

## Burlington Planning Commission

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

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
vacant, Youth Member



## Burlington Planning Commission

### Regular Meeting

**Tuesday, September 8, 2015 - 6:30 P.M.**

Conference Room #12, Ground Floor, City Hall, 149 Church Street

## AGENDA

Note: times given are  
approximate unless  
otherwise noted.

### I. Agenda

### II. Public Forum - Time Certain: 6:35 pm

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

### III. Report of the Chair (5 min)

### IV. Report of the Director (5 min)

### V. Family Definition (15 min)

The Commission will discuss a request from a member of the public to change the definition of a "Family" from "One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit..." to "One person occupying a dwelling unit..."

### VI. Department Reorganization Plan (15 min)

The Department is seeking the Commission's endorsement for a proposed development review staff reorganization plan.

### VII. Mobile Home Parks (15 min)

The Commission will discuss a proposed zoning amendment regarding Mobile Home Parks.

### VIII. planBTV: South End Update (15 min)

The Commission will get an update on the status of the planBTV: South End planning process, and discuss a request to consider forming a steering committee to oversee the remainder of the process.

### IX. Committee Reports (5 min)

### X. Commissioner Items (5 min)

### XI. Minutes/Communications (5 min)

The Commission will review communications and approve minutes from the July 14 meeting.

### XII. Adjourn (8:00 p .m.)

*This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.*

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June 7, 2015

Burlington Planning Commission  
City Hall, 149 Church Street  
Burlington Vermont, 05401

Re: Proposed change to the Burlington Zoning Ordinance's real definition of "Family".

Dear Burlington Planning Commission,

I respectfully request that the Burlington Planning Commission approve a change to the Burlington Zoning Ordinance's real definition of "Family" from "One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit" to "One or more persons occupying a dwelling unit". (See real definition of "Family" on attached page 1)

I request this change because each of the four groups of one or more persons who are occupying my four dwelling units at 38 Greene Street, 52 and 56 Hickok Place are currently not living as a single nonprofit housekeeping unit, so each group is not a "Family", each group is a "Non-Family", therefore my one unit structures at 56 Hickok Place and 38 Greene Street are not really residential Single "Family" Dwellings, but are really residential Single "Non-Family" Dwellings and my two unit structure at 52 Hickok Place is not really a residential Two "Family" Dwelling, but is really a residential Two "Non-Family" Dwelling. (See pictures of signs on all three of my above mentioned dwellings on attached pages 2, 3 and 4 and also see attached page 5).

Please change the Burlington Zoning Ordinance's real definition of "Family" to "One or more persons occupying a dwelling unit".

Also, I will be out of town from August 1<sup>st</sup> to August 10<sup>th</sup>.

Sincerely,



Leon Beliveau  
1166 Main Street  
Fairfax Vermont, 05454  
802-849-2683

P.S. Each of the three groups of one or more persons occupying my three dwelling units at 1166 and 1170 Main Street in Fairfax Vermont are also currently not living as a household unit, so each group is not a "Family", each group is a "Non-Family", therefore my one unit structure at 1166 Main Street is really a residential Single "Non-Family" Dwelling and my two unit structure at 1170 Main Street is really a residential Two "Non-Family" Dwelling. (See attached copy of my Fairfax Planning Commission zoning application documents).

Cc: Ken Lerner, Burlington Zoning Administrator, at [KLerner@burlingtonvt.gov](mailto:KLerner@burlingtonvt.gov).

individuals. Also known as a single family residence (SFR). (See definition of Family)

## **E**

**Easement:** An acquired right of or upon the property of another for a specified purpose.

**Elderly Housing:** See Housing, Senior.

**Electronic Message Display:** A sign in which one or more illuminated characters in a display may be changed by electronic means.

**Environmentally Sensitive Area(s):** Land that contains physical environmental characteristics including but not limited to the following: wetlands; streams and riparian areas; floodplains; slopes 30 percent or greater; landslide hazard areas and other geological hazards and critical fish and wildlife habitat. These areas typically either present a constraint to development or are extremely susceptible to development impacts.

**Estimated Development Cost:** Cost calculated based upon building construction, alteration, and/or structural site improvement expenses including but not limited to fill, grading, cutting, etc. Not included in this figure is the purchase price of the land and the final interior finishes relative to a specific tenant, i.e. specialized equipment, finishes, furniture, drapes, etc. See Article 3.

**Exterior Features:** The architectural style, design, and general arrangement of the exterior of a structure, including the type and texture of building materials, and the type, arrangement, and style of all windows, doors, light fixtures, signs, or similar items found on or affixed to the exterior of a structure.

## **F**

**Family:** One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes. Occupancy by any of the following shall be deemed to constitute a family:



## 52 Hickok Place

For two unit structure here is used as a residential

Two "Unit Family" Dwelling

or a

single non-profit housekeeping unit

or a

Two "Unit Family" Dwelling or a single non-profit housekeeping unit

single non-profit housekeeping unit

See Burlington Zoning Ordinance a real definition for

single non-profit housekeeping unit

For more information the Burlington Planning Commission to change the real definition of  
Family to One or more persons occupying a dwelling unit

For a free copy of my planning commission zoning application documents contact me at

[leonbeliveau@hotmail.com](mailto:leonbeliveau@hotmail.com)

P.S. See similar signs in front of my dwellings at 1166 and 1170 Main Street in Fairfax, Vermont

# 56 Hickok Place

The one unit structure here is really a residential

Single "Non-Family" Dwelling

or a

Single "One or more persons occupying a dwelling unit and not living as a single non-profit housekeeping unit" Dwelling

or a

Single "One or more persons occupying a dwelling unit and not living as a slave unit" Dwelling.

single non-profit housekeeping = slave

See Burlington Zoning Ordinance's real definition for

"Family" = "One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit"

Help me convince the Burlington Planning Commission to change the real definition of  
"Family" to "One or more persons occupying a dwelling unit".

For a free copy of my planning commission zoning application documents, contact me at

**leonbeliveau@hotmail.com.**

P.S. See similar signs in front of my dwellings at 1168 and 1170 Main Street in Fairfax, Vermont.

Page 3

# 38 Greene Street

The one unit structure here is really a residential

Single "Non-Family" Dwelling

Single "One or more persons occupying a dwelling unit and not living as a single non-profit housekeeping unit" Dwelling

or a

Single "One or more persons occupying a dwelling unit and not living as a slave unit" Dwelling.

single non-profit housekeeping = slave

See Burlington Zoning Ordinance's real definition for

"Family" = "One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit"

Help me convince the Burlington Planning Commission to change the real definition of

"Family" to "One or more persons occupying a single non-profit housekeeping unit"

For a free copy of my planning commission zoning application documents, contact me at

[leonbeliveau@hotmail.com](mailto:leonbeliveau@hotmail.com).

P.S. See similar signs in front of my dwellings at 1166 and 1170 Main Street in Fairfax, Vermont.



# 30-34 Greene Street

The five unit structure here is really a residential

Five "Non-Family" Dwelling

or a

Five "One or more persons occupying a dwelling unit and not living as a single non-profit housekeeping unit" Dwelling

or a

Five "One or more persons occupying a dwelling unit and not living as a slave unit" Dwelling.

single non-profit housekeeping - slave

See Burlington Zoning Ordinance's real definition for

"Family" = "One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit"

Help me convince the Burlington Planning Commission to change the real definition of "Family" to "One or more persons occupying a dwelling unit".

For a free copy of my planning commission zoning application documents, contact me at

[leondeliveau@hotmail.com](mailto:leondeliveau@hotmail.com).

P.S. See similar signs in front of my dwellings at 1166 and 1170 Main Street in Fairfax, Vermont.

June 7, 2015

Fairfax Planning Commission  
PO Box 27  
Fairfax, VT 05454.

Re: Proposed change to the Fairfax Development Regulation's real definition of "Family".

Dear Fairfax Planning Commission,

I respectfully request that the Fairfax Planning Commission approve a change to the Fairfax Development Regulation's real definition of "Family" from "One or more persons living as a household unit" to "One or more persons occupying a dwelling unit". (See real definition of "Family" on attached page 1a)

I request this change because each of the three groups of one or more persons who are occupying my three dwelling units at 1166 and 1170 Main Street are currently not living as a household unit, so each group is not a "Family", they are each a "Non-Family", therefore my one unit structure at 1166 Main Street is not really a commercial rooming and boarding house, but is really a residential Single "Non-Family" Dwelling and my two unit structure at 1170 Main Street is not really a residential Two "Family" Dwelling, but is really a residential Two "Non-Family" Dwelling. (See pictures of signs in front of both of my above mentioned dwellings on attached page 2a, 3a and 4a).

Please change the Fairfax Development Regulation's real definition of "Family" to "One or more persons occupying a dwelling unit".

Also, I will be out of town from August 1<sup>st</sup> to August 10<sup>th</sup>.

Sincerely,



Leon Beliveau  
1166 Main Street  
Fairfax Vermont, 05454  
802-849-2683

P.S. Each of the four groups of one or more persons who are occupying my four dwelling units at 38 Greene Street, 52 and 56 Hickok Place in Burlington Vermont are also currently not living as a single nonprofit housekeeping unit, so each group is not a "Family", each group is a "Non-Family", therefore my one unit structures at 56 Hickok Place and 38 Greene Street are really residential Single "Non-Family" Dwellings and my two unit structure at 52 Hickok Place is really a residential Two "Non-Family" Dwelling. (See attached copy of my Burlington Planning Commission zoning application documents).

Cc: Skip Taylor, Fairfax Zoning Administrator at [fairfaxza@yahoo.com](mailto:fairfaxza@yahoo.com).

**Dwelling, Single Family:** A structure containing one dwelling unit. Mobile homes and modular or pre-fabricated housing meeting this definition shall be considered single-family dwellings.

**Dwelling, Two Family:** A structure containing two single family dwelling units, not including a single family dwelling unit with an accessory dwelling unit.

**Dwelling Unit:** A building or portion thereof, designed, occupied, or intended for occupancy by residents as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the building for the exclusive use of its residents.

**Earth Resource Extraction:** The extraction of minerals, including solids such as sand and gravel, liquids such as water, and gases such as natural gas. This use may also include preparation activities such as crushing and washing customarily part of the mining/quarrying activity.

**Existing Small Lot:** Any lot in existence before the effective date of these Regulations that does not conform to the minimum lot area requirement in Table 2.3.

**Family:** One or more persons living as a household unit, but not including individuals or groups occupying rooming and boarding houses, clubs, motels, or hotels.

**Farm Market:** A market held in an open area or in a structure where groups of individual sellers offer agricultural and related products for sale to the public. Products typically include fresh produce, seasonal fruits and flowers, arts & craft items, food & beverages.

**Farm Stand:** A temporary or seasonally used structure for the display and sale of locally grown agricultural products.

**Farm Structure:** According to the Vermont Accepted Agricultural Practice Regulations [6 V.S.A. §4810, 10 V.S.A. §1021(f), and 10V.S.A. §1259(f) and (i)], a structure that is used by a person for agricultural production that meets one or more of the following:

- (a) is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
- (b) is used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasants, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one thousand pounds of cultured trout; or
- (c) is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or is on a farm with a business and farm management plan approved by the VT Secretary of Agriculture; or
- (d) is on a farm with a business and farm management plan approved by the VT Secretary of Agriculture.

Page 1a

# 1166 Main Street

The one unit structure here is really a residential  
Single "Non-Family" Dwelling

Single "One or more persons not living as a household unit" Dwelling  
of a

Single "One or more persons not living as a slave unit" Dwelling-  
household = slave

See Fairfax Development Regulation's real definition for

"Family" = "One or more persons living as a household unit".

Help me convince the Fairfax Planning Commission to change the real definition of  
"Family" to "One or more persons occupying a dwelling unit".

For a free copy of my planning commission zoning application documents, contact me at

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P.S. See similar signs on my dwellings at 38 Greene Street, 52 and 56 Hickok Place in Burlington, Vermont.





# 1166 Main Street

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See similar signs on my dwellings at 38 Greene Street, 52 and 56 Hickok Place in Burlington, Vermont.

Page 4A



# 1170 Main Street

The two unit structure here is really a residential

Two "Non-Family" Dwelling

or a

Two "One or more persons not living as a household unit" Dwelling

or a

Two "One or more persons not living as a slave unit" Dwelling

household = slave

See Fairfax Development Regulation's real definition for

"Family" = "One or more persons living as a household unit".

Help me convince the Fairfax Planning Commission to change the real definition of  
"Family" to "One or more persons occupying a dwelling unit"

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P.S. See similar signs on my dwellings at 38 Greene Street, 52 and 56 Hickok Place in Burlington, Vermont

## Department of Planning and Zoning

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*David E White, AICP, Director*  
*Scott Gustin, AICP CFM, Interim Zoning Administrator*  
*vacant, Comprehensive Planner*  
*Jay Appleton, GIS Manager/Planner*  
*Mary O'Neil, AICP, Senior Planner*  
*Anita Wade, Planning & Zoning Clerk*  
*Elsie Tillotson, Administrative Assistant*



### MEMORANDUM

**TO:** Planning Commission  
**FROM:** David E. White, AICP, Director of Planning & Zoning  
**DATE:** Wednesday, September 02, 2015  
**RE:** Department Reorganization Plan

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With the retirement of long-time Assistant Director/Zoning Administrator Ken Lerner at the end of June, our office has been undertaking a restructuring of the department's Development Review positions and responsibilities to make more efficient and productive use of the skills and experience we already have in-house before we seek to bring on a new staffperson. With change comes tremendous opportunity, and our staff is actively and enthusiastically engaged in using this opportunity to advance the capacity and capability of our office to the next level.

Overall, our intent is to **create a flatter organizational and management structure**, and **reduce the "silos" between our current and comprehensive planning functions**. We are proposing to accomplish this by undertaking the following changes:

- We will eliminate the position of "Assistant Director/ Chief Assistant Zoning Administrative Officer." This also includes an amendment to the CDO (Sec. 2.3.2 and 2.3.3) to eliminate reference to the specific position of "Chief Assistant Zoning Administrative Officer." We will maintain references to "Assistant Zoning Administrative Officers" consistent with the enabling statute.
- We have created a new job description, and will create two positions, of "Principal Planner – Development Review" to sit parallel to existing position of existing "Principal Planner – Comprehensive Planning" at a Grade 21 in the Department's organizational chart and form a core departmental management team.
  - Individual(s) serving in this position will serve as team manager for all current planning functions of the office and act as "Assistant Zoning Administrative Officers" pursuant to an amended CDO. They will have broader responsibility for developing and implementing customer service, staff and volunteer training, and development review process and development regulation improvements. Additionally, they will be more actively integrated with and participate in comprehensive planning projects and initiatives thereby broadening the capacity of that function.
  - We will promote both of the two current Senior Planners – Development Review (Scott Gustin and Mary O'Neil) to the new "Principal Planner – Development Review" positions. Both Scott and Mary have extensive experience and years of dedicated service to the City working in this department. As important, they know the the good and bad of the current process better than anyone. Their promotion to share this role will ensure virtually no transition period, and allow them to immediately begin to implement key changes.
  - We will mothball the current job description and position of "Senior Planner – Development Review" for future use as needed.
- We will reinstitute an existing job description to create a new position of "Associate Planner – Development Review" to assume responsibility for the processing, review and management of minor to moderately complex zoning permit applications. This position will absorb a large portion of the responsibility for all but the most complex zoning permit applications currently being processed by the current Senior Planner – Development Review positions.

Existing and proposed Department Function and Organizational charts and job descriptions are attached.

Below is an analysis of the budgetary implications of implementing such a reorganization. While not initially proposed as a cost savings measure, ultimately it will reduce our salary costs by just under \$13.00/hr or \$520/week.

| <b>Current Positions</b>                                                              | <b>Budgeted FY16<br/>Salary (per hr)</b> | <b>Proposed Positions</b>                                            | <b>Budgeted FY16<br/>Salary (per hr)</b> |
|---------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------|------------------------------------------|
| Assistant Director/ Chief<br>Assistant Zoning<br>Administrative Officer<br>(Grade 23) | \$39.38                                  | Principal Planner –<br>Development Review<br>(Grade 21, 2 positions) | \$33.30<br>\$30.91                       |
| Senior Planner –<br>Development Review<br>(Grade 19, 2 positions)                     | \$31.50<br>\$29.67                       | Associate Planner –<br>Development Review<br>(Grade 17)              | \$23.36                                  |
| <b>Total Hourly Rate</b>                                                              | <b>\$100.55</b>                          |                                                                      | <b>\$87.57</b>                           |
| <b>Anticipated hourly savings resulting from re-organization:</b>                     |                                          |                                                                      | <b>\$12.98</b>                           |

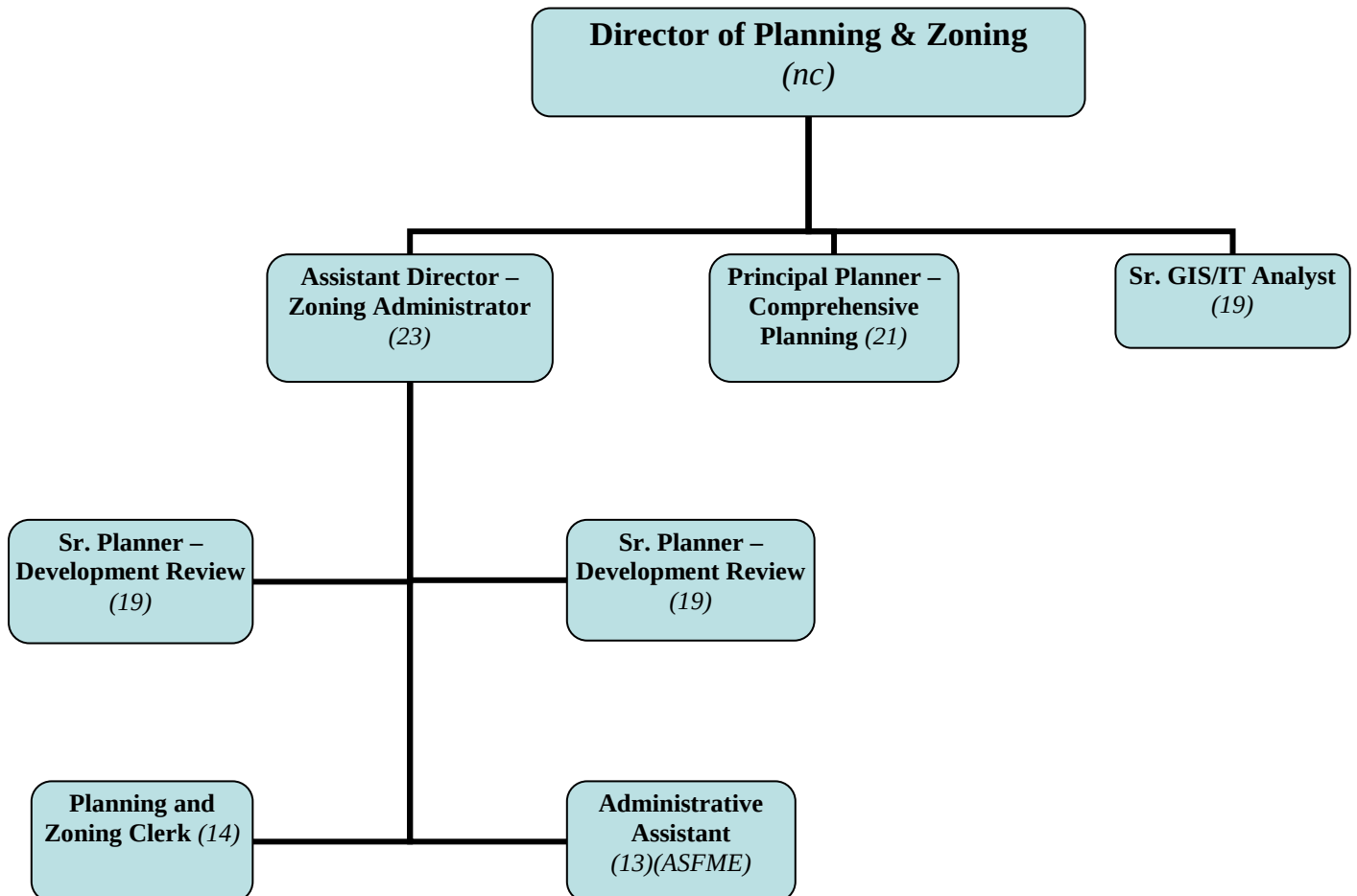
I am seeking your support and endorsement of this proposal as I take it to the Board of Finance and City Council for formal approval, and welcome you questions and comments.



# ***City of Burlington***

## ***Dept. of Planning & Zoning***

### **Department Organizational Chart**



8.0 FTE

() – Job description pay grade

ASFME – unionized position



# Director of Planning & Zoning

(nc)

As Proposed

Principal Planner -  
Development Review  
(21)

Principal Planner -  
Development Review  
(21)

Principal Planner –  
Comprehensive  
Planning  
(21)

Senior GIS/IT Analyst  
(19)

Associate Planner - Development  
Review  
(17)

Department Secretary  
(13 – AFSME)

Planning & Zoning Clerk  
(14)

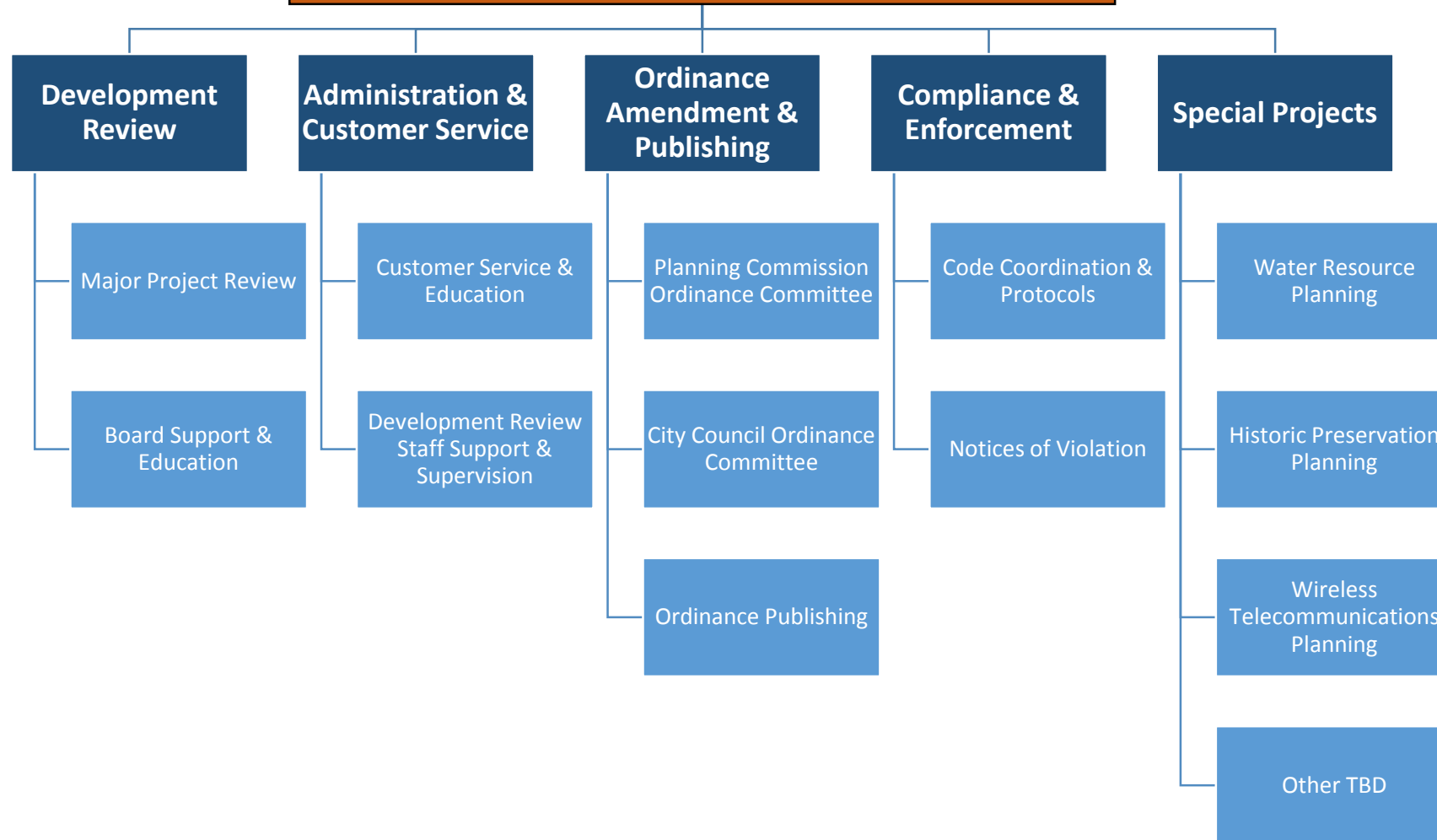
8.0 FTE

() – Job description pay grade

ASFME – unionized position

## Principal Planner – Development Review

Job Functions



## **City of Burlington** ***DRAFT Job Description***

**Position Title:** Principal Planner – Development Review / Assistant Zoning Administrative Officer

**Department:** Planning and Zoning

**Reports to:** Director of Planning and Zoning

**Pay Grade:** 21

**Job Code:** 307

**Exempt/Non-Exempt:** Exempt

**Union:** N/A

**General Purpose:** Individuals serving in this position lead the Departments Development Review Team and play a central leadership role in the administration of the City's *Comprehensive Development Ordinance*, including processing and review of zoning and subdivision applications, issuance of zoning permits, drafting ordinance amendments, supervising administrative and junior staff, collaborating on zoning compliance and enforcement matters, and providing staff support to the Development Review Board, Design Advisory Board, Conservation Board, Historic Preservation Review Committee, Planning Commission and other related city bodies.

**Essential Job Functions:** (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

**Essential Functions:**

- Provide overall management, supervision and leadership of the Departments Development Review Team and the day-to-day operation and functions of the department's Development Review process under the *Burlington Comprehensive Development Ordinance* including but not limited to:
  - Providing direction and assistance to applicants in meeting applicable regulatory requirements for proposed development, and in preparing the necessary submission materials required for a zoning or subdivision permit application.
  - Acceptance, review, and referral/action on zoning permit applications and related administrative determinations.
  - Issuance of Certificates of Occupancy upon successful completion of work conducted pursuant to a zoning permit in collaboration with the City's Code Enforcement Office.
  - Enforcement actions including the issuance of Notices of Violations, imposition of fines and related legal actions in collaboration with the City's Code Enforcement Office and City Attorney's Office.
- Supervise administrative and junior development review staff; provide managerial support and

technical supervision, and in collaboration with the Director provide annual employee performance evaluations establishing performance improvement and development objectives.

- Serve as the department's principal liaison with the Code Enforcement Office and City Attorney's Office regarding all regulatory, compliance and enforcement matters
- Organize and Chair the City's Technical Review Committee for review of major development projects; provide City departmental comments to the applicant team.
- Serve as the Director of Planning and Zoning and Zoning Administrative Officer in his/her absence.
- Maintain a caseload of assigned development projects including:
  - Examine received permit application submission materials for completeness in accordance with applicable regulatory requirements and department procedures.
  - Serve as a Project Manager and the departments' lead point of contact in the review of permit applications before the Development Review Board including preparing staff recommendations and findings of facts, conducting site visits, and making presentations before the Conservation Board, Design Advisory Board, and Development Review Board as applicable.
  - Take final administrative action on permit applications that do not require Development Review Board approval.
  - Administer the City's impact fee regulations.
- Provide staff support to the Conservation Board, Design Advisory Board, and Development Review Board; assist in pursuing and evaluating annual goals and objectives
- Develop, and regularly evaluate for opportunities for continued improvement:
  - Informational and educational materials and processes necessary to assist applicants and members of the public's ability to effectively participate in the development review process.
  - Departmental customer service practices and standards; establish performance and improvement objectives.
  - Departmental operating procedures
  - Ongoing training programs for staff and volunteer board members
- Identify opportunities for improvement and greater clarity and efficiency in the City's development regulations; draft proposals in compliance with State statutes; and work with Planning Commission, City Attorney and City Council to obtain enactment.
- Participate as part of the Department's Planning Team in the development of area-specific and resource/issue-specific land use and development plans.
- Solicit and administer state and federal grants.
- Represent the City and serve as an expert witness in litigation related to land use and development

regulation, and prepare and submit testimony on behalf of the City before State courts.

- Respond to public and media inquiries regarding specific development projects and department functions and policies.

**Non-Essential Job Functions:**

- Performs other duties as required.

**Qualifications/Basic Job Requirements:**

- Master's Degree in City, Regional, and/or Urban Planning; Geography, Architecture, Landscape Architecture, Historic Preservation, Engineering, Public Administration, or closely related field, and a minimum of five (5) years' experience in municipal land use and development planning and regulation is required.
- Bachelor's Degree in City, Regional, and/or Urban Planning; Geography, Architecture, Landscape Architecture, Historic Preservation, Engineering, Public Administration, or closely related field, and a minimum of seven (7) years' experience in municipal land use and development planning and regulation may be substituted for a Master's degree.
- Minimum of three (3) years' experience in a senior-level management / supervisory capacity involved in direct land use and development regulation is required.
- American Institute of Certified Planners (AICP) certification is preferred.
- Ability to work independently, manage, and prioritize multiple initiatives, and to engage in collaborative decision-making are essential.
- Direct experience in the administration of municipal regulatory processes and project management is required, as is a demonstrated ability to oversee and monitor professional consulting contracts and the work of interns and support staff.
- A demonstrated ability to communicate effectively graphically, orally, and in writing to a wide range of audiences.
- Ability to regularly exercise significant independent professional judgement and discretion within the bounds of local, state and federal legal procedures and statutory authority.
- Ability to read and understand plats, plans, blueprints, elevations, photometric studies, landscaping plans, construction detail submissions, specification sheets, traffic studies, lighting plans, shading analyses, consultant reports, or other related documents.
- Ability to comprehend the development ordinances as well as a working knowledge of other related State and City codes and regulations.
- Ability to work effectively with elected and appointed city boards and commissions.
- Experience or background in litigation procedures regarding the zoning and subdivision ordinances by which approvals or denial can and are based upon.
- A strong background in urban development and design, and a commitment to sustainable



development practices.

- Ability to establish and maintain effective employee and public relations, including the ability to mediate conflicts that may arise between citizen groups and developers.
- Demonstrated professionalism, tact, and discretion in addressing controversial and emotionally charged issues, and the ability to establish and maintain positive and effective employee and public relations.
- Ability to establish and maintain collaborative working relationships with other City and non-city departments and agencies involved in the development review and permitting process.
- Ability to plan and forecast department workloads, including equipment and staffing requirements; develop objectives and arrange resources to assure the accomplishment of objectives.
- Proficiency and working knowledge of a variety of software applications including permit management systems, social media, Sketch-Up, ArcGIS, and other Windows-based computer applications.
- Regular attendance at evening meetings is required.

### **Physical & Mental/Reasoning Requirements; Work Environment:**

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

|                                                                          |                                                                                                     |                                                                          |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> seeing                               | <input checked="" type="checkbox"/> ability to move distances within and between warehouses/offices | <input checked="" type="checkbox"/> lifting (specify)<br>_25-30_ pounds  |
| <input checked="" type="checkbox"/> color perception (red, green, amber) | <input checked="" type="checkbox"/> climbing                                                        | <input checked="" type="checkbox"/> carrying (specify)<br>_25-30_ pounds |
| <input checked="" type="checkbox"/> hearing/listening                    | <input checked="" type="checkbox"/> ability to mount and dismount forklift/truck                    | <input checked="" type="checkbox"/> driving (local/over the road)        |
| <input checked="" type="checkbox"/> clear speech                         | <input checked="" type="checkbox"/> pushing/pulling                                                 |                                                                          |
| <input checked="" type="checkbox"/> touching                             |                                                                                                     |                                                                          |
| <input checked="" type="checkbox"/> dexterity                            |                                                                                                     |                                                                          |
| <input checked="" type="checkbox"/> hand                                 |                                                                                                     |                                                                          |
| <input checked="" type="checkbox"/> finger                               |                                                                                                     |                                                                          |
| <input type="checkbox"/> reading - basic                                 | <input type="checkbox"/> math skills - basic                                                        | <input checked="" type="checkbox"/> analysis/comprehension               |
| <input checked="" type="checkbox"/> reading – complex                    | <input checked="" type="checkbox"/> math skills - complex                                           | <input checked="" type="checkbox"/> judgment/decision making             |
| <input type="checkbox"/> writing - basic                                 | <input checked="" type="checkbox"/> clerical                                                        |                                                                          |
| <input checked="" type="checkbox"/> writing - complex                    |                                                                                                     |                                                                          |
| <input type="checkbox"/> shift work                                      | <input type="checkbox"/> outside                                                                    | <input type="checkbox"/> pressurized equipment                           |
| <input checked="" type="checkbox"/> works alone                          | <input type="checkbox"/> extreme heat                                                               | <input type="checkbox"/> moving objects                                  |
| <input checked="" type="checkbox"/> works with others                    | <input type="checkbox"/> extreme cold                                                               | <input type="checkbox"/> high places                                     |
| <input checked="" type="checkbox"/> verbal contact w/others              | <input type="checkbox"/> noise                                                                      | <input type="checkbox"/> fumes/odors                                     |
| <input checked="" type="checkbox"/> face-to-face contact                 | <input type="checkbox"/> mechanical equipment                                                       | <input type="checkbox"/> hazardous materials                             |
| <input checked="" type="checkbox"/> inside                               | <input type="checkbox"/> electrical equipment                                                       | <input type="checkbox"/> dirt/dust                                       |

### **Supervision:**

Directly Supervises: 3 plus consultants and interns

Indirectly Supervises: \_\_\_\_\_

**Disclaimer:**

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

**Approvals:**

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Human Resources: \_\_\_\_\_ Date: \_\_\_\_\_

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

## **City of Burlington Job Description**

**Position Title:** Associate Planner – Development Review

**Department:** Planning and Zoning

**Reports to:** Principal Planner – Development Review

**Pay Grade:** 17

**Job Code:** 219

**Exempt/Non-Exempt:** Exempt

**Union:** Non-Union

**General Purpose:** This position is responsible for assisting in the administration of the City's land use and development regulations. Responsibilities include processing zoning and subdivision applications, providing information and assistance to the public and permit applicants, assisting with research and drafting of zoning amendments, and providing staff and technical support for review boards and the Planning Commission.

**Essential Job Functions:** (This section outlines the fundamental job functions that must be performed in this position. The related job requirements and physical, mental and reasoning requirements outlined in the next two sections state the underlying requirements that an employee must meet in order to perform these essential functions. The three sections together describe the essential functions of this position)

**Essential Functions:**

- Provide information and assistance to the public and applicants on subjects such as:
  - zoning and subdivision permit applications, and submission requirements;
  - zoning and subdivision permit application review process and applicable regulations;
  - board and commission meetings, decisions, and procedures;
  - zoning complaints, permit compliance, violations and enforcement; and,
  - City zoning ordinance, subdivision regulations, and municipal plans and policies.
- Provide direction and assistance to applicants in meeting applicable regulatory requirements for proposed development, and in preparing the necessary submission materials required for a zoning or subdivision permit application.
- Examine received permit application submission materials for completeness in accordance with applicable regulatory requirements and department procedures.
- Conduct site visits as necessary.
- Review and take the appropriate action, in consultation with other department staff as appropriate, on assigned permit applications subject to administrative review in conformance applicable regulatory requirements (including zoning, subdivision and impact fee regulations) and department procedures.

- Enter and maintain permit application data in the AMANDA permit system and other record keeping systems in accordance with department procedures.
- Provide assistance as needed to the Code Enforcement Office in oversight of compliance with zoning regulations and permit conditions.
- Provide assistance as needed in preparing technical planning & zoning studies, including preparation of Draft ordinance amendments, in response to requests by the Planning Commission and City Council.
- Provide assistance with preparation of agendas and notices in collaboration with the other department staff;
- Provide assistance as needed at counter for customer service, application intake and permit issuance in accordance with department procedures.
- Provide assistance as needed with maintaining departmental records and filing systems, including maintenance of applicable resolutions, ordinances, meeting minutes and other related material, in accordance with City retention requirements and storage schedule.
- Provide assistance as needed in ensuring proper public notification of all public meetings of department-supported boards and commissions in accordance with department procedures.
- Attend board and commission meetings, hearings, and deliberative sessions as necessary.
- Maintain positive and collaborative working relationships with other City and non-city departments and agencies involved in the development review and permitting process.
- Maintain positive public relations in providing information, soliciting community input, and handling public concerns.

**Non-Essential Job Functions:**

- Performs other duties as required.

**Professional/Educational Requirements**

- A Bachelor's Degree in Urban Planning, Geography, Architecture, Landscape Architecture, Engineering, Public Administration, Natural Resources, Historic Preservation or closely related field, and a minimum of two (2) years' experience in municipal planning including zoning administration is required.

**Workplace Skills**

- Ability to read and understand plats, plans, blueprints, elevations, photometric studies, landscaping plans, construction detail submissions, specification sheets, traffic studies, lighting plans, shading analyses, consultant reports, or other related documents.

- Ability to obtain working knowledge of city development regulations (zoning and subdivision), and pertinent state and local regulations and statutes, and to read development plans and other technical planning documents is required.
- Working knowledge of Geographic Information Systems, and other computer applications applied to planning practice, analysis, and research is required.
- Ability to operate traditional office equipment including desktop and laptop computers and associated software, copiers, scanners, projectors, etc. and troubleshoot common problems as necessary.
- Professionalism, tact, and discretion in addressing controversial and emotionally charged issues.
- Ability to establish and maintain positive and effective employee and public relations, and in diffusing conflicts with and between applicants and affected residents.
- Ability to work effectively with project applicants, city boards and commissions, and the public in a professional and courteous manner.
- Ability to communicate effectively in writing, orally, and graphically and excellent interpersonal skills are required.
- Ability to work as part of the customer service team in a fast-paced, complex, detail-oriented office environment that features many repetitive tasks and deadlines.
- Ability to work independently, manage, and prioritize multiple initiatives, and to engage in collaborative decision-making.
- Interest in contributing to the City of Burlington, and improving the quality and effectiveness of governmental services.
- Commitment to on-going professional education and training to enhance job-based knowledge and expertise.
- Regular attendance at evening, and sometimes weekend, meetings is required.

**Physical & Mental/Reasoning Requirements; Work Environment:**

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation. The position works in a standard office environment; field work and site visits, as well as evening work, are typically required.

☒ seeing

☒ color perception

(red, green, amber)

☒ ability to move distances

within and between  
warehouses/offices

☒ lifting (specify)

☒ 30 pounds

☒ carrying (specify)

|                                                             |                                                           |                                                            |
|-------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> hearing/listening       | <input type="checkbox"/> climbing                         | <input type="checkbox"/> 30 pounds                         |
| <input checked="" type="checkbox"/> clear speech            | <input type="checkbox"/> ability to mount and             | <input checked="" type="checkbox"/> driving (local/over    |
| <input checked="" type="checkbox"/> touching                | <input type="checkbox"/> dismount forklift/truck          | the road)                                                  |
| <input type="checkbox"/> dexterity                          | <input type="checkbox"/> pushing/pulling                  |                                                            |
| <input type="checkbox"/> hand                               |                                                           |                                                            |
| <input type="checkbox"/> finger                             |                                                           |                                                            |
| <input type="checkbox"/> reading - basic                    | <input type="checkbox"/> math skills - basic              | <input checked="" type="checkbox"/> analysis/comprehension |
| <input checked="" type="checkbox"/> reading - complex       | <input checked="" type="checkbox"/> math skills - complex | <input checked="" type="checkbox"/> judgment/decision      |
| <input type="checkbox"/> writing - basic                    | <input checked="" type="checkbox"/> clerical              | making                                                     |
| <input checked="" type="checkbox"/> writing - complex       |                                                           |                                                            |
| <input type="checkbox"/> shift work                         | <input checked="" type="checkbox"/> outside               | <input type="checkbox"/> pressurized equipment             |
| <input checked="" type="checkbox"/> works alone             | <input type="checkbox"/> extreme heat                     | <input type="checkbox"/> moving objects                    |
| <input checked="" type="checkbox"/> works with others       | <input type="checkbox"/> extreme cold                     | <input type="checkbox"/> high places                       |
| <input checked="" type="checkbox"/> verbal contact w/others | <input type="checkbox"/> noise                            | <input type="checkbox"/> fumes/odors                       |
| <input checked="" type="checkbox"/> face-to-face contact    | <input type="checkbox"/> mechanical equipment             | <input type="checkbox"/> hazardous materials               |
| <input checked="" type="checkbox"/> inside                  | <input type="checkbox"/> electrical equipment             | <input type="checkbox"/> dirt/dust                         |

**Supervision:**

Directly Supervises: 0\_\_\_ Indirectly Supervises: 0\_\_\_

**Disclaimer:**

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

**Approvals:**

Department Head: \_\_\_\_\_ Date: \_\_\_\_\_

Human Resources: \_\_\_\_\_ Date: \_\_\_\_\_



# ***Burlington Comprehensive Development Ordinance***

## **PROPOSED: ZA-16-?? – Mobile Home Parks**

*As prepared by staff August 2015.*

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

Purpose: This amendment sets forth development and review standards for pre-existing and newly proposed mobile home parks in accordance with state statute (24 V.S.A. Sections 4412 (1)(B) & (7)(B)).

### **Article 5: Citywide General Regulations, Part 4: Special Use Regulations**

The following regulations are use-specific requirements that shall apply in all cases where such uses are otherwise permitted or conditionally permitted pursuant to the provisions of Article 4. These regulations are in addition to, or may modify, other applicable provisions of these bylaws.

*Sec. 5.4.1 thru Sec. 5.4.11 remain unchanged.*

#### **Sec. 5.4.12 Mobile Home Parks**

In addition to the applicable provisions of Art 3, Part 5 for Conditional Uses, Site Plan Design Standards in Art 6, Part 2, and Article 10 Subdivision Review if applicable, the following additional regulations shall be applicable to any application involving a Mobile Home Park.

#### **(a) Mobile Home Parks**

Regarding the establishment and operation of a Mobile Home Park:

1. the required minimum lot size, lot frontage, and waterfront setback, and required maximum density and building height shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1, 4.4.5-2 and 4.4.5-3.
2. the required minimum side and rear setback shall be 20' and shall be calculated at the periphery of the Mobile Home Park.
3. the ~~required~~ maximum ~~permissible~~ lot coverage shall be 50% calculated across the entire Mobile Home Park parcel.
4. The required minimum lot size shall be for the entire Mobile Home Park parcel, not the individual mobile home lots.
5. the required minimum separation distance between individual Mobile Homes within the Mobile Home Park shall be 10'.
6. One (1) on-site parking space shall be required per individual Mobile Home.
7. the Mobile Home Park shall maintain a circulation network that provides direct access to, and the mobility and replacement of, each individual Mobile Home.

8. Mobile Home Parks shall be exempt from the requirements of Art 9, Part 1 Inclusionary Zoning.
9. Individual Mobile Homes may be removed without triggering the requirements of Art 9, Part 2 Replacement Housing provided the total number of permitted Mobile Home lots remain available for occupancy, and any vacant lots are being actively marketed to prospective occupants.

**(b) Non-Conforming Mobile Home Parks**

1. Where a pre-existing Mobile Home Park is nonconforming pursuant to Art 5, Part ~~34~~, the entire Mobile Home Park, and not individual Mobile Homes and lots, shall be treated as nonconforming.
2. A Mobile Home Park shall be considered abandoned when the Mobile Home Park as a whole has been vacant for a period of six months or more. An individual Mobile Home lot that is vacated shall not be considered abandoned. No pre-existing nonconforming Mobile Home Park may be resumed once it has been abandoned except in full conformity with these bylaws.
3. An individual Mobile Home within a nonconforming Mobile Home Park may be altered, expanded, or replaced, provided:
  - a. the applicant provides proof of adequate water and wastewater capacity;
  - b. any portion of the relocated or expanded Mobile Home shall not be located less than five (5) feet from any other primary structure(s); and,
  - c. the expansion or replacement will not:
    - i. obstruct or prohibit ingress or egress for any primary structure;
    - ii. obstruct or prohibit mobility or replacement of any primary structure;
    - iii. obstruct or prohibit the provision of emergency services;
    - iv. obstruct existing utilities or rights of way; nor
    - v. threaten or unduly degrade public health, safety, or welfare
4. Any of the requirements in (3) above may be waived by the DRB provided:
  - a. the applicant demonstrates that adherence to these standards would have the effect of prohibiting the replacement of a Mobile Home on an existing lot;
  - b. the DRB shall provide only the minimum waiver that will afford relief and will represent the least deviation possible from the bylaw, while ensuring public health, safety, and welfare; and,
  - c. in approving any waiver, the DRB may impose conditions requiring design features, screening, or other remedy as may be necessary to mitigate anticipated impacts of granting any such waiver.

**Appendix A – Use Table**

Add: “Mobile Home Park” as a CU in RL, RL-W, RM and RM-W

**Article 5: Definitions**

Add:

"Mobile Home" means a structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, cooling, and electrical systems contained in the structure, and is:

- (A) transportable in one or more sections; and
- (B) at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- (C) any structure that meets all the requirements of this subdivision except for the size requirements and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).

"Mobile Home Park" means any parcel or contiguous lots of land under common ownership or control on which are sited, or which is designed, laid out or adapted to accommodate, more than two mobile homes. A parcel or contiguous lots owned by agricultural employers providing up to four mobile homes for use by full-time workers or employees, and a parcel or contiguous lots used solely on a seasonal basis for vacation or recreational mobile homes shall not be considered a mobile home park. 10 V.S.A. §6201 (2), further clarified in the Housing Division Rules, Part 1, Mobile Home Parks, Section 2.10.

Zoning changes:

- Keep remaining RM
- Add MHP as a CU to RM and RL
- Add MHP to Art 5, Part 2 per above...
-

## David E. White

---

**From:** genese grill <genesegrill1@gmail.com>  
**Sent:** Monday, August 31, 2015 7:55 AM  
**To:** David E. White; Emily Lee; Harris Roen (roen@burlingtontelecom.net); Andy Montroll; Yves Bradley; Jennifer Wallace-Brodeur; Lee Buffinton  
**Subject:** A Steering Committee for Plan BTV South End

Dear Long Range Planning Committee and Planning Commission,

On behalf of the South End Alliance I am writing you to request that a steering committee of diverse community members is formed relating specifically to Plan BTV South End. The mission of this important committee would be to participate in the review and revision of the draft Plan BTV South End document, provide strategic direction, and advocate for solutions decided upon by an inclusive organizational body representing a broad range of stakeholders and community experts.

After reviewing the meeting notes of the three Long Range Planning Committee meetings that discussed Plan BTV South End, it is clear that this committee has many of the same concerns and questions that many of us have about both the process and the content of the plan. For example, on March 11<sup>th</sup> you noted the “need for a study of micro-manufacturing interest/needs” and the need to include South Burlington in the planning process.

And yet, it is our belief that its mission as the general Long Range Planning Commission for all the city’s projects has not allowed for the kind of in-depth analysis and outreach necessary in such a major citywide project. For example, while the committee noted an interest in outreach, our investigations have made it clear that most businesses in the Enterprise District had either not been contacted by the city or had not responded to mass emails or mailings. Many residents are only just now getting involved. Compared to Plan BTV Downtown/Waterfront, the public input process for this plan has been meager. A design charrette advertised on the promotional materials never was held and the February workshop, held largely during working hours, was sparsely attended, and consisted of mostly outside consultants presenting pre-packaged plans that cannot have, at that early stage of the process, reflected public vision.

We of the South End Alliance have worked very hard to gather input from varied constituencies and to present it to the city. We are grateful that a number of your members have made it clear that you take our concerns seriously and that you will do your best to incorporate them into the revision of the plan come October. Nevertheless, a true steering committee of well-informed stakeholders devoted exclusively to Plan BTV South End would make your job more manageable, make the process more participatory, and lend the diversity that has been lacking in the decision-making process thus far. We would, of course, like a seat at this steering committee table so that we can work creatively with you to fashion positive solutions to the challenges facing the South End. We would also like to recommend the following stakeholders and local experts:

Kirsten Merriman Shapiro (CEDO)

Vermont Community Alliance for Public Transit (VCAPT)

Donna Walters (Head of the Wharf Lane Tenant Association)

Beth Sachs (Vermont Energy Investment Corporation)

Burlington District Energy System Committee (BURDES)

Jim Lampman (Champlain Chocolates)

R.J. Lalumiere (Dealer.com)

Historical Societies: UVM, Preservation Burlington

Burlington Walk/Bike Council

Community Neighborhood Development Revitalization Committee

Eric Morrow, Diane Gayer, Mannie Lionni, Israel Smith(local architects)

James Unsworth, Melinda Moulton, Harry Atkinson (landlords; developers)

Scott Mapes (environmental engineer)

Mark Wasko (16-year SEABA contributor)

Ruby Perry (South End resident and Community Organizer)

Steve Conant (creativity-focused business owner)

Hugo Martinez-Cazon (VDEC and South End Resident)

Amey Radcliffe and Charles Norris-Borwn (The South End Alliance)

We hope to hear your thoughts on this important step toward resolving the concern throughout the city about the Plan BTV South End Process. I am also sending this message to the City Councilors in hope that they will resolve to support the creation of this Steering Committee. Thank you all for your service and commitment to the City o Burlington.

Sincerely,

Genese Grill

South End Alliance

--

Genese Grill, PhD

<http://contramundum.net/thought-flights.html>

<http://www.jstor.org/r/WorldAsMetaphor>

<http://musilattempts.blogspot.com/>

<http://almandalgrimoire.blogspot.com/>

<http://researchsharingviapaper.blogspot.com>

<http://southendalliance.org>



RECEIVE  
AUG 31 2015

DEPARTMENT OF  
PLANNING & ZONING

RECEIVED  
AUG 31 2015

DEPARTMENT OF  
PLANNING & ZONING

August 31, 2015

Ms. Mary O'Neil, Senior Planner  
City of Burlington Planning and Zoning Office  
City Hall, 149 Church Street  
Burlington, Vermont 05401

RE: University of Vermont Medical Center Inpatient Building  
Proposed Amendments to the City of Burlington Comprehensive Development  
Ordinance

Dear Mary:

On behalf of the University of Vermont (UVM) Medical Center, we have prepared proposed amendments to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014. The proposed amendments include the following:

**Proposal A**

1. Global Name Change; and
2. Institutional Core Campus Overlay District boundary adjustments.

**Proposal B**

3. Signage.

**Proposal C**

4. Lot Coverage

Amendment #1 is for changing reference from Fletcher Allen Health Care to the UVM Medical Center reflecting their recent name change. Amendment #2 reflects the recent boundary line adjustment between the UVM Medical Center and UVM as part of the UVM Medical Center's Inpatient Building project. Exhibits A and B show the proposed



Ms. Mary O'Neil, Senior Planner  
City of Burlington Planning and Zoning Office

August 31, 2015

AUG 31 2015

DEPARTMENT OF  
PLANNING & ZONING

adjustments to the Institutional Core Campus Overlay District boundaries for clarification.

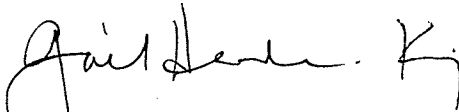
Amendment #3 is for the UVM Medical Center's need for clear and highly visible signage for directing people to their Medical Center campus and the Emergency Department with internally lit signage. Exhibit C is research regarding externally and internally lit signage for guidance.

And Amendment #4 clarifies how green roofs are handled when calculating lot coverage. This is a result of several projects at the UVM Medical Center's campus in Burlington that included green roofs, but there is nothing in the CDO on how to treat them with respect to lot coverage.

We are proposing these amendments separately in Proposals A, B and C so they can be reviewed and acted on independently. Amendments #2 and #3 will affect the UVM Medical Center's campus only. Amendments #1 and #4 will affect all zoning districts.

We plan to attend the Planning Commission meetings and will be available to discuss these proposed amendments. Please let me know if you have questions regarding these proposed amendments.

Sincerely,



Gail Henderson-King  
Senior Project Manager

Attachments

C: Dave Keelty

**Amendments - Proposal A to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014**  
August 31, 2015

The University of Vermont Medical Center (UVM Medical Center) proposes changes to the *City of Burlington Comprehensive Development Ordinance*.

**Overview / Statement of Purpose**

The University of Vermont Medical Center (UVM Medical Center) proposes the following amendments to the City of Burlington Comprehensive Development Ordinance (CDO) dated July 18, 2014. The amendments in Proposal A includes:

1. *Global Name Change:*

Change reference from Fletcher Allen Health Care (FAHC) to the University of Vermont Medical Center (UVM Medical Center). This is proposed as a global change throughout the CDO to eliminate confusion. This change will result in a name change for all geographic areas where Fletcher Allen Health Care (FAHC) is referenced; and

2. *Institutional Core Campus Overlay District boundary adjustments:*

This change reflects the recent boundary line adjustment between the UVM Medical Center and UVM as part of the UVM Medical Center's Inpatient Building project. It will affect the Institutional Core Campus Overlay Districts area only.

**Amendments - Proposal A**  
**The City of Burlington Comprehensive Development Ordinance (CDO),**  
**Last Updated July 18, 2014**

**Amendment #1: Global Name Change – Fletcher Allen Health Care (FAHC) to the University of Vermont Medical Center (UVM)**

This is to reflect the recent name change from Fletcher Allen Health Care (FAHC) to the University of Vermont Medical Center (UVM Medical Center) throughout the CDO document. This will help eliminate confusion when referring to the UVM Medical Center.

**Amendment #2: Institutional Core Campus Overlay Districts Boundary Change – Fletcher Allen Health Care Medical Center (FAHC) and UVM Central Campus (UVM)**

A boundary line adjustment between the UVM Medical Center and UVM received administrative approval in December 2014 (ZP 15-0664LL). The western boundary line of the UVM Medical Center campus shifted west to accommodate the Inpatient Building project, as approved by the Development Review Board in September 2014 (ZP 14-1321CA). There are detail differences in the overlay districts between the two institutions. This proposal makes the overlay district boundaries consistent with the property boundaries of the two institutions.

This change is not necessary for the current Inpatient Building. The Inpatient Building meets all the requirements of current zoning. Hospitals are a permitted use within the underlying Institutional Zoning District, which encompasses both institutions. Nothing about the Institutional Core Overlay Districts ICC-FAHC and ICC-UVM modifies the uses. Also, the Inpatient Building meets the height requirements within each overlay district. The proposed Institutional Core Campus Overlay District boundary changes will keep the UVM Medical Center lands and buildings all within the ICC-FAHC overlay districts and UVM's lands and buildings within its overlay districts, as follows.

*Proposed CDO Map Changes:*

**Article 4: Zoning Maps and Districts**

**Part 5: Overlay Zoning District Regulations**

**Section 4.5.2 Institutional Core Campus Overlay Districts**

An adjustment of the ICC-FAHC Height Overlay District is needed to include the newly adjusted UVM Medical Center campus boundary reflecting the approved boundary line

adjustment (BLA) for the UVM Medical Center Inpatient Building project. This will result in adjustments to the ICC-FAHC and ICC-UVM Height Overlay District boundaries.

*Map 4.5.2-1: Institutional Core Campus Overlay*

The western boundary line of the UVM Medical Center bordering the University of Vermont has shifted to the west to incorporate the new Inpatient Building project. As a result, the boundaries between the ICC-FAHC and ICC-UVM Overlay districts need to be adjusted. Exhibit A contains a plan showing the revised ICC-FAHC Overlay District boundary.

*(c) District Specific Regulations: Fletcher Allen Health Care Medical Center Campus (ICC-FAHC)*

*Map 4.5.2-2: Transitional Buffer*

The ICC-FAHC District boundary needs to be adjusted to reflect the new UVM Medical Center campus boundary as proposed in Map 4.5.2-1: Institutional Core Campus Overlay above.

*Subsection 5. Building Height*

*Map 4.5.2-3 ICC-FAHC Height Overlay*

The western boundary of the ICC-FAHC Height Overlay District needs to be adjusted to the west to reflect the revised property line between the two institutions. Exhibit B contains a plan showing the revised ICC-FAHC Height Overlay boundary.

*Map 4.5.2-4: ICC-UVM Central Campus and Height Overlay*

The FAHC Height Overlay District boundary needs to be adjusted as proposed on Map 4.5.2-3: ICC-FAHC Height Overlay above.

In order to assist the Planning Commission, we prepared the following information that discusses these proposed CDO changes along with additional information to address the above requirements.

### **Compliance with Municipal Development Plan**

These proposed amendments are in conformance with the **2014 planBTV Burlington's Municipal Development Plan** as described below.

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

The proposed Comprehensive Development Ordinance (CDO) amendment changes are in conformance with and further the goals and policies contained in the *2014 planBTV Burlington's Municipal Development Plan* in the following ways.

In the "Our Community Vision: A "Sustainable" Burlington" chapter for the Municipal Development Plan, it states "...*If we are to succeed in creating a truly sustainable community, future development within the City of Burlington must further the following principles.*" The proposed zoning amendments help to further several of these principles.

*"• Concentrate mixed-use, high density development within growth centers including the center city, neighborhood activity centers, and institutional core campuses."*

The new Inpatient Building concentrates the Medical Center's high density development within the Institutional Core Campus area. The boundary adjustment to the Institutional Core Campus Overlay districts will reflect the new Inpatient Building location within the Fletcher Allen Health Care Medical Center Campus (ICC-FAHC) district.

*"• Respect for the city's architectural and cultural history."*

The Institutional Core Campus Overlay district boundary adjustment respects the historic and culturally significant buildings on the UVM Medical Center campus and the UVM campus.

The proposed zoning amendments will have no effect on the availability of safe and affordable housing within the City of Burlington.

***(b) Is compatible with the proposed future land uses and densities of the municipal plan.***

The proposed amendments do not change the proposed future land uses and densities as described in the municipal plan for the Institutional Core Campus overlay districts or any other zoning district.

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

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

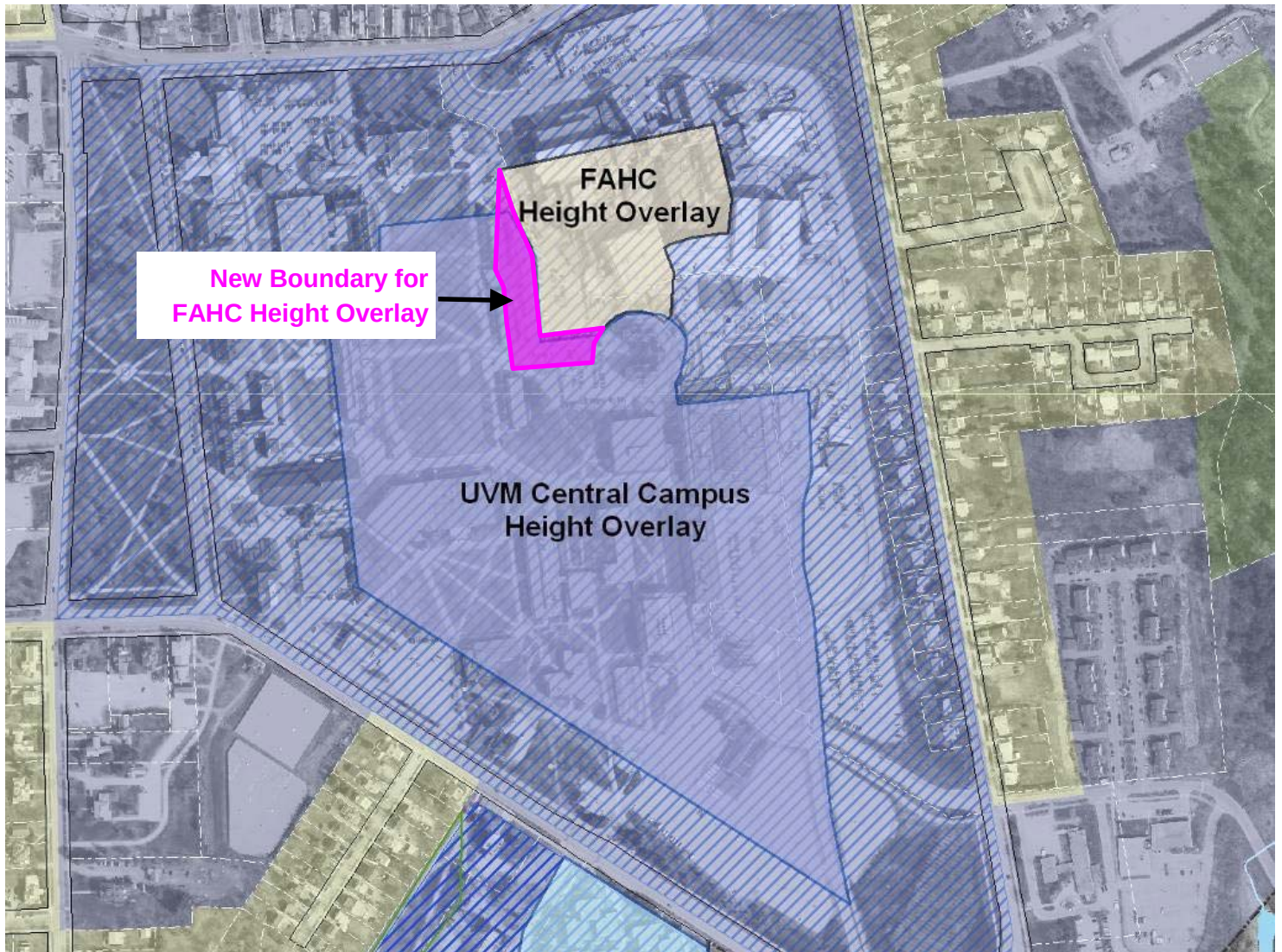






# Proposed Amendments to the City of Burlington Comprehensive Development Ordinance

August 17, 2015



Map 4.5.2-3 ICC-FAHC Height Overlay (With Proposed Edits)



**Amendment - Proposal B to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014**  
August 31, 2015

The University of Vermont Medical Center (UVM Medical Center) proposes changes to the *City of Burlington Comprehensive Development Ordinance*.

**Overview / Statement of Purpose**

The University of Vermont Medical Center (UVM Medical Center) proposes the following amendment to the City of Burlington Comprehensive Development Ordinance (CDO) dated July 18, 2014. The amendment in Proposal B includes:

3. *Signage:*  
Allow internally lit signage for Hospital entrances and directional for Emergency Departments. It will affect the Institutional Zoning District area only.

**Amendment – Proposal B**  
**The City of Burlington Comprehensive Development Ordinance (CDO),**  
**Last Updated July 18, 2014**

**Amendment #3: Signage - Internally Lit Signage**

The UVM Medical Center provides essential emergency services, sometimes to people who injured, impaired or otherwise under considerable stress. Some who arrive are not familiar with access to the hospital, including its emergency services. Clear and highly visible signage is an important factor in ease of wayfinding for these people. Internally illuminated signs are best for visibility and directing people to the correct place to go. Exhibit C contains research on externally and internally lit signage by BrandActive. BrandActive worked with the UVM Medical Center on wayfinding signage changes related to their recent name change.

Accordingly, UVM Medical Center requests limited rights for internal illumination of specific signs related to this concern. This request is limited to the three free-standing signs at the hospital's main entrances off Colchester Avenue, Main Street and East Avenue, and for signs directing people to the Emergency Department. The proposed change is incorporated into the Institutional Core Campus Overlay District ICC-FAHC so that it will not affect any other zone.

*Proposed CDO Language:*

**Article 7: Signs**

Issue: At present, the Comprehensive Development Ordinance does not allow internally illuminated signs within the Institutional Districts or the Institutional Core Campus Overlay District ICC-FAHC.

Proposed:

*Part 2: District Regulations*

*Section 7.2.1 Regulation by District*

*Table 7.2.1-1: Sign Regulation Summary*

In this table, for the Sign Type – Freestanding; Dimensional Requirements – Illumination; All RCO, Residential, and Institutional Districts states “No”. Change to No<sup>5</sup>. Add the following note:

5. Exceptions to internally illuminated signage in the Institutional Core Campus ICC-FAHC Overlay District are provided in Sec 4.5.2 (c) 7.

**Article 4: Zoning Maps and Districts**

*Sec. 4.5.2 Institutional Core Campus Overlay Districts*

*(c) District Specific Regulations: Fletcher Allen Health Care Medical Center Campus (ICC-FAHC)*

Add in the following:

**7. Signage**

Internally illuminated freestanding signage is permitted at the main entrances to the University of Vermont Medical Center Campus and internally illuminated directional signage is permitted for the Emergency Department. Internally illuminated freestanding and directional signage shall comply with Article 7: Signs.

In order to assist the Planning Commission, we prepared the following information that discusses these proposed CDO changes along with additional information to address the above requirements.

### **Compliance with Municipal Development Plan**

This proposed amendment is in conformance with the **2014 planBTV Burlington's Municipal Development Plan** as described below.

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

The proposed Comprehensive Development Ordinance (CDO) amendment changes are in conformance with and further the goals and policies contained in the *2014 planBTV Burlington's Municipal Development Plan* in the following ways.

In the "Land Use Plan" chapter for the Municipal Development Plan, the Vision Statement includes a series of distinct goals. One states the Plan "...envisions Burlington as a city where..... religious, educational and medical **institutions** have a respected place in the community, and play a vital role in the city's economy and social well-being. Development of academic and medical campuses, including additional housing, is concentrated on core campuses in order to minimize impacts on adjoining residential neighborhoods. Working cooperatively with the City, neighborhoods, and business community, the institutions share their valuable skills, resources, and leaders to help address development, transportation, housing, social, and neighborhood issues within the community." The proposed amendment will help the UVM Medical Center continue to provide a vital service to the City and region by directing visitors safely to their campus for emergency treatment.

The proposed amendment will have no effect on the availability of safe and affordable housing within the City of Burlington.

***(b) Is compatible with the proposed future land uses and densities of the municipal plan.***

The proposed amendments do not change the proposed future land uses and densities as described in the municipal plan for the Institutional Core Campus overlay districts or any other zoning district.

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

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

## Research Regarding Issues Associated with Flood Lit Signage

### Background

There are two main areas of concern with respect to externally illuminated signs:

1. Light pollution, which can be a public nuisance and detrimental to the environment.
2. Reduced legibility, which can create barriers to accessibility and even become a safety risk.

### Light Pollution

"Light pollution, also known as obtrusive light and stray light, is a term employed to broadly describe light that is either too bright for its intended purpose or 'that shines where it is not needed or wanted.' (RASC 2003). The concept of light pollution has been around for over 25 years (IESNA 2000a; Finch 1978); however it is only recently that on premise identification sign lighting has been indicated as a contributing factor to light pollution."<sup>1</sup>

#### Light Pollution Details

Flood lighting is implicated in many of the key light pollution issues commonly cited, "The four components of light pollution are often combined and may overlap:

- Urban Sky Glow—the brightening of the night sky over inhabited areas.
- Light Trespass—light falling where it is not intended, wanted, or needed.
- Glare—excessive brightness which causes visual discomfort. High levels of glare can decrease visibility.
- Clutter—bright, confusing, and excessive groupings of light sources, commonly found in over-lit urban areas. The proliferation of clutter contributes to urban sky glow, trespass, and glare."<sup>2</sup>

#### Governor Signs Marcellino Bill To Curtail Light Pollution From State Buildings

"Senator Carl L. Marcellino (R-Syosset) announces his legislation to curtail light pollution from State owned buildings was signed into law (Chapter 512) by the Governor...

Unshielded lighting causes light trespass, sky glow - obscuring night sky views, and road glare. 'Fatal light attraction,' which is produced by excessive outdoor lighting, is deadly for migratory birds, causing over 100 million bird fatalities across the United States."<sup>3</sup>

### Reduced Legibility

**"Extensive day and night field tests now confirm that internal sign illumination, on average, provides 40% greater visibility and 60% greater legibility than that provided by external sign illumination."**<sup>4</sup>

#### Concerns with Glare Created by Flood Lighting and its Impact to Legibility

"Things to avoid. Avoid lighting signs with spotlights, especially signs with a glossy surface. Spotlights can produce glare if the positioned too close to the signs."<sup>5</sup>

#### Evidence or Legitimate Safety Concerns

**"These performance differences are significant because drivers who have more time to read signs are less likely to exhibit erratic driving maneuvers such as inappropriate rates of deceleration and untimely lane changes.** This study demonstrated that maintaining the brightness of internally illuminated, on-premise signs at optimum levels could improve driver safety and comfort by giving drivers more time to read the signs. This is not to say that internally illuminated, on-premise signs should be as bright as possible, as this study also demonstrated that there is a peak in both sign legibility and recognition distance as a function of sign brightness, such that performance falls off as these signs becomes overly bright."<sup>6</sup>

### References

1. On-Premise Commercial Sign Lighting and Light Pollution. Leukos, Vo. 1, No. 3, January 2005, Pg. 7-18
2. Dark Skies Awareness. <http://www.darkskiesawareness.org/fag-what-is-lp.php>
3. Wayfinding, Effective Wayfinding and Signing Systems, Guidance for Healthcare Facilities. NHS Estates, an Executive Agency of the Department of Health, UK. May 2005.

4. Outdoor Lighting Ordinance Guide. The Eatontown, NJ, Ordinance
5. The Effects of Internally Illuminated On-Premise Sign Brightness on Nighttime Sign Visibility and Traffic Safety." The Thomas D. Larson, Pennsylvania Transportation Institute
6. Relative Visibility of Internally and Externally Illuminated On-premises signs. Pennsylvania Transportation Institute, Pennsylvania State University, 2004.

**Amendment – Proposal C to the City of Burlington Comprehensive Development Ordinance (CDO) last updated July 18, 2014**  
August 31, 2015

The University of Vermont Medical Center (UVM Medical Center) proposes the following change to the *City of Burlington Comprehensive Development Ordinance*.

**Overview / Statement of Purpose**

The University of Vermont Medical Center (UVM Medical Center) proposes the following amendment to the City of Burlington Comprehensive Development Ordinance (CDO) dated July 18, 2014. The amendment in Proposal C includes:

4. *Lot coverage:*  
Clarify how Green Roofs are handled for lot coverage calculations. It will affect all zoning districts where green roof infrastructure could be used for stormwater runoff management.



**Amendment – Proposal C**  
**The City of Burlington Comprehensive Development Ordinance (CDO),**  
**Last Updated July 18, 2014**

**Amendment #4: Lot Coverage – Green Roofs**

This proposed amendment addresses how a green roof is counted when calculating lot coverage for a proposed project. At present the CDO is silent as to how green roofs are treated with respect to lot coverage. When UVM Medical Center’s Renaissance Project was approved, the green areas above the underground garage were considered to be green for lot coverage purposes. When the Radiation Oncology project was approved a few years later, the DRB decided that it didn’t know how to calculate the lot coverage – whether, like the garage, it should be considered green space, or not. But they ruled that the Medical Center campus would be within allowed lot coverage regardless, so they approved the project without deciding either way. Since then, it has remained unclear as to what UVM Medical Center’s current lot coverage is. This issue is likely to arise with other projects in the City as green roofs become more common. The purpose of this proposed amendment is to clarify this matter. This proposed amendment is not intended to address stormwater *incentives* for installing green roofs, which we understand the Planning Commission is working on separately. This is solely designed to clarify how lot coverage is calculated when a project includes a green roof.

In general, we are aware of three different circumstances affecting how the City might wish to calculate lot coverage with green roofs. The distinctions relate to the physical location and circumstances of a green roof and consequently how the green roof is perceived by the general public.

The first situation is where the building or structure is wholly or substantially underground so that the general public perceives the green roof as simply additional ground area. A good example of this is UVM Medical Center’s underground garage. When one is walking on top of it, one is hardly aware that one is actually on a roof. In this circumstance, our proposal is that the green areas of such a green roof would be calculated as 100% green space, because for all intents and purposes, they are.

At the other extreme is a green roof on top of a conventional above-ground building; for example, if the Medical Center were to have a green roof on top of McClure (which it does not). Under this circumstance, the general public will not perceive it to be green space unless they happen to go up to the roof. Nonetheless, the green roof has some of the benefits of green space, so under this circumstance we propose that 50% of the green areas of the green roof be green space for lot coverage purposes.

The third circumstance is between the first two – that is, a building which is partially underground. A good example of this is UVM Medical Center’s Radiation Oncology building which is built into the hillside on the east end of the Ambulatory Care Center. A pedestrian approaching from the south perceives the roof as simply additional ground area because it is more or less at grade with the quadrangle in front of the Ambulatory Care Center. But pedestrians approaching from the north have a view of the north facade and portions of the east façade of the Radiation Oncology building. Under such a circumstance, we propose that if less than 50% of all exterior walls of a building are exposed, 100% of the green roof area would be calculated as green space, but if more than 50% of all exterior walls of a building are visible only 75% of the green roof area would be allowed to be green space for lot coverage purposes.

*Proposed CDO Language:*

**Article 5: Citywide General Regulations**

**Part 2: Dimensional Requirements**

**Section 5.2.3 Lot Coverage Requirements, (b) Exceptions to Lot Coverage:**

9. Anticipate the proposed Low Impact Development (LID) Amendment to CDO dated July 2, 2015 will be added.

Add in the following:

10. A building with a green roof that is entirely or substantially underground such that the green roof is substantially at grade with the surrounding area and 50% or less of all sides of a building are visible above grade, shall count 100% of the green areas of the roof as green area for lot coverage purposes.

If a building is partially underground such that in one or more direction the roof is substantially at grade with the surrounding land, but more than 50% of all sides of a building are visible, shall count 75% of the green roof area as green area for lot coverage purposes.

Where a green roof is not substantially at grade with the surrounding land, 50% of the green areas of the roof shall be considered green for lot coverage purposes.

In all cases, exposed impervious surfaces and structures within the green roof shall be calculated as lot coverage.

**Article 13: Definitions**

Add in the following definitions.

**Green Roof:** A green roof is a building roof that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also

include additional layers such as a root barrier and drainage and irrigation systems. Pre-planted tray systems with green roof layers combined into small units shall qualify as a green roof. The depth of soil and planted material shall be at least two (2) inches to be considered a functional Green Roof area. Container gardens with plants in pots or roofs painted a reflective color without plants shall not qualify as a green roof for purposes of this section.

In order to assist the Planning Commission, we prepared the following information that discusses this proposed CDO change along with additional information to address the above requirements.

### **Compliance with Municipal Development Plan**

The proposed amendment is in conformance with the **2014 planBTV Burlington's Municipal Development Plan** as described below.

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

The proposed Comprehensive Development Ordinance (CDO) amendment change is in conformance with and further the goals and policies contained in the *2014 planBTV Burlington's Municipal Development Plan* in the following ways.

In the “Our Community Vision: A “Sustainable” Burlington” chapter for the Municipal Development Plan, it states *“If we succeed, Burlington is a leader in the development and implementation of energy efficiency measures that reduce energy costs, enhance environmental quality, improve security and sustainability, and enhance economic vitality.”* The proposed zoning amendment will encourage the use of green roofs in development, which help to reduce building energy costs and enhances environmental quality through better stormwater treatment methods.

It also states *“...If we are to succeed in creating a truly sustainable community, future development within the City of Burlington must further the following principles.”* The proposed zoning amendment will help to further several of these principles.

- “• Concentrate mixed-use, high density development within growth centers including the center city, neighborhood activity centers, and institutional core campuses.”*

Accounting for green roof credit when calculating lot coverage will help the City to encourage high density development within these areas of the city.

- “• Support long-term solutions over short-term fixes to community needs and problems.”*

Green roof credit when calculating lot coverage will support long term solutions for stormwater management within the city.

The proposed zoning amendment will have no effect on the availability of safe and affordable housing within the City of Burlington.

***(b) Is compatible with the proposed future land uses and densities of the municipal plan.***

The proposed amendment does not change the proposed future land uses and densities as described in the municipal plan for the Institutional Core Campus overlay districts or any other zoning district.

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

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

## Burlington Planning Commission

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*Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
vacant, Youth Member*



## Burlington Planning Commission

### ORGANIZATIONAL MEETING

**Tuesday, July 14, 2015 - 6:30 P.M.**

Conference Room #12, Ground Floor, City Hall, 149 Church Street

### MINUTES

**Present:** B. Baker, H. Roen, L. Buffinton, E. Lee, Y Bradley

**Absent:** J Wallace-Brodeur, A Montroll

**Staff:** D White, E Tillotson

#### **I. Agenda 6:33**

D White opens the organizational meeting, suggests that under Commissioner Items the summer meeting schedule be discussed.

#### **II. Public Forum**

No Participants

#### **III. Annual Organizational Meeting**

D White opens the organizational meeting and invites nominations for the position of Chair.

B Baker nominates Y Bradley, L Buffinton seconds.

Y Bradley states that he is willing and able to serve as Chair.

E Lee nominates A Montroll. A Montroll is absent and unable to indicated his willingness to serve.

H Roen: Asks if Y Bradley is able to commit to the position of Chair.

Y Bradley: States that he has no excuse for missing meetings but his schedule is now freed up for Tuesday evenings, etc.

D White calls for a vote for Y Bradley as Chair with L Buffinton and B Baker in the affirmative.

H Roen and L Buffinton suggest that the organizational portion of the meeting be postponed until the following meeting when there will be a fuller complement of members, including officer and committee members, committee assignments. The consensus is that the organizational portion will be included on the July 28<sup>th</sup> agenda.

#### IV. Report of the Chair

Y Bradley: He was present at a Burlington Business Bureau breakfast meeting with this morning at which both he and City Council Chair, Jane Knodell spoke. There were numerous questions about FBC (form based code).

- One frequent comment was that the City did planBTV, and with the FBC and the South End project, are we having too much planning?
- Based on the information that he has gathered, the Chair notes that planBTV was executed in a tremendously short time, something that most of the public would probably not be aware of.
- The planBTV process has resulted additionally in the recognition that the need for FBC exists, the resulting actions have actually been a very rapid process.
- Planning and Zoning and the Development Review Board have undergone significant changes in the last four years and are becoming more responsive to public needs although the perception is that it is still difficult to do business in Burlington.
- The Burlington housing boom is actually a trickle in contrast to what is happening just outside the borders of the City.

#### V. Report of the Director

- The FBC (form based code) Committee has a scheduled meeting every couple of weeks. The conversation about the review process, discretionary vs administrative permits, criteria for DRB review has begun.
- The City Council has approved a resolution that the Chair could appoint a person to the Joint Planning Committee for FBC. He would like to find an architect to serve on the committee. Y Bradley: We are trying to recruit Richard Dean who works with TruexCullins.
- PlanBTV South End plans are out. Starting last week there have been a series of meetings with SEABA addressing various topics. The schedule is on the web site, there are mostly 8 am meetings. We are trying to share what does the plan say, and understand what is missing.
- The office is drowning in permit applications creating a struggle to keep up.
- The Candidates for S Thibault's position have been whittled down to the top five, next week they will decide which ones to interview.

#### VI. Public Hearing – Time Certain 7:00 pm

The Commission will hold a public hearing for the following proposed zoning amendment:

- **ZA-15-06 Performing Arts Center in ELM Zone** – to allow performing arts centers as a conditional use in the Enterprise – Light Manufacturing (ELM) Zone.

D. White: This action was originated by the City Council which asked the Commission to consider this action which had been previously discussed but now is ready for public hearing. Studios currently are allowed. Arts Riot has pushed envelope with a combination of arts uses, permitted with conditional uses. It has frontage on Pine Street with a limit of 5,000 sq ft. A restaurant or café would be allowed, not a bar.



Charles Norris Brown: This is the first time he has heard about this. Has the public been involved?

D White: The amendment to the zoning ordinance has not been approved yet. Following the Planning Commission public hearing, if approved, it will go to City Council and their public hearing.

C N Brown: Are the parameters anywhere on Pine Street?

D White: Anywhere. Today it is not allowed at all. As proposed, it can be only with frontage on Pine Street.

Y Bradley: The present conditions at Arts Riot are violation of existing ordinance. The Planning Commission recognizes that others might wish to utilize the same approach. The zoning ordinance is a living breathing thing.

E Lee: This also conditional use, the DRB can require certain conditions so permittal is not a total green light.

D White: The amendment constrains the size, limits the footprint.

L Buffinton: Are there time limits?

J. Lockridge: Creative people come from every scale, art is shared in every environment. There should be a special concentration of creativity down to Flynn Street at least. If the definition is too strictly defined, the ordinance could overly limit participation. We are talking potentially about people who can afford big concerns. This could be construed as playing king maker with artists, on many levels. It seems restrictive to limit participation to Pine Street facing properties, it would not be inclusive.

D White: Arts Riot at present is pushing the envelope. If use is narrowly constrained, it will be restrictive. The trend is to ease that, looking for balance of size and location. The Commission and Council need to be cautious about how implementation will balance out.

J. Lockridge: Wishes to present a perspective from grassroots, possibly creating a barrier to the artist's sense of belonging to the community. The politics and philosophy might be broader than the Commission is thinking about.

Y Bradley: This proposal is a response to a direct situation. When it comes time to rewrite the zoning ordinance, there will be a lot more change. Right now the City Council has a narrow scope but it will be different as the south end plan evolves.

J. Lockridge: The City could have an interest in building a performing arts center in the south end, something that could be supported with Planning Commission comments.

B Baker: The Commission is taking care not to do harm. PlanBTV South End is a very open process; there has been a lot of input during the planning process.

Y Bradley: We have a situation that the Planning Commission has been asked to respond to.

M. Standley: She feels as if there is a lot of growth going on with Arts Riots, but she has not been fully engaged with neighbors.

E Lee: It is a fundamental conflict that Arts Riot is noisy for the neighborhood.

Y Bradley: They were caught off guard by the magnitude of their success, not well managed, unexpected.

M Standley: Is concerned about the delicate nature of moving forward with planBTV South End, her fear is that it might engender a lack of transparency.

H Roen: Has been actively participating in the process to support, and planBTV South end will have more public process.

Y Bradley: The City Council has supported the planning process, perhaps there should be another public hearing. There is sensitivity in south end, the Commission could kick it back to City Council for another hearing.

D White: That is the proposal.

Y Bradley: It should go back to the City Council for exploration and freedom of discussion.

D White: The City Council has asked the Planning Commission to consider this. Jim's comments are spot on about how performance happens. The City Council has asked for the amendment.

Y Bradley: Recommends that the City Council have second public hearing.

D White: What he has heard from the public is that this should be further discussed at the Council.

Y Bradley: Yes there is concern with both process and content.

**On a motion by Y Bradley, seconded by L. Buffinton, the Commission unanimously agreed to forward the proposal back to the City Council for adoption along with public comments received.**

## **VII. Proposed Telecommunications Facility – 86 Lake Street**

Y Bradley: This type of situation seems to be hopping up more and more, let's make our discussion brief.

Verizon Representatives, Brian & Louis Hodges: After the meeting with the Commission in early May they created a reduction in height and the number of antennas, as well as a diagram of other buildings considered and the logic for choice. Based on that meeting, there seemed to be a consensus that the petition be filed in early June. We are still investigating the louver on the west side of the building and are open to a discussion of plantings. The materials that were sent were missing some items which we can supply if you want.

Y Bradley: The largest concern was that the visual impact was significant.

D White: The other item, is this the only location? At the last meeting site choices were discussed and this seemed to be the only choice.

Brian/Verizon: The DAB voted today to support the application.

D White: The issue includes screening the mechanicals and concern about bollards protecting the building on the north side. These are a couple of points that the City would like to see addressed by the PSB. And the City would comment to the PSB about the recommendations.

H Roen: What about the noise associated with the project?

L Hodges: Typically it will have a 30 k generator, the backup doesn't run constantly, the noise is contained now. We can install another bollard to protect the gas meter.

L Buffinton: Would like to suggest something like advise acceptance of these suggestions.

B Baker: This strikes a balance required by State statutes.

D White: This criteria is relative to the Municipal Development Plan, the Commission needs to find that the final proposed plan conforms to the MDP.

**On a motion by Y Bradley, seconded by H Roen, the Commission unanimously supported the application, and recommends that staff concerns and recommendations regarding screening be forwarded to the PSB for their consideration.**

## **VIII. Major Impact Review**

The Commission continue its discussion on Major Impact Review and how requirements could be changed to better reflect the reality of distinct neighborhoods in the City.

D White: Suggests a proposal to consider how major impact review is applied which is included in the packet and which presently is required for any development of five or more living units. This has been discussed numerous times and is not a one size fits all proposal as it would rearrange the requirements based on zoning form district groupings creating four different areas. How much overlap is there between Conditional Use criteria and Major Impact criteria have a lot of overlap, are quite similar. Conditional Use should be looking at use only, Major Impact should address the entire development project at the DRB level.

H Roen: Other development triggers are what?

D White: Has a list of triggers to hand out. The proposal would be to collapse and squeeze the list since there is so much overlap.

E Lee: Would suggest removing RH from the list.

L Buffinton: It would seem much cleaner to put all residential development in the same category.

Y Bradley: The Planning Commission and staff should all be comfortable with the proposed changes.

D White: All of residential can be in the same group, multiple projects of a singular applicant would be addressed within twelve months where they are on the same or an adjacent property.

**On a motion by B. Baker, seconded by L Buffinton, the Commission unanimously supported warning the proposed amendment for a public hearing.**

**IX. Committee Reports**

Long Range Planning Committee: has not met

Executive Committee: has not met

Ordinance Committee: has not met

**X. Commissioner Items**

**XI. Minutes/Communications**

There were no minutes/communications.

**XII. Adjourn**

On a motion by H. Roen, seconded by L Buffinton, the Commission unanimously adjourned at 8:35 pm.

Y. Bradley, Chair



E. Tillotson, Recording Secretary

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Jennifer Wallace-Brodeur  
Youth Member



## Burlington Planning Commission Minutes - DRAFT Tuesday, September 08, 2015 - 6:35 pm

**PC Present:** L. Buffinton, H. Roen, J. Wallace-Brodeur, Y. Bradley, A. Montroll, B. Baker, E. Lee

**Absent:**

**Staff:** D. White, E Tillotson

### I. Agenda

No changes

### II. Public Forum

Martha Lang: 138 Colchester Avenue, to discuss 111 Colchester Avenue, UVM Medical Center  
Zoning permits for the Medical Center are not placing any restrictions on traffic. She has spoken at the DRB Public Hearing, requesting traffic restrictions which are allowed in projects of this size, she has requested the traffic study. Colchester Avenue is only a secondary road, not a primary road. The construction is a one hundred million dollar addition, presently with no traffic restrictions. There have been two traffic studies, the first reports that 100% of the construction traffic will go by her house, the second study says there is no traffic impact. Additionally the Medical Center includes 1 acre of land which is zoned for institutional land use, not medical. Why are the DRB, the Planning Commission, not applying the appropriate process? For a Certificate of Appropriateness or a Major Impact the Medical Center must go back and reapply. Either the DRB or the PC is turning a blind eye, or it is an oversight.

Charlie Messing: Holds up a booklet with a cover picture (2985) needed one convention center, he lives on College Street. This is the only access route to the waterfront, ten thousand people will be walking past my door. Another way to get to the waterfront is necessary. In the draft plan, buildings will bring in money to developers, but there is no housing for the homeless. A livable city is an admirable city, but our city can't get much bigger and retain its present character.

Maggie Standley; Lives in Ward 3, on Myrtle Street and owns a business in the south end. The need for more beautification of North Street to counter heroin use and violence in the neighborhood. She would like to see more resources directed to North Street and has spoken with Dan Cahill and Warren Spinner, She personally planted flowers, which were cut down by City Staff (?) It is important for kids and all citizens to see beauty which should exist on all main streets and corners, there should be permanent flower beds. She appreciates that planBTV: South End is on the agenda and is an advocate for the stakeholder community members. There has been lots of time and effort spent on the plan, and she is pleased to be invited to have a seat at the table during the process but feels the table hasn't been as large it could be. The process deserves a steering committee, there are lots of things to consider. Also the Long Range Planning Committee meets rarely. She would like to see Planning & Zoning form a steering committee, diversity in feedback is needed.

Megan Sterns: Is working on a new business, a high end hourly dog sitting business. Hotels would see this as a great service, a rising tide raises all boats, presently zoning does not allow this use downtown. She is asking that it be changed, and presents letters to P & Z and the Commission.

### III. Report of the Chair

The Chair presented the following:

- This is going to be an interesting fall with lots to do.
- There is an Executive Committee meeting coming up.

- There are plans to continue meeting on a biweekly basis, there is lots to do: code enforcement, planBTV South End, etc
- The Chair has a date with his 12 year old son and will leave at 8 or 8:15, the Vice Chair will take over.

#### **IV. Report of the Director**

The Director presented the following:

Most of his items are on the agenda and he will defer to future presentations.

#### **V. Family Definition**

D White: There is a correction of a couple of mistakes: the July 23rd letter was missing and now is included in the packet. The Director did forward the letter to all Commission members.

Leon Beliveau: Author of the letter speaks about several properties in Burlington and one in Fairfax. Asks Commission if anyone lives in a multi-unit structure?

Y Bradley: Yes, about 30 condo units.

C Messing: Yes, about 65 units.

L Beliveau: What are you living in in terms of definition of the zoning ordinance, family vs non family. There was a court case in Fairfax pertaining to this that he was involved in.

E Lee: This seems very out of context for us, could you clarify problem and what you really want out of this?

L Beliveau: People who sign non family leases have to commit to a series of acts or if you have more than four unrelated adults occupying a living unit it seems that they are non family.

A Montroll: More than four living in one unit in many cities is not allowed. He is not exactly sure what you are asking.

Y Bradley: Are you asking us to redefine what does and does not constitute a family? Is it that the language doesn't really match, is it for more flexibility in the number of people living in a house?

D White: There are allowances for pre existing, non conforming uses.

Y Bradley: Moving forward, the zoning ordinance would control how many unrelated people can live together. How was it different? When he lived with thirteen people in a single family house, it was very hard to regulate. The point is, the more people there are in house, the more difficult it is to monitor how the house is treated, how the neighborhood is treated, safety is an issue. Are you asking us to redefine the family definition?

L Beliveau: Yes, remove some words and add some words. The towns of South Burlington and Fairfax are somewhat different.

L Buffinton: If present requirements were removed, the changes would leave the community wide open to noise, trash problems, parking issues, disrespect, and disrepair.

A Montroll: We appreciate your coming. The Commission has gone through this in past and has spent quite a lot of time on this issue.

**A Montroll: Motion to take no action. J Wallace-Brodeur: Seconds the motion.**

E Lee: Would suggest that the Commission ask legal counsel for an opinion about pre existing non conforming use being grandfathered only in the RH district. She would love the City Attorney to state that pre existing more than four occupants are not allowed.

H Roen: Agrees with the concept, supports the motion.

**All vote in favor as amended by E Lee.**

## **VI. Department Reorganization Plan**

D White: Is included in the packet. The long and short of it is with the assistant director absence, the possibility of creating two new positions known as principle planner, who would take on customer service, education, development review workload and add an associate planner. A second factor is that budgetary impacts are positive.

H Roen: Likes what he has seen.

Y Bradley: What kind of training will be provided to get to the next level? Customer service could be better, what tools could be used? And is there going to be a system in place to see that what is promised is delivered?

D White: It is important to have training. Also we are just beginning an effort to look at permit reform, best practices, examining other communities. He has no specific examples at this point.

Y Bradley: Colleges provides customer service training. Neophytes to the process tend to be nervous, it is necessary to have the ability to be a welcoming and supportive experience and incorporate best practices.

B Baker: There needs to be a way to explore other avenues.

E Lee: It can be like going to a French counselor, "C'est impossible!"

B Baker: There are other ways to accomplish what is needed.

D White: Our two Planners know what works, and want to change the face of the process.

Y Bradley: We have faith in David as a leader, culture change is necessary. He has received a call from the mayor's office today asking if he believes this reorganization is a good idea. He suggested that it is a good idea but paying attention to see if it works, not as a lengthy process. There have been positive comments with expectations.

**A Montroll moved to endorse the proposal as presented, seconded by L Buffinton.**

**All vote in favor.**

## **VII. Mobile Home Parks**

*postponed to next meeting*

## **VIII. planBTV South End Update**

Y Bradley: We need to recognize A Montroll for his cognizance of customer service for this project.

D White: There is an email in the packet from the South End Alliance.

B Baker: Is there someone to speak for the group?

G. Grill: Basically we are asking for a steering committee to examine the threats and possibilities associated with the process. We have discovered through interviews that there are a lot of people who have not been engaged in the process, ie: manufacturers and other people with direct concerns. This is a new experience for most of the group, NPA meetings, school officials. Champlain School is full which poses the question about where to put more schooling. This is an example of conversations to consider for an extension of time, real discussions with real people are needed. The whole process has taken longer for the public to become educated about the project; residents, businesses, schools, haven't known what was going on to the extent that was needed. They would suggest a manufacturing study to assess the result of a decreased industrial area. It seems that there is a need for a real study addressing: business retention, jobs, etc. A steering committee could consist of members from CEDO, transportation, the walk/bike group, environmental design, art, etc. It would be a group to go to the next level. It seems as if the planning has actually just really begun to progress.

M Standley: The draft plan is a great working document for a steering committee to work from, it would really serve the whole purpose, students, business owners, don't really understand what is going on. It is of the utmost importance that citizens understand; planBTV Downtown was a very thorough process, geographically it extended to Howard Street ?). The proof is in the zoning. We are at a pivotal point in city growth; enterprise, south end, arts, the general public doesn't know the difference. A lot of opportunities and risks exist but this can be a win/win situation. The process has been interesting and involved and not comprehensive enough. The City needs to be very thoughtful and take its time. Dealer.com has brought so many jobs and provided community support, when they moved, if this had been a mixed use district, condos and other housing would have happened, and dealer would have had to move out of town.

Regina Brault, 125 Cherry Lane: This Commission is not talking about smell on Pine Street, from Zero Gravity Brewery. It's terrible, she has called them and they don't care. She doesn't want this, she has lived there for 30 years, the neighborhood doesn't want this, it's horrible. Young people love to party all the time; the odors haven't been in existence the past few days.

E Lee: This situation is totally relevant to what we are talking about.

D White: The City Council is talking about this tonight. The solution to a nuisance would be code enforcement, noise is police. This information should be forwarded to those entities.

A. Radcliffe: FBC gets rid of traditional uses, original zoning was to segregate from residential, bringing more housing to industrial area, consolidate industrial , with perhaps buffers, government regulates well, really close together, perhaps too close. There are better ways to regulate.

Charlie Messing: has read south end hands out three pictures, cover of south end , opposite side of street, dealer .com trees will be torn up, details buried in tiny type, handy catch phrases, need to put whole plan on hold and get more input from the community.

Donna Walters, Maple Street: Has been active in the South End participatory process. Her observation is that people usually feel good when they are involved but people were not happy, were shocked and taken aback by public response, people did not feel represented. She recommends that the group read Bruce Seifer's book which should be a prerequisite for protecting the enterprise zone, and she highly recommends that you do so. A steering committee should be comprised of local stakeholders. There are experts in the community who could make up a steering committee and we should utilize these experts. The housing piece is underdeveloped, even housing planning in our community is underdeveloped as such. She doesn't see much input through the community of baby boomers, senior housing is the next big need. Developers haven't been heard or seen, she wants to hear from them and discuss the possibility that there maybe ways together to work. Some of the major businesses haven't been present. It would be nice if it were a conversation with everyone. A core dedicated group would make this plan great. How can so much going be distilled, need a steering committee.

H Roen: The LRPC has review planned. He has attended as many meetings as possible, the main comments on the plan are a lot of good stuff, the area that needs exploration is the housing piece. A steering committee could create a better plan although a lot of work is done already. A steering committee will run into the same barriers, on the other hand this energy should be utilized.

M Standley: Housing in the south end, does this mean the enterprise district?

H Roen: Thinking on that question has evolved, he has questions now.

Y Bradley: Personally believes that housing in the enterprise district is a bad idea. In the south end, enterprise development but no housing is appropriate. There is predicted growth in jobs, manufacturing in the next fifteen plus years. planBTV South End has been active for a year, moving and evolving, the Commission has to move forward, don't want to start over which sounds as if it is proposing a different answer. The City, the Commission, the Department, look at all districts in the city sometimes with outside consultants, their analysis not always correct. A portion of this unrest is about showing flexibility, there is fear around FBC. No one is 100 % sure what it is yet, but there is still a lot of work being done on it. In the past he has seen the Commission and City Council unable to move forward.

G. Grill: Are you concerned whether all of the important stakeholders have had adequate input?

A. Radcliffe: She is hungry for something that doesn't fit into a fifteen minute conversation, there is not enough time to talk things through, need to have the conversation. Public dialogue, is more like conversations.

(?) E Lew: There has been a lot of dialogue, public meetings are a lot of work and she has had so many personal conversations with people. She feels as if there has been mistrust from the beginning. Responses should not be reactionary. What is good for the process is to be neutral, there can be no secret back room.

Y Bradley: The School Board has known that this plan is in the works. If you give a shit you are going to be there. We take your comments extraordinarily seriously.

L Buffinton: These are good points, they show a way to move forward constructively. We do not rubber stamp things. There is nothing carved in stone saying that the enterprise zone is going to change. We want to move forward but are not going to rush this thing.

A Montroll: Feels the same as the others, that this is part of the process. Individual Planning Commission members have had participation, the process is still in the public comment period which closes October 1<sup>st</sup>. Then the Planning Commission job begins. Changing the process now, sending it back doesn't seem good thinking. He

would suggest that the public comment period be closed out and then the process could take a couple of different directions. The Commission has its own process during which it will give its own assessment of the situation.

Y Bradley: Completely agrees with A Montroll, now is the juicy part for us. This is a good process, the Commission will be listening to the public, listening seriously, and we want you to talk to us during the process.

Lady, black shirt: We appreciate your active listening.

B Baker: The process starts with the technical people, then it gets to us. I strongly believe that we reflect the community.

D White: Wishes to point out that the conversation doesn't end October 1<sup>st</sup>. Staff will assemble and organize the comments, the Planning Commission will have recommendations, the plan is intended to spur conversation around a wide range of comments. The Commission will come up with a final draft and start the process to adopt the plan. That process could rewind the clock, public hearings on the draft can produce further changes. The City Council has public hearings, and finally adopts the plan which has a whole series of recommendations. Each item needs further work to/from the Planning Commission, DPW, Parks and Recreation, each entity will take up the plan as needed, work on implementation of each element.

E Lee: Wants to have opportunities in the South End for further conversation.

J Wallace-Brodeur: Recommends that we talk about the public process. It could be helpful to have a session at the LRPC discussing how to proceed. There might be other things that we can do produce a more robust public conversation.

B Baker: We will put a finer point on the process, and I believe it happens here at the Planning Commission.

A Montroll: There are many meetings to be had.

L Buffinton: Wants to hear from other voices.

M Standley: I appreciate your efforts. There were a lot of meetings this first year, resulting in not much substance. The LRPC meeting was much clearer.

G. Grill: The web based tool never has never tabulated and been commented on. Is there a second report on the web based comments? The second one has a few comments. It needs a summary for validation.

D White: I will see about getting it available.

B Baker: We want to see all the data anyone has. We are excited that you came tonight with comments.

D White: Let's schedule a LRPC meeting the week of 21st.

B. McGrew: FBC meeting will be Tuesday 29<sup>th</sup> here.

## **IX. Committee Reports**

- LRPC: Has been involved in SEABA meetings, there will be a meeting the last week of September.
- Joint CC/PC Form Based Code Committee – next meeting September 29<sup>th</sup>. The committee meetings have been constructive. There are six more meetings scheduled with hope to wind up in November. The last meeting the committee started talking about process. After that, he (A Montroll) feels apprehensive about dumping the results on everyone's laps and would suggest a joint work session with the City Council and the Planning Commission.
- Ordinance Committee: Meeting on parking/sharing and low impact, and rezoning Fletcher Place area.
- Executive Committee: Will meet September 22.

## **X. Commissioner Items**

E Lee: Has met with Mary Burns about the YMCA and the purchase of the Ethan Allen Club.

## **XI. Minutes/Communications**

L Buffinton: Page 3 needs a correction for: are there time limits *for operation*.



**Motion: J Wallace-Brodeur, second by H. Roen:** Approve the minutes from the July 14, 2015 meeting with correction as noted.

**Motion approved: unanimous.**

D White: Thoughts about the October 13 meeting when he will be gone. Meagan starts the first full week in October, so should that meeting be moved to October 6<sup>th</sup>?

**XII. Adjourn (8:56 pm)**

**Motion: J Wallace-Brodeur, second by L Buffinton:** Unanimously vote to adjourn.



Chair

December 10, 2015

Date



Elsie Tillotson, Recording Secretary