

## Burlington Planning Commission

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Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Andrew Saba  
Lee Buffinton  
Harris Roen  
Andy Montroll  
Jennifer Wallace-Brodeur  
Vacant, Youth Member



## Burlington Planning Commission Minutes

Tuesday, March 25, 2014 - 6:30 pm

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

**Absent:** Y. Bradley, A. Montroll (Absent for attendance to RPC meeting)

**Staff:** S. Thibault, E. Tillotson, K Sturtevant

### I. Agenda

No change to order of agenda.

H. Roen: Had sent an email to Commission members stating that he wanted to discuss the proposed solar farm tonight.

B. Baker: So shall we do Commissioner Items now since other people are here to discuss it also?

H. Roen: Did not want to discuss the merits of the project but the process or procedure for addressing the subject, and what the Planning Commission wants to do. He understands it is the preliminary application now and the comment period will close early in April. If the Commission is going to comment, there is opportunity now, the full application will come later.

S. Thibault: Has discussed with S Gustin the timing issue. The Conservation Board met March 10 and will discuss it again on April 7. The Department of Environmental Conservation will be meeting April 2nd. The pre-application has a 45 day period which is open for comments which ends April 18. The Conservation Board will send their comments by April 16. Comments from the City need to be filed a week before the applicant files its actual application. Staff has discussed this application and concluded that the Conservation Board is the place for stormwater and conservation issues.

H. Roen: The Conservation Board will do a thorough job on conservation and stormwater research. What about comments to the Conservation Board from the public?

S. Thibault: All items received from the public have been included in the Commission packets.

### II. Public Forum

B. Baker – Opened the public forum at 6:35 to accommodate visitors.

T. Papp, President of the homeowners association, addresses the proposed solar farm.

1. The Association is not against solar but does have some concerns.
2. The Conservation Board does not have Public Service Board acknowledgement, the regional and local Planning Commissions are the entities that have a seat at this table.
3. The Association believes the current application is incomplete, more information from the developer was requested four months ago.
4. The developer, in the past, has clear cut and stumped the property creating stormwater problems.
5. A 45-day notice is invalid because the application is not complete.

There are wetland and stormwater issues as well as some set back issues. The Association Board has a fiduciary duty to its members to represent their interests.

*As approved by the Burlington Planning Commission on May 13, 2014.*

J. Boucher, legal counsel for the Association: Comments that according to the PBS rules, the plans must include sufficient information to understand the project. At present information is lacking.

H. Roen: Could the Conservation Board be considered a part of the Planning Commission for review purposes?

B. Baker: Is concerned about having a public hearing without proper notice and the next opportunity for a warned meeting is April 8.

L. Buffinton: The public hearing is about content, is this procedural since there no information to review? It is imperative that the Planning Commission take some action, plans are lacking, the Commission should address the 45 day concern.

B. Baker: The City Council will comment based on the Conservation Board's comments and research. Do we need to comment in any other way?

J. Boucher: His reaction this evening, is that the City Council is in an odd situation. It is unusual for the Planning Commission to have equal status to the City Council, but the PSB hearing is to look at all issues. The Planning Commission has its own authority and mission. He would suggest asking the PSB to send report to the Commission. Without adequate information an evaluation cannot be made. It seems that the developer should start the clock again.

T. Papp: The Regional Planning Commission discussed the same problem.

J. Boucher: The PSB wants to hear all sides of the issues.

J. Wallace-Brodeur: Can the Commission act independently or not?

H. Roen: Can the Commission say that we agree with the recommendation of the Conservation Board? They have done an extremely thorough job.

S. Thibault: The Conservation Board meets the day before the next Commission meeting making it a very tight timeline for reacting.

B. Baker: We can put this on the agenda for April 8.<sup>th</sup>

L. Buffinton: If there is no stormwater plan, can we indicate that we believe the plan is not complete?

J. Wallace-Brodeur: And can somebody from staff help with process and information? She would like land use analysis to understand if the is current policy speaks to this issue, etc.

L. Krohn: The Commission has an opportunity to proceed or comment, generally relevant issues are linked to the act 250 process but policies in the Municipal Plan are relevant. He hasn't seen the application, but cautions to be careful with process.

B. Baker: – Closed the public forum at 6:59pm.

### **III. Report of the Chair**

None, since he is not present.

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

Report by S. Thibault: Work on the Form Based Code has slowed somewhat due to complications with staff. They have reached out to the NPAs offering to visit in May or June to expose the public to the proposed changes, they will meet with Wards 4 and 7 in late April, and again in June for changes specific to Burlington. In April they will start to work with Commission to familiarize them with the new FBC. This is specific to the Planbtv study area, the downtown area. The hope is to visit all NPAs.

### **V. Affirmatively Furthering Fair Housing Training**

Ted Wimpy, Director of Fair Housing Project at CVOEO, and Lee Krohn from the RPC

*As approved by the Burlington Planning Commission on May 13, 2014.*

T. Wimpy: This is a statewide program in outreach providing information and advice training to developers, providers, planners, etc., basically anyone who relates to fair housing issues. Federal and state laws protect people from discrimination. HUD wants to see that people in positions to affect housing, receive training around fair housing issues. He will be leading training for the Burlington Development Review Board. Lee Krohn has also had some training and he will give an overview.

L. Krohn: He has been a planner for many years in Manchester. The Commission is familiar with their own community needs. In Burlington there is pressure on housing stock from colleges and businesses. There are many ways to provide fair housing but Burlington is the only city that has inclusionary housing. Champlain College and UVM are proposing to build student rentals to relieve housing pressure. There is a lot of strain on families to find housing which creates social issues, inability to participate in civic events, difficulty in owning the experience of belonging. Housing is the biggest piece of the puzzle and the real challenge is the political will to approve and stand up for projects that meet city policy. The standards need to be clear and predictable. It is tough issue, more housing is needed, there is demand but the cost of housing is a challenge. VHFA has done a study for Burlington and has, as well, information for many towns.

T. Wimpy: The need is there, in the entire county and state. Every municipality is supposed to abide by the fair housing laws, the object is to go beyond requirements. Race, color, religion, family status, gender, public assistance, sexual preferences are all circumstances protected by the fair housing laws. Providing more affordable housing affects lower income people. Policies if not intended to be discriminatory, with disparate impact, can be fair housing policy against a disproportionate number of people in disadvantaged class. He would encourage the City to move assertively toward creating fair housing. Burlington does have an inclusionary housing policy, density bonuses, PUDs of a nature that encourage affordable housing, so the City is doing a pretty good job. There is a need to continue going in the same direction. At one time HUD was not serious about enforcing affirmative fair housing practices, but now there is a different approach.

L. Buffinton: It is good to go through each of pages and see where Burlington stands.

T. Wimpy: Creative interest in transportation/housing policies intersection is a big part of this.

L. Buffinton: Another issue for Burlington is that housing trusts now can get more funding for projects outside of the City which creates a higher cost for housing in Burlington.

T. Wimpy: Creativity linking housing with transportation is key. Conversations with VNRC examine issues within affordability, there seems to be potential for more streams of funding in a creative manner. It would be good to dialogue with neighboring communities to support affordable housing in the area.

J. Wallace-Brodeur: She is pleased with and appreciates the discussion. Some of the issues have to be a subject of further discussion. She appreciates the connection between transportation and housing, it's important to keep talking about.

T. Wimpy: Inclusionary zoning perhaps needs to be tweaked. He hopes everybody is cautious not to roll it back.

## **VI. Downtown Parking Amendment**

S. Thibault: Members all received a memo from D. White last week containing a draft from the comments of the first meetings. We would like to send it to the City Council as a recommendation.

J. Wallace-Brodeur: The first page, last paragraph refers to parking as a secondary use, what does that mean?

S. Thibault: Without unencumbering the present ordinance, it would be for the Commission to look into allowing the leasing spaces to another entity as a separate use, if they are above and beyond the requirements of the permits.

E. Lee: It seems like a reasonable idea.

*As approved by the Burlington Planning Commission on May 13, 2014.*

H. Roen: It might help downtown with parking for commuters, something which is a problem for the Price Chopper on Shelburne Road for instance.

L. Buffinton: D. White mentioned unencumbering in reference to the equity issue, could we elaborate on this issue?

K. Sturtevant: Yes it is possible to do that based on the use analysis.

L. Buffinton: Why would there need to be two approaches?

K. Sturtevant: Perhaps it doesn't, it may just need more thought and focus.

B. Baker: He thinks the letter is fine. An engineer friend stated that the Burlington requirements are more exacting than those of other towns.

S. Thibault: Yes, we are looking to change some dimensional requirements when FBC is incorporated.

B. Baker: Measurements are relevant to the FBC. Conversations examining the land use perspective need to happen with the Downtown Parking Task Force. The LRPC meeting could be the driving force and Long Range Planning Committee will keep the Commission informed.

**On a motion by J. Wallace-Brodeur, seconded by H. Roen, the Commission unanimously approved a motion to provide the City Council with a memorandum on the proposed changes drafted by staff and reviewed by the Board.**

## **VII. Joint Institution Parking Management Plan**

S. Thibault: You had a presentation at your last meeting and Sandy from CATMA is here again tonight. Tonight is your chance to discuss it a little bit more – the meeting was running long last time. I think that we are looking for ultimately, is a motion to recommend approval and refer to the Development Review Board as they are the Body who will ultimately approve this.

E. Lee: I would love more time to review it. I haven't really had a chance to really review the package and I apologize. I have been busy but it's pretty thick and I know there is some projects that are referencing it, for instance, this development where The Eagle's Club is. I know that during a presentation, it seems like those off campus projects were still going to be held to the same parking requirements as any other project, but then I've been hearing through the grapevine that because they participated in the Transportation Joint Institutional Management Plan that they were not going to be required to have the same parking requirement... so I would I really like some clarification on that and have some more time to read that completely because I feel like it is going to have a big impact on some huge development.

S. Thibault, CATMA: As far as The Eagles Club Project, I mean, the requirements are per the ordinance. The parking that is/will be available which is basically what's there today is for public use only and no students will be, you know, allowed to park at that site. So the parking is according to the ordinance.

E. Lee: Does that truly follow the ordinance if you provide parking but then don't allow anyone to park there?

S. Thibault, Planner: The project is in Downtown Transition zone allows for off-site parking.

L. Buffinton: There is concern that students will park on streets.

E. Lee: : Yeah, I think there is a concern that students are parking nearby and there is a concern that the project is not going to be by Champlain College, well, I guess the land is owned by Champlain College, the building is owned by the developer and it's a lease-back agreement, so the question is, what happens if there is a reduction in students at Champlain College and they decide they don't need this facility anymore, then you've got a 300 body apartment building with no parking. And what is the long term commitment for Champlain to provide this parking for a building that it doesn't really.... So Champlain decides we don't want this dorm anymore, and so we are no longer going to house our students there...then what?

*As approved by the Burlington Planning Commission on May 13, 2014.*

S. Thibault, CATMA: Actually, Champlain College enforces their streets around the main campus that their 173 affiliates are not allowed to use, but Champlain enforces them and they do license plate checks with the Burlington Police Department to make sure they are not a Champlain College Affiliate.

E. Lee: This will be a reduction in publicly provided parking spaces.

S. Thibault, Planner: Can I just ask, is it time sensitive from your perspective to get approval to the DRB in a certain amount of time?

S. Thibault, CATMA: Well, we always like to try to have it final and approved, you know, by April, typically, or by the end of April, and so once The Planning Commission reviews and provides comments for the DRB and then it goes to them for their approval, so just that timing for that process...

E. Lee: I could also abstain from the vote.

S. Thibault, Planner: I think we can move it to another agenda, but just keeping in mind there is a process that needs to move forward also.

E. Lee: Okay, I'm happy also to abstain from the vote, I could spend more time reading it and I could comment at DRB and say, "I didn't have a chance to review it, so I didn't vote, and here are my comments..."

B. Baker: If they aren't pushed up against the wall, we might as well take a full opportunity... any other comments?

L. Buffinton: It's a pretty thick plan, so... I think a little more time for everybody... we're missing a few votes tonight, so I think that's a good idea.

B. Baker: Where is the "drunk bus", walk by noise is huge problem. It would be nice to provide this.

L. Ravin: I think we do have a late bus.

B. Baker: I think it is shut down. That's what he hears in the community.

S. Thibault, CATMA: 10 pm to 3 in the morning, every ten minutes on Fridays and Saturdays.

J. Wallace-Brodeur: I do actually want to say that I think that this Parking Management is something that the city actually, this is the model that the city looks to in terms of the downtown stuff, so I do want to acknowledge that having a Parking Management Plan or a Transportation Management Plan is a really good thing for really transportation challenged facilities on the hill, so I do appreciate that we have this other resource in the community, and it is a really important way that we can manage the flow of traffic in our community and getting people to use other modes of transportation, so I do appreciate that.

This item will be place on the next Commission agenda.

## **VIII. Committee Reports**

Executive Committee - met last week.

Long Range Planning Committee - hasn't met.

Ordinance Committee - scheduled during the storm, didn't happen.

## **IX. Commissioners Items**

J. Wallace-Brodeur: Will miss both meetings in April.

H. Roen: He has been named to the Board of Renewable Energy Vermont.

## **X. Minutes/Communications**

**On a motion by H. Roen, seconded by J. Wallace-Brodeur, the Commission unanimously approved the minutes with corrections for February 11 and March 3, 2014.**

*As approved by the Burlington Planning Commission on May 13, 2014.*

**XI. Adjourn**

**On a motion by L. Buffinton, seconded by E. Lee, the Commission unanimously adjourned at 7:59 pm.**



Y. Bradley, Chair



E. Tillotson, recording secretary

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## Burlington Planning Commission

### REGULAR MEETING

**Tuesday, March 25, 2014 - 6:30 P.M.**

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

### AGENDA

Note: times given are approximate unless otherwise noted.

- I. **Agenda**
- II. **Public Forum** - Time Certain: 6:35 pm  
The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.
- III. **Report of the Chair (5 min)** – Yves Bradley, Chair
- IV. **Report of the Director (5 min)** – David E. White, Director
- V. **Affirmatively Furthering Fair Housing Training (30 min)**  
The Commission will hear a presentation by Ted Wimpey, Director of Fair Housing Project at CVOEO.
- VI. **Downtown Parking Amendment (20 min)**  
The Commission will discuss next steps to be taken on the downtown parking amendment.
- VII. **Joint Institution Parking Management Plan (20 min)**  
The Commission will discuss the 2014-2019 update of the Joint Institution Parking Management Plan. (Copies of the plan available for review at the Planning & Zoning Department Office, City Hall, Ground Floor)
- VIII. **Committee Reports (5 min)**
- IX. **Commissioner Items (5 min)**
- X. **Minutes/Communications (2 min)**  
The Commission will review minutes from the February 11 & March, 2014 meetings.
- XI. **Adjourn** (8:00 p .m.)

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

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## Affirmatively Furthering Fair Housing (AFFH)

Presented by Ted Wimpey, Director, Fair Housing Project, CVOEO

### What is AFFH?

**Legal basis for HUD's AFFH rule** – Federal Fair Housing Act (1968 and as amended) language regarding agency responsibility to undo segregation and increase inclusion in communities

### Which entities must comply with HUD's AFFH rules?

#### I. "Entitlement" entities –

- **State of Vermont** (Department of Housing and Community Development. Receives CDBG and HOME funds directly from HUD – HOME funds allocated and administered by VT Housing and Conservation Board);
- **City of Burlington** – (Receives CDBG and HOME funds directly from HUD)
- **Public Housing Authorities** (receive funding directly from HUD)

#### II. Any organization that receives federal funds – ultimately originating from HUD (even if the funding is not specifically for housing related purposes)

In Vermont – except for Public Housing Authorities – HUD funds primarily flow as follows:

- a. **CDBG** funds: HUD → DHCD → Municipalities and ultimately, Non-profit or For-profit organizations for a variety of development purposes.
- b. **CDBG-DR, Disaster Recovery** funds: HUD → DHCD → Approved entities doing disaster recovery work.
- c. **HOME** funds: HUD → DHCD → VHCB → Non-Profit Development Agencies for specific projects
- d. **For Burlington** HOME and CDBG funds: HUD → City of Burlington → Development Agencies and Neighborhood Organizations

#### - Some ways to comply with the HUD AFFH rule.

Inclusionary Zoning  
Density Bonuses (increase incentives)  
PUDs (design to encourage affordable housing development)  
Encourage Affirmative Marketing  
Minimize/streamline development approval process within reason  
Creative ideas?

#### - What about situations of noncompliance with HUD AFFH rule? ...

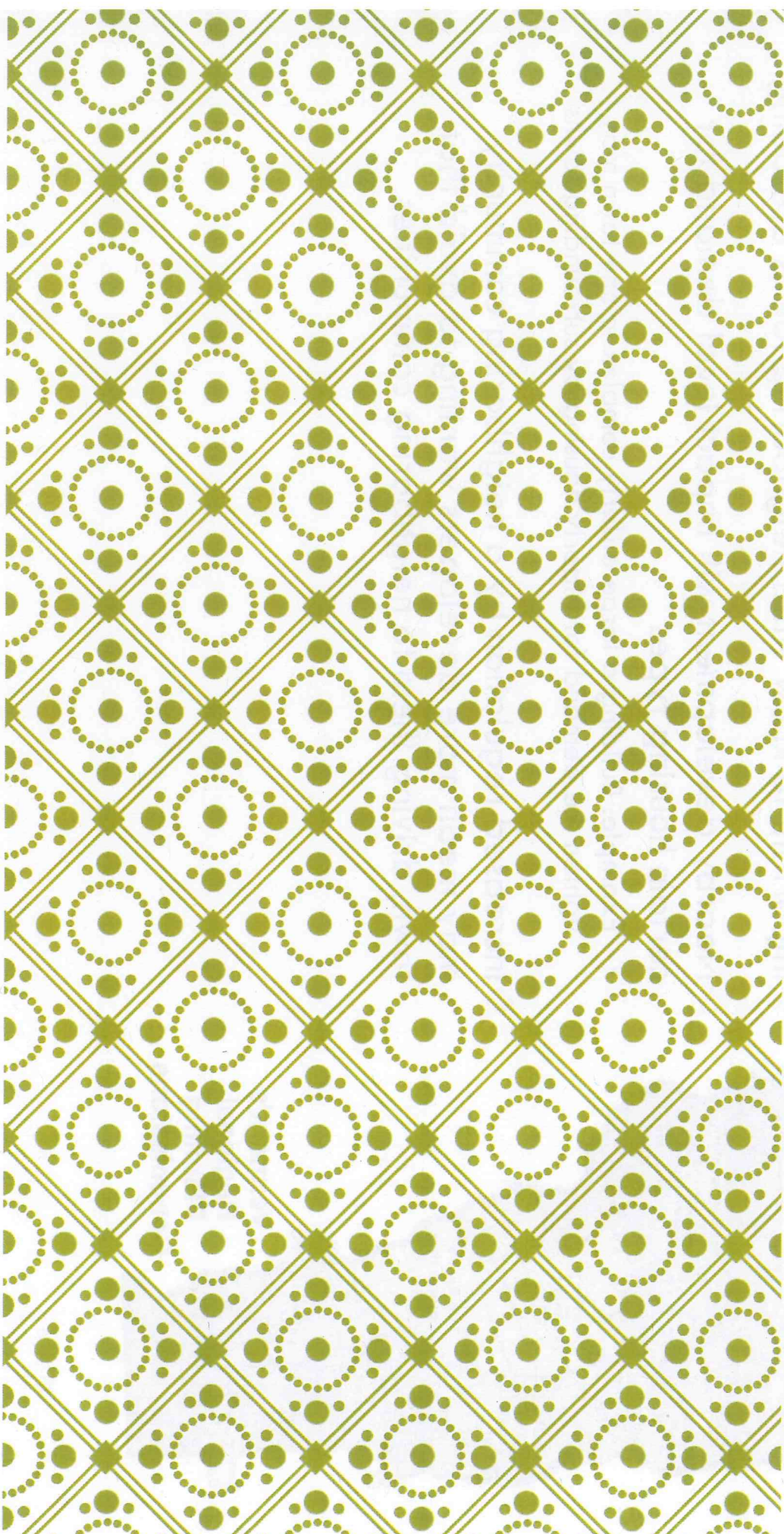
Don't do it...

Examples: Westchester County N.Y. (2009 and ongoing)  
Dallas, TX (Recent HUD actions)

- **HUD's new proposed AFFH rule - what changes are in store:** (more detailed regarding compliance/noncompliance, clearer definition of obligations, more integration of Consolidated Plan with "Analysis of Impediments to Fair Housing Choice" – to be renamed "Assessment of Fair Housing (AFH)") This is a HUD work in progress.

- A word about State of Vermont's 2012 fair housing law that prohibits discrimination in land use planning and permitting



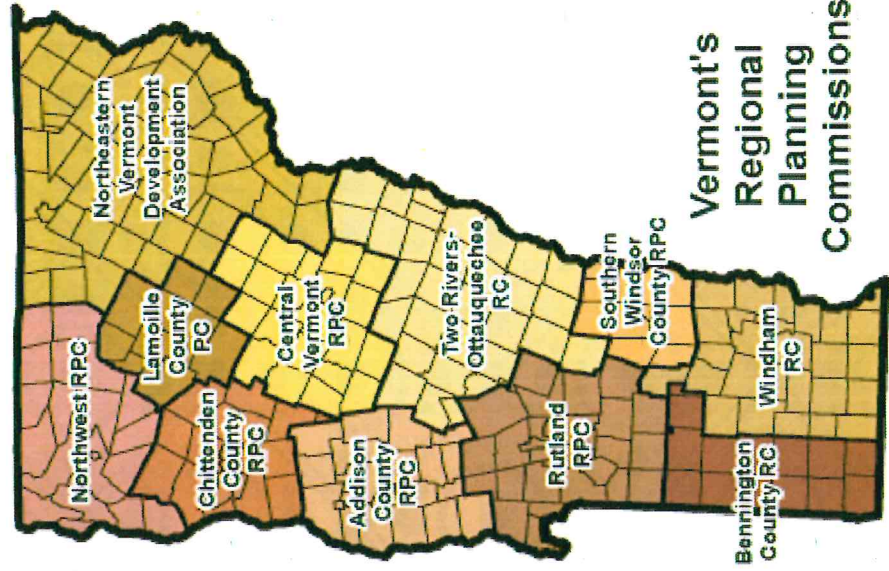


# TOOLS TO ADDRESS LOCAL HOUSING NEEDS

Created by Maura Collins,  
Vermont Housing Finance  
Agency

# PARTICIPATE IN BROADER PLANNING (VIA REGIONAL PLANNING COMMISSION)

- ❖ Important to know what neighboring towns are doing
- ❖ Nearby development will impact local demand for certain housing types
  - Example: Building a large elderly complex in one town may lighten the demand for elderly housing by surrounding towns
- ❖ Increased regulation by a neighboring community may mean more developers wanting to avoid that town, driving them to neighboring communities



# HELP IDENTIFY IMPORTANT LAND WITHIN THE COMMUNITY

## ❖ Identify importance parcels of land:

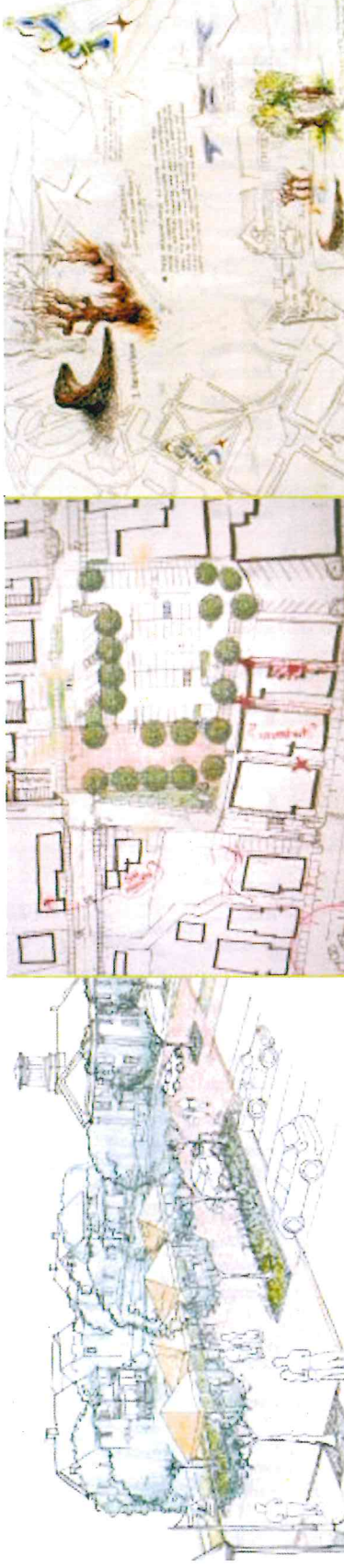
- High visibility
- Historic significance
- Key location
- Size
- Other

## ❖ Once identified, local planning staff/volunteers could welcome a dialogue with those property owners about their plans

- This doesn't always mean that these parcels should be slated for development, but maybe need to be protected, preserved, or potentially rehabilitated for new use

# HELP THE COMMUNITY VISUALIZE DENSITY

- ❖ Thinking and envisioning in terms of units/acre or zoning districts is hard
- ❖ Help residents fully understand what's on the books
- ❖ Encourage photo submissions of good/bad design
- ❖ Consider *charette* activities, allowing the public to help guide future design
- ❖ Engage online tools like Lincoln Land Institute



# SUPPORT HOUSING THROUGHOUT THE DEVELOPMENT PROCESS

❖ Community opposition to housing can be a threat to needed development. To avoid this:

- Maintain good communication with the community
- Be as transparent as possible in deliberations
- Submit a letter of support for developers applying for public funding (if applicable)
- Attend a board meeting where public funds for housing are allocated

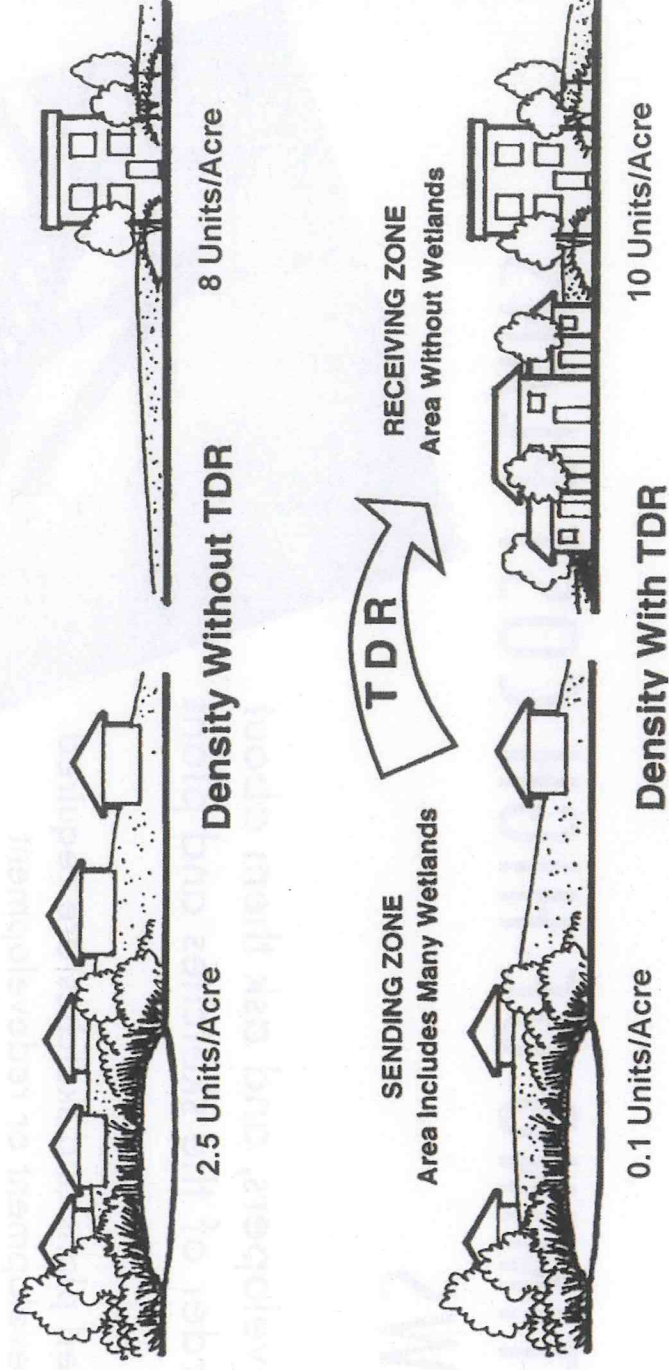
# APPLY FOR VT COMMUNITY DEVELOPMENT PROGRAM FUNDING FOR DEVELOPERS

- ❖ The VCDP is available to municipalities for a wide range of activities, and housing is a priority for this funding.
- ❖ Developers of affordable housing need the municipality to apply on their behalf
- ❖ Being willing to apply, and supporting an application throughout the process is beneficial to local affordable housing stock

# ENABLE THE TRANSFER OF DEVELOPMENT RIGHTS

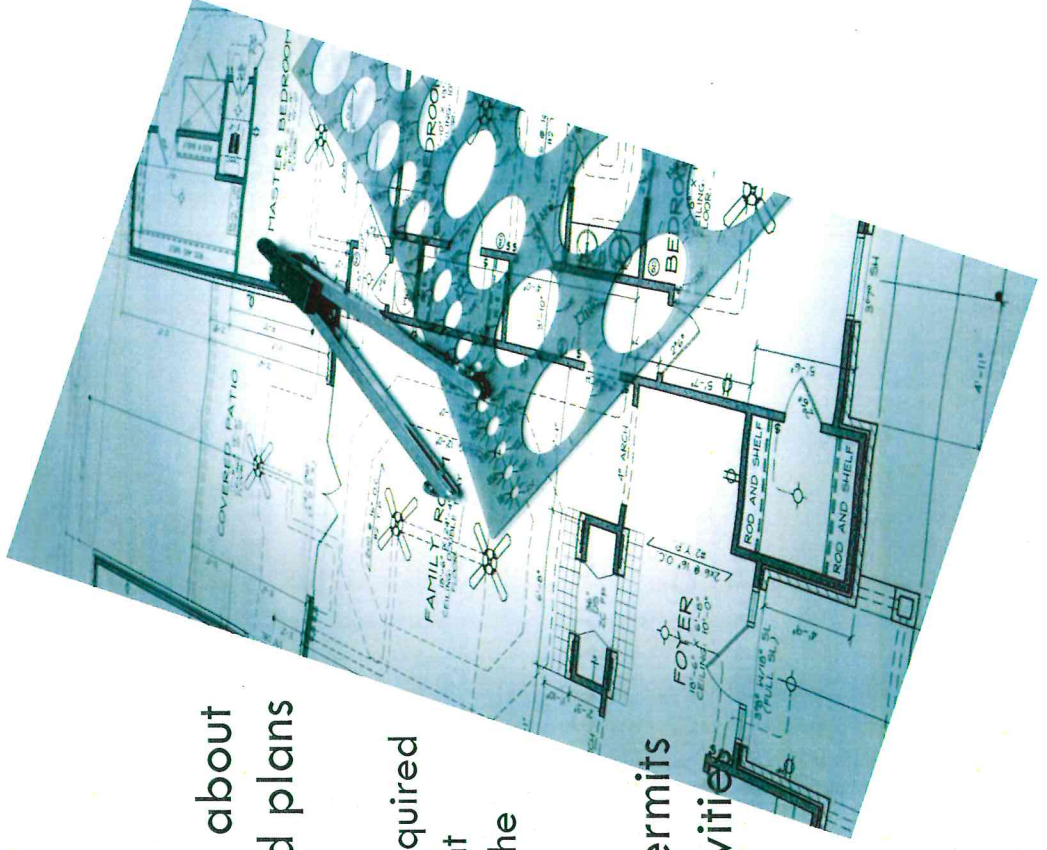
- ❖ While not often utilized, this is ideal for communities with clear areas planned for growth, and a strong desire to protect outlying land
- ❖ This tool is helpful when outlying land, not planned for growth, could risk the loss of value because of development limitations

❖ It allows that outlying land to sell its development rights to a developer planning a project in a village/town downtown



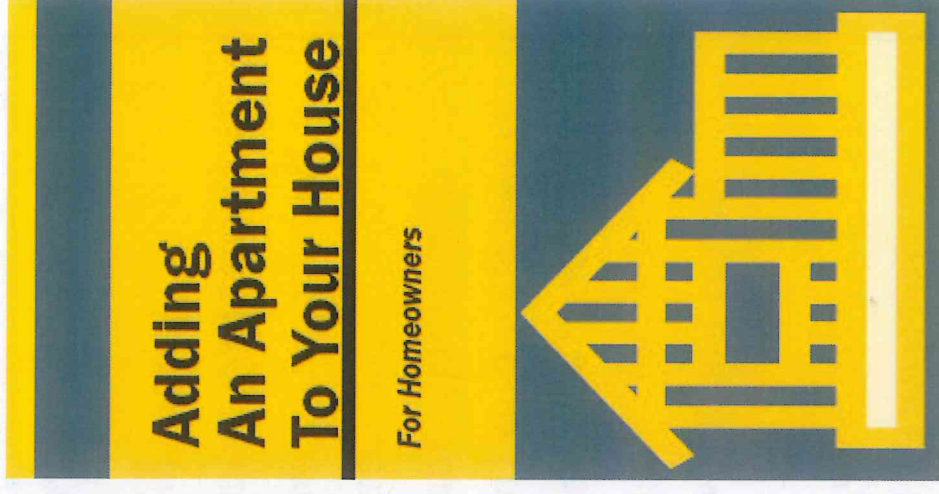
# CONSIDER TIMING OF HIGH COST PLANS AND REVIEWS

- ❖ Invite in some developers, and ask them about the timing and order of the sketches and plans required locally
  - Sometimes detailed plans and sketches are required very early in a development or redevelopment project, raising the cost and therefore risk of the project
- ❖ Some towns go so far as to expedite permits and reviews for desired residential activities



# PROMOTE ACCESSORY DWELLING UNITS (ADUS)

- ❖ Allow approvals to be made administratively, not through Planning Commission
- ❖ Look for funding to support construction/rehab like Brattleboro did
  - Volunteer-lead effort
- ❖ Use municipal funds to support program like Montpelier did
- ❖ Educate community about what it takes to be a landlord with VT Tenants' resources



Accessory Dwelling Units  
A GUIDE FOR HOME-  
OWNERS  
(24 V.S.A. Section 4412 (E))

# CREATE AN ACTIVE HOUSING COMMISSION

❖ State allows for housing commissions

❖ Several examples across Vermont:

- Montpelier Housing Task Force
- South Burlington Affordable Housing Subcommittee
- Hinesburg Affordable Housing Committee

❖ Dedicated to continual attention to the issue

Hinesburg Affordable  
Housing Committee's Goals:

- Work with Hinesburg appointed and elected officials, Hinesburg residents and landowners, and other Hinesburg organizations on ways to implement the Housing Goals and Objectives in the Town Plan.

# ABIDE BY STATED DENSITY OR “AS OF RIGHT DEVELOPMENT”

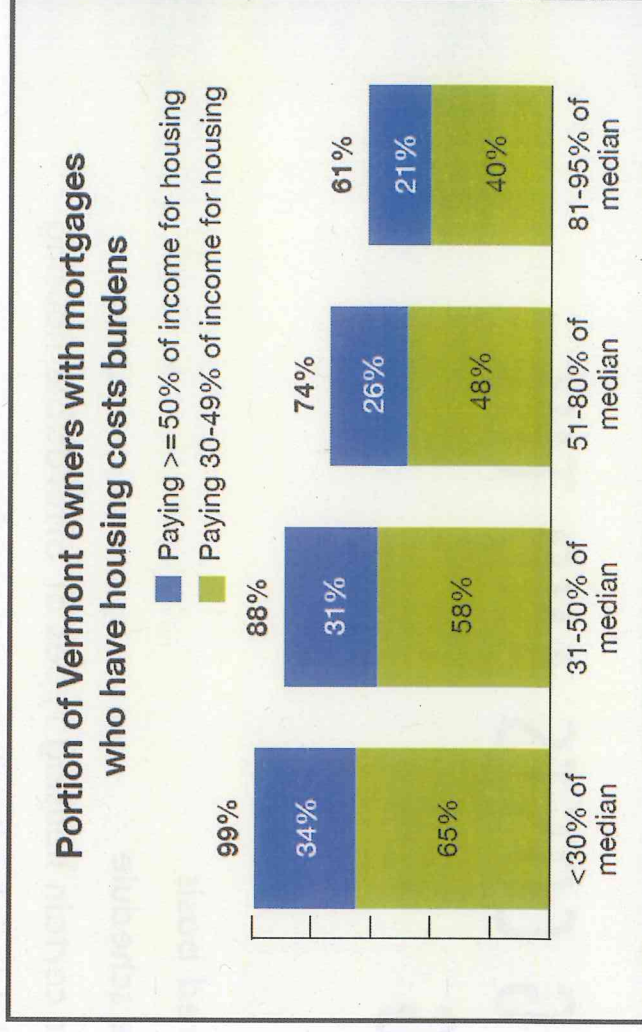
- ❖ Developers commonly understand that the stated density allowed for a parcel is rarely what is approved
  - Set back, lot coverage, and other requirements sometimes restrict density
- ❖ Offering density bonuses are only meaningful if a town is abiding by the allowed density in the first place
- ❖ Towns should encourage residential development as a permitted use (as opposed to conditional use) wherever possible

# CREATE/EXPAND A DENSITY BONUS OR OFFER LOT COVERAGE OR HEIGHT BONUSES

- ❖ One of the most common tools to encourage particular housing types or affordable housing
- ❖ Bonuses can reduce the cost of housing by allowing more units on the same parcel
- ❖ Factors to consider:
  - Define affordable housing
  - Define applicable housing types (rent/own)
  - How to monitor housing created
  - Enforcement provisions

# INCORPORATE TARGETS FOR AFFORDABLE AND MODERATE INCOME HOUSEHOLDS

- ❖ Sometimes used as a limiting factor to ensure growth aligns with infrastructure capacity
- ❖ Can clarify local priorities and send clear message to developers
- ❖ Needs strong political will to approve this policy
- ❖ Some drawbacks:
  - How “fair share” is calculated
  - What’s enforcement or follow through
  - When/how to update



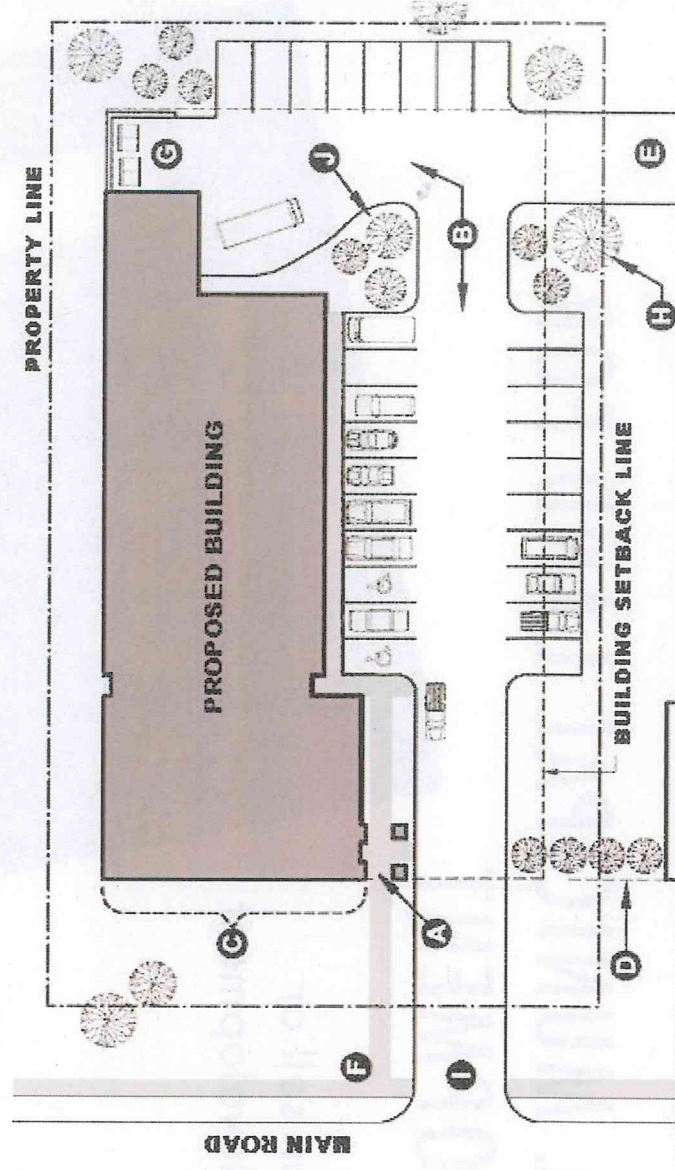
# LOOK AT PERMITTING COSTS AND THE IMPACT ON HOUSING

## ❖ Consider:

- Allowing fees to be paid on a deferred basis
- Adopting a proportionate impact fee schedule
- Allowing for reductions or waivers for certain housing types or affordable housing
- Adjusting impact fees based on available infrastructure and services

# CONSIDER RESIDENTIAL PARKING FLEXIBILITY

- ❖ Parking is an expensive use of land because of how much space it takes up and its low value
- ❖ Some towns have waived requirements for mixed use properties when commercial and residential demand peaks at different times of day
  - Burlington has proposed waiving most residential parking requirements allowing for the market to determine parking needs



# DONATE OR SELL MUNICIPAL LAND FOR HOUSING DEVELOPMENT

❖ Municipalities (and others) can sell or donate land for residential development to lower the cost

## ❖ Examples:

- Waterfront housing in Burlington (photo)
- Johnson's local utility sold some land for housing
- Schools often sell/give properties for redevelopment
- Swanton's old town garage (in heart of village) could be made into housing



Image: gossens.bachman.Architects

# HOUSING REPLACEMENT/RETENTION REQUIREMENTS

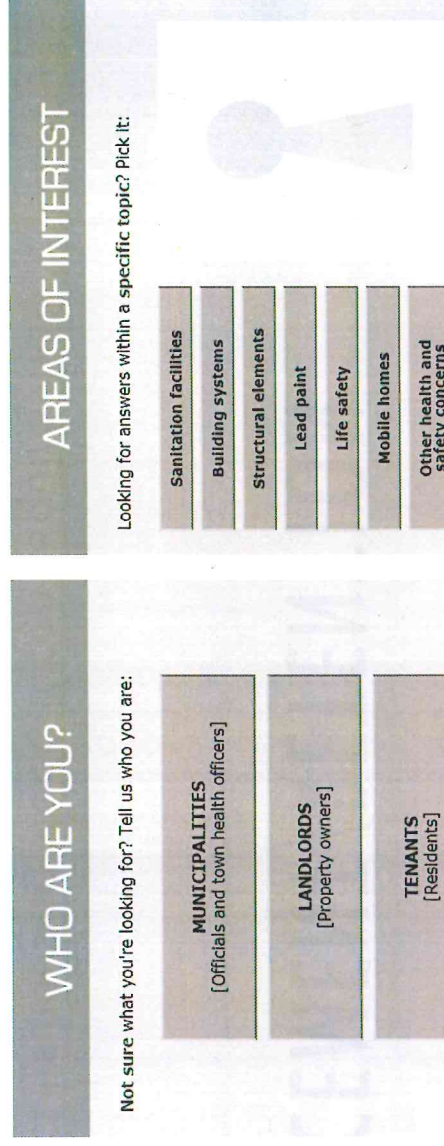
- ❖ For towns looking to protect its housing stock, it can require that housing be replaced when units are torn down
- ❖ Burlington has housing replacement requirements included in their Inclusionary Zoning ordinances (Part 2)

# CREATE LOCAL RENTAL CODES, OR LOCAL ENFORCEMENT OF STATE CODES

❖ Vermont's myriad of rental housing codes are compiled on the [Vermont Rental Housing Codes](#) website, written to a municipality's perspective

❖ [Some towns](#) have created their own local codes and registries to raise the bar

❖ Other towns use the state's policies but have created local inspections or enforcements

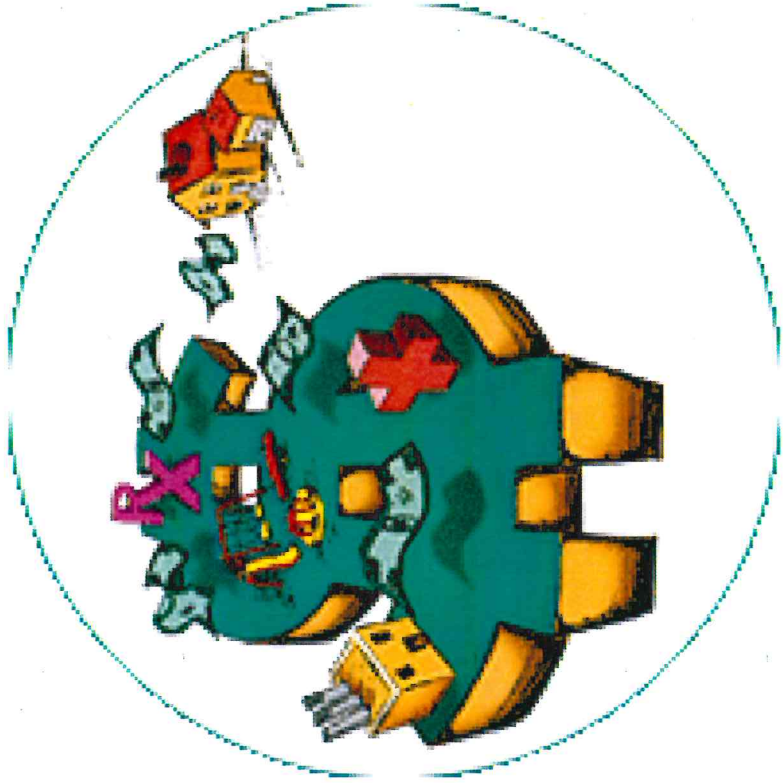


# DESIGNATE AN AREA FOR GROWTH

- ❖ Village Centers...
- ❖ Growth Centers...
- ❖ Designated Downtowns...
- ❖ New Town Centers, and...
- ❖ Neighborhood Development Areas...
- ❖ are state-approved areas that trigger incentives for developers



# REDUCE OR WAIVE IMPACT FEES



- ❖ While these can be a way for municipalities to raise revenue to support new development, they can also add to the cost of housing and prevent more housing development.
- ❖ Some communities will waive or reduce their fees for the housing types they want to encourage, or for affordable housing.

## ADOPT “ON THE RECORD” REVIEW

- ❖ “On the record” review saves time when proposing a new housing development because it takes testimony and findings from lower judicial bodies (Planning Commissions, Selectboards, courts) and does not re-argue the same points but instead builds on that knowledge
- ❖ About a dozen municipalities have adopted this model

# PROMOTE AFFORDABLE HOMEOWNERSHIP THROUGH SHARED EQUITY MODEL

- ❖ Local community land trusts administer the shared equity program to create affordable homeownership opportunities
- ❖ Towns can match or provide some additional down-payment assistance for these perpetually affordable homes, making them more affordable
- ❖ Piggy-backing off existing programs can bring ongoing monitoring with little local staff involvement



# ADOPT INCLUSIONARY ZONING (IZ)

- ❖ IZ requires a proportion of new housing to be affordable
- ❖ Burlington is the only Vermont city with IZ
  - Progressive model with a sliding scale of affordable units required based on price of market rate housing
- ❖ Takes considerable political will to pass

# CREATE A HOUSING TRUST FUND

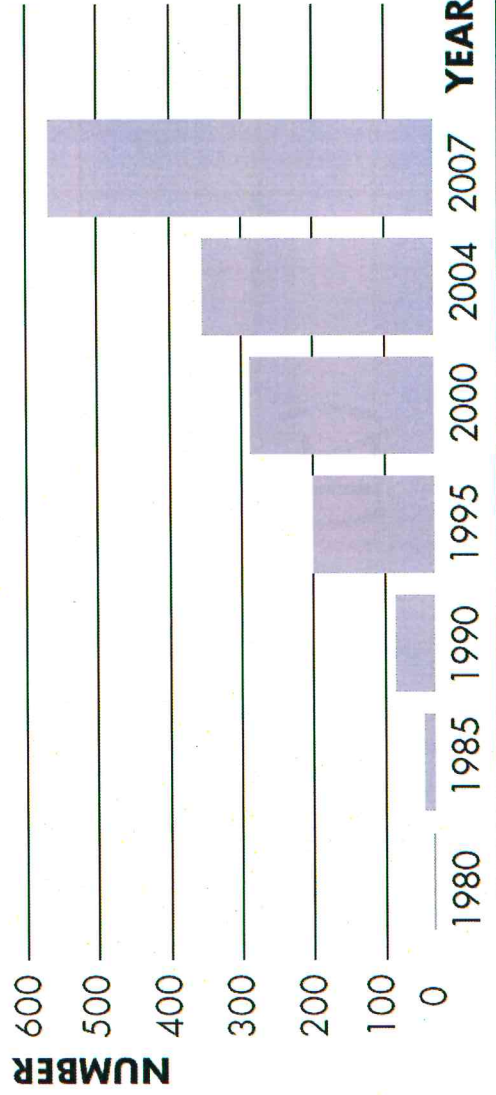
❖ Popular tool, nationally, because of flexibility of funding, and full municipal control

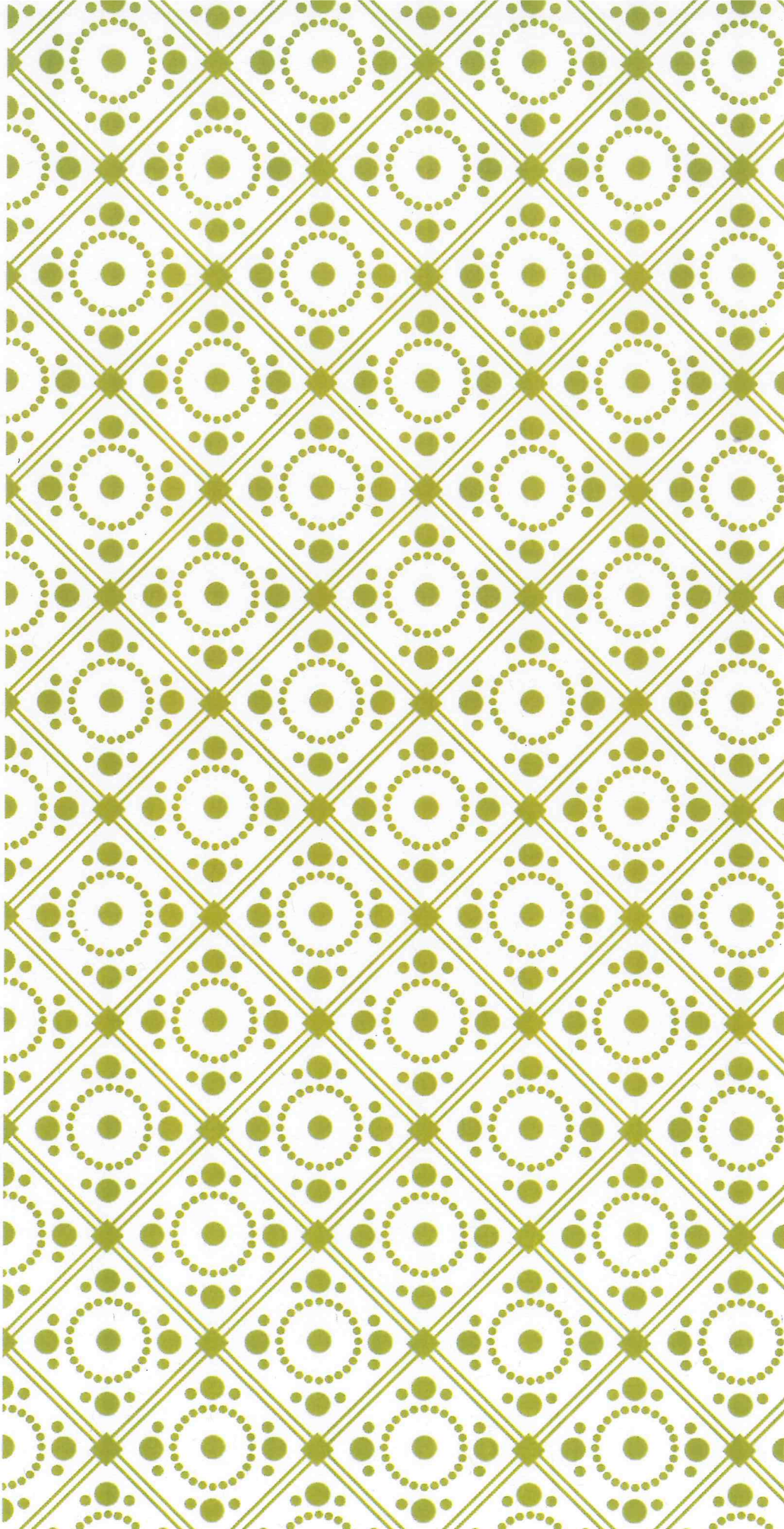
❖ Imagination is only limit to how to use funds. Can target any housing type, population, etc

❖ Three local housing trust funds:

- Charlotte (only for current property owners, max of \$30,000 for no more than 3 units)
- Montpelier (committee awards funds paid for by penny on property tax)
- Burlington (funded by IZ and housing replacement/retention payments)

**GROWTH OF HOUSING TRUST FUNDS**





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[WWW.HOUSINGDATA.ORG](http://WWW.HOUSINGDATA.ORG)

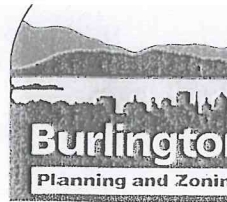
For more information...



## Burlington Planning Commission

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Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Andrew Saba  
Lee Buffinton  
Harris Roen  
Andy Montroll  
Jennifer Wallace-Brodeur  
Vacant, Youth Member



## Burlington Planning Commission Minutes

Tuesday, February 11, 2014 - 6:30 pm

**PC Present:** B. Baker, Y. Bradley, A. Montroll, H. Roen, J. Wallace-Brodeur, L. Buffinton, E. Lee  
**Absent:** L. Buffinton, E. Lee  
**Staff:** D. White, S. Thibault

### I. Agenda

None

### II. Public Forum

No one present to speak.

### III. Report of the Chair

The Chair presented the following report:

- He wrote a letter to City Council for the downtown parking amendment that will be on the agenda 2/18. He encourages other Commissioners to do the same or to talk with their councilors.
- He attended the ordinance committee meeting last week to hear the discussion on the Fletcher Place rezoning petition. There were many people there and B. Baker did a great job running the meeting and allowing everyone to voice their concerns.

### IV. Report of the Director

The director presented the following report:

- To follow-up on the parking amendment in front of Council next week. Encourages everyone to attend and/or speak with their councilors in advance of the meeting. Staff and others are doing the same to make sure questions are being answered.
- Ward 1 NPA will talk about the two parking amendments tomorrow night. Staff will attend.

### V. Proposed Amendments – Urban Agriculture

#### Lot Coverage exceptions in residential districts

D. White – exceptions for swimming pools, walkways and window wells.

B. Baker – recognition that many small lots are really restricted when 40% lot coverage is required. Exceptions give a bit more flexibility.

On a motion by J. Wallace-Brodeur seconded by A. Montroll, the Commission warned ZA-14-09 for public hearing on March 11, 2014.

*As approved by the Burlington Planning Commission on.*

#### **Required frontage or access on small lots**

D. White – Land development is too broad a term for this required frontage requirement on a public street. This requirement really is meant to deal with subdivision of land not development, which includes any type of development on a lot.

A. Montroll – Sometimes private roads are put in for access and those properties do not front on a public road. How does that work? Would this change preclude any development in subdivision where private roads are located? Burlington College property as an example, will they put in a private road to provide access and would that be allowed.

D. White – Yes, this would be allowed with an easement.

A. Montroll – If this is not an issue then ok.

**On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously warned ZA-14-10 for a public hearing on March 11, 2014.**

#### **Major Impact Thresholds/Conditional Use Review Criteria/Planned Unit Development**

D. White – The first four items on the list come together. Staff is trying to eliminate unnecessary and redundant steps are in the ordinance. Any projects including inclusionary housing have to go through conditional use review, even though it's not a conditional use. This overburdens the process. Planned unit development similarly have to go through the subdivision process even if they don't subdivide land, which takes twice the time and twice the cost. FAHC hospital with their large project a few years back did not divide land but had to pay those extra fees. SD Ireland has minimal if any subdivision of land but because they are proposing many buildings on one site, it triggers PUD and then the subdivision process as well.

H. Roen – Who will own the property if it's not being subdivided?

D. White – The units will be rentals and there is one owner. We are trying to make sure that projects relate to the criteria used for review. That brings us to Major Impact Review. Five housing units anywhere in the city trigger major impact review even though they don't trigger actual impact with respect to the criteria. The city is an urban environment and has robust infrastructure so there no impacts on water, transportation or other type infrastructure. The proposal is to separate three levels of thresholds to trigger major review.

B. Baker – What other areas of the ordinance will be impacted by this? Will inclusionary housing be impacted?

D. White – He walked the commission through the proposed changes.

H. Roen – It's great to make the review process easier. Why is the cumulative impact of projects removed from the major impact review?

D. White – Yes, we want to encourage developers to do more development in the city, not deter them.

H. Roen – Over time, the cumulative impact might happen though.

D. White – The zoning ordinance anticipates development will happen by regulating it. Act 250 doesn't have that and cumulative impact comes from there.

H. Roen – What triggers review by the conservation board?

D. White – Major impact projects or development that happens within any natural areas will trigger review by the conservation board.

**On a motion by J. Wallace-Brodeur, seconded by H. Roen, the Commission sent the proposed changes to the ordinance committee for further review and discussion.**

**A. Montroll left the meeting.**

**VI. Neighborhood Development Area Designation**

D. White – This is a new state designation, sister to the designated downtown. The program provides development incentives that are available for developers in this area. There is also a higher threshold to trigger Act 250 review and some financial savings. The Council Community Development and Neighborhood Revitalization (CDNR) committee has been discussing and will send to full Council for review and action. The map in your packet shows the ½ mile walking distance from the downtown designation which is what the state hopes to include in the NDA area designation. For the purposes of this map we followed zoning district boundaries. A Resolution is being prepared to direct staff to prepare the application for designation by the state. Does the commission have any comments to forward to Council?

H. Roen – Are there any downside to this designation?

D. White – It will hopefully help us address student housing issues. This fits very well within the outlines of planBTV for the creation of housing in the neighborhoods around the downtown. We hope more benefits will be added in the future, like rehabilitation tax credits.

On a motion by H. Roen, seconded by J. Wallace-Brodeur, the Commission voted to endorse the city seeking the Neighborhood Development Area Designation.

**VII. Committee Reports**

The ordinance committee met about Fletcher Place last week. There was a huge turnout and a group of neighbors, along with UVM and city staff will get together to develop solutions and they will be back in April. Proposal was too broad as proposed.

**VIII. Commissioners Items**

B. Baker – There is a BHS student who is willing to come and film us as a project for school.

D. White – Would the videos be aired by CCTV.

Y. Bradley – Could we suggest the meetings that ought to be taped when we know something interesting is on the agenda?

**IX. Minutes/Communications**

On a motion by H. Roen, seconded by J. Wallace-Brodeur, the Commission unanimously approved the minutes for January 28, 2014 and accepted the communications and placed them on file.

**X. Adjourn**

On a motion by H. Roen, seconded by B. Baker, the Commission unanimously adjourned at 7:50pm.

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Y. Bradley, Chair

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Date

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S. Thibault, recording secretary

As approved by the Burlington Planning Commission on February , 2014.



## Burlington Planning Commission

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## Burlington Planning Commission Minutes

Tuesday, March 11, 2014 - 6:30 pm

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

**Absent:** Y Bradley

**Staff:** D. White, S. Thibault, S. Gustin, K. Sturtevant, E. Tillotson

### I. Agenda

L. Buffinton: notes that there is a missing word in the reference to existing lots.

### II. Public Forum

Nobody present to speak.

### III. Mayor's Address to the Commission

The Mayor presented the following comments:

He just wanted to come and exercise his ex officio status to express appreciation to the Commission for all the work they invested in the downtown parking proposal. He will share the full context of the work of the Commission with City Council and more broadly in city. This is an exciting long term journey that the City has embarked upon and there is consensus in a vision for the City's character and vibrancy, the progress on the waterfront, all factors which build on a positive trend of living in downtowns. This process captures and builds on organic progress in the south end. This group (PC) had a huge part in the progress, the amendment was sponsored by every member of the City Council. The Commission is taking the lead in the process and he hopes the Commission feels that the City is really making progress with a great deal of consensus. The Mayor, to maintain consensus, supported the City Council's decision to table the parking amendment. This could be an opportunity, by taking a little more time, to look at some questions that were raised, examine minimum requirements, assess capital investment in transportation, and it is fair to ask about neighborhood impact. The Mayor still fully supports the policy (parking) and a large contingent on the City Council wants the proposal to come back to them. Yes, it is more work, and the task ahead, to request reexamination, is not a rejection but a request for integrating some policy decisions.

L. Buffinton: Thoughts about parking downtown? Do you see any grouping of minds from DPW, CEDO, other departments and Planning & Zoning?

Mayor Weinberger: DPW has already instituted some changes based on their ongoing research.

D. White: A lot of these parties are presently on the Downtown Parking Task Force, with all entities discussing funding management, off site impact mitigation, etc. All are working together to collaborate.

H. Roen: Thanks the Mayor for coming this being the first time in his terms that a Mayor has attended as an ex-officio member. There was a little sting from parking proposal not passing, but there are a lot of moving parts.

Mayor Weinberger: The City Council is open to the Planning Commission sending a piece of the proposal back to them which would allow release from present parking requirements.

*As approved by the Burlington Planning Commission on.*

A. Montroll: Could there be a pilot program to test the possibilities? It takes a few years to see what the impact is and the present capacity can be evaluated before conditions change substantially for effectiveness.

E. Lee: It becomes a political question, there has been much backlash from people in her neighborhood and she didn't have good answers for the questions that were asked. Since there are two parking studies in the works, it seems premature to act since presently we don't have answers. She supports removing the downtown parking requirement but feels a strong need to address the concerns of the voters.

#### IV. Downtown Parking Amendment

The Director presented the following information:

There are two pieces to this where the City Council indicated. Payment in lieu of parking spaces is one proposal. Asking Commission to look at parking and the mass transit capital fund has never worked; developers were unwilling to use the fund for variety of reasons. This should be reexamined now. However that is only a sliver of the cost of the whole transportation system. The bigger question is looking at a variety of funding mechanisms to provide short and long term capital improvements and maintenance.

First: The Mayor referred to an amendment to unencumber the existing parking requirements to cc. If we don't remove the parking requirements there is an equity issue of removing past requirements vs existing requirements.

K. Sturtevant: If this goes forward, there needs to be dialogue and findings, a rational basis for the decision. Another thing to think about is to consider if removing the requirement will initiate the need for another permit for another use. It is a question of making sure that the ordinance is clear.

J. Wallace-Brodeur: The first item, part of the package, to make consistent, and to facilitate larger element around parking seems to be important as part of the bigger picture. Is it worth our time to do this? Second, there is lots of information to unpack on this one, she understands the politics but doesn't understand the rationale for this. Adding a fee seems to counter act the original purpose. She is more interested in looking at how this works with the whole parking management in conjunction with the studies that all of the departments are currently undertaking, wants to create synergy with other processes.

D. White: That is ultimately where the answer lies. For the Downtown district, it is necessary to decide what tools are needed for effective policy. The change needs to be carefully constructed so that it is an incentive.

B. Baker: He always envisioned a fund for orphan parking around the City. There is a need to incentivize parking, and there are a lot of possibilities. Working with the Parking Management Task Force may be an appropriate opportunity and may be more effective.

E. Lee: She has heard from a lot from people that there are a lot of open spots, privately owned. If those spaces are built on spots, the parking possibilities will go away.

D. White: Parking spots would be shared if the developer chooses. There will need to be incentives to share which will reallocate where people park and provide more play in the system.

A. Montroll: Doesn't know the answers to many of these questions and won't know until policies are put into effect. There will still be new parking built downtown. He would suggest moving forward incrementally.

Mayor Weinberger: How would you envision experimenting with this?

A. Montroll: I think the first step is to understand how much development could happen in downtown if there were no new parking and second, what development we should expect. He would suggest setting

up a pilot program so results could be seen and effectiveness judged. In the long term we have to be careful, short term could be a little looser.

D. White: This could be organized with a sunset provision in the event that it doesn't work.

A. Montroll: The City has the capacity to accommodate this parking experiment. Fees could be included in a pilot program if needed.

E. Lee: Protection for outlying neighborhoods is necessary. Parking demand is huge in residential areas now and this needs to be addressed also, not just downtown.

D. White: Ultimately this is a question public purpose to require parking, does it affect other parties? On street it isn't much affected by use of the property.

E. Lee: Parking is tight, if neighborhoods have parking pressure it will result in less green space, etc.

A. Montroll: So the City Council is asking for something back?

D. White: Staff will look at the issues and provide recommendations to the Commission. The DPW, CEDO and P&Z departments are all working together on this.

B. Baker: Is there any engagement of the public and business community?

D. White: The Burlington Business Association is leading with downtown parking.

A. Montroll: We have to be able to address neighborhood parking issues as they are affected. This could be the answer to a comprehensive approach.

D. White: The Department of Public Works is conducting a study.

J. Wallace-Brodeur: We could have one more meeting and then pull the plug on this or come back with something to evaluate next meeting. Makes the motion to table the request and to respond to the City Council with an explanation of the reasons the PC doesn't see this as a standalone resolution but would consider it as a more comprehensive approach, seconded by L Buffinton.

D White: Staff will flush out this process and it can be discussed at the next meeting.

H. Roen: Believes that discussion at next meeting should be the course of action.

Mayor Weinberger: There is organic support for removing parking minimums, the consensus was broad, and there is disappointment that it did not go forward. It seems important that a goal is set to bring it back, maybe a year from now. Time is needed for consideration.

E. Lee: When are parking studies to be completed?

D. White: In about a year.

A. Montroll: The parking studies need to coordinate with each other. We don't have to have results to establish policy.

E. Lee: Could the study group provide preliminary results?

B. Baker: It should come from the Task Force with all of the components should be one overall group, and there may already be some consensus.

**On a motion by J. Wallace-Brodeur, seconded by H. Roen, the Commission tabled the discussion until the March 25, 2014.**

## **V. Public Hearings: ZA- 14-08 to ZA-14-11**

### **ZA-14-08 – Urban Agriculture Standards**

Scott Gustin, Senior Planner: The Urban Agriculture Task Force has examined this amendment previously and it is largely the same as at last presentation with a couple of corrections, which includes clarification of development in the flood area.

*As approved by the Burlington Planning Commission on , 2014.*

Michael Rooney and Susan Dorn comment on the size of hoop houses, the community garden space requirement and its practical application. Hoop houses successfully extend the growing season, a 200 sq ft hoop house is exempt but larger than that needs a permit.

M. Rooney: Do we want to encourage or discourage sustainable gardening? And how do you keep paperwork and fees from discouraging the public?

S. Dorn: Hoop houses are actually quite large.

M. Rooney: Setback requirements seem to be building setbacks, hoop houses are temporary structures. Smaller setbacks would grow more garden space.

L. Buffinton: A height of 7 or 8 feet makes sense. She is supportive. One other matter; section 4.4.5, residential districts, allows detached fireplaces, is this accurate? She understood that they were not allowed. Can there be clarification?

A. Montroll: Regarding play structures, anything in back yard, just placed on ground, makes no sense to include these in the coverage; he would like clarity on the language.

S. Gustin: He can plug in clarification.

A. Nihart, Burlington Food Council: addresses the size of hoop houses. Their original recommendation was 400 sq ft, but was to reduce to 200sq ft by the Task Force.

J. Hyman, VT Community Garden Network: The cold frame cap was defined at 6 feet for handicapped accessibility. Overall recommendations were a long time coming. Lot easier for people to raise own food, thanks all people who

A. Aropino, VT Food Council, Montpelier: Commends Burlington for facilitating the potential of the urban environment. Details are different for each city, he appreciates the thoughtful approach to zoning and is appreciative to have been part of the process.

**On a motion by H. Roen, seconded by A. Montroll, the Commission unanimously approved ZA-14-08 and sent to City Council for adoption, as amended.**

#### **ZA-14-09 – Lot Coverage Exceptions**

S. Gustin: This has been modified by adding a few items which are for clarification with the existing ordinance.

L. Buffinton: In reference to parking, she has seen patios designed for dual purposes but parking on patios is not allowed.

D. White: The rationale will allow patio, but not parking and a patio, no additional impervious surface.

L. Buffinton: If the patio were constructed of pervious material?

S. Gustin: The pervious pavement amendment went to the Conservation Board last night.

L. Buffinton: It would be good to tweak this to allow for the inclusion of pervious material.

E. Lee: It is the absolute opposite in her tight parking neighborhood. Does this mean that a swimming pool or walkway can go above 10%?

S. Gustin: It depends on what is on your site.

**On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission approved ZA-14-09 and sent to City Council for adoption, as amended. E. Lee abstained.**

#### **ZA-14-10 – Existing Lots Required Frontage and Access**

S. Gustin: This amendment is intended to prevent back yard subdivisions. VSA 24, section 117 can be construed to require DRB review which is not intended and now would not.

L. Buffinton: So this is just a clarification of language?

*As approved by the Burlington Planning Commission on , 2014.*

A. Montroll: Is development without public road frontage possible?

D. White: The third part of the amendment addresses this.

A. Montroll: Why is the date important?

S. Gustin: This is to address lots that were preexisting as of 1973.

**On a motion by A. Montroll, seconded by E. Lee, the Commission unanimously approved ZA-14-10 and sent to City Council for adoption.**

**ZA-14-11 – Animal Boarding Use Allowance in NAC**

S. Gustin: This is to allow this particular use with conditional approval of the DRB.

**On a motion by L. Buffinton, seconded by J. Wallace-Brodeur, the Commission unanimously approved ZA-14-11 and sent to City Council for adoption.**

**VI. Joint Institution Parking Management Plan Presentation**

Dave Keelty, FAHC, David Saladino, RSG, John Caulo, Champlain College and Sandy Thibault are present for a presentation on updates to the CATMA Plan.

D. White: The Planning Commission actually plays a role in the development of the plan, and this is the five year update purposed to manage parking in the City with these institutions in mind.

Discussion of the plan will be on the next agenda.

**VII. Report of the Chair**

None.

**VIII. Report of the Director**

D. White: Will be out with a medical issue next week, back in office on March 24<sup>th</sup>.

**IX. Committee Reports**

Long Range Planning Committee - H Roen: The LRPC hasn't met but parking might be good subject to add to the agenda.

Executive Committee

Ordinance Committee: Hasn't met but is scheduled for this Thursday.

**X. Commissioner Items**

H. Roen: He was at the hearing last night about the possible solar development in the north end. There is a PUD application for wetland determination, the City Council will look at stormwater issues. There will be more meetings and information but there was not full information available at the meeting. There were questions about the consultant statements and some public opposition. It is going to be up to the Planning Commission to decide if they want a hearing.

D. White: Now is the time to be commenting on application. Wetlands and stormwater are the issues.

**XI. Minutes/Communications**

**On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously accepted the communications and placed them on file.**

**XII. Adjourn**

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously adjourned at 9:26 pm.

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B Baker, Vice Chair

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Date

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E Tillotson, recording secretary

DRAFT