

## Burlington Planning Commission

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Emily Lee  
Chip Mason  
Andy Montroll, Chair  
Joan Shannon  
Max Tracy  
Jennifer Wallace-Brodeur



## Joint Planning Commission and City Council Form-Based Code Committee

### REGULAR MEETING

**Tuesday, February 3, 2015 - 6:00 P.M.**

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

### AGENDA

Note: times given are  
approximate unless  
otherwise noted.

- I. **Agenda**
- II. **Overview of tonight's meeting**
- III. **Public Forum** – (15 min)
- IV. **Downtown Form-Based Code Review**  
The committee will review the following section of the DRAFT code:
  - Section 14.7 – Administration and ProceduresThe Committee will review existing development with staff.
- V. **Public Forum** – (15 min)
- VI. **Adjourn**

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### MEETING NOTES

Note: times given are  
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#### I. Agenda

#### II. Overview of tonight's meeting

#### III. Public Forum – (15 min)

P. Wagner – Asked for clarification different terms – code, design guidelines, ordinances and regulations.

D. White – Explained the difference between those terms.

B. Heilman – Thanks for providing answers to questions asked here before. Rendering of a single building is not helpful – she wants to see the entire downtown under the code. Are there stormwater runoff regulations? Should green roofs be required? How will pedestrians access the Civic Spaces?

S. Rubin – Thanks for the second public forum later on, she might have comments and questions later on in the meeting.

#### IV. Downtown Form-Based Code Review

D. White – Presented Section 14.7 Administration and Procedures.

J. Shannon – There would be the administrative review by staff and the DRB review of the major impact criteria? There is no discretion here?

D. White – The major impact criteria are more subjective and don't have specific numbers attached to them. How does someone meet the undue effect on something when it's not defined?

J. Wallace-Brodeur – The threshold for major impact is very low and would still go under discretionary review from the DRB. Projects could be dragged out for months again. Want more affordable housing downtown and 5 units is too low. We should consider changing the threshold.

D. White – Correct and major impact review will be reviewed and changed as well.

E. Lee – Does the DRB have the ability to approve a project with conditions? Could the Guggenheim happen?

M. Tracy – Public weighing into the process. Some people think that there is no review under this code.

D. White – There will still be public comments but they will need to be based on the criteria. Pre-application neighborhood meeting will still need to happen and be required. Other requirements are still happening. What there isn't an opportunity to discuss are the by-right standards.

A. Montroll – Wouldn't the DRB get into discretion to change the design criteria also?

D. White – Within the framework on the conditional and major impact criteria, yes. The DRB is not being asked to weigh in on by-right standards of the code however.

J. Wallace-Brodeur – When a project goes to DBR, things done by admin are in play or not?

J. Shannon – We should test block by block for height and see if it fits in the neighborhood.

A. Montroll – Admin reliefs' process. What is the process itself? Is there a public meeting for this?

D. White – That needs to flush that out, but would likely be a formal request to staff. It would be great to have more discussion on this with the committee. Should there be notification of the neighbors?

A. Montroll – What makes sense to one person might not make sense to another. Might depend on who on the staff people work with as well.

C. Mason – Is this consistent with what other municipalities with FBCs?

D. White – Yes, we reviewed many codes that have that level of flexibility with some types of reliefs.

K. Sturtevant – This is very akin to the state statutes allowing waivers.

E. Lee – What role will the DAB play?

D. White – FBC doesn't apply city-wide so the DAB will continue to play a role in the rest of the city. Its role in the code will be limited unless it has to do with historic buildings. If more relief that is being asked, then there is probably a role for the DAB in the discussion.

A. Montroll – The DRB reliefs of 20% of the code standards, is that of the basic standards or on top of the administrative reliefs?

D. White – Intended from the existing standards in the code.

A. Montroll – Remove duplicate definitions from the code if they are in the CDO.

#### **FBC Test – ICV Building on Battery Street**

J. Shannon – Would the frontage requirements apply to the side on King Street?

D. White – Glazing requirements would apply, but not the detailed requirements of the shopfront.

J. Shannon – Interesting building to test because it was improved with the DRB process. Developers would like to do it right in the first place. Do you still have the plans of their original submission?

D. White – Their original would not have worked as it was one brick block with no articulation.

J. Shannon – What else would change that would have passed or not? Is this a lower or higher standard?

A. Montroll – The committee has three more meetings scheduled – FD6 – FD5 and FD4.

#### **V. Public Forum – (15 min)**

P. Wagner – On variable setback, can you have bays that could help break up the massing?

D. White – Not in the public right away projections.

J. Patrack – Character of cities evolve over decades, does the code allow things to change over time and create a rich streetscape.

D. White – The code lays out a range of things that can happen and ranges are available. It also does not prescribe architectural styles or materials.

A. Montroll – None of what we are doing is static. The ordinances are always changing and evolving so the fabric of the downtown will continue to change. We always change regulations to follow what the community wants or needs.

J. Patrack – What about requirements for façade articulation, requirement for cornices and more architectural elements.

D. White – There are no requirements for cornices for example, this is still left pretty open. Don't require base-middle-top in the design of the building. Don't want to push traditional design of buildings for examples.

S. Rubin – When will be seeing FBC with some design professional. Any landscape architects testing the code? How does that fit into planBTV?

D. White- There are landscape standards in the code which are much more detailed then what we have today. We will begin to review the tests by designers at the next meeting.

J. Patrack – What is the proposed process for future revisions?

D. White – We are constantly revising the regulations to make them better as we go along. Doesn't have a set schedule.

T. Visser – For this to be prescriptive, the success is to come up with a good prescriptive. There are so many things that are not anticipated. People who don't have the police power to ask for review of the code and not just relay on staff to provide the oversight of themselves. There should be constant review of the code by staff.

## **VI. Adjourn**