

Burlington Planning Commission

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

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Regular Meeting Burlington Planning Commission Tuesday, June 23, 2020, 6:30 P.M. **Remote Meeting via Zoom**

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/87616008658?pwd=bFVnTDhJV0ZJQ3M1eUw4WnFuekxyUT09>

Password: 889081

To Join the Meeting on a Phone

Number: +1 929 205 6099 Meeting ID: 876 1600 8658 Password: 889081

AGENDA

I. Agenda

II. Public Forum - Time Certain 6:35 p.m.

Please pg. 3 of the Agenda Packet for details on how to participate in the public forum for this meeting.

III. Chair's Report

IV. Director's Report

V. Proposed CDO Amendment: 311 North Avenue Rezone, Parks Lot Cover Standards, WRM Height Exemption

The Planning Commission will discuss a proposed amendment to the *Burlington Comprehensive Development Ordinance* to rezone a portion of the 311 North Avenue property, and to remove outdated provisions for lot coverage standards for downtown parks and the WRM Height exemption. Information related to this item is enclosed in the agenda packet on page 4.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and warn for public hearing.

VI. Proposed CDO Amendment: Dwelling Unit Definition

The Planning Commission will discuss a proposed amendment to the *Burlington Comprehensive Development Ordinance* to update the definition of dwelling unit across the ordinance. Information related to this item is enclosed in the agenda packet on page 12.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and warn for public hearing.

VII. Commissioner Items

- a. Upcoming Meetings *These meetings are anticipated to be conducted remotely until further notice*
 - i. Tuesday, July 14, 2020 at 6:30pm
 - ii. Tuesday, July 28, 2020 at 6:30pm

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

VIII. Minutes & Communications

- a. The minutes of the June 9, 2020 meeting are enclosed in the agenda packet on page 16.
- b. Communications are enclosed in the agenda packet beginning on page 18.

IX. Adjourn

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Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner, City Planning
DATE: June 19, 2020
RE: Proposed CDO Amendment: ZA-20-09 Rezone city park on North Avenue, park lot coverage standards, WRM Height Exemption

Overview & Background

In 2016, the City, in partnership with the Vermont Land Trust (VLT), acquired 12 acres of the former Burlington College property as part of the development agreement for Cambrian Rise. This land, connecting from North Avenue to the bike path and Texaco Beach, has been improved as City parkland, and features existing and future elements including enlarged community gardens, a wooded bluff overlooking Lake Champlain, and a playfield. The park was purchased using a portion of the City's dedicated land conservation acquisition fund, and leveraged other conservation financing through VLT.

In December 2016, City Council approved ZA-17-14 which rezoned approx. 15 acres of the former Burlington College property from Residential Medium Density-Waterfront (RM-W) to the newly established Neighborhood Activity Center- Cambrian Rise. Due to a condition of the development agreement, the zoning for the City's 12-acre portion of the property was unchanged. This portion of the property can now be rezoned to be consistent with its intended purpose – as city parkland.

Section 4.4.6 specifies standards for maximum lot coverage for each City-owned park. This park needs to be added to *Table 4.4.6-2 City Park Lot Coverage Maximum Standards*. Staff recommends that this property be referred to as “Texaco Beach / Cambrian Rise” and its maximum lot coverage 15%, which is consistent with waterfront parks at Leddy, North Beach and Oakledge.

This amendment addresses two additional issues related to the above objectives. The first is to eliminate a conflict in the ordinance following the adoption of *Article 14: planBTV Downtown Code*. As noted above, prior to the adoption of the downtown code, specific lot coverage standards were included in the ordinance for each of the City's parks. This includes downtown park and recreation facilities, which have since been rezoned to “Civic” in *Article 14*: City Hall Park, Perkins Pier, Battery Park, Waterfront Park, and Champlain Street Park. *Article 14*, determines the appropriate percentage of lot coverage based on each park's Civic Space Type. These types include Natural Area, Park, Greenway, Square, Plaza, and Pocket Park, with maximum lot coverages ranging based on the space type. Therefore, these parks need to be removed from *Table 4.4.6-2*.

The final element of this amendment is to eliminate the Waterfront RM Height Exemption provision and associated map. This exemption was intended, in part, to enable additional development intensity on portions of lots zoned W-RM within 60-200 feet of the lake's edge, and below 180 feet in elevation. The exemption applied to a portion of the City's Texaco Beach / Cambrian Rise parcel, as noted in *Map 4.4.5-2*. In rezoning this parcel, this exemption is no longer applicable. The only remaining area of land that this standard would apply to is a very shallow depth of each lot along Depot Street. As Depot Street is not necessarily an area targeted for more intense development, it is staff's recommendation that this exemption and map be deleted.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Amendment Summary

This amendment proposes to rezone the City's 12-acre parcel from the Cambrian Rise redevelopment property from Residential Medium Density-Waterfront (W-RM) to RCO-Recreation / Greenspace (RCO-RG), to include the parcel as "Texaco Beach / Cambrian Rise" in *Table 4.4.6-2* regarding park lot coverage standards, and to eliminate a discrepancy between *Table 4.4.6-2* and *Article 14* as it applies to City parks within the downtown & waterfront core, and to delete the Waterfront RM Height Exception and associated *Map 4.4.5-2*.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

- 1. Rezone the City's 12-acre "Texaco Beach / Cambrian Rise" parcel from W-RM to RCO-RG**
 - See amendments to attached Maps 4.3.1-1, 4.4.5-1, and 4.4.6-1
- 2. Eliminate the Waterfront Residential Medium Height Exemption and map**
 - Delete the language in *Sec.4.4.5 (d) 2. A* and corresponding *Map 4.4.5-2*
- 3. Update the applicable parks lot coverage standards in Table 4.4.6-2.**
 - Add "Texaco Beach / Cambrian Rise" to Lot Coverage Standards in *Table 4.4.6-2* with a 15% lot coverage limit.
 - Strike City Hall Park, Perkins Pier, Battery Park, Waterfront Park, and Champlain Street Park from *Table 4.4.6-2*; lot coverage standards are now determined by *Article 14: planBTV Downtown Code*

****BEGIN PROPOSED AMENDMENTS****

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

Sec. 4.4.5 (d) District Specific Regulations

1. Setbacks- As Written

~~2. Height~~

~~A. Exceptions in the Waterfront RM District.~~

~~In order is to preserve vistas of harbor activity within the breakwater area and panoramic views of the mountain and lake from adjoining areas yet provide for additional development opportunities near the downtown area of the city, the maximum building height which may be permitted by the DRB shall be no more than sixty (60) feet in the area beyond two hundred (200) feet inland from the ordinary high water mark and below a base elevation of one hundred eighty (180) feet in the Waterfront Residential — Medium Density district.~~



Map 4.4.5-2 Waterfront RM Height Exemptions

2.3-Lot Coverage- As Written

Sec. 4.4.6 Recreation, Conservation and Open Space Districts

(a) Purpose As written

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.6 -1 Dimensional Standards and Density

District	Lot Coverage ¹	Setbacks ¹			Height ¹
		Front	Side ²	Rear ²	
RCO-A	5%	15'	10%	25%	35'
RCO-RG	5%	15'	10%	25%	35'
RCO-C	5%	15'	10%	25%	25'

1. See also exceptions to lot coverage, setbacks and maximum height in **Article 5**.

2. Percentages figure refers to either a percentage of lot width, 10% in the case of side yard setbacks, or lot depth of 25% in the case of rear yard setbacks.

3. City Parks have specific lot coverage maximums based on use and location. See table of lot coverage standards below.

Table 4.4.6 -2 City Park Lot Coverage Maximum Standards

Park	Lot Coverage
Baird Battery Park and Extension Calahan Champlain Street Leddy North Beach and Campground Oakledge Schmanska Smalley Staff Farm Texaco Beach / Cambrian Rise	15%
Appletree Lakeside	20%
Waterfront Park	25%
City Hall Park Pomeroy Roosevelt	30%
Perkins Pier Marina Facility	70%

(c) - (d) As written

****END PROPOSED AMENDMENTS****

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Impact on Safe & Affordable Housing

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment brings the zoning of the parcel in line with the future land use map in *planBTV*. The future land use for this area is "Conserve," which identifies natural resources and recreation areas that should be protected largely as they are today, while guiding development away from important natural assets or hazard areas. The purchase of this land and rezoning achieve these purposes.

Planned Community Facilities

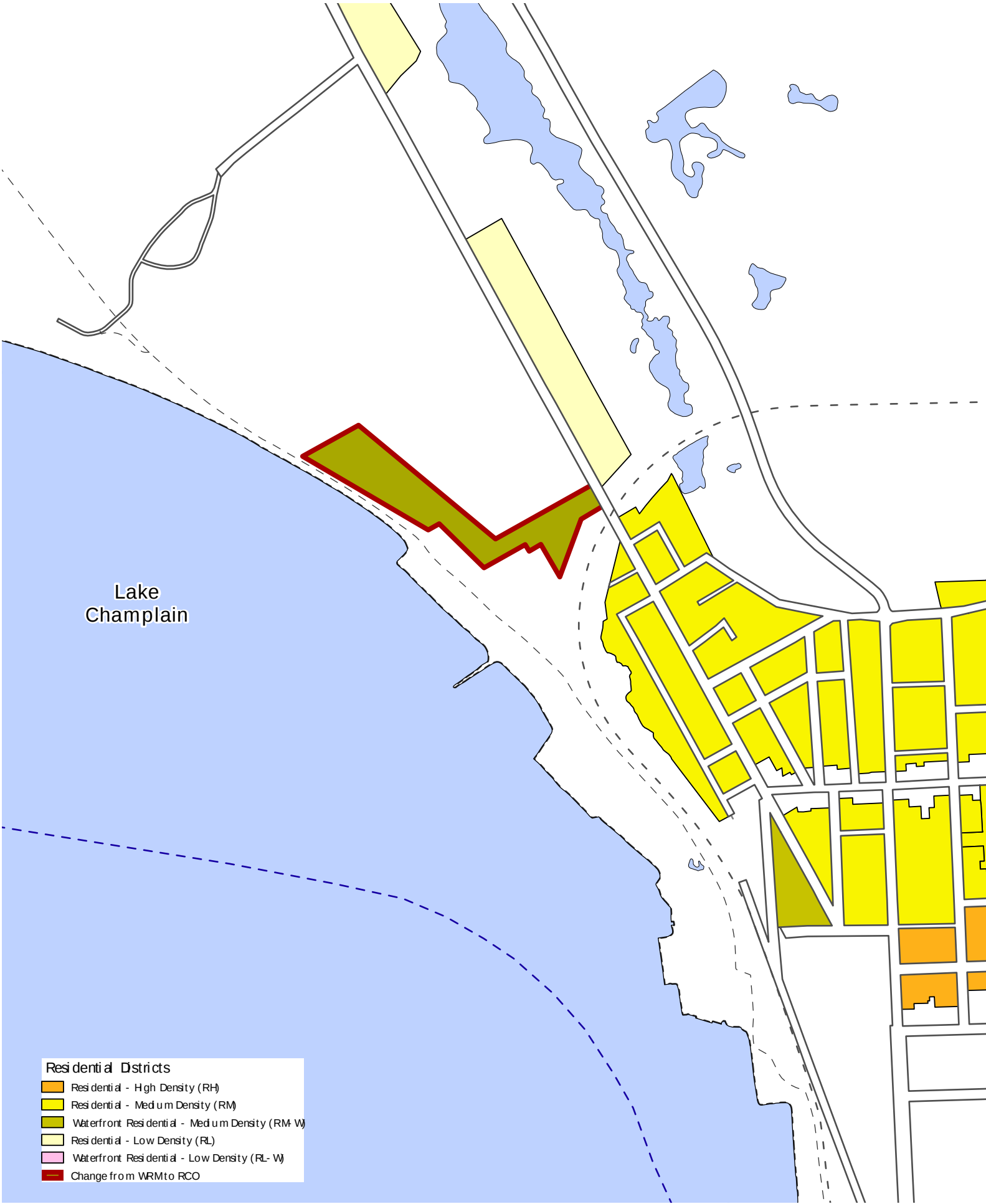
The proposed amendment is consistent with the current use of the parcel, and the anticipated improvements planned by the City.

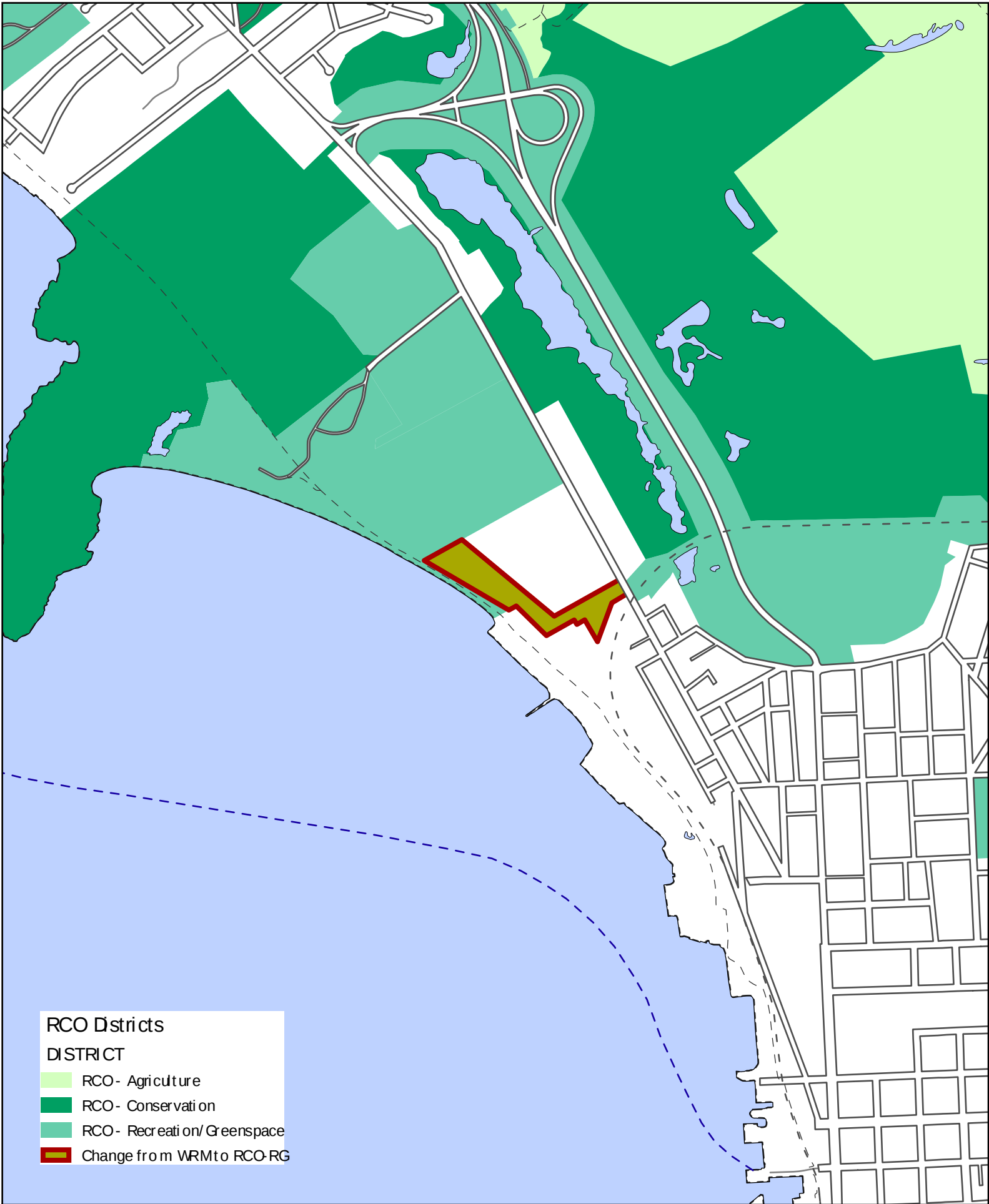
Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff	Planning Commission Discussion 6/23/2020	Approve for Public Hearing	Public Hearing	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council [as is / with changes]	Second Read & Public Hearing	Approval & Adoption
				Rejected







CITY OF
BURLINGTON



Excerpt of Recreation, Conservation, Open Space Districts Map

Burlington Comprehensive Development Ordinance, Map 4.4.6-1
 Proposed ZA-20-09



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: June 23, 2020
RE: CDO Amendment ZA-20-10: Dwelling Unit Definition

Overview & Background

This amendment is proposed to clarify the term “dwelling unit” as presently defined in the *Comprehensive Development Ordinance (CDO)*. Dwelling units are used for residential purposes and should be defined as such. The term “family” is separately defined and relates to the occupancy limitations in the city’s residential zoning districts. Presently the term “dwelling unit” includes reference to family; however, dwelling units are allowed in most of the city’s zoning districts, but family occupancy limitations pertain only to the residential zones. By removing the reference to “family” in the definition of “dwelling unit,” we clearly define its residential purpose, and the occupancy limitations for the residential zones remain intact.

At their October 4, 2018 meeting, the Ordinance Committee discussed this amendment to the definition of “dwelling unit.” The amendment replaces reference to “family” with “residential.” The amendment clarifies the definitions associated with various dwelling units while leaving intact the term “family” and the associated occupancy limits of unrelated adults in the residential zones. The Ordinance Committee forwarded the amendment to the Planning Commission with a recommendation for adoption.

The Planning Commission initially considered this amendment January 9, 2019 and continued discussion to its March 12, 2019 meeting. At this subsequent meeting, the Planning Commission discussed the possibility of leaving the dwelling unit definition unchanged and applying the 4 unrelated adult occupancy limitation citywide. The Commission requested additional information as to the extent of impacts related to this policy change.

Staff has since reviewed rental data citywide and by zone. Current data shows:

- 10,373 total rental units citywide;
- 8,144 are in the residential zones; and,
- 2,229 are within the mixed use and other zones.
 - o 11 units in Enterprise – Light Manufacturing
 - o 397 units in FD5
 - o 221 units in FD6
 - o 500 units in Institutional
 - o 173 units in Neighborhood Activity Center
 - o 175 units in NAC-Cambrian Rise (incl. 35 expected July 1)
 - o 214 units in NAC-Riverside
 - o 525 units in Neighborhood Mixed Use
 - o 12 units in RCO-Conservation
 - o 1 unit in RCO-Recreation / Greenspace

Available bedroom data is by property, not by dwelling unit and is not particularly useful for anything other than single detached dwelling units. Outside of the residential zones, only 6 detached single dwelling units have more than 4 bedrooms.

Applying the 4-unrelated adult standard citywide would mean a 21.5% increase in rental units affected by the standard. This increase is significant. A review of zoning violation complaints as to

occupancy by more than 4 unrelated adults shows that all properties are within the city's residential zones. If the decision is made to apply the 4-unrelated standard citywide, Sec. 4.4.5 (d) 5 C, *Occupancy Limits*, in the residential district standards of Article 4 would need to be revised to apply citywide as well. Consideration should be given to exempting on-campus apartments within the Institutional zones as well.

Lacking a compelling reason to expand the occupancy limitation citywide, staff continues to recommend revision of the “dwelling unit” definition and to leave the residential occupancy limits unchanged.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The purpose of this amendment is to replace the reference to “family” within the definitions of various types of dwelling units with “residential,” and to update the corresponding uses of various ‘single-family’ and ‘multi-family’ terms throughout the entire *Burlington Comprehensive Development Ordinance (CDO)*. This includes updating residential terms that are used throughout the *CDO*, but which aren’t defined in *Article 13*.

This amendment has no impact on the occupancy limits of unrelated adults in residential zones per *Sec 4.4.5 (d) 5. C*, nor does it affect the definition of “Family” as it is presently articulated in *Article 13, Definitions*. This amendment only seeks to clarify that dwelling units are defined by their use for residential habitation, and relies on other sections of the ordinance to determine limits on occupation or type of residence.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

Deleted language is ~~crossed out~~, and new language is underlined in red.

- **Amend Article 13 Definitions**

Dwelling Unit (or Housing Unit): A room or set of rooms fitted with a private bath, kitchen, and living facilities comprising an independent, self-contained dwelling space for residential use ~~occupied by a family~~ and where rooms are not let to individuals. Kitchen, living and shared bathroom facilities must be separate and distinct from bedroom facilities. Each bedroom must contain a minimum square footage consistent with the current minimum housing standards. Separate bathroom facilities will be deemed to exist only when it is possible to access such bathroom facilities without passing through a room which is designated as a bedroom. If there is more than one meter for any utility, address to the property, or kitchen; or if there are separate entrances to rooms which could be used as separate dwelling units; or if there is a lockable, physical separation between rooms in the dwelling unit such that a room or rooms on each side of the separation could be used as a dwelling unit, multiple dwelling units are presumed to exist; but this presumption may be rebutted by evidence that the residents of the dwelling share utilities and keys to all entrances to the property and that they (A) share a single common bathroom as the primary

bathroom or (B) share a single common kitchen as the primary kitchen. (See also definition of Family and Rooming Unit)

Dwelling Unit, Single Detached: Free standing residential structure containing a single dwelling unit ~~for residential use occupied by a "family."~~ and where rooms are not let to individuals. ~~Also known as a single family residence (SFR). (See definition of Family)~~

Multi-Unit family, Attached Dwelling: Any building or part thereof containing three (3) or more dwelling units.

Accessory Dwelling Unit or Apartment (ADU): An efficiency or one-bedroom apartment that is clearly subordinate to a single-family detached dwelling unit and has facilities for independent living, including sleeping, food preparation, and sanitation.

Duplex: A single structure containing two (2) separate dwelling units, regardless of the type of construction. For purposes of this ordinance, a single-family detached dwelling unit structure with an accessory apartment shall not be considered a duplex.

Update terminology throughout the Comprehensive Development Ordinance to be consistent with changes to Article 13 definitions and purpose of amendment:

<u>Existing Term</u>	<u>Replacement Term</u>
Dwelling Unit	<i>No change to term, only definition per above</i>
Dwelling Unit, single detached	<i>No change to term, only definition per above</i>
Multi-family, attached dwelling	Multi-Unit, Attached Dwelling (see above)
Single family detached structure (not defined in Article 13)	Dwelling Unit, Single Detached
Single family dwelling (not defined in Article 13)	Dwelling Unit, Single Detached
Single family residence (not defined in Article 13)	Dwelling Unit, Single Detached
Single family home (not defined in Article 13)	Dwelling Unit, Single Detached

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Compatibility with Proposed Future Land Use & Density

This amendment is a technical correction, and has no impact on the proposed future land use and densities proposed in the *Municipal Development Plan (planBTV)*.

Impact on Safe & Affordable Housing

This amendment is a technical correction, and has no impact on the provision of safe and affordable housing, or any policies regarding housing in the *Municipal Development Plan (planBTV)*.

Planned Community Facilities

This amendment is a technical correction, and has no impact on any planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: [Staff, with PC OC]	Presentation to & discussion by Commission 1/9/2019, 3/12/19, & 6/23/20	Approve for Public Hearing	Public Hearing	Approve & forward to Council
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City Council Process				
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Burlington Planning Commission

Tuesday, June 9, 2020, 6:30 P.M.

Remote Meeting

Draft Minutes

Members Present	Commission: A Montroll, H Roen, A Friend, E Lee, Y Bradley, J Wallace-Brodeur
Staff Present:	M Tuttle, D White, S Gustin

I. Agenda

Call to Order	Time: 6:36pm
Agenda	No changes

II. Public Forum

Name	Comment
	No comments.

III. Chair's Report

A Montroll	Thanked Commission for participating in online format.
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IV. Director's Report

D White	Staff continues with COVID-19 Analytics Team, starting to re-engage with other projects and zoning amendments. Frustration that we are not going to have a lot of time this coming year to tackle big topics, but hoping to reconvene Joint Committee on STRs, and hoping later this month to bring parking to Council.
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V. Public Hearing: CDO Amendment ZA-20-06 Bowling Alley in ELM

Approve Municipal Bylaw Amendment Report and refer amendment with recommendation to Council		
Motion by: A Friend	Second by: E Lee	Vote: Approved Unanimously
Type: Public Hearing & Action	Presented by: M Tuttle	
M Tuttle explained that the Commission’s Ordinance Committee recommended allowing Bowling Alleys in the Enterprise Light Manufacturing District with no additional restrictions or conditions. Chair opened and closed the public hearing at 6:45pm, with no comment submitted.		

VI. Proposed CDO Amendment Convalescent Home Lot Coverage & Parking

Approve Municipal Bylaw Amendment Report and warn for public hearing		
Motion by: J Wallace-Brodeur	Second by: A Friend	Vote: Approved Unanimously
Type: Discussion & Action	Presented by: S Gustin	
S Gustin explained that amendment changes parking requirement from 1 per 4 beds to 1 per 2 beds, and allows senior housing bonuses consistent with inclusionary housing bonus based on request from fall from Birchwood Nursing Home.		

Alecia DiMario, Birchwood, and Jim Langan expressed appreciation for the recommendations and believe that it will meet the facility's need for skilled nursing staff.

Commissioners indicated support for the amendment, particularly as it supports staffing needs of an essential business and impacts a limited number of facilities in the city. However, Commissioners expressed concern that increasing parking does not feel like the right strategy in light of residential parking limit on Starr Farm Rd that does not seem warranted.

VII. Proposed CDO Amendment Front Yard Parking

Approve Municipal Bylaw Amendment Report and warn for public hearing

Motion by: A Friend

Second by: H Roen

Vote: Approved Unanimously

Type: Discussion & Action

Presented by: S Gustin

S Gustin explained that this amendment, recommended by the Commission's Ordinance Committee, expressly includes language to steer parking to the side or rear of a residence unless accessing a garage and allows for a wider driveway where there are physical barriers present.

Commissioner Lee shared concerns and questions about driveways close to the property line and physical barriers around driveways. S Gustin and D White noted standards in the CDO that address these concerns. It was noted that in new language introduced regarding additional driveway width in Sec. 8.1.12 (c), the word "minimum" needs to be changed to "maximum".

VIII. Commissioner Items

Action: N/A

Motion: NA

Second: NA

Vote: NA

- Upcoming meetings in June and July anticipated to be on Zoom
- Commissioner Lee requested looking at lighting standards, particularly to incorporate elements for Dark Skies compliance. Executive Committee will discuss when to take this up at its next meeting.

IX. Minutes & Communications

Action: Approved the minutes and accepted the communications

Motion by: A Friend

Second: E Lee

Vote: Approved Unanimously

Minutes Approved: May 19, 2020 Planning Commission Meeting

Communications Filed:

- Communications Enclosed in packet

X. Adjourn

Adjournment

Time: 7:25 pm

Motion: J Wallace-Brodeur

Second: H Roen

Vote: Approved Unanimously



State of Vermont

LAND USE PERMIT AMENDMENT

CASE NO: 4C1043-1

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

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #4 hereby issues Land Use Permit Amendment #4C1043-1, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 979, Page 409; Book 154, Page 681; Book 54, Page 67; Book 31, Page 168; and Book 5, Page 365, of the land records of Burlington, Vermont.

This permit specifically authorizes the construction of a 62,250 gsf, 4-story building addition to the existing UVM Health Science Research Facility ("HSRF") with associated site and infrastructure improvements, including the reconfiguration of the existing Given parking lot and the construction of a new 69-space parking lot expansion to the Jeffords East lot (collectively the "Project"). The Project is located at 149 Beaumont Avenue in Burlington, Vermont.

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

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

The approved plans are:

Sheet E1.0 - "Electrical Site Plan," dated 8/15/19 (Exhibit #011);

Sheet E3.0 - "Electrical Site Plan Photometry," dated 8/15/19 (Exhibit #012);

Sheet C1.00 - "Overall Site Plan," dated 1/21/20 (Exhibit #034);

Sheet C1.01 - "Overall Utility Plan," dated 1/21/20 (Exhibit #035);

Sheet C1.02 - "Civil Site & Utility Plan," dated 1/21/20 (Exhibit #036);

Sheet C1.03 - "Civil Site & Utility Plan," dated 1/21/20 (Exhibit #037);

Sheet C1.04 - "Civil Site & Utility Plan," dated 11/1/19 (Exhibit #038);

Sheet C1.05 - "Post Construction Stormwater Maintenance Plan," dated 11/1/19 (Exhibit #039);

Sheet C2.00 - "Existing Conditions Plan," dated 11/1/19 (Exhibit #040);
Sheet C3.00 - "Civil Site Demolition Plan," dated 11/1/19 (Exhibit #041);
Sheet C4.00 - "Erosion Prevention & Sediment Control Plan Preconstruction," dated 11/1/19 (Exhibit #042);
Sheet C4.01 - "Erosion Prevention & Sediment Control Plan Summer 2020," dated 11/1/19 (Exhibit #043);
Sheet C4.02 - "Erosion Prevention & Sediment Control Plan Winter 2020-2021," dated 11/1/19 (Exhibit #044);
Sheet C4.03 - "Erosion Prevention & Sediment Control Plan Summer 2021," dated 11/1/19 (Exhibit #045);
Sheet C4.04 - "Erosion Prevention & Sediment Control Plan Winter 2021-2022," dated 11/1/19 (Exhibit #046);
Sheet C4.05 - "Stabilization and Post Construction Soil Restoration Plan Spring 2022," dated 11/1/19 (Exhibit #047);
Sheet LA-0.00 - "General Notes & Abbreviations," dated 11/1/19 (Exhibit #048);
Sheet LA-1.00 - "Layout Plan," dated 11/1/19 (Exhibit #049);
Sheet LA-1.10 - "Layout Plan," dated 11/1/19 (Exhibit #050);
Sheet LA-1.20 - "Layout Plan," dated 11/1/19 (Exhibit #051);
Sheet LA-1.30 - "Layout Plan," dated 11/1/19 (Exhibit #052);
Sheet LA-2.00 - "Landscape Details," dated 11/1/19 (Exhibit #053);
Sheet LA-3.00 - "Planting Plan," dated 1/31/20 (Exhibit #054);
Sheet LA-3.10 - "Planting Plan," dated 1/31/20 (Exhibit #055);
Sheet LA-3.20 - "Planting Plan," dated 1/31/20 (Exhibit #056);
Sheet LA-4.00 - "Lighting Plan," dated 11/1/19 (Exhibit #057);
Sheet LA-4.10 - "Lighting Plan," dated 11/1/19 (Exhibit #058);
Sheet LA-4.20 - "Lighting Plan," dated 11/1/19 (Exhibit #059);
Sheet LA-4.30 - "Lighting Details," dated 11/1/19 (Exhibit #060);
Sheet A3.00 - "Exterior 3D Views," dated 11/1/19 (Exhibit #061);
Sheet A3.01 - "Exterior Elevations," dated 11/1/19 (Exhibit #062);
Sheet A3.02 - "Exterior Elevations," dated 11/1/19 (Exhibit #063);
Sheet LA-5.00 - "Lighting Plan," dated 8/15/19, last revision 9/26/19 (Exhibit #064);
Sheet LA-5.10 - "Lighting Plan," dated 8/15/19, last revision 9/26/19 (Exhibit #065);
Sheet LA-5.20 - "Lighting Plan," dated 8/15/19, last revision 9/26/19 (Exhibit #066);
Sheet SP-1.0 - "Overall Site Plan," dated 1/15/20 (Exhibit #067);
Sheet SP-1.1 - "Site Plan," dated 1/15/19 (Exhibit #068);

Sheet SP-1.2 - "Landscaping and Post Construction Soil Restoration Plan," dated 1/15/19 (Exhibit #069);

Sheet SP-2.0 - "Existing Conditions," dated 1/15/19 (Exhibit #070);

Sheet SP-4.0 - "Erosion Prevention & Sediment Control Preconstruction," dated 1/15/20 (Exhibit #071); and

Sheet SP-4.1 - "Erosion Prevention & Sediment Control Plan Summer 2020," dated 1/15/20 (Exhibit #072).

3. All conditions of Land Use Permit #4C1043, Land Use Permit #4C0852, and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permits:
 - a. Wastewater System and Potable Water Supply Permit #WW-4-1267-1 issued on February 27, 2020 by the ANR Drinking Water and Groundwater Protection Division;
 - b. Individual Stormwater Discharge Permit #3627-INDC.12 issued on September 20, 2019 by the ANR Watershed Management Division;
 - c. Individual Stormwater Discharge Permit #3627-INDC.13 issued on October 22, 2019 by the ANR Watershed Management Division;
 - d. Individual Stormwater Discharge Permit #3627-INDS.8 issued on September 30, 2019 by the ANR Watershed Management Division; and
 - e. Individual Stormwater Discharge Permit #3627-INDS.9 issued on February 4, 2020 by the ANR Watershed Management Division.
5. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation or use of this Project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
9. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the Project is in compliance with the terms of this permit.

11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
12. Site work and construction traffic hours will be limited to 7:00AM to 6:00PM Monday through Friday, and 8:00AM to 4:30PM Saturday and Sunday. No construction is authorized on State or Federal Holidays. Tractor trailers and dump trucks may only access and egress the site during non-peak hours.
13. The Permittee and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
14. The Permittee shall implement the waste management plans included in Exhibits #013, 014, 015 and 016.
15. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
16. Immediately upon initial grading or excavation, stabilized construction entrances must be installed and maintained as shown on Exhibits #042 and 071. At a minimum, this entrance must be constructed and maintained in accordance with the specifications as described in the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006). No further clearing or construction may occur until the stabilized construction entrance is complete.
17. The Permittee shall comply with Exhibits #008, 010, 042, 043, 044, 045, 046, 047, 071 and 072 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas.
18. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
19. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).
20. All disturbed areas of the site shall be stabilized, seeded and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction"

standards and specifications of the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).

21. The Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
22. The Permittee shall comply with the Local Parking Management Plan included in Exhibit #018. The Permittee shall assess the Project's parking needs annually and provide a copy of the Joint Institutional Parking Management Plan updates to the District Commission as they become available.
23. The Project impacts 0.89 acres of primary agricultural soils for which 1.78 acres mitigation are calculated. The Permittee shall mitigate the 0.89 acres of primary agricultural soils impacts if/when the cumulative impacts from this Project and subsequent amendment impacts on this parcel or involved lands result in a mitigation area of 2.0 or more acres, as further outlined in Exhibit #025.
24. Prior to any site work, the Permittee shall install and maintain temporary fencing around trees to be retained. Exhibits #041, 048 and 071.
25. Any extracted stumps shall be disposed of at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
26. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibits #053, 054, 055, 056 and 069 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
27. The installation of exterior light fixtures is limited to those approved in Exhibits #030, 031, 057, 058, 059, 060 and 067 and shall be mounted no higher than 15 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
28. The Permittee is authorized to install three non-illuminated signs as depicted on Exhibits #061 and 062. The Permittee shall not erect additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
29. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards (CBES) and the CBES Stretch Guidelines in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. More information on this update can be found at:
http://publicservice.vermont.gov/energy_efficiency/cbes
<http://nrb.vermont.gov/sites/nrb/files/documents/9fprocedure.pdf>
<http://nrb.vermont.gov/sites/nrb/files/documents/cbesstretch.pdf>
30. The Permittee shall install infrastructure and pre-wiring for electric vehicle charging stations pursuant to C708.1 (Commercial Stretch Code Guidelines). Exhibit #034.

31. The installation and/or use of electric resistance space heat is specifically prohibited without prior written approval from the District Environmental Commission.
32. The Permittee, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
33. Should the City at any time agree to accept any private utilities being then operated by the Permittee and/or assigns and successors in interest, the Permittee and/or assigns and successors in interest shall be responsible to improve the same to City specifications and shall deed all lands involved with said improvements to the City. Such improvements may require a land use permit amendment.
34. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
35. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #4C1043-1 in all deeds of conveyance and leases.
36. Pursuant to 10 V.S.A. § 6090(b)(1) this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).
37. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2023**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
38. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
39. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated at Essex Junction, Vermont, this 8th day of June 2020.

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

Members participating in this decision:
Monique Gilbert
Kate Purcell

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

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

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

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

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

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Exhibit List

Application #	4C1043-1 (6/3/20)
Applicant(s)	University of Vermont & State Agricultural College
Landowner(s)	University of Vermont & State Agricultural College
Project Town(s):	Burlington, VT



No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000		000 Exhibit List	
001	1/27/20	001 Act 250 Application Form and Signature Pages	Applicant
002	1/27/20	002 Schedule G	Applicant
003	1/27/20	003 Cover Letter	Applicant
004	1/27/20	004 Project Description	Applicant
005	1/27/20	005 List of Adjacent Property Owners	Applicant
006	1/27/20	006 List of Courtesy Notifications	Applicant
007	1/27/20	007 Location Map for Adjacent Property Owners & Courtesy Notifications	Applicant
008	1/27/20	008 3627-INDC.12	Applicant
009	1/27/20	009 3627-INDS.8	Applicant
010	1/27/20	010 3627-INDC.13	Applicant
011	1/27/20	011 E1.0 JELL Electrical Site Plan	Applicant
012	1/27/20	012 E3.0 JELL Photometric	Applicant
013	1/27/20	013 Demolition Waste Management Plan (Building & JELL)	Applicant
014	1/27/20	014 Construction Waste Management Plan (Building & JELL)	Applicant
015	1/27/20	015 Waste Reduction Template (Building & JELL)	Applicant
016	1/27/20	016 Construction Waste Management Specifications	Applicant
017	1/27/20	017 Burlington Water/WW Allocation Letter	Applicant
018	1/27/20	018 Local Parking Management Plan	Applicant
019	1/27/20	019 Casella Capacity Letter	Applicant
020	1/27/20	020 UVM Police Services Capacity Letter	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
021	1/27/20	021 UVM Rescue Capacity Letter	Applicant
022	1/27/20	022 ZP 20-0203 CA HSRF Addition	Applicant
023	1/27/20	023 ZP 20-0353 CA JELL	Applicant
024	1/27/20	024 NRCS Map: Building Addition	Applicant
025	1/27/20	025 Agricultural Soils Letter from AAFM	Applicant
026	1/27/20	026 Agricultural Soils Map	Applicant
027	1/27/20	027 CBES: Interior lighting	Applicant
028	1/27/20	028 CBES: Mechanical	Applicant
029	1/27/20	029 CBES: Certificate	Applicant
030	1/27/20	030 Light Fixtures - Firestone	Applicant
031	1/27/20	031 Light Fixtures - JELL	Applicant
032	1/27/20	032 Archaeological Resource Assessment	Applicant
033	1/27/20	033 Title Plan	Applicant
034	1/27/20	034 C1.00 Overall Site Plan	Applicant
035	1/27/20	035 C1.01 Overall Utility Plan	Applicant
036	1/27/20	036 C1.02 Civil Site & Utility Plan	Applicant
037	1/27/20	037 C1.03 Civil Site & Utility Plan	Applicant
038	1/27/20	038 C1.04 Civil Site & Utility Plan	Applicant
039	1/27/20	039 C1.05 Post Construction SW Maintenance Plan	Applicant
040	1/27/20	040 C2.00 Existing Conditions	Applicant
041	1/27/20	041 C3.00 Civil Site Demolition Plan	Applicant
042	1/27/20	042 C4.00 EPSC Preconstruction	Applicant
043	1/27/20	043 C4.01 EPSC Summer 2020	Applicant
044	1/27/20	044 C4.02 EPSC Winter 20-21	Applicant
045	1/27/20	045 C4.03 EPSC Summer 2021	Applicant
046	1/27/20	046 C4.04 EPSC Winter 21-22	Applicant
047	1/27/20	047 C4.05 Stabilization Spring 2022	Applicant
048	1/27/20	048 LA-0.00 General Notes	Applicant
049	1/27/20	049 LA-1.00 Layout	Applicant
050	1/27/20	050 LA-1.10 Layout	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
051	1/27/20	051 LA-1.20 Layout	Applicant
052	1/27/20	052 LA-1.30 Layout	Applicant
053	1/27/20	053 LA-2.00 Landscape Details	Applicant
054	1/27/20	054 LA-3.00 Planting Plan	Applicant
055	1/27/20	055 LA-3.10 Planting Plan	Applicant
056	1/27/20	056 LA-3.20 Planting Plan	Applicant
057	1/27/20	057 LA-4.00 Lighting Plan	Applicant
058	1/27/20	058 LA-4.10 Lighting Plan	Applicant
059	1/27/20	059 LA-4.20 Lighting Plan	Applicant
060	1/27/20	060 LA-4.30 Lighting Details	Applicant
061	1/27/20	061 A3.00 Exterior 3D Views	Applicant
062	1/27/20	062 A3.01 Exterior Elevations	Applicant
063	1/27/20	063 A3.02 Exterior Elevations	Applicant
064	1/27/20	064 LA-5.00 Photometric Overall Building Addition	Applicant
065	1/27/20	065 LA-5.10 Photometric North	Applicant
066	1/27/20	066 LA-5.20 Photometric South	Applicant
067	1/27/20	067 SP-1.0 Overall Site Plan JELL	Applicant
068	1/27/20	068 SP-1.1 Site Plan JELL	Applicant
069	1/27/20	069 SP-1.2 Landscaping and Post Construction Soil Restoration JELL	Applicant
070	1/27/20	070 SP-2.0 Existing Conditions JELL	Applicant
071	1/27/20	071 SP-4.0 EPSC Preconstruction JELL	Applicant
072	1/27/20	072 SP-4.1 EPSC Summer 2020 JELL	Applicant
073	5/7/20	073 Cover Letter re Additional Information (5/6/20)	Applicant
074	5/7/20	074 Jeffords East Parking Ph1 EOF Survey and VDHP 5-5-20 Concur	Applicant
075	5/7/20	075 City Attorney Approval of Lease Correspondence	Applicant
076	5/7/20	076 Wastewater Permit #WW-4-1267-1 (2/27/20)	Applicant
077	5/29/20	077 ANR Entry of Appearance Comments (5/29/20) / Stormwater Discharge Permit #3627.INDS.9 (2/4/20)	ANR
078	6/3/20	078 Letter by VDHP re Criterion 8 (6/3/20)	DHP
079		079	
080		080	

CERTIFICATE OF SERVICE

I hereby certify on this 8th day of June 2020, a copy of the foregoing ACT 250 LAND USE PERMIT #4C1043-1, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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

University of Vermont and State Agricultural College
UVM Planning, Design and Construction
c/o Lani Ravin, Associate Planner/Lisa Kingsbury
16 Colchester Avenue
Burlington, VT 05405
lani.ravin@uvm.edu; lisa.kingsbury@uvm.edu

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

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

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

Barry Murphy/Vt. Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov
psd.vtdps@vermont.gov

Craig Keller/Jeff Ramsey/Christopher Clow
VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
aot.act250@vermont.gov

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

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

FOR YOUR INFORMATION

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

Dated at Essex Junction, Vermont, this 8th day of June, 2020.

Jessica B. Mason

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

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Burlington Planning Commission

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

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Burlington Planning Commission

Tuesday, June 23, 2020, 6:30 P.M.

Remote Meeting

Minutes

Members Present	Commission: A Montroll, H Roen, A Friend, E Lee, Y Bradley, J Wallace-Brodeur
Staff Present:	M Tuttle, D White, S Gustin, K Sturtevant

I. Agenda

Call to Order	Time: 6:33pm
Agenda	No changes

II. Public Forum

Name	Comment
S Bushor	- Usable portion of 311 North Ave. is very sloped, 15% lot coverage could be very high. City needs a better slope ordinance. - Regarding dwelling unit amendment, concerned about how it aligns with boarding house, definition, whether 4 unrelated ordinance applies in RH, and whether this would allow ADUs on any lot?

III. Chair's Report

A Montroll	No report
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IV. Director's Report

D White	Staff still devoting majority time to COVID-19 Analytics Team work, which is becoming more planning-related, considering how to prepare the city for future cases. Budget is anticipated to be acted upon by Council on 6/29; much focus has been on funding for Police Dept. Planning Dept. has been significantly cut, but staff remains intact.
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V. Proposed CDO Amendment: 311 North Avenue Rezone, Parks Lot Cover Standards, WRM Height Exemptions

Approve Municipal Bylaw Amendment Report and warn for public hearing		
Motion by: A Friend	Second by: J Wallace-Brodeur	Vote: Approved Unanimously
Type: Discussion & Action	Presented by: M Tuttle	
M Tuttle explained context of this amendment, which is to rezone the City’s 12-acre portion acquired from Cambrian Rise development to reflect the future use as a city park. Reason to recommend lot coverage at 15% is to provide flexibility to accommodate existing Stone House, parking area, and future path improvements to improve ADA accessibility and connectivity to Bike Path.		

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

The Commission generally supported the amendment, but would like more information from Parks on the plans for the lot at the Public Hearing.

VI. Proposed CDO Amendment: Dwelling Unit Definition

Refer to Planning Commission Ordinance Committee for discussion and recommendation

Motion by: Y Bradley Second by: A Friend Vote: Approved 5-1

Type: Discussion & Action Presented by: S Gustin

S Gustin explained the intent was to clarify definitions for residential unit types, to not include the term "family". He further addressed questions, noting that occupancy limits currently apply in all residential districts- RL, RM, RH. Despite the dwelling type names including "family", applying occupancy limits city-wide was never the intent nor has it been administered this way. Would not impact ADU's, as the language of the ADU ordinance would be updated to reflect that they may be on the same lot as a "single detached unit."

Commissioner Lee stated the belief that the occupancy limit applies city-wide, and by changing the terms to not include "family" it would impact this applicability. She stated she believes this standard is beneficial to existing neighborhoods, to prevent new units with large numbers of bedrooms from being created, and that provisions for additional sq.ft. for additional occupants could give more flexibility for occupancy in other districts. Further feels the definition of a boarding house needs to be reworked.

After some discussion, the Commission referred this amendment for review by its Ordinance Committee, with Commissioner Lee opposed. She expressed feeling that this is not a high priority given limited staff capacity. M Tuttle expressed that the Commission should consider if applying this standard city-wide could have unintended consequences on excluding housing types or living situations impacting racial and economic equity, or non-traditional living arrangements.

VII. Commissioner Items

Action: N/A

Motion: NA Second: NA Vote: NA

- Upcoming meetings in July anticipated to be on Zoom

VIII. Minutes & Communications

Action: Approved the minutes and accepted the communications

Motion by: A Friend Second: H Roen Vote: Approved Unanimously

E Lee will share a link to the Wastewater Treatment bond and planning process webinar with the Commissioners. Highlighted the related issue of lot coverage compaction around parking areas, for which requiring barriers could help reduce this issue. Also noted that city ordinance conflicts with state statute, where it is required that a licensed engineer or design work on a 4+ unit building. K Sturtevant noted that she has looked into this, and it is within the City's Building Code, not the Zoning Ordinance.

Minutes Approved: June 9, 2020 Planning Commission Meeting

IX. Adjourn

Adjournment Time: 7:31 pm

Motion: H Roen Second: A Friend Vote: Approved Unanimously



Andy Montroll, Chair

Signed: July 14, 2020

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner