

Memorandum

To: The City of Burlington Planning Director
The City of South Burlington Planning Director
The Town of Colchester Planning Director
The Chittenden County Regional Planning Commission
The Vermont Department of Housing and Community Development

From: Eric Vorwald, AICP
Planning and Zoning Manager

RE: Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Articles III and X; and Sections 4.9 and 6.6

DATE: March 12, 2021

Enclosed with this memo, please find proposed amendments to the City of Winooski's Unified Land Use and Development Regulations. The amendments relate specifically to:

- Article III - Specific Use Standards – Downtown Core Zoning District
- Article X - Maps
- Section 4.9 - Nonconforming Lots, Structures Right of Way (ROW) or Drive, and Uses
- Section 6.6 - Site Plan Review
- All Sections - Referential Changes to replace "Appendix C" with "Article III"
- Appendix C - Deleted in its entirety

The City of Winooski Planning Commission will hold a public hearing on Thursday, April 08, 2021 at 6:30pm to take public comments on the proposed amendments. This hearing will be held by electronic means only via Zoom Webinar. Use <https://zoom.us/j/97701613338> to join by computer or **646.558.8656** to join by telephone (toll charges may apply). If prompted, the webinar ID for this meeting is **977 0161 3338**.

Please ensure this information is provided to the chair of your Planning Commission. Comments related to these amendments should be submitted in writing to me by the close of business on Monday, April 05, 2021.



**PUBLIC HEARING NOTICE
AMENDMENTS TO THE CITY OF WINOOSKI
UNIFIED LAND USE AND DEVELOPMENT REGULATIONS**

In accordance with 24 V.S.A §4441 and §4444, the City of Winooski Planning Commission will hold a public hearing on **Thursday, April 08, 2021** beginning at **6:30 p.m.** This hearing will be held by electronic means only using Zoom Webinar. Use <https://zoom.us/j/97701613338> to join by computer or **646.558.8656** to join by telephone (toll charges may apply). If prompted, the webinar ID for this meeting is **977 0161 3338**.

Amendments to the Unified Land Use and Development Regulations

- Article III - Specific Use Standards – Downtown Core Zoning District
- Article X - Maps
- Section 4.9 - Nonconforming Lots, Structures Right of Way (ROW) or Drive, and Uses
- Section 6.6 - Site Plan Review
- All Sections - Referential Changes to replace "Appendix C" with "Article III"
- Appendix C - Deleted in its entirety

Statement of Purpose: The purpose of these amendments are as follows:

Article III – Incorporate the specific regulations for the Downtown Core Zoning District currently included in Appendix C into the Unified Land Use and Subdivision Regulations including interim zoning related to the Downtown Core Zoning District boundaries.

Article X – Add the "Building Height and Location Map" currently included in Appendix C

Section 4.9 – Incorporate language from Appendix C related to non-conformities in the Downtown Core

Section 6.6 – Clarify site plan review requirements for all zoning districts

All Sections – Replace references to "Appendix C" with "Article III" to reflect the change of location for the specific use standards of the Downtown Core Zoning District

Appendix C – Delete in its entirety as language is incorporated into relevant sections of the Unified Land Use and Development Regulations for clarity and consistency

Geographic Area Affected: the proposed amendments will apply to the entirety of the City of Winooski.



Section Headings Impacted:

Article III – Incorporates the specific use regulations for the Downtown Core Zoning District thereby eliminating Appendix C. This includes clarification on the district boundaries to incorporate an interim zoning change, updates to cross references throughout the Unified Land Use and Development Regulations, and adds language related to the process of review for projects in the Downtown Core Zoning District including the City Council review for design consideration in the Act 250 permitting process including references to the master sign plans that have been adopted for the Downtown Core Zoning District. Article III is currently reserved.

Article X – Adds the “Building Height and Location Map” currently included in Appendix C. Minor map changes update road names and incorporate the entirety of Cascade Way, but do not change any of the specific regulatory requirements associated with the building heights, locations, or development areas.

Section 4.9 – Adds a new subsection H to include language previously contained in Appendix C regarding non-conforming uses in the Downtown Core Zoning District. This also includes editorial changes for clarification.

Section 6.6 – Adds new language for clarification on site plan review requirements for specific zoning districts and uses. Also includes editorial changes for clarification related to change of use standards.

All Sections – Replace references to “Appendix C” with “Article III” to reflect the change of location for the specific standards of the Downtown Core Zoning District and the elimination of Appendix C.

Appendix C – To be deleted in its entirety. The regulations in Appendix C will be codified into Article III and other relevant sections throughout the Unified Land Use and Development Regulations for clarity and consistency.

The **full text** of these amendments is available at the Winooski City Hall, 27 West Allen Street, during normal business hours or by contacting Eric Vorwald, AICP, City of Winooski Planning & Zoning Manager by calling 802.655.6410 or evorwald@winooski.vt.gov.



Memorandum

TO: Planning Commission

FROM: Eric Vorwald, AICP
Planning & Zoning Manager

RE: **Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Articles III and X; and Sections 4.9 and 6.6**

DATE: March 12, 2021

This memo provides information related to proposed amendments to the City of Winooski Unified Land Use and Development Regulations. These amendments specifically impact the following articles and sections:

- Article III - Reserved
- Article X - Maps
- Section 4.9 - Nonconforming Lots, Structures Right of Way (ROW) or Drive, and Uses
- Section 6.6 - Site Plan Review

These amendments also replace references to "Appendix C" with "Article III", move the "Building Height and Location Map" from Appendix C to Article X, and delete Appendix C in its entirety.

Background

In 2016, the City undertook a comprehensive update to the Unified Land Use and Development Regulations (ULUDR). This was the first update in over 20 years. A major component of this update included a new Appendix B, which provides regulations for the Gateway Zoning Districts through the form-based code. While these changes modernized the regulations, staff has identified additional amendments to provide clarity and improve the interpretation of the regulations. Additionally, several conflicts exist that need to be rectified. With this in mind, staff has been reviewing each section of the ULUDR and proposing amendments to the Planning Commission for their consideration.

Purpose of Amendments

These amendments are being proposed to provide clarity for interpretation of the regulations, and to update and incorporate specific regulations related to the Downtown Core Zoning District, including regulatory references contained within the standards. The City developed and adopted regulations related to the Downtown Core Zoning District over several years including multiple interim zoning



changes. With the complete update and codification of the regulations, the standards for development in the Downtown Core Zoning District were included as Appendix C, but did not include referential updates.

The proposed amendments will incorporate the specific use standards for the Downtown Core Zoning District into Article III (which is currently reserved) and adds language related to the process of review for projects in the Downtown Core Zoning District including the City Council review for design consideration in the Act 250 permitting process including references to the master sign plans that have been adopted for the Downtown Core Zoning District. These amendments also add clarification related to site plan review, including properties in the Downtown Core, as well as clarification for non-conformities including properties in the Downtown Core.

Finally, the amendments would replace references to "Appendix C" with "Article III" to recognize the relocation of these regulations. These amendments also add the "Building Height and Location Map" currently included in Appendix C to Article X, which includes other zoning maps. Minor map changes update road names and incorporate the entirety of Cascades Way, but do not change any of the specific regulatory requirements associated with the building heights, locations, or development areas. If approved, these changes will result in the elimination of Appendix C as all information will be relocated to other sections of the Unified Land Use and Development Regulations.

Proposed Amendments

The following pages include the text of Articles III and X; and Sections 4.9 and 6.6 including proposed changes. Proposed additional text is shown in red and underlined. Text that appears with a ~~strikeout~~ is proposed to be deleted. If specific sections are not included, no changes are being proposed in these sections. For the purposes of this amendment, language contained in Article III has been transposed from Appendix C. While all of this text is new to Article III, the construction of the amendments are intended to reflect existing regulatory language that will remain in the context of changes that are being proposed.



ARTICLE III – SPECIFIC USE STANDARDS – DOWNTOWN CORE ZONING DISTRICT *

SECTION 3.1 – DESCRIPTION OF THE DISTRICT

A. **Applicability.** The Downtown Core Zoning District is depicted on the zoning map (Article X, Map 1) and is generally described as:

1. The properties south of the center line of East Allen Street; west of the 2019 wetland delineation as approved by the State of Vermont (located in the Casavant Natural Area); north of the Winooski River; and east of the centerline of Main Street (on the west side of Rotary Park).
2. Any questions regarding the specific boundary of this zoning district will be determined based on Section 2.1.
3. ~~“Except as set forth in Section 5.402 (Maximum Height), 5.500 Green Space Limitation, 5.600 (High Density Requirements) and Section 5.700 (Building Locations), there shall be no dimensional requirements in the Downton Core District, including but not limited to lot size, lot frontage, lot depth, setbacks, or floor area ratios.”~~

B. **Amendments.** Any amendments to the Downtown Core Zoning District boundaries shall follow the process outlined in Section 1.4.

11.600 Downton Core District.

~~11.601 The boundaries of Downtown Core District are as follows:~~

~~(a) Northerly Line: the centerline of East Allen Street~~

~~(b) Easterly Line: a lined created by the following:
—from the center line of the Winooski River follow the line marked “Green Space Boundary” as shown on the Building Height and Location Map generally northerly to the point where the line tuns almost ninety degrees easterly; then
—turn westerly and connect the point to the most easterly point of Parcel “G” as shown on the Building Height and Location Map;
—then turn northerly and follow the easterly edge of Parcel “G” and then an extension of such line to the center line of East Allen Street;~~

~~(c) Westerly Line: the centerline of Main Street between the centerline of East Allen Street and the Centerline of the Winooski River.~~

* *It is understood that all text herein is new to Article III, however the construction of this amendment is done to identify changes to the standards of the Downtown Core Zoning District that exist in Appendix C and are being transposed to Article III. New text for regulating the Downtown Core Zoning District not currently included in as part of the existing regulations is shown in red and underlined, while existing text to be deleted is shown with strikeouts.*



~~(d) — Southerly Line: The centerline of the Winooski River between the District's easterly and westerly lines above described.~~

~~The Downtown Core District is generally shown on the Building Height and Location Map which is attached as Downton Core District Appendix 1.~~

~~11.602 The Downtown Core District boundaries shall supersede any inconsistent boundaries of districts shown in the Section 11.000 Official Zoning Map, Section 11.100 Official PUD Overlay Zoning Map and Section 11.200 Official DRD Overlay Zoning Map.~~

~~11.603 Section 11.400 Table of Dimensional Requirements is amended to add at the end:~~

~~11.604 Section 11.500 Design Review District Signs, Dimensional Requirements shall be inapplicable to the Downton Core District.~~

~~11.605 Minimum Off Street Parking Requirements~~

~~—— The required quantity of parking for a proposed use shall be provided in accordance with the Minimum Off Street Parking Schedule, Downtown Core District Appendix II.~~

~~The locations of the areas designated on the Building Height and Location Map shall be determined by the distances designated on the Map; these shall be construed as distances measured from the edges of highway rights of way. If the designated distances are not applicable due to curving right of way lines or otherwise, or if the location of the Green Space Boundary shown on the Map is in question, the locations of the areas or location of the Green Space Boundary shall be determined from the scale of the official Building Height and Location Map in the Zoning Admonitor's office.~~

~~2.054 Master Plan~~

~~The Master Plan for the Winooski Falls Riverfront Downtown Project which the City created with an intent to recreate a transitional urban environment in the downtown core and riverfront of the City, with a high density mix of uses, including offices, basic retail and services, and a range of housing options. The Master Plan was approved by the State of Vermont District Environmental Commission in Land Use Permit 4C1065 (revised) July 6, 2001 and Land Use Permit 4C1065-1 (Corrected) dated November 1, 2002, and which may be further revised by the City.~~

SECTION 3.2 - USES

~~—— 5.300 Downtown Core District (DCD).~~

~~—— 5.301 Intent~~

~~The Downtown Core District is composed of the core of the City's downtown and has been the subject of a Master Plan which has been developed by the City over many years after extensive public input and hearings. The Master Plan was approved by the Development Review Board and the City Council I and by the State of Vermont District Environmental Commission under "Act 250". The Maser Plan permits a range of uses within~~



~~pre-approved vertical and horizontal building envelopes as shown on the Building Height and Location P=Map. Approval of the exterior design details must be submitted by the applicant, with the City as a co-applicant, and must be approved by the District Environmental Commission under Act 250 as complying with the approved Master Plan. The regulations associated with the district are intended to protect the public health, safety and welfare and to provide for orderly physical and economic growth by allowing and encouraging high density, mixed use land development within the downtown core, while recognizing the previously approved Master Plan and the requirement that further submissions to the District Environmental Commission under Act 250 must include the City as a co-applicant.~~

5.302 **A. Permitted Uses.** In addition to the uses listed in Section 2.4, the following uses are permitted in the Downtown Core Zoning District

~~The following uses are permitted in the Downtown Core District, upon issuance of a Zoning Permit by the Zoning Administrator:~~

- ~~1).~~ Accessory Uses
- ~~2).~~ Banks without drive-in thru windows.
- ~~3).~~ Child care facilities.
- ~~4).~~ Community Centers.
- ~~5).~~ Dwellings, multi-unit.
- ~~6).~~ Fitness centers.
- ~~7).~~ Governmental offices.
- ~~8).~~ Grocery stores, supermarkets, and pharmacies.
- ~~9).~~ Hotels, motels, inns, and bed and breakfasts.
- ~~10).~~ Job training centers.
- ~~11).~~ Libraries, museums, art galleries, art centers.
- ~~12).~~ Offices.
- ~~13).~~ Outdoor parks.
- ~~14).~~ Outdoor recreation.
- ~~15).~~ Parking garages and outdoor parking.
- ~~16).~~ Police stations.



- 17). Post offices.
 - 18). Restaurants without drive-in thru windows, ~~whose aggregate annual gross receipts from Alcoholic Beverages do not exceed forty percent (40%) of total annual restaurant gross receipts.~~
 - 19). Retail sales of goods and services, but excluding motor vehicle sales, repair, service, and washing, sales of gasoline, diesel fuel, and other petroleum products, auto body painting and repair, and building materials.
 - 20). Schools and educational facilities.
 - 21). Theaters and cinemas.
- ~~5.303~~ B. **Outdoor Use.** All permitted sales and servicing activities in the Downtown Core District shall be conducted inside building, except for customary accessory uses involving sidewalk sales of retail goods for periods of time not exceeding ~~five (5)~~ days per event; seasonal sales of retail good within wholly open sided rooftop structures identified as Area "D" on the "Building Height and Location Map"; and seasonal outdoor restaurant uses.

SECTION 3.3 - DIMENSIONAL STANDARDS

- A. **Intent.** ~~The Master Plan approved for Downtown Winooski through State Act 250 Permit C4-1065 (as amended) provides prescribed dimensional standards for all developments in the Downtown Core. This section provides additional detail as to how building heights and locations are calculated and determined.~~
- B. **Applicability.** ~~Except as set forth herein, there shall be no dimensional requirements in the Downtown Core District, including but not limited to lot size, lot frontage, lot depth, setbacks, or floor area ratios.~~

~~5.400 Dimensional, High Density and Building Location Requirements.~~

~~5.401 Dimensional Requirements Only as Stated in 5.402 - 5.700.~~

~~Except as set forth in Section 5.402 (Maximum Height), 5.500 Green Space Limitation, 5.600 (High Density Requirements) and Section 5.700 (Building Location), there shall be no dimensional requirements in the Downtown Core District, including but not limited to lot size, lot frontage, lot depth, setbacks, or floor area ratios.~~

C. ~~5.402~~ **Maximum Height.** Within the Downton Core District, a person shall not commence any land development which would result in a building or structure exceeding the elevation or height above street grade level, as the case may be, designated on the "Building Height and Location Map"; ~~for the area where such building or structure is or will be located.~~

~~5.403~~ 1. **Determination of Elevation.** Where elevation controls maximum height, the point shown on the "Building Height and Location Map" at the intersections of the centerlines of Main Street and East Allen Street, having an elevation 190 feet, shall be used as the control point and the following standards shall apply:



- a. If maximum elevation shown on the Map for an area exceeds the elevation at the control point, the difference shall be added to the 190-foot elevation at the control point, and a horizontal plane extended from the point so calculated shall establish maximum building or structure height for the area.
- b. If a maximum elevation shown on the Map for an area is less than the 190-foot elevation at the control point, the difference shall be subtracted from the 190-foot elevation at the control point, and a horizontal plane extended from the point so calculated shall establish maximum building or structure height for the area.

5.404 2. Determination of Street Grade Level. Where street grade level controls maximum building or structure height, and the street grade level or levels fronting a building slopes, the highest grade level along the entirety of the building or structure frontage shall be used to determine the maximum building or structure height of the building.

5.405 3. Measurement of Maximum Height. Maximum building or structure height shall be determined by vertical measurement to the highest point of the building or structure, exclusive of the building components which are not to be included in measuring height, as listed on the Building Height and Location Map.

D. ~~5.600~~ **High Density Requirements.** In order to maximize development density in the Downtown Core Zoning District, the following high density requirements will apply.

1. ~~5.601~~—Minimum Floor Requirements. Within the Downtown Core District, except as provided in ~~5.602~~ **Section 3.3. D. 2.** (Parking Garages and Public Spaces), and ~~5.800~~ **Section 3.6. F.** (Non-complying Structures) no building shall be constructed, enlarged, or used unless the construction or enlargement results in a building which contain at least three floors used for one or more uses permitted in **Section 5.3023.2. A.** excluding of cellars, basements, attics, and floors used for below street grade parking garages.
2. ~~5.602~~—Parking Garages and Public Spaces. The requirements of ~~5.601~~ **Section 3.3. D.1.** shall not apply to buildings in the areas designated on the Building Height and Location map as "Public Spaces", or to parking garages, but such requirements shall apply to any building area constructed over and/or connected to a parking garage.

SECTION 3.4 – BUILDING LOCATIONS

A. ~~5.701~~—**Building Locations.** All buildings within the Downton Core District shall be located only in Areas "A" through "H" inclusive and in the Champlain Mill Building Area as shown on the Maximum Building Height and Location Map. Building and improvements may be located in, on or over the streets or other public areas and parks as shown on the Maximum Building Height and Location Map, provided they do not interfere with the passage of traffic.

B. ~~5.500~~—**Green Space Limitation.** The "Green Space Boundary" as depicted on the Building Height and Location Map is intended to provide a 50 foot buffer against a Class II wetland complex in the Casavant Natural Area.



1. This 50 foot buffer shall be measured from the 2019 wetland delineation, as approved by the State of Vermont and may be updated through an amendment to these regulations as outlined in Section 1.4 to recognize any future delineations to this wetland boundary.
2. No building shall be constructed easterly of the line designated as the "Green Space Boundary" on the Building Height and Location Map, except to the extent the Master Plan is amended and such structures are consistent with such plans or as the boundary and wetland area is updated to depict a revised delineation as approved by the State of Vermont and adopted as an amendment to this bylaw.

~~5.700 Building Locations.~~

SECTION 3.5 – SIGNS

- A. **Intent.** The Downtown Core is intended to have a consistent look, feel, and design for signs to create consistency, uniformity, and a sense of place in Downtown Winooski.
- B. **Applicability.** This section shall apply to all properties within the Downtown Core Zoning District.
- C. All signs within the Downtown Core Zoning District shall be subject to the following documents incorporated into Act 250 Permit Amendment 4C1065-08:
 1. Master Sign Plan
 2. Sign Design Guidelines
 3. Sign Code

~~"The requirements imposed by the Planned Unit Development Districts, Overlay and the Design Review District, DRD, shall not apply to the Downtown Core District"~~

~~"The requirements for Site Plan review shall not apply to the Downtown Core Area District."~~

~~8.408 Non-Complying Structures, Non-Conforming Uses in the Downtown Core District~~

~~Within the Downtown Core District, a non-complying structure or a non-conforming use shall not be enlarged or extended nor all or any part of a non-complying structure replaced if voluntarily demolished, unless the resulting building complies with the minimum floor requirements of 5.601.~~

~~"c. When a sign is to be located in the Downtown Core District, it shall be subject to the master sign policy established under the Master Plan and the requirements of Section 8.100 shall not apply."~~

~~9.304 Downtown Core District.~~

~~In the Downtown Core District, Sections 9.301, 9.303 b, f and g shall not be applicable provided the following conditions are met:~~



~~"The requirements of this Section 9.400 shall not apply to the Downtown Core rea District."~~

SECTION 3.6 – PARKING

- A. **Intent.** ~~Development in and around Downtown Winooski is intended to create a vibrant mixed-use pattern that promotes walkability and pedestrian oriented activities. The diversity of uses will promote centralized parking locations that accommodate multiple uses based on the time of day and the day of week.~~
- B. **Applicability.** ~~These regulations will apply to any new development or redevelopment in the Downtown Core Zoning District.~~
- C. **Minimum Off-Street Parking Requirements.** ~~The required quantity of parking for a proposed use shall be provided in accordance with the Minimum Off-Street Parking Schedule, Downtown Core District Appendix II to these regulations following:~~

DOWNTOWN CORE DISTRICT APPENDIX II MINIMUM OFF-STREET PARKING SCHEDULE	
Use	Minimum Parking Requirements
Residential – General Elderly Student ¹	1.0 spaces per bedroom 1.0 spaces per unit 0.3 spaces per bedroom
Commercial, Retail, or Restaurant	3.2 spaces per 1,000 gross square feet
Office	3.2 spaces per 1,000 gross square feet
Hotel/Bed & Breakfast	1.0 spaces per room
Theatre	100 spaces per screen/ <u>stage</u>
Municipal Uses	3.2 spaces per 1,000 gross square feet

¹ Student residents in buildings attached to municipal parking garages only. Otherwise, student housing is calculated the same as general residential.



ADJUSTMENTS FOR SHARED PARKING IN MUNICIPALLY CONTROLLED OR RELATED PARKING GARAGES ²				
Use	Minimum Parking Requirements	X Daytime/Weekday	X Week Night	X Weekend/Holiday
Residential – General Elderly Student ¹	1.0 spaces per bedroom 1.0 spaces per unit 0.3 spaces per bedroom	X 0.60 =	X 1.00 =	X 1.00 =
Commercial, Retail, or Restaurant	3.2 spaces per 1,000 gross square feet	X 0.75 =	X 0.50 =	X 1.00 =
Office	3.2 spaces per 1,000 gross square feet	X 0.90 =	X 0.30 =	X 0.20 =
Hotel/Bed & Breakfast	1.0 spaces per room	X 0.25 =	X 1.00 =	X 0.50 =
Theatre	100 spaces per screen/ stage	X 0.25 =	X 1.00 =	X 1.00 =
Municipal Uses	3.2 spaces per 1,000 gross square feet	X 0.90 =	X 0.30 =	X 0.20 =

- D. **Location of Parking.** All parking spaces for uses in the Downtown Core District shall be located within the Downtown Core District, and shall either be located on the land where the use is occurring or the parking spaces shall be in a municipally owned or controlled parking facility, in which event, the applicant shall provide a written contract with the municipality which guarantees the continuous use of the required parking spaces for the identified uses(s) for the reasonable expected duration of the use(s).
- E. **Changes or Expansions of Use.** In the Downtown Core District, whenever there is an alteration or conversion of a building or a change or expansion of a use of a building, which increases the parking requirements, the total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the Minimum Off-Street Parking Schedule. ~~Downtown Core District Appendix II to these regulations.~~
- F. **Non-Complying Structures.** Any building in the Downtown Core District which is a non-complying structure as to off-street parking requirements shall not be subject to the requirements of ~~this section~~

² The minimum parking requirements for uses which are utilizing parking spaces in a municipally controlled or related parking garage may be adjusted for shared parking using the following adjustments. Prior to issuance of a zoning permit the applicant shall provide a calculation of the parking spaces allocated in the garage for each use and time period to demonstrate sufficient parking is available in the garage for the proposed use during the requisite time periods and that the applicant has a contract with the municipality for such parking.



~~9.304~~ **Section 3.6** so long as the kind or extent of use is not changed, and provided further that the number of parking spaces legally required to serve at the time such uses were approved shall not in the future be reduced.

~~"The requirements of this Section 9.1600 shall not apply to the Downtown Core Area District."~~

SECTION 3.7 – ZONING PERMITS IN THE DOWNTOWN CORE

- A. **Intent.** Projects in the Downtown Core Zoning District are subject to both a local zoning permit and a State Act 250 Land Use Permit. ~~11.201 Zoning Permits in the Downtown Core District.~~
- B. **Applicability.** The standards set forth under this section apply only to projects in the Downtown Core Zoning District.
- C. An application for a zoning permit for land development in the Downtown Core District shall ~~contain~~ include the following:
1. Plans and specifications for any proposed improvements to be made;
 2. A narrative description of the proposed uses;
 3. A certification of a registered architect or surveyor that the proposed improvements comply with the requirement of the Building Height and Location Map;
 4. A narrative description of how the proposed uses and improved comply with the Master Plan and with the applicable provisions of these regulations;
 5. A copy of the approval by the State of Vermont District Environmental Commission of the improvements or a Jurisdictional Opinion from the District Environmental Commission indicating that an amendment to the Act 250 permit is or is not required for the project;
 6. A certification, along with any required contracts, showing compliance with the parking requirements of **Section 9.3043.6**;
- D. Upon a determination that the proposed land development within the Downton Core District ~~Meet~~ meet the requirements of these regulations, the Zoning Administrator shall issue a zoning permit.
- E. No other permit, except a building permit, shall be required for land development in the Downton Core District.
1. Specifically, ~~a~~ A proposed improvement, building or use in the Downton Core District shall not require site plan, design review, or planned unit development approval under these regulations
 2. and ~~n~~ No approval shall be required under the City of Winooski Subdivision Ordinance **Section 6.2** of these regulations.



F. An application for an amendment to the State Act 250 Land Use permit shall include the following:

1. Review and approval of all design details by the City Council.

a. At their discretion, the City Council may refer the development proposal to the Development Review Board for comments and input.

i. Comments from the Development Review Board would be advisory only and not require a public hearing.

ii. The City Council may establish a timeline for comments to be returned from the Development Review Board.

b. Based on comments from the Development Review Board or any other entity, the City Council may request additional information or alterations to the designs of a proposal.

2. Authorization of the City Council as co-applicant to any Act 250 Land Use Permit amendment prior to submission to the District Environmental Commission.

~~12. Add to Article X, Administration and Enforcement, a new section:~~

~~Section 11.201—Zoning Permits in the Downton Core District Involving Alcoholic Beverages:~~

~~Any zoning permit issued and any certificate of occupancy issued under this Article X, for a use which includes the sale of "alcohol beverages" in the Downtown Core District, shall contain a condition requiring the certifications set forth below. In the event such condition is not so included or otherwise not a part of the permit or certificate of occupancy, such certification requirement shall apply in any event.~~

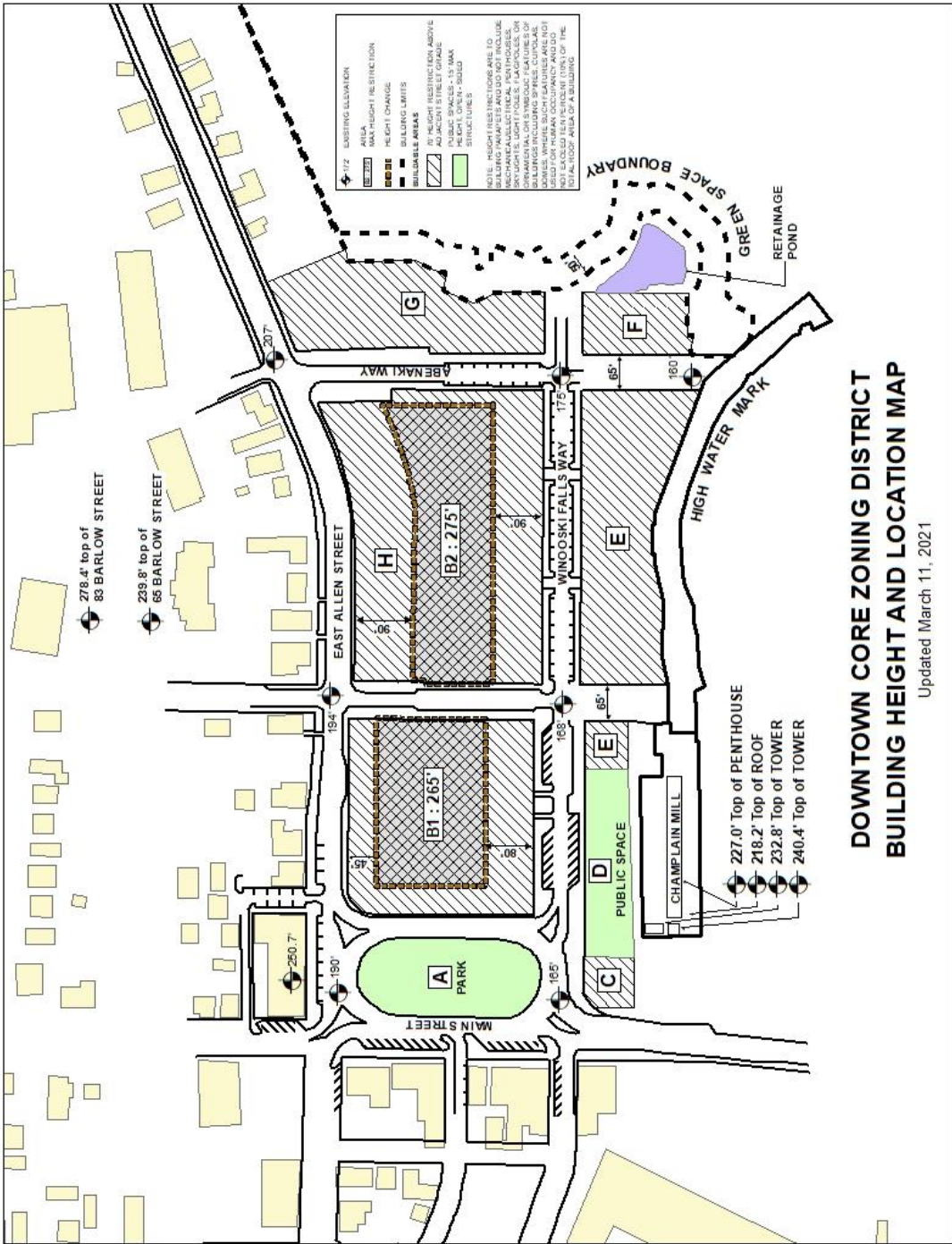
~~Annually, not later than April, the owner of a restaurant business authorized under 5.302(18) shall file with the Zoning Administrator a certification by an independent certified public accounting firm that the aggregate gross receipts at the restaurant from Alcoholic Beverages did not exceed forty percent (40%) of total annual gross receipts at such restaurant during such person's period of ownership in the calendar year just ended. For purposes of this section:~~

~~"Alcoholic Beverages" means malt and vinous beverages and spirituous liquors sold pursuant to first and third class licenses issued under 7 V.S.A. Ch. 9.~~

~~12. Add to Article XI, Appendix, a new section:~~



Map to be Added to Article X.



SECTION 4.9 - NONCONFORMING LOTS, STRUCTURES, RIGHT OF WAY (ROW) OR DRIVE, AND USES

- A. **Purpose.** Any lot, structure, part of a structure or use that is not in compliance with the provisions of these regulations, but was lawfully established prior to the effective date of these regulations, shall be deemed a nonconformity. It is the goal of the City of Winooski that nonconformities shall over time cease to exist, become conforming or at a minimum continue to be used in a manner that does not increase their degree of nonconformity. Nonconformities shall be regulated and only allowed to continue indefinitely as outlined in this section.
- B. **Development of Preexisting Nonconforming Lots.** An undeveloped preexisting nonconforming lot may be developed in accordance with the standards of the district in which it is located if the lot:
1. Was in existence on or before the effective date of these regulations; and
 2. Is at least 1/8 acre in area; and
 3. Is at least 40 feet wide and deep.
- C. **Use of Nonconforming Lots.** A lawfully developed nonconforming lot:
1. May continue in its current use and configuration.
 2. May, after receiving all applicable approvals and permits, be further developed and used in accordance with the standards of the district in which it is located.
- D. **Nonconforming Right of Way or Drive.** Pre-existing, lawfully established, nonconforming Right of Way or drive that was in existence on or before the effective date of these regulations:
1. Shall Conform with Public Works material and construction standards for public or private ROW right-of-way — See Section 5 of the City of Winooski Public Works Standards and Specifications
 2. May be used, expanded or improved in accordance with fire department ~~dept.~~, police department ~~dept.~~, and public works approval.
 3. May, after receiving all applicable approvals and permits, be further development and used in accordance with the standards of the district in which it is located.

- H. **Nonconforming Uses and Noncomplying Structures in the Downtown Core Zoning District.** Within the Downtown Core Zoning District, a noncomplying structure or a nonconforming use shall not be enlarged or extended nor all or any part of a noncomplying structure replaced if voluntarily demolished, unless the resulting building complies with the minimum floor requirements of Section 3.3. D.



SECTION 6.6 - SITE PLAN REVIEW

- A. **Intent.** Site plan review is intended to ensure that site layout and development design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which the development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional and visual integration of the site with adjoining properties, uses and infrastructure.
- B. **Applicability.** Unless otherwise noted in these regulations, Site plan review is required for all "permitted uses" listed by zoning district under Article II, except for property located in the Downtown Core Zoning District and the Gateway Zoning District; single ~~(one)~~ and two ~~family-unit~~ dwellings; ~~;~~ associated accessory structures and accessory dwellings as specified under Section 5.1; home occupations and home child care facilities as specified under Sections 5.2 and 5.7; signs if not associated with a development proposal; ~~;~~ and other uses specifically exempted from these regulations under Section 6.13. Unless otherwise specified, site plan review is required for changes of use as regulated under Section 4.3 when site modifications are proposed that result in changes to curb cuts or access drives; additions to existing structures; new structures; or similar changes that will alter the overall layout or function of the existing site. Uses listed as "conditional uses" under Article II do not require separate site plan review and approval, but must meet applicable site plan review standards under Section 6.6.

Consistency with the Winooski Master Plan

The following information is provided to address the requirements of 24 V.S.A. §4441 regarding consistency of the proposed amendments to the City of Winooski Master Plan, adopted March 2019. Specifically, statute requires municipalities to consider three parts when reviewing proposals for new or amended bylaws. These considerations include:

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

The City updated their Master Plan in 2019. The master plan includes multiple components that discuss housing options and affordability, and protection of existing stable neighborhoods. The proposed changes are primarily administrative in nature and would not adversely impact the availability of safe and affordable housing. Additionally, these changes would all be consistent with the goals and policies in the Master Plan.



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

The future land use map included in the Master Plan identifies development density along the corridors and in the downtown core. The proposed amendments would further clarify the development options and processes for projects located in the Downtown Core Zoning District, consistent with the future land uses included in the City's 2019 Master Plan.

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

No adverse impacts to planned community facilities have been identified as a result of the proposed amendments.



**ACT 250 NOTICE
MINOR APPLICATION #4C1043-1A
10 V.S.A. §§ 6001 - 6093**

On March 19, 2021, University of Vermont and State Agricultural College, 16 Colchester Avenue, Burlington, VT 05405 filed application number 4C1043-1A for a project generally described as the temporary suspension of a 200 space off-campus parking lot as required in item 4(b) of UVM's Local Parking Management Plan (Exhibit #018 of LUP #4C1043-1). The project is associated with the Health Science Research Facility located at 149 Beaumont Avenue in Burlington, Vermont.

The District 4 Environmental Commission is reviewing this application under Act 250 Rule 51—Minor Applications. A copy of the application and proposed permit are available for review at the office listed below. The application and a draft permit may also be viewed on the Natural Resources Board's web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering the project number "4C1043-1A."

No hearing will be held and a permit may be issued unless, on or before **April 23, 2021**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing, or the Commission sets the matter for a hearing on its own motion. Any person as defined in 10 V.S.A. § 6085(c)(1) may request a hearing. Any hearing request must be in writing to the address below, must state the criteria or sub-criteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other person eligible for party status under 10 V.S.A. § 6085(c)(1)(E) must include a petition for party status under the Act 250 Rules. Prior to submitting a request for a hearing, please contact the district coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law may not be prepared unless the Commission holds a public hearing.

If you feel that any of the District Commission members listed on the attached Certificate of Service under "For Your Information" may have a conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, and by no later than April 23, 2021.

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

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

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

Dated at Essex Junction, Vermont this 30th day of March, 2021.

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



LAND USE PERMIT AMENDMENT

State of Vermont

Natural Resources Board

District 4 Environmental Commission

111 West Street

Essex Junction, VT 05452

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

[phone] 802-879-5614

This is a **PROPOSED** permit; please submit any written comments to Rachel Lomonaco, District Coordinator, 111 West Street, Essex Junction, VT 05452 by **April 23, 2021**.

CASE NO: 4C1043-1A

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

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit Amendment #4C1043-1A, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. 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 the City of Burlington, Vermont, as the subject of deeds to University of Vermont and State Agricultural College.

This permit specifically authorizes the temporary suspension of a 200 space off-campus parking lot as required in item 4(b) of UVM's Local Parking Management Plan (Exhibit #018 of LUP #4C1043-1). The parking lot is located at located at 351 Pine Street in Burlington and is associated with UVM's Health Science Research Facility 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 4 Environmental Commission (the "Commission") in accordance with the following conditions.
2. The project shall be completed, operated and maintained in accordance with the conditions of this permit, and the permit application, plans, and exhibits on file with the Commission and other material representations.
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. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
5. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
6. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
7. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
8. 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.
9. 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.
10. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #4C1043-1A in all deeds of conveyance and leases.
11. The Permittee is authorized for a temporary suspension of item 4(b) of UVM's Local Parking Management Plan (Exhibit #018 of LUP #4C1043-1) until either: (1) UVM's parking utilization rate reaches 83%, or (2) the Health Science Research Facility opens for use, whichever comes first. The Permittee will evaluate the parking utilization rate monthly and provide this data to the District Commission as it becomes available.
12. The Project 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 a public hearing.

13. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
14. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this ____ day of April, 2021.

By _____

Parker Riehle, Vice Chair
District 4 Commission

Members participating in this decision:

Monique Gilbert

Kate Purcell

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

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

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

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

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

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

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\UVM\4C1043\4C1043-1A\Published Documents\District Commission Documents\4C1043-1A draft permit.docx

CERTIFICATE OF SERVICE

I hereby certify on this 30th day of March, 2021, a copy of the foregoing ACT 250 MINOR NOTICE #4C1043-1A, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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

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

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

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

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

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

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

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

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

FOR YOUR INFORMATION

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

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

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

Ethan Tapper, County Forester/FPR
John Gobeille/Toni Mikula, ANR/Dept. of Fish & Wildlife
111 West Street
Essex Junction, VT 05452
ethan.tapper@vermont.gov
john.gobeille@vermont.gov; toni.mikula@vermont.gov

Seven Days Classified Ad Section
255 South Champlain Street, PO Box 1164
Burlington, VT 05402
classifieds@sevendaysvt.com

Green Mountain Power Corporation
163 Acorn Lane
Colchester, VT 05446
kim.jones@greenmountainpower.com

Vermont Gas Systems
PO Box 467
Burlington, VT 05402
efficiency@vermontgas.com

Efficiency Vermont
128 Lakeside Ave., Suite 401
Burlington, VT 05401
pics@veic.org

Champlain Water District
403 Queen City Park Road
South Burlington, VT 05403
mike.barsotti@champlainwater.org

Vermont Railway, Inc.
1 Railway Lane
Burlington, VT 05401

State of Vermont
Rail Unit
1 National Life Drive
Montpelier, VT 05633
mark.fitzgerald@vermont.gov

City DPW
645 Pine Street
Burlington, VT 05401

Parkview at Ticonderoga, LLC
885 Route 67
Ballston Spa, NY 12020

Dennis Harvey
295 Brook Drive
Bristol, VT 05443

ADJOINING LANDOWNERS

Available via:
<https://anrweb.vt.gov/PubDocs/ANR/Planning/4C1043-1A/Application%20Documents/004%20UVM%20Main%20Campus%20List%20of%20Adjoiners.pdf> and
<https://anrweb.vt.gov/PubDocs/ANR/Planning/4C1043-1A/Application%20Documents/005%20UVM%20List%20of%20Courtesy%20Notifications.pdf>

Dated at Essex Junction, Vermont, this 30th day of March, 2021.

Jessica B. Mason

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

CERTIFICATE OF SERVICE

I hereby certify on this 6th day of April, 2021, a copy of the foregoing **Request for Downtown Development Findings Document and Schedule G** 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.

Burlington School District
mspauldi@bsdvt.org

Brian Dunkiel, Esq.
Dunkiel Saunders Elliott
Raubvogel & Hand PLLC
bdunkiel@dunkielsaunders.com

Joseph McNeil, Esq.
McNeil Leddy & Sheahan, P.C.
JMcNeil@mcneilvt.com

Civil Engineering Associates, Inc.
dmarshall@cea-vt.com

Max Tracy, City Council President
mtracy@burlingtonvt.gov

Andy Montroll, Planning
Commission Chair
andym@montrolllaw.com

Chittenden County Regional
Planning Commission
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cbaker@ccrpcvt.org
Amy Bovee, Assistant Clerk
abovee@burlingtonvt.gov

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Elizabeth.lord@vermont.gov

Jennifer Fitch, P.E.
Acting Commissioner
Department of Buildings &
General Services
Jennifer.fitch@vermont.gov

Judy Bruneau, Executive Assistant
Department of Buildings &
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barry.murphy@vermont.gov

VTrans Policy, Planning and
Research Bureau
AOT.Act250@vermont.gov
craig.keller@vermont.gov
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christopher.clow@vermont.gov

Vt. Agency of Agriculture, Food &
Markets
Ari-rockland.miller@vermont.gov
AGR.Act250@vermont.gov

Division for Historic Preservation
Accd.projectreview@vermont.gov
scott.dillon@vermont.gov

ANR, Dept. of Fish & Wildlife
john.gobeille@vermont.gov
toni.mikula@vermont.gov
shawn.good@vermont.gov

District #4 Environmental
Commission
Thomas Little, Chair
James McNamara/Kate Purcell
111 West Street
Essex Junction, VT 05452

Stephanie Monaghan, District
Coordinator
Nrb.act250essex@vermont.gov
Stephanie.Monaghan@vermont.gov

by:


Amy Marks
Civil Engineering Associates, Inc.
amy@cea-vt.com



HEARING RECESS ORDER

State of Vermont
Natural Resources Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
<https://nrb.vermont.gov/>

[phone] 802-879-5614

CASE NO: 4C0174-6,4C0368-3

LAW/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 – 6111 (Act 250)

The Burton Corporation
180 Queen City Park Road
Burlington, VT 05401

c/o John Caulo
LandPlan
61 Central Avenue
Burlington, VT 05401

I. Introduction

On March 10, 2021, the District 4 Commission held a public hearing for the above-referenced application located at 180 and 266 Queen City Park Road in Burlington, Vermont. Pursuant to Act 92 of the 2020 Vermont General Assembly and Executive Order 01-20 and associated Addenda and Directives issued by Governor Scott based upon the coronavirus (COVID-19) emergency, this hearing was conducted remotely via Microsoft Teams video conferencing software. Pursuant to Act 250 Rule 13(B), the Commission recessed the hearing pending submittal of additional information by the Parties as set forth below.

II. Party Status

- A. The following persons who attended the hearing have party status pursuant to 10 V.S.A. § 6085(c)(1):
1. The **Applicant**, by John Caulo of LandPlan; Justin Worthley, Mike Fialko-Casey, and Eric Bergstrom of The Burton Corporation ("Burton"); Alex Crothers, Alan Newman, and Mark Balderston of Higher Ground; Kurt Muller, PE and Jennifer Conley, PE, PTOE of VHB; Eddie Duncan of RSG; Brian Dunkiel, Jonathan Rose, and Malachi Brennan of Dunkiel Saunders Elliott Raubvogel & Hand PLLC; and Tyler Barnard, EI, and Paul Boisvert, PE of Engineering Ventures.



2. The **City of Burlington** by Kimberlee J. Sturtevant, Esq., Assistant City Attorney, and Susan Molzon, Senior Public Works Engineer.
 3. The **City of South Burlington** by Meaghan Emery, Vice-Chair of the South Burlington City Council, and the Council's attorney, Andrew Bolduc, Esq. of McNeil Leddy & Sheahan, P.C.
 4. **South Burlington Fire District #1**, by Sharon Behar, Steve Caflisch, and Stephen Crowley, Assistant Operator.
 5. The **Chittenden County Regional Planning Commission** did not attend the hearing, but Executive Director Charlie Baker submitted comments (Exhibit #068).
 6. The **Vermont Agency of Transportation**, by Christopher Clow, PE.
 7. The **Vermont Agency of Natural Resources** by Jennifer Mojo, Senior Planner.
- B. At the January 13, 2021 Prehearing Conference, the Chair preliminarily granted or denied party status to the following Parties under the listed criteria:
8. **Lawrence (Laurie) Smith and Laura Waters** (50 Central Avenue, South Burlington, VT 05403), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
 9. **Michael Turner** (110 Central Avenue, South Burlington, VT 05403), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
 10. **Luc Logan** (39 Central Avenue, South Burlington, VT 05403), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).

11. **Diane de Terra** (39 Central Avenue, South Burlington, VT 05403), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
12. **Doug Goodman** (66 Central Avenue, South Burlington, VT 05403; 364 Queen City Park Road, Burlington, VT 05401), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
13. **Almy Landauer** (161 Austin Drive, Unit 139, Burlington, VT 05401), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas), 8(A) (Necessary Wildlife Habitat & Endangered Species), and 1(A) Headwaters.
14. **Wendy Bratt** (52 Central Avenue, South Burlington, VT 05403), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), and 9(K) (Public Investments); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas), 8(A) (Necessary Wildlife Habitat & Endangered Species), and 10 (Local & Regional Plans).
15. **Sharon O'Neill** (20 Arthur Court, Burlington, VT 05401), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
16. **Dana Walrath** (42 Central Avenue, South Burlington, VT 05403), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status

- under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 5(B) (Alternative Transportation), 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
17. **Stephanie Herrick** (161 Austin Drive, Unit 151, Burlington, VT 05401), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 5(A) (Traffic), and 8 (Aesthetics); preliminarily denied party status under Criteria 1(A) Headwaters, 1(B) (Waste Disposal), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas), 8(A) (Necessary Wildlife Habitat & Endangered Species), 9(K) (Public Investments), and 10 (Local & Regional Plans).
 18. **Janice Ellis** (161 Austin Drive, #83, Burlington, VT 05401), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas), 8(A) (Necessary Wildlife Habitat & Endangered Species), and 1(A) Headwaters.
 19. **Wendy Copp** (11 Maple Ave, South Burlington, VT 05403), by James A. Dumont, Esq. and Michael Santos, PE, PTOE: Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
 20. **Kerry Anderson** (3 Maple Ave, South Burlington, VT 05403): Preliminarily granted party status under Criteria 1 (Air Pollution), 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare & Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).
 21. **Sabrinajoy Milbury** (8 Maple Ave, South Burlington, VT 05403): Preliminarily granted party status under Criteria 1(B) (Waste Disposal), 5(A) (Traffic), 5(B) (Alternative Transportation), 7 (Cost of Local Government Services), 8 (Aesthetics), 9(K) (Public Investments), and 10 (Local & Regional Plans); preliminarily denied party status under Criteria 8 (Scenic or Natural Beauty, Historic Sites and Rare &

Irreplaceable Natural Areas) and 8(A) (Necessary Wildlife Habitat & Endangered Species).

Pursuant to 10 V.S.A. § 6085(c)(6), the Commission will re-examine its party status decisions prior to the close of the hearing and will state its final party status decisions either in the decision it issues on the case or in a separate memorandum.

III. Supplemental Evidence

Pursuant to Act 250 Rule 20(A), and with regard to the testimony provided, the Commission requires that the Applicants submit the following information:

1. A site plan that depicts where soil pre-characterization testing will occur.
2. A narrative that explains the pre-characterization testing process and how you will identify and respond to any potential contamination on the site, including the possible etching waste trench about which the opponents have testified.
3. A narrative that explains the anticipated timeframes for: a) completing work on the DEC-approved workplan; and b) completing soil characterization work.
4. The Commission has noted that the RSG report mentions adding sheetrock to a ceiling and a portion of the southern exterior wall, as well as insulation to that southern exterior wall, as potential measures to mitigate noise impacts from the Project. Please explain in greater detail how you propose to modify the building's construction to mitigate noise impacts and the level of mitigation that each modification is expected to achieve.
5. Your conditional use approval from the Burlington Development Review Board requires you to perform, within the first 6 months of operation, a traffic assessment of how the Operational Management Plan is addressing traffic impacts. Please describe the types of additional traffic congestion and traffic safety mitigation measures that you could implement if the traffic mitigation measures proposed in the application require modification.

In addition, the Commission requests that the Vermont Agency of Natural Resources submit the following information:

6. A comment letter containing any draft land use permit conditions that the Agency might propose for preventing the release of any hazardous materials that might be present on the site into the air or groundwater.

In addition, the Commission requests that the City of Burlington submit the following information:

7. Please advise the Commission as to your anticipated timeframe for installing sidewalks along the length of Queen City Park Road, and describe the planned design thereof.
8. Please also advise the Commission as to whether the City's pedestrian infrastructure improvement plans would include a bike path and/or a crosswalk near the intersection of Queen City Park Road and Central Avenue.

Finally, the Commission invites all parties to submit the following information:

9. In accordance with 3 V.S.A. § 812 and Act 250 Rule 12, the parties are invited to submit proposed findings of fact and conclusions of law under any or all Act 250 Criteria. Proposed findings should cite to the Exhibit(s) and testimony that support them, and should not be argumentative.

IV. Order

1. The above documentation shall be provided to all Parties listed on the attached certificate of service and **one (1)** digital version of the documentation shall be submitted to the District Commission Office on or before **April 26, 2021**. The Commission requests that the Commission's digital version be attached as an email to the NRB public folder (NRB.Act250Essex@vermont.gov) or, if larger than 3 MB in size, uploaded to the NRB ftp site (see <http://nrb.vermont.gov/documents/application-guide-act-250>). Any upload to the NRB ftp site should be followed up with an email to the NRB public folder and to the District Coordinator informing them that the files have been uploaded.

After the above information has been received, the Commission will reconvene the hearing only if there are outstanding questions or if the Commission determines that a party or the Commission has reasonable questions about the additional information. If the information has not been received within 30 days from the date of this notice, or if the hearing is not reconvened, the Commission will set a date for adjournment and issue a final decision based on the existing record following a full deliberation of the issues. If the Applicant wishes to continue the recess beyond 30 days from the date of this notice, it must notify the District Commission in writing on or before the 30th day.

An appeal from this order may be filed with the Environmental Court in accordance with 10 V.S.A. Chapter 220 and the Rules for Environmental Court Proceedings.

If any party has any questions or wishes to request the hearing be reconvened, please call State Coordinator Aaron Brondyke at **802-595-2735**.

Dated this 26th day of March, 2021.

By: /s/Thomas A. Little
Thomas A. Little, Chair
District 4 Environmental Commission

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\300001-4C0250\4C0174\4C0174-6,4C0368-3\Published
Documents\District Commission Documents\Hearing Recess Order 4C0174-64C0368-3 032621.docx

CERTIFICATE OF SERVICE

I hereby certify on this 26th day of March, 2021, a copy of the foregoing ACT 250 HEARING RECESS ORDER #4C0174-6,4C0368-3, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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

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FOR YOUR INFORMATION

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Mark Furnari
mark.furnari@gmail.com

Dated at Essex Junction, Vermont, this 26th
day of March, 2021.



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

**STATE OF VERMONT
NATURAL RESOURCES BOARD
DISTRICT 4 ENVIRONMENTAL COMMISSION**

Act 250 Land Use Permit Application)
#4C0174-6 & 4C0368-3)
The Burton Corporation, Burlington)

CERTIFICATE OF SERVICE

I, Grace Grundhauser, certify that on March 11, 2021, I served copies of the following documents on behalf of the Burton Corporation in the above-referenced proceeding to the service list below by the delivery method noted:

- Burton Merits Hearing Presentation 3-10-2021
- Red Rocks Park Management Plan 2014
- Red Rocks Park Management Study 5-01-2013

By Email:

Thomas A. Little, Chair
District 4 Environmental Commission
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NRB.Act250Essex@vermont.gov
aaron.brondyke@vermont.gov

By Email and First Class Mail

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c/o Jed Lowy, SBFD #1 PC Chair
South Burlington Fire District #1
c/o Mandy McDermott
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Dated at Burlington, Vermont, this 11th day of March, 2021.

By: /s/ Grace Grundhauser
Grace Grundhauser
Paralegal



Act 250 Permit Hearing

The Burton Corporation

4C0174-6,4C0368-3

March 10, 2021

Agenda

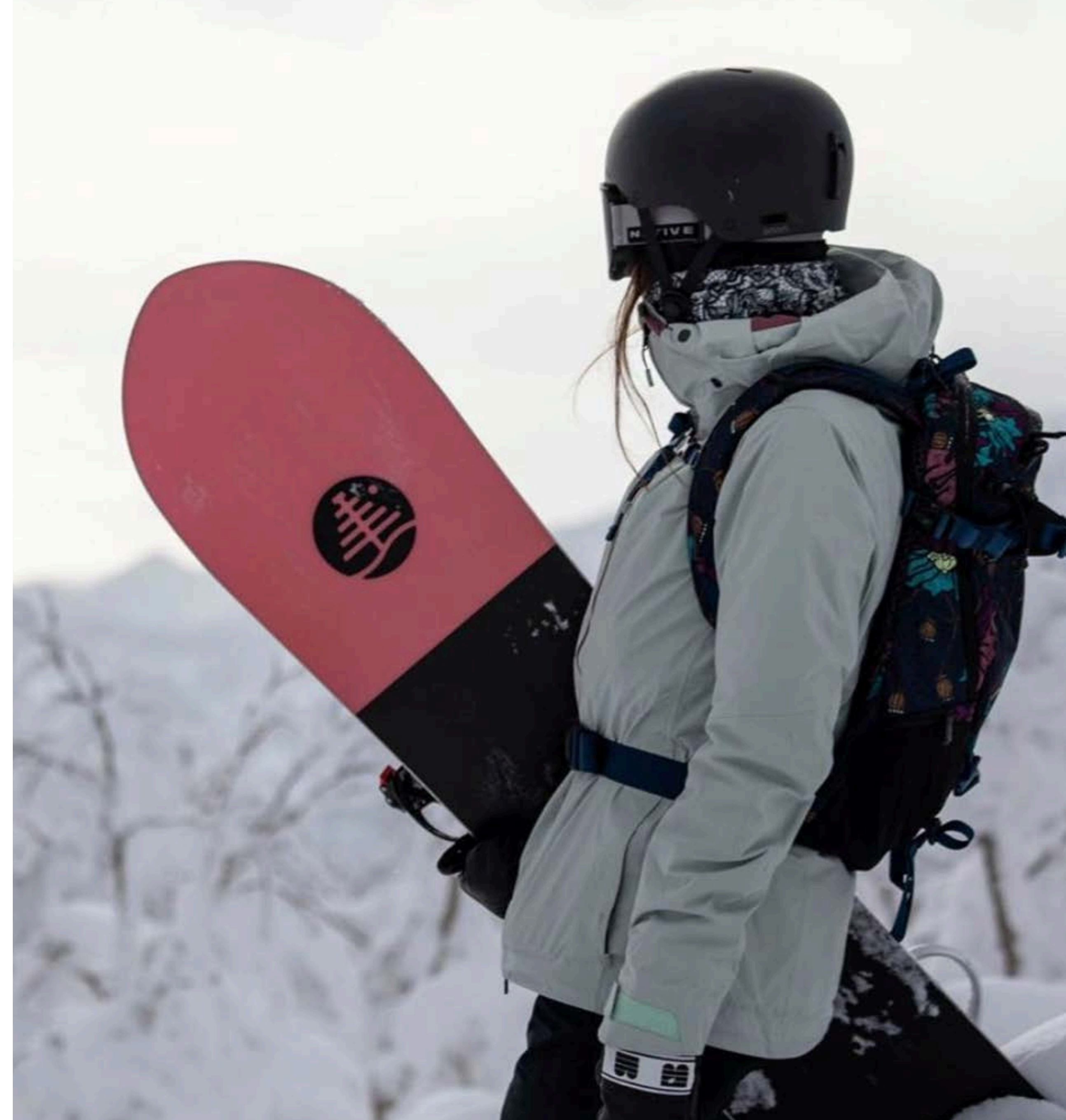
01
Intro & Orientation

02
Act 250 Application
Scope

03
Act 250 Criteria
Compliance

04
Performing Arts
Center Operations

Justin Worthley, Burton
John Caulo, LandPlan
Alex Crothers & Mark Balderston, Higher Ground



01 Intro & Orientation

Justin Worthley, Burton

01 Intro & Orientation

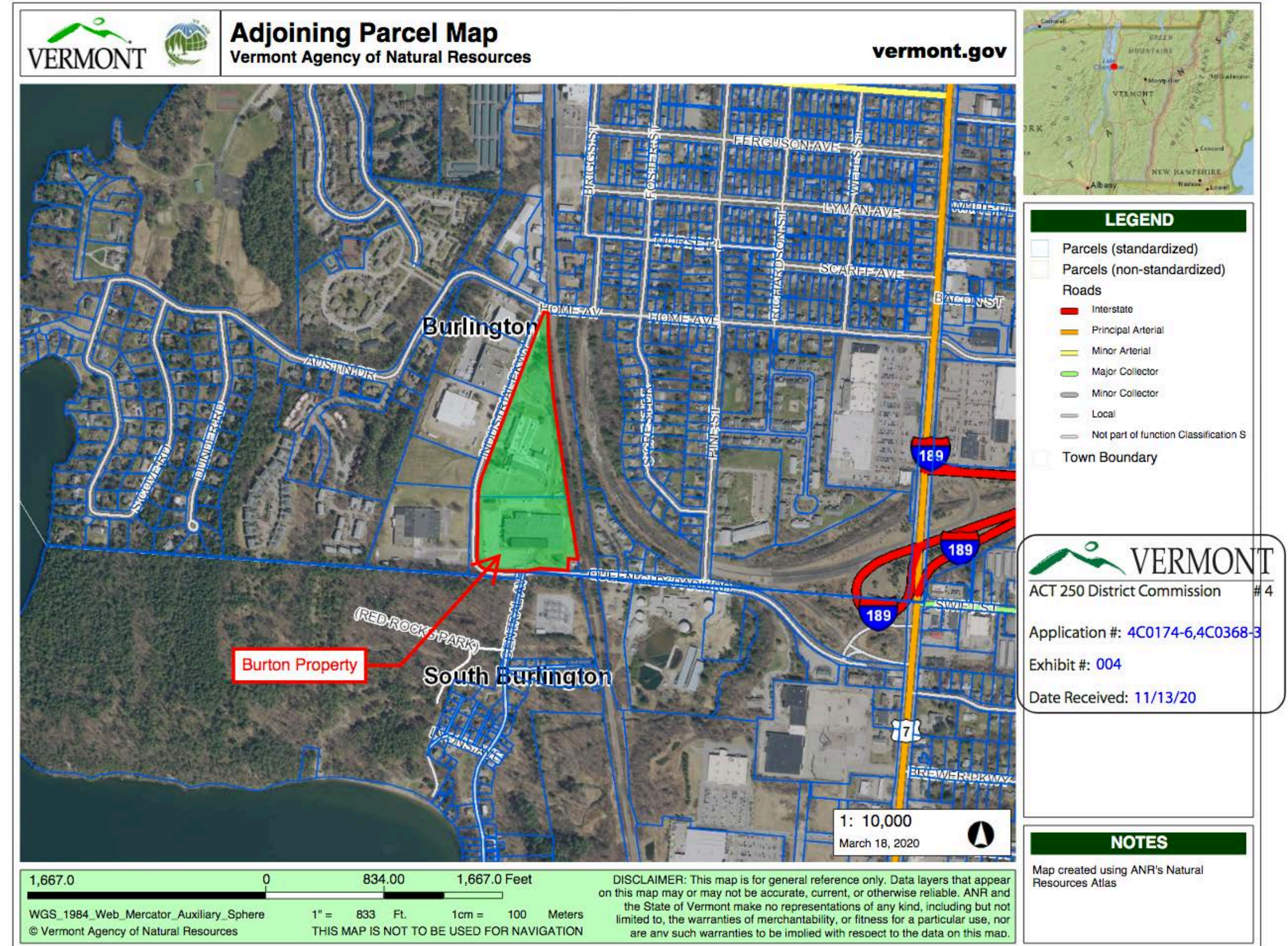
The Burton Corporation headquartered at 180 and 266 Queen City Park Road (QCPR) lies within the Burlington Enterprise – Light Manufacturing (E-LM) zone (see Exhibit 006).

The Project Site is bounded by established urban development patterns on all sides:

- East – Active Vermont Rail Systems and Champlain Parkway Corridor
- North – Home Avenue
- West – Queen City Park Road
- South – Queen City Park Road

Existing improvements at the Project Site include:

- Two (2) commercial structures containing approximately 151,000 square feet of building area
- Several surface parking lots with parking capacity and circulation for 416 vehicles. See Exhibit 032a - Existing Site Plan



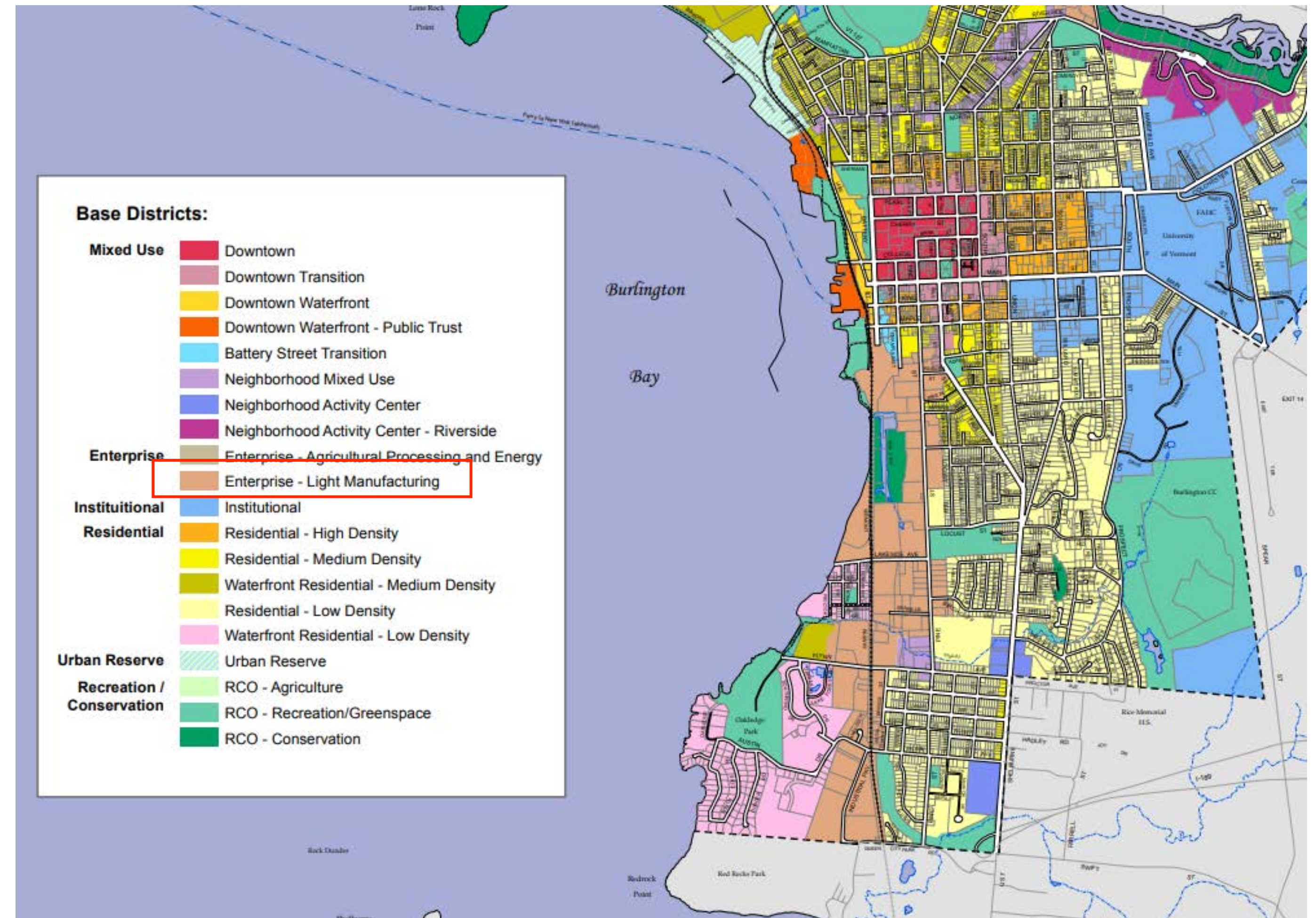
01 Intro & Orientation – Land Use Evolution, Planning & Zoning

The South End E-LM district has been a focal point for City of Burlington planning and economic development efforts over the past 20 years as hundreds of thousands of square feet of historic industrial and manufacturing uses have been repurposed for a variety of mixed uses including arts, entertainment, retail, café, office space, with some limited light manufacturing still interspersed.

Based on market pressure, the City has relaxed requirements to protect and preserve industrial/manufacturing uses in all parts of the E-LM, except for the area 'south of home avenue', where there is a requirement that 50% of all building be sustained for industrial/manufacturing uses, including:

- Manufacturing
- Transportation Hub facilities
- Warehousing/Distribution facilities
- Lumber Yards, etc.

Those uses, including 24-hour operations, do not require Conditional Use or Major Impact approval by the City of Burlington, nor do they require Act 250 approval. Our project requires both, and through these permitting processes, including today's hearing, the impacts have been heavily analyzed and scrutinized, and the project as presented for approval in front of this Commission meets or exceeds the extensive City and State requirements. This is a testament to an outstanding team of dedicated professionals who have collectively been working for decades to make Burlington and Vermont a better place to live, work and play. This Hub project will create an exciting and vibrant location for our community to experience the best Burton and our project partners have to offer, and it will revitalize an aging and underutilized industrial facility, including implementing modern stormwater practices that will help Vermont protect Lake Champlain.



02 Act 250

Application Scope

Scope of this Act 250 Application

This Act 250 amendment application incorporates two locally-issued permits:

1. Stormwater upgrade and parking lot reconstruction at 180 and 266 Queen City Park Road (QCPR)
2. Re-purposing an existing 83,000 SF aging industrial building at 266 QCPR into a Mixed-Use “Hub”

City of Burlington zoning permits issued:

- Skatepark - Conditional Use approval issued by the DRB on May 10, 2019
- Parking Lot Reconstruction – Administrative approval issued Nov 19, 2019, and permit decision upheld on appeal by full DRB on Jan 22, 2020
- Performing Arts Center – Conditional Use approval issued by unanimous DRB on Sept 1, 2020

All conditions applied through local approvals are incorporated into this Act 250 application.

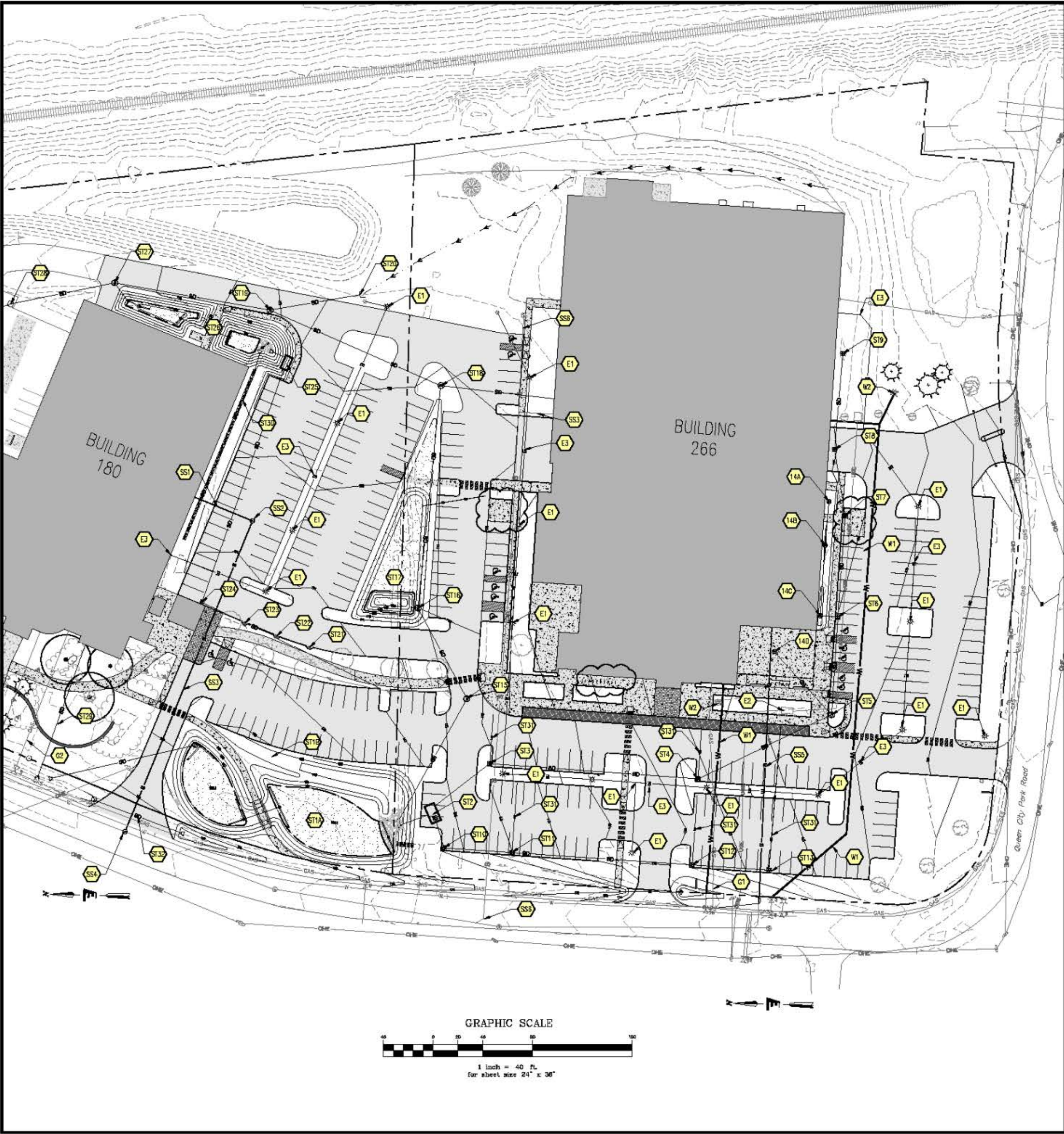
The property and project remain subject to other regulatory and permitting requirements.

02 Project Scope

Stormwater and Parking Lot improvements to 266 QCPR and the southern portion of 180 QCPR

Benefits Upon Completion Include:

- Site stormwater runoff will no longer flow directly into Lake Champlain with essentially no treatment
- Compliance with water quality and stormwater management regulations enacted under State Act 64
- Improved internal circulation within existing parking area via relocation of existing access points onto Queen City Park Road
- Significantly upgraded lighting and landscaping that complies with City shade tree / photometric requirements
- NO increase in impervious, with shared parking to accommodate all anticipated uses



STORMWATER STRUCTURE SCHEDULE

ST1A	PROPOSED GRAVEL WETLAND TREATMENT AREA 1 TOP OF MEDIA: 166.50 BASAL AREA: 5,980 SF	ST10	PROPOSED 4' ID CATCH BASIN RIM: 171.80 INV IN (15''): 167.80 (ST12) INV OUT (15''): 167.80 (ST11)	ST15	PROPOSED 4' ID MANHOLE SOLID RIM: 171.80 INV IN (15''): 166.75 (ST18) INV IN (12''): 166.75 (ST20) INV OUT (15''): 166.50 (ST17)
ST1B	PRETREATMENT SWALE TO BE 130 FT LONG, BOTTOM WIDTH 6 FT, WITH 2:1 SIDE SLOPES. INLET INVERT: 168.00 OUTLET INVERT TO ST1A: 166.75	ST11	PROPOSED 4' ID CATCH BASIN RIM: 173.00 INV IN (8''): 171.50 (ST31) INV IN (15''): 168.30 (ST12) INV OUT (15''): 168.20 (ST10)	ST12	PROPOSED 12" HDPE CULVERT TO ST19
ST2	PROPOSED 7' X 14' PRETREATMENT TANK RIM: 171.50 INV IN (15''): 167.70 (ST10) INV IN (15''): 167.70 (ST3) INV OUT (15''): 167.60 (ST1)	ST12	EXISTING CATCH BASIN TO REMAIN UNCHANGED	ST12	EXISTING CATCH BASIN TO REMAIN UNCHANGED
ST3	PROPOSED 4' ID CATCH BASIN RIM: 173.10 INV IN (6''): 171.60 (ST31) INV IN (15''): 168.10 (ST12) INV OUT (15''): 168.00 (ST12)	ST13	PROPOSED 4' ID CATCH BASIN RIM: 176.30 INV IN (8''): 174.70 (ST31) INV IN (15''): 171.20 (ST13) INV OUT (15''): 171.10 (ST11)	ST13	EXISTING CATCH BASIN TO REMAIN UNCHANGED
ST4	PROPOSED 4' ID CATCH BASIN RIM: 176.80 INV IN (6''): 175.30 (ST31) INV IN (15''): 168.00 (ST5) INV OUT (15''): 168.90 (ST3)	ST13	PROPOSED 4' ID CATCH BASIN RIM: 177.40 INV IN (8''): 175.80 (ST31) INV OUT (16''): 172.4 (ST12)	ST14	EXISTING CATCH BASIN RIM: 170.00 EXISTING INV IN: 166.80 PIPE TO BE CUT AND CAPPED AND CATCH BASIN SEALED EXISTING INV OUT: 166.50 PIPE TO BE CUT AND CAPPED AND CATCH BASIN SEALED CORE AND BOOT NEW INV OUT (15''): 166.50 (ST25)
ST5	PROPOSED 4' ID MANHOLE RIM: 178.00 INV IN (6''): 168.70 (140) INV IN (12''): 169.70 (ST6) INV OUT (15''): 169.00 (ST4)	ST14	6" PVC YARD DRAINS 144 RIM: 178.30 INV OUT: 170.50 148 RIM: 175.75 INV OUT: 170.40 140 RIM: 175.75 INV OUT: 170.30 140 RIM: 178.00 INV OUT: 170.00	ST15	PROPOSED 5' X 10' PRETREATMENT TANK RIM: 171.00 INV IN (15''): 166.50 (ST14) INV OUT (15''): 165.40 (ST26)
ST6	PROPOSED 4' ID CATCH BASIN RIM: 177.85 INV IN (12''): 170.70 (ST8) INV OUT (12''): 170.60 (ST6)	ST15	PROPOSED 4' ID CATCH BASIN RIM: 172.50 INV IN (6''): 170.00 (ST31) INV IN (15''): 167.20 (ST18) INV OUT (15''): 167.10 (ST1)	ST16	PROPOSED GRAVEL WETLAND TREATMENT AREA 2 TOP OF MEDIA: 165.00 BASAL AREA: 715 SF
ST7	PROPOSED 4' ID CATCH BASIN RIM: 177.00 INV IN (12''): 171.00 (ST9) INV OUT (12''): 170.90 (ST7)	ST16	PROPOSED 4' ID MANHOLE SOLID RIM: 170.50 INV IN (6''): 168.50 INV IN (15''): 167.70 (ST18) INV IN (15''): 168.50 (ST17) INV OUT (15''): 167.80 (ST15)	ST17	PROPOSED 4' ID MANHOLE SOLID RIM: 168.70 INV IN (12''): 162.20 (ST26) INV IN (15''): 163.20 (ST19) INV OUT (15''): 162.00 (ST28)
ST8	PROPOSED 4' ID CATCH BASIN RIM: 177.00 INV IN (12''): 171.00 (ST9) INV OUT (12''): 170.90 (ST7)	ST17	PROPOSED FOREBAY AND DETENTION AREA BOTTOM OF STORAGE: 168.00 CORE AND BOOT NEW INV IN (15''): 168.50 (ST16)	ST18	EXISTING CATCH BASIN RIM: 164.70 EXISTING INV OUT: 161.70 CORE AND BOOT NEW INV IN (15''): 161.80 (ST27)
ST9	PROPOSED 4' ID CATCH BASIN RIM: 176.00 INV OUT (12''): 171.40 (ST8)	ST18	PROPOSED 4' ID MANHOLE SOLID RIM: 172.50 EXISTING INV IN (15''): 170.20 (ROOF DRAIN) EXISTING INV IN (15''): 169.50 (ST15) OVERFLOW INV OUT (15''): 170.50 (ST18)	ST19	EXISTING ROOF DRAIN FOR BUILDING 180 TO REMAIN EXISTING PERIMETER DRAIN FOR BUILDING 180 TO REMAIN AND TO BE DIRECTED INTO ST28

SANITARY SEWER SCHEDULE

SS1	49 LF OF 6" PVC SANITARY SEWER LINE MIN SLOPE 2.0%
SS2	PROPOSED SEWER MANHOLE STA: 2471.92 RIM: 171.45 INV IN: 164.17 (6" PVC) (SS1) INV OUT: 164.07 (6" PVC) (SS3)
SS3	269 LF OF 6" PVC SANITARY SEWER LINE MIN SLOPE 0.5%
SS4	PROPOSED SEWER MANHOLE STA: 2440.00 RIM: 167.40 EXISTING SEWER LINE INV: 160.66 NEW INV IN: 160.76 (SS3)
SS5	REPLACE 224 LF OF 6" PVC SEWER LINE FROM BUILDING TO 5' BEYOND PROPERTY LINE SEE SHEET C2.3 FOR PROFILE AND DETAILS
SS6	EXISTING SEWER SERVICE LINE FOR BUILDING 266 TO BE PROTECTED DURING CONSTRUCTION

ELECTRICAL/GAS SCHEDULE

E1	PROPOSED LIGHT POLES EXACT LOCATIONS OF POLES AND UNDERGROUND ELECTRIC LINE ROUTING TO BE COORDINATED WITH LANDSCAPE ARCHITECT
E2	EXISTING ELECTRIC VAULT TO REMAIN
E3	3" DIA PVC CONDUIT TO BE PLACED FOR FUTURE CONNECTION TO LIGHTING FEATURES, TO BE COORDINATED WITH ELECTRICAL CONTRACTOR
G1	EXISTING GAS SERVICE LINE FOR BUILDING 266 TO BE PROTECTED DURING CONSTRUCTION
G2	EXISTING GAS SERVICE LINE FOR BUILDING 180 TO BE PROTECTED DURING CONSTRUCTION

WATER SCHEDULE

W1	REPLACEMENT 8" WATER LINE
W2	EXISTING FIRE HYDRANT TO REMAIN

ISSUED FOR PERMITTING
10/15/2020

Stamp

Rev. No. Description

1. LANDSCAPE REVISIONS FOR PERMITTING 10-15-20

2. ADDED SHEET TITLES AND INSPECTION ENCLOSURES 10-25-20

ENGINEERING VENTURES PC

200 QUEEN CITY PARK ROAD
BURLINGTON, VERMONT 05401
TEL: 802.441.9933 FAX: 802.441.9934
WWW.ENGINEERINGVENTURES.COM

Burton Snowboards

180 Queen City Park Road
Burlington, Vermont

Grading and Utility Plan

PARKING LOT AND STORMWATER IMPROVEMENTS

Burlington, Vermont

Sheet Title:

Project Title:

Designed By: PB

Checked By: PB

Drawn By: TLB

Scale: As Noted

Date: Mar 13 2020

C2.1

EV#18174

02 Project Scope

Independent of the proposed parking lot improvements, Burton will re-purpose an aging and underutilized space in its 83,000SF manufacturing building located at 266 QCPR into a mixed-use "Hub"



RENDERINGS COURTESY OF WAGNER HODGSON ASSOCIATES

REVISION 2 - 9/25/2020
PAGE 7 OF 8

- Plan includes cosmetic improvements at front and side facades of 266 QCPR, as well as energy efficient, rooftop-mounted HVAC equipment.
- The scale and massing of 266 QCPR structure will remain the same.
- No modifications to the Burton building located at 180 QCPR property are included in this amendment application.

02 Project Scope

Current Burton uses planned for the 266 Hub:

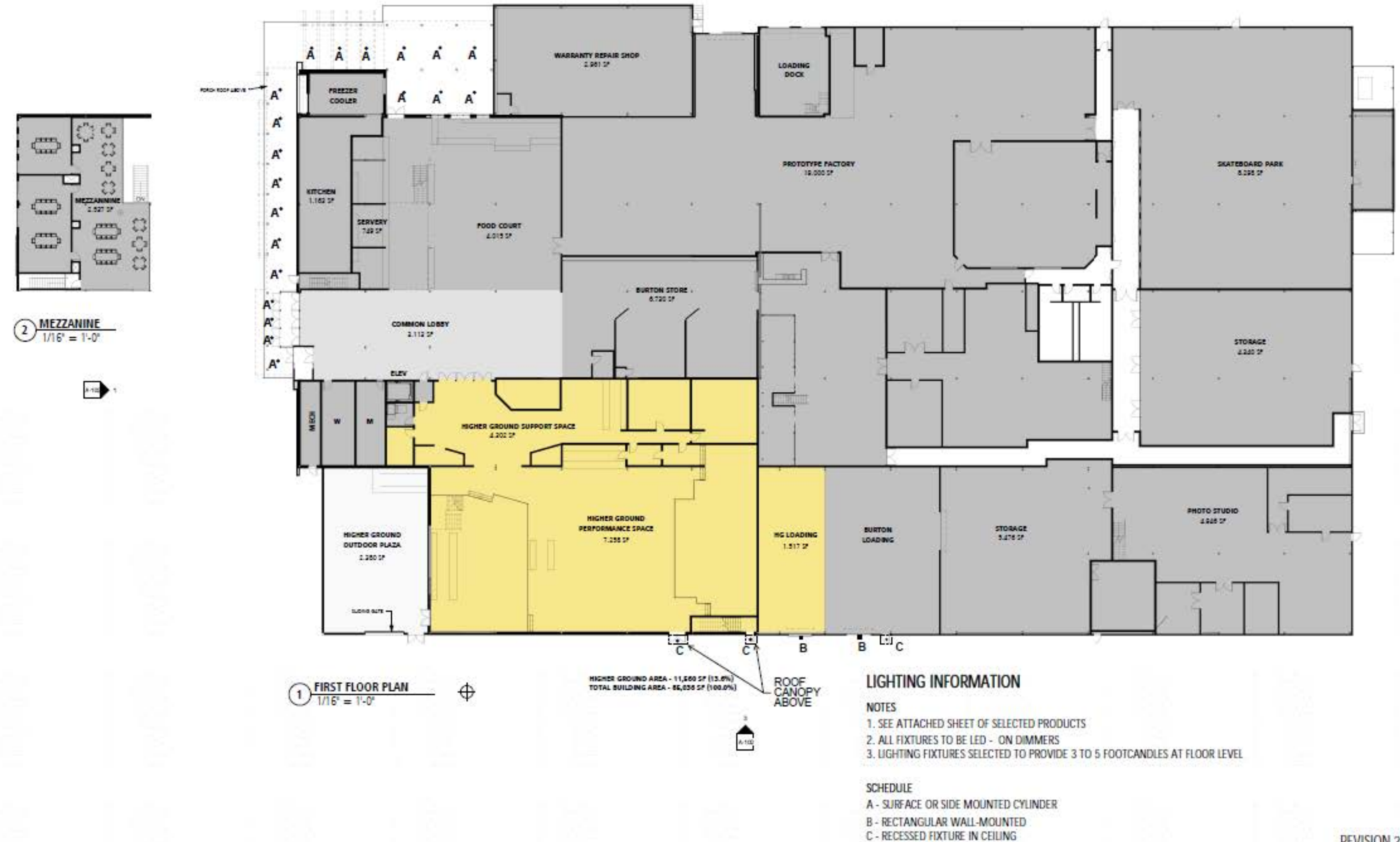
- Flagship Retail Store
- Craig's Prototype R&D / Manufacturing and Factory Tour Facility
- Product Testing and Research Labs
- Warranty and Repair
- Storage

Non-Profit Hub Partners:

- Chill Foundation Global Headquarters
- Talent Skatepark

Other Hub Partners:

- Food Court (multiple indoor cafes) operated by local restaurant collaborative
- Performing Arts Center (PAC) operated by Higher Ground



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BURTON GLOBAL HUB
Burton Snowboards

FLOORPLAN

03 Act 250 Criteria Compliance

John Caulo, LandPlan

03 Act 250 Criteria Compliance

The amendment application is comprehensive, and provides evidence supporting Burton's compliance with the 10 criteria of Act 250 as required by the Act.

Specifically, the 10 Criterion Addressed in the amendment application include:

- 1 Air and Water Pollution – *Compliance with noise impact criteria to be addressed separately through expert testimony to follow*
- 2 Water Supply
- 3 Impact on Water Supply
- 4 Soil Erosion
- 5 Transportation – *Compliance with transportation/traffic impact criteria to be addressed separately through expert testimony to follow*
- 6 Educational Services
- 7 Municipal Services
- 8 Scenic Beauty, Historic Sites and Natural Areas
- 9 Impact of Growth
- 10 Local and Regional Plans

03 Act 250 Criteria – Criteria 1 – Air and Water Pollution

Criteria sub-section	Application and Compliance Notes	Relevant Exhibits
Noise Pollution	This criteria will be addressed in detail through expert testimony later in our presentation.	
Criteria 1 – Air Pollution	▪ The existing buildings at the Project Site are conditioned with a combination of natural gas-fired and electric HVAC equipment. Proposed project will utilize the same type of equipment. ▪ No woodburning fireplaces, wood stoves or wood boilers exist or proposed for the Project. ▪ The Project will not result in any process emissions, dust, smoke, or odors.	
Criteria 1A - Headwaters	The project site is not located in a headwaters area.	
Criteria 1B - Waste Disposal	See sub-sections below:	
Wastewater	Wastewater System and Potable Water Supply Permit has been issued by VANR.	Exhibits 132 and 133, Wastewater System and Potable Water Supply Permit Exhibit 025, "Ability to Serve" letter from DPW Water Resources Division
Stormwater	Application is compliant.	Exhibit 011, Stormwater Discharge Permit
Hazardous Materials	▪ This application does not involve any manufacturing or industrial processes that could affect wastewater or create a discharge. ▪ There is no evidence that work proposed under this application will cause a release of contaminants. ▪ Disturbed soils will be pre-characterized and handled according to the DEC I-Rule, as required by State rules and regulations.	Exhibit 107, VHB 266QCPR Site Investigation Work Plan 12/15/20 Exhibit 38a, Grading Plan
Construction Debris	Application is compliant.	Exhibit 013a, Waste Management Plan
Criteria 1C - Water Conservation	Current and proposed water usage is for bathrooms, drinking fountains and cleaning. Low-flow fixtures are proposed throughout, and the state issued a wastewater permit for the Project.	Exhibits 132 and 133, Wastewater System and Potable Water Supply Permits
Criteria 1D - Floodways	The Project Site is not located on or near any floodways.	
Criteria 1E - Streams	The Project Site is not located on or near any streams.	
Criteria 1F - Shorelines	The Project Site is not located on or near any shorelines.	
Criteria 1F - Wetlands	No construction activities are planned within 500' of any wetland .	Exhibit 032a, Existing Conditions Plan revised 11/25/20

03 Act 250 Criteria – Criterion 2 - Water Supply, 3 - Impact on Water Supply, 4 - Soil Erosion

Criteria sub-section	Application and Compliance Notes	Relevant Exhibits
Criteria 2 – Water Supply	The City of Burlington currently supplies the Project Site with water which will continue for the proposed Project.	Exhibit 25, Ability to Serve Letter from BTV Public Works - Water Resources Division Exhibits 132 and 133, VANR Wastewater System and Potable Water Supply Permits
Criteria 3 – Impact on Water Supply	There is no evidence indicating any water supply will be restricted or negatively affected by this amendment application.	
Criteria 4 – Soil Erosion	The Project Site is an existing 15.6-acre commercial development in continuous operation since the 1950s, with terrain that can be characterized as open and flat. The existing parking lot is physically and functionally obsolete, including inadequate stormwater collection and treatment which has accelerated its deterioration. In response, this Project proposes the creation of two, gravel wetland, stormwater treatment features as part of the parking lot reconstruction. When completed, will result in the following benefits for Burton and the community: ▪ Compliance with recently enacted water quality/stormwater regulations, Vermont Act 64. ▪ Reduction in the amount of impervious surface at the Property by approximately .1 acre, a reduction of approximately 1 percent. ▪ Reconfiguration of driveway entrances to accommodate stormwater treatment and provide for adequate circulation of cars and delivery/service vehicles. ▪ Installation of new site lighting and landscaping resulting in compliance with City shade tree / photometric requirements.	Exhibit 011, VANR Stormwater Discharge Permit Exhibits 27 to 48, assorted site/utility/lighting/landscape plans and details

03 Act 250 Criteria – Criterion 6 – Education, 7 – Municipal Services, 8 – Scenic Beauty, 8A Wildlife

Criteria sub-section	Application and Compliance Notes	Relevant Exhibits
Criteria 5 – Transportation	This criteria will be addressed by expert testimony provided by the Applicant.	
Criteria 6 – Education	The Project will not result in any impact on BTV's ability to provide educational services.	
Criteria 7 – Municipal Services	Application is compliant.	Exhibit 025, "Ability to Serve" letters from various City of Burlington municipal departments as required. Exhibit 134 2021-02-09 Burton Correspondence consolidated-BPD
Criteria 8 – Scenic Beauty / Historic Sites / Natural Areas	The Project Site is located on an existing 15.6-acre Industrial Park parcel zoned <i>Enterprise-Light Manufacturing</i> (E-LM) within the City of Burlington. The physical character (scale, mass, functionality) of the Project Site and surrounding environments will be unchanged as a result of this Project The various components of this amendment application will re-purpose and modernize an underutilized industrial site into a visually pleasing example of adaptive reuse, including: ▪ Architecturally designed retrofit of the building façade ▪ Reconstruction of existing parking areas; installation of stormwater improvements as required by Act 64 ▪ Enhanced pedestrian connections ▪ Energy-efficient lighting and upgraded landscaping ▪ Exterior Signage - While no specifics are available at this time with regards to size, illumination, or colors of the proposed signage, the applicant's local approval requires a separate submission of a detailed sign application to the City of Burlington once the design details of the signage program are finalized.	Exhibit 006, Zoning Map showing E-LM zone district along Queen City Park Road. Exhibit 032a, Existing Conditions Plan Exhibits 036 & 037a, Proposed Site Plan-Sheets C1.5 and C1.6 Exhibit 026, Architectural Renderings Exhibits 032a to 048, assorted site / utility / lighting / landscape plans and details Exhibit 027, Site Layout Plan Exhibits 028 to 031, Site Lighting and Landscaping Plans Exhibit 027 for general location of proposed site signage
Criteria 8A – Wildlife and Endangered Species	There are no identified necessary wildlife habitat or endangered species at the existing site.	

03 Act 250 Criteria – Criteria 9

Criteria sub-section	Application and Compliance Notes	Relevant Exhibits
Criteria 9A – Impact of Growth	The Project repurposes a pre-existing development and will not significantly affect the ability of the City or region to accommodate growth.	
Criteria 9B – Prime Agricultural Soils	Application's impact on prime agricultural soils is "de minimis."	Exhibit 050, VT Dept of Agriculture communication
Criteria 9C – Productive Forest Soils	There are no productive forest soils on the site.	
Criteria 9D, 9E – Earth Resources	There are no extraction of earth resources proposed on the site .	
Criteria 9F – Energy Conservation	Burton will comply with and incorporate applicable energy standards, Commercial Building Energy Standard (CBES) (30 V.S.A. §53) Stretch Code.	
Criteria 9G- Private Utilities	No private utilities are proposed for this Project.	
Criteria 9H – Scattered Development	The Project Site and surrounding area are "urban" in terms of the availability and diversity of municipal services (utilities / Telecom / transportation) and cannot be considered "scattered development".	
Criteria 9J – Public Utilities	Application is compliant.	Exhibit 025, "Ability to Serve" letters from various City of Burlington municipal departments as required.
Criteria 9K – Public Investments	▪ The Project will not have an adverse impact on adjacent governmental and public utility facilities, services. ▪ SBFD properties are not adjacent to the Project. Even if they are viewed as adjacent, there is no material impact on these facilities caused by the Project.	Exhibit 130, ANR Water Supply Map (SBFD#1) Exhibit 010a, Operational and Management Plan
Criteria 9L – Settlement Patterns	The Project is a renovation of a pre-existing development and will not contribute to any strip development along public highways.	

03 Act 250 Criteria – Criteria 10 – Local and Regional Plans

Criteria sub-section	Application and Compliance Notes	Relevant Exhibits
Criteria 10 – Local Plans	The proposed project is consistent with the stated planning policies and Zoning Ordinance of the City of Burlington.	Exhibit 001b Schedule B Revised 12-02-20, pp. 27-28 Exhibit 024, a memorandum dated 5/22/19 from BTV Planning Staff member Meagan Tuttle to the City Council Exhibit 113 Opponent Exh C planBTVUpdateFINAL Exhibit 127, Letter from BTV Planning Director David White to Aaron Brondyke
Criteria 10 – Regional Plans	The proposed project is consistent with the 2018 Chittenden County ECOS Regional Plan.	Exhibit 068, a letter from the Chittenden County Regional Planning Commission to Aaron Brondyke dated 1/15/21

04 Performing Arts Center Operations

Alex Crothers & Mark Balderston, Higher Ground



Thank you



Appendix



Exhibit 107, exhibit 4, page 30



Exhibit 38a

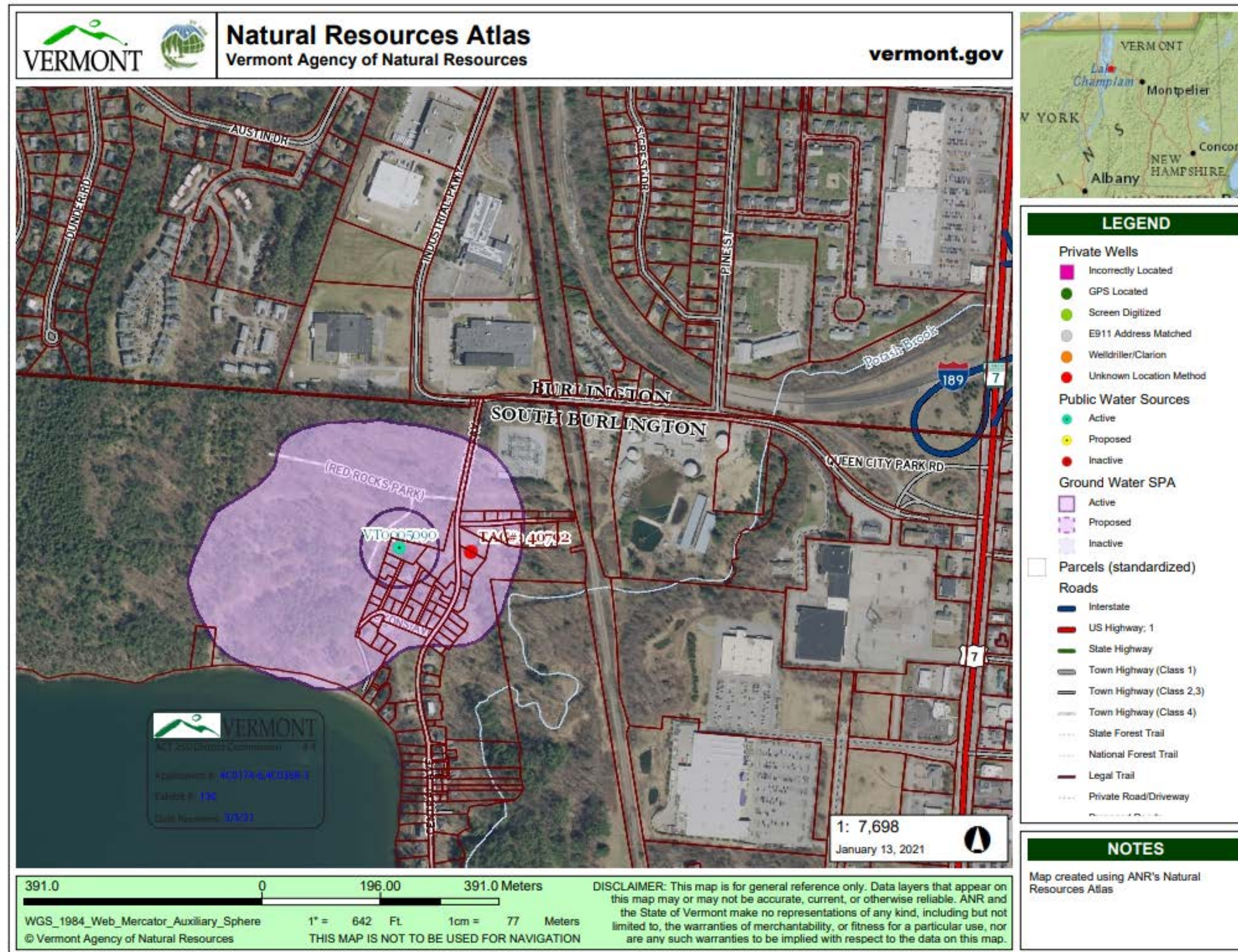


Exhibit 130



RED ROCKS PARK

2014 Management Plan

**Prepared by the Red Rocks Master Plan Subcommittee
for the City of South Burlington**



*This document was prepared by the
Red Rocks Master Plan Subcommittee,
as charged by the Red Rocks Advisory Committee,
from January to September 2014.*

*The initiative arose following the completion of
a year-long management study of Red Rocks by Sophie Mazowita,
MS student in the University of Vermont Field Naturalist program.*

*This management plan was written by
Sophie Mazowita, Subcommittee Chair,
with the support of
South Burlington Recreation & Parks
and the following subcommittee members:*

*Katherine Cooper
Karen Freeman
Jed Lowy
Fran Moravscik
Michelle Mraz
Paul O'Brian
Melissa Sands
Weston Testo*

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FOREWORD: A call to action

This document presents a list of best management practices, seasonal maintenance needs, and short-term and long-term management actions (summarized on page 40) for maintaining and improving the ecological and recreational features of Red Rocks Park. While this management plan is reflective of the particular time of its writing, it is intended to be an evolving document that will require updates as new strategies are trialled and new information comes to light. However, as this initial writing process comes to a close, two big questions have surfaced:

Who will oversee the implementation of this plan and with what funding?

There is presently no member—or members—of the City staff equipped to handle questions of natural resource management for Red Rocks Park and other natural areas in South Burlington. There is equally a lack of staff time and expertise to build the many possible community partnerships between South Burlington's parks and open spaces and their stakeholders. Up until now, the City has turned to consultants and student group partnerships for expertise in park management questions, along with volunteer citizens' advisory committees. This has been a low-cost solution but has led to a lack of continuity in management due to the short-term nature of many student projects and consulting contracts.

Park management and decision-making falls between South Burlington Recreation & Parks and the Department of Public Works, both of which have minimal staff capacity dedicated to management of natural area parks; these same departments oversee the time-intensive maintenance of recreational fields in the City, plus over 15 miles of recreation paths. There have also been instances of uncertain division of duties and decision-making power between the Recreation department and Department of Public Works.

As this management planning process comes to a close, the Recreation & Parks department will be left with a list of actions and projects to undertake, with no staff and minimal capital available to implement them. The subcommittee that informed the writing of this document is also due to dissolve at this same time.

These patterns point to the need for new staff and capital investment, plus a more clear assignment of responsibilities in the departments responsible for the City's natural area management.

If just three recommendations can be implemented from the management plan, let it be these:

- 1. South Burlington should have a dedicated staff position to (a) inform and coordinate management of the city's open spaces and (b) build community partnerships and stewardship capacity for South Burlington's parks.**
- 2. The maintenance and improvement of South Burlington's parks requires more capital. The City should establish a sustainable funding stream, which would include (a) contributions from the existing Open Space Fund or a similar taxpayer contribution towards park upkeep, and (b) targeted grant applications and fundraising for specific park projects as needed.**
- 3. Existing park regulations must be enforced to ensure compliance.**



SECTION 1: INTRODUCING RED ROCKS

Red Rocks Park is a 100-acre community park and natural area in the City of South Burlington, Vermont. It was purchased by the City in 1970, having formerly served as the Hatch Family Estate since the late 1800s. The roads and lookouts created by the Hatch family now provide walking trails through maple-ash-hickory-oak forest and cedars perched atop red Monkton Quartzite cliffs. A city beach at the southeastern edge of the park provides 200 yards of waterfront access (the only public lake access in the city), and the Champlain Water District operates a pumping station at the western limit of the beach, along with two easements for their transmission lines.

Red Rocks is one of four large natural areas in the South Burlington Parks network (the others are Wheeler Nature Park on Dorset Street, the Scott Property on Autumn Hill Road, and the recently acquired Underwood property south of Nowland Farm Road). Red Rocks occupies the westernmost corner of South Burlington (see Map 1). It is bordered by Lake Champlain to the south and west, Burlington to the north, and the Queen City Park neighborhood to the east. The park is accessed from Central Avenue.

The park is currently operated by the South Burlington Recreation & Parks Department and maintained by the Department of Public Works. Guidance and recommendations are provided by a seven-member committee of appointed city residents, many of whom reside in the Queen City Park neighborhood.

Key management issues and objectives

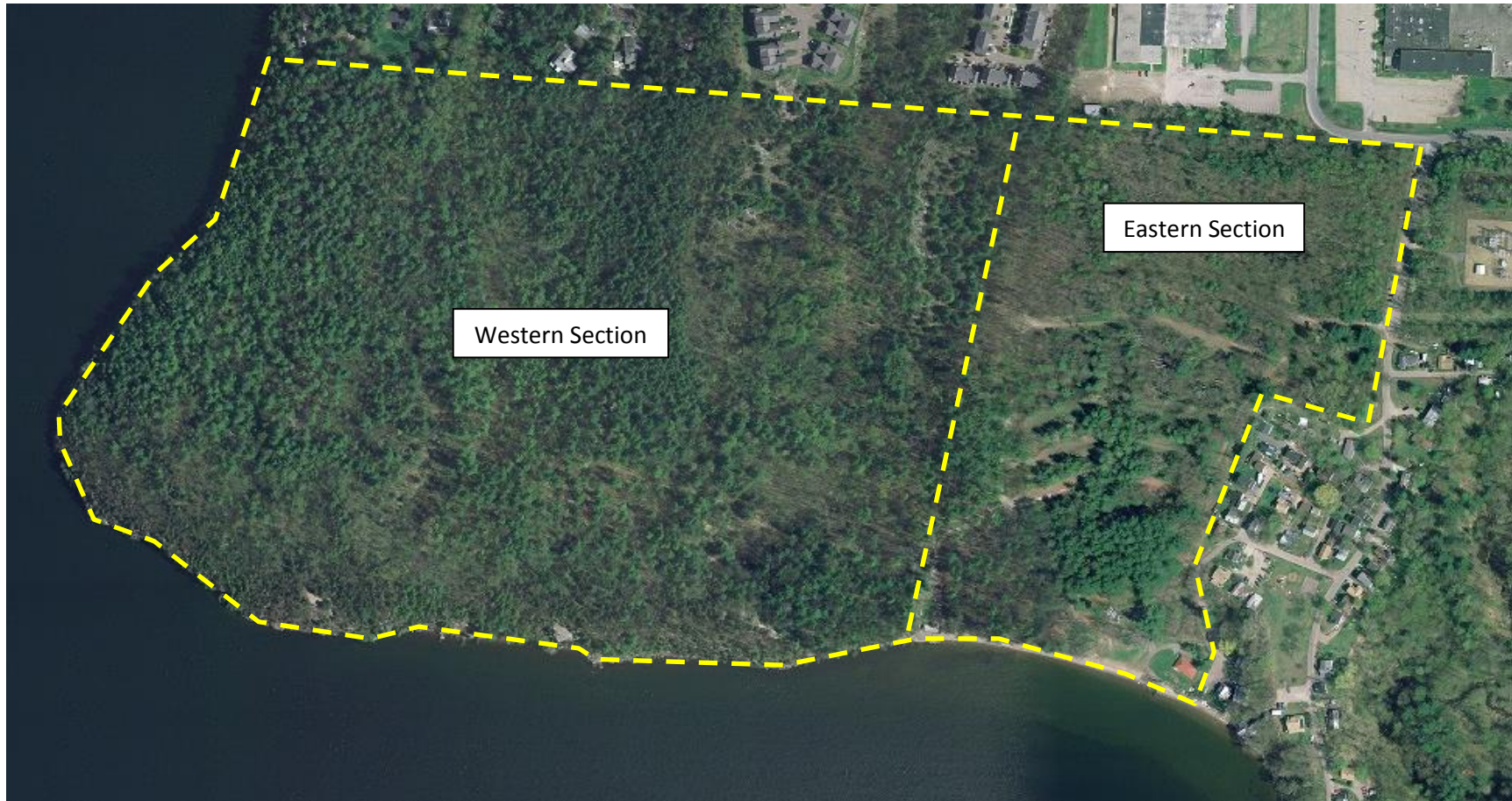
Red Rocks faces challenges posed by heavy recreational use by the public. Aquatic and terrestrial invasive species, off-leash dog impacts, unofficial trail use, forest health, and park signage are among the concerns of the park's management. The City seeks to provide a variety of recreational opportunities in Red Rocks Park while maintaining ecological integrity, minimizing usage impacts, and addressing threats and hazards.

Purpose of this document

This management plan was prepared as a guiding document for City staff and other Red Rocks Park stakeholders. It includes recommendations for park maintenance and natural resource conservation to meet both short-term and long-term goals. The document was prepared by the Red Rocks Master Plan Subcommittee, overseen by the Red Rocks Park Advisory Committee.



Map 1



Map 2. Red Rocks Park can be divided into two major management zones:

- (1) The eastern, “developed” zone, from the Central Ave entrance to the north-south boundary where the hiking trails begin. This section includes the parking lots, picnic area, beach, and CWD easement. It also borders the Queen City park neighborhood. Recreation access is of primary importance in this zone.**
- (2) The western, “natural” zone, stretching from the north-south parking road/hiking trail boundary out to the far western tip of the park. Ecosystem health and wildlife values are a higher priority in this zone.**

SECTION 2: PARK VALUES, ORDINANCES & OPPORTUNITIES

2.1 EVALUATIVE CRITERIA FOR RED ROCKS PARK MANAGEMENT ACTIONS

Management actions should be weighed against the following criteria. “Management action” could refer to a specific policy decision, park maintenance plan, or design of park facilities and grounds.

Ecosystem Health & Wildlife

- Does the management action maintain, restore, or at least minimize impact on ecosystems and ecological processes, including natural communities, wildlife habitat, water, and soils?

Recreation

- Does the management action provide for community members’ physical and spiritual connection to the natural world through public access and recreation?

Community & Neighboring Landowners

- Does the management action respect and build partnerships with neighboring landowners, both public and private?

Education

- Does the management action maintain or enhance opportunities for educational use of the park?

Resource Efficiency

- Does the management action minimize use of energy and other natural resources and the creation of waste?
- Does the management action minimize financial costs?

Aesthetics

- Does the management action maximize the aesthetic quality of the site?

2.2 UNIQUE VALUES OF RED ROCKS

The following features are notable and in many cases unique to Red Rocks, comparing it to other areas within South Burlington and the larger area.

Recreational and Cultural Values

- South Burlington’s only public lake access
- The longest-standing natural area park in the City, providing public access to park land in a “natural” or “wild” state relative to other recreational parks managed for organized sports and playing fields
- Park within walking, biking, and public transit access for a large population

Ecological Values

- Large forested area within a relatively dense urban area
- Significant bird nesting area
- Contains an ecological community of state-level conservation priority: limestone bluff cedar-pine forest
- Important habitat elements for wildlife (e.g., vernal pools, cliff ledges, and mature forest)
- Large populations of spring wildflowers
- A natural buffer helping to protect the source of much of Chittenden County's freshwater
- Part of the shoreline wildlife corridor along Lake Champlain

2.3 MANAGEMENT REGULATIONS AND ORDINANCES

The following management regulations, rights, and ordinances are applicable to Red Rocks and must be kept in mind when considering management actions in the Park. Some could be changed more easily through City process (e.g., the dog leash law), while others fall outside of City control (e.g., changes to the CWD easement) .

US Army Corps of Engineers (USACE) regulations

Work, structures or fill that take place beyond (lakeward of) the 98' elevation are regulated by USACE.

Champlain Water District (CWD) rights

The CWD owns the land immediately surrounding the pumping station at the west end of the beach. They also have access and management rights to two easement that run from this pumping station:

- a 40' easement that runs diagonally from the pumping station towards the park entrance
- a 50' easement that runs along the park entry road, through the northernmost parking area, then southward along the western side of the parking loop road, to the pumping station

Development Review Board regulations

- All land within 150 ft (horizontal distance) of the high water elevation of Lake Champlain (defined as 102 ft above sea level) is subject to surface water buffer standards, which states that "all lands within [the] required stream buffer... shall be left in an undisturbed, naturally vegetated condition." The main concern is maintaining a vegetated buffer for erosion control.
- Wetlands and the 50 ft of land adjacent must also be left undisturbed and naturally vegetated.

South Burlington Dog Ordinance

Dog owners must have their dogs on a leash (max. 6 feet) at all times within Red Rocks Park boundaries. Dogs are entirely prohibited at the public beach and in the water at Red Rocks. Safety is listed as the primary reason for the law, along with protection of "ecologically sensitive areas, including wildlife, rare wildflowers, wetlands, nesting, and other plants, flora, and fauna." Failure to comply can result in a civil penalty charge, up to \$100 per day. Overseen by the Animal Control Officer. Dog owners looking to let their dog off-leash can visit Farrell Park, Overlook Park, Jaycee Park, Szymanski Park, and the Community Dog Park.

South Burlington Park Conduct Ordinance

Park rules include:

- No picking of trees, shrubs, flowers, ferns or other plants within park boundaries.
- No stones, rocks, birds, or animals shall be removed.
- No removal of bark from trees or cutting and removal of firewood.
- Axes, hatchets, shovels, chain saws, picks, handsaws, and all other tools used to dig, cut or build are prohibited.
- No glass containers are permitted within Park boundaries.
- No person shall disturb the peace, endanger the public safety, use obscene or profane language or prevent the use of City parks by others.
- Refuse, rubbish, garbage or other trash of any nature shall not be left in City parks except in receptacles where provided.
- Drinking of alcoholic beverages in City parks is strictly forbidden, except by special permit.
- It is unlawful to post bills, cut, deface, write upon, remove or destroy any tree, shrub, rock, signs, buildings, tables, benches, fireplaces, grills or other structures or equipment, facilities or park property, or appurtenances whatsoever.

(see the City of South Burlington website for the complete document).

2.4 MANAGERS, COMMUNITY PARTNERSHIPS & OPPORTUNITIES

Park managers and recent community partnerships—as well as opportunities for new connections—are summarized below. This list is reflective of the 2012-2014 period of preparation of this management document and is by no means exhaustive.

Current park management

- South Burlington Recreation & Parks (year-round staff of four) oversees park operations.
- The Red Rocks Advisory Committee (seven appointed City residents) provides recommendations and communicates park needs to City Council.
- The Department of Public Works is responsible for park maintenance, responding on an as-needed basis.

Recent project partnerships

- UVM undergraduate classes have researched educational opportunities, hosted a community trail stewardship day, and made landscape design recommendations (NR 206 and PSS 238 classes) during the 2013-2014 academic years.
- UVM Field Naturalist Program collaborated in preparation of the Red Rocks management study in 2012-2013.
- The Nature Conservancy provided support for invasive species management during preparation of the 2012-2013 management study.
- Champlain College 'Foundations of Ecology' class participated in invasive species management in Fall 2013.

Opportunities for partnership and community stewardship

- K-12 and college students; partnerships with specific class groups and teachers; graduate student or senior undergraduate studies
- Local neighborhood stewards (from Queen City Park and the Red Rocks condos along the northern park boundary)
- Individual volunteers from the larger South Burlington & Burlington community who come out to publicly-advertized work days and outreach events
- Corporate groups from South Burlington & Burlington (team-building activities and opportunities to give back to the community)
- Local businesses/companies: Burton, Edlund, Rhino Foods, Dealer.com for trail work days and other stewardship events
- Vermont Youth Conservation Corps to hire for targeted, technical trail work projects
- Local Motion for collaboration on bike and pedestrian accessibility
- Master Gardeners as possible volunteers for landscaping and invasive species
- South Burlington Land Trust
- Yestermorrow Design/Build for Public Interest for a park infrastructure project
- Americorps funding support to hire a stewardship coordinator or other staff position dedicated to park maintenance and/or programming

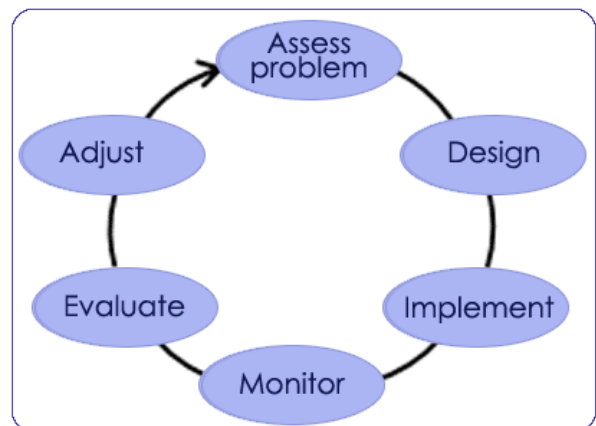
2.5 PARK MANAGEMENT AND PLANNING AS AN ONGOING PROCESS

A park management plan may be a static document, but the park management process is ever-evolving and a constant learning experience for all stakeholders involved.

Management strategies should be adjusted in step with changes in our scientific understanding and with changes in our community values and priorities for the park.

Management in the face of uncertainty

Red Rocks Park faces a host of management questions and concerns that do not have simple answers or solutions. Our knowledge of the natural world and how a natural area like Red Rocks functions will always be incomplete. The best that we can do as park managers and stewards is to implement solutions based on our current understanding of best practices, shaped by our goals for the park. It is important to monitor the results of these management actions, evaluate their success, and continually adjust as our scientific understanding and our own experience at Red rocks indicates. This is an “adaptive management” approach.



The Adaptive Management approach to problem-solving and land management.

Some principles to keep in mind in managing an area like Red Rocks:

- Think of management actions in terms of “small experiments” to test or evaluate possible management strategies.
- Monitor these experiments to assess how they meet goals.
- Consider new information as it emerges and adjust strategies (and goals) accordingly.

2.6 MANAGING PEOPLE & ENCOURAGING COMPLIANCE

Options for restricting use (or encouraging desired use)

There are various means to choose from for limiting park user behavior:

- Time restrictions/seasonal limitations, e.g. off-leash dogs only permitted outside of bird breeding season
- Area/zoning limitations, e.g. no off-leash dogs in sensitive wildlife areas, walk only on designated trails
- Behavior allowances and prohibited activities (e.g. campfires, littering, etc.)
- Group size restrictions
- Suggestions vs. city ordinances

Best Management Practices

- **Explain reasons for regulations** to improve visitor compliance: clearly state the problem, what aggravates it, and how a change in behavior will improve it. Make the suggestion reasonable.
- Be sure visitors understand **how they are expected to behave**.
- **Enforce regulations.** Regulations are there for a reason, and furthermore, it’s not fair to law-abiders if they are not enforced. If enforcement is impossible, better to just *ask* visitors to behave in a certain way rather than have strict but unenforced “empty” regulations; **regulate at the minimum level possible.**
- Punishment-oriented strategies are the most effective in controlling behavior, especially if there’s an enforcement presence, but positive wording of regulations is favored by the majority (e.g. “Please keep your dog on a leash” vs. “No off-leash dogs”)
- Use **positive wording** and messages (and indicate reasons for restrictions) to encourage good behavior, rather than just listing limitations (e.g., “Habitat restoration area” vs. simply “No trespassing” or “Trail closed”)
- **Personal (verbal) contact often facilitates initial receptiveness** to regulations, information, and enforcement, **but written/read guidelines aid retention**
- Simplify messages: having 2 messages vs. 8 on a bulletin board results in the same knowledge gain
- Focus the message: make it personal, tailor it to the audience. It will vary between user groups.

2.7 RECOMMENDED TIMELINE FOR REVISITING THE MANAGEMENT PLAN

An adaptive management approach requires ongoing adjustments and updates to management strategies. At the same time, this management plan would benefit from a **formal written update every 5 years** as new partnerships, outcomes, and issues come to light.

2.8 ISSUES NOT ADDRESSED IN THE MANAGEMENT PLAN

Should any issues arise that are not addressed by this management plan, park operations and maintenance staff should consult with a committee of knowledgeable natural resource specialists or their designated representatives. This would presently be the Red Rocks Park Advisory Committee and its subcommittees; however, the issues are also pertinent to the Natural Resources and Open Space Committee and the Recreation & Leisure Arts Committee.

2.9 IMPLEMENTATION AND OVERSIGHT OF THE MANAGEMENT PLAN

As described in the “Call to Action” in the foreword of this document, the City presently lacks both the staff capacity and funding to implement most of the recommendations outlined in this management plan. Two key, overarching recommendations have thus emerged from this 2014 management planning process:

- 1. South Burlington should have a dedicated staff position to (a) inform and coordinate management of the city’s open spaces and (b) build community partnerships and stewardship capacity for South Burlington’s parks.**
- 2. The maintenance and improvement of South Burlington’s parks requires more capital. The City should establish a sustainable funding stream, which would include (a) contributions from the existing Open Space Fund or a similar taxpayer contribution towards park upkeep, and (b) targeted grant applications and fundraising for specific park projects as needed.**
- 3. Existing park regulations must be enforced to ensure compliance.**

SECTION 3: MANAGEMENT CONCERNS & ACTION PLAN

This section presents some of the central management issues of concern in Red Rocks Park. Each subsection presents the issue, outlines goals, and then outlines management directives divided into several categories:

- **Seasonal maintenance:** regular and ongoing maintenance needs
- **Best management practices:** general guidelines for addressing the management concern
- **Short-term management actions:** priority actions or projects for the next year
- **Long-term management actions:** priority actions or projects requiring a longer time frame

Some management sections also contain directives targeted to the particular issue (e.g., guidelines for management of invasive species by type). Each subsection also lists possible resources and partnerships.

3.1 INVASIVE PLANTS

A) PRESENT CONDITION & PROBLEMS

Much of Red Rocks is occupied by non-native invasive plant species (see Table 1, below), and their management should be a priority for park directors. Many conservation professionals sense a strong threat from invasive species and recommend complete removal as a best practice; however, a growing body of research is pointing to possible negative impacts from such heavy-handed invasive species control. Sound invasive species management should weigh the potential risks and benefits of such management actions on a case-by-case (or species-by-species) basis. First priority should be on preventing establishment of new invasive plants and containing their spread.



The wolf tree area. Notice the yellow-green understory composed entirely of invasive buckthorn, which holds onto its leaves after all the native trees have dropped theirs.

Impacts of Invasives

- Non-native species can quickly replace native vegetation in disturbed areas, leading to dominance of a few species throughout the ecosystem.
- This can lead to loss of a food source for local insects; many moths and butterflies, for example, rely exclusively on a particular species of native plant on which they lay their eggs and their

caterpillars feed. Studies show that non-native species support a lower diversity of insects. This impact can be felt up the food chain, as these insects are a main food source for many birds.

- Other studies show more direct impacts to birds because some fruits of invasive plants have a lower nutritional value compared to native ones, but more research is required to confirm this.
- Some invasive plants cause changes in soil chemistry that can inhibit the growth of other plant species, with long-lasting effects. Garlic mustard is an example of this allelopathic behavior.

Table 1. Invasive species inventory

TYPE 1 – Widespread Species Requiring Long-Term Removal Efforts	Location and Abundance
Common and Glossy Buckthorn <i>Rhamnus cathartica</i> and <i>Frangula alnus</i>	Dominant understory shrub in parts of the limestone bluff cedar-pine community (particularly the cliff jumping area), the parking areas, the northeast corner of the park, and recently disturbed areas (e.g. windthrow gaps). Scattered patches and trees throughout the rest of the forest; absent only from heavily shaded areas, e.g. dense hemlock and cedar growth.
Shrub Honeysuckles <i>Lonicera sp.</i>	Small to large patches of variable density found throughout park, often alongside buckthorns (though less common). Particularly concentrated toward the east side of the park and along the southern lakeside trail to the main overlook points.
Japanese Barberry <i>Berberis thunbergii</i>	Individual plants and small patches found at low density throughout park.
TYPE 2 – Isolated Occurrences and Early Detections	Location and Abundance
Burning Bush or Winged Euonymus <i>Eunonymus alatus</i>	Isolated plants along the entrance road and lakeside trail, with several plants concentrated along the far western (“turnabout”) overlook trail.
Norway Maple <i>Acer platanoides</i>	Scattered trees near the park entrance, along both sides of entry road, and near the high point of the E loop trail. Other scattered undetected infestations likely.
Periwinkle <i>Vinca minor</i>	Isolated dense patches at the top end of the western loop trail, encroaching in from nearby houses. Growing in thick mats.
Asiatic or Oriental Bittersweet <i>Celastrus orbiculatus</i>	Isolated patches and individual plants throughout park, at low density.
Garlic Mustard <i>Alliaria petiolata</i>	Expanding patch near the southeast corner of the parking loop road, towards the beach and Queen City Park (QCP); removed in 2013 but found even more widespread in 2014. There was a robust population found just beyond the eastern border of the park, along the road in QCP, which could be the source. A second, isolated patch growing near the park entrance, to the north of the road just beyond the entry kiosk, was removed in 2013. There was no sign of return in 2014.

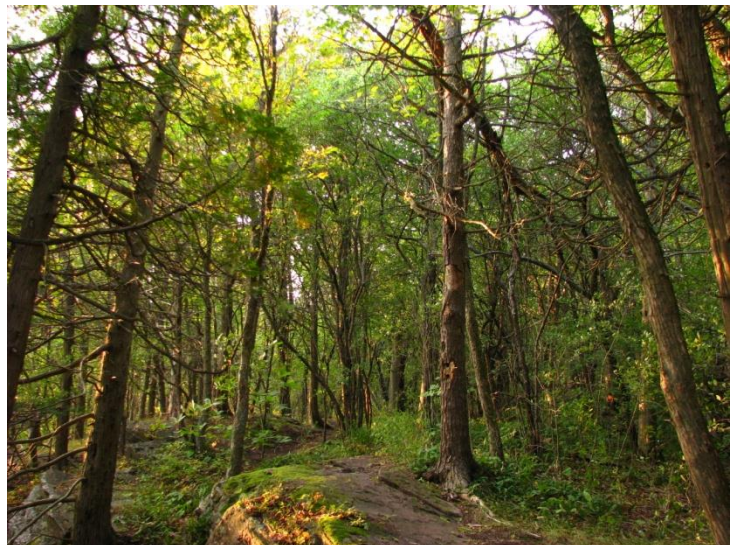
Purple Loosestrife <i>Lythrum salicaria</i>	Several isolated plants and patches along the shoreline, including the beach area by CWD and shallows to the west, plus around the point and north of the western loop trails.
Multiflora Rose <i>Rosa multiflora</i>	Isolated occurrences near western loop trail and around parking area.
Goutweed <i>Aegopodium podagraria</i>	Isolated occurrence along northern boundary of park.
Japanese Knotweed <i>Fallopia japonica</i>	One isolated occurrence just beyond the park boundary, near a condo development and adjacent network of side trails leading into the park.

B) DESIRED CONDITION & MANAGEMENT GOALS

Risks of invasives control: proceed with caution

Invasive species do alter the structure and function of ecosystems, but the exact mechanisms and causes are not entirely understood (Didham et al. 2005). Managers should proceed with caution in proceeding with invasives management, as misguided removal efforts can easily lead to further spread. Complete removal often requires an intensive effort, including either repeated physical pulling or chemical treatment. The chemical herbicides are typically applied directly to cut stumps and reportedly break down quickly in the environment, but there are still risks of toxicity inherent in the use of any herbicide. Special care should be taken given Red Rocks' waterfront location and proximity to drinking water sources.

It is also important to keep in mind that invasive plants are a symptom of habitat disturbance rather than the root cause in and of themselves. These plants dominate in openings and areas of bare soil, such as along trails. They were originally introduced and are continually transported by people. The most dense growth of invasive buckthorn in Red Rocks, for example, occurs atop the cliffs where people have created side trails to access lookouts and cliff-jumping locations. Removal of these plants could simply open up the bare soil for regrowth of buckthorn from the seedbank that persists in the soil. Full removal would require a continued effort that could be both expensive and time-intensive.



Most of the green in this picture belongs to the leaves of non-native buckthorn trees which have invaded the cedar forest at the top of the Red Rocks cliffs. What would be the consequence of removing these plants from this sensitive environment?

Even though invasive species have a lower food value for native wildlife, they do still provide some cover and habitat value. Removing all non-native plants would mean removing much of the shrubby growth in Red Rocks, taking away cover from small and medium-sized birds and mammals. Removal efforts should consider what will replace the invasive plants. Such efforts may best be coupled with restoration plantings of native species.

Desired Condition

Given all the uncertainty and risks outlined above, is it wise to pursue any invasive removal in Red Rocks? The City does have the opportunity to limit the spread of certain invasive species that are only present in a small extent at one or two locations right now. This could be done at low risk and low cost and would prevent further loss of native biodiversity.

Management for more widespread and dominant invasives such as buckthorn and honeysuckle would require a much more time- and cost-intensive operation. The pros and cons of this approach should be considered further in consultation with park management and city residents. How important is it to maintain native forest in Red Rocks, in the face of continued introductions of non-native species and disturbance from human use? This is not an easily answered question.

Goals

Park management should, at a minimum, aim to maintain the present level of ecosystem function by:

- 1) Curbing the spread of invasive plant species by containing current populations and
- 2) Preventing further infestations through an early detection-rapid response system

C) INVASIVE PLANT MANAGEMENT

Seasonal Maintenance

- Conduct two annual surveys, one in spring and one in fall, to monitor for new occurrences of invasive plants and to assess success of removal efforts
- Ensure that all park staff—including seasonal staff and Public Works—are familiar with the invasive species present in the park, their native look-alikes, and removal methods
- Continue with management efforts as outlined below in response to occurrences of non-native invasive plants

Best Management Practices

- Use a species-by-species management approach in addressing non-native invasive plant species
- Offer one or more methods for the public to report occurrences of new invasive plants in the park (e.g., a poster with contact information or a log book)
- Produce an educational guide to the non-native invasive plants of Red Rocks to inform the public
- Minimize soil disturbance and stabilize disturbed soil as soon as possible; invasive plants readily colonize these areas
- Monitor recent work sites for the emergence of invasive plants for a minimum of two years

- Invasive plants that have the ability to sprout from stem and root fragments (e.g., purple loosestrife and Japanese knotweed) should never be mowed
- Mechanical removal of invasives should aim to remove all underground parts, to prevent regrowth from the roots; even small root fragments left behind can give rise to many new plants
- Most invasive plants should be removed in late spring and early summer, prior to seed maturation
- Invasives in Red Rocks should be removed by **mechanical means only** (the alternative, to apply an herbicide, is considered too risky given the proximity to the lake and unknown long-term effects)
 - This decision should be revisited within 3 years time based on the success of mechanical removal methods and the assessed priority of invasive species removal, with the following provisions:
 - Any herbicide applications must be done by trained, certified staff (Department of Public Works)
 - No herbicide spraying is permitted within 150 feet of the Queen City water source, which covers a substantial portion of Red Rocks Park
 - Chemical treatment of woody species such as buckthorn should be carried out in the fall, when plants are transporting resources to their root systems
- Plant debris removal options include:
 - Burning
 - Brush piling: Make sure that no cut surfaces or roots are in contact with the soil
 - Bagging and removal: Bag plants in heavy-duty garbage bags and sent to landfill after ensuring that the material is nonviable (wait at least one month, until it is partially decomposed, slimy or brittle)

Management Plan for Widespread Woody Species (Type A)

- Begin targeted removal of all woody invasives from small focus areas (requires trained staff, chainsaw use)
 - Main south-facing lookout designated as a first priority focus area
 - Other areas along the interior of the loop trails (designated “natural areas”) can be targeted next
- Close off focus areas to public, indicating “restoration area” and explaining why
- Replant these areas with native shade-tolerant shrubs and understory species
- Maintain designated “natural areas” as invasive-free
- Target removal of buckthorn and honeysuckle:
 - Release the seedlings of mast trees (oak, hickory, beech) that are important for wildlife
 - Remove larger seed-bearing female buckthorn trees
- All cut woody stumps must be wrapped in a few layers of burlap or thick plastic to prevent regrowth by stump sprouting
- Continue monitoring for new occurrences and move quickly to prevent establishment and spread

Management Plan for Isolated Occurrences and Early Detections (Type B)

- Hold work days to remove isolated populations the less widespread herbaceous invasive species
 - Volunteer and/or Park staff involvement during the early summer
 - Organize training sessions/workshops for regular users and park neighbors
- Mount an “early detection rapid response” to these plants, aiming to remove the populations in their entirety before they can spread aggressively throughout the park
 - Oriental bittersweet sits on this threshold now and could be targeted by repeated hand cuttings throughout the spring and summer:
 - Hand-pull entire plants, including all roots and runners
 - For larger plants, cut climbing or trailing vines close to root collar and repeat every 2 weeks.

D) RESOURCES & PARTNERSHIPS

For more information about invasive plants and their removal:

- The Nature Conservancy has an online identification guide and removal guidelines for Vermont’s invasive plants, available at www.vtinvasives.org

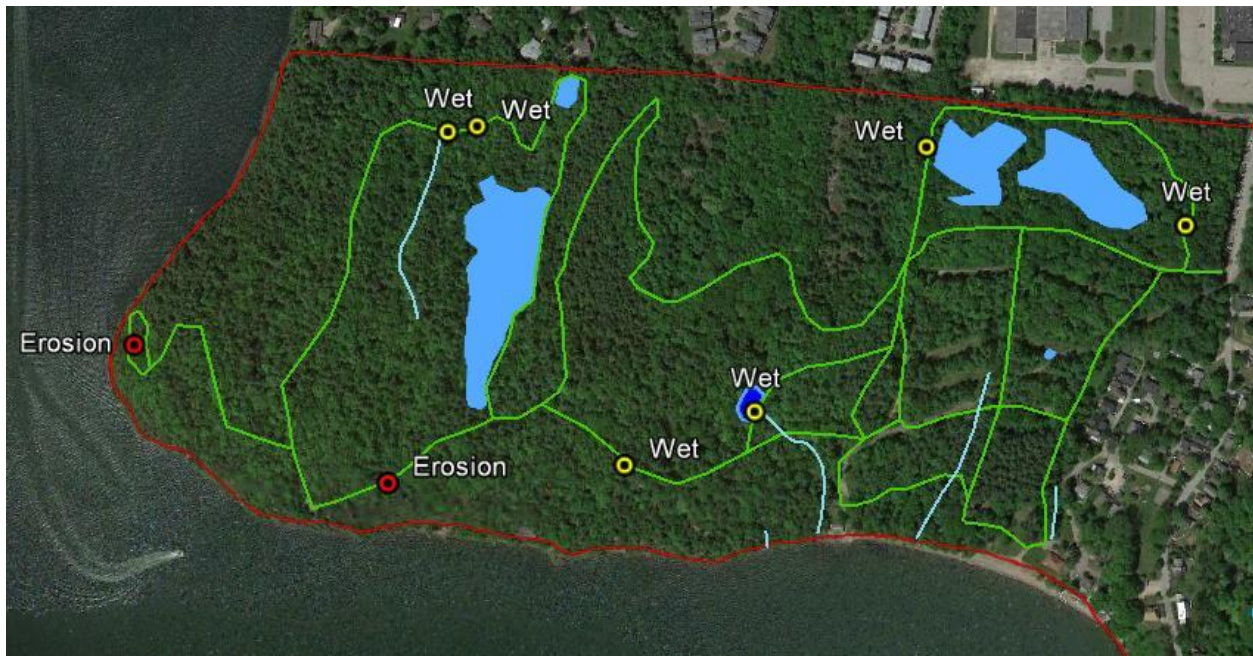
Partnership Opportunities:

- The Nature Conservancy – staff support, mapping, planning
- UVM and Champlain College students, other student groups
- Grants may be available to support removal efforts
- Friends of Red Rocks (community volunteers)
- Corporate volunteer groups
- Master gardeners
- AmeriCorps position

3.2 TRAILS

A) PRESENT CONDITION & PROBLEMS

The Red Rocks trail network includes 3.3 miles of official trails and access roads, based on the original carriage trail network constructed in 1891. These trails have been generally well maintained over the years. Areas in need of maintenance are outlined in Map 3, below. Some volunteers have assisted in maintaining drainage ditches along the areas prone to flooding in 2011-2013.



Map 3. Trail locations with issues of erosion or periodic flooding, requiring management attention.

Unofficial trails account for a further 4.3 miles of pathways through Red Rocks. There is a particularly dense network along the cliffs, especially west of the main southern lookout point and concentrated along the cliff-jumping area (cliff-jumping is not condoned by the City, and the jumping cliffs are considered an attractive nuisance). The creation and use of these ad hoc trails threatens the ecological integrity of Red Rocks.

Map 4 shows the distance from any point in the park to the nearest trail (official or unofficial). It illustrates that the farthest point in Red Rocks from any trail is just over 90 meters (approximately 300 feet), which has a strong implication for park wildlife. Every species has a “flushing distance” at which it will flee when approached by people (or other threats), causing stress and a disruption from regular activities of feeding, breeding, etc. For species like white-tailed deer, this flushing distance may exceed 300 feet, meaning there is no place in Red Rocks where that animal can feel safe from the presence of people.



Map 4. Only a small area of land in Red Rocks Park exceeds 60 m (200 ft) from a trail and one location exceeds 90 m (300 ft), which indicates that the potential disturbance to wildlife is far-reaching.

Trail Impacts

- More trails mean more wildlife disturbance, human-assisted spread of invasive species, vegetation trampling, and erosion.
- For soils, a little use causes most of the impact (trail compaction occurs rapidly with light use). Soil erosion is the most permanent and therefore most serious effect of trail expansion. Soil compaction recovery may take 6-18 years; erosion recovery may take centuries due to the long time it takes for new soil to form.
- Trail erosion risk exists wherever slopes exceed 9 degrees; especially severe above 18 degrees.
- For vegetation, it may take only 20 tramples to lose 50% of the vegetation on a given piece of land.
- Wildlife disturbance is related to the frequency of people passing by, and side trails may bring people closer to critical wildlife areas more often. Negative impacts on some breeding birds occur with forest trails as narrow as 1 to 3 meters; some birds stop nesting near trails and others avoid the trail areas altogether.

B) DESIRED CONDITION & MANAGEMENT GOALS

Trail management should aim to:

- 1) Minimize disturbance to soils, vegetation, and wildlife.
- 2) Provide an enjoyable and safe recreational trail network to suit a variety of park users and purposes, including both active and passive uses of the park.
- 3) Make it clear to park users which trails are open for “official” use and which trails/areas are off-limits for restoration and natural resource protection.

Trail Closures and Openings

Table 2. Guidelines for opening and closing recreational trails

<i>Which trails are recommended for opening?</i> ➤ Heavily trafficked trails that connect to the local community and serve as an alternate park entry ➤ Heavily trafficked trails that lead to particular destinations (e.g., the wolf tree, the 76er lookout) ➤ Trails that are already as wide, well-used and maintained as the “official” ones—indicating popularity and frequency of use ➤ Key shortcut trails between loops	<i>Which trails are recommended for closure?</i> ➤ Trails going down steep slopes greater than 9 degrees (for erosion issues) ➤ Dense sidetrail networks (close the network with the possibility of centralizing traffic on one path) ➤ Trails going through sensitive habitat ➤ Trails that are minimally used or impacted, with good potential for revegetation and masking of the walked path
<i>Why?</i> ➤ Concentrate use on these official trails to draw use away from other ad hoc trails ➤ The heavily used spur trails are already impacted ➤ Trail closure not a viable option due to heavy use	<i>Why?</i> ➤ Steep slopes are subject to erosion (soil loss, siltation and pollution of water) ➤ Seldom-used trails stand a good chance of successful closure and restoration
<i>How to open trails</i> ➤ Mark edges of trail ➤ Reroute or reorient the trail as needed to give it a low grade and decrease erosion risk ➤ Add trail signage ➤ Indicate the trail on official park maps	<i>How to close trails/discourage use</i> ➤ Place logs and other debris across trail ➤ Use tools to scuff up the trail, break up earth to make it look unused ➤ Place notices of “Restoration area. Please stay on trail.” (shown to deter 90% of visitors)



Map 5. Unofficial side trails in Red Rocks created by repeat unauthroized off-trail use. This imapcts park wildlife and ecological health.

C) TRAIL MANAGEMENT

(note: please see Section 3.4 for recommendations for trail directional signage)

Seasonal Maintenance

- Conduct an annual walk-through in the spring to identify trail hazards and assess extent of off-trail use.
- Clear waterbars in the fall, prior to snowfall, and ensure that they remain clear during spring runoff.
- Collect reports of trail maintenance needs (including but not limited to downed trees, washouts, flooding, etc.) from the park users and staff. Respond as needed.
- Host a spring and fall community work trail day.

Short-Term Management Actions – 1 year

- Repair major areas of erosion (Map 3).
- Make modifications to official trail network as outlined in Table 2; reassess yearly
- Prioritize restoration and ad hoc trail closure in the limestone bluff cedar-pine natural community (the cliff-jumping area)
 - Consider designating one or two official access points to these highly-trafficked areas
 - Post signage and install barriers to discourage use of all other side trails
 - Rather than making this the first restoration area closed off to the public, use this designation in another nearby area first, to make park users accustomed to the idea of trail closures and restoration areas
- Designate other restoration areas where natural resource conservation and wildlife use is a priority; in other areas, off-trail exploration for environmental education use would be permitted.
- Establish photographic reference points where seasonal photographs can be taken to document any changes in trail condition, good or bad.

Long-Term Management Actions – 3+ years

- Monitor trail closures to measure success of different techniques
- Complete major trail repairs, installation of new waterbars
 - Possibility of VYCC partnership
- Find solutions to concentrate public access to cliff-jumping areas and minimize creation of further sidetrails along the cliff ledges

Best Management Practices

- Post signs to notify park users of trail closures for rehabilitation purposes.
 - Use positive signage (e.g., with wording about restoration areas and sensitive vegetation) to encourage compliance and raise awareness

- Emphasize the contrast between trail and off-trail zones to avoid expansion of the impact zone (e.g. line the sides of the trail with stones, keep the trail very smooth-surfaced relative to the adjacent land).
- Install barriers to control movement of people—thorny shrubs can be particularly effective. Shrubs and trees are the best options for near houses.
- Plant grass-like plants (grasses and sedges) to revegetate areas where continued trampling is likely, as they are most resistant.
- When closing trails, cover exposed soil with organic mulch.
- Aim for a maximum 9 degree slope on all trails.
 - Where trails exceed this slope, ensure that adequate waterbars are installed

D) RESOURCES & PARTNERSHIPS

- Community volunteers to assist with trail projects
- Corporate volunteer groups
- Vermont Youth Conservation Corps

3.3 OFF-LEASH DOGS

A) PRESENT CONDITION & PROBLEMS



Red Rocks is a popular destination for dog walkers. A “Leash Law” (City Dog Ordinance) is in effect within park boundaries, requiring that all dog owners must keep their pet on a leash (max. 6 ft length) at all times. Dogs are also entirely prohibited at the public beach and in the water at Red Rocks. Failure to comply with the ordinance can result in a civil penalty charge of up to \$100 per day.

Many park users ignore these laws; one survey showed a 12% compliance rate. Some park users abide by an “unofficial understanding” that dogs can be let off-leash during certain times of day, outside of peak hours. Enforcement presence is minimal, so there is little deterrent to anyone breaking the law. The South Burlington Animal Control Officer (ACO) began patrols in 2014 but works only 14 hrs/week across the City. The ACO is

working to encourage compliance and educate dog walkers on the reasons for the leash law but has no jurisdiction over fines.

Off-leash dogs create the potential for negative dog-dog and human-dog interactions as well as impacts to wildlife, vegetation, and water quality.

Impacts on People

- Some park visitors are frightened or threatened when approached by off-leash dogs. These interactions detract from these users' experience and in some cases prevent them from visiting.
- People and pets risk injury from aggressive dogs

Impacts on Wildlife

- Dogs trample vegetation and disturb wildlife off-trail, including ground-nesting birds and animal dens

One study showed that the presence of off-leash dogs affects animals like deer, rabbits, and small mammals (chipmunks, squirrels, and mice); deer activity was lower within 100 m of trails and small mammal activity declined within at least 50 m of trails used by dogs (Lenth et al. 2008). Only a small area of Red Rocks is more than 50 m from a trail, and no place in the park is 100 m away from a trail. Even after dogs have left the park, certain carnivores may avoid areas that have been scent-marked by dogs, while others may increase surveillance along dog-marked trails.

Impacts on Environmental Quality

- Owners may fail to pick up dog poop deposited off-trail; this fecal matter eventually makes its way into Lake Champlain.

Dog-walkers are among the primary and most regular users of Red Rocks; they have been visiting the park as a popular dog-walking destination for over 40 years. It is a high priority to listen to the needs of this user group while exploring solutions that maintain ecosystem health and allow for safe and enjoyable visits for all park users.

B) DESIRED CONDITION & MANAGEMENT GOALS

Different stakeholders express widely varying preferences regarding dog policy in the park, ranging between designating Red Rocks a dog-free zone and allowing off-leash dogs at all times. The City's dog ordinance is in effect in Red Rocks, so any changes to dog regulations would require a modification to this ordinance. As is, the ordinance requires much stronger enforcement.

Desired outcomes surrounding the management of dogs in Red Rocks include:

- 1) Proper enforcement of the City ordinance, to ensure a high compliance rate and minimize any dissatisfaction about rule-breakers vs. followers.
- 2) Safety and satisfaction of all park users, dog-owners and otherwise.
- 3) Minimized disturbance of wildlife, particularly ground-nesting birds; this means keeping dogs on the trails.
- 4) No dog feces left on the ground (either on or off-trail, with or without doggy bags), to ensure clean water and soil and to maintain/improve the park aesthetic.

C) OFF-LEASH DOG MANAGEMENT

Best Management Practices:

- Ensure a high compliance rate with the leash law, through a combination of:
 - Public education including a pamphlet, online materials, and on-the-ground messaging from park staff and the ACO
 - Enforcement of the dog ordinance, including patrols and citations for owners of off-leash dogs
 - Signage, including a detailed sign at the park entry and reminder signs throughout the park
- Educate dog owners so that they are aware of the reasoning for leash restrictions
 - Many pet owners are familiar with the usual complaints of dogs being aggressive to people and other dogs, but relatively few may consider the impacts of off-leash dogs to denning mammals and ground-nesting birds
 - Provide an educational pamphlet or other written and online materials to explain the impacts of off-leash dogs that leave the trails.
 - Maintain clear signage at all park entrance points.
- Provide an incident report form for park users to report negative interactions with dogs in Red Rocks
 - Use this information to assess the need for increased enforcement or other management interventions

D) RESOURCES & PARTNERSHIPS

Red Rocks Park managers could look to examples from similar parks and communities facing this debate about off-leash dogs. The Montpelier Parks Commission (<http://www.montpelier-vt.org/group/66/Parks-Commission.html>) faced similar questions in 2013, though coming from a different direction; Hubbard Park had been an off-leash dog area but faced the question of whether it should remain so.

The Humane Society has collaborated on creation of a pamphlet to encourage keeping dogs on leash in Red Rocks. They have stopped walking their dogs in the park due to negative interactions with offleash dogs.

3.4 SIGNAGE, WAYFINDING & PARK INFORMATION

A) PRESENT CONDITION & PROBLEMS

A separate 2010 report funded by the Lake Champlain Byway outlined recommendations for installation of directional and interpretive signage in Red Rocks Park, and in 2012 a signage subcommittee of the Red Rocks Committee initiated a discussion of future needs. There are currently 25 signs installed in the park: 3 of these indicate no biking, 6 indicate the dog leash law, and 3 warn about cliff jumping. The only publicly visible park map is part of an interpretive panel installed near the park entrance by the Byway. Another interpretive panel is present at the beach house. A new park entrance sign was installed in 2013.



Example of one of the unclear park intersections, at the four-way crossroads junction of the two main loop trails.

Park signage can be divided into the following categories:

- **Regulatory:** lists regulations, ordinances, and fines
- **Informational:** delivers other park information
- **Directional:** wayfinding signage, including maps, arrows, and trail blazes for orienting oneself in the park
- **Interpretive:** provides educational information about the natural and cultural features of the park

The current amount and type of signage presents several issues:

- Many park users—especially but not limited to first-time users—get disoriented in the park
- Lack of signage may lead to noncompliance with park regulations (including dog leash laws, no bikes, staying on official trails, etc.)
- There is no central notice board (outside of the summer operating season when the gate house attendants hand out maps and takes fees) to deliver park announcements and list policies

City emergency staff have also proposed 29 emergency signs (small reflective markers for emergency vehicle directions) to install along all major park trails. These and other signs can detract from the wilderness experience of users, which is why a thoughtful and consistent policy about the type, frequency, and placement of signage is needed.

B) DESIRED CONDITION & MANAGEMENT GOALS

Park signage policy aims to:

- 1) Strike a balance between enough signs to ensure safety and orientation of park users, while still maintaining elements of a wilderness/nature experience

- 2) Ensure effective delivery of park messaging (including city ordinances, park events, park interpretation)
- 3) Establish a coordinated and consistent design in keeping with the natural aesthetic of the park

C) SIGNAGE AND WAYFINDING RECOMMENDATIONS



Map 6. Recommended locations for directional/wayfinding signage (square markers) and a bulletin board at the park entry (star).

Best Management Practices

- Provide easy access to a park map for all users
 - Printed and QR codes
- Employ positive messaging on park signs rather than simply listing restrictions (e.g. “restoration area” rather than “do not enter”)
- Consistent with existing interpretive panels, future panels should be manufactured from digital high pressure laminate and be designed consistent with the template used by the Lake Champlain Byway
- Install the minimum signage necessary to educate and deliver park information without compromising the wilderness feel of Red Rocks Park

Short-Term Management Actions – 1 year

- Install trail markers on the “main” trail that leads from the park entrance to the turnabout overlook at the far western point of the park, following the lakeside trail. “In” and “out” directions on this trail will provide simple wayfinding to the main overlook points in the park and identify the quickest exit from the park.
- Install posts with simple directional signs at key park intersections (see Map 6, above).
- Provide access to a digital park map via QR code at the park entrance.
- Install or establish a park bulletin board at the main entrance.

Long-Term Management Actions – 3+ years

- Install additional park interpretive panels and include an inset directional map in each

D) RESOURCES & PARTNERSHIPS

- Lake Champlain Byway – as part of the Byway, Red Rocks interpretive signage follows the standard format used all along this scenic route along Lake Champlain

3.5 FOREST HEALTH & WILDLIFE MANAGEMENT

A) PRESENT CONDITION & PROBLEMS

The Red Rocks forest is primarily a mesic maple-ash-hickory-oak forest, including a mixture of northern woods species with more southerly elements that take advantage of the dry, warm cliffs in these lowlands of the Champlain Valley. Eastern hemlocks occupy some of the wetter, darker, and older growth areas of the forest, and along the cliffs the forest transitions towards a cedar-dominated limestone bluff community.

Red Rocks is largely (if not all) secondary forest; it was managed as a woodlot in the 1800s, and has since been used for pasture and more recent logging operations. There were also several fires of unknown extent and intensity in Red Rocks' past, the largest of which is currently labeled as "The Burn" on park maps. A few stretches of forest may, however, have escaped the axe of European settlers. One hemlock—of only 12" diameter—fell across a trail and was sawed open to reveal over 210 years of growth rings! The tree had been slowly growing on the shallow soils along a rocky ridge, between two sections of trail. There is reason to suspect that other nearby hemlocks could be of similar age, left for their low-quality lumber and because they weren't in the way of pasture land, perched as they were on the steep and rocky terrain.

The Red Rocks forest is presently managed passively; trees are felled if they pose a threat to park users (e.g. snags hanging over a trail), but otherwise the forest is left "as-is." Practices should be taken into consideration to ensure the healthy regeneration of the forest and the optimization of recreation and conservation opportunities.

Recognizing that Red Rocks is a well-loved and well-used public park, the forest management options below do not consider any harvesting or felling of trees beyond the ones that come down on the trails. With public consultation and buy-in, however, park managers might choose to release certain trees that provide valuable wildlife habitat or seed tree values by an individual tree selection. This would mean cutting other trees around the selected valuable trees, with the goal of improving the growth of the selected trees. The County Forester or other natural resource professional should be consulted before proceeding with any such work, which is not recommended as an immediate priority.

Wildlife

Red Rocks includes the following notable wildlife habitat features:

- Rocky and sandy shoreline
- Intact mature forest
- Shrubby undergrowth
- Forest clearings
- Hemlock stands
- Rock crevices and ledges
- Vernal pools
- Woody debris (fallen trees and branches) on the forest floor
- Standing snags with nesting cavities and loose bark
- Large mast-producing trees (oaks and hickories)
- Cliffs

The intact forest of Red Rocks is particularly suited to a variety of birds; it serves as both a nesting location for summer residents and an important staging area for migrating species. The 135 species in the current Red Rocks bird list include 11 of the Vermont “Birder’s Dozen,” a set of species identified by Audubon Vermont as being high priorities for protection in northeastern US forests. It is suspected that Peregrine Falcons (a once-endangered and still threatened species) attempted to nest on the cliffs at Red Rocks in summer 2013 and 2014, but they may have been deterred by the high foot traffic along the cliff edge. No nest sites have been confirmed.

B) DESIRED CONDITION & MANAGEMENT GOALS

- 1) A healthy natural environment that supports a diversity of wildlife species
- 2) Preservation of Red Rocks’ rare flora and fauna and their habitats

C) FOREST MANAGEMENT

Best Management Practices

- Leave both large and small woody debris for provision of wildlife habitat and recycling of forest nutrients.
 - Small mammals rely on the cover provided by coarse and fine woody debris.
 - Fallen trees serve as germination sites for many plants, including tree seedlings.
 - Felled trees cleared off trails could be piled off-trail rather than immediately alongside it.
 - Smaller branches and brush can be piled for wildlife habitat use
- Leave snags and cavity trees standing; these provide habitat for many animals, such as woodpeckers, owls, squirrels, raccoons, and bats.
 - Aim for 4 to 6 large snag or cavity trees per acre; one should exceed 21” diameter at breast height (DBH) and the rest should exceed 15” DBH.
- Maintain important mast trees, such as oaks and hickories, for wildlife.

- Monitor forest for signs of natural regeneration.
 - Manage for non-native invasive species to release native species.
- Maintain forested buffers around sensitive habitats, especially wetlands and vernal pools (a 50-foot buffer is currently regulated around all designated wetlands).

Short-Term Management Actions- 1 year

- Establish a monitoring program for signs of non-native insect pests including Emerald Ash Borer, Asian Longhorned Beetle, and Hemlock Woolly Adelgid.
- Conduct breeding bird surveys in early spring and mammal surveys in winter to determine wildlife occurrences and designate protected areas as needed

D) RESOURCES & PARTNERSHIPS

- The Chittenden County Forester has consulted on park management and is available to meet for forest assessments and recommendations.
- Audubon Vermont monitors nesting of threatened and endangered bird species, including a Peregrine Falcon nest monitoring program.
- New England Wild Flower Society conducts rare plant surveys and has collected seed from populations of native spring wildflowers at Red Rocks. Their nursery could in turn offer a supply of seeds to areas of Red Rocks in need of restoration.
- TREEage conducts forest pest visual surveys and operates a community nursery in South Burlington.

3.6 RECREATION & EDUCATION OPPORTUNITIES

A) PRESENT CONDITION & PROBLEMS

Recreation

Red Rocks attracts both local South Burlington and Burlington residents, plus tourists from farther afield, with its diversity of recreational options. The South Burlington Recreation & Parks Department strives to provide fulfilling leisure time activities for all residents. Increasing recreational use and activities is a laudable goal, but several of these uses can conflict with one another and also with provision of wildlife habitat. The City should consider how to prioritize these conflicting uses in finding the balance between quantity of quantity of recreational use (maximizing the number of citizens served) and preserving the quality of the recreational experience.



Some of the most popular uses of the park are also illegal or considered nuisances due to the destructive behavior that often accompanies them (e.g., the rocky cliffs popular for cliff-jumping suffer from severe erosion, devegetation, and littering). The City does not condone cliff-jumping in Red Rocks but also realizes that access to the cliffs cannot be controlled.

Current Recreational Uses

- Walking, hiking, running, jogging, dog-walking
- Winter cross-country skiing and snowshoeing
- Swimming from beach, rocks, and cliffs
 - Beach house (and bathrooms) open from last weekend in June until mid-August
- Boating
- Bird-watching and nature appreciation
- Nature connection
- Outdoor sketching and painting
- Picnicking
- Relaxation and restorative uses
- Enjoying scenic views
- Special events including festivals and track meets
- Illegal and nuisance uses: camping, campfires, cliff-jumping

Education

Red Rocks has great potential as an outdoor classroom destination for local school groups, and it also offers all visitors a chance to explore and learn about nature in an urban setting. Envisioning Red Rocks as an outdoor classroom and for various education uses has implications for park visitation numbers, sense of crowdedness, trail impacts, and more.

Current & Past Educational Uses

- College class field trips
- College class service learning projects
 - *UVM NR 206 senior capstone project-based class in the Rubenstein School of Natural Resources*
 - *PSS 238 Ecological Landscape Design*
- K-12 use as a nature center is limited/nonexistent; some use for gym classes, cross-country meets
- Week-long “Governor’s Institute” for high school students (based out of UVM) focused on Red Rocks several years ago
- Public guided walks
- Summer nature camps since 2013
- Visits from the City’s summer recreational camps
- Red Rocks Nature Club monthly nature walk in 2012-2013

B) DESIRED CONDITION & MANAGEMENT GOALS

- 1) Offer a variety of recreation and education options in Red Rocks for different user groups but prevent overuse and adverse impacts on park infrastructure, vegetation, water, and wildlife.

C) RECREATION MANAGEMENT

Recreational Opportunities

- Nature play area
- Use of retired parking areas in eastern section
- Moorings and/or boating access
- Improvements to beach and picnic area

Educational Opportunities

- Nature education center for public and for institutions
- Place-based education for school groups: benefit of students accessing a forest within their own city boundaries (learning in their own backyard)
- Stewardship opportunities
- Modeling Red Rocks as a community forest
- More connections with local schools and colleges



One of the abandoned parking pods that provides open, grassy habitat and could serve as a nature play area or picnic area.

Short-Term Management Actions

- Enhance the aesthetics of the park entry
- Restore scenic views from main overlooks across Lake Champlain and through the picnic grove, with the following considerations:
 - The old-growth cedars of the limestone bluff community should be left as-is.
 - Trees should be pruned rather than removed to open views; exposed soil would be an easy target for colonization by invasive species (which could impact native vegetation and very quickly impede the views again).
 - South Burlington's Development Review Board regulates all land within 150 feet of the lakeshore. Land is to be left in an "undisturbed, naturally vegetated condition" unless otherwise approved.
 - Park users should be notified before any such work takes place, especially in such a public location.

Long-Term Management Actions

- 1) Create infrastructure that could facilitate use of the park as an outdoor classroom.
- 2) Improve opportunities for park users to access the water through boat rentals and use.
- 3) Investigate the possibility of public moorings.

- 4) Create more shaded sitting areas on/near the beach.
- 5) Extend the open season of the beach house for visitors looking to access the beach with bathrooms and change rooms.
- 6) Consider improvements to beach infrastructure such as a boat launch or pier and a beach pavilion.

D) RESOURCES & PARTNERSHIPS

Current/past:

- UVM and Champlain College service learning
- Green Mountain Audubon Center guided walks

Potential partnerships:

- Boat/paddleboard rental service through a private partner such as at Oakledge Park and North Beach. This opportunity has been considered in the past but was not considered a viable business option at the time.

3.7 CHAMPLAIN WATER DISTRICT (CWD) EASEMENT

A) PRESENT CONDITON & PROBLEMS

The intake for the Champlain Water District was sited at Red Rocks in 1970, and the system came online in 1971. The CWD is Vermont's largest regional public water supplier, serving 12 municipal systems in Chittenden County, and this is their only intake location. A second intake line was recently added in response to increasing demand; it was located offshore of the far western point of Red Rocks.

The CWD holds a 40-ft wide easement through the eastern (developed) section of Red Rocks, starting just south of the main park entry and running in a diagonal towards their pump station at the west end of the Red Rocks beach. Another easement lies below the upper parking area and then follows the road down to the pump station. The CWD also owns the land immediately surrounding the pump house.



There have been past conflicts and expressions of concern from park neighbors in response to CWD management actions, such as tree cutting within the easement and installation of signage. CWD staff

walk the easement line and brush-hog/mow every summer. Repairs are mainly done manhole to manhole; mowing is done to maintain access to these. Projects and repairs have increased in frequency in recent years; they used to be more sporadic. The slope down to the water, east of the pumping station, was cleared for machinery access 10 to 15 years ago. It was rip-rapped to hold the soil back, but is currently experiencing erosion (likely compounded by frequent passage of people and dogs).

CWD managers have expressed a willingness to manage their infrastructure with minimal impact to the park. They also must invest a certain portion of their upgrade costs into landscaping, and they are willing to target some of this funding at the discretion of City management. Some of these funds went towards construction of a viewing deck, guardrail and plantings (visible in the picture above) in recent years.

In Spring 2014, a UVM Ecological Landscape Design class studied the pump house area and made several detailed suggestions for plantings and rain gardens to improve the aesthetics of that area.

B) DESIRED CONDITION & MANAGEMENT GOALS

The CWD has full jurisdiction within their property and easements but is open to suggestions, so long as their needs for their transmission lines can be met. Collaboration with the CWD should strive for:

- 1) Maintenance of the CWD right-of-way that maximizes wildlife habitat, aesthetic, and ecological values without compromising the access requirements of the CWD.
- 2) Transparency and understanding between park users and the CWD about work done in the park.

C) RIGHT-OF-WAY MANAGEMENT

Best Management Practices

- Maintain an open and collaborative relationship with the CWD regarding management of their transmission lines and pump station within Red Rocks Park.
- Communicate with a CWD representative at minimum annually about any management concerns.
- Communicate ideas for use of CWD landscaping funds as they are available:
 - Erosion prevention
 - Beach management
 - Improving the aesthetic of the pumphouse and surroundings
- Make recommendations to the CWD:
 - Maintain vegetation to the greatest extent possible, i.e. remove larger trees and shrubs growing into the easement (ones that would delay emergency manhole access) but retain all herbaceous growth for wildlife and aesthetic benefits. Remove only what's directly around manholes for access as needed.
 - Notify local residents and park users (via signage on park notice boards) of any changes—with advance notice—and explain the reasons for any changes (e.g. placement of new pipes and outlets, widening of roads, removal of vegetation, etc.)
 - Manage erosion of the slope next to the pump house with plantings. Install barriers or signs to prevent people from walking on the area as needed.

D) RESOURCES & PARTNERSHIPS

- UVM Ecological Landscape Design Students (PSS 238) re-envisioned the pump station area and made recommendations for erosion control, educational opportunities, and rain gardens. Opportunity for an ongoing partnership.

3.8 BEACH MANAGEMENT

A) PRESENT CONDITION & PROBLEMS

Red Rocks contains South Burlington's only public beach access, a 200-yard stretch of waterfront at the southeastern corner of the park. The beach at Red Rocks has been closed on several occasions due to high levels of blue-green algae and bacteria from the outlet of Potash Brook, which drains into Lake Champlain just south of Red Rocks beach. Zebra mussels and Eurasian milfoil (both aquatic invasives) also pose problems for beachgoers, and the beach sands are frequently washed away by high water levels, rain events, and wave action.

Many of these factors act from far beyond the boundaries of Red Rocks, including:

- pollution across the Potash Brook watershed
- wind and wave action
- large rain events resulting in stormwater runoff
- spring flooding



Zebra mussels growing in the shallows on the Red Rocks shore (left) and a blue-green algae bloom (right).

B) DESIRED CONDITION & MANAGEMENT GOALS

Management of the beach area aims to:

- 1) Maintain a safe and appealing location for residents and park users to access South Burlington's only public lakeshore.

C) BEACH MANAGEMENT

Seasonal Maintenance

- Rake algae and other material that washes onto swimming area at beach during swim season, daily or as-needed
- Close beach and post signage informing of *E. coli* and blue-green algae blooms

Long-term Management Actions

- Consider extending the open season of the beach and access to the beach house
- Improve shaded seating areas and aesthetics at the beach with plantings

D) RESOURCES & PARTNERSHIPS

- The Lake Champlain Committee monitors blue-green algae across Lake Champlain and trains volunteers to make weekly reports, one of whom monitors the Red Rocks beach weekly during the spring and summer
- The Vermont Department of Health advises on and posts beach closures.

3.9 PARKING & TRAFFIC MANAGEMENT

A) PRESENT CONDITON & PROBLEMS

Red Rocks is officially open for a seven-week period from the end of June through mid-August. At this time, visitors are asked to drive into the park and pay an entrance fee (either a day use fee or season pass) for access during daytime hours. Outside of this seven-week period, visitors can park in the area outside the park gate, free of charge.

Many visitors ignore the 'No Parking' signs installed during the seven-week operating season and enter the park without payment. While some may be confused about the seven-week switch of parking areas, many appear to ignore the "no parking" signage on Central Ave because they do not want to pay a parking fee. Others are frustrated by the need to park within the park gate during daytime hours but then move their vehicle before park staff locks the gate and leaves for the day.

The present parking system poses several challenges:

- There is little incentive to park within park boundaries when a free option exists just outside, with inconsistent enforcement.
- The City loses a potential revenue stream from illegally parked vehicles.
- The present system requires a full-time gate attendant to take park entry fees, which costs more than the revenue from parking permit sales
- Park users are inconvenienced by the switch to Central Ave parking at the end of the work day.
- A substantial amount of park acreage is dedicated to parking, which could otherwise provide wildlife habitat and recreational benefits.
- Vehicle traffic and noise impacts neighbors adjoining the park.

B) DESIRED CONDITION & MANAGEMENT GOALS

The parking system at Red Rocks should strive to:

- 1) Provide a straightforward and fair parking option for park users that encourages compliance
- 2) Minimize the park acreage devoted to cars, as well as the visual, neighborhood, and ecological impact of the parking system
- 3) Encourage the use of alternative forms of transportation to Red Rocks (including but not limited to bike and bus)

C) PARKING MANAGEMENT

Options

- Increase parking enforcement to ensure compliance during summer season
- Remove parking from within park boundaries
- Re-design parking area along Central Ave, to extend it into the Park and accommodate a larger number of vehicles
- Share use of privately-owned company parking lots on Industrial Parkway
- Accept that some users will continue to park without paying. Pursue other sources of revenue
- Install donation boxes or another parking fee collection system in outer lot asking visitors to pay
- Require payment year-round for consistency

Best Management Practices

- Use positive messaging asking people to contribute towards park upkeep or restoration when they are spending money to access Red Rocks, rather than letting them simply view it as a fee to park their car
- Minimize the within-park parking area, which will in turn minimize soil compaction, decrease plant and animal disturbance, and increase the area available for park recreation
- Provide accessible parking according to ADA standards

Short-Term Management Actions

- Encourage biking, walking, and public transit to Red Rocks
 - Consider connections to bike and walking paths
 - Increase bicycle parking

Long-Term Management Actions

- 1) Assess alternatives, then re-design the parking system with the goal of minimizing the park area devoted to vehicle parking as well as minimizing visual, neighborhood, and ecological impacts
- 2) Restore and/or repurpose retired parking areas

D) RESOURCES & PARTNERSHIPS

- City Planning & Zoning Office for parking redesign
- Burton & Edlund Co. – opportunities to use their company lots on weekends

3.10 FUNDING

A) PRESENT CONDITION & PROBLEMS

Currently the only revenue stream for the park comes from summer operating season parking permits, which is supplemented with funding from the City's operating budget. Several park users have expressed a willingness to donate funds towards park upkeep and programming. The City should explore different options for fundraising and developing a sustainable funding stream for park projects.

In 2014, park users fees were:

Season pass \$10 for residents, \$25 for non-residents **Daily pass** \$5 for residents, \$8 for non-residents

B) DESIRED CONDITION & MANAGEMENT GOALS

- 1) Sustainable revenue stream for the park
- 2) Funds for park improvements

C) FUNDRAISING

Best Management Practices

- Appeal to park users' love for and connection to Red Rocks in soliciting donations
- Fund regular park maintenance with a reliable and sustainable municipal funding stream

Short-Term Management Actions – 1 year

- Establish a "Friends of Red Rocks" account for donations that could fund park projects, upkeep, and staffing
- Solicit donations from park users at the entrance gate by means of a physical and/or virtual (mobile text) donation box
- Investigate grant opportunities for park projects

Long-Term Management Actions

- Allocate capital for park improvements from the Open Space Fund or a similar taxpayer contribution

D) RESOURCES & PARTNERSHIPS

- Community volunteers

SECTION 4: PARK MAINTENANCE ACTIVITY TIMELINE

Spring:

- Invasive plant monitoring walk-through
- Remove garlic mustard by mid-May (generally, target herbaceous invasives before they go to seed)
- Trail flooding assessment and minor repairs
- Community trail stewardship day(s)
 - May Green-Up Day
 - June National Trails Day

Early Summer:

- Train seasonal staff on identification of invasive species
- Remove herbaceous invasive species, before they go to seed
- Beach opening (ahead of June park “open” season)
- Breeding bird surveys at this time of year indicate species nesting in the park

Summer:

- Major trail repair/construction/rerouting projects
- Regular park walk-throughs
- Rake beach daily
- Monitor water quality for swim safety

Fall:

- Clear waterbars
- Remove woody invasive species, as they go dormant
- Prune/clear view corridors
- Invasive plant monitoring walk-through
- Community trail stewardship day

Winter:

- Tracking surveys allow for assessment of wildlife habitat

SECTION 5: SUMMARY OF MANAGEMENT ACTIONS

INVASIVE PLANT MANAGEMENT

- 1) Begin targeted removal of all woody invasives from small focus areas (requires trained staff, chainsaw use)
 - Main south-facing lookout designated as a first priority focus area
 - Other areas along the interior of the loop trails (designated “natural areas”) can be targeted next
 - Close off focus areas to public, indicating “restoration area” and explaining why
 - Replant these areas with native shade-tolerant shrubs and understory species
- 2) Hold work days to remove isolated populations the less widespread herbaceous invasive species (e.g., Garlic Mustard)
 - Volunteer and/or Park staff involvement during the early summer
 - Organize training sessions/workshops for regular users and park neighbors
- 3) Mount an “early detection rapid response” to these plants, aiming to remove the populations in their entirety before they can spread aggressively throughout the park
 - Oriental bittersweet sits on this threshold now and could be targeted by repeated hand cuttings throughout the spring and summer

TRAIL MANAGEMENT

- 4) Repair major areas of erosion
 - Possibility of VYCC partnership
- 5) Restoration and ad hoc trail closure in the limestone bluff cedar-pine natural community (the cliff-jumping area)
 - Consider designating one or two official access points to these highly-trafficked areas
 - Post signage and install barriers to discourage use of all other side trails
 - Rather than making this the first restoration area closed off to the public, use this designation in another nearby area first, to make park users accustomed to the idea of trail closures and restoration areas
- 6) Close other ad hoc trails
 - Post signs
 - Install natural barriers
 - Cover exposed soil with mulch and revegetate with resistant sedges
- 7) Establish photographic reference points where seasonal photographs can be taken to document any changes in trail condition, good or bad.

OFF-LEASH DOG MANAGEMENT

- 8) Install new informational signage about dog regulations and fines, including a detailed sign at the park entry and reminder signs throughout the park
- 9) Provide an educational pamphlet or other written and online materials to explain the impacts of off-leash dogs that leave the trails.
 - Maintain clear signage at all park entrance points.
- 10) Enforce the dog ordinance, including patrols and citations for owners of off-leash dogs

- 11) Create an easily accessible incident report form for park users to report negative interactions with dogs in Red Rocks
 - Use this information to assess the need for increased enforcement or other management interventions

SIGNAGE & WAYFINDING

- 12) Install trail markers on the “main” trail that leads from the park entrance to the turnabout overlook at the far western point of the park, following the lakeside trail. “In” and “out” directions on this trail will provide simple wayfinding to the main overlook points in the park and identify the quickest exit from the park.
- 13) Install posts with simple directional signs at key park intersections.
- 14) Provide access to a digital park map via QR code at the park entrance.
- 15) Install or establish a park bulletin board at the main entrance.
- 16) Install additional park interpretive panels and include an inset directional map in each

FOREST HEALTH & WILDLIFE

- 17) Establish a monitoring program for signs of non-native insect pests including Emerald Ash Borer, Asian Longhorned Beetle, and Hemlock Woolly Adelgid.
- 18) Conduct breeding bird surveys in early spring and mammal surveys in winter to determine wildlife occurrences and designate protected areas as needed

RECREATION & EDUCATION

- 19) Restore scenic views from main overlooks across Lake Champlain and through the picnic grove, with the following considerations:
 - The old-growth cedars of the limestone bluff community should be left as-is.
 - Trees should be pruned rather than removed to open views; exposed soil would be an easy target for colonization by invasive species.
 - South Burlington’s Development Review Board regulates all land within 150 feet of the lakeshore. Land is to be left in an “undisturbed, naturally vegetated condition” unless otherwise approved.
 - Park users should be notified before any such work takes place.
- 20) Create infrastructure to facilitate use of the park as an outdoor classroom
- 21) Improve opportunities for park users to access the water through boat rentals and use
- 22) Investigate the possibility of public moorings
- 23) Create more shaded sitting areas on/near the beach
- 24) Extend the open season of the beach house for visitors looking to access the beach with bathrooms and change rooms
- 25) Consider improvements to beach infrastructure such as a boat launch or pier and a beach pavilion

CHAMPLAIN WATER DISTRICT RIGHT-OF-WAY

26) Make recommendations to the CWD:

- Maintain vegetation to the greatest extent possible, i.e. remove larger trees and shrubs growing into the easement (ones that would delay emergency manhole access) but retain all herbaceous growth for wildlife and aesthetic benefits. Remove only what's directly around manholes for access as needed.
- Notify local residents and park users (via signage on park notice boards) of any changes—with advance notice—and explain the reasons for any changes (e.g. placement of new pipes and outlets, widening of roads, removal of vegetation, etc.)
- Manage erosion of the slope next to the pump house with plantings. Install barriers or signs to prevent people from walking on the area as needed.

BEACH MANAGEMENT

27) Consider extending the open season of the beach and access to the beach house

28) Improve shaded seating areas and aesthetics at the beach with plantings

PARKING MANAGEMENT

29) Assess alternatives, then re-design the parking system with the goal of minimizing the park area devoted to vehicle parking as well as minimizing visual, neighborhood, and ecological impacts

30) Restore and/or repurpose retired parking areas

31) Encourage biking, walking, and public transit to Red Rocks

- Consider connections to bike and walking paths
- Increase bicycle parking

FUNDRAISING

32) Establish a “Friends of Red Rocks” account for donations that could fund park projects, upkeep, and staffing

33) Solicit donations from park users at the entrance gate by means of a physical and/or virtual (mobile text) donation box

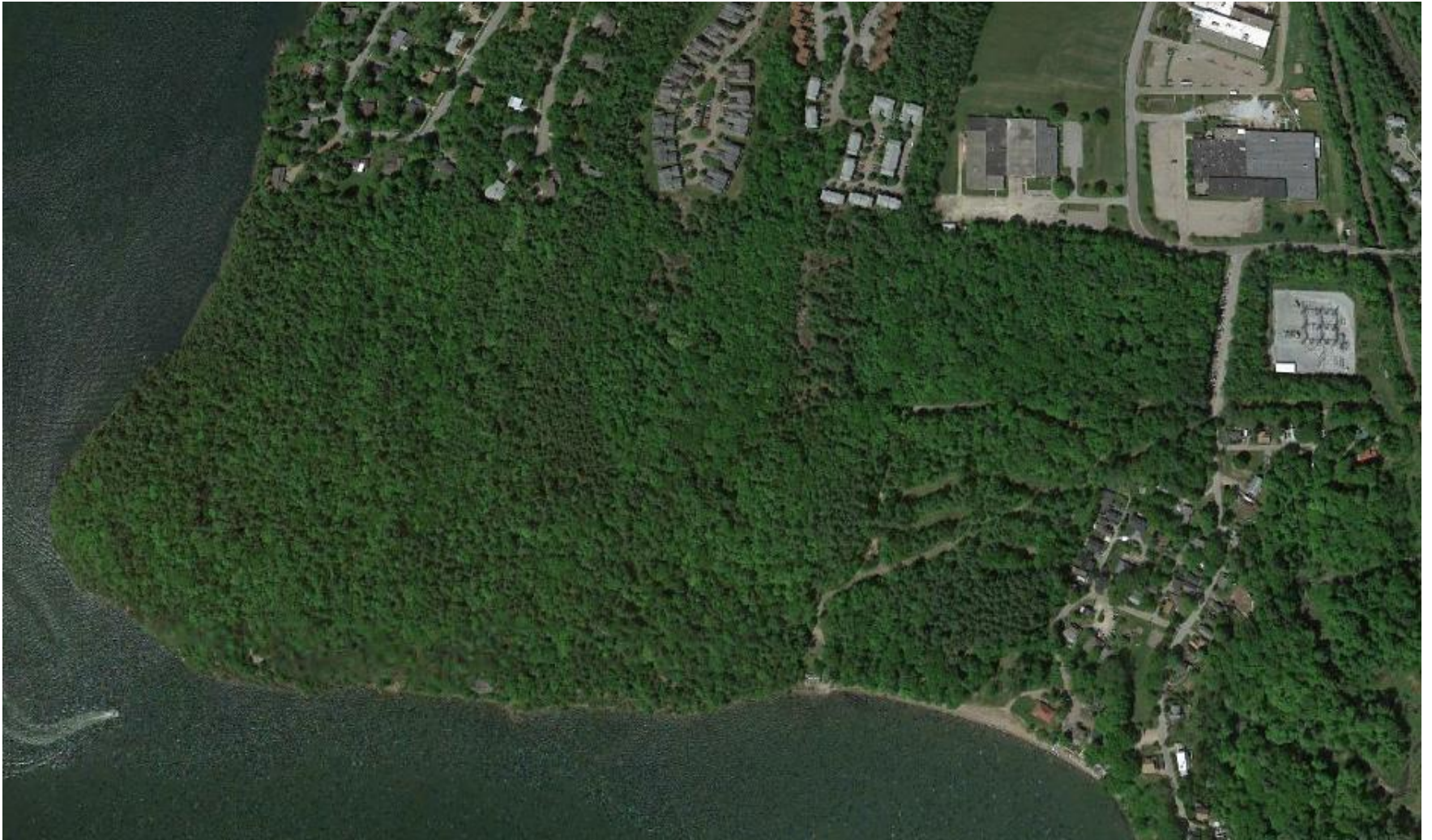
34) Allocate capital for park improvements from the Open Space Fund or a similar taxpayer contribution

35) Investigate grant opportunities for park projects

STAFFING

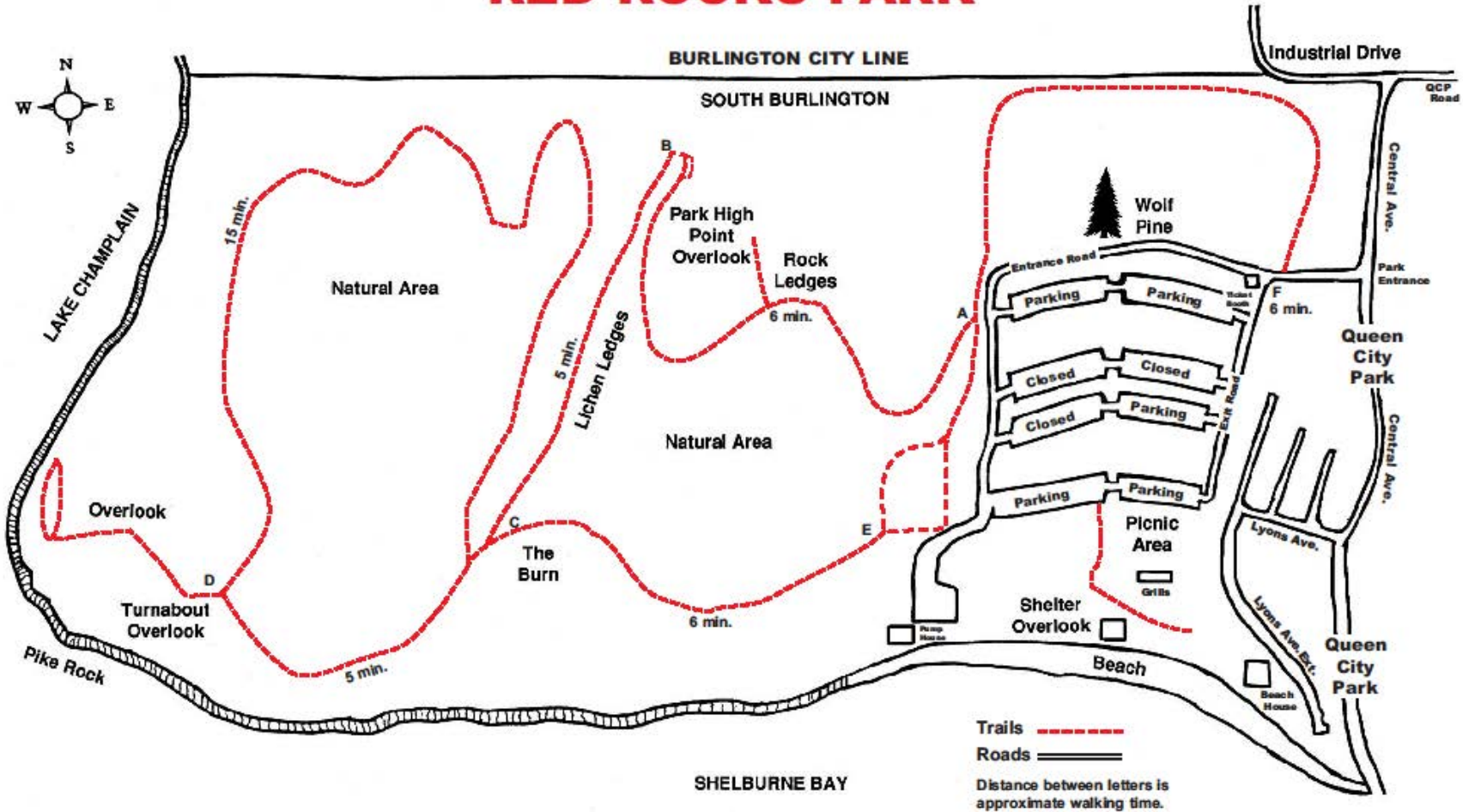
36) Create a dedicated staff position to (a) inform and coordinate management of the city's open spaces and (b) build community partnerships and stewardship capacity for South Burlington's parks.

APPENDIX 1: Red Rocks from the air



APPENDIX 2: Current Park Trail Map

RED ROCKS PARK





RED ROCKS PARK

**Working towards a community-based
management plan**

**Prepared by Sophie Mazowita
UVM Field Naturalist Program
for the City of South Burlington
April 2013**

Dedicated to Fred Sargent and the members of the city's original Natural Resources Committee, who had the vision and drive to secure Red Rocks as a park for the residents of South Burlington.

With thanks to the current members of the Red Rocks Committee, Tom Hubbard of South Burlington Recreation & Parks, the UVM advisory committee (Matt Kolan, Jeff Hughes & Walt Poleman), and the Field Naturalist/Ecological Planning Team AC.

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SECTION 1: INTRODUCING RED ROCKS

Red Rocks Park is a 100-acre community park and natural area in the city of South Burlington, Vermont. It was purchased by the City in 1970, having formerly served as the Hatch Family Estate since the late 1800s. The roads and lookouts created by the Hatch family now provide walking trails through maple-ash-hickory-oak forest and cedars perched atop red Monkton Quartzite cliffs. A city beach at the southeastern edge of the park provides 200 yards of waterfront access (the only public lake access in the city), and the Champlain Water District operates a pumping station with an adjacent 40-ft access easement at the western limit of the beach.

Red Rocks is one of four large natural areas in the South Burlington Parks network (the others are Wheeler Nature Park on Dorset Street, the Scott Property on Autumn Hill Road, and a recently acquired property south of Nowland Farm Road). Red Rocks occupies the westernmost corner of South Burlington (see Map 1). It is bordered by Lake Champlain to the south and west, Burlington to the north, and the Queen City Park neighborhood to the east. The park is accessed from Central Avenue.

The park is currently operated by the South Burlington Recreation & Parks Department and maintained by the Department of Public Works. Guidance and recommendations are provided by a seven-member committee of appointed city residents, many of whom reside in the Queen City Park neighborhood.

Key management issues and objectives

Red Rocks faces challenges posed by heavy recreational use by the public. Aquatic and terrestrial invasive species, off-leash dog impacts, unofficial trail use, forest health, and park signage are among the concerns of the park's management. The City seeks to provide a variety of recreational opportunities in Red Rocks Park while maintaining ecological integrity, minimizing usage impacts, and addressing threats and hazards.

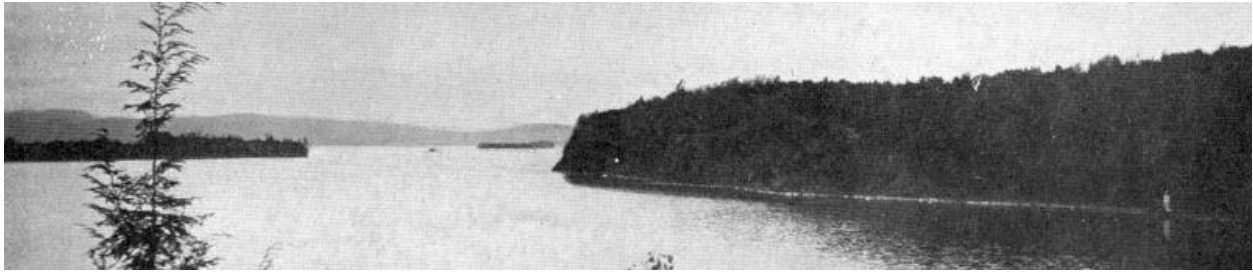
Purpose of this document

Despite ongoing management questions and concerns, this is the first synthesized natural resource assessment and management study for Red Rocks. Landscape architects made only an initial site assessment and recommendations in 1971.

This document is intended to serve as both a guide to the human and natural history of Red Rocks and as a guiding framework for making informed management decisions. It is written for park managers, park users, and the present and future stewards of Red Rocks Park.



Map 1



SECTION 2: PARK HISTORY

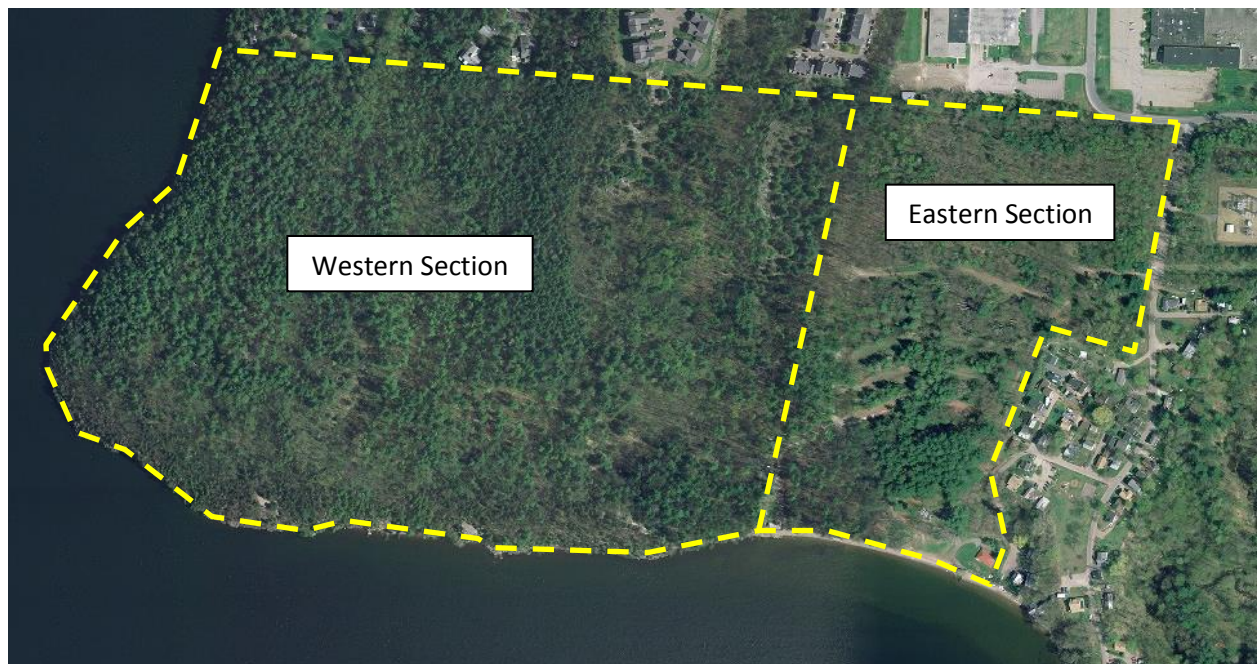
SUMMARY:

- Edward Hatch purchased Red Rocks and maintained it as a private estate starting in 1866
- Parts of the park were formerly used as pasture and woodlot
- The City of South Burlington purchased Red Rocks from the Hatch family in 1970

The first owners

When Red Rocks—the Hatch Estate—was purchased by the City of South Burlington, it came as a single large tract of land. Through the 19th century, however, it was divided up in various parcels between different landowners. In retracing the history of the land, it helps to divide the park into two large sections:

- (1) The eastern, “developed” section, from the Central Ave entrance to the north-south boundary where the hiking trails begin (this section includes the parking lots, picnic area, beach, CWD easement, and the northeastern loop walking trail).
- (2) The western, “natural” section, stretching from the north-south parking road/hiking trail boundary out to the far western tip of the park.



Map 2. Aerial view of Red Rocks showing the division between East and West sections of the park.

The western, now fully-wooded section of Red Rocks is first described in the Old Town of Burlington records as lot no. 163. The lot was drawn by Thomas Udell at a meeting of town proprietors in June 1798, when the first settlers of Burlington were dividing up their shares of the land in the form of 103-acre lots. The original lot was described based on its trees: “beginning at a pine standing on the lake shore,” thence 3 chains (a chain is 66 feet) east to an ash, then 25 chains north to a beech, and from there 46 chains west “to a cedar on the lake shore, thence southerly along the lake shore to the first bound.”

Between 1798 and the early 1800s, the ownership and land use history of the property is unknown. This was a time when much of Vermont was cleared for agriculture and timber, and Red Rocks was probably no exception. An 1836 article in the Burlington Free Press describes a 60-acre parcel called Red Rocks as “the Wood Lot of Ozias Buell.” Soon after this it was purchased by Joseph Harrington, who conveyed it to his son, Hiram Harrington, in 1844.

Edward Hatch bought this western section (or at least part of it) from Harrington in 1866; one portion was sold to his brother-in-law, Lucius Chittenden, that same year. Chittenden rose to fame as Register of the Treasury during the Lincoln administration. He owned a piece of Red Rocks for 25 years, but by 1891 the entirety of the western 70-acre parcel was in Edward Hatch’s possession.



The Hatch Estate

This acquisition coincided with a flurry of activity on the property. In August 1891, the Free Press announced that Hatch was finally making “improvements” to Red Rocks. Hatch enlisted Charles A. Murray to oversee the construction of a quarter-mile drive “forming a continuation of the road to Queen City Park.” Another road that “runs up a ledge” (most likely the eastern loop road towards the highest spot in the park) was also started at this time. These carriage roads were largely constructed from a bed of broken stone on the point, and they exist to this day as two and a half miles of hiking trails.

The carriage roads led to a Lookout House at the far western point of Red Rocks. This gazebo-like structure of white and red cedar, with a hemlock bark roof, was built in part by Hatch himself. He considered building a residential cottage, but this never came about. Pre-existing buildings on the property reportedly burned down and were never rebuilt.

The Life of Edward Hatch (1832-1909)

Edward Hatch was born in Norwich, Vermont on July 11, 1832 . He moved to Burlington when he was 5 years old. After amassing a fortune at the helm of the Wilcox & Gibbs sewing machine company, he took on management of the Lord & Taylor Department Store in New York.

Hatch spent his summers in Burlington, and he acquired Red Rocks between 1866 and 1907. He never lived on the property, instead taking up residence in the Hotel Vermont adjacent to City Hall Park. In the early 1890s he installed the Red Rocks carriage road system that persists to this day as a hiking trail network. He died in Burlington on September 9, 1909.

Hatch acquired the eastern section of Red Rocks just two years before his death. This parcel underwent many changes of ownership in the mid- to late 1800s: from Levi Underwood to John Kelly in 1860, to C. Cushman in 1864, to John Dickson in 1866, and then to Frank Converse in 1880. Frank and Abbie Converse leased summer cottages along the beach before they sold the land to Hatch in 1907. This different ownership history explains the difference in character between these two pieces of land—a difference that can still be felt and that likely influenced the layout of today's park. To the west lies the land set aside as Hatch's private woodland and carriage road system since 1866; to the east is a smaller parcel with a patchy ownership history and more recent evidence of forest clearing and agricultural use.

Tracing the ongoing history through air photos

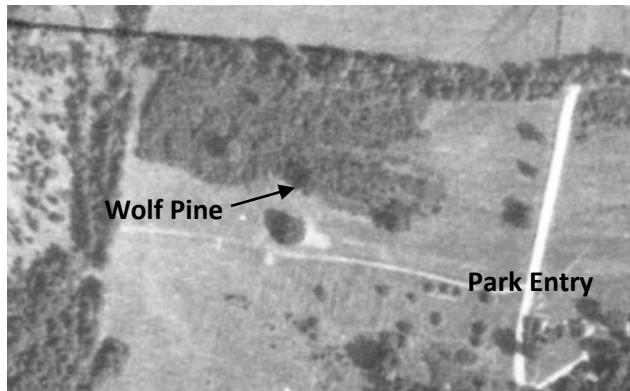
Local lore tells that Edward Hatch used Red Rocks as a summer resort from 1888 until his death in 1909. What happened after that?

The park stayed in the Hatch family, but it was relatively untended from 1910 until it became a public park in 1971. Untended did not mean unvisited—during this time, the park still served as a backyard for the residents of Queen City Park (a thriving summer spiritualist camp until 1930, before becoming a residential neighborhood). There is also evidence of both logging and farming during this time period.

Part of this evidence comes from historical air photos of the park, beginning in 1942:



The eastern section of the park is almost totally cleared—perhaps as pasture—in 1942, though trees are growing in to the north following agricultural abandonment. The opening in the forest to the west also stands out. It is being maintained as a clearing, the exact use unknown. This land sits adjacent to the western loop of the carriage road network, in an area of very fine-grained clay soils that retain a lot of moisture. Today it is filled in with dense growth of young trees suited to the area’s wetter soils.



Also very noticeable in the 1942 image are several large trees growing in the open near the park entry. One of these is the “wolf pine” that many visitors notice to the right of the road as they head into Red Rocks today. This old white pine is now surrounded by other growth, but its wide-spreading branches stand as evidence that the tree grew in open, sunny conditions. The term “wolf tree” could refer to the fact that the tree once stood like a lone wolf on the landscape.

The convoluted branches of the wolf tree provide another clue to this pine’s past. The multiple trunks and upturned branches are evidence of infestation by a tiny beetle called the white pine weevil. This insect lays its eggs only in the tips of white pine trees growing in full sun. Normally the top shoot of the tree would grow straight skyward, producing a single whorl of branches each year. When the weevil eggs hatch, however, the larvae kill this top shoot, and the side branches end up curving upwards to take over the role as the growing tip of the tree.



The next image from 1962 (see next page) shows several important changes:

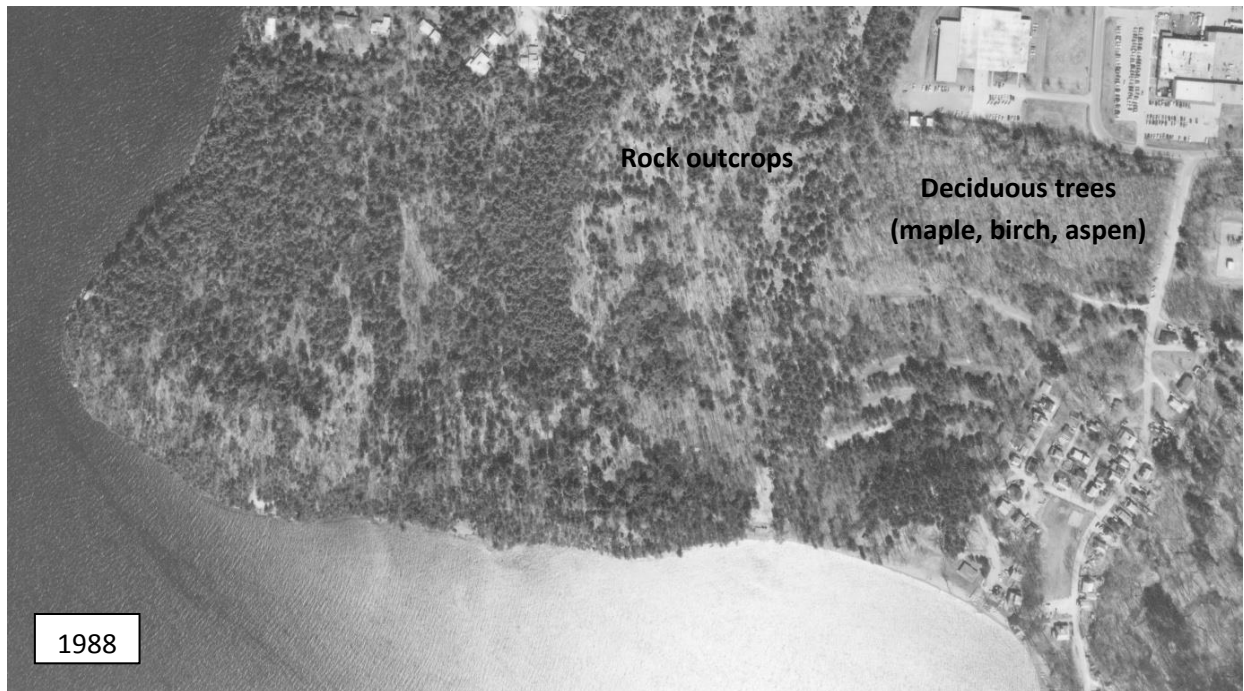
- New trees have already grown up all around the wolf pine; the park entry area and the western clearing are closing in.
- Rows of pine trees have been planted in what was the southernmost bit of the clearing in the eastern side of the park. Today these trees tower over the grassy picnic area between the parking lots and beach.

- There is the first hint of residential development at the top left corner of the image, just across the park boundary: South Cove Road is under construction.
- The open fields at the top right of the 1942 image have been filled in with industrial development, along the newly build Industrial Parkway.



By the time of the next image, from 1974, the City had purchased the park and constructed parking lots in the eastern side. The cottages once present along the beach are razed, the bathhouse is under construction, and further housing development abuts the northwest edge of the park.





This last image is from 1988 (see Appendix 1 for a 2012 color air photo of Red Rocks). Parts of the park may look denuded of trees here, but that is mainly because many of the trees are missing their leaves; this photo was taken in April, before leaf-out. This reveals the pattern of deciduous vs. evergreen trees across the park. The northeastern corner where the wolf tree stands, for example, is now full of red maples (*Acer rubrum*) and other hardwoods; these show a paler gray color compared to the evergreen cedar and hemlock trees, for example, on the western shore of the park. Note the difference between the pale gray of the deciduous growth compared to the even paler areas of rock outcrop and bare soil.

The construction trend continues in 1988, with more houses showing up just across the northern limit of the park, which also happens to be the dividing line between Burlington and South Burlington. Could the development have continued southward into present-day Red Rocks, had it not been for this municipal boundary? Or for the Hatch Family keeping their estate intact?

Acquisition by South Burlington

The aerial photos above show a quick transition from field to forest to the parking pods of Red Rocks Park, but the transfer of ownership was not a quick process.

The industrial development first apparent in the 1962 image is an important part of the story; there was an interest in extending this development southwards, into the northeastern corner of Red



Red Rocks was once a more manicured landscape, as depicted on this 1908 postcard. This same carriage road now passes through full forest cover, the lawn replaced by fallen leaves.

Rocks, in the mid-1960s. The Hatch family petitioned the City to rezone the land as light industry (which would have raised the property value above its standing \$450,000 estimate).

Some City officials and local conservationists, on the other hand, were keen to keep Red Rocks as a park. In 1967, a technical team under the direction of UVM Professor Fred Sargent inventoried 16 South Burlington sites with natural resource potential. Red Rocks made the top of the list: "it is felt that no nature center in the county if not in the state can compare with Red Rocks." The report recommended the land for a nature center and picnic area and suggested that The Nature Conservancy could be interested, should the City not choose to acquire it as a public park.

Fred Sargent led the effort to purchase Red Rocks from the Hatch Family, with support from South Burlington residents who formed the city's original Natural Resources Committee. In May 1970 the property became available to the town at a cost of \$450,000. Thanks to a \$200,000 grant from the federal Land and Water Conservation Fund and \$152,000 from the state, the purchase was expected to cost the town only \$100,000 (or \$1000/acre). In June 1970, residents voted 1094 to 98 in favor of a bond to purchase the park at this price. They ended up paying even less because the Hatch family made a gift of \$50,000.

South Burlington officially took ownership of Red Rocks on October 5, 1970.



Robert Hatch (standing) turning over the deed to Red Rocks to (from left to right) Selectman C. Harry Behney, town treasurer Helen Paquin, and Natural Resources Committee chairperson Barbara Bull (Burlington Free Press 10/6/1970).



SECTION 3: NATURAL RESOURCES

SUMMARY:

- Red Rocks gets its name from the **iron-rich Monkton quartzite rocks** that underlie the park. These rocks are formed of sand that formed the shoreline of a shallow sea 500 million years ago, then was transformed by heat and pressure during the formation of the Green Mountains.
- The **soils of Red Rocks are mostly loams** (a mix of particle sizes) with a **shallow depth to bedrock** (under 2 ft in most locations, with many bedrock exposures).
- The park has several wetland areas, where either very fine soils or the shallow bedrock cause water to stay perched at or near the ground surface. These **wetland areas are the site of vernal pools** that are important to breeding frogs and salamanders in the spring.
- The Red Rocks forest houses a **diversity of plant communities**, including a **state-significant limestone bluff cedar-pine forest** at the southwestern cliff edge.
- The Red Rocks forest is a **mix of northern hardwood tree species including maples and beech, along with oaks and hickories** that favor more warm and dry conditions.
- The park hosts a diversity of wildlife, most notably 135 species of birds. Special habitat features include mature forest, fallen woody debris, standing snags, mast-producing acorn and hickory trees, and cliff ledges.
- The **Lake Champlain shoreline** is a key feature of Red Rocks and an **important corridor for wildlife** in South Burlington.

Geology

Bedrock geology

You need to reach much further back in time—long before Thomas Udell drew ownership rights to Red Rocks in 1798—to uncover the geological story that gives Red Rocks Park its name.

The park's namesake rocks are part of the Monkton Quartzite formation, which stretches in a band from Colchester down to Addison County. Many buildings around Burlington are made from this rock, and some of the most notable are on UVM's redstone campus. Their material came from the redstone quarry just east of Shelburne Road.

These rocks formed from sediments laid down 500 million years ago, in the early Cambrian period, on the floor of a warm, shallow tropical sea called the Iapetus Ocean. Due to the movement of tectonic plates, Vermont was situated near the equator at the time, and South Burlington was near the sandy beach and shallows at the edge of the continent. Over many millions of years, the sandy sediments deposited in the water there solidified into sandstone.



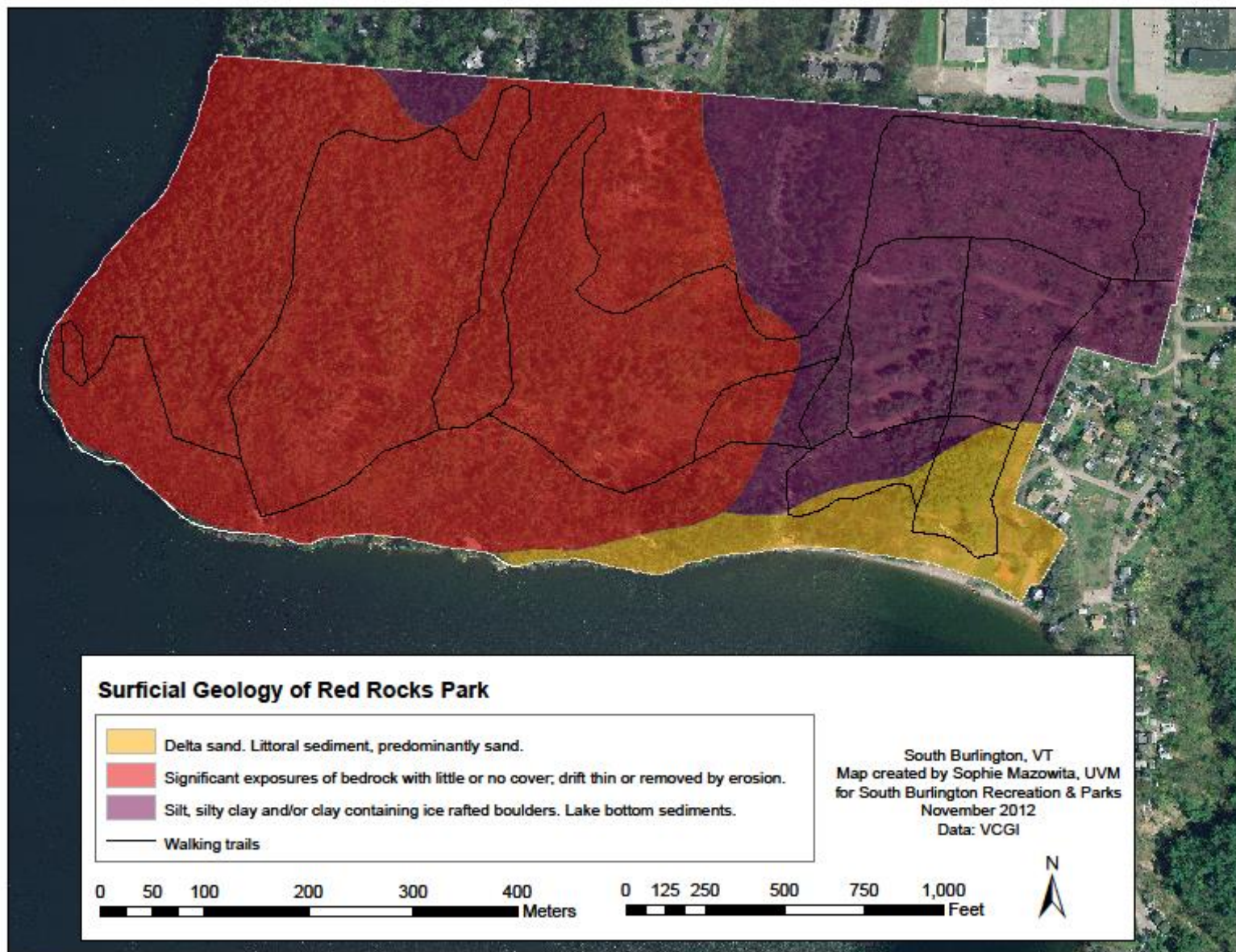
450 million years ago, more tectonic plate movements brought an island arc on a (very slow) collision course with Vermont. The resulting thrusting and folding of land produced the Green Mountains, but more importantly here, it also made the Monkton quartzite: the heat and pressure of the mountain-building event (an orogeny) turned the sandstone into quartzite. This included reorienting of the quartz crystals and migration of some minerals into bands now seen as distinct layers in the rock. The red bands (and red rocks) have a higher amount of iron oxide.

The pattern of rock, as seen from Lake Champlain, reveals layers of sediments that fell near the shore of an ocean 500 million years ago.

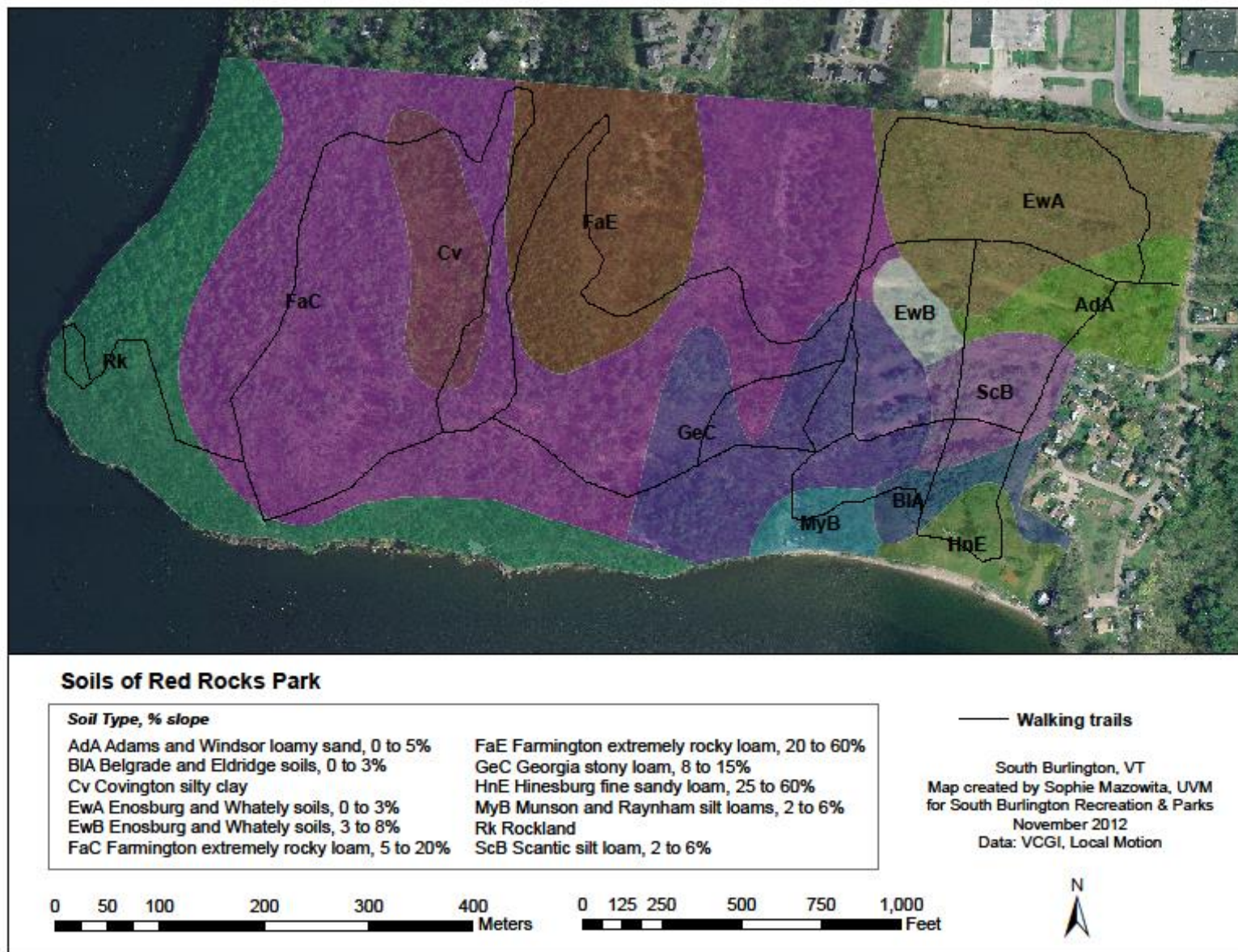
And then came the glaciers

Red Rocks continues to be shaped by the erosive forces of water and ice. The most dramatic of these forces were the glaciers that covered the park in a mile-high sheet of ice as recently as 13,000 years ago. This occurred when the climate was cooler and snow accumulated faster than it could melt.

When temperatures warmed and the glaciers receded, the area was covered by glacial Lake Vermont and then the Champlain Sea; Red Rocks sat below as much as 500 ft of water. Sediments deposited in these waters are the source of the delta sand and lake-bottom muds and clays that overlay the bedrock through much of Red Rocks (see Map 3, next page). In other parts of the park, erosive forces have exposed the underlying bedrock and glacial till (soils of mixed sediment sizes deposited by the retreating glaciers).



Map 3



Map 4

Soils

The soils of Red Rocks are the product of its bedrock, surficial deposits, the forces of weathering, and modifications by plants and animals—humans included. The park generally has nutrient-rich soils derived from the limestone in its rocks. The high calcium content and shallow depth of the soil have a strong influence on the park's vegetation.

The soils are generally characterized by a high windthrow potential, particularly wherever there is a shallow depth to bedrock or shallow depth to saturation. Soils are only slightly susceptible to erosion as a whole, but the areas of 20% or more slope are severely erodible. Devegetation greatly increases erosion risk.

The main soils in Red Rocks are pictured on Map 4 (previous page) and described below, in order of prevalence:

- ***Farmington extremely rocky loam:*** Loamy soils (a mix of sand, silt and clay) of only 10 to 20" depth. Somewhat excessively drained, low available water capacity, slight erosion hazard increases to severe where steeply sloped (FaE) or where vegetation is cleared. The shallow and steep soils pose many limitations to use besides forest. High windthrow potential due to low depth to bedrock.
- ***Covington clay:*** Poorly drained (hydric), highly fertile, fine-textured soils. High water table keeps the soils wet from fall through spring; water table is less than 12" below surface during wettest part of the year.
- ***Enosburg and Whately soils:*** Similar to Covington soil but with coarser, loamy texture. Poorly drained (hydric), water table within 12" of surface or ponded on surface.
- ***Rockland:*** 50 to 90% bare bedrock or less than 10" of soil over bedrock.
- ***Georgia stony loam:*** Deep, stony, moderately well drained soils. Perched water table 1.5 to 3 ft below surface from fall to spring.
- ***Adams and Windsor loamy sand:*** Deep, loose, excessively drained, sandy.
- ***Belgrade and Eldridge soils:*** Deep to bedrock, moderately well drained. Water table 1.5 to 3.5 ft below surface from late fall to spring.



The canopy gap created by the fall of a single oak tree. Red Rocks' trees are highly susceptible to windthrow due to the very shallow soils and high water table.



The high water table of the Covington clay soil is demonstrated by the ponded water where heavy machinery was backed onto the soil. Such equipment should be kept off these areas.

- ***Scantic silt loam:*** Deep, poorly drained with hydric areas, level to gently sloping. Low depth to water table; remain wet for significant periods after rains. In Red Rocks, modified by construction of parking area.
- ***Hinesburg fine sandy loam:*** Well drained, deep soils. The areas with this soil type at Red Rocks include high slopes (25 to 60%) and are thus highly susceptible to water erosion.
- ***Munson and Raynham silt loam:*** Deep to bedrock, somewhat poorly drained. Perched water table 0.5 to 2 ft below surface.

Hydrology

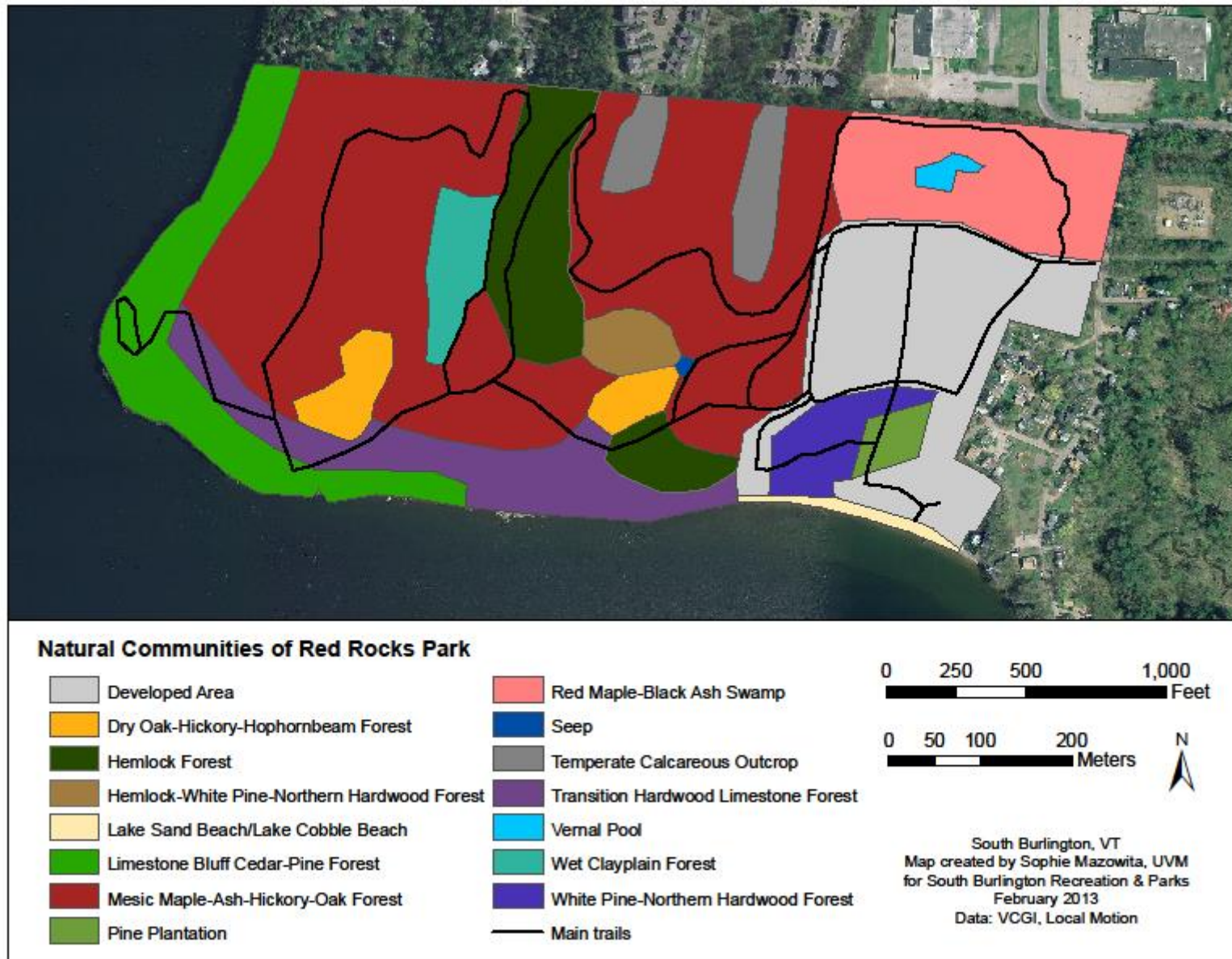
Red Rocks is situated on the shore of Lake Champlain, and the land drains into the lake by means of direct runoff and some channelling into first-order streams. There are no permanent surface waters within the park itself, but there are vernal pools and wetland areas at the locations on the map below. Boundaries should be confirmed by a full wetland delineation, which was beyond the scope of this report.



There is also a seep area alongside one section of trail, where the rock impedes the downward movement of water and it discharges at the ground surface. It crosses the path at this location and continues on the other side as a small stream which drains into a manmade fountain.



Map 5. Water features of Red Rocks Park. Note the shoreline of Lake Champlain that marks the southern and western boundaries of the park, wetlands indicated in pale blue, a seep shown in dark blue, and ephemeral streams.



Map 6

Natural Communities

A natural community is “an interacting assemblage of organisms, their physical environment, and the natural processes that affect them.” These communities are usually identified by their dominant vegetation, as groups of plants tend to grow in recognizable associations and patterns across the landscape. These groupings can vary, but they generally reflect the similar environmental needs of the plants of each community. There are 80 different natural community types recognized in Vermont.

In Vermont, natural communities are also specifically defined as those having minimal human alteration, able to develop under natural processes. When an area is significantly altered or only just beginning to regrow, the natural community identity of that location does not match what is visible on the ground, but rather indicates what that area *could* be. This takes an understanding of the underlying soils and how climate interacts with the the physical environment to create specific conditions for plant growth. One must ask, what *could* or *would have* been here?

The present-day vegetation (or lack thereof) can be classified under a different scheme: land cover type or forest cover type. The natural communities map for Red Rocks (Map 6, previous page) actually shows a combination of natural communities and present-day land cover, especially where substantial alterations have taken the land far from its “natural state” (the developed area around the parking lots is an example).

Natural community types and variants represented in Red Rocks:



Mesic maple-ash-hickory-oak forest: This is the most common plant community represented in Red Rocks. The forest canopy is a mixture of northern hardwood species including maples and beech alongside oaks and hickories that are more typical of the central hardwood forests south of Vermont. It is found here in Red Rocks because of the warm climate and somewhat dry conditions on this rocky piece of the Champlain Valley.



Transition hardwood limestone forest: This is a variant of the mesic maple-ash-hickory-oak forest, and it occurs nearer to the cliff edges of Red Rocks where bedrock is closer to the soil surface. The nutrient-laden rocks provide for a rich community of spring wildflowers here: large-flowered trillium, Dutchman’s breeches, blunt-lobed hepatica, and white baneberry are examples.

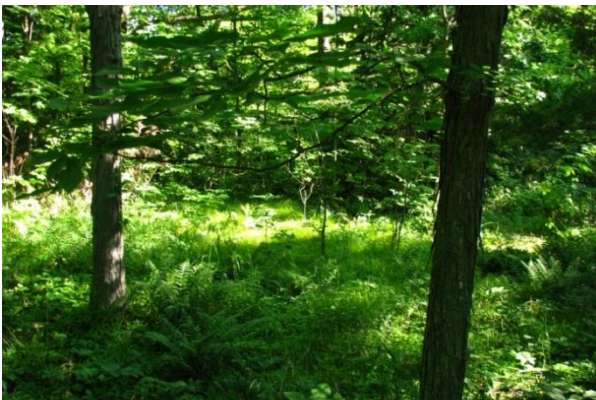


Limestone bluff cedar-pine forest: This community occupies a band along the top of the rocky bluffs at the south and west edges of Red Rocks, facing the lake. It is dominated by cedar trees that cling to the rocks. These trees may be centuries old, slowly growing on little to no soil. White pine, shagbark hickory, and hophornbeam are other common tree species here. This part of Red Rocks is also host to several state-listed rare plants (see Appendix 2). This is the typical plant community found on calcium-rich rocks on the headlands of Lake Champlain, but many of these areas in Vermont

have been lost to clearing and development. There are now only 21 quality examples of this natural community remaining in Vermont, totalling only 360 acres (Sorenson & Popp 2006). This low overall extent gives the community an S2 ranking, making the limestone bluffs of Red Rocks a state-significant natural community and a priority area for conservation. Unfortunately, the limestone bluff community in Red Rocks is one of the areas in the park that receives the most concentrated use and foot traffic, in large part from cliff jumpers looking to access the rocky bluffs. The result is a large concentration of ad hoc trails, vegetation trampling, littering, and colonization by invasive species in areas of disturbed soil.



Temperate calcareous cliff: This is not shown on the map, but this community occurs on the cliffs adjacent to the limestone bluffs and transition hardwood forest, wherever slopes exceed 60 degrees. These areas are sparsely vegetated, but small trees may grow on ledges or from cracks in the rock and the cliffs may support a rich diversity of herbs. **Transition hardwood talus woodland** may be present at the base of the cliffs, where pieces of rock have moved or fallen downslope from the cliffs above.



Dry oak-hickory-hophornbeam forest: Open, park-like forest with sparse shrubs. The ground layer is dominated by sedges. In Red Rocks, this natural community occurs upslope of the cliffside limestone bluffs and transition hardwood forest. It is limited in extent.



Temperate calcareous outcrop: Sparsely vegetated openings dominated by grasses, sedges, and moss. Occur towards the northern edge of Red Rocks, where bedrock is exposed. The rocky openings are ringed by pine and eastern redcedar trees.



Hemlock forest: Hemlocks are long-lived, shade-tolerant evergreen trees. This species is scattered throughout some of the other Red Rocks forest types, but it dominates the vegetation in two areas of the park that feature shallow soils and a steep cliff. In one of these areas, the hemlock forest grades into **white pine-northern hardwood forest** that is dominated by maple and pine trees. The hemlocks are very efficient at capturing light, making for very dark forest with few flowering plants at ground level.



Red maple-black ash swamp: This plant community occupies the northeastern corner of Red Rocks, where seasonal inundation favors red maple trees, which can tolerate saturated soil conditions. This land was cleared for agriculture through the 1940's and is now occupied by a young forest that includes early successional aspen and birch trees and white pine that regrew in the old fields. It is also highly impacted by non-native buckthorn and honeysuckle. The understory is rich in moisture-loving fern species including sensitive fern, cinnamon fern, and royal fern.



Vernal pools: The red maple swamp area is also the site of one or more vernal pools. Vernal pools form in forest depressions that fill with water during spring and fall, given sufficient rainfall and snowmelt. The temporary pools provide important breeding habitat for frogs and salamanders. The area mapped as **wet clayplain forest** on the natural communities map is another wetland area that likely holds vernal pools, though these require further mapping during a wet season. Prior to clearing and agricultural use, this area was likely the site of a clayplain forest of pine and oak trees on fine clay soils.



Seeps: There is one known seep area in Red Rocks, where bedrock impedes downward water movement and instead causes horizontal flow at the ground surface. Park visitors may recognize this area from the frequently flooded adjacent trail. The seep is dominated by spotted touch-me-not plants and clear of trees and shrubs in the immediate area. This seep forms the headwaters of a stream that drains to the lakeshore.



Lake sand beach and lake cobble beach: This is the shoreline community along the southern edge of the park. The public beach area features a sand beach that has been maintained by a supply of sediment from the mouth of nearby Potash Brook (south of Red Rocks on Shelburne Bay) and also human additions of sand. The sand beach grades into a cobble beach of larger rock fragments to the west, and this beach continues intermittently at the base of the cliffs to the far western point of the park.

Wildlife

The bird, mammal, reptile and amphibian species of Red Rocks are listed in Appendix 5. These lists include confirmed sightings as well as suspected presence in the case of some mammals, reptiles, and amphibians. Suspected presence is based on there being suitable habitat but no confirmed sightings to date.

Red Rocks includes the following notable wildlife habitat features:

- Rocky and sandy shoreline
- Intact mature forest
- Shrubby undergrowth
- Forest clearings
- Hemlock stands
- Rock crevices and ledges
- Vernal pools
- Woody debris (fallen trees and branches) on the forest floor
- Standing snags with nesting cavities and loose bark
- Large mast-producing trees (oaks and hickories)
- Cliffs

The intact forest of Red Rocks is particularly suited to a variety of birds; it serves as both a nesting location for summer residents and an important staging area for migrating species. The 135 species in the current Red Rocks bird list include 11 of the Vermont “Birder’s Dozen,” a set of species identified by Audubon Vermont as being high priorities for protection in northeastern US forests.

While the physical and biological habitat is suitable for a variety of species in Red Rocks, the fauna—particularly ground-nesting species—are strongly impacted by the presence of both people and dogs in the park. While off-leash dogs traveling off-trail may compound the problem, the mere presence of pets and people is enough to deter many species of mammals and birds.

See the separate document, “Wildlife of Red Rocks Park,” for more information about the inhabitants of the park and their habitat requirements.



A Common Raven nesting on the rocky cliffs at Red Rocks.



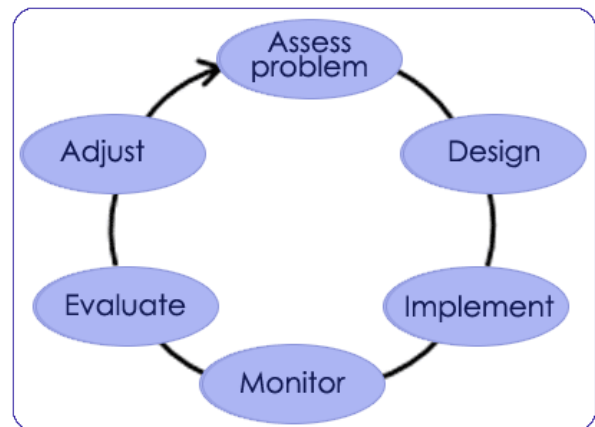
Deer scat found within the eastern loop trail of Red Rocks. Deer are scarce in Red Rocks compared to other local open spaces, likely due to the prolific presence of both people and dogs.



SECTION 4: MANAGEMENT CONCERNS

Management in the face of uncertainty

Red Rocks Park faces a host of management questions and concerns that do not have simple answers or solutions. Our knowledge of the natural world and how a natural area like Red Rocks functions will always be incomplete. The best that we can do as park managers and stewards is to implement solutions based on our current understanding of best practices, shaped by our goals for the park. It is important to monitor the results of these management actions, evaluate their success, and continually adjust as our scientific understanding and our own experience at Red rocks indicates. This is an “adaptive management” approach.



The Adaptive Management approach to problem-solving and land management.

Some principles to keep in mind in managing an area like Red Rocks:

- Think of management actions in terms of “small experiments” to test or evaluate possible management strategies.
- Monitor these experiments to assess how they meet goals.
- Consider new information as it emerges and adjust strategies (and goals) accordingly.

This section outlines some of the key management issues and questions at Red Rocks, some possible solutions, and recommended steps.

Section 6 provides additional management guidelines for decision-makers, and Section 7 summarizes recommendations into a list of management actions.

INVASIVE PLANTS

Overview

Much of Red Rocks is occupied by non-native invasive plant species (see Table 1, below), and their management should be a priority for park directors. Many conservation professionals sense a strong threat from invasive species and recommend complete removal as a best practice; however, a growing body of research is pointing to possible negative impacts from such heavy-handed invasive species control. Sound invasive species management should weigh the potential risks and benefits of such management actions on a case-by-case (or species-by-species) basis. First priority should be on preventing establishment of new invasive plants and containing their spread.



The wolf tree area. Notice the yellow-green understory composed entirely of invasive buckthorn, which holds onto its leaves after all the native trees have dropped theirs.

Impacts of Invasives

- Non-native species can quickly replace native vegetation in disturbed areas, leading to dominance of a few species throughout the ecosystem.
- This can lead to loss of a food source for local insects; many moths and butterflies, for example, rely exclusively on a particular species of native plant on which they lay their eggs and their caterpillars feed. Studies show that non-native species support a lower diversity of insects. This impact can be felt up the food chain, as these insects are a main food source for many birds.
- Other studies show more direct impacts to birds because some fruits of invasive plants have a lower nutritional value compared to native ones, but more research is required to confirm this.
- Some invasive plants cause changes in soil chemistry that can inhibit the growth of other plant species, with long-lasting effects. Garlic mustard is an example of this allelopathic behavior.

Present condition

Table 1. Invasive species inventory

Species	Location and Abundance
Common and Glossy Buckthorn <i>Rhamnus cathartica</i> and <i>Frangula alnus</i>	Dominant understory shrub in parts of the limestone bluff cedar-pine community (particularly the cliff jumping area), the parking areas, the northeast corner of the park, and recently disturbed areas (e.g. windthrow gaps). Scattered patches and trees throughout the rest of the forest; absent only from heavily shaded areas, e.g. dense hemlock and cedar growth.

Shrub Honeysuckles <i>Lonicera sp.</i>	Small to large patches of variable density found throughout park, often alongside buckthorns (though less common). Particularly concentrated toward the east side of the park and along the southern lakeside trail to the main overlook points.
Japanese Barberry <i>Berberis thunbergii</i>	Individual plants and small patches found at low density throughout park.
Burning Bush or Winged Euonymus – PRIORITY SPECIES <i>Euonymus alatus</i>	Isolated plants along the entrance road and lakeside trail, with several plants concentrated along the far western (“turnabout”) overlook trail.
Norway Maple <i>Acer platanoides</i>	Scattered trees near the park entrance, along both sides of entry road, and near the high point of the E loop trail. Other scattered undetected infestations likely.
Periwinkle <i>Vinca minor</i>	Isolated dense patches at the top end of the western loop trail, encroaching in from nearby houses. Growing in thick mats.
Asiatic or Oriental Bittersweet – PRIORITY SPECIES <i>Celastrus orbiculatus</i>	Isolated patches and individual plants throughout park, at low density.
Garlic Mustard – PRIORITY SPECIES <i>Alliaria petiolata</i>	Growing in isolated patches, at the southeast corner of the parking loop road (near backyards of houses) and near the park entrance, to the north of the road just beyond the entry kiosk.
Purple Loosestrife – PRIORITY SPECIES <i>Lythrum salicaria</i>	Several isolated plants and patches along the shoreline, including the beach area by CWD and shallows to the west, plus around the point and north of the western loop trails.
Multiflora Rose – PRIORITY SPECIES <i>Rosa multiflora</i>	Isolated occurrences near western loop trail and around parking area.
Goutweed – PRIORITY SPECIES <i>Aegopodium podagraria</i>	Isolated occurrence along northern boundary of park.
Japanese Knotweed – PRIORITY SPECIES <i>Fallopia japonica</i>	One isolated occurrence just beyond the park boundary, near a condo development and adjacent network of side trails leading into the park.

An identification guide and removal guidelines for Vermont’s invasive plants are available from The Nature Conservancy at www.vtinvasives.org

Invasive management history

The Nature Conservancy and student volunteers from UVM partnered for an invasive plant mapping day on October 15, 2012. This was followed by a removal day with students from Champlain College’s ‘Foundations of Ecology’ class on October 31, 2012. These students targeted buckthorn <4” diameter along the western loop trail. No other organized invasive plant removal has occurred to date.

Risks of invasives control: proceed with caution

Invasive species do alter the structure and function of ecosystems, but the exact mechanisms and causes are not entirely understood (Didham et al. 2005). Managers should proceed with caution in

proceeding with invasives management, as misguided removal efforts can easily lead to further spread. Complete removal often requires an intensive effort, including either repeated physical pulling or chemical treatment. The chemical herbicides are typically applied directly to cut stumps and reportedly break down quickly in the environment, but there are still risks of toxicity inherent in the use of any herbicide. Special care should be taken given Red Rocks' waterfront location and proximity to drinking water sources.

It is also important to keep in mind that invasive plants are a symptom of habitat disturbance rather than the root cause in and of themselves. These plants dominate in openings and areas of bare soil, such as along trails. They were originally introduced and are continually transported by people. The most dense growth of invasive buckthorn in Red Rocks, for example, occurs atop the cliffs where people have created side trails to access lookouts and cliff-jumping locations. Removal of these plants could simply open up the bare soil for regrowth of buckthorn from the seedbank that persists in the soil. Full removal would require a continued effort that could be both expensive and time-intensive.



Most of the green in this picture belongs to the leaves of non-native buckthorn trees which have invaded the cedar forest at the top of the Red Rocks cliffs. What would be the consequence of removing these plants from this sensitive environment?

Even though invasive species have a lower food value for native wildlife, they do still provide some cover and habitat value. Removing all non-native plants would mean removing much of the shrubby growth in Red Rocks, taking away cover from small and medium-sized birds and mammals. Removal efforts should consider what will replace the invasive plants. Such efforts may best be coupled with restoration plantings of native species.

Desired Condition

Given all the uncertainty and risks outlined above, is it wise to pursue any invasive removal in Red Rocks? The City does have the opportunity to limit the spread of certain invasive species that are only present in a small extent at one or two locations right now. This could be done at low risk and low cost and would prevent further loss of native biodiversity.

Management for more widespread and dominant invasives such as buckthorn and honeysuckle would require a much more time- and cost-intensive operation. The pros and cons of this approach should be considered further in consultation with park management and city residents. How important is it to

maintain native forest in Red Rocks, in the face of continued introductions of non-native species and disturbance from human use? This is not an easily answered question.

Park management should, at a minimum, aim to maintain the present level of ecosystem function by:

- (1) curbing the spread of invasive plant species by containing current populations and
- (2) preventing further infestations through an early detection-rapid response system

Management Options

- Early detection of invasive species
 - Fall and spring survey by park staff or volunteers.
- Control of small, isolated populations
 - Early detection and rapid response to isolated populations. Initial targets include garlic mustard, purple loosestrife, burning bush, Japanese knotweed, and goutweed.
- Protection of high-quality areas with few invasive species
 - No area of Red Rocks is completely untouched, but the interior of the loop trails (the areas furthest from side trails and human disturbance) could be prioritized for maintaining intact, native forest.
- Restoration of rare natural habitat types heavily impacted by invasive species
 - The limestone bluff cedar-pine forest is a state-significant rare natural community that could benefit from restoration, but it will require an intensive effort with uncertain results.
- Management of high-use areas that may be a source of further infestations.
 - Monitor the eastern, developed section and the park boundary for signs of new invasive species.

Park managers should monitor the effectiveness of any treatment methods pursued and adjust as appropriate.

Resources

- Partnership and support from The Nature Conservancy, UVM, Champlain College
- Department of Public Works certified herbicide applicators and chainsaw operators
 - *Note: no herbicide spraying within 150 feet of Queen City Park water source*
- Seasonal park gate staff could assist in management efforts and public outreach
- Grants may be available to support removal efforts

Public outreach and education

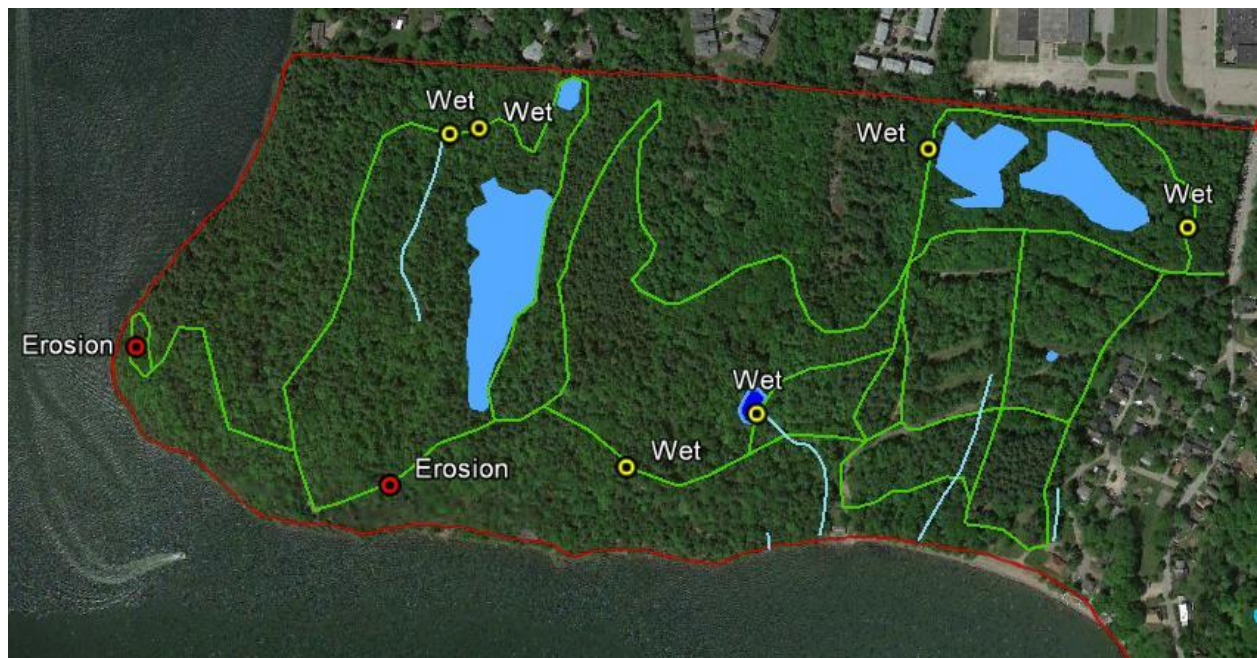
Public outreach and education will be central to any invasive species management effort.

- Articles, signs, letters to the editor and Front Porch Forum could notify the public of any invasive removal strategies and the reasoning behind such efforts- especially around sensitive issues such as herbicide use.
- A park pamphlet or signs could educate visitors about invasive plant issues and Identification.

TRAILS

Overview

The Red Rocks trail network includes 3.3 miles of official trails and access roads, based on the original carriage trail network constructed in 1891. These trails have been generally well maintained over the years. Areas in need of maintenance are outlined in Map 7, below. Some volunteers have been assisting in maintaining drainage ditches along the areas prone to flooding. Park staff should monitor trail condition and provide support where needed.



Map 7. Trail locations with issues of erosion or periodic flooding, requiring management attention.

Unofficial trails account for a further 4.3 miles of pathways through Red Rocks. There is a particularly dense network along the cliffs, especially west of the main southern lookout point and concentrated along the cliff-jumping area (cliff-jumping is not condoned by the City, and the jumping cliffs are considered an attractive nuisance). The creation and use of these ad hoc trails threatens the ecological integrity of Red Rocks.

Map 8 shows the distance from any point in the park to the nearest trail (official or unofficial). It illustrates that the farthest point in Red Rocks from any trail is just over 90 meters (approximately 300 feet), which has a strong implication for park wildlife. Every species has a “flushing distance” at which it will flee when approached by people (or other threats), causing stress and a disruption from regular activities of feeding, breeding, etc. For species like white-tailed deer, this flushing distance may exceed 300 feet, meaning there is no place in Red Rocks where that animal can feel safe from the presence of people.

The Issue

- More trails mean more wildlife disturbance, human-assisted spread of invasive species, vegetation trampling, and erosion.
- For soils, a little use causes most of the impact (trail compaction occurs rapidly with light use). Soil erosion is the most permanent and therefore most serious effect of trail expansion. Soil compaction recovery may take 6-18 years; erosion recovery may take centuries due to the long time it takes for new soil to form.
- Trail erosion risk exists wherever slopes exceed 9 degrees; especially severe above 18 degrees.
- For vegetation, it may take only 20 tramples to lose 50% of the vegetation on a given piece of land.
- Wildlife disturbance is related to the frequency of people passing by, and side trails may bring people closer to critical wildlife areas more often. Negative impacts on some breeding birds occur with forest trails as narrow as 1 to 3 meters; some birds stop nesting near trails and others avoid the trail areas altogether (Jordan 2000).

Trail Best Management Practices (BMPs)

- Conduct a seasonal walk-through to identify trail hazards and assess extent of off-trail use
- Respond to downed trees as needed
- Post signs to notify park users of trail closures for rehabilitation purposes
- Consider establishing select informal trails as “official” in order to concentrate impact and avoid excessive proliferation.
- Emphasize the contrast between trail and offtrail zones to avoid expansion of the impact zone (e.g. line the sides of the trail with stones, keep the trail very smooth-surfaced relative to the adjacent land).
- Install barriers to control movement of people—thorny shrubs can be particularly effective. Shrubs and trees are the best options for near houses.
- Plant grass-like plants (grasses and sedges) to revegetate areas where continued trampling is likely, as they are most resistant.



Examples of Red Rocks ad hoc trails



Map 8

Trail Closures and Openings

Table 2. Recommendations for opening and closing recreational trails

<i>Which trails are recommended for opening?</i> ➤ Heavily trafficked trails that connect to the local community and serve as an alternate park entry ➤ Heavily trafficked trails that lead to particular destinations (e.g., the wolf tree, the 76er lookout) ➤ Trails that are already as wide, well-used and maintained as the “official” ones but have not been marked on the map as such ➤ Key shortcut trails between loops	<i>Which trails are recommended for closure?</i> ➤ Trails going down steep slopes (erosion issues) ➤ Dense sidetrail networks (close the network with the possibility of centralizing traffic on one path) ➤ Trails going through sensitive habitat ➤ Trails that are minimally used or impacted, with good potential for revegetation and masking of the walked path
<i>Why?</i> ➤ Concentrate use on these official trails to draw use away from other ad hoc trails ➤ The heavily used spur trails are already impacted ➤ Trail closure not a viable option due to heavy use	<i>Why?</i> ➤ Steep slopes are subject to erosion (soil loss, siltation and pollution of water) ➤ Seldom-used trails stand a good chance of successful closure and restoration
<i>How to open trails</i> ➤ Mark edges of trail ➤ Reroute or reorient the trail as needed to give it a low grade and decrease erosion risk ➤ Add trail signage ➤ Indicate the trail on official park maps	<i>How to close trails/discourage use</i> ➤ Place logs and other debris across trail ➤ Use tools to scuff up the trail, break up earth to make it look unused ➤ Place notices of “area closed for restoration” (shown to deter 90% of visitors)

Notes on the selected trails:

- The cliff-jumping area would be a prime area for closure given the intense disturbance and the presence of the sensitive limestone bluff cedar-pine forest there, but this would be very difficult to enforce given the high traffic.
 - Managers could consider closing off certain sections with signage indicating a restoration area (“Please help the plants- restoration area-stay on designated trails”).
 - They might also consider designating an official trail along the length of the cliff, from the main south-facing lookout towards the turnabout loop at the far western lookout point. The goal here would be to concentrate use along the official trail and prevent further spreading of this trail network. This could pose liability issues, however.
- There is also a well-travelled network leading from the eastern loop, up towards the Austin Dr neighborhood; this area is also densely populated with invasive species, e.g. the only Japanese knotweed occurrence in the area is right here on the park doorstep. This trail is recommended for official opening so as to concentrate use and acknowledge this alternative entryway into the park.

Summary: Trails

PROBLEMS ➤ Ad hoc trails increase wildlife disturbance, human-assisted spread of invasive species, vegetation trampling, and erosion. ➤ Red Rocks has 4.3 miles of unofficial side trails.
OBJECTIVES ➤ Minimize disturbance to soils, vegetation, and wildlife ➤ Provide an enjoyable recreational trail network to suit a variety of park users and purposes.
OPTIONS ➤ Close all ad hoc trails and maintain a strict policy of staying on designated official trails only by means of signage, fines, etc. ➤ Rotate trail closures through sensitive areas to allow for recovery ➤ Where there are many ad hoc trails, concentrate use onto a single “official” one ➤ Do not enforce any trail restrictions and allow dispersed use across whole park
RECOMMENDATIONS ➤ Protect key wildlife areas from roads and trails ➤ Use positive signage (e.g., with wording about restoration areas and sensitive vegetation) to indicate trail closures ➤ Maintain the carriage road network as the central, official trail network ➤ Continue annual maintenance and inspection of the trail network ➤ Revegetate closed trails with resistant vegetation ➤ Consider modifications to official trail network as outlined in Table 2, above; reassess yearly



Left: Grass is the most resistant vegetation to trampling; it helps to secure soil against erosion. **Above:** One of the main, wide trails forming part of the original carriage trail network in Red Rocks. These trails reach up to 4 m width.

OFF-LEASH DOG IMPACTS



Overview

Red Rocks is a popular destination for dog walkers. A “Leash Law” is in effect within park boundaries, requiring that all dog owners must keep their pet on a leash (max. 6 ft length) at all times. Dogs are also entirely prohibited at the public beach and in the water at Red Rocks. Failure to comply with the “Leash Law” can result in a civil penalty charge of up to \$100 per day.

Many park users ignore these laws; one survey showed a 12% compliance rate. Some park users abide by an “unofficial understanding” that dogs can be let off-leash during certain times of day, outside of peak hours. Enforcement presence is limited to nonexistent, so there is little deterrent to anyone breaking the law.

Off-leash dogs create the potential for negative dog-dog and human-dog interactions as well as impacts to wildlife, vegetation, and water quality. One study showed that the presence of off-leash dogs affects animals like deer, rabbits, and small mammals (chipmunks, squirrels, and mice); deer activity was lower within 100 m of trails and small mammal activity declined within at least 50 m of trails used by dogs (Lenth et al. 2008). Only a small area of Red Rocks is more than 50 m from a trail, and no place in the park is 100 m away from a trail. Even after dogs have left the park, certain carnivores may avoid areas that have been scent-marked by dogs, while others may increase surveillance along dog-marked trails.

As dog-walkers are among the primary and most regular users of Red Rocks, it is of high priority to explore solutions that fulfill the needs of dog owners, maintain ecosystem health, and allow for safe and enjoyable visits for all park users.

Summary: Off-Leash Dog Impacts

PROBLEMS

- Park visitors may be frightened or threatened if approached by off-leash dogs, which detracts from their park experience
- People and pets risk injury from aggressive dogs
- Dogs may trample vegetation and disturb wildlife off-trail, including ground-nesting birds and animal dens
- Owners may fail to pick up dog poop deposited off-trail; this fecal matter may contaminate Lake Champlain

OBJECTIVES

- Safety and satisfaction of all park users, dog-owners and otherwise
- Minimized disturbance of wildlife
- Clean water

OPTIONS

- Designate certain areas of the park where off-leash dogs are allowed
- Designate certain times of day when off-leash dogs are permitted (or, conversely, designate hours when leashes are required and allow off-leash dogs otherwise)
- Modify leash laws according to the seasons, in consideration of critical dates for nesting/breeding wildlife (see example below)
- Enforce leash laws and issue fines to encourage compliance
- Create separate, enclosed areas for off-leash dogs
- Institute a no-dog (nature reserve) policy for Red Rocks and enforce this
- Fence environmentally sensitive areas to reduce impacts from roaming dogs

RECOMMENDATIONS

- Educate dog owners so that they are aware of the reasoning for leash restrictions
- Explore options for designating off-leash and on-leash times and trial this approach during the 2013 operating season
- Cite only irresponsible dog owners

Considering the seasons:

March through July are critical months for breeding wildlife; many young mammals are born in late March, and most birds nest from late April to July. These are months when it would be most critical to keep dogs on leash so as to minimize wildlife disturbance, particularly to ground-nesting birds. Another suggested on-leash period would be during times of significant snow pack, when mammals are on a tight energy budget. Other times could be designated off-leash times of the year, from a wildlife perspective.

FOREST HEALTH & MANAGEMENT

Overview

The Red Rocks forest is primarily a mesic maple-ash-hickory-oak forest, including a mixture of northern woods species with more southerly elements that take advantage of the dry, warm cliffs in these lowlands of the Champlain Valley. Eastern hemlocks occupy some of the wetter, darker, and older growth areas of the forest, and along the cliffs the forest transitions towards a cedar-dominated limestone bluff community.

Red Rocks is largely (if not all) secondary forest; it was managed as a woodlot in the 1800s, and has since been used for pasture and more recent logging operations. There were also several fires of unknown extent and intensity in Red Rocks' past, the largest of which is currently labeled as "The Burn" on park maps. A few stretches of forest may, however, have escaped the axe of European settlers. One hemlock—of only 12" diameter—fell across a trail and was sawed open to reveal over 210 years of growth rings! The tree had been slowly growing on the shallow soils along a rocky ridge, between two sections of trail. There is reason to suspect that other nearby hemlocks could be of similar age, left for their low-quality lumber and because they weren't in the way of pasture land, perched as they were on the steep and rocky terrain.

The Red Rocks forest is presently managed passively; trees are felled if they pose a threat to park users (e.g. snags hanging over a trail), but otherwise the forest is left "as-is."

Certain practices should be taken into consideration to ensure the healthy regeneration of the forest and the optimization of recreation and conservation opportunities.

Recognizing that Red Rocks is a well-loved and well-used public park, the forest management options below do not consider any harvesting or felling of trees beyond the ones that come down on the trails. With public consultation and buy-in, however, park managers might choose to release certain trees that provide valuable wildlife habitat or seed tree values by an individual tree selection. This would mean cutting other trees around the selected valuable trees, with the goal of improving the growth of the selected trees. The County Forester or other natural resource professional should be consulted before proceeding with any such work, which is not recommended at this time.

Forest Best Management Practices (BMPs)

- Leave both large and small woody debris for provision of wildlife habitat and recycling of forest nutrients.
 - Small mammals rely on the cover provided by coarse and fine woody debris.
 - Fallen trees serve as germination sites for many plants, including tree seedlings.
 - Felled trees cleared off trails could be piled off-trail rather than immediately alongside it.
- Leave snags and cavity trees standing; these provide habitat for many animals, such as woodpeckers, owls, squirrels, raccoons, and bats.
 - Aim for 4 to 6 large snag or cavity trees per acre; one should exceed 21" diameter at breast height (DBH) and the rest should exceed 15" DBH.
- Maintain important mast trees, such as oaks and hickories, for wildlife.
- Monitor forest for signs of natural regeneration.
 - Manage for non-native invasive species to release native species.
- Maintain forested buffers around sensitive habitats, especially wetlands and vernal pools (a 50-foot buffer is currently regulated around all designated wetlands).



Woody debris left at the side of the trail provides important habitat for small mammals including rabbits, chipmunks, squirrels, voles, and mice.

Pruning and View Corridors

Red Rocks has several lookouts across Lake Champlain and Shelburne Bay. These were once much more open, and the trees present could be pruned to restore historical viewpoints, with the following considerations:

- The old-growth cedars of the limestone bluff community should be left as-is.
- Trees should be pruned rather than removed to open views; exposed soil would be an easy target for colonization by invasive species (which could impact native vegetation and very quickly impede the views again).
- South Burlington's Development Review Board regulates all land within 150 feet of the lakeshore. Land is to be left in an "undisturbed, naturally vegetated condition" unless otherwise approved.
- Park users should be notified before any such work takes place, especially in such a public location.



Present-day views impeded by tree growth.

BEACH MANAGEMENT

Overview

Red Rocks contains South Burlington's only public beach access, a 200-yard stretch of waterfront at the southeastern corner of the park. The beach at Red Rocks has been closed on several occasions due to high levels of blue-green algae or bacteria from the outlet of Potash Brook, which drains into Lake Champlain just south of Red Rocks beach. Zebra mussels and Eurasian milfoil (both aquatic invasives) also pose problems for beachgoers, and the beach sands are frequently washed away by high water levels, rain events, and wave action.

A full assessment of aquatic management strategies is beyond the scope of this report, but further research should look to solutions and case studies for managing for these invasive species and maintaining beach quality. There is potential for these management efforts to be very time and labor-intensive. It would be useful to examine the public perceptions of the beach area and gauge the interest in investing time and resources in its management relative to other areas of Red Rocks Park.



Zebra mussels growing in the shallows on the Red Rocks shore (left) and a blue-green algae bloom (right).

CHAMPLAIN WATER DISTRICT (CWD) EASEMENT

The intake for the Champlain Water District was sited at Red Rocks in 1970, and the system came online in 1971. The CWD is Vermont's largest regional public water supplier, serving 12 municipal systems in Chittenden County, and this is their only intake location. A second intake line was recently added in response to increasing demand; it was located offshore of the far western point of Red Rocks.

The CWD holds a 40-ft wide easement through the eastern (developed) section of Red Rocks, starting just south of the main park entry and running in a diagonal towards their pump station at the west end of the Red Rocks beach. They also own the land immediately surrounding the pump house.



Some park users have expressed concern at the management of the CWD easement and the lack of communication about changes to park infrastructure, yet CWD managers have expressed a willingness to manage their infrastructure with minimal impact to the park. They also must invest a certain portion of their upgrade costs into landscaping, and they are willing to target some of this funding at the discretion of City management. Some of these funds went towards construction of a viewing deck, guardrail and plantings (visible in the picture above) in recent years.

CWD staff walk the easement line and brush-hog/mow every summer. Repairs are mainly done manhole to manhole; mowing is done to maintain access to these. Projects and repairs have increased

in frequency in recent years; they used to be more sporadic. The slope down to the water, east of the pumping station, was cleared for machinery access 10 to 15 years ago. It was rip-rapped to hold the soil back, but is currently experiencing erosion (likely compounded by frequent passage of people and dogs).

Summary: CWD Easement

PROBLEMS ➤ Conflict between what city residents perceive as best for the park and the needs of CWD to maintain their water supply line ➤ Erosion
OBJECTIVES ➤ Recognizing that resiting of the CWD intake is currently unrealistic, continued operation of the CWD water supply with minimal impact to the ecological and aesthetic values of the park ➤ Understanding between park users and the CWD about the reasons for any work they do in the park
OPTIONS ➤ Suggest easement management options to the CWD that will maximize wildlife habitat value and minimize aesthetic impact ➤ Recommend use for the CWD landscaping funds that will align with other park management goals and projects ➤ Accept that the CWD owns the pump house land and rights to the easement and leave them to manage it
RECOMMENDATIONS • Communicate a suggested policy to the CWD: ○ Maintain vegetation to the greatest extent possible, i.e. remove larger trees and shrubs growing into the easement (ones that would delay emergency manhole access) but retain all herbaceous growth for wildlife and aesthetic benefits. Remove only what's directly around manholes for access as needed. ○ Notify local residents and park users (via signage on park notice boards) of any changes—with advance notice—and explain the reasons for any changes (e.g. placement of new pipes and outlets, widening of roads, removal of vegetation, etc.) ○ Manage erosion of the slope next to the pump house with plantings. Install barriers or signs to prevent people from walking on the area as needed. • Communicate ideas for use of landscaping funds ○ Erosion prevention ○ Beach management ○ Trail maintenance

PARKING AREA

Red Rocks is officially open for a seven-week period from the end of June through mid-August. At this time, visitors are asked to drive into the park and pay an entrance fee (either a day use fee or season pass) for access. Outside of this seven-week period, visitors can park in the area outside the park gate, free of charge.

Many visitors ignore the 'No Parking' signs installed during the seven-week operating season and enter the park without payment. While an assessment of the full range of parking options is beyond the scope of this report, the City should place this assessment and implementation of long-term solutions at the top of its priority list. This will require an interdepartmental effort and should incorporate public input.

Summary: Parking Area

PROBLEMS ➤ Park users are confused about where to park/disregard parking regulations ➤ Little incentive to park within park boundaries when a free option exists just outside, with inconsistent enforcement (ticketing) ➤ City loses revenue stream from illegally parked vehicles ➤ A substantial amount of park acreage is dedicated to parking, which could otherwise provide wildlife habitat and recreational benefits
OBJECTIVES ➤ Revenue stream for city to fund park operations ➤ Straightforward parking option for park users; no confusion about where/when to park
OPTIONS ➤ Increase parking enforcement to ensure compliance during summer season ➤ Reorganize parking area ➤ Shared use of privately-owned company parking lots on Industrial Parkway ➤ Accept that some users will continue to park without paying and pursue other sources of revenue ➤ Install donation boxes or another parking fee collection system in outer lot to remind people to pay ➤ Require payment year-round for consistency
RECOMMENDATIONS ➤ Consult with key stakeholders and residents during a public forum for ideas to restructure parking ➤ Use positive messaging asking people to contribute towards park upkeep or restoration when they are spending money to access Red Rocks, rather than letting them simply view it as a fee to park their car

FUNDING

Currently the only revenue stream for the park comes from summer operating season parking permits, which is supplemented with funding from the City's operating budget. Several park users have expressed a willingness to donate funds towards park upkeep and programming. The City should explore different options for fundraising and developing a sustainable funding stream for park projects. Several of the recommendations outlined in this report will require a substantial financial commitment.

SIGNAGE

A separate 2010 report outlined recommendations for installation of directional and interpretive signage in Red Rocks Park, and in 2012 a signage subcommittee of the Red Rocks Committee was discussing future needs. There are currently 25 signs installed in the park: 3 of these indicate no biking, 6 indicate the dog leash law, and 3 warn about cliff jumping. The only publicly visible park map is part of the single interpretive panel installed at the park entrance. A new park entrance sign will be installed in 2013.



Example of one of the unclear park intersections, at the four-way crossroads junction of the two main loop trails.

City emergency staff have also proposed 29 emergency signs (small reflective markers for emergency vehicle directions) to install along all major park trails. A decision about acceptable level of signage, considering both upfront and maintenance costs, should be a top priority.

Summary: Signage

PROBLEMS ➤ Many park users—especially but not limited to first-time users—get disoriented in the park ➤ There is no central notice board (outside of the summer operating season when the gate house attendants hand out maps and takes fees) to deliver park announcements and list policies ➤ Signs can detract from the wilderness experience of park users
OBJECTIVES ➤ Striking a balance between enough signs to ensure safety and orientation of park users, while still maintaining elements of a wilderness/nature experience ➤ Effective delivery of park messaging (including city ordinances, park events, park interpretation)
OPTIONS ➤ Install all possible signs as outlined ➤ Explore alternatives to sign boards and the 29 proposed emergency signs
RECOMMENDATIONS ➤ Begin experimenting with handing out different maps or posting ...<i>(next page)</i>

- different temporary signs for the 2014 operating season
- Proceed with long-term funding for installation of directional signs at key park intersections, as outlined in the separate consultant report
- Employ positive messaging on park signs
- Install a park bulletin board at the main entrance
- Consider interpretive pamphlets as an alternative to interpretive signs



Map 9. Recommended locations for directional/wayfinding signage (square markers) and a bulletin board at the park entry (star).

LONG-TERM CONSERVATION

Since Red Rocks was purchased in part with federal funding, the park cannot be sold or converted from park use without appropriate equivalent replacement. Several regulations at the federal and city level grant additional protection to wetlands and the 50 feet of adjacent land and the 150 feet nearest the Lake Champlain shoreline (see Management Limitations, page 44, for a list). Operations within 98 feet of the shoreline also must meet US Army Corps of Engineers (USACE) approval.

This means Red Rocks is unlikely to be converted from its current use, and water features have additional protection. However, there is still potential for park use and management activities that could damage the ecological integrity of the park. The City should look to formalize forest management policies that ensure long-term protection of Red Rocks' natural resources.



SECTION 5: RECREATION & EDUCATION

Recreation

Red Rocks attracts both local South Burlington and Burlington residents, plus tourists from farther afield, with its diversity of recreational options. The South Burlington Recreation & Parks Department strives to provide fulfilling leisure time activities for all residents, and while increasing recreational use and activities is a laudable goal, several of these uses can conflict with one another and also with provision of wildlife habitat. The City should consider how to prioritize these conflicting uses. Where is the balance between quantity of recreational use (maximizing the number of citizens served) and preserving the quality of the recreational experience?

Some of the most popular uses of the park are also illegal and pose issues for liability. The City does not condone cliff-jumping in Red Rocks but also realizes that access to the cliffs cannot be controlled.

Current uses

- Walking, hiking, running, jogging, dog-walking
- Winter cross-country skiing and snowshoeing
- Swimming from beach, rocks, and cliffs
- Kayaking (boats available through kayak club)
- Bird-watching and nature appreciation
- Nature connection
- Outdoor sketching and painting
- Picnicking
- Relaxation and restorative uses
- Illegal uses: camping, bonfires, cliff-jumping

Opportunities

- Nature play area
- Use of retired parking areas in eastern section
- Moorings



One of the abandoned parking pods that provides open, grassy habitat and could serve as a nature play area or picnic area.

Education

Red Rocks has great potential as an outdoor classroom destination for local school groups, and it also offers all visitors a chance to explore and learn about nature in an urban setting. Envisioning Red Rocks as an outdoor classroom and for various education uses has implications for park visitation numbers, sense of crowdedness, trail impacts, and more. These issues could be discussed within a broader dialogue about long-term visions for the park and who could be using it.

A UVM undergraduate study in Spring 2013 investigated educational opportunities in the park. These students surveyed teachers at Orchard School and found that the majority of educators would consider using Red Rocks as a field trip destination. The UVM team prepared lesson plans on park wildlife, geology, and orienteering which will be made available online.

Current uses

- College classes
- K-12 use as a nature center is limited/nonexistent; some use for gym classes, cross-country meets
- Week-long “Governor’s Institute” for high school students (based out of UVM) focused on Red Rocks several years ago
- Public guided walks
- Summer nature camps scheduled for 2013
- Red Rocks Nature Club monthly gathering and stewardship group

Opportunities

- Nature education center for public and for institutions
- Place-based education for school groups: benefit of students accessing a forest within their own city boundaries (learning in their own backyard)
- Stewardship opportunities
- Modeling Red Rocks as a community forest
- More connections with local schools and colleges

Considerations

- Staffing
- Building/physical location
- Equipment
- Funding
- Materials to encourage educational use
- Implications for visitor traffic, types of visitors



SECTION 6: A DECISION-MAKER'S GUIDELINE

Consider the following in proceeding with park management decisions:

- Park values, priorities, and goal-setting through an inclusive planning process
- Constraints to management options
- Opportunities for community involvement and the community players
- Means for encouraging public buy-in and park compliance
- Park management and planning as an ongoing process

VALUES AND GOAL-SETTING

To the best extent possible, park managers should consider the ideas and values of the residents of South Burlington, and the larger population of Red Rocks Park users, in moving forward with management actions for Red Rocks Park. Community values of Red Rocks will be explored in greater detail through an inclusive community consultation and outreach process.

For example:

What's a bigger priority at Red Rocks:

- (1) Beach access
- (2) "Natural"-state forest (maintaining native vegetation)
- (3) Educational use (school groups)
- (4) Maintaining and/or promoting wildlife habitat
- (5) Dog park
- (6) Promoting a solitude experience

In ranking these priorities, it would be wise to consider the role of Red Rocks within the larger parks network. Are there other places for people to exercise dogs or have an outdoor classroom? What can Red Rocks provide that other parks cannot?

MANAGEMENT LIMITATIONS

Keep the following management limitations and current park regulations should be kept in mind when considering actions in Red Rocks. Some could be changed more easily through City process (e.g., the dog leash law), while others fall outside of City control (e.g., the CWD easement) .

- USACE regulates any work, structures or fill that take place beyond (lakeward of) the 98' elevation
- The Champlain Water District owns the land immediately surrounding the pumping station at the west end of the beach. They also have access and management rights to the 30-foot wide easement that runs diagonally from the park entrance area to the pumping station.

Development Review Board regulations that apply to Red Rocks:

- All land within 150 ft horizontal distance of the high water elevation of Lake Champlain (defined as 102 ft above sea level) is subject to surface water buffer standards, which states that “all lands within [the] required stream buffer... shall be left in an undisturbed, naturally vegetated condition.” The main concern is maintenance of a vegetated buffer for erosion control.
- Wetlands and the 50 ft of land adjacent are also regulated.

City ordinances that apply to Red Rocks :

- Dogs: all dog owners must have their dogs on a leash (max. 6 feet) at all times within Red Rocks Park boundaries. Dogs are entirely prohibited at the public beach and in the water at Red Rocks. Safety is listed as the primary reason for the law, along with protection of “ecologically sensitive areas, including wildlife, rare wildflowers, wetlands, nesting, and other plants, flora, and fauna.” Failure to comply can result in a civil penalty charge, up to \$100 per day. Overseen by the Animal Control Officer. Dog owners looking to let their dog off-leash can visit Farrell Park, Overlook Park, Jaycee Park, Szymanski Park, and the Community Dog Park.
- Park Conduct Ordinance (see the City of South Burlington website for the complete document). Park rules include:
 - No picking of trees, shrubs, flowers, ferns or other plants within park boundaries.
 - No removal of stones, rocks, birds, or animals shall be removed.
 - No removal of bark from trees or cutting and removal of firewood.
 - Axes, hatchets, shovels, chain saws, picks, handsaws, and all other tools used to dig, cut or build are prohibited.
 - No glass containers are permitted within Park boundaries.
 - No person shall disturb the peace, endanger the public safety, use obscene or profane language or prevent the use of City parks by others.
 - Drinking of alcoholic beverages in City parks is strictly forbidden, except by special permit.
 - It is unlawful to post bills, cut, deface, write upon, remove or destroy any tree, shrub, rock, signs, buildings, tables, benches, fireplaces, grills or other structures or equipment, facilities or park property, or appurtenances whatsoever.

OPPORTUNITIES AND KEY PLAYERS

Current park management

- South Burlington Recreation & Parks oversees park operations
- The Red Rocks Committee of seven appointed city residents provides recommendations and communicates park needs to City Council
- The Department of Public Works is responsible for park maintenance

Current community connections

- UVM NR 206 class is researching educational opportunities in Red Rocks and preparing lesson plans and interpretive materials
- UVM Field Naturalist Program collaborated in preparation of this management study
- The Nature Conservancy provides support for invasive species management
- Champlain College 'Foundations of Ecology' class participated in invasive species management
- The Red Rocks Nature Club (volunteer-driven) meets monthly for a nature hike and stewardship activities

Opportunities for community participation and volunteer recruitment

The following user groups and stakeholders should be considered for volunteer recruitment and community engagement:

- K-12 and college students; partnerships with specific class groups and teachers; graduate student or senior undergraduate studies
- Ongoing partnership with Champlain College Foundations of Ecology and UVM NR 206
- Local neighborhood stewards (from Queen City Park and the condos along the northern park boundary)
- Individual volunteers from the larger South Burlington & Burlington community who come out to publicly-advertized work days and outreach events
- Corporate groups from South Burlington & Burlington (team-building activities and opportunities to give back to the community)
- Local businesses/companies: Burton, Edlund, Rhino Foods, etc.
- Vermont Youth Conservation Corps

Other opportunities and considerations

- External grants and funding
- Funding and stewardship oversight will require coordination and direction from a paid employee, intern, or very dedicated community volunteer

MANAGING PEOPLE AND ENCOURAGING COMPLIANCE

Options for restricting use (or encouraging desired use)

There are various means of limiting park user behavior:

- Time restrictions/seasonal limitations, e.g. off-leash dogs only permitted outside of bird breeding season
- Area/zoning limitations, e.g. no off-leash dogs in sensitive wildlife areas, walk only on designated trails
- Behavior allowances and prohibited activities (e.g. campfires, littering, etc.)
- Group size restrictions
- Suggestions vs. city ordinances

There are also various means for communicating park regulations to visitors: park signage, direct messages from staff, flyers, online information, etc. Presence of a uniformed ranger is often most effective at ensuring compliance with park rules (Swearingen & Johnson 1995). However, this comes at a higher cost to the visitor, both in terms of taxpayer dollars and the impact of this uniformed presence on the visitor experience.

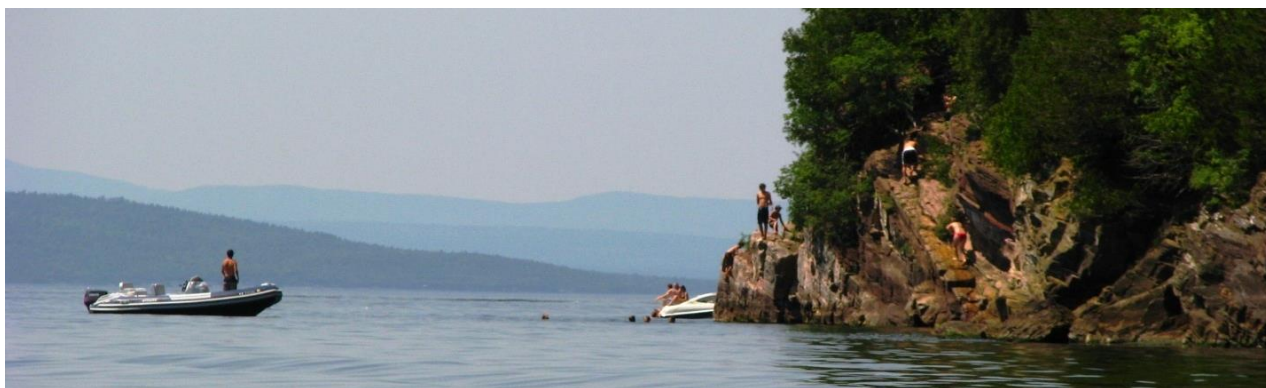
Best Management Practices

- **Explain reasons for regulations** to improve visitor compliance: Clearly state the problem, what aggravates it, how a change in behavior will improve it. Make the suggestion reasonable.
- Be sure visitors understand **how they are expected to behave**.
- **Enforce regulations**- regulations are there for a reason, and furthermore, it's not fair to law-abiders if regulations are not enforced. If enforcement is impossible, better to just *ask* visitors to behave in a certain way; **regulate at the minimum level possible**.
- Written strategies often least effective but may help retention for those who are receptive to it
- Punishment-oriented strategies the most effective (if there's an enforcement presence), yet positive wording of regulations is favored by the majority (Winter et al. 2000)
- Personal (verbal) contact often facilitates initial receptiveness, but written guidelines may help retention
- Simplify messages: having 2 messages vs. 8 on a bulletin board results in the same knowledge gain (Cole, Hammond & McCool 1997)
- Focus the message: make it personal, tailor it to the audience. It will vary between user groups.
- Use positive wording and messages (and indicate reasons for restrictions) to encourage good behavior, rather than just listing limitations (e.g., "Habitat restoration area" vs. simply "No trespassing" or "Trail closed")

PARK MANAGEMENT AND PLANNING AS AN ONGOING PROCESS

A park management plan may be a static document, but the park management process is ever-evolving and a constant learning experience for all stakeholders involved (see back to page 22 for an introduction to the adaptive management process).

Management strategies should be adjusted in step with changes in our scientific understanding and with changes in our community values and priorities for the park. Now is the perfect time to join in this planning process.



SECTION 7: SUMMARY OF MANAGEMENT ACTIONS

Management Action	Who/How?	Priority	Cost/Risk
<i>Nonnative invasive plant management</i>			
1. Hold work days to remove isolated populations of garlic mustard, purple loosestrife, burning bush, Japanese knotweed, and goutweed	Community or school volunteers. Led by trained staff or lead volunteer.	High	Low
2. Survey in fall and spring to monitor for new occurrences	Community or school volunteers. Led by trained staff or lead volunteer.	High	Low
3. Restore the limestone bluff cedar-pine forest	Intensive removal effort and restoration plantings with trained staff and volunteers.	High	High
4. Remove buckthorn, honeysuckle, and all other invasives from interior of western loop trail and monitor for regrowth.	Community volunteers, monitored by staff or lead volunteer.	Moderate	Moderate
5. Inform park users about invasive plants to control further introductions and spread.	Online and print materials prepared by staff/students/volunteers.	High	Low
<i>Trails</i>			
6. Seasonal walk-through to identify trail hazards and assess extent of off-trail use.	Red Rocks Committee and/or community volunteers (ongoing).	Moderate	Low
7. Close unofficial trails and post signs for rehabilitation, starting with high-impact side trails.	Park staff and/or community volunteers.	Moderate	Low
8. Restore ad hoc trails to discourage further use	Staff and/or volunteers. Some equipment required to resurface trails.	Moderate	Moderate
9. Open select side trails for official use to concentrate current ad hoc trail network	Staff and/or volunteers	Moderate	Low
<i>Off-leash dogs</i>			
10. Trial on-leash/off-leash days or times for dog-walkers	Community discussion of options. Post signs, announce in local media.	High	Moderate

Management Action	Who/How?	Priority	Cost/Risk
11. Educate park users on reasons for leash laws	Online and print materials, signage at park	High	Moderate
Forest Health			
12. Leave woody debris for provision of wildlife habitat	No action required.	High	Low
13. Seek community input regarding opening of view corridors.	Community discussion of options.	Low	Moderate
CWD Easement			
14. Ask that the CWD retain all herbaceous growth for wildlife and aesthetic benefits within their easement. Remove only what's directly around manholes for access as needed.	Park managers and CWD staff	High	Low
15. Encourage CWD to notify local residents and park users with advance notice of any changes	Park managers and CWD staff	Moderate	Low
16. Communicate with CWD on an annual basis (and more regularly as needed) to check in about easement management.	Park managers and CWD staff	Moderate	Low
17. Restore eroding area next to pump house	DPW and/or CWD	High	Moderate
18. Request that CWD landscaping funds towards beach maintenance	Park managers and CWD staff	Moderate	Low
Parking & Funding			
19. Seek input for restructuring of parking system	Community discussion of options.	High	Moderate
20. Explore new funding strategies a. Donations b. Grants c. Friends organization	Community discussion of options. Leadership from park staff or volunteers to trial options and oversee.	High	Moderate
Signage			
21. Post temporary park maps (directional signage) for 2013 operating season.	Park staff or volunteers to print, post. Small material costs for temporary signs.	High	Low
22. Proceed with long-term funding for installation of directional signs at key park intersections, as outlined in the separate consultant report.	Park managers and city budget.	High	High
23. Install a park bulletin board at the main entrance.	Installation by staff or construction by a community group.	High	Moderate
24. Discuss alternatives to current emergency signage proposal with city staff.	Park managers and/or open community forum.	High	Low
25. Develop interpretive materials and make them available online and in print.	Student groups, local naturalists.	Moderate	Low

Management Action	Who/How?	Priority	Cost/Risk
Easement 26. Discuss opportunities with LCLT and VLT	City staff (already initiated by City Planning department).	Moderate	Low
Recreation 27. Seek public input for new recreational opportunities and values	Community discussion of options.	Low	Low
Education 28. Provide educational and interpretive resources to school and public groups. Make them available online and in print. a. Lesson plans b. Expanded park website/online interpretive material c. Pamphlets	Park staff, college groups/class projects, local naturalists. Ongoing work with UVM NR206 class. Requires oversight from a city contact.	Moderate	Moderate
29. Increase opportunities for public engagement in park stewardship a. Trail maintenance b. Invasive species monitoring c. Vernal pool surveys and delineation d. Amphibian surveys e. Park wildlife census/"Bioblitz" f. Community wildlife sightings portal g. Park clean-up h. Forest health monitoring	Leadership from staff or a dedicated community volunteer. Red Rocks Nature Club (ongoing). School groups, local workplaces, neighbors.	High	Moderate
General 30. Hold a community visioning process to set park values and goals.	Scheduled for April 2013 in conjunction with this study.	High	Low



REFERENCES

History

- Burlington Free Press, 12/30/1836
- Burlington Weekly Free Press, 8/14/1891, "Red Rocks: Improvements now being made there by Edward P. Hatch"
- City of South Burlington and Town of Burlington land records
- County Forester Files at Vermont ANR (personal correspondence of Bill Hall)

Natural Resources

- *Written in Stone* by Chet Raymo & Maureen E. Raymo
- "Glacial Geology of the Burlington and Colchester 7.5' Quadrangles, Northern Vermont" by Stephen F. Wright
- NRCS Web Soil Survey
- Soil Survey of Chittenden County Vermont.
- *Wetland, Woodland, Wildland* (2003) by Elizabeth H. Thompson and Eric R. Sorenson
- *New England Wildlife: Habitat, Natural History, and Distribution* (2000) by Richard M. DeGraaf and Mariko Yamasaki
- "Limestone Bluff Cedar-Pine Forests of Vermont: A Statewide Inventory" (2006) by Eric Sorenson and Robert Popp.

Management Concerns

- Bayfield, N.G. and Bathe, G.M. (1982) Experimental closure of footpaths in a woodland national nature reserve in Scotland. *Biological Conservation* 22: 229-237.
- Didham, R., Tylianakis, J., Hutchison, M., Ewers, R., and Gemmell, N. (2005). Are invasive species the drivers of ecological change? *Trends in Ecology and Evolution*, 20: 470-474.

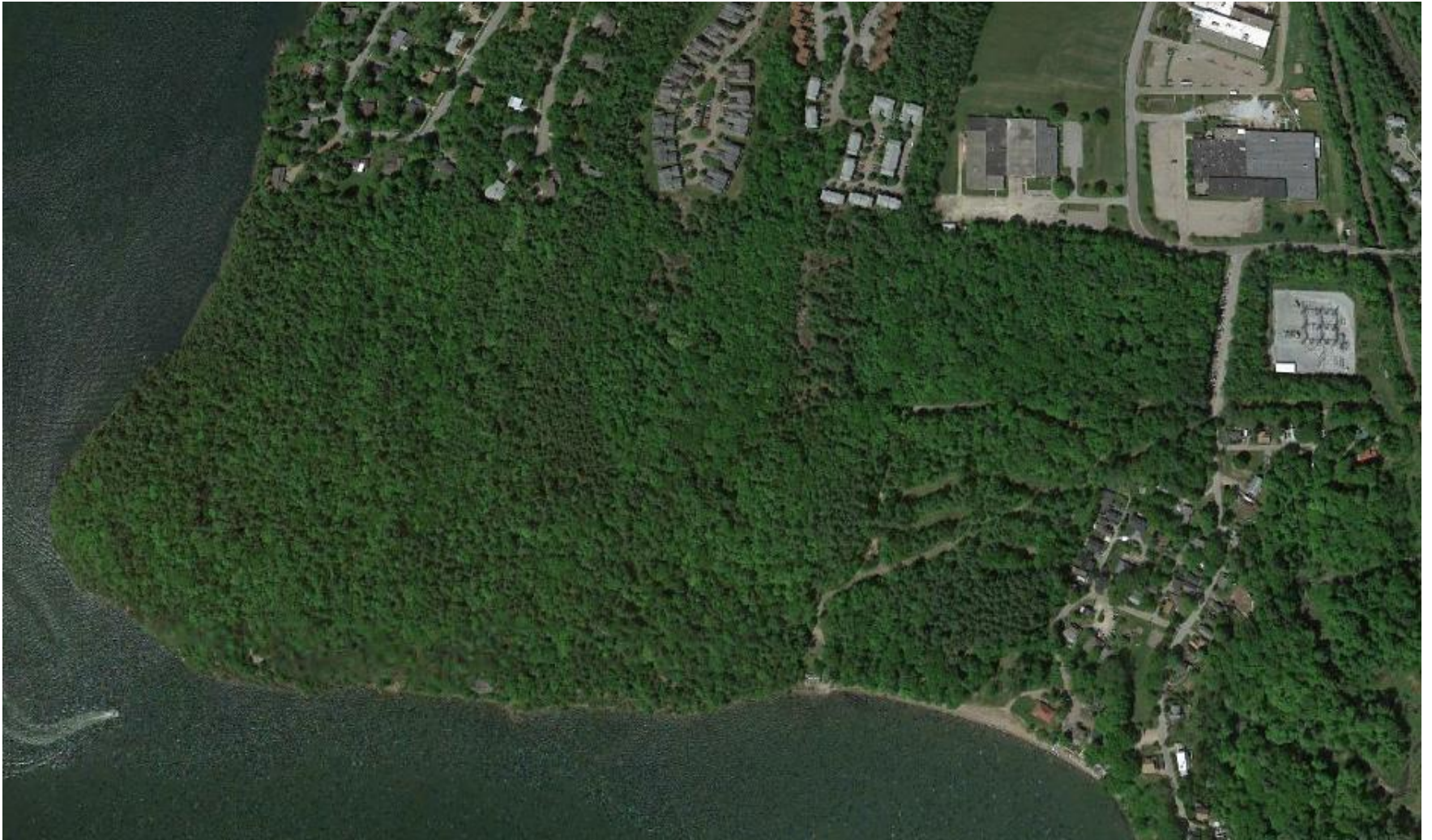
- *Technical Guide to Forest Wildlife Habitat Management in New England* (2007) by Richard M. DeGraaf et al.
- *Forest Bird Habitat Assessment: A Guide to Integrating Bird Habitat Data into a Vermont Forest Inventory* (2011) from Audubon Vermont.
- Jordan, M. (2000). Ecological impacts of recreational use of trails: a literature review. The Nature Conservancy, Cold Spring Harbor, New York.
- Lenth, B.E., Knight, R.L., and Brennan, M.E. (2008) The effects of dogs on wildlife communities. *Natural Areas Journal* 28(3): 218-227.
- Swearingen, T.C. and Johnson, D.R. 1995. Visitors' responses to uniformed park employees. *Journal of Park and Recreation Administration* 13(1): 73-85.
- Town Forest Health Checklist: A Town Forest Steward's Guide to Forest Health Assessment. David Brynn, Vermont Family Forests.
- VTInvasives.org (The Nature Conservancy website)
- *With People in Mind: Design and Management of Everyday Nature* (1998) by Rachel Kaplan et al.
- *Wildland Recreation*
- Winter, P.L., Sagarin, B.J., Rhoads, K., Barrett, D.W., and Cialdini, R.B. (2000) Choosing to encourage or discourage: perceived effectiveness of prescriptive versus proscriptive messages. *Environmental Management* 26(6): 589-594.

FURTHER READING

- *Reading the Forested Landscape* by Tom Wessels
- *Nature of Vermont* by Charles W. Johnson

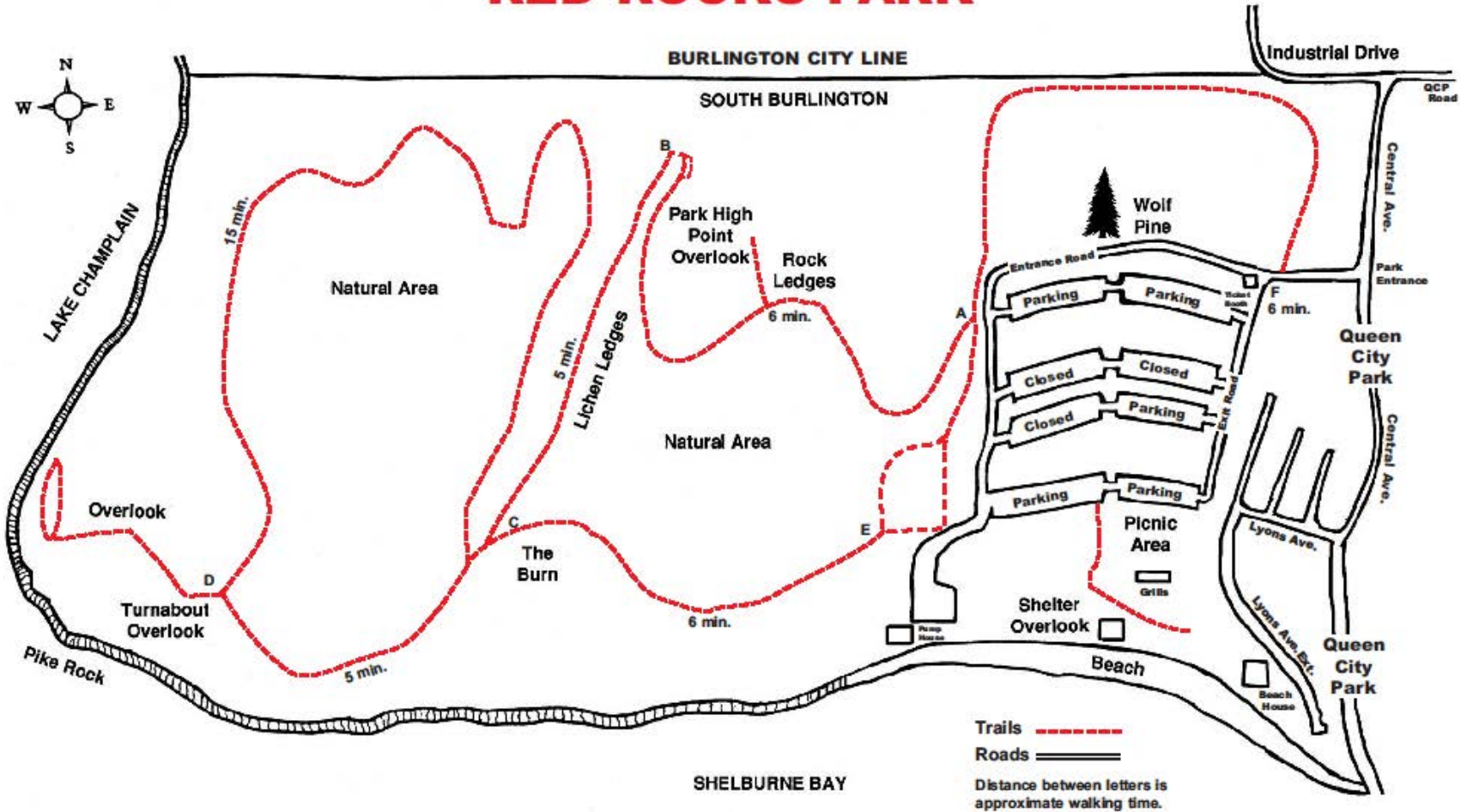


APPENDIX 1: Red Rocks from the air



APPENDIX 2: Current Park Trail Map

RED ROCKS PARK



APPENDIX 3: Timeline

The development of Red Rocks Park

1798: Red Rocks (lot no. 163 in the Old Town of Burlington) drawn by Thomas Udell.

1800-1850: The Wolf Pine begins growing.

1866: Edward Hatch acquires western portion of Red Rocks Park.

1891: Carriage roads constructed.

1907: Hatch purchases final, eastern piece of Red Rocks.

1909: Edward Hatch dies.

1960: South Burlington Master Plan shows Red Rocks as open space, recognizes need for community park.

1967: Red Rocks cited in town reports as exceptional natural and scenic lakefront property, greatly desired for city park system. A technical team led by UVM Professor Fred Sargent lists Red Rocks as one of 16 sites with natural resource potential.

1968: Sargent submits a proposed Conservation/Recreation Plan for South Burlington, endorsed by the South Burlington Natural Resources Committee. The committee lists reasons to acquire Red Rocks and attributes of the area. They draw up a rough plan for development of Red Rocks Park.

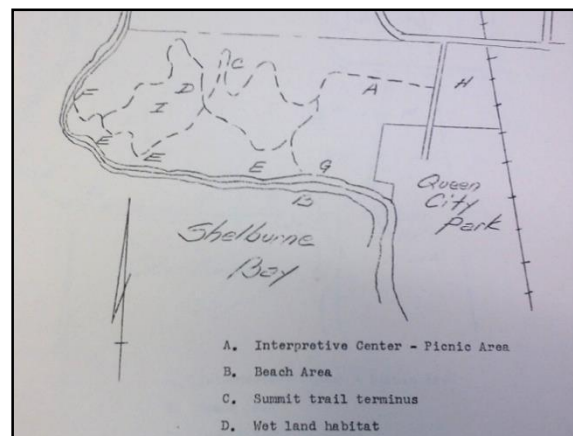
1969: The Conservation/Recreation Plan is accepted by the Planning Commission, and the Natural Resources Committee is charged with its implementation. The committee decides that lakefront property should have top priority. The updated South Burlington Master Plan again shows Red Rocks as open space.

1970: Red Rocks purchased by South Burlington after suddenly becoming available in early May for \$450,000. Residents vote 1094 to 98 in favor of purchase, and the city takes official ownership on October 5. Most of the purchase price comes from federal and state funds.

1974: \$25,000 bond issue passed to help fund park development.

1975: Bathhouse built, ordinance and fee system for park use written, entrance secured against motorized vehicles.

2013: Red Rocks management plan drafted.



1960s sketch outlining a proposed park at Red Rocks

APPENDIX 4: Plant Species List

Trees

- *Acer negundo*, Boxelder
- *Acer pennsylvanicum*, Striped maple
- *Acer platanoides*, Norway maple
- *Acer rubrum*, Red maple
- *Acer saccharum*, Sugar maple
- *Betula allegheniensis*, Yellow birch
- *Betula papyrifera*, Paper birch
- *Betula populifolia*, Gray birch
- *Carya cordiformis*, Bitternut hickory
- *Carya ovata*, Shagbark hickory
- *Carpinus caroliniana*, Musclemwood
- *Fagus grandifolia*, American beech
- *Fraxinus americana*, White ash
- *Hamamelis virginiana*, Witch hazel
- *Juniperus virginiana*, Eastern red cedar
- *Malus sp.*, Apple
- *Ostrya virginiana*, Hophornbeam (Ironwood)
- *Pinus resinosa*, Red pine
- *Pinus strobus*, White pine
- *Populus deltoides*, Cottonwood
- *Populus grandidentata*, Large-toothed aspen
- *Populus tremuloides*, Trembling aspen
- *Prunus serotina*, Black cherry
- *Quercus alba*, White oak
- *Quercus rubra*, Red oak
- *Rhus typhina*, Staghorn sumac
- *Robinia pseudoacacia*, Black locust
- *Sambucus racemosa*, Red elderberry
- *Taxus canadensis*, Canada yew
- *Thuja occidentalis*, Northern white cedar
- *Tilia americana*, Basswood (Linden)
- *Tsuga canadensis*, Eastern hemlock
- *Ulmus americana*, American elm

State-listed rare plants

- Water Hemp, *Amaranthus tuberculatus*, S1
- Canada Milk-vetch, *Astragalus canadensis*, S2
- Tall Cinquefoil, *Drymocallis arguta*, S3
- Houghton's Cyperus, *Cyperus houghtonii*, S2
- Ram's-Head Lady's-slipper, *Cypripedium arietinum*, S2
- Needle-spine Rose, *Rosa acicularis*, S1
- Small Skullcap, *Scutellaria parvula* var. *parvula*, S2
- Marsh Vetchling, *Lathyrus palustris*, S2
- Snowberry, *Symphoricarpos albus* var. *albus*, S3
- Rock Spikemoss, *Selaginella rupestris*, S3
- Four-leaved Milkweed, *Asclepias quadrifolia*, S3
- Blunt-leaved Woodsia, *Woodsia obtusa*, S3



Four-leaved milkweed, an uncommon Vermont plant, in flower at Red Rocks.

State rank significance:

S1 = Very rare (Critically imperiled): At very high risk of extinction or extirpation due to extreme rarity (often 5 or fewer populations or occurrences), very steep declines, or other factors.

S2 = Rare (Imperiled): At high risk of extinction or extirpation due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.

S3 = Uncommon (Vulnerable): Moderate risk of extinction/extirpation due to restricted range, relatively few populations or occurrences (often 80 or fewer), recent and widespread declines, or other factors.

APPENDIX 5: Animal Species List

The lists here are based on a combination of confirmed sightings and suspected presence based on the variety of habitats in Red Rocks.

Birds

This list includes all bird species sighted at or from Red Rocks, based on records from Vermont eBird. Birds are listed in taxonomic order.

Breeding season records (eBird) are in bold

**Species confirmed during this study italicized*

Vermont birder's dozen birds underlined

Canada Goose

Wood Duck

American Black Duck

Mallard

Bufflehead

Common Goldeneye

Common Merganser

Red-breasted Merganser

Red-throated Loon

Common Loon

Double-crested Cormorant

Great Blue Heron

**Turkey Vulture*

Osprey

Bald Eagle

Northern Harrier

Sharp-shinned Hawk

**Cooper's Hawk*

Accipiter sp.

Broad-winged Hawk

Red-tailed Hawk

Merlin

Killdeer

Spotted Sandpiper

Bonaparte's Gull

**Ring-billed Gull*

**Herring Gull*

Great Black-backed Gull

Caspian Tern

Common Tern

Sterna sp.

Rock Pigeon

Mourning Dove

Great Horned Owl

Chimney Swift

Ruby-throated Hummingbird

Belted Kingfisher

Red-bellied Woodpecker

Yellow-bellied Sapsucker

Downy Woodpecker

**Hairy Woodpecker*

**Northern Flicker*

**Pileated Woodpecker*

**Eastern Wood-Pewee*

Least Flycatcher

Empidonax sp.

**Eastern Phoebe*

**Great Crested Flycatcher*

Eastern Kingbird

Northern Shrike

Yellow-throated Vireo

Cassin's Vireo

Blue-headed Vireo

Warbling Vireo

Philadelphia Vireo

**Red-eyed Vireo*

**Blue Jay*

**American Crow*

**Fish Crow*

****Common Raven***

Northern Rough-winged Swallow

Tree Swallow

Barn Swallow

****Black-capped Chickadee***

Tufted Titmouse

Red-breasted Nuthatch

**White-breasted Nuthatch*

Brown Creeper

Carolina Wren

House Wren

****Winter Wren***

Blue-gray Gnatcatcher

Golden-crowned Kinglet

Ruby-crowned Kinglet

Veery

Gray-cheeked Thrush

Swainson's Thrush

Hermit Thrush

Wood Thrush

**American Robin*

Gray Catbird

European Starling

Bohemian Waxwing

****Cedar Waxwing***

Snow Bunting

****Ovenbird***

Northern Waterthrush
Golden-winged Warbler
Black-and-white Warbler
Tennessee Warbler
Orange-crowned Warbler
Nashville Warbler
Mourning Warbler
Common Yellowthroat
American Redstart
Cape May Warbler
Cerulean Warbler
Northern Parula
Magnolia Warbler
Bay-breasted Warbler
Blackburnian Warbler
Yellow Warbler
Chestnut-sided Warbler

Blackpoll Warbler
Black-throated Blue Warbler
Palm Warbler
***Pine Warbler**
***Yellow-rumped Warbler**
Yellow-throated Warbler
Black-throated Green Warbler
Canada Warbler
Wilson's Warbler
Eastern Towhee
***Chipping Sparrow**
Field Sparrow
Savannah Sparrow
Fox Sparrow
Song Sparrow
Lincoln's Sparrow
White-throated Sparrow

White-crowned Sparrow
***Dark-eyed Junco**
***Scarlet Tanager**
***Northern Cardinal**
Rose-breasted Grosbeak
Indigo Bunting
Red-winged Blackbird
***Common Grackle**
Brown-headed Cowbird
Baltimore Oriole
Purple Finch
House Finch
Red Crossbill
Pine Siskin
***American Goldfinch**
House Sparrow

Reptiles & Amphibians

Confirmed

Milk snake
Garter snake
Gray treefrog
Spring peeper

Suspected

Red-backed salamander
Wood frog
American toad
Spotted salamander

Mammals

Confirmed

Virginia opossum
Mink
White-tailed deer
Eastern cottontail
Gray squirrel
Red squirrel
Eastern chipmunk
Moose
Raccoon
Red fox
Gray fox
Striped skunk
Ermine (short-tailed weasel)
Myotis bats

Suspected

Big brown bat
Southern red-backed vole
Northern flying squirrel
Southern flying squirrel
Short-tailed shrew
Long-tailed weasel
Woodland jumping mouse
Deer mouse



March 11, 2021

Via First Class Mail & Email

Aaron Brondyke, State Coordinator
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov

Re: Act 250 Land Use Permit Application Nos. 4C0174-6, 4C0368-3 – The Burton Corporation, Burlington

Dear Aaron:

Applicant Burton Corporation (“Burton”) of the above-referenced permit applications writes to follow up to the March 10, 2021 merits hearing and request the District 4 Environmental Commission take notice of the attached documents obtained from Counsel for the City of Burlington. These documents are submitted to ensure that there is an accurate record concerning Criterion 10 in this proceeding and the communications between the City of Burlington and the City of South Burlington. The two records include:

- *Email correspondence between Paul Connor, City of South Burlington, and Shaleigh Draper, City of Burlington, Dec. 17, 2018.*
- *City of Burlington Notice of Comprehensive Development Ordinance Amendments, Dec. 17, 2018.*

Counsel for Burton conferred with Counsel for the City of South Burlington alerting him of Burton’s intention to submit the attached for the record. Counsel for the City of South Burlington did not object, although reserved its rights do so after the filing.

Burton intends to address other issues with regard to Counselor Emory’s testimony concerning Criterion 10 in its post-hearing briefs.

Please let me know if you or the Commission have any questions about this updated information.

Sincerely,



Brian Dunkiel

On behalf of the Burton Corporation

cc: Service List (via Email)

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Shaleigh Draper, Zoning Clerk
Layne Darfler, Planning Technician



TO: South Burlington Planning Director
Colchester Planning Director
Winooski Planning & Zoning Manager
Chittenden County Regional Planning Director
VT Department of Housing and Community Development
FROM: Meagan Tuttle, AICP, Comprehensive Planner, City of Burlington
DATE: December 17, 2018
RE: Burlington Comprehensive Development Ordinance Amendments

Enclosed, please find proposed amendments to the *City of Burlington Comprehensive Development Ordinance*:

) ZA-19-07: Commercial Uses in ELM

The Planning Commission will hold a public hearing on the proposed amendments on Wednesday, January 9, 2019 at 6:45 pm in Conference Room 12, City Hall, 149 Church Street, Burlington.

Please ensure this communication is forwarded to the chairs of your respective Planning Commissions. Submit any communications for the Planning Commission's consideration at the hearing to me by close of business on January 7, 2019.

Thank you.

CC: Andy Montroll, Burlington Planning Commission Chair
Kimberly Sturtevant, Assistant City Attorney
David White, FAICP, Planning Director
Scott Gustin, AICP, Principal Planner

Burlington Planning Commission

149 Church Street
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Andy Montroll, Chair
Bruce Baker, Vice Chair
Yves Bradley
Alex Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur



PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance **ZA-19-07 Commercial Uses in E-LM**

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Wednesday, January 9, 2019 beginning at 6:45pm** in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-19-07:** The purpose of the proposed amendment is to permit additional commercial uses in certain parts of the E-LM zoning district consistent with the vision for the South End articulated in the draft *planBTV: South End Master plan*. This includes permitting banks, removing the limitations on performing arts centers, and establishing a requirement that a majority of the gross floor area on a lot south of Home Avenue be an industrial/manufacturing/warehouse use.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-19-07:** The amendment applies to properties located within the Enterprise-Light Manufacturing zoning district located within the South End of Burlington.

List of section headings affected:

- **ZA-19-07:** The proposed amendment modifies *Sec. 4.4.3 (c) and (d)*; modifies *Table 8.1.8-1 Minimum Off-Street Parking Requirements*; modifies *Article 13 Definitions*; modifies *Appendix A-Use Table*; and modifies *Sec. 14.3.4-H and Sec. 14.3.5-H*.

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Shaleigh Draper, Zoning Clerk
Layne Darfler, Planning Technician



TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: December 17, 2018
RE: Public Hearing on Proposed CDO Amendment ZA-19-07: Commercial Uses in the E-LM Zone

Overview & Background

The proposed amendment emerged from a number of separate requests during the past several months to reconsider certain allowable commercial uses in the Enterprise-Light Manufacturing (E-LM) district:

- A series of prospective tenants for the Maltex building on Pine Street, all intending to establish a bank in the building. This use is not presently permitted in the E-LM.
- An inquiry about expanding the size limit for performing arts centers in order to allow Arts Riot to expand into an adjacent space for its office/storage needs. A performing arts center is presently limited to 5,000 sq.ft. on properties along Pine Street.
- Burton's interest in repurposing one of their buildings on Industrial Parkway, to include a range of R&D, warehouse, and other commercial uses, including a performing arts center.

These requests, as well as a number of previous zoning amendment requests that have been approved in the last several years, relate to the long-standing concern that the E-LM standards are somewhat outdated, and utilize a one-size-fits-all approach despite the evolving nature of the South End. This concern is one of the underlying factors that prompted the creation of the draft *planBTV: South End Master Plan*, and a comprehensive update to the E-LM standards is one of the key recommendations of the draft plan. A comprehensive review of the district is likely in 2019, following the re-adoption of *planBTV: Comprehensive Plan*, which is anticipated to include *planBTV: South End Master Plan*.

Recent amendments to E-LM have begun to incorporate the approach discussed in *planBTV: South End* to consider the appropriateness of various art, commercial, and industrial uses within certain parts of the Enterprise Zone. A recent example is the provision of small grocery stores between Flynn & Home Avenues only. This amendment uses a similar approach to balance the timely consideration of the above requests brought before the Planning Commission, with the big picture guidance of *planBTV: South End*.

Details related to the proposed amendment can be found on the following pages.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The purpose of the proposed amendment is to permit additional commercial uses in certain parts of the E-LM zoning district consistent with the vision for the South End articulated in the draft *planBTV: South End Master* plan. This includes permitting banks, removing the limitations on performing arts centers, and establishing a requirement that a majority of the gross floor area on a lot south of Home Avenue be an industrial/manufacturing/warehouse use.

1. Allow banks as a permitted use north of Flynn Avenue
Add banks to the list of permitted uses within the E-LM, but prohibit drive-thrus.
2. Prioritize manufacturing, industry, R&D, and warehousing south of Home Avenue
planBTV: South End identifies the area south of Home Avenue as an important area to preserve for more traditional industrial uses. However, today the following commercial uses are also permitted or conditional uses in the E-LM zone, including south of Home Avenue. The proposed amendment limits these uses to a supporting role within the southernmost portion of the district in order to preserve space for industrial/manufacturing uses:
 - General Retail, specific retail types, General Office, Open Air Markets
 - Variety of auto, marine, bike, rail related sales and services
 - Health Clubs & Studios
 - Cafes & Bakeries
 - Community Center
 - Daycare & Preschools
 - Medical/Dental Offices
 - Animal care services
 - Variety of uses related to the arts
3. Leverage market-rate commercial uses to support industry/manufacturing
planBTV: South End recognizes the challenge of preserving industrial and manufacturing uses given the market realities of the South End, and identifies the need to come up with creative solutions to support and protect these uses. Therefore, this amendment is intended to leverage more traditional commercial uses that are compatible with and can help subsidize space for industrial/manufacturing uses. This is accomplished by allowing the uses identified above south of Home Avenue only when they are on the same lot as an industrial/manufacturing use, and by limiting the collective area of those uses to no more than 49% of the gross floor area on lot. This establishes two groups of uses:

Group A Use Types	Group B Use Types
Currently permitted or conditional uses in E-LM, including south of Home Ave, for which no change is recommended.	Currently permitted or conditional uses in E-LM. This proposal allows these uses south of Home Ave only when: - on a lot with one or more Group A uses - collective GFA of Group B uses is <49% of total GFA on the lot
Food & Beverage Processing	Animal Boarding & Kennel/Shelter, Vet/Animal Hospital

Medical/Dental Lab	Auto Repair/Body Shop, Auto/Marine Parts, Bicycle Repair, Boat Rental/Sales; Auto Sales, Car Wash, Rail Equip/Storage, RV Sales
Taxi/Bus Operations & Trucking Operations, Public Transit Terminal, Public Works Yard/Garage	General Office, Bank/Credit Union
Machine/Woodworking, Manufacturing & Tour-Oriented Manufacturing, Warehouse,	Appliance Sales/Service, Dry-cleaning service, Laundromat, Auction House, Garden Supply
Hazardous Waste Disposal, Solid Waste Facility, Recycling Center; Dry Cleaning Plant	Wholesale Sales General Retail (Large or Small) Open Air Markets
Retail Warehouse/Self Storage, Printing Plant, Distribution Center, Lumber Yard, Contractor Yard	Art Gallery Studio, Film Studio, Performing Arts Studio, Photo Studio & Photography, Radio/TV/Recording Studio, Performing Arts Center (currently limited to Pine St), Printing Studio Community Center, Park, Community Garden
Fire Station, Police Station, Post Office Distribution Center	Café/Bakery
Parking Lot/Garage	Medical/Dental Office
	Health Club/Studio, Indoor Recreation Facility
	Trade School, Daycare & Preschool (Large or Small)

Proposed Amendments

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

- Amend *Sec. 4.4.3* to establish the limitation on 'Group B' uses:

Sec. 4.4.3 Enterprise Districts

(a) – (b) *As written.*

(c) Permitted and Conditional Uses:

1. The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be defined in Appendix A- Use Table.

2. Within the E-LM district, permitted or conditionally permitted retail, commercial, arts, education, and service uses not associated with industrial, manufacturing, R&D, and warehouse purposes are not permitted on lots south of Home Avenue except when:

- one or more industrial, manufacturing, R&D, and/or warehouse use(s) exist on the lot; and
- the combined gross floor area (GFA) of any general retail, commercial, arts, education, and/or service use(s) does not exceed 49% of the gross floor area on the lot.

Uses restricted by this provision are identified in Appendix A- Use Table.

(d) **District Specific Regulations**

1. **Convenience Stores** *As written*

2. Drive thrus are not permitted.

- Amend Article 13 to modify manufacturing definitions:

Article 13: Definitions

Machine/Woodworking Shop: ~~Shops less than 10,000 square feet where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops. Includes stone cutting but excludes drop forge.~~

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including but not limited to the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, metal, wood, stone, etc. ~~including. Includes drop forge. Manufacturing establishments are greater than or equal to 10,000 square feet, and incidental storage and distribution of products. A manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.~~

Manufacturing- Light: ~~The manufacturing of finished products or parts from previously prepared materials using hand tools, mechanical tools, and electronic tools, including processing, fabrication, assembly, treatment, and packaging of products, as well as incidental storage, sales, and distribution of such products; as well as shops for overhaul and repair including for plumbing, HVAC, and electrical. A light manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.~~

Manufacturing-tour Oriented: ~~A manufacturing and/or processing establishment in which public tours are accommodated and incorporated into the facility's ordinary operations and may include the accessory retail sale of products or goods produced on the premises.~~

- Amend Appendix A- Use Table (See Attached)
Reference new *Sec. 4.4.3 (c) 2* for 'Group B' uses, add new 'Manufacturing-Light' use, and delete 'Machine/Woodworking Shop' and 'Manufacturing-tour Oriented'. Further, add footnotes to limit the size of 'Manufacturing-Light' uses in neighborhood mixed-use districts, to require uses that offer public tours to be permitted by conditional use provisions, and to delete the footnote limiting Performing Arts Centers to Pine Street.
- Amend Article 14 planBTV Downtown Code (See Attached)
Amend Sec. 14.3.4-H and Sec. 14.3.5-H to reflect the updated use types for manufacturing consistent with the above two modifications.

ZA-19-07: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	N	N	N	N	Y	Y	Y	N	N	N	N	N	N		
Attached Dwellings - Duplex	N	N ¹	N	N	Y	CU ²	Y	Y	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	CU	N	Y	Y	N	Y	Y	Y	Y	N	N
Attached Dwelling(s) – Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office ^{ee}	N	CU	N	N	CU	N	N	N	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y ²⁷

ZA-19-07: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Auction House	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y ²⁷
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N	CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N	Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²⁷
Bar, Tavern	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	N	CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Building Material Sales	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	N	CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N	Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	N	Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N

Proposed changes to Appendix A- Use Table for ZA-19-07

ZA-19-07: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^l	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Daycare - Large (Over 20 children) (see Sec. 5.4.1)	N	N	N	N	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	N	CU ^{17, 27}
Daycare - Small (up to 20 children) (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17, 27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
Fire Station	N	N	Y	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing ²⁷	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N	CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	CU ¹⁸	CU	CU	N	CU ^{17, 27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N	N	N	N	N	N	N
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	Y	N	Y	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Machine/Woodworking Shop Manufacturing- Light ^{27, 29}	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ^{14, 24}	CU	Y
Manufacturing ^{27, 29}	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y

ZA-19-07: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^l	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Manufacturing—Tour Oriented	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	CU
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N	N	N	N	N	N	N
Museum—Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y ²⁷
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²⁷
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 2)	CU	Y	N	CU	N	CU ²⁷²⁷
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 2)	CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	Y	Y	Y	Y	N	Y ²⁷
Photography Lab	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	CU	Y ²⁷
Police Station - Central	N	N	N	N	CU	N	N	N	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N	CU	Y	Y	Y	N	Y ²⁷

Proposed changes to Appendix A- Use Table for ZA-19-07

ZA-19-07: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 2)	N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y ²⁷
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N	CU	CU	Y	Y	N	Y ²⁷
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 2)	N	Y	CU	N	N	CU ²⁷
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 2)	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec.4.4.1(d) 2)	Y ¹³	Y	Y	Y ¹³	N	Y ^{13, 27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	N	CU	CU	CU	CU	N	N
School – Preschool Large (over 20 children) (see Sec. 5.4.1)	N	N	N	N	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	N	CU ^{17, 27}
School – Preschool Small (up to 20 children) (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17, 27}
School - Primary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N	CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	N	Y ¹⁵	N	Y	Y

Proposed changes to Appendix A- Use Table for ZA-19-07

ZA-19-07: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N	Y	CU	CU	CU	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- ~~27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment. Use is permitted or conditionally permitted south of Home Avenue only when on a lot with one or more manufacturing, industrial, R&D, and/or warehouse use, and when the combined gross floor area of any use with this footnote does not exceed 49% of the Gross Floor Area on a lot.~~
- ~~28.~~
- ~~29-28.~~ Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- ~~30-29.~~ Must be fully enclosed within a building.
- ~~34-30.~~ New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- ~~31.~~ See special use standards of Sec. 5.4.13, Emergency Shelters.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

14.3.4-H- USE TYPE

FD6

MANUFACTURING/ PRODUCTION/ STORAGE

Dental Lab	P
Food Processing	P
Machine/Woodworking Shop Manufacturing- Light ³	P
Manufacturing ³	P
Manufacturing – Tour Oriented ³	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage ³	P
Warehouse, Self-Storage ³	P

EDUCATION & DAY CARE

Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P

14.3.4-H- USE TYPE

FD6

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center - Small ³ (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ³	P
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

³ Exterior storage and display not permitted.

14.3.5-H- USE TYPES

FD5

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Cafe	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

MANUFACTURING/ PRODUCTION/ STORAGE

Boat Storage ²	P
Dental Lab	P
Food Processing	P
Machine/Woodworking Shop Manufacturing- Light ²	P
Manufacturing ²	P
Manufacturing – Tour Oriented ²	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage ²	P
Warehouse, Self-Storage ²	P

14.3.5-H- USE TYPES

FD5

EDUCATION & DAY CARE

Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center - Small ² (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ²	P
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

- Amend *Table 8.1.8-1 Minimum Off-Street Parking Requirements* to account for the change to definitions above as follows:

<i>Table 8.1.8-1 Minimum Off-Street Parking Requirements</i>			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Machine Shop/Woodworking shop <u>Manufacturing- Light</u>	1.3, <u>plus 3 per 1,000 gfa devoted to patron use.</u>	1, <u>plus 2 per 1,000 gfa devoted to patron use.</u>	1
Manufacturing	1.3, <u>plus 3 per 1,000 gfa devoted to patron use.</u>	1, <u>plus 2 per 1,000 gfa devoted to patron use.</u>	1
Manufacturing- Tour Oriented	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use	1

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).

Proposed Future Land Use & Density

The *2014 Municipal Development Plan (planBTV)* identifies the E-LM zone for encouraging light industry, creative arts and industry, manufacturing, and incubator space for new and emerging businesses in appropriate locations. The plan further calls for an evaluation of the district's future—as one that is commercial-industrial in nature, or one that is more mixed-use. The draft *planBTV: South End Master Plan* provides this evaluation, with the recommendation that the future land use for the southernmost portion of the E-LM is focused on supporting the needs of light industrial, R&D, and industrial arts/maker businesses. As such, the proposed changes place an emphasis on these uses, and creates a mechanism by which more traditional commercial uses are permitted only when on a lot with an industrial use. Therefore, the proposed amendment is consistent with the *2014 plan* and the draft *South End Master Plan*. The proposed amendment does not impact the permitted density or intensity of land uses.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the availability of safe and affordable housing. Housing is not presently permitted in the E-LM, and the proposed amendment does not change this.

Planned Community Facilities

The proposed amendment has no impact on 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, by request	Presentation to & discussion by Commission 11/27/2018	Approved for Public Hearing 11/27/2018	Public Hearing 1/9/2019	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

From: Shaleigh Draper <sdraper@burlingtonvt.gov>

Sent: Monday, December 17, 2018 3:34 PM

To: David E. White <DEWhite@burlingtonvt.gov>; Andy Montroll <andym@montrolllaw.com>; Charlie Baker <cbaker@ccrpcvt.org>; Eric Vorwald <evorwald@winooski.vt.gov>; Faith Ingulsrud <faith.ingulsrud@vermont.gov>; Jenni Lavoie <Jennifer.Lavoie@vermont.gov>; Kimberlee Sturtevant <ksturtevant@burlingtonvt.gov>; Mary O'Neil <MCOneil@burlingtonvt.gov>; Paul Conner <pconner@sburl.com>; Regina Mahony <rmahony@ccrpcvt.org>; Ryan Morrison <rmorrison@burlingtonvt.gov>; Sarah Hadd <shadd@colchestervt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>; Shaleigh Draper <sdraper@burlingtonvt.gov>

Cc: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: Burlington CDO Amendment 1.09.19

On behalf of the Planning Department, I am sending this notice of an amendment to the Burlington Comprehensive Development Ordinance and a public hearing on January 9, 2019. If you have any questions, please contact Meagan Tuttle.

Please reply to confirm receipt.

Shaleigh Draper
Planning & Zoning Clerk
City of Burlington, VT

149 Church Street
Burlington, VT 05401
802.865.7188

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

STATE OF VERMONT
NATURAL RESOURCES BOARD
DISTRICT 4 ENVIRONMENTAL COMMISSION

Act 250 Land Use Permit Application)
#4C0174-6 & 4C0368-3)
The Burton Corporation, Burlington)

NOTICE OF APPEARANCE

NOW COMES Andrew M. Bolduc, Esq., City Attorney for the City of South Burlington, and hereby enters his appearance on behalf of the City of South Burlington, Party By Right in the above referenced matter. The previously appeared Colin McNeil at McNeil, Leddy & Sheahan will continue to serve as co-counsel for the City in this matter.

DATED at South Burlington, Vermont this 9th day of March 2021.

By:



Andrew M. Bolduc, Esq.
City of South Burlington
575 Dorset Street
South Burlington, VT 05403
(802) 846-4117
abolduc@sburl.com



cityattorney
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CERTIFICATE OF SERVICE

I hereby certify on this 9th day of March, 2021, a copy of the foregoing Notice of Appearance concerning Act 250 Land Use Permit Application 4C0174-6,4C0368-3, was sent via email to the individuals at their email addresses listed below.

The Burton Corporation
c/o Justin Worthley, Mike Fialko-Casey, Eric Bergstrom
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justinw@burton.com; MikeF@burton.com; erich@burton.com

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Chair, Selectboard/Chair, Planning Commission
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memery@sburl.com

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Taylor Newton
Chittenden County Regional Planning Commission

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Winooski, VT 05404
permitting@ccrpcvt.org; TNewton@ccrpcvt.org

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

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

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

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

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
ACCD.ProjectReview@vermont.gov

FOR YOUR INFORMATION

District 4 Environmental Commission
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Monique Gilbert, Pam Loranger
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Lori Hayes
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Harris Roen
46 Scarff Avenue
Burlington, VT 05401
harris@roen.net

Mark Furnari
mark.furnari@gmail.com

DATED at South Burlington, Vermont this 9th day of March, 2021.



Andrew M. Bolduc, Esq.
City of South Burlington
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(802) 846-4117
abolduc@sburl.com

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

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

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance Amendment **ZA-20-05: Short Term Rentals**

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). Per Act 92, Secs. 5 and 6, the public hearing will take place during the Planning Commission meeting on **Tuesday, April 13, 2021 beginning at 6:45pm**. You may access the hearing/meeting as follows:

To join from a Computer, please click this URL to join, and enter the Webinar ID if prompted:
<https://us02web.zoom.us/j/86525320085>

To join by phone, dial this number and enter the Webinar ID when prompted:
Number: +1 312 626 6799 **Webinar ID:** 865 2532 0085

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of the proposed amendments are as follows:

- **ZA-20-05:** Define and enable Short Term Rentals in the *Burlington Comprehensive Development Ordinance*, and refer to regulatory standards in the City's *Code of Ordinances, Ch. 18 Minimum Housing*, and update CDO definitions for Hotel/Motel and Hostel.

Geographic areas affected:

These amendments apply to the following areas of the city:

- **ZA-20-05:** All areas and zoning districts where residential uses are permitted.

List of section headings affected:

The proposed amendments modify the following sections of the *Burlington Comprehensive Development Ordinance*:

- **ZA-20-05:** Modifies *Sec.13.1.2 Definitions, Appendix A- Use Table, Table 14.3.4-H- Use Type, and Table 14.3.5-H- Use Type*.

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Proposed-Amendments-Before-the-Planning-Commission>

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 with City Council Ordinance Committee

Tuesday, April 13, 2021, 6:30 P.M.

Remote Meeting via Zoom

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/86525320085>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 865 2532 0085

AGENDA

I. Agenda

II. Public Forum

Public forum for items not on the agenda. *See the Agenda Packet for details on how to participate in the public forum for this meeting.*

III. Public Hearing: Proposed ZA-20-05 Short Term Rentals (Time Certain 6:45pm)

The Joint Committee will hold a public hearing on proposed regulations for short-term rentals (STR). The proposed amendment includes changes to the Burlington *Comprehensive Development Ordinance*, and is accompanied by standards that will be included in *Ch. 18 Minimum Housing Standards*.

While *Ch. 18* is outside of the Planning Commission's purview, the Joint Committee will accept comments on both elements of this draft regulation during the public hearing.

Information related to this item is included in the agenda packet and online, including:

- Updated staff memo regarding STR amendment: p. 5
- Draft CDO (Zoning) Amendment Language: p. 9-13
- Draft Ch. 18 (Housing Code) Amendment Language: p. 14

Staff Recommendation: The Committee is requested to provide specific feedback on any further changes to the provisions in either the *CDO* or *Ch. 18*, and direction on how it wishes to move forward with this item.

IV. Re-approve Municipal Bylaw Amendment Report ZA-21-06

The Commission will receive an update on a minor amendment made to ZA-21-06 regarding Shoreline property setbacks and buffer during the City Council Ordinance Committee meeting. Information related to this item is enclosed in the agenda packet on page 24.

Staff Recommendation: Reapprove the Municipal Bylaw Amendment report and refer to Council for its public hearing on April 26, 2021.

V. Commissioner Items

- a. Upcoming Meetings: April 27, 2021 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

Tuesday, April 13, 2020

VI. Minutes & Communications

- a. The minutes of the March 9, 2021 meeting are enclosed in the agenda packet on p. 33.
- b. Communications are enclosed in the agenda packet beginning on p. 36, and an additional packet of communications are available online at: <https://www.burlingtonvt.gov/CityPlan/PC/Agendas>

VII. Adjourn

Burlington Planning Commission

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Burlington Planning Commission with City Council Ordinance Committee

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Public forum for items not on the agenda. *See the Agenda Packet for details on how to participate in the public forum for this meeting.*

III. Public Hearing: Proposed ZA-20-05 Short Term Rentals (Time Certain 6:45pm)

The Joint Committee will hold a public hearing on proposed regulations for short-term rentals (STR). The proposed amendment includes changes to the Burlington *Comprehensive Development Ordinance*, and is accompanied by standards that will be included in *Ch. 18 Minimum Housing Standards*.

While *Ch. 18* is outside of the Planning Commission's purview, the Joint Committee will accept comments on both elements of this draft regulation during the public hearing.

Information related to this item is included in the agenda packet and online, including:

- Updated staff memo regarding STR amendment: p. 5
- Draft CDO (Zoning) Amendment Language: p. 9-13
- Draft Ch. 18 (Housing Code) Amendment Language: p. 14

Staff Recommendation: The Committee is requested to provide specific feedback on any further changes to the provisions in either the *CDO* or *Ch. 18*, and direction on how it wishes to move forward with this item.

IV. Re-approve Municipal Bylaw Amendment Report ZA-21-06

The Commission will receive an update on a minor amendment made to ZA-21-06 regarding Shoreline property setbacks and buffer during the City Council Ordinance Committee meeting. Information related to this item is enclosed in the agenda packet on page 24.

Staff Recommendation: Reapprove the Municipal Bylaw Amendment report and refer to Council for its public hearing on April 26, 2021.

V. Commissioner Items

- a. Upcoming Meetings: April 27, 2021 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

Tuesday, April 13, 2020

VI. Minutes & Communications

- a. The minutes of the March 9, 2021 meeting are enclosed in the agenda packet on p. 33.
- b. Communications are enclosed in the agenda packet beginning on p. 36, and an additional packet of communications are available online at: <https://www.burlingtonvt.gov/CityPlan/PC/Agendas>

VII. Adjourn

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.

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

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

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance Amendment **ZA-20-05: Short Term Rentals**

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). Per Act 92, Secs. 5 and 6, the public hearing will take place during the Planning Commission meeting on **Tuesday, April 13, 2021 beginning at 6:45pm. You may access the hearing/meeting as follows:**

To join from a Computer, please click this URL to join, and enter the Webinar ID if prompted:
<https://us02web.zoom.us/j/86525320085>

To join by phone, dial this number and enter the Webinar ID when prompted:
Number: +1 312 626 6799 **Webinar ID:** 865 2532 0085

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of the proposed amendments are as follows:

- **ZA-20-05:** Define and enable Short Term Rentals in the *Burlington Comprehensive Development Ordinance*, and refer to regulatory standards in the City's *Code of Ordinances, Ch. 18 Minimum Housing*, and update CDO definitions for Hotel/Motel and Hostel.

Geographic areas affected:

These amendments apply to the following areas of the city:

- **ZA-20-05:** All areas and zoning districts where residential uses are permitted.

List of section headings affected:

The proposed amendments modify the following sections of the *Burlington Comprehensive Development Ordinance*:

- **ZA-20-05:** Modifies *Sec.13.1.2 Definitions, Appendix A- Use Table, Table 14.3.4-H- Use Type, and Table 14.3.5-H- Use Type.*

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Proposed-Amendments-Before-the-Planning-Commission>

TO: Burlington Planning Commission & City Council
Ordinance Committee
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
Meagan Tuttle, Comprehensive Planner, Office of City Planning
DATE: March 22, 2021
RE: Proposed CDO Amendment ZA-20-05: Short Term Rentals & Ch. 18 Minimum Housing Code amendments

Overview & Background

This package of amendments resulted from the 2019 Mayor's Housing Summit, and the subsequent Council Resolution in October 2019, which directed a Joint Committee of the Planning Commission & City Council Ordinance Committee to create a regulatory framework for short-term rentals that created tiers and disincentivizes the most impactful uses in order to:

- Limit the number of housing units converted for short-term rental purposes;
- Ensure that conversions contribute to efforts to preserve and expand affordable housing;
- Provide some flexibility for homeowners to earn income; and
- Recognize that some supply of short-term rentals benefits the Burlington economy.

Defining Short Term Rentals

A short term rental (or STR) is typically a dwelling unit that is rented in whole or in part to guests for less than 30 consecutive days for overnight stays. It may be an apartment, a house, or just a bedroom within a housing unit. AirBnB exemplifies short term rentals.

In the last several years, there has been significant and growing demand for STR's internationally, and locally. They benefit owners with a source of income that can help subsidize a cost of living that may otherwise be unaffordable. STR's may also encourage investment in a property. They benefit Burlington's tourism economy and provide guests with a convenient, and often more affordable, place to stay when traveling. They also generate city and state tax revenue via the Rooms & Meals Tax (RMT). Short term rentals, however, do not come without impacts. Some have the effect of removing dwelling units for long-term occupancy, and they may contribute to rising rental rates and purchase prices. Given the high turn-over of guests, short-term rentals may bring about nuisance impacts such as traffic, noise, and trash to neighborhoods.

As the Joint Committee has heard from many of the city's STR hosts, short-term rentals are uniquely flexible and come in a variety of forms—beyond the major distinction between whole unit and partial unit STR's. The same dwelling unit may alternate between long- and short-term rental uses within a relatively short period of time. A dwelling unit may serve as one's primary residence for most of the year, and serve as a short-term rental while the resident is away. A short-term rental may coexist with a number of long-term rentals within a multi-family building. This variability and flexibility needs to be considered within the context of the overarching policy objective: to protect Burlington's limited housing stock, while affording reasonable opportunity to host short-term rentals within the city.

Short Term Rentals in Burlington

Burlington has some 10,000+ rental housing units, representing 60% of all housing units. While the June 2019 Housing Summit reported hopeful trends in a slightly increasing vacancy rate and slight slowing annual rent inflation, the city's housing market remains tight with the long-time rental vacancy rate between 1% and 2%. Short-term rentals have replaced a growing number of dwelling

units citywide in recent years. According to data provided by HostCompliance, the number of short term rentals within Burlington increased 26% between 2018 and 2019. The average monthly number of short term rentals within city limits between June and September 2020 was 403 listings, representing 357 unique rentals.

As of September 2020, 71% STRs in Burlington are an entire dwelling unit, whereas 29% are partial dwelling units (i.e. bedrooms). This is a change from 67% and 33% respectively in 2019, likely due to COVID-19 concerns. In September 2020, 55% of the city's STR's were in single-family properties and 45% in multi-family properties. The COVID-19 pandemic has had wide-ranging impacts on the STR market globally and locally.

While the total number of unique properties and listings in Burlington has changed little in 2020, the number of active listings has varied this year due travel restrictions and hosts' management decisions. Stories shared by STR hosts and data from other sites, such as AirDNA, suggest that many of these listings may currently be inactive, are being rented as an STR for a longer duration (such as for weeks or months), or are being used as temporary accommodations for people who have relocated due to the pandemic. It will be some time before the long-term impacts of COVID-19 on the local STR market are understood.

Joint Committee work on STR Proposal

The Joint Committee has received information on STRs in the city during meetings spanning more than a year. In response to public and Joint Committee comments, the original draft regulatory framework has been revised in four major ways:

- Revision to STR limits within multi-unit buildings to be less than 50% of units, a prohibition on STRs in buildings with 5 or more units, and a related clarification that exceeding these limits results in a "lodging" use.
- Allow some degree of off-site hosting for STR's within multi-unit buildings.
- Consider an alternative to Housing Replacement fees, such as an additional fee based on STR income. In either scenario, fees will support the City's Housing Trust Fund. This additional fee needs to be determined by the City Council, and likely through a charter change.
- Specifically enable hosts to short term rent their primary residence, no matter the residential building type.

The standard for when the host is required to live on or be the owner of the property hosting an STR(s) emerged as one of the most important policy levers in determining how many STRs would be possible within the city. The Committee deliberated this issue on many occasions, specifically with regard to how permissive the policy should be, and what recourse the City had for changing the policy or curtailing STR use if too many housing units became STRs.

As a result, staff provided a proposal for the Joint Committee's consideration to shift much of the regulatory framework from the *Comprehensive Development Ordinance (CDO)* to *Chapter 18: Minimum Housing Standards (Ch.18)* of the City's *Code of Ordinances*. This shift would preserve the ability to implement key policy objectives, but leaves a limited role for zoning regulation of STRs. Specifically, *Ch. 18* can regulate the number of STRs permitted on a property or in a building as well as host-occupancy requirements where applicable. *Ch.18* continues to be the tool to administer life safety standards and the annual rental registration process.

Moving STR standards out of the *CDO* has several benefits, such as avoiding the onerous process of requiring new zoning permits each time a unit switches from long-term and short-term use. But most significantly, it addresses the Committee's feeling that the policy may need to be adjusted in the future, and eliminates the concern that non-conforming STRs would be exempt from such changes. Because standards in *Ch.18* apply at the time of each annual rental registration, any policy changes made since an STR's last permit renewal would be applicable.

Therefore, the limited role for regulating STR's through the CDO includes allowing STR's by-right where residential uses are permitted, and creating a definition that points to the specific STR regulations in Ch. 18. This amendment also condenses the definitions for several lodging types into one use/definition, and clarifies that they do not include STRs.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed regulatory framework is aimed at minimizing the potential for adverse impacts to the city's housing stock, while balancing some flexibility for hosts to operate short term rentals. Together with amendments to Minimum Housing Standards in the City's Code of Ordinances, the proposed amendment is intended to allow the short term rental of bedrooms within a dwelling, and the use of a host's own dwelling occasionally as a short-term rental, with minimal burden to the host. Per-building caps are applied to whole unit short term rentals operated by off-site hosts so as to limit their proliferation. In an effort to balance the benefits to hosts with the preservation of long-term housing stock, short term rentals would generally be allowed wherever residential uses are allowed; however, in most scenarios, hosts must be a resident of the property.

Proposed Amendments

CDO Amendments

With the shift of much of the regulatory framework to *Ch. 18*, only limited changes to the *Burlington Comprehensive Development Ordinance* are now proposed:

1. Amend Article 13 Definitions to define "short term rental", modify "lodging" definitions

Define short term rental as a type of dwelling unit and refer to standards in *Ch.18*. The STR definition reflects the state's definition of an STR with regard to length of rental and refers to the Vermont rooms and meals tax. Additionally, the definitions of Hotel/Motel and Hostel are streamlined to a more general "Lodging" definition to reduce redundancy and inconsistencies in how various traditional lodging uses are permitted.

2. Add STRs as a "special residential use" to Appendix A- Use Table and in Article 14-Downtown Code

This will establish that short term rentals are allowed anywhere that residential uses are allowed, and will refer to *Ch. 18* for specific standards.

Ch. 18 Minimum Housing Code Amendments

The attached documents detail the related amendments to *Ch. 18 Minimum Housing Standards*. While *Ch. 18* amendments are not normally the purview of the Planning Commission, they are reviewed by the City Council Ordinance Committee. Further, in this instance, the Joint Committee is recommending *Ch.18* amendments because they resulted from the Committee's charge from the City Council to create a regulatory framework for STRs. These amendments include:

1. Establish standards for the number and type of STRs permitted in a building, and when the host is required to be the owner/occupant of the property.

Sets limits for the number of bedrooms rented in a Partial Unit STR, and limits for the number of Whole Unit STRs permitted in a building based on the number of units in the

building. Additionally, requires host occupancy of the unit in which the STR is located except for in limited cases for STRs in multi-unit buildings of 3 or 4 units.

2. Establish minimum life safety standards for STRs, and requirements for annual rental registration.

Defines a limited set of life safety standards for STRs, and additional information to be provided on rental registration applications for housing units to be used as STRs.

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

The STR proposal is intended to protect existing housing from unlimited conversion to short term rental use. Data shows increasing numbers of short term rentals in recent years, largely at the expense of long term housing stock. This increase puts additional pressure on the city's available housing and degree of affordability. The proposed measures will establish parameters for allowing short term rentals while limiting their adverse impacts on the city's housing supply and affordability.

Impact on Safe & Affordable Housing

The proposal will have no impact on the intensity or density of future land use. It will; however, ensure that future short term rentals are compatible with the residential neighborhoods that so many of them occupy. Short term rentals will be allowed wherever residential uses are allowed. Per-building caps will prevent wholesale conversion of residential units into short term rentals.

Planned Community Facilities

This amendment 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, Joint Cmte, based on City Council referral	Presentation to & discussion by Joint Committee 1/14, 1/28, 2/11, 2/19, 8/11, 9/23, 10/28, 11/24, 12/8, 1/12, 2/9, 3/9	Approved for Public Hearing 3/9/21	Public Hearing 4/13/21	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council	Second Read & Public Hearing	Approval & Adoption
				Rejected

Excerpt of Burlington CDO Article 13: Definitions

Note: Proposed additions are noted in red underlined text and deletions are ~~crossed out~~.

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous *As written.*

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to *Art. 14 planBTV: Downtown Code* can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

All other definitions as written.

~~**Hostel:** A place where travelers may stay for a limited duration, as recognized by the International Hostel Association.~~

~~**Hotel, Inn or Motel**~~ **Lodging:** An establishment providing for a fee ~~three or more~~ temporary guest rooms and customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and subject to the Vermont rooms and meals tax. Lodging may, or may not, be owner occupied. Lodging does not include historic inns or short term rentals (except when per-building short term rental limits noted in Chapter 18: Minimum Housing Standards of the City Code of Ordinances are exceeded).

Short term rental (STR): A dwelling unit that is rented in whole or in part to guests for less than thirty (30) consecutive days and for more than 14 days for overnight stays per calendar year and is subject to the Vermont rooms and meals tax, pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^l	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
As written															
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Residential Special Uses as written.															
<u>Short Term Rental</u> ³³	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Non-Residential Uses as written.															
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel <u>Lodging</u>	N	N	N	N	CU	N	N	N	(See Sec. 4.4.1 (d) 1)	N	Y	N	Y	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

Appendix A-Use Table – All Zoning Districts

- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
- 33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

14.3.4-H- USE TYPE**FD6**

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (<i>Sec. 14.6.6.e</i>)	P
Convalescent /Nursing Home	P
<u>Short Term Rental (See Ch. 18: Minimum Housing)</u>	<u>P</u>

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast ¹	P
Historic Inn (<i>Sec. 14.6.6.c</i>)	P
<u>Hotel</u>	<u>P</u>
<u>Lodging</u>	<u>P</u>
Shelter	P

RETAIL - GENERAL

ATM	P
Auto/Boat/RV Sales/Rentals ³	P
Convenience Store	P
Fuel Service Station ² (<i>Sec. 14.6.6.d</i>)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Open Air Markets	P
------------------	---

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³ Exterior storage and display not permitted.

14.3.4-H- USE TYPE**FD6****OFFICE & SERVICE**

Animal Grooming	P
Auto/Boat/RV Service ³ (<i>Sec. 14.6.6.d</i>)	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (<i>Sec. 14.6.6.g</i>)	P
Office – General	P
Office – Medical	P
Office – Technical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility – Indoor	P
Restaurant	P
Restaurant – Take Out	P

14.3.5-H- USE TYPES**FD5**

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec. 14.6.6.e)	P
Convalescent /Nursing Home	P
Group Home	P

Short Term Rental (See Ch. 18: Minimum Housing)

P**SHORT-TERM ACCOMMODATIONS**

Bed and Breakfast ¹	<u>P</u>
Historic Inn (Sec. 14.6.6.c)	P
<u>Hotel</u>	<u>P</u>
<u>Lodging</u>	<u>P</u>
Shelter	P

RETAIL - GENERAL

ATM	P
Automobile and RV Sales and Rental ²	P
Convenience Store	P
Fuel Service Station ² (Sec. 14.6.6.d)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- USE TYPES**FD5****OFFICE & SERVICE**

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.6.g)	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service ²	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

ARTICLE I. IN GENERAL

18-1 Short title.

This chapter shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Burlington."

(Rev. Ords. 1962, § 921)

18-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given herein:

Host means a person who operates a short term rental (whole or partial unit). The host may be the property owner or tenant.

Hotel or motel means an establishment which holds itself out to the public by offering temporary (less than 30 days) sleeping accommodations for compensation consideration and is subject to the Vermont rooms and meals tax. Hotel or motel is defined as lodging in the Comprehensive Development Ordinance. Hotel or motel does not include short term rental.

Occupant shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

Rental unit shall mean any structure, a part of which is rented out and occupied as a residence by another, for compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion of any such unit being occupied as a residence by the owner shall be considered a rental unit.

Roominghouse shall mean any dwelling or that part thereof containing one or more rooming units in which space is let to three (3) or more persons for thirty (30) consecutive days or more.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. A rooming unit does not include short term rental.

Short term rental (STR) shall mean a dwelling unit that is rented in whole or in part to guests for less than thirty (30) consecutive days and for more than 14 days for overnight stays per calendar year and is subject to the Vermont rooms and meals tax. It may be a whole unit short term rental (the entire dwelling unit) or a partial unit short term rental (just bedrooms within the dwelling unit).

Target housing means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for less than thirty (30) days ~~or less~~.

All other definitions as written.

18-3 – 18-14 Reserved

As written.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY¹

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section 18-16 shall be required to annually file a registration application and fee with the enforcement agency, which shall be due annually on or before April 1. Additional requirements pertaining only to short term rentals are listed in subsection (f).

The owners must complete a rental property information form to be provided by the enforcement agency which contains the following information:

- (1) The address of the property.
- (2) The number of dwelling units~~s~~ at that address.
- (3) The number of rental units at that address.
- (4) The maximum number of residents in each rental unit.
- (5) The number of sleeping rooms in each rental unit.
- (6) The number of families living in each rental unit.
- (7) The number of unrelated adults in each rental unit.

- (8) The number of vehicles owned or used by residents of the premises and the number of parking spaces that are dedicated for the rental units at the property.
- (9) The name, address, phone number, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and his/her name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.
- (10) The name, address and phone number of any local (within Chittenden County) managing agent. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner in matters concerning compliance with this chapter.
- (11) The name, address and phone number of an emergency contact for this property. All properties must have an emergency contact within Chittenden County.
- (12) A designated person within the state for service of process for this property. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process. The name, address, phone number, date of birth, drivers license number and state and military status (active or not) of the designated agent.
- (13) State yes or no to the following question: If the number of unrelated adults listed in paragraph (a)(7) above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?
- (b) Upon purchase or transfer of property containing a rental unit, the purchasers shall file a new registration application and a fifty dollars (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner on the same date.
- (c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.
- (d) It shall be a violation of the city minimum housing ordinance for an owner of any rental unit within the city to fail to register a rental unit as required by this section.

(e) Property owners shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) during the periods between the required filings of the registration applications.

(f) In addition to registration requirements for all rental units noted in (a) – (e) above, all short term rentals subject to inspection pursuant to Sec. 18-16 shall be subject to the standards of Table 18-15-1 below:

<u>Table 18-15-1 Short Term Rental Types, Limits, and Standards</u>		
<u>Whole Unit STRs</u>		
	<u>Building Type</u>	<u>STR Limit in Building</u>
<u>Dwelling unit that is not the host's primary residence but is located within the same building or property as the host's primary residence.</u>	<u>Single Detached Dwelling</u>	<u>1 Whole Unit</u>
	<u>Duplex</u>	<u>1 Whole Unit</u>
	<u>Attached Dwellings- Multi-Family (3-4 units)</u>	<u>1 Whole Unit</u>
	<u>Attached Dwellings – Multi-Family (5 or more units)</u>	<u>No STRs allowed</u>
<u>Dwelling unit that is owned by a host whose primary residence is off-site.</u>	<u>Attached Dwellings – Multi-Family (3-4 units)</u>	<u>1 Whole Unit</u>
	<u>Attached Dwellings – Multi-Family (5 or more units)</u>	<u>No STRs allowed</u>
<u>A dwelling unit that is the host's primary residence (as defined in the CDO) may be used as a STR within any building type, and are not subject to the limits above.</u>		
<u>On lots containing 2 or more detached primary structures/buildings, the STR limits are applicable to each building, based on the number of dwelling units in each building.</u>		
<u>Buildings exceeding these limits are a Lodging use, and subject to applicable standards in the Comprehensive Development Ordinance.</u>		
<u>Partial Unit STRs</u>		
	<u>Bedroom Limit within STR</u>	
<u>Dwelling unit that is the host's primary residence.</u>	<u>5 rooms let individually as an STR</u>	
<u>Rooms let individually as an STR in a dwelling unit that is not the host's primary residence is not permitted.</u>		

(1) Additional information to be included in the rental property information form provided by the enforcement agency:

(i) How many short term rentals are there in the building?

- Number of whole unit short term rentals?
- Number of partial unit short term rentals?

(ii) Will the short term rental(s) be rented for more than 183 days per year?

(iii) What is the tax account number?

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00)

18-16 Inspection required.

The enforcement officer or his/her delegate shall make inspections of rental units within the city, including hotel and motel rooms which are regularly let to the same tenant(s) for a period ~~in excess~~ of thirty (30) days or more, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2) rooms which are rented out for compensation (including partial unit short term rentals of just one {1} or two {2} bedrooms). Also excluded from inspection are university and college dormitories that conduct regular, comprehensive inspection programs and annually certify compliance with the minimum housing standards ordinance to the enforcement agency. Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plan for inspections of rental units, shall be available for public inspection.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-17 – 18-29

As written.

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such

termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) The provisions of this subsection do not apply to short term rentals.

(Ord. of 10-29-04)

18-30 Fees.

(a) *Registration fee.* Pursuant to Section [18-15](#), a registration fee shall be charged to the owner of every rental unit in the city that is subject to periodic inspections. This fee shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection services, clerical, administrative and mediation support services for the housing board of review and landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year except for owner occupied dwellings with two (2) or less units, in which case the fee shall be eighty dollars (\$80.00) and except for partial unit short term rentals, in which case the fee shall be fifty dollars (\$50.00).

Remainder of Sec. 18-30 as written.

18-31 – 18-69

As written.

ARTICLE III. MINIMUM STANDARDS¹

DIVISION 1. GENERALLY

18-70 Compliance with article required.

No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section [18-2](#). See Division 7 for Minimum Standards applicable to short term rentals.

18-71 – 18-120

As written.

DIVISION 7. SHORT TERM RENTAL

18-121 Compliance with article required.

No person shall establish, operate, or host guests in a short term rental which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.

18-122 Minimum Fire Safety Standards:

- (a) Smoke and carbon monoxide alarms are provided per the following:
 - i. Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.
 - ii. Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year photoelectric lithium powered tamper resistant type.
 - iii. Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.
 - iv. Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.
 - v. Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or may be hardwired.
- (b) GFI Outlets are provided in the following areas:
 - i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.
- (c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.
- (d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel service technician.
- (e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with guards and intermediate rails spaced no more than four (4) inches apart. Stairs must be provided with graspable handrails.

18-123 Minimum General Standards:

- (a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.
- (b) Guest rooms have been serviced and cleaned before each new guest.

- (c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- (d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- (e) Sewage system and toilets function and are in good repair.
- (f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
- (g) Guest rooms are free of any evidence of insects, rodents, and other pests.
- (h) Provision of fire extinguishers as required by NFPA and Burlington Fire Department.
- (i) Instructions for occupants regarding:
 - i. Location and use of fire extinguishers
 - ii. Emergency egress routes
 - iii. 24 hour/7 days per week emergency contact information
 - iv. Emergency shut-off of heating systems and fuel burning appliances.
- (j) Current rental registration certificate posted inside and clearly visible to occupants.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 Purpose.

As written.

18-201 Definitions.

- (a) For the purpose of this article, "adverse housing action" means any of the following:
 - (1) Refusal to rent;
 - (2) Refusal to negotiate a rental;
 - (3) Making a rental unit unavailable;
 - (4) Changing of the terms, conditions, or privileges of a rental including adding or increasing rental charges;
 - (5) Falsely representing that a rental unit is not available for a prospective tenant;
 - (6) Refusal to permit reasonable changes or modifications at other than the landlord's expense to a rental unit in order to render it suitable for occupancy by a handicapped person.
- (b) For the purpose of this article, "rental unit" shall not include:
 - (1) Dormitories or other housing provided by an educational institution including fraternities and sororities;
 - (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public monies for the purpose of making housing available for a particular group or classification of persons;
 - (3) Housing provided for pious, charitable, or public purposes;

(4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;

(5) Dwellings which are owner-occupied duplexes-;

(6) Short term rentals.

(c) Notwithstanding the above, no dormitory or other housing provided by an educational institution, including fraternities and sororities, shall take an adverse housing action against any person because of the age, sexual orientation or handicap of the person.

(Ord. of 10-9-84; Ord. of 9-24-90)

18-202 – 18-301

As written.

18-302 Exemptions.

(a) This article shall not be applicable to single-family homes and duplexes.

(b) This article shall not be applicable to properties that meet all of the following requirements:

(1) land tract with ten (10) or fewer housing units;

(2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and

(3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

(c) This article shall not be applicable to short term rentals.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-303 – 18-501

As written.

18-502 Applicability.

(a) This article shall be applicable to all rental properties subject to the Minimum Housing Code. In mixed commercial/residential buildings this article shall apply only to the residential portion of the building. This article shall not apply to owner-occupied portions of a multi-unit building.

(b) The following properties shall be exempt from meeting the requirements of this article:

(1) Rental properties not rented between November 1 and March 31 of each year.

(2) New construction subject to and in compliance with the Energy Conservation Ordinance, B.C.O. sections [8-100](#) to [8-104](#)

(3) Hotels, motels, tourist rooming houses, dormitories, hospitals, hospices and nursing homes.

(4) Buildings or apartments where heating costs are paid by owners of the rental properties.

(5) Short term rentals.

(Ord. of 3-24-97)

18-503 – 18-511

As written.

TO: Burlington City Council
Mayor Miro Weinberger
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: April 13, 2021
RE: Proposed CDO Amendment ZA-21-06: Shoreline property setbacks & buffer zone

Amended report for PC Re-approval

Overview & Background

This amendment seeks to establish a maximum front yard setback for shoreline properties in the waterfront residential districts and to provide a measure of shoreline naturalization upon development of shoreline properties.

The maximum front yard setback is proposed to remedy a recurring problem wherein the front yard setback, based on the average of neighboring properties, pushes development closer towards the shoreline and further into the riparian and littoral conservation zone. The shoreline is irregular. As a result, many shoreline properties vary in depth. In turn, placement of homes on these properties also varies. The residential front yard setback is based on the average of neighboring homes and works well in uniform neighborhoods. The average in these cases provides consistency along the street edge. Among shoreline properties, the variability of lot configurations and building locations renders the use of the average inappropriate. In some cases, strict use of the average actually pushes redevelopment closer towards the shoreline than existing development, counter to the intent of the riparian and littoral conservation zone. This amendment proposes a maximum front yard setback for waterfront residential properties to avoid recurrence of this problem.

The provision for shoreline naturalization is intended to establish a development threshold for improving shoreline conditions by allowing for some vegetative regeneration. Within the riparian and littoral conservation zone, development involving site work is reviewed by the Conservation Board with an eye towards tree retention and stormwater management capacity. Redevelopment of Burlington's widely developed shorelines has a fairly low bar for shoreline impacts. Existing conditions cannot be made worse, but there is currently no provision for improving vegetative conditions along the shoreline. The proposed amendment, applied to development above a certain threshold, will allow for some degree of vegetative regeneration by establishing no-mow areas along the shoreline.

The Conservation Board, Planning Commission Ordinance Committee, and full Planning Commission all unanimously approved this amendment. During the Council Ordinance Committee, a modification was made at the request of staff to change the language in the amendment from referring to a "no-mow" buffer requirement, to a "low-mow" buffer requirement.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The intent of the proposed amendment is to enhance protection of the city's environmentally sensitive shorelines. The city has already identified the need to protect surface waters from encroaching development and from nonpoint source pollution associated with stormwater

runoff. It has also identified the need to preserve natural vegetative cover along the shoreline to protect native plants, wildlife habitat and corridors, and water quality.

The proposed maximum setback for shoreline properties within the waterfront residential zones will substantially limit occurrences of the average front yard setback requirement pushing development closer towards the shoreline.

The **low**-mow provision is a simple and effective way to allow for vegetative regeneration along the shoreline. Such regeneration is consistent with the city's articulated goals of protecting shoreline integrity, water quality, and wildlife habitat.

Proposed Amendments

The following amendments to the Burlington CDO are included in this proposal:

1. Modify Table 4.4.5-1 Minimum Lot size and Frontage: RL, RL-W, RM and RM-W

This creates an alternative maximum setback for waterfront properties in RL-W and RM-W zoning districts.

2. Expand Sec. 4.5.4 (a) and Sec. 4.5.4 (b) 4. to include **low**-mow standards

Establishes new standards to provide a **low**-mow buffer along the lakeshore to promote revegetation on redeveloped waterfront properties.

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).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment does not impact the types or density of potential land use and density. It provides enhanced protection of Burlington's environmentally sensitive shorelines and is consistent with express goals of the city to protect its shorelines, water quality, and wildlife habitat and contiguity. The amendment enables more appropriate development siting and establishes a threshold for improving shoreline conditions.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety or affordability.

Planned Community Facilities

The proposed amendment has no impact on 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, Conservation Board	Presentation to & discussion by Commission 1/26/21	Approve for Public Hearing 1/26/21	Public Hearing 2/23/21	Approved & forwarded to Council
				Continue discussion

City Council Process				
First Read & Referral to Ordinance Cmte 3/8/21	Ordinance Cmte discussion 4/1/21	Ordinance Cmte recommend as modified 4/1/21	Second Read & Public Hearing 4/26/21	CCOC Recommends Approval & Adoption
				Rejected

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Ordinance
Committee

Public Hearing Dates: _____

In the Year Two Thousand Twenty-One

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Shoreline Property Setbacks & Buffer
ZA #21-06

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Table 4.4.5-3, Residential District Dimensional Standards, and Section 4.5.4, Natural Resource Protection Overlay (NR) District, to read as follows:

Sec. 4.4.5 Residential 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 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W

As written.

Table 4.4.5-2: Base Residential Density

As written.

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2, 7}	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on	Min: 10% of lot width Or ave. of side	Min: 25% of lot depth but in no	Min: 75' feet from the ordinary	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2, 7}	Side ³	Rear	Waterfront	
		both sides +/- 5-feet	yard setback of 2 adjacent lots on both sides Max required: 20-feet	event less than 20' Max required: 75-feet	high water mark of Lake Champlain and the Winooski River	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet (60-feet under Sec. 4.4.5(d)2A)
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent	Min: 25% of lot depth but in no event less than 20'	NA	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2,7}	Side ³	Rear	Waterfront	
			lots on both sides Max required: 20-feet	Max required: 75-feet		
1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4. 3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet. 4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone. 5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5. 6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width. 7. <u>For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.</u>						

20

21 (c) Permitted and Conditional Uses:

22 As written.

23 (d) District Specific Regulations:

24 As written.

25

Sec. 4.5.4 Natural Resource Protection Overlay (NR) District

(a) *Purpose and Authority:*

The Natural Resource Protection Overlay District is intended to:

- Protect surface waters and wetlands from encroachment by development, and from sources of non-point pollution;
- Preserve natural lakeshore vegetative cover where reasonably possible consistent with the Vermont Shoreland Protection Act, and the protection of native plants and vegetative cover that provide lake shoreland wildlife habitat, to the greatest extent possible;
- Protect the functions and values of Burlington's wetlands;
- Protect and enhance water quality near public beaches and other water-based recreation areas from sources of non-point pollution;
- Preserve natural features and communities, geologic features and cultural sites for education and research.
- Provide opportunities for public access where feasible and appropriate;
- Facilitate connections and corridors for wildlife between areas of publicly protected sites.
- Ensure that development that occurs within a Flood Hazard Area conforms to the requirements of the National Flood Insurance Program.
- Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- Make the City of Burlington and its residents eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

(b) *Areas Affected*

As written.

(c) *District Specific Regulations: Riparian and Littoral Conservation Zone:*

1. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within the Riparian and Littoral Conservation Zone and its associated buffer subject to the requirements and limitations set forth below under subpart 4.

- A. Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;

- B. “Accepted agricultural and silvicultural practices” as defined under 24 VSA Ch 117;
- C. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;
- D. Normal maintenance of existing docks, roads, rail lines, bridges, and culverts provided that disturbance to any shoreland is minimized in conjunction with such maintenance;
- E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,
- F. Recreational and educational activities such as hiking, walking, fishing, nature study, and bird watching and associated boardwalks and unimproved trails.

2. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within the Riparian and Littoral Conservation Zone and its associated buffer.

- A. The deposition or introduction of organic and inorganic chemicals, including herbicides and pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City’s pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,
- B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized vehicles used to construct and maintain permitted or regulated activities are specifically exempted from this prohibition);

3. Regulated Uses:

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

4. Requirements:

- 1. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules.

For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along the shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once per

year and allows vegetation to grow and mature. (Refer to Shoreland Best Management Practices established by Vermont Department of Environmental Conservation.). A low-mow zone shall be at least 15 ft. wide as measured inland from the 100 ft. elevation and shall be of a size equivalent to, or greater than, the new or redeveloped lot coverage, except that in no event shall a low-mow zone be required to extend more than 50 ft. wide as measured inland from the 100 ft. elevation or extend along more than 80% of a property's shoreline frontage.

For properties with frontage along Lake Champlain or the Winooski River, development shall be located no closer to the shoreline than existing development wherever reasonably possible.

2. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;
3. Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; and,
4. No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.

(d)-(f) As written.

* Material stricken out deleted.

** Material underlined added.

lb/KS: Ordinances 2021/Zoning Amendment – ZA #21-06, Shoreline Property Setbacks & Buffer, Table 4.4.5-3, Secs. 4.5.4(a) and (c)
4/7/21

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, March 9, 2021, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A Montroll, H Roen, A Friend, E Lee, J Wallace-Brodeur, B Baker, C Mason, Z Hightower, J Hanson
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant, W Ward, P Wehman
Attendance:	D Deen, K Ferravanti, M Bean, P Rockholz, R Sheppard, E Morrow, Participant "12345", L Kettler, D Lane, D Hanley, E Hanley, E Redic, W Cormac, H Ott, B Cooke, J Sharpe, E McArdle, C Vanzandt, B Smith, R Danielson, C Haessly, H Cluse, A Stark, M Klein, R Handy Holmes, S Hamilton, J Vandette, M Barger, D Ward Lyons, B Gonyaw, B Yanovsky, J Marks, B Kiss, E Beaudry, M Harasiuk, L Jensen, K McVeigh, A Magyar, S Gerrish, M Masters, D Culkins, D Sheppard, "Amy", S Jones, D Kirk, S Bushor, three additional participants identified by phone number only

I. Agenda

Call to Order	Time: 6:38pm
Agenda	No Changes

II. Public Forum

Name	Comment
E Redic	Landlords trying to find a compromise with the Committee is a mistake. Committee should consider why they believe they have more rights to private property than the owners.

III. Proposed CDO Amendment: Short Term Rentals

Action: Approve Municipal Bylaw Amendment report and warn a public hearing on proposed CDO Amendments, and accept comment on Ch. 18 elements during public hearing.		
Motion: J Wallace Brodeur	Second: E Lee	Vote: Approved Unanimously (vote by Commissioners only)
Committee discussion of proposed CDO and Ch. 18 amendments, which are posted online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas - Staff provided brief update on minor tweaks to the language based on last meeting, and answered questions about proposed STR Bill H.200 and regulatory takings related to primary residency requirements. - A Montroll proposed a modification to allow for an off-site STR host in single unit and duplex dwellings if the owner has owned the property for 3 years. Intent is to enable current hosts to continue, allow the city to know how many people will take advantage of this approach, and to modify the rules later be more restrictive if needed.		

- Some Committee members supported the concept as a middle ground and because it is responsive to public comment and current STR scenarios. It was noted however, that hosts must be aware that under Ch. 18 it would not guarantee right to STR in perpetuity due to annual registration process.
- Other Committee members continued to support regulations that are more restrictive of off-site hosting because proposal would not completely curb speculation and reduce the number of units used for STRs, and were concerned that there would be tremendous push-back to revising the regulations later if needed.
- Staff answered questions from Commissioners related to previous topics including process for imposing new STR fees, why a city-wide STR cap or a limit on nights rented were not recommended, and questions about the Ch 18 permitting process.
- E Lee recommend that the Council consider a year or more grace period after adoption of new rules before proactive enforcement takes place for STRs that will not be able to be continued.
- H Roen felt that the Committee will have failed if it doesn't address existing STRs by people who are trying to get by, and indicated that either the Committee or the Council must consider a solution before adopting a policy.

IV. Public Forum on STRs

Name	Comment
K McVeigh	Tenant renting an STR as a way to earn a living, put life savings into an apartment with landlord and it is main way of earning money to live above the poverty line for the first time. Allow existing STRs to continue while preventing new ones.
E Beaudry	Eliminating non-owner occupied STRs will put people out of business. Guests would not visit Burlington without STRs, and don't want to stay in homes with people's personal belongings. This impacts community, hosts and small businesses.
E Hanley	Like idea for non-owner-occupied duplexes because has owned property for 30 years and lived there for 5. New generation wants STR for travel, benefit the city's economy and creates jobs.
D Lyons	Disappointed Committee cannot find balance between small property owners and tenants in the city. Will continue to advocate for small non-owner-occupied properties, and appreciate Commissioner bringing a "both, and" suggestion. Councilors need to compromise.
J Marks	Reading for L Kotorman: Purchased a property that is now a duplex to support retirement. Hosting has kept rent low for long term tenants, helped afford taxes and make investment in property. Proposal feels like penalty for choosing not to be a larger investor with more units. May need to sell property because cannot make the debt service as a long-term rental.
E Morrow	Applicant on Ethan Allen Parkway successfully turned a single-family home into a hotel, and now proposing to add additional units as STRs. As Chair of the DAB, the Committee needs to clarify what a hotel is, and whether it can be a single building or multiple. Regarding STR regulations, new homeowners should be treated the same as longer-term homeowners.
E McArdle	Makes no sense to allow non-owner occupied STRs for 3-4 units, but not single unit and duplex. Hosts have come to meetings for a year and have suffered great emotional distress. Extremely disappointed by some members' use of taxes as disincentives, and the treatment of all landlords the same as large property owners.
J Sharpe	Some Committee members have Airbnbs, and find it inappropriate that those circumstances are being allowed, but not those of hosts coming to these meetings. Not being sympathetic to hosts is also detrimental to tourism.
C Haessly	Renter that hosts and concerned that would not be allowed to continue to STR. Renters should be allowed to rent their own unit, plus be allowed to rent one or

Tuesday, March 9, 2021

	two other units in the city. Committee needs to find a middle ground. Currently in a pandemic, and need to consider how people need to comply with health and safety requirements.
S Bushor	Disappointed about the legal opinion about allowing existing STR hosts to continue, and agonize over the STR hosts who will be negatively impacted. Want to protect the housing stock, long term renters, and single family homes, but concerned about how this will impact people who live close to the edge. Don't understand why no STRs are allowed in buildings of more than 5 units.
L Jenson	Report shared with the Committee regarding impact of STRs on housing costs. Rapid rise in housing cost not substantially driven by STRs and strict regulations on STRs are unlikely to resolve affordability crisis. Suggests that the foundation for the regulation in Burlington is false. Parties and nuisance issues are not unique to STRs. STRs are not something a host does overnight and takes back as they are time consuming and expensive. A lot of hosts are doing so because taxes are so high already, so idea of more taxes is very hard. Concerned that no safety inspection is required for partial unit STRs in owner occupied property.
A Stark	Like 3 year ownership idea to address comments the Committee has heard. Have heard a lot of concern about the "haves" (including small time landlords) and "have nots", but think there are other housing supply solutions the Committee could take that would be more impactful. Quoted report on STR impact on housing affordability. No data that tighter regulations will help low income tenants, so Committee shouldn't consider this vote a panacea for alleviating inequity in city.

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Planning Commission's next meeting is Mar. 23, 2021 at 6:30pm - E Lee: Reiterate public comment that Committee should look at hotel definition - B Baker: Agree with comments that there are other housing policies that have greater impact than STR regulations, including historic materials, additions to historic buildings, not allowing housing in the South End Enterprise district.		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: H Roen	Vote: Approved Unanimously
• Minutes Approved: February 23, 2021 • Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

VII. Adjourn

Adjournment		Time: 8:44pm
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously

Additional Comments received on STR Amendments

Submitted on Wednesday, March 31, 2021 - 16:29

Submitted by anonymous user

Did you attend the Housing Summit workshop in June? : No

Share your comments:

Affordable housing is great concern. These regulations requiring owner to live on the premises appear to offer a good balance of letting owner reap income from short-term rentals and not negatively impact housing market availability nor disproportionaly inflate prices.

Meagan Tuttle

From: Matt & Leda <tallandsmall@gmail.com>
Sent: Thursday, April 08, 2021 8:40 AM
To: Meagan Tuttle
Subject: Reflections for upcoming STR Meeting with Committee

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Meagan -

I hope you can relay some of the following ideas to the Committee for the next meeting.

Dear Committee Members,

I have resigned to the likelihood that we will be pushed out of the short-term rental community in Burlington as our single family house will no longer be able to meet the criteria that are being proposed. As a result, I will be moving my house to a seasonal/yearly rental (when we are not there / do not need it - but for ~9-10 months at a time). We've started doing this, and I'm facing a particular challenge. I can line up renters who want to stay in our furnished house, but very often there is a gap of a 30-60 days between tenants.

I would love the flexibility to be able to short-term rent out during these periods (often in the summer when there is a lot of demand in Burlington). My apologies if I can't keep up with the times and discussion. However, it is likely that the STR provisions are going to make it harder for those of us rent out in non-traditional ways in Burlington (not long-term renters).

My understanding is that STR applies to people who rent out on short stints for more than 30 days per year? **I would love if we were able to let out to people for up to 60 days a year, during the gaps between my renters.**

Just a thought.

I'm still not very happy that our options to stay in my own house is limited by this approach. My work takes me overseas for 9-11 months a year, and sometimes my family is out with me as well and sometimes, not. I need to come back to Burlington a number of times a year, where I work in a senior role for one of the City's biggest employers (Tetra Tech ARD). In order to accommodate my work schedules and times that I need to be in Burlington, a normal year long rental just doesn't work for me.

I guess a final few thoughts would be to:

1. track the impact of the upcoming rules on city housing. I would hate to set up these regulations under the assumption that they will have the intended impact on the housing stock and affordability, and then we find that there is no difference.

2. I still find it very ironic that a city that claims to be inclusive and urban, is limiting the options for people to participate in a gig economy / flexible economy, and that actively keeps out a certain type of tourist / set of traveller who contribute to Burlington's economy. The types of people I have noted in previous emails who are keen to come to the city who I think that we have uniquely serviced.

Thanks!

Matt

Meagan Tuttle

From: Jonathan Heller <sweetrecords@mac.com>
Sent: Sunday, April 11, 2021 7:54 AM
To: Meagan Tuttle
Subject: Short term rental meeting

[WARNING]: This email was sent from someone outside of the City of Burlington.

To all concerned

My typical guest is a couple looking for a romantic getaway or looking at the neighborhood as they consider buying a house.

There is one confirmed sale so far on South Cove Rd.

They check in [at 4 PM](#), stay for an average of three days and check out [at 11 AM](#). They park in the driveway religiously as instructed through automated email [at 4 PM](#).

They are made aware to be sensitive about my neighbors and street parking. Guests prefer driveway parking and feel no desire to park in the street. I maintain a no dog policy as well as a no beach and no party policy to further reduce impact.

I maintain a 4.9 star customer satisfaction rating and super host status.

Airbnb has reduced traffic in my driveway from the five cars previously, while living with two roommates and their own guests and or gatherings to a now seldom more than two cars in my driveway as is the current situation.

I have received some concern from A neighbor whose driveway abuts mine and we agreed if I install a privacy fence that would ease his concerns.

Being a single parent with a young child, my driveway has less traffic than your average family of four. The income has afforded me the ability stay in my home in a rising housing cost environment, to maintain critical upkeep to the property and grounds while still maintaining time to homeschool my daughter.

This summer I plan to paint the house, purchase new yard plantings and install a privacy fence. In future years I plan a decorative driveway as well as other façade improvements.

By inspiring me to add curb appeal to the property, Airbnb brings value to the town through local room and meals tax as well as being a conduit for restaurants and other tourist dollars. Airbnb is a critical element in sustaining and growing Burlington's tourist industry.

Airbnb allows me to add value to the neighborhood; switching back to a roommate model can only increase impact on the neighborhood.

Airbnb is not an alternative to the Hilton and Marriott. It is an option for people who want to get a little bit deeper into the culture of our town.

Thanks
Jonathan

Thanks
Jonathan

**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
OFFICE OF PLANNING**

RE: Lakeside Ovens, LLC	)	DISTRICT ENVIRONMENTAL
	)	COMMISSION #4
	)	
	)	APPLICATION #4C1316-1A
	)	
	)	April 12, 2021

ENTRY OF APPEARANCE

Please enter the appearance of the Agency of Natural Resources (“Agency”), State of Vermont, by and through its staff, Kevin Anderson, in the above-captioned matter.

COMMENTS

Criterion 1: Water Pollution

The project is in the surface water source protection area for the City of Burlington’s water system (water system identification number VT0005053). Source protection areas are areas through which contaminants are reasonably likely to reach a public water source and where extra precautions should be taken to minimize contaminant risks to public drinking water. To ensure any inadvertent spill or release of a toxic substance associated with the project is promptly reported to the Agency and City of Burlington, the Agency respectfully requests that the District Commission include the following condition in any land use permit it issues for the project:

If a spill or release of any toxic substance occurs at the project site, the Permittee or their representative shall immediately report the event to the Vermont Department of Environmental Conservation Spills Program and the Water Division of the Burlington Department of Public Works. The Spills Program can be reached during regular office hours at 802-828-1138 or via the 24-hour hotline at 800-641-5005. Any person reporting a release shall speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a release shall provide water system identification number VT0005053 to the Spills Program. The Permittee shall provide instructions, with contact phone numbers, for reporting a toxic substance release to all contractors for the Project and those instructions shall be displayed on site.

Criterion 1(B): Waste Disposal – Stormwater / Criterion 4: Soil Erosion and Drainage

The proposed land use permit states a permit will not be issued until the District Commission receives and reviews comments from the Agency regarding, “the proposed construction of a new

gravel wetland in anticipation of future compliance with Stormwater General Permit 3-9050.” As explained in the attached email from Winn Wilson, Environmental Analyst with the Department of Environmental Conservation, the proposed gravel wetland is not required at this time and the Applicant may construct the gravel wetland ahead of applying for coverage under General Permit 3-9050. If desired by the Applicant, Mr. Wilson can review the gravel wetland for conformance with certain design standards of the *2017 Vermont Stormwater Management Manual Rule*; however, his review cannot assess the gravel wetland’s compliance with General Permit 3-9050 without additional information.

The project would modify the limits of disturbance approved in connection with the Applicant’s construction stormwater permit (8275-9020.1); notably, by extending the limits of disturbance towards the shoreline. As suggested by Mr. Wilson, the Applicant should update the risk evaluation associated with that permit to account for the project. If the risk category does not change, the project may proceed under the existing construction stormwater permit.

Criterion 1(F): Shorelines

The project site is located along the shoreline of Lake Champlain (Exhibit 001 at 10). The storm drain exiting the proposed gravel wetland passes through an area to be managed as meadow in accordance with the landscaping plan approved under land use permit 4C1316.¹ To demonstrate the project satisfies Criterion 1(F), the Agency respectfully requests that the Applicant clarify whether the area to be occupied by the storm drain, after installation, will be managed as meadow as required by land use permit 4C1316. The Agency believes meadow management in this area helps the project meet standards (i) and (iv) of Criterion 1(F).

Respectfully submitted,
State of Vermont
Agency of Natural Resources

By:

/s/ Kevin Anderson
Kevin Anderson
Regulatory Policy Analyst
ANR Office of Planning
(802) 798-2087

¹ See Exhibit 035a of land use permit 4C1316.

E-Notification CERTIFICATE OF SERVICE FILE #4C1316-1A

I hereby certify that I, Kevin Anderson, Regulatory Policy Analyst for the Agency of Natural Resources' Office of Planning, sent a copy of the foregoing **Entry of Appearance and Comments**, dated April 12, 2021, regarding File #4C1316-1A by U.S. mail, postage prepaid, to the individuals without email addresses and by electronic mail to those with email addresses as indicated:

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452
nrb.act250essex@vermont.gov
aaron.brondyke@vermont.gov

Lakeside Ovens, LLC
c/o Russ Scully
688 Pine Street
Burlington, VT 05401
russ@hulalakeside.com

LandPlan Development Services, LLC
c/o John Caulo
61 Central Avenue
Burlington, VT 05401
john.caulo@gmail.com

Steve Smith
SAS Architects
117 St. Paul Street, Third Floor
Burlington, VT 05401
steve@sasarchitects.com

Katherine Schad, City Clerk
Chair, Selectboard/Chair, Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
burlingtontownclerk@burlingtonvt.gov
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Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpcvt.org

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

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

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

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

/s/ Kevin Anderson
Kevin Anderson, Regulatory Policy Analyst
Agency of Natural Resources
Office of Planning

From: [Wilson, William](#)
To: [Anderson, Kevin](#)
Subject: 4C1316-1A Lakeside Ovens, LLC
Date: Tuesday, April 6, 2021 8:28:31 AM
Attachments: [image001.jpg](#)

Good morning Kevin,

Please include the comments below to the NRB with respect to the Building 32 construction and proposed gravel wetland at the HULA site per our previous discussion.

1. The stormwater program would request that the area of disturbance needed for gravel wetland construction be included in an updated Appendix A risk score, as long as there is no change in the risk score category this work would be covered by the current construction stormwater permit.
2. The proposed work on Building 32 and surrounding hardscapes are already covered by stormwater permit 8275-INDS.A. The proposed gravel wetland is not a requirement of any of the currently proposed impervious redevelopment or expansion. The permittee could move forward understanding that the gravel wetland has not been reviewed for stormwater permit compliance. The stormwater program could review the gravel wetland with regards to conformance with the general 2017 Vermont Stormwater Management Manual design layout, however this review would not evaluate the required sizing needed to meet site wide 3 acre requirements under General Permit 3-9050.

Thank you,
Winn



Due to the coronavirus (COVID-19), the Agency of Natural Resources is taking additional safety measures to protect our employees, partners and customers. We anticipate we will be working remotely until at least March 31, 2021 and encourage you to communicate electronically or via phone to the greatest extent possible. Thank you for your patience and understanding that responses may occasionally be delayed.

Winn Wilson | Environmental Analyst
Vermont Department of Environmental Conservation
Watershed Management Division | Stormwater Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3901
802-490-8019
<https://dec.vermont.gov/watershed/stormwater>

LandPlan Development Services, LLC

61 Central Avenue
Burlington, Vermont
(802) 233-6640 john.caulo@gmail.com

13 April 2021

Mr. Aaron Brondyke, District Coordinator
Vermont Agency of Natural Resources – District 4 Environmental Commission
113 West Street
Essex Junction, Vermont 05452

RE: 44-50 Lakeside Avenue (Building #32)
Lakeside Ovens, LLC – 4C1316-1

Dear Aaron:

With regards to the *Entry of Appearance* by Kevin Anderson, VANR-Office of Planning in the above-referenced matter, we offer the following:

Criterion 1: Water Pollution

Per the Applicant's submission materials provided to the District Commission as part of Act 250 applications 4C1316, 4C1316-1 and 4C1316-1A, the Project does not involve the production or handling of any toxic substance. This fact notwithstanding, the Applicant does not object to the inclusion of the proposed condition offered by Mr. Anderson.

Criterion 1(B): Waste disposal – Stormwater / Criterion 4: Soil Erosion and Drainage

Per the communication from Winn Wilson at VT-DEC, we understand the proposed gravel wetland is not required to be installed at this time. The decision as to whether to proceed at this time will be made by the Applicant after reviewing proposed cost estimates for the Work. Regardless, the Applicant will update the risk evaluation and limits of disturbance of the existing construction stormwater permit and amend the existing permit accordingly.

Criterion 1(F): Shorelines

The Applicant agrees that the area to be occupied by the storm drain, after installation, will be managed as a meadow as required in Permit 4C1316.

Thank you for your continued assistance in processing this application. If additional information is required, please advise.

Sincerely,

LANDPLAN DEVELOPMENT SERVICES, LLC
John Caulo

cc. Russ Scully, Lakeside Ovens, LLC
Hannah Wingate, Engineering Ventures

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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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 with City Council Ordinance Committee

Tuesday, April 13, 2021, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, B Baker, Y Bradley, A Friend, E Lee, H Roen, J Wallace Brodeur, C Mason, J Hanson, Z Hightower
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant, P Wehman, B Ward
Attendance:	J Fish, R Camara, K Van Woert, A Magyar, M Barlow, J Hinsdale, F Lee, K Hackett, J Heller, E Redic, B Redic, L Kettler, L Jenson, M Orleans, K Gauthier, S carpenter, B Foust, D Lyons, J Marks, B Gonyaw, K Casella, K Cavoretto, R Danielson, S Bushor, one additional phone number unidentified

I. Agenda

Call to Order	Time: 6:38pm
Agenda	No Changes

II. Public Forum

Name	Comment
B Redic	City says it is interested in supporting homeownership for people of color, but disappointed about amount of work required to purchase a 3-unit home. Due to lack of paperwork in the City, required to make a significant investment to turn it into a duplex, and most recent concern is that it has been vacant for 60 days, losing the opportunity to maintain it for this purpose. Looking for support from the committee.

III. Proposed CDO Amendment: Short Term Rentals

Action: Amend proposed STR regulations to require owner-occupancy for all unit types.		
Motion: E Lee	Second: A Friend	Failed 2-5. Lee, Friend in favor; Baker, Bradley, Montroll, Roen, Wallace Brodeur oppose.
Action: Amend proposed STR regulations to allow STR in 1 and 2 unit buildings when host does not live on-site if owner has owned property for 3 years.		
Motion: B Baker	Second: H Roen	Passed 4-3. Baker, Bradley, Montroll, Roen in favor; Friend, Lee, Wallace Brodeur oppose.
Action: Approve the Municipal Bylaw Amendment Report and forward proposed CDO and Ch. 18 amendments to Council as amended, with recommendation.		
Motion: Y Bradley	Second: J Wallace Brodeur	Passed 6-1. Lee opposed.
Staff provided an overview of the current proposal for both CDO and Ch. 18 amendments, which are posted online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		
The Chair opened the Public Hearing at 6:51pm with the following comments received:		

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.

- E Redic- Disappointed in lack of concern about who is being impacted and harm to the community. Say want affordable housing and safe places to live, but the only way to do that is relieve some of the regulations in place. City is making it difficult to be a landlord, and putting own family and tenants at risk.
- K Casella- Proposed STR regulations are draconian and overreach. Did not do work to document how many STRs have replaced housing units, how owner-occupancy requirement is addressing a problem. 38% of VT STR hosts use STRs as primary income; personally use STR income to pay increasing taxes. Proposal could make homeownership impossible in Burlington, and harm homeowners' livelihood. Ask committee to withdraw the proposal, reconsider impacts, and implement a registration process.
- J Heller- Applaud adoption of clear and understandable regulations; do not think ability to STR should be based on neighbors' relationships.
- J Marks- Request withdraw of proposal until more data and evidence based recommendations to improve living conditions. Proposal is unlikely to improve housing, but will economically impact property owners. Lack of affordability is due to lack of growth, stagnant wages, and cumbersome zoning ordinance. ARPA will bring money for affordable housing in state and S.79 is likely to pass the legislature and have a positive impact on housing and reveal the true nature of STRs. Many whole unit STRs in Burlington were never long-term housing before.
- L Jenson- Withdraw the recommendations because committee is not willing to create a truly progressive policy. Impacts have not been meaningful debated, housing summit report has not been satisfied. Need to know who will benefit vs. be harmed; how the policy will make housing more affordable; and impact on tenants, tax income, and tourism economy. Need to determine the process and benchmarks for evaluating changes to the policy. Concerned about why housing inspections are not required in partial unit STRs renting just 1 or 2 bedrooms.
- A Magyar- How will the city replace the loss of rooms and meals tax, money from tourism economy if STRs are reduced? Pandemic has caused economic ruin but STRs have a role in the recovery. Burlington is a tourist city, and tourism will roar back after the pandemic. STR guests stay longer and spend more than typical visitors, distribute economic impacts outside of downtown, and money stays in local area. STRs are not new; homes and camps have been around, but sharing platforms ensure that taxes are paid. Is the Committee willing to risk not knowing how this will impact the city's economy?
- D Lyons- Eliminate requirement for primary residence for single unit and duplexes. Landlord should be able to permit a building whether they live on site or not. Committee should consider proposal from last month to allow owners of a building for 3+ years to host STR if they don't live on site. It is a balanced approach. Otherwise, should wait to see what S.79 does at the state level.
- Jacob Hinsdale- Concerned about false choice suggested between STR and long-term rentals. STRs require a lot more resources on a day-to-day basis compared to a LTR rental. Don't believe that large landlords will ever convert housing units en masse, partially because there is not enough labor to keep up with the work required. Don't think it will impact overall availability of housing in the city if people can STR another property that they own. Should be more data and reflection about relationship to state level policies.

The Chair closed the Public Hearing at 7:31pm, with Committee discussion to follow:

- At request of Committee members, A Montroll reintroduced proposal to allow people that have owned a property for 3+ years to STR even if they do not live at the property.
- Some Committee members supported this idea as a way to reach compromise, to avoid putting existing STR hosts out of business, but to stem property speculation and with little impact on existing rental housing stock. Generally, these members felt this provided flexibility for people to STR to afford to stay in their home or keep up their properties.

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- Other Committee members were concerned this would create an incentive not to convert a housing unit back to long-term, resulting in a loss of workforce housing, and concerns that it was benefitting property owners who have already been able to invest in the market while excluding new property owners. Some committee members suggested a willingness to loosen the rules in other ways, but did not support this approach.
- Some committee members noted that waiting is not an option, both due to the post-pandemic potential to see an increase in STRs, as well as a concern that state-level policy may not address Burlington specific issues.
- A Committee member noted that it is disingenuous to say people are going to lose "their" home, because the proposal allows people to STR their own home. Having a second property is a significant investment. It was noted by several committee members that precluding STRs in some properties does not preclude the opportunity to make money from long-term renting.
- Some Commissioners noted that the committee has only heard from hosts, but not the people who are looking for housing in the city, including the 60% of households that are renter-occupied, and that the Committee has the responsibility to consider everyone.
- At the conclusion of the discussion, a motion to require owner-occupancy for all STR scenarios failed, and a motion to enable off-site hosting for 1 and 2 unit properties that have been owned for 3+ years passed. It was clarified that this is a recommendation to send to the City Council, but that the Council will ultimately have the authority to amend or adopt the proposed regulations.

IV. Reapprove Municipal Bylaw Amendment Report ZA-21-06

Action: Reapprove Municipal Bylaw Amendment Report and forward to Council for adoption.		
Motion: A Friend	Second: E Lee	Vote: Approved Unanimously
At the recommendation of staff, Council Ordinance Committee modified the proposed amendment to replace term "no-mow" with "low-mow". Commissioners supported the amendment as being accurate to the intent of the definition.		

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
• H Roen noted he will not be seeking reappointment at the end of the term in June, will focus on work with Renewable Energy Vermont. • B Baker noted continued concerns about how zoning presents a barrier to the next generation of homeownership in Burlington, including that duplexes aren't allowed in some of the existing zoning districts. • E Lee requested an update to the rental housing code to include on the permit checklist the requirement for recycling totters for all rental buildings, and the requirement to have a physical barrier that defines parking areas.		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: J Wallace Brodeur	Vote: Approved Unanimously
• Minutes Approved: March 9, 2021 • Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

VII. Adjourn

Adjournment		Time: 8:49
Motion: H Roen	Second: J Wallace Brodeur	Vote: Approved Unanimously



Andy Montroll, Chair

Signed: April 27, 2021

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner