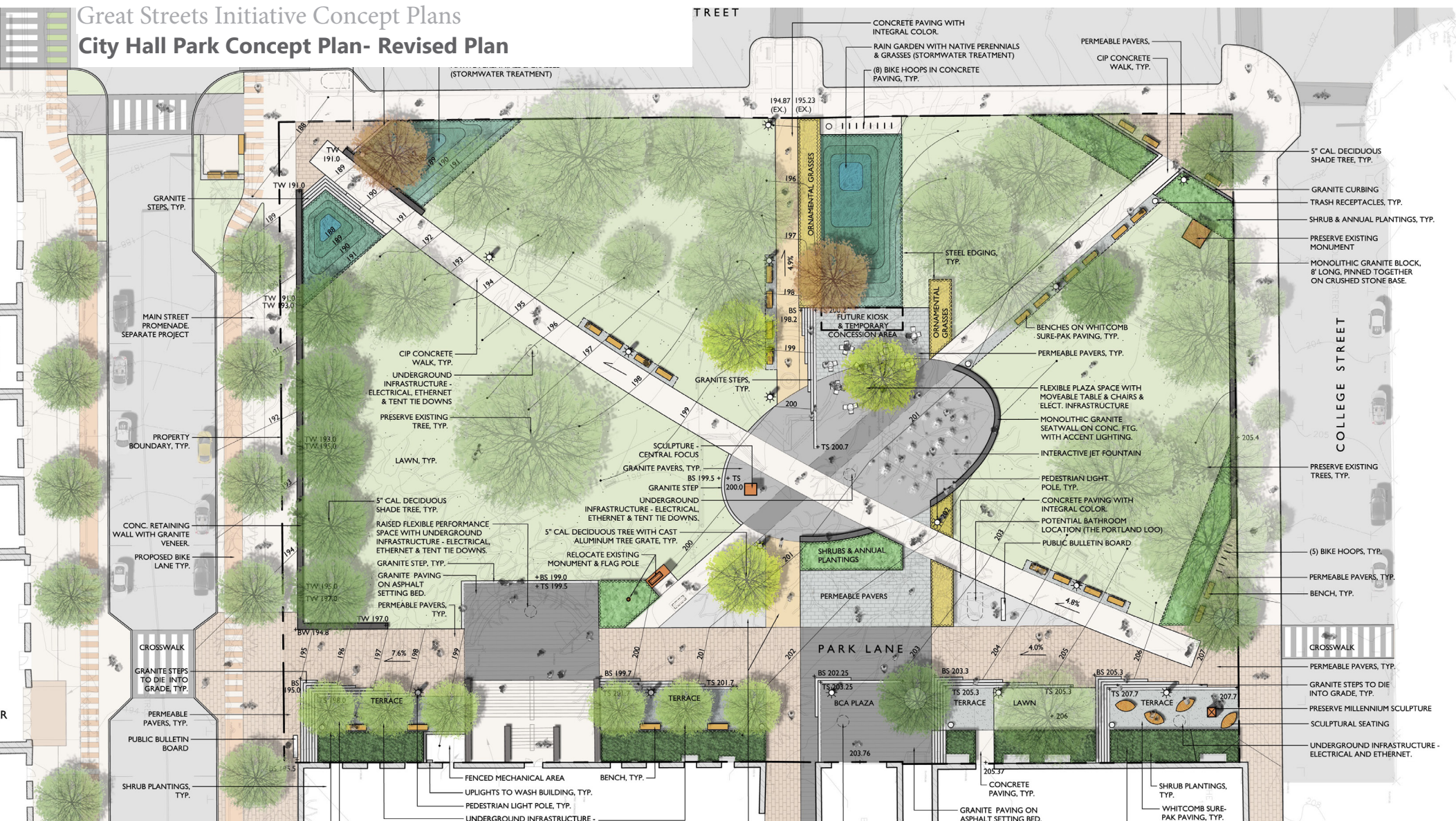
The proposed amendment directly advances the goals and policies contained within the Municipal Development Plan as it relates to future land uses, character of place, and development mass and scale.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on the implementation of any specific proposal for planned community facilities.

Great Streets Initiative Concept Plans

City Hall Park Concept Plan- Revised Plan



City Hall Park FAQs- September 2017

Prepared by City of Burlington, Great Streets Team

Park Design Features

Why are we planning a redesign of the park?

Today the Park has two identities: the bustling, much-loved center of the City during weekend festivals and events, and the somewhat isolated and sparingly-used space during weekdays and evenings. The current park infrastructure is not adequate to serve users of the space during either of those times. The plan for redesigning City Hall Park prioritizes a healthy, functioning urban park, accessibility for all users in all seasons, and the enhancement of this historic space to meet the modern needs of the community.

Additionally, some of the park's infrastructure is failing; there is extensive soil compaction which contributes to inadequate management of stormwater runoff, and the fountain's mechanical and water equipment need to be replaced. The level of work and cost associated with remediating these issues is significant, even without the other contemplated enhancements to the park.

What is included in the current park design?

Since 2012, concept plans for the park have continued to evolve as a result of stakeholder and public input. In August 2017, an updated plan for the park was shared, which includes the following features. See the plan online at www.greatstreetsbtv.com.

- The healthiest trees are maintained, and some in declining health are intended to be rejuvenated during construction. Soil conditions are repaired to support new and existing trees, and two rain gardens mitigate stormwater runoff and soil erosion.
- Pathways maintain the historic connectivity across the park to each of the corners and edges, intersecting near a central water feature. Paths have been realigned slightly from their current location so that the grades are less steep, in locations which limit impacts on some of the healthiest trees, and to serve the modern maintenance needs of the park.
- The flexible spaces organized along these pathways accommodate a variety of activities such as small performances, a wide range of seating types, the artist market, and a central gathering area with an interactive fountain. This allows for infrastructure which supports these activities to be condensed and incorporated into hardscape areas, retaining maximum un-programmed space and limiting future soil compaction from these activities encroaching on the lawn.
- The Park continues to serve as the home of the Burlington Farmer's Market. However, booths are relocated to the streets and sidewalks on the edges of the park so that the central lawn may be used for seating and other uses on market days, and to avoid damaging the lawn again in the future.
- Areas have been identified for the addition of a vending kiosk and a standalone restroom facility in the future so that these amenities can be tested before being installed permanently.
- Rather than an ornamental fountain element with a basin, an interactive fountain is incorporated into the central gathering space. In addition to creating an active space for play, this fountain can provide visual interest and white noise, as well as incorporate lights for ambiance and art in ways the current fountain doesn't allow.
- Terraced areas along the buildings in the northeast corner of the park connect the historic buildings to the park space, activate an otherwise shaded and unused part of the park, and create flexible space for seating and other temporary activities.

- The southern edge of the park features a seat wall, which frames the park and helps manage the complex stormwater management challenges along Main Street.

Why isn't the park designed to be more of an "oasis" with meandering paths and small, quiet spaces enclosed by a diversity of vegetation?

While the park's shape, size, layout and features have changed over time, for over 150 years the park has been more of a public open space and square than a pastoral park. Changing the park's design to emulate Central Park is fundamentally in conflict with its historic character and its role within the City-wide park system.

For a small public park in the center of downtown, the concept plan has carefully considered the historic characteristics of the park, as well as the desired uses of the park in the future. The concept plan creates a balance between un-programmed open areas of lawn and other landscaping, and the hardscape that accommodates the range of activities that take place in the park. This balance is something many Burlingtonians have said is important.

Park Ecology

What is the current state of the trees in City Hall Park?

According to the Arborist's assessment, more than half of the trees currently in City Hall Park are in poor condition or are struggling as a result of crowding, compacted soils, disease, and other factors. Several are inappropriate species within the park, dropping fruit which lead to slippery conditions. While not immediately obvious, a closer look reveals many trees that are already dead in their highest branches, and others that are being choked by their own root systems which cannot spread out in the compacted soils. A diagram of tree health in City Hall Park is available on www.greatstreetsbtv.com.

Why are trees proposed to be removed and replaced?

Trees in poor condition and some in struggling condition are likely to be removed. Those in struggling condition will be evaluated to determine if they are able to be rejuvenated to improve their long-term health. Replacement tree species are still to be determined, but emphasis will be on those that are long-lasting and tolerant of urban conditions. As designs continue to be refined, more details will be available regarding the exact number of trees to be retained or removed.

A priority of this plan is to remediate the park's soil conditions in order to support both existing and new trees. To do so, significant work will need to be done to address the compacted soils in the park, and to incorporate the appropriate infrastructure to support the park's activities, including the relocation of the Farmer's Market tents to the streets and sidewalks on the edges of the Park, rather than on the paths in its center.

How much of the park is currently green space, and how much of the park will be green space under the concept plan?

Our team has looked closely at the balance of green and impervious spaces for both stormwater and aesthetic purposes. While aesthetics and programming are important, the ecological functions for supporting healthy trees and handling stormwater are of high importance in this design process. It is evident from the condition of the park today that the park's current use is not supported by the infrastructure within it.

When considering stormwater capture, it is important to note that pavement is not always impervious and green spaces are not always permeable. Despite the fact that 25% of the park is formally paved today, 43% of the park is impervious due to the extent of the compaction and erosion of areas that used to be green (see diagram on www.greatstreetsbtv.com). Erosion and compaction can be expected to continue if the park is not rebuilt with appropriately-sized and located paved areas that will also protect open spaces. The current plan includes about 40% paved areas, including both impervious surfaces and permeable paving.

Why doesn't the plan include even more trees and landscaping than exist today?

Within Burlington, city and regional parkland add up to 23.5 acres per resident—almost double the national standard for cities of our size! These formal and informal parks include a range of amenities and are designed according to their role within the parks system.

While City Hall Park makes up less than 2 acres of this system, it has a big role within our community. As a public space within an urban environment, our community uses—and wants to use—this space for many purposes. The concept plan builds on the historic landscape design and supports what our community says is important for the future.

The plan strikes a balance between active and passive uses of the park, plans for the needs of healthy trees and stormwater management, and includes infrastructure that can be maintained within an urban environment. A heavily landscaped plan is neither historically appropriate, nor does it meet the current uses of the park—including the park's use as a space for impromptu demonstrations, vigils and other expressions of art and culture in our community.

Accessibility & Inclusivity

How does the plan improve mobility within and access to the park?

Today, there are many cracked, broken, and uneven sidewalk surfaces. There is a 23-foot change in elevation across the park, which means some of the paths exceed ADA accessible grades. And finally, some of the paths in the park are not wide enough for park users to pass one other without walking into the grass—especially if one person has a stroller or is in a wheelchair.

The plan maintains the historic connections across the park—to each of its edges and corners—and ensures that the new pathway locations reduce steep grades and are slightly wider to accommodate the current use and maintenance of the park. Additional benches are included in the plan to provide a range of seating options within the park.

It seems that the park is being designed to displace the homeless and expand Church Street's commercial activity into the park.

Some residents have shared that they feel unsafe or unwelcome in the park due to observed behaviors, poor lighting, or lack of amenities to attract people to the park. It is important to note that the park is not being designed to remove any group of users; in fact, the behaviors many people observe within the park cannot be addressed through design. Many of the behavioral challenges that have been observed in the park will require the ongoing support of agencies who work to address issues of homelessness, substance abuse, and mental health in the community.

Instead, the plan calls for a space that encourages more people to use the park on more regular basis, for a range of activities that create a welcoming and inclusive environment. The park is designed to be flexible, with ready-to-use infrastructure to support a wide variety of activities in the park. And while

working to create an inclusive space, our designers have also been careful not to create dark or isolated corners that can become a place for illicit activity to occur.

Are there public restrooms in the plan?

Public restrooms are a critical element of inclusive and accessible public spaces, and must be well-maintained in order to be safe and successful. City Hall Park is a small park, and a permanent restroom facility would require the use of a significant amount of space currently dedicated to open space and other park activities. Instead, the plan calls for a small, kiosk-style restroom, such as the Portland Loo, that can be placed along one of the park's edges. The current plan includes a placeholder for one potential location for this restroom; it is anticipated that the facility will be installed as part of a future phase.

Modern Uses

Why does the plan replace the historic fountain in the park?

The fountain's infrastructure is failing and needs to be replaced, and trash and other debris frequently accumulates in the basin of the fountain. Additionally, the fountain is not original to the park; it is a combination of elements pieced together from other locations in the City. In working with historic preservation professionals in Vermont, it was determined that while a water feature is one of the character-defining elements of the park, the current fountain is not considered to be essential to its historic integrity. So while retaining a water feature in the center of the park is essential, the fountain itself can be of a modern design. In fact, it was advised that the current fountain would be out of context in the redesigned park; however, it should continue to be located in a public place in Burlington.

The new splash fountain was introduced into the design as an interactive element to provide more activity in the park. In addition to providing white noise and ambiance in the park, this type of fountain can be used for play and can be programmed with light as an art installation. These systems can also include equipment to recycle and sterilize water to improve the sanitation of public fountains.

Is a splash fountain appropriate in our climate?

A study of pop-jet fountains has found them in use in plazas and parks throughout the U.S. and Canada, including other northerly states and communities with cold climates: Chicago, Detroit, upstate New York, Washington, and Wisconsin to name a few. Even when not being actively used for play, these fountains can create white noise and visual interest, becoming a sort of public art that activates a space.

Why is there a café proposed within the park?

The small kiosk, and seating areas that can be utilized for temporary food carts, are intended to provide a range of activities within the park on a more regular basis. Along with more frequent, small performances and more seating the park, these can help draw people into the park for day-to-day activities.

Is there a private patio for RiRa in the park?

No, there is not a private space for any establishment within the park. One of the features of the park plan is to create a series of terrace areas along the backs of the historic buildings adjacent to the park, to help activate this space. These areas are designed to be flexible for seating or other public purposes. If any of these spaces are used or occupied for events or by establishments for any period of time in the future, the use of the space must be requested through existing City permitting, licensing, and/or RFP processes as applicable.

Why is the park being designed for the Farmer's Market? Isn't there somewhere else it could go?

In recent years, the Farmer's and Artist's Markets have become central features of the park, recognized by many Burlingtonians as something they love about the park today. The popularity of this event is among the uses of the park contributing to some of the challenges with the park's infrastructure. That said, the park is not being designed *for* the market.

One of the fundamental changes in the plan is that the market vendors will be organized around the park's four edges, on hardscaped areas which can support this use, rather than on the pathways in the center of the park. This arrangement will allow for more utilization of the park's open spaces for seating and passive uses on market days, and reduce future impacts to the grass and soil conditions due to foot traffic in the park. Additionally, there are fewer vendors accommodated in this plan than the market currently features today.

What about the Market's impacts on businesses?

In the 2012 *Imagine City Hall Park* survey, the Farmer's/Artist's Market was the top feature that respondents said they loved about City Hall Park. And of 30 retail businesses that responded to a Church Street Marketplace survey in 2017, 80% reported that the market had a positive impact on business. However, we have heard from some concerned restaurant owners around the park that the market negatively impacts business on Saturday mornings. While the Farmer's Market has been an active participant in discussions about how to be a good neighbor and responsible user of the park, this plan considers where vendors should be located and how many vendors are appropriate in this size park. The type of products sold at the market is decided by the market board and is outside the scope of this project.

How is public art included in the plan?

One of the elements in the concept plan for City Hall Park is to include spaces for rotating and/or permanent public art pieces within the park. It is anticipated that public art will be designed/installed in future phases after the park has been constructed. Infrastructure, such as pads suitable for mounting art pieces, will be constructed in anticipation of these installations.

How are bulletin boards included in the plan?

We have heard a lot about the importance of bulletin boards within the City's arts and cultural landscape. Current concept plans for the park and adjacent Main Street include placeholder locations for public bulletin boards in/around the park and throughout the corridor. Specific locations for and design of these elements will be determined as plans are refined, and a few prototypes are likely to be tested. To-date there has not been a discussion about how each board will be used, but there are likely to be a combination of curated and non-curated boards throughout the Great Streets project area.

Historic Preservation**What are the historic elements of the park?**

With the exception of two stone monuments, which have historic significance as individual elements, all other features in the park have been changed and replaced throughout the park's history in order to meet the evolving needs of our community. The park's historic significance is defined by the layout of its features, rather than by any one of the individual elements. In working with historic preservation professionals in Vermont, it was determined that the historic characteristics of the park are:

- The park has been an open space within downtown, and has remained so despite changing layouts and uses of the park by the community.
- There has been a gathering space near the center of the park containing a water feature with paths that radiate from the that space to all of the corners and edges of the park.
- There is an element within the park that creates a focal point visible from outside the park. In the past this element has included a flagpole and a fountain.

How does the plan address the historic characteristics of the park?

Refinements have been made to the plan that retain the historic characteristics of the park, while presenting them in a contemporary way. These refinements are the result of the project team's collaboration with the State Historic Preservation Office, Preservation Trust of Vermont, and Preservation Burlington.

In particular, the gathering space near the center of the park continues to contain a water feature, but the upright fountain and trough base are replaced with an interactive fountain. A focal point has been added—a piece of sculpture/art in the park. The east-west and north-south pathways are retained in their historic locations. Additionally, paths continue to connect from the central gathering space to the northwest, northeast, and southwest corners of the park; the primary diagonal pathway has been changed to a slight arch, rather than a straight, to improve ADA accessibility and avoid impacts on the healthiest trees in the park. The two monuments and flag pole will remain in their current locations.

What about the historic fountain?

The fountain that exists in the park today is not original to the park—it has had its home in various locations throughout the City since it was originally gifted to Burlington. In working with Vermont historic preservation professionals, it was determined that the current fountain would be out of context in a redesigned park; however, it should continue to be located in a public place in Burlington. In responding to the historic characteristics of the park, those professionals advised that a water feature in the center of the park is essential, but that the form of the fountain itself can be of a modern design.

Burlington Planning Commission

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Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member*



Burlington Planning Commission **Tuesday, September 12, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **DRAFT MINUTES**

Commissioners Present: B Baker, Y Bradley, E Dunn, A Friend, E Lee, A Montroll, H Roen, J Wallace-Brodeur
Staff Present: S Gustin, M Tuttle, D White

I. Agenda

Called to order 6:35pm.

M. Furnari has requested removing Item VII until he can attend. The Commission deferred VII to a future meeting.

II. Public Forum

No members of the public spoke during public forum.

III. Report of the Chair

A Montroll: In August Council took up Form Based Code, appreciative of the work and Commission's recommendations. Sent back to Joint Committee to address three items from the Commission as well as other Councilor issues. Next Joint Committee meeting is September 14. Council wants to move quickly to warn hearing when it comes back with changes on September 18.

IV. Report of the Director

D White: Joint Committee will discuss recommendations from the Planning Commission including green and high performance buildings, definition of substantial modification, and historic preservation review.

V. Proposed CDO Amendment: Rezone St. Joseph School to NMU

M Tuttle: Received request from CHT to rezone entire parcel for former St. Joseph School to NMU in order to allow for renovation and reuse of the space, particularly to accommodate parking. Currently split by NMU and RM. Biggest impacts are on lot coverage. Area currently RM will go from 40% lot coverage to 80%; site is currently just over 60%. Setbacks will change to 0 ft on sides, but due to adjacency to a residential zone, a 15 ft setback will be required. Will change some uses from conditionally permitted to permitted by right.

M Monte: Will help CHT prepare a sit plan for the whole property under one zoning district. In future, might look to convert the parking lot along North Street to a mixed use building with parking underneath, but this is years away.

J Wallace-Brodeur: Change is only to the St. Joseph's property, not to the residential properties around it?

M Tuttle: Correct.

The Commission unanimously approved a motion by Y Bradley, seconded by H Roen, to approve the Municipal Bylaw Amendment Report and warn the proposed amendment for public hearing.

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VI. Proposed CDO Amendment: Rezone Majestic Car Rental Site

S Gustin: Current Majestic Car Site wanted to rezone due to current non-conforming. However, they now have a zoning permit to resolve parking issues. Staff looked at the request and asked is there a compelling reason to rezone? Found most of the uses are conforming today and MDP doesn't site this area as a growth center, therefore, concluded no basis to pursue a zoning change. planBTV South End anticipates analysis of Route 7, so any changes should be long term in conjunction with that plan. Staff recommends no action.

H Roen: What were the nature of the complaints about Majestic

S Gustin: Parking on the streets, parking at the adjacent church without an agreement. They have now formalized the agreement with the church and have a zoning permit. Resolved the issues.

H Roen: Are the non-residential uses conforming?

S Gustin: The school and church are, but the office is not.

A Montroll: Where Majestic is located doesn't seem like the right place for residential to be, but agree with the idea to look at the whole corridor.

D White: South Burlington is looking to do some zoning changes along Shelburne on their side. Interest in a collaboration around the corridor evaluation.

H Roen: Timing of the work for the rotary?

S Gustin: Believe 2018. The office would be impacted as it is almost exclusively in the ROW.

The Commission unanimously approved a motion by A Friend, seconded by J Wallace-Brodeur, to support the staff recommendation to make no change to the zoning for the Majestic site or surrounding properties.

VII. Proposed CDO Amendment: NAC-Riverside Boundary Adjustment

This item was deferred to a future meeting.

VIII. Proposed CDO Amendment: Article 8 Food & Beverage Processing

M Tuttle: This amendment accompanies the recent amendment to create the Food and Beverage Processing use. That amendment was approved, but did not include changes to the parking standards. This reflects new and eliminated uses per Appendix A Use Table, to make Article 8 consistent. New parking standards for Food and Beverage Processing use are a hybrid of Tour Oriented Manufacturing and the former Brewery/Winery use.

H Roen: Will this cause an increase in required parking for existing breweries and businesses?

M Tuttle: Possible that it could result in a different calculation for these uses today, but it depends on the size of the primary and accessory operations. Some could have a higher calculation, some a lower one.

D White: Existing businesses would not be affected by this unless they wish to expand/change.

H Roen: Can we notify the businesses that this is being considered?

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the Municipal Bylaw Amendment Report and warn the amendment for public hearing.

IX. Proposed CDO Amendment: Density Calculations

S Gustin: Density calculation that we have spells out a formula. There is language at the end that is a holdover from the 1994 code that refers to rounding, when we were using a different density calculation. Amendment simply proposes striking the rounding language because it is there and confusing; it doesn't make sense with the current calculation method.

Y Bradley: Is it better to strike the language, or to change the method for calculating units because this method essentially means there are fewer units permitted.

S Gustin: The method is a policy choice that was made years ago, not clear why it was changed. It is currently administered without rounding, despite the holdover language.

Y Bradley: This does have a dampening effect on the number of units permitted.

B Baker: This methodology for density is largely theoretical because the parking is a more limiting factor.

The Commission unanimously approved a motion by Y Bradley, seconded by E Lee, to approve the Municipal Bylaw Amendment Report and warn the amendment for public hearing.

X. Committee Reports

Executive Committee will meet on Thursday, September 14 at 5:00pm.

Long Range Committee: Ellen Kujawa will be Conservation Board member to committee. planBTV South End is waiting on inputs from staff to be ready to bring forward.

Ordinance Committee meets on Wednesday, September 13.

XI. Commissioner Items

A Montroll: Next meeting on September 26.

H Roen: Can we notify SEABA about parking changes for item VIII?

B Baker: Would like to discuss the various levels of COA; many seem to add work load for staff unnecessarily.

D White: This is actually on the to-do list for permit reform. Specifically, the threshold for administrative review. Have asked staff to think about situations where issues are coming before the DRB because of our COAs, but everyone agrees it is so insignificant that it is waste of time. When this has been fleshed out and is at the point that requires an ordinance change, we will bring it forward.

Y Bradley: Consultants prepared a report regarding permit reform. What has happened?

D White: Report went to City Council in summer, and an ad-hoc committee was formed to dive into details and hold a public meeting on them. Council has accepted the recommendations and charged the team with determining how to implement the recommendations. Will resend the report to Commissioners.

B Baker: City is a bunch of silos, rather than being coordinated. Process is burdensome on applicants. Simple projects become a lot of work.

D White: Feedback from public and boards is and continues to be very important. Sometimes a good reason for having a process in place, but most of it is a function of how we are organized and located. Dealing with lowest hanging fruit, but beginning a conversation about co-location and even becoming a single department.

B Baker: City estimates fees at beginning of a project, which are usually correct. Recent experience was that cost went up, so City had to reissue a new fee. Meant I needed an appointment to approve documentation of what was done. It was for a good reason, but the implementation was not solicitous of the public.

Y Bradley: Recently learned of a cricket farm/business in Shelburne. Due to nature of business, and limitations of zoning uses, it is considered a slaughterhouse.

XII. Minutes & Communications

The Planning Commission unanimously approved a motion by AF, seconded by EL, to approve the minutes of the August 8, 2017 meeting and accept the communications.

XIII. Adjourn

The Planning Commission unanimously approved a motion by AF, seconded by HR, to adjourn the meeting at 7:23pm.



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
Faith Ingulsrud, VT Department of Housing and Community Development

FROM: Paul Conner, Director of Planning & Zoning

SUBJECT: Proposed Land Development Regulation Amendments

DATE: September 22, 2017

Enclosed please find a proposed amendment 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 10, 7:00 pm in the City Hall Conference Room, 575 Dorset Street, South Burlington.

Feedback on the draft amendments is welcome, either in person 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
South Burlington Land Development Regulations**

**Planning Commission Public Hearing
Tuesday, October 10, 2017, 7:00 pm, City Hall, 575 Dorset Street**

Index to amendments:

Numbered Headings – descriptors of amendment topics

Proposed additions red and underlined [or as noted in red boxes on maps & illustrations]

~~Proposed deletions red and strikethrough~~

1. Add Radio and Television Studio as a Permitted Use in the Industrial & Open Space District

	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
NON-RESIDENTIAL ZONING DISTRICTS	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	See Article
Radio & television studio	P	P	P			C	P	P	P	P			
Key and Notes to the Table above:													
P = Permitted	PUD = Allowable within a Planned Unit Development							TO = Allowable only in the Transit Overlay District					
C = Conditional Use	ACC = Allowable as an accessory use							Non-TO = Allowable only outside of the Transit Overlay District					



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

Planning Commission Public Hearing Tuesday, October 10, 2017, 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 Tuesday, October 10, 2017, at 7:00 pm, in the City Hall Conference Room, 575 Dorset Street, South Burlington, VT to consider the following amendments to the South Burlington Land Development Regulations:

- A. *Add Radio and Television Studio as a Permitted Use in the Industrial & Open Space District*

Brief Description and Findings Concerning the Proposed Amendments

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 2, 2016. For each of the amendments, 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.*
- (3) Carries out, as applicable, any specific proposals for any planned community facilities."*

- A. **Add Radio and Television Studio as a Permitted Use in the Industrial & Open Space District**

Brief explanation of the proposed bylaw

The proposed amendment would allow for radio and television studios to be located in the Industrial & Open Space District. Currently the use is allowed in the C1-R12, C1-R15, C1-Auto, Allen Road, Swift Street, Commercial 2, and Mixed Commercial-Industrial Districts.

- (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 are located within the “Northeast Quadrant” and “Southeast Quadrant” Planning Areas and the “Medium to Higher Intensity, Principally Non-Residential” Future Land Use District.

Future Land Use for the Northeast Quadrant is described in part, as follows:

“Future Land Use. The pattern of land use and development in the Northeast Quadrant has focused on businesses which require larger properties, can be compatible with the operations of an airport, and/or which may not be easily compatible with residential areas. Future use of land in developed areas should continue to focus on employers and ancillary services. It should also continue to emphasize uses that are less critical within the core of the City...” Comprehensive Plan p. 3-22

Future Land Use for the Southeast Quadrant is described in part, as follows:

“Non-Residential Land Uses in the SEQ. While predominantly residential, the SEQ district also includes many non-residential land uses. These are found chiefly in the Industrial-Open Space (IO) Zoning District at the northeastern edge of the SEQ, but are also found at the Chittenden Cider Mill on Dorset Street, but throughout the district is a scattering of churches, schools, recreation areas, and home-based businesses.

“Industrial-Open Space District. The Industrial-Open Space zoning district was intended originally to provide land for high-quality, large-lot industries and offices whose buildings and operations are consistent with a location in an environmentally healthy and visually sensitive area adjacent to residential neighborhoods. Recently, there have been significant concerns about the suitability of this district for uses such as warehousing that generate significant truck traffic.” Comprehensive Plan, p. 3-33.

The Future Land Use District, further, is described as follows:

“Medium to Higher Intensity, Principally Non-Residential. Intended to foster high quality jobs, these lands provide for medium to large scale industrial, educational, mechanical and office park environments, among other related uses. Their aesthetics should reflect quality design and promote South Burlington as a welcoming place to work and do business. Residential uses are largely discouraged. Land coverage provides for sufficient green infrastructure, and respect primary natural resources, with slightly relaxed controls for wider roadways, increased parking, and lot coverages. Multimodal transport services these areas. Development here should be respectful of lower intensity uses where they abut.” Comprehensive Plan p. 3-6.

The proposed change is consistent with the above descriptions. The proposed amendments will not affect the provision of safe and affordable housing.

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

The proposed amendment would not have a direct impact on any planned community facilities. The City does plan to have additional roadways & bicycle/pedestrian facilities in the area. Safe access from properties by pedestrian to these planned facilities is maintained through requirements for direct, separated pedestrian links from buildings to the street.



**PROPOSED AMENDMENTS to the SOUTH BURLINGTON
LAND DEVELOPMENT REGULATIONS**

Public Hearing Tuesday, October 10, 2017 at 7:00 pm

PLEASE TAKE NOTICE that the South Burlington Planning Commission will hold a public hearing on Tuesday, October 10 at 7:00 PM in the City Hall Conference Room, 575 Dorset Street, South Burlington, Vermont to consider amendments to the South Burlington Land Development Regulations. The amendments affect the Industrial-Open Space zoning district.

The purpose of the hearing is to consider the following:

(A) Allow for Radio & Television Studio as a permitted use in the Industrial – Open Space Zoning District.;

Sections included in the amendments to the Land Development Regulations:

Appendix C: Uses and Dimensional Standards

Copies of the proposed amendments are available for inspection at the Department of Planning & Zoning, City Hall, 2nd Floor, 575 Dorset Street, South Burlington, between 8:00 AM and 4:30 PM Monday through Friday except holidays, and on the city website at www.sburl.com/planning.

Jessica Louisos, Planning Commission Chair

September 21, 2017

Burlington Planning Commission

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Burlington Planning Commission **Tuesday, September 26, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **Minutes**

*Note: times given are
approximate unless
otherwise noted.*

Commissioners Present: A Montroll, B Baker, E Lee, J Wallace-Brodeur, H Roen, A Friend, E Dunn
Commissioners Absent: Y Bradley
Staff Present: D White, M Tuttle, K Sturtevant, A Wade

I. Agenda

Meeting was called to order at 6:30pm. The agenda was amended to remove Item VIII.

II. Public Forum

No members of the public wished to speak.

III. Report of the Chair

A Montroll: City Council took action 9-3 following first reading to warn the Form Based Code for public hearing. The Joint Committee went over proposed changes mostly pertaining to green buildings and City council accepted these changes.

IV. Report of the Director

D. White: City Council's public hearing on the Form Based Code will be warned on September 27 for a Monday, October 16 hearing. This means it goes into effect for P&Z on September 27. Not expecting many applications because one of the requirements is a pre-application meeting with staff prior to submitting an application. Planning & Zoning will be designated as the City's E911 coordinator; have been serving this role, but clarifies that department has responsibility for addresses and street names in coordination with the State. Working on some other projects, including a zoning amendment to the City's sign regulations.

V. Proposed CDO Amendment: NAC-Riverside Boundary Adjustment

M Tuttle: Originated from a request from several property owners to look into boundary lines for RCO and NAC-R on the north side of Riverside Avenue. Staff's initial recommendation was to move the boundary 25ft to the north while still preserving the area along the river. Staff completed additional analysis, site walks, discussed with the City Engineer, and attended 3 Conservation Board meetings to discuss this further. Not a lot of support to change the boundary line due to uncertainty regarding the slope and lack of concrete evidence to support a change. City Engineer felt a geotechnical report could assist with a determination. The

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Conservation Board recommended no change to the boundary and discussed whether the buildable area definition should also be applied.

M Furnari: Appreciate the staff and boards' cooperation. The 75 ft. boundary is arbitrary. Confused by staff not wanting to take recommendations without geotechnical studies, don't see the danger when this area hasn't changed in a long time and has minimal erosion.

E Farrell: Recently finished a geotechnical report at Cambrian Rise because you don't build anything without it. Is the reluctance about changing this mostly to do with structures or erosion and stability? Will a geotechnical report make a difference?

B Baker: Primary concern is that we could do harm here because we don't know the conditions.

E Farrell: Then a geotechnical study could help support a change to expand the boundary?

D White: Difficult to look at one parcel at a time. Ultimately need to protect an active river bank. Adding more activity creates more instability from erosion and adding more activity, weight, and stormwater concerns at the top of the slope.

M Tuttle: In addition to the suitability of hillside for building, looked at other conditions. The red boundaries on the map are a set back from the river for its protection, and an additional overlay boundary which closely aligns with the NAC-R boundary is there to protect water quality and pollution. So, in addition to slopes, we're looking at development within the setbacks and their impacts on erosion and water quality.

M Furnari: Only talking about properties to the east of the wastewater treatment plant with different topography; not looking for rezoning of entire boundary.

E Farrell: Can you amend conditionally based on a geotechnical report?

B Baker: Under current law we cannot, it is not required.

D White: Could incorporate a requirement into ordinances more generally, but looking at these properties the slope becomes steep quickly.

J Wallace Brodeur: Would rezoning only the properties on the east side be spot zoning?

M Tuttle: We are looking at an approach to apply to the entire street corridor.

D White: There are only a few properties within the vicinity of Mr. Furnari's that seem to be well situated. The remaining parcels are similar to rest of the corridor with very steep slopes.

M Tuttle: There was a significant landslide in 1950's with the bank falling away most of the way to the road. The boundary line is highly variable due to slopes having changed overtime and the soil being fill.

H Roen: Don't think it would be spot zoning for these parcels and moving the line 25 ft. seems reasonable.

J Wallace Brodeur: The issue was brought to us due to one parcel, question is whether this would be spot zoning.

K Sturtevant: One factor in spot zoning is when one parcel is singled out; the smaller the geographic area, the higher the likelihood its considered spot zoning.

A Montroll: Would we have to do an overlay of some parcels?

D White: Better to just alter underlying zoning, but it is not right to treat all of those properties the same because their conditions clearly aren't.

A Montroll: What is the significance of the boundary from the river's edge?

M Tuttle: This is a riparian overlay to protect and preserve the waters and upland areas. Discussed Mr. Furnari's intent not to develop on the areas closer to the street, but just to incorporate recreational areas in the rear. Staff has advised him that the current zoning would not preclude this.

J Wallace Brodeur: Two issues that slopes are unstable and degradation of the Winooski River.

E Lee: Require geotechnical report for overlay?

D White: Mostly look at overall general conditions and not just one situation.

M Furnari: The elevation lines on the map are not exactly what's here. This property was all fill. It is not clear what's going on near this section of the river

E Farrell: Disagree with the notion of consistency for the corridor. The restriction of 75 ft. makes it challenging here. An extra 25 or 100 ft. would make a difference and great improvement for this location.

A Friend: We'll continue to get bigger storms and nothing is stable. Find it hard to vote against staff and the Conservation Board recommendations.

H Roen: We always try to accommodate people and it's not a big ask to move the boundary 25 ft.

B Baker: The city engineer said he is not supportive unless there are geotechnical studies.

M Tuttle: To clarify, the City engineer didn't feel comfortable recommending any changes to policy without that information, not that he recommended it should be a condition of this amendment.

A Montroll: Not informed enough to make a decision.

J Wallace Brodeur: Is there any other kind of study that we should think about concerning watershed protections and erosion?

D White: Concerned with how stormwater is being managed and that is not undermining what's already built there.

J Wallace Brodeur: Sympathetic to this situation, but wants to follow the recommendation of the Conservation Board based on proximity to river, greater storm events, and a concern with overall damage.

E Farrell: Seems there is reluctance to endorse development here due to challenges. If we do studies to prove case could this come back?

A Montroll: The Planning Commission wishes to move this along, but we can always revisit it later.

The Commission approved a motion by A Friend, seconded by E Lee, to support the staff recommendation not to move forward with an amendment. Commissioners Friend, Montroll, Lee and Wallace-Brodeur voted affirmatively, with Baker and Roen opposed.

VI. Proposed CDO Amendment: Accessory Dwelling Units

M Tuttle: City staff is looking at range of issues from the Housing Action Plan. The topic of ADU's is included within the strategies for aging in place and off-setting cost. A white paper in conjunction with CEDO is forthcoming, will include information about ADU's, any abuses, and incentives. In the interim, a resident brought a concern that local ordinance regarding ADU's isn't consistent with statute, which doesn't differentiate between conforming and nonconforming single-family homes. Amendment removes accessory units from the use table because they are by nature accessory and do not need to be listed in this way. And adds language in Section 5.3.4 where a change or expansion allows additional housing units to a non-conforming single family to include ADUs.

A Friend: What are the consequences?

D White: Only applicable for single-family homes even in state statute.

K Sturtevant: Legal question is whether we are in compliance, but you should decide if these are policy considerations you want to make. Statute is silent on non-conformity, but could argue that this change would conflict with statute regarding the elimination of non-conformities.

A Montroll: Does this apply anywhere besides RH?

M Tuttle: ADU's and single-family homes are presently permitted in RL, RM, and Institutional zoned districts. Adding this language will affect any district where there is a nonconforming single family home.

E Lee: This helps clarify and encourages accessory units especially in RH, and could help encourage higher ownership rates.

D White: Single detached units are not allowed in RCO or Enterprise districts, so we would need to see if there are any nonconforming single-family homes in these zones.

J Wallace Brodeur: Should make the changes for areas where the changes can be made.

A Montroll: How does this relate to the amendment we made earlier this year to allow single-family homes in RH? Aren't those homes considered to be conforming, so this is irrelevant?

M Tuttle: The Commission's interest in this is more broad, so staff can bring this back with a more comprehensive set of considerations.

E Lee: Would like to see requirements for single family homes in RH as loose as possible.

B Baker: Community's thinking on this has evolved; tried to be as restrictive as possible when this first come forward. The RH allows less space with parking that's too restrictive, so unless we change requirements, people won't add them.

A Montroll: We are addressing several different things, which opens the door for what we should review. Need to check on the previous amendment the commission made regarding single-family in RH.

E Lee: Suggest looking at owner-occupied with no parking requirements. Could even pull RH out from other zones.

M Tuttle: The range of comments here is great. As mentioned, currently working on extensive report on how policies are shaped around the country to allow or restrict accessory units to see and see how this might work for Burlington. Staff will discuss with CEDO, and bring it back to Planning Commission for discussion.

A Montroll: And we need to look at single family homes in RH to see if the code reflects what we intended regarding conformity with the last amendment.

VII. Reapprove Municipal Bylaw Amendment Report ZA-18-01

D White: Statute allows the Commission to review the report and make any changes based on change to the amendment approved by Council. Staff does not feel any changes were required to this report. The City Council and Joint Committee changes are in line with recommendations of the Commission with one modification pertaining to green buildings. This will to make sure all new buildings are built using a nationally recognized standard.

The Commission unanimously approved a motion by E Lee, seconded by J Wallace-Brodeur, to reapprove the municipal bylaw amendment report.

VIII. Municipal Planning Grant Application

This item was removed from the agenda.

IX. Great Streets- City Hall Park Plan

M Tuttle: Informational report and update on concept plans for City Hall Parl. Revisions were made in response to discussions and public comments. Last year, recieved feedback from community about elements of the park

addressing four major planning goals-access and ecology, historic preservation and modern uses. Revised plan includes changes to the shape and arrangement of core, pathways, and connections, but not to functional elements. With respect to historic preservation, changes include a round center and straighter pathways. Ecological changes include spreading out stormwater collectors and layout of plantings and tree preservation. The program elements still accommodate a wide range of activities, and create balance with unprogrammed areas. Two elements that received a lot of comments were kiosks and restrooms. We are looking at a pilot concept for both of these structures. The City Council has approved contract amendment to continue to move forward; will now go to DRB process.

H Roen: This is a big improvement on previous plan. I like idea for carts instead of kiosk as a good compromise. Not sure about the terrace on northeast corner.

M Tuttle: Does show terraces along all city edges, which was an element our design team discussed regarding how to make buildings more connected to space and to better manage those areas. All spaces in park are public spaces.

B Baker: Is there a way to activate the alleyway between City Hall and Firehouse Gallery?

M Tuttle: Concept is to make spaces connected with Church St with similar brick sidewalks around City Hall. The mechanical equipment needs to be addressed in the alley before other treatment can be added.

A Montroll: Cross walks are close to other cross walks already in place. This could be dangerous with conflicts between pedestrian and vehicles.

M Tuttle: This is an illustration and need to look at strategies on how it would function near the Flynn.

A Montroll: The evolution is really nice, and this fits into the story about how it has evolved in 150 years.

X. Committee Reports

None.

XI. Commissioner Items

H Roen: Does it make sense for the Planning Commission to look at Memorial Auditorium?

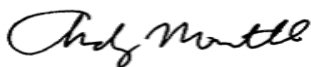
D. White: The Mayor put out a press release about Memorial Auditorium that states the City will put out a call for proposals to evaluate the future of this building and its use. There will be a more formal public engagement around its options in the future.

XII. Minutes & Communications

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the minutes of September 12, 2017 meeting and accept communications.

XIII. Adjourn

The Commission unanimously approved a motion by A Friend, seconded by J. Wallace Brodeur, to adjourn the meeting at 8:10pm.



Andy Montroll, Chair

Signed: October 10, 2017



Megan Tuttle, Comprehensive Planner