Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
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www.burlingtonvt.gov/pz

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

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-17-09 Major Impact Review

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 **Tuesday, January 24, 2017** 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-17-09:** The purpose of this amendment is to create varying thresholds that trigger Major Impact Review, based on the location of the proposed development project, rather than the current on-size-fits-all approach.

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

- **ZA-17-09:** This amendment applies to all zoning districts and areas of the City.

List of section headings affected:

- **ZA-17-09:** This amendment applies to *PART 5 Conditional Use & Major Impact Review*, *Section 3.5.1 Purpose, Section 3.5.2 Applicability, Section 3.5.3. Exceptions;* and *Section 3.2.1(d) Pre-Application Neighborhood Meeting.*

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.

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Burlington Planning Commission

Tuesday, January 24, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street

AGENDA

Note: times given are approximate unless otherwise noted.

I. Agenda

II. Public Forum- Time Certain 6:30 p.m.

III. Report of the Chair

IV. Report of the Director

V. Public Hearing: Proposed ZA-17-09 Thresholds for Major Impact Review – Time Certain: 6:45pm

The proposed amendment to the *Burlington Comprehensive Development Ordinance* creates varying thresholds that trigger Major Impact Review based on the location of a proposed development project rather than a one-size-fits-all approach throughout the City. This proposal creates five groups based on similar zoning districts, with the thresholds based on the scale of proposed development relative to the intent and capacity of the underlying zoning district. A version of this amendment was referred to City Council for consideration in December 2015. The amendment has since expired; public hearing is regarding a modified version of the ordinance as recommended by City Council Ordinance Committee

VI. planBTV Walk/Bike

Nicole Losch, Senior Transportation Planner for the Department of Public Works, will provide an update to the Planning Commission on changes to *planBTV Walk/Bike* since the presentation of the draft in November 2016. The Planning Commission will be asked to consider endorsement of the plan, and for its future incorporation by reference in the Municipal Development Plan, as it is brought before City Council for adoption.

VII. Downtown Designation Renewal Application

The VT Agency of Commerce and Community Development established the Downtown Program in 1998, which provides a number of benefits, including tax credits, loans and grants through various state agencies to designated downtowns. In 1999, the Church Street Marketplace was initially designated through this program, and has since been expanded to include most of the core of downtown Burlington. This designation must be renewed each five years; renewal process includes a report on achievements of the previous give years and a strategic plan of actions for the designated downtown in the coming five years. Commitment to the designated downtown is fulfilled through a partnership of the City (Office of the Mayor, CEDO, Planning & Zoning, and Church Street Marketplace) and the Burlington Business Association.

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.

The partnership will be seeking City Council approval of the renewal application for the period of 2017-2021 in February. The Planning Commission is requested to support the renewal of the Designated Downtown District, and authorize the Department of Planning & Zoning's participation in the Memorandum of Understanding and Community Reinvestment Agreement.

VIII. Committee Reports

IX. Commissioner Items

X. Minutes & Communications

The Commission will review and approve the minutes of the January 10, 2017 meeting, and a communication from the Chittenden County Regional Planning Commission.

XI. Upcoming Meetings

Wednesday, February 15, 2017- 6:30pm- Conference Room 12, City Hall
Tuesday, February 28, 2017- 6:30pm- Conference Room 12, City Hall (TBD based on quorum)
Tuesday, March 14, 2017- 6:30pm- Conference Room 12, City Hall

XII. Adjourn

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Nicole Losch, Senior Transportation Planner for the Department of Public Works, will provide an update to the Planning Commission on changes to *planBTV Walk/Bike* since the presentation of the draft in November 2016. The Planning Commission will be asked to consider endorsement of the plan, and for its future incorporation by reference in the Municipal Development Plan, as it is brought before City Council for adoption. A memo regarding edits to the plan is included in the agenda packet on pages 9-11.

VII. Downtown Designation Renewal Application

The VT Agency of Commerce and Community Development established the Downtown Program in 1998, which provides a number of benefits, including tax credits, loans and grants through various state agencies to designated downtowns. In 1999, the Church Street Marketplace was initially designated through this program, and has since been expanded to include most of the core of downtown Burlington. This designation must be renewed each five years; renewal process includes a report on achievements of the previous give years and a strategic plan of actions for the designated downtown in the coming five years. Commitment to the designated

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The partnership will be seeking City Council approval of the renewal application for the period of 2017-2021 in February. The Planning Commission is requested to support the renewal of the Designated Downtown District, and authorize the Department of Planning & Zoning's participation in the Memorandum of Understanding and Community Reinvestment Agreement. A memorandum and documents related to this application are included in the agenda packet on pages 12-22.

VIII. Committee Reports

IX. Commissioner Items

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The Commission will review and approve the minutes of the January 10, 2017 meeting, enclosed on pages 23-25 of the agenda. A communication from the Chittenden County Regional Planning Commission is enclosed on pages 26-31 of the agenda.

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PUBLIC HEARING NOTICE

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ZA-17-09 Major Impact Review

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

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

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

- **ZA-17-09:** This amendment applies to all zoning districts and areas of the City.

List of section headings affected:

- **ZA-17-09:** This amendment applies to *PART 5 Conditional Use & Major Impact Review*, *Section 3.5.1 Purpose, Section 3.5.2 Applicability, Section 3.5.3. Exceptions;* and *Section 3.2.1(d) Pre-Application Neighborhood Meeting.*

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Burlington Planning Commission Report
Municipal Bylaw Amendment

ZA-17-09 Thresholds for Major Impact Review

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to create varying thresholds that trigger Major Impact Review based on the location of the proposed development project rather than the current one-size-fits-all approach. This proposal creates five groups based on similar types of zoning districts. Different thresholds for each group are based on the proposed scale of the project relative to the intent of the zoning district and its capacity to accommodate new development.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This proposed amendment to the Comprehensive Development Ordinance (CDO) directly supports and helps to implement portions of the City's Municicpal Development Plan by working to ensure that the development review process itself is fair and efficient. Further, ensuring the development review process is as efficient and effective as possible is a contributing factor in supporting the availability of safe and affordable housing throughout the city.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This proposed amendment does not impact future land uses and densities of the Municicpal Development Plan.

Implementation of specific proposals for planned community facilities:

This proposed amendment does not implement a plan for community facilities.

Burlington Comprehensive Development Ordinance

***PROPOSED:* ZA-17-09 –Major Impact Review**

As recommended for Planning Commission Public Hearing

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

Purpose: The purpose of this proposed amendment is to make clear the distinction between the scope and purpose of Conditional Use vs Major Impact Review, and to create varying thresholds that trigger Major Impact Review based on the location of the proposed development project. Instead of the current one-size-fits-all approach, this proposal creates five groups based on similar types of zoning districts. Different thresholds for each group are based on the proposed scale of the project relative to the intent of the zoning district and its capacity to accommodate new development.

PART 5. CONDITIONAL USE AND MAJOR IMPACT REVIEW

Sec. 3.5.1 Purpose

These ~~conditional use~~ regulations are enacted to provide for a more detailed consideration of development proposals which may present a greater impact on the community, based on either the nature of the proposed use and/or the overall scale of the proposed development, in order to ensure that

~~Additionally, it is the intent of these regulations through the creation of a major impact review:~~

~~To ensure that projects of major significance or impact receive a comprehensive review under established criteria; and,~~

~~To ensure that the~~ the anticipated impact of such developments on the city's natural~~,~~ and physical character, and ~~fiscal resources and city~~ services and infrastructure are ~~adequate to accommodate~~mitigated ~~the impact of such developments, both individually and cumulatively~~.

Commented [DEW1]: Necessary to clarify the difference and distinction between CU and MI generally and not conflict with other language that follows.

Sec. 3.5.2 Applicability

(a) Conditional Use Review:

unchanged

(b) Major Impact Review:

~~In addition,~~ Major Impact Review shall be required for the approval of all development involving any one or more of the following:

Commented [DEW2]: Conditional Use Review and Major Impact Review are two different things and serve two different purposes – use vs development scale.

	Zoning Districts				
	Downtown Mixed Use	**Neighborhood Mixed Use, Institutional, Enterprise,**	**Residential- Medium Density, Residential – High Density**	**Residential- Low Density**	**RCO-A, RCO-C, RCO-RG, UR**
Dwelling Units	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units	Creation of ~~five~~ ten (10~~5~~) or more dwelling units ~~or the creation through adaptive reuse, substantial rehabilitation or conversion of ten (10) or more dwelling units;~~	Creation of five (5) or more dwelling units	NA
Land Subdivision	NA	NA	Creation of ~~five~~ ten (10~~5~~) or more lots;	Creation of five (5) or more lots	NA
Non-residential or Mixed Use Development	A development footprint[1] of fifty thousand (50,000) s.f. or more, or the creation of one hundred thousand (100,000) s.f. or more of gross floor area.	A development footprint[1] of twenty thousand (20,000) s.f. or more, or the creation of forty thousand (40,000) s.f. or more of gross floor area.	A development footprint[1] of eight thousand (8,000) s.f. or more, or the c~~construction or substantial rehabilitation of c~~reation of fifteen thousand (15,000) s.f. or more of gross floor area~~of non-residential developmen~~.	A development footprint[1] of five thousand (5,000) s.f. or more, or the creation of ten thousand (10,000) s.f. or more of gross floor area.	Creation of five thousand (5,000) s.f. or more of gross floor area[2]

[1] Development Footprint: total area of impervious coverage – buildings and parking.

[2] Farm structures are exempt per 10 VSA 6001.

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Commented [DEW3]: Added based on Council Ordinance Committee comments

Commented [DEW5]: consistent with Act 250

Commented [DEW4]: Added based on Council Ordinance Committee comments

Commented [DEW6]: Thresholds must bear some relationship to the types of impact being evaluated and the context of the proposed location

Commented [DEW8]: Added based on Council Ordinance Committee comments and slightly less than the current threshold

Commented [DEW7]: added based on Council Ordinance Committee comments

~~8.~~ In addition, Major Impact Review shall also be required for ~~M~~multiple projects undertaken by the same applicant or responsible party within any consecutive twelve (12) month period on the same ~~property~~ or ~~on a~~adjacent property ~~within 1000 feet of the subject property~~ that in the aggregate equal or exceed the above criteria.

Sec. 3.5.3 Exemptions

Neither Conditional Use ~~and~~ nor Major Impact Review shall ~~not apply~~ be required for~~to~~ applications involving one or more of the following:

(a) Temporary structures that do not otherwise involve a conditional use;

(b) Substantial rehabilitation that does not expand the floor area of an existing building or the structural capacity of existing development;

(c) Projects that do not result in a change of use or increased parking demand; ~~and,~~

(d) Subsurface site improvements including but not limited to underground utility lines and subsurface drainage ways; and,

~~(d)~~(e) Projects where the scope and authority of municipal regulation is limited by statute pursuant to 24 VSA 4413. ~~.~~

Sec. 3.2.1 Pre-Application Conferences

(d) Pre-Application Neighborhood Meeting:

A Pre-Application Public Neighborhood Meeting shall be required for all development involving the construction of five (5) or more dwelling units and/or ~~fifteen~~ ten thousand (1~~5~~0,000) s.f. or more of gross floor area of non-residential development ~~projects requiring review under Major Impact (Sec. 3.5.2 (b))~~ in order to allow neighbors to become aware of potential development projects at an early stage of a development's conceptual design and for applicants to take into consideration neighborhood comments and concerns. Procedures and requirements regarding matters including but not limited to scheduling, location, public notice, and documentation shall be set forth by the department of planning and zoning.

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Commented [DEW9]: added to not conflict with other language above.

Commented [DEW10]: Makes clear that local review is limited for certain types of uses and activities such as schools, churches, hospitals and other public facilities

Commented [DEW11]: Separated from association with Major Impact projects generally but consistent with lowest threshold for Major Impact Review

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MEMORANDUM

TO: Planning Commssion

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: Thursday, January 19, 2017

RE: Proposed Zoning Amendment **ZA-17-09 Thresholds for Major Impact Review**

For your consideration you will please find attached a proposed amendment to the *Burlington Comprehensive Development Ordinance* for your consideration regarding Major Impact Review and specifically the thresholds that trigger this type of review process. As you will recall, this amendment was previously approved by the Planning Commission and under consideration by the Council Ordinance Committee when it expired. At the request of the Council Ordinance Committee, this comes back to you as recommended for approval by them with the request that it be re-submitted to the Council.

After several meetings and discussion by the Council Ordinance Committee, there are a number of substantive changes to the Commission's original proposal:

- **Applicability in the Downtown Mixed Use District**: The Commission's original recommendation excluded development the Downtown Mixed Use District from Major Impact Review. The CCOC's proposal requires projects involving 50 or more dwelling units or a development footprint of fifty thousand (50,000) s.f. or more, or the creation of one hundred thousand (100,000) s.f. or more of gross floor area to undergo Major Impact Review.
- **Separation of Residential Low Density from the other residential districts**: The CCOC's proposal lowers the threshold in RL from the Commission's original proposal to be consistent with the current threshold of 5 or more dwelling units or a development footprint of fifty thousand (5,000) s.f. or more, or the creation of one hundred thousand (10,000) s.f. or more of gross floor area
- **Pre-Application Neighborhood Meeting Requirement**: The CCOC's proposal maintains a requirement for a Pre-Application Neighborhood Meeting for any development in the city exceeding 5 or more dwelling units or a development footprint of fifty thousand (5,000) s.f. or more, or the creation of one hundred thousand (10,000) s.f. or more of gross floor area.

This amendment and others like it are criticle steps towards implementing the City's Municipal Development Plan which directs us to find ways to "facilitate infill (development)…and simplify the public approvals process". We feel that this amendment will effectively remove unnecessary duplication and compication from Burlington's regulatory process without sacrificing a thorough review and opportunities for meaningful community engagement.

Thank you for your consideration.

City of Burlington

Department of Public Works

Technical Services Engineering Division
645 Pine Street, Suite A
Burlington, VT 05402
P 802-863-9094 / F 802-863-0466 / TTY 802-863-0450
www.burlingtonvt.gov/DPW

Memo

Date: *January 18, 2017*

To: *Planning Commission*

From: *Nicole Losch, PTP, Senior Planner*

Subject: *planBTV Walk Bike: Update and Request for Endorsement*

Background

At the October 17, 2016 meeting of the Planning Commission, planBTV Walk Bike was introduced and public comments were provided for the Commission's consideration. Since that meeting, the project team considered all of the public comments, additional comments received from Local Motion and Planning Commissioners, and revised planBTV accordingly.

Updates to planBTV Walk Bike

In response to feedback from the Public Works Commission, Planning Commission, and the community, the following changes have been made to the draft planBTV Walk Bike:

Corrections

- Base maps and sub-area maps were corrected for accuracy and references
- Outdated information was updated (CCTA to GMT, Palo Alto pilot case study, UVM's Active Transportation Plan reference, Community Demonstration Project Policy)
- Copy edits, fonts, and colors were corrected
- Table of Contents: includes all Appendices and adds Public Comment Summary to Appendices
- To improve flow within the plan:
    - The first Action Plan is titled "Engineering Action Plan"
    - The 2-5 year project lists were relocated to appear before the 5-year maps in each sub-area

Minor Revisions
(no effect on the function of the plan)

- Priority Streets for Speed Control (map) were adjusted to improve connectivity

    - North Street between North Champlain Street and Elmwood Avenue for the Sustainability Academy
    - Extended Pine Place
    - Extended Locust Street Slow Zone east to Shelburne Street
- Citywide Walk Plan Priorities (map) were adjusted to streamline categories and suggests Flynn Avenue as a Priority Corridor for safety and placemaking
- Projects, Sub-Area maps, and the corresponding project bank (Appendix) were revised
    - Leddy Park Road Advisory Lane markings have replaced Sharrows
    - Intersection upgrades were added to North Winooski Ave / Decatur Street, Kilburn Street / St. Paul Street
    - Sharrows are suggested for Summit Street
    - Depot Street Neighborhood Greenway replaced Sharrows
    - Willard Street / Bradley Street crosswalk was added
- Neighborhood Greenways were further described in both the Shore Road Neighborhood Greenway description and in the Field Guide, noting that Greenways should only apply to streets with less than 3,000 average annual daily traffic or less.
- Action regarding Neighborhood Activity Centers now clarifies that this plan does not make any recommendations related to the details of Burlington's land use or zoning regulations. It suggests that any future changes to zoning codes would be undertaken through a separate planning and public outreach process and should recognize the connection between land use and transportation. For example, keeping essential services like drug stores or grocery stores in neighborhoods allows people to have the option of walking or biking to meet their daily needs. And, it is essential that new development in Burlington not undermine the walkable environment that already exists in many NACs.
- Bicycle Parking Ratios and the process to change the ratios were clarified. Developing ratios is outside the scope of this plan, but recommendations direct the City to calibrate ratios for the city's present and future land use, urban form, density, and urban design, and mode share characteristics; and to review these at least every five years and update as necessary.
- Definitions in the Illustrated Glossary were clarified:
    - Colored Pavement and Intersection Crossing Marking definitions both recommend that green paint be prioritized at intersections/conflict points, for creating green-backed super sharrows along neighborhood greenways, and advises the use of solid green paint only be used when traction is not a safety concern.
    - Bicycle Priority Lanes (Super Sharrows) and Sharrows definitions recommend applying green-backed super sharrows to neighborhood greenways only, applying super sharrows without green where sharrows are recommended in a corridor context (e.g. North Street), and recommend sharrows for more limited connectivity.

New Additions and More Substantial Revisions

- Phased implementation and project timelines are acknowledged to be one potential scenario – flexibility is essential to capitalize on opportunities as they arise (mentioned in the Safe Streets Design Principles for Action, within each Sub-Area project list)

- E-bikes are recognized in a new paragraph on pg. 61, calling for consideration in bike share fleets and recognizing their general importance for people who may be otherwise discouraged to bicycle because of age, disability, limited physical fitness, or convenience.
- The Downtown Alley Walk Action Item (Engineering Action #9) was removed and merged with Engineering Action #8, "Create more walk priority or walk-exclusive spaces." The subsequent metric is to, "Support investments in additional storefronts and outdoor dining spaces in downtown alleyways," and the responsible parties also include local businesses, and private property owners.
- A new page has been added, to answer, "What is a slow zone?" and "What makes a street an appropriate location for speed control?" (Attached)
- Crash reporting has been recognized to need training regarding the use of updated protocols, including best practices for unbiased data collection and crash investigation.
- Metrics have been finalized:
    - Neighborhood Activity Centers, "Through appropriate existing processes, support zoning codes that encourage walking and biking at neighborhood scale and that advance the active transportation modeshare goals defined earlier in this plan."
    - Transit and cycling integration, "All high-volume stops to have bike racks by 2021." In addition, metrics related to 3-bike racks on buses have been removed at GMT's suggestion."
    - Transit and cycling pavement markings, "Conflict markings are installed at bus stops in all new bike facilities or as existing facilities are repaved" and "Conflict markings are installed at all high-volume bus stops by 2021"
    - Professional driver trainings, "DPW-sponsored driver trainings hosted by advocates bi-annually beginning 2018" and "100% of City employees trained by 2020"

Final Revisions Pending

- Equity and enforcement metrics are in development with the Burlington Police Department. Recommended metrics will be provided by January 24.
- Project timelines may be adjusted as the City continues to consider how to capitalize on opportunities

Recommendation

With the revisions provided and subject to technical corrections, formatting, graphics and other minor non-substantive editing that change neither the concept, meaning, or extent of the plan as presented, we recommend the Planning Commission endorse planBTV Walk Bike and request its incorporation into the Municipal Development Plan during its next update/readoption.

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David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk

TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: January 18, 2017
RE: Designated Downtown District Renewal Application 2017-2021

It is time for the City to submit a renewal application for its State of Vermont Designated Downtown District. The City was awarded the original Downtown Designation on January 6, 1999 for the area of the Church Street Marketplace. This district was expanded and reapproved in March 2001, reapproved in March 2004. The district was again expanded and reapproved in March 2007, and reapproved in March 2012. The renewal application for the downtown designation period 2017-2021 is due on March 5, 2017.

The State of Vermont, through the Agency of Commerce and Community Development, created the Vermont Downtown Program (1998 Downtown Development Act), which provides a number of benefits, including tax credits, loans and grants from various state agencies to designated downtowns. Details of benefits provided can be found at http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/CPR-Designation-Benefits-Overview.pdf

The Downtown Partnership, of which several departments of the City of Burlington are a partner, continues to provide the organizational structure for the designated downtown. The City of Burlington through the Office of the Mayor, the Community and Economic Development Office, Department of Planning and Zoning, the Church Street Marketplace Commission, in conjunction with the Burlington Business Association, are implementing a program of reinvestment in the City's downtown. This effort requires vigilance and involves a long-term commitment to enhancing economic opportunities, preserving historic buildings, and improving public spaces and infrastructure in the Downtown District ensuring the vitality of Burlington's downtown.

The City will maintain the same planning commitment to the Downtown District in this renewal application as it did in the 2012 renewal. All of the Downtown District is in the City's design control district. The majority of properties in the district are either eligible for listing, are listed as national or state historic structures, or are in local historic districts. The City of Burlington views the Vermont Downtown Program and historic preservation as important tools to protect our cultural resources, while facilitating reinvestment and economic development in our community.

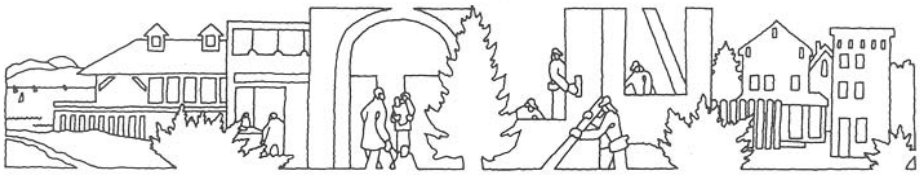
Overall, the downtown designation and associated benefits have been a catalyst for focusing energy on the health and vitality to Burlington's downtown, ensuring Burlington as a place for arts, education, cultural and recreational opportunities.

We are requesting the Planning Commission's support of the renewal of the Designated Downtown District and authorization for the Department of Planning & Zoning to enter into the attached Memorandum of Understanding and Community Reinvestment Agreement.

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

Attached to this communication are the draft resolution, Memorandum of Agreement and Community Reinvestment Agreement, a map of the Designated Downtown District and a list of the benefits of Burlington's Downtown District.

If you have any questions prior to the January 24, 2017 meeting, please contact Kirsten Merriman Shapiro at 865-7284 or kmerriman@burlingtonvt.gov



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

CITY HALL • 149 CHURCH STREET, ROOM 32 • BURLINGTON, VERMONT 05401-8400
(802) 865-7144 • (802) 865-7142 (TTY) • (802) 865-7024 (FAX)
Website: www.cedoburlington.org

COMMUNITY REINVESTMENT AGREEMENT

WHEREAS, the City of Burlington through the Office of the Mayor, the Community and Economic Development Office, the Church Street Marketplace Commission, Burlington City Arts, the Department of Parks and Recreation, the Department of Public Works and the Department of Planning and Zoning, in conjunction with the Burlington Business Association, desire to continue a program of reinvestment in the City's Vermont Designated Downtown District including the Church Street Marketplace; and,

WHEREAS, the City of Burlington has advocated for, supported and participated in the Vermont Downtown Program as one of Vermont's first Designated Downtown since 1999; and

WHEREAS, the City of Burlington has produced and has attached to this agreement an accurate map that delineates the boundaries of the designated downtown district; and

WHEREAS, the City of Burlington certifies that it is meeting the previous planning commitment to the designated Downtown District and will continue this commitment through the renewal period including a Design Control District, Historic Districts and Urban Renewal District; and

WHEREAS, the City of Burlington annually adopts a capital budget and improvement plan under 24 V.S.A. Section 4426, which includes the identified capital improvements in the Downtown District; and

WHEREAS, the City of Burlington is in the process of upgrading infrastructure in the downtown improvement district that connects the original designated district (Church Street Marketplace) through continuity of infrastructure design to the current district; and

WHEREAS, the City of Burlington is continuing to improve public transit facilities such as the new bus transfer station (2016), additional commuter lots and shuttles and considering additional parking garage space for the downtown improvement district; and

WHEREAS, the City of Burlington constructed an additional two parking decks at the Lakeview parking garage in association with the Burlington Town Center, Marriot hotel and facilities along with attracting Macy's as a new anchor department store; and

WHEREAS, the City of Burlington is committed to and has supported the development and upgrade of additional hotel and conference facilities with the Hotel Vermont in 2013 and in 2015 with the Hilton Garden Inn in the downtown improvement district, and

WHEREAS, the City of Burlington is committed to investing over $22 + million in TIF eligible and other infrastructure improvements over the next five years in the Downtown District; and

WHEREAS, the City of Burlington, with the approval by the voters of the November 3, 1998 ballot question, has implemented an expanded downtown improvement district and of a two-hour free parking program; and,

WHEREAS, the Church Street Marketplace Commission has implemented a downtown assessment for the purposes of partially funding the two-hour free parking program; and,

WHEREAS, the Church Street Marketplace Commission and the Burlington Business Association are in the process of considering expanding this assessment to include activities conducted by a more traditional Business Improvement District; and,

WHEREAS, the Burlington Business Association expresses its support for the revitalization efforts associated with Burlington's Vermont Designated Downtown District; and.

WHEREAS, the City of Burlington, Community and Economic Development Office, Church Street Marketplace, Dept. of Planning and Zoning and Burlington Business Association have been and will continue to be committed to sustaining a long-term and comprehensive downtown revitalization effort.

NOW THEREFORE, BE IT RESOLVED THAT the below-signed parties support the designated Downtown Development District and agree to the above listed commitments as part of this Community Reinvestment Agreement.

City of Burlington

_____ Date: _____
Mayor Miro Weinberger

Burlington Business Association

_____ Date: _____
Kelly Devine, Executive Director

Church Street Marketplace Commission

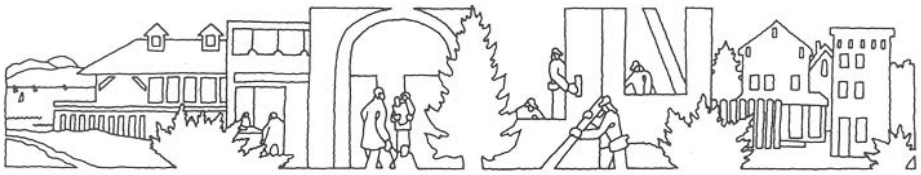
_____ Date: _____
Ronald Redmond, Executive Director

Community & Economic Development Office

_____ Date: _____
Noelle MacKay, Downtown Designee & CEDO Director

Burlington Dept. of Planning & Zoning

_____ Date: _____
David E. White, AICP, Directo



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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(802) 865-7144 • (802) 865-7142 (TTY) • (802) 865-7024 (FAX)
Website: www.cedoburlington.org

MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BURLINGTON'S COMMUNITY AND ECONOMIC DEVELOPMENT OFFICE, DEPT. OF PLANNING & ZONING, CHURCH STREET MARKETPLACE, AND THE BURLINGTON BUSINESS ASSOCIATION

The City of Burlington departments of Community and Economic Development (CEDO), Church Street Marketplace (CSM), and Planning & Zoning (DPZ), and the Burlington Business Association (BBA) enter into this Memorandum of Agreement to act as partners to provide oversight and support comprehensive revitalization efforts in the Vermont Designated Downtown District for Burlington, through the period of designation (2017-2021).

CEDO, CSM, DPZ, and the BBA will share leadership in the Downtown Partnership, a public-private partnership that focuses on the health and vitality of the downtown.

The leadership of the Downtown Partnership will convene a partner's meeting to create and review the work plan for Burlington's Designated Downtown along with other meetings as necessary. A Downtown Partnership meeting will be convened within six months of receiving approval of the renewal of the Downtown Designation to coordinate with the new administration, and to refine and adopt a more detailed work plan that includes other community organizations where appropriate.

The City of Burlington has a long history of regular and intensive ongoing business assistance and recruitment activities both through the Church Street Marketplace and CEDO. Two staff members of the Marketplace and five staff from CEDO work on aspects of economic development and revitalization. These two City Departments will continue to provide the business recruitment and retention programs, financing, and technical assistance necessary to have a sustained downtown development program into the future.

The **Community and Economic Development Office (CEDO)** is a City of Burlington department which works with the community to: foster economic vitality; preserve and enhance neighborhoods, quality of life and the environment; and promote equity and

opportunity for all residents of Burlington. CEDO's annual budget varies from year to year depending on availability of federal funds, but in FY17 CEDO's annual budget is $5,282,841; a quarter of its staff is focused on enhancing the economic vitality and housing needs of the City.

In support of its mission, CEDO works in partnership with citizens, the public and private sectors, and other city departments to: strengthen the quality of life in Burlington's neighborhoods; preserve and develop decent, safe and affordable housing opportunities; maintain and improve the vitality of Downtown, the Pine Street area and neighborhood business districts; encourage a thriving small business sector; foster job growth and employment opportunities; increase civic engagement and citizen participation; support the delivery of human services; and revitalize Burlington's waterfront.

CEDO will administer community and economic development programs, such as business development loans, technical assistance and various housing programs to improve the availability of housing in the downtown.

The **Church Street Marketplace** is a City of Burlington department that manages the public right-of-way in the Church Street Marketplace District, which is a business improvement district that includes all properties abutting Church Street between Main and Pearl Streets. The Mission of the Church Street Marketplace District Commission is to provide responsible management leading to an economically successful downtown which is vibrant, clean and safe, for the benefit of the fee payers, community members and visitors. The Marketplace staff provides a range of services including administration, maintenance, promotions and safety & security. The Marketplace has a staff of five, and a current budget of $1,002,994.

The Church Street Marketplace Commission sets policy for the business improvement district and each year establishes the common area fee rate, the assessment charged to all property owners in the district. The Marketplace's operating budget is derived entirely through fees from property owners, through sidewalk cafe and cart vendor licenses, and by corporate sponsorships. The Marketplace Commission is also charged with setting the Two Hours Free Parking tax rate, assessed on all commercial properties in the Downtown Improvement District. All fees set by the Marketplace Commission are approved by the City Council.

The **Department of Planning and Zoning** is a City department with responsibility for two essential governmental functions: comprehensive land use and development planning; and administration of the City's land development regulations. Through its planning function, the Department is responsible for the preparation of long-range land use and development plans, including the City's Municipal Development Plan and other area-specific and issue-specific plans; conducts special studies and inventories; and researches and drafts amendments to land development ordinances. Through its regulatory function, the Department administers all permitting and development review functions under the City's Comprehensive Development Ordinance, including both the zoning and subdivision regulations. Finally, the Department also administers the City's Certified Local Government Program (CLG) for historic preservation planning under an agreement with the National Park Service and the VT Division for Historic Preservation.

The DPZ has a staff of 8, and its work is guided by a 7-member Planning Commission who formulates land use and development policy and regulations for consideration by the Council. Another 25 citizen volunteers participate in the planning process as members of the Development Review Board, Design Advisory Board and Conservation Board, playing key roles in implementing the City's land use and development regulations. The department also regularly collaborates with other city departments in the pursuit and application of its functions. The Department's FY2017 Annual Operating Budget is $850,463; 80-100% of the budget is derived from permit fees.

The **Burlington Business Association** is a membership association whose purpose is to maintain and enhance the economic vitality of the Burlington Central Business District and will offer its services to the entire Designated Downtown. The BBA advocates for policies and projects which serve to enhance the business environment in Burlington. In addition, the BBA hosts several annual events which educate, inform, and empower the community to work towards a strong economic future for Burlington. The BBA has three staff and a Board of Directors of 17. Its annual budget is $300,000 which is derived from membership dues and fundraising events.

2017-2021 Work Plan
The broad categories and responsibilities for the 2017-2021 comprehensive work plan for Burlington's Vermont Designated Downtown District can be summarized as follows:

Community and Economic Development Office

1. Administration of a revolving loan fund, direct loans, guarantees, gap financing, and participation loans as well as assisting with gaining access to capital or securing adequate terms and conditions to support retention, expansion and recruitment of downtown business and housing ventures.
2. Implementation of Burlington's strategic plan for revitalization of its urban Renewal Community. The Designated Downtown is within the urban Renewal Community.
3. Provide direct technical assistance to businesses or refer businesses to appropriate services, including help with planning and permitting issues.
4. Provide information about state and federal tax credit programs that would benefit employers and employees.
5. Coordination of renovation to the infrastructure within the Designated Downtown district.

Church Street Marketplace

1. Ongoing business attraction, promotion, and retention activities at the Marketplace and in the Designated Downtown.
2. Renovations to Church Street Marketplace infrastructure.

Department of Planning & Zoning

1. Administration of the City's land development regulations as they are applied within the Designated Downtown District including specific provisions regarding design review and historic preservation.
2. Provide assistance to businesses and property owners regarding redevelopment opportunities, City development policies and regulations, and obtaining necessary land development and constructions permits.
3. Provide information about state and federal historic reinvestment tax credit programs that would benefit business and property owners of eligible historic buildings.
4. Development and implementation of a new comprehensive land use and development plan for the City of Burlington, which will include the entire Designated Downtown District and its adopted plan--the 2013 *planBTV Downtown & Waterfront Master Plan*—which was first incorporated into the city-wide plan in 2014.
5. Development and implementation of a new form-based code for the Downtown and Waterfront area which encompasses the entire Designated Downtown District.

Burlington Business Association

1. Expand revitalization activities to the entire Designated Downtown district.
2. Ongoing promotion and marketing of Burlington's Designated Downtown.
3. Host Annual Business Summit event with focus on downtown vitality
4. Advance a public/private partnership with City of Burlington to deliver improved parking and transportations services in the Downtown.
5. Lead an effort with Downtown Partnership members to craft a plan for a full service Business Improvement District for the Designated Downtown.
6. Produce and distribute the Waterfront Map which highlights waterfront businesses and events from within the Downtown District.
7. Conduct special events and projects to support business attraction and downtown promotion for the waterfront and areas within the Designated Downtown but outside of the Church Street Marketplace.
8. Partner with City of Burlington to advance the rehabilitation of the Burlington Bike & Recreation Path.
9. Partner with City of Burlington to advance the rehabilitation of Burlington's City Hall Park, an important civic space in the heart of the Designated District.

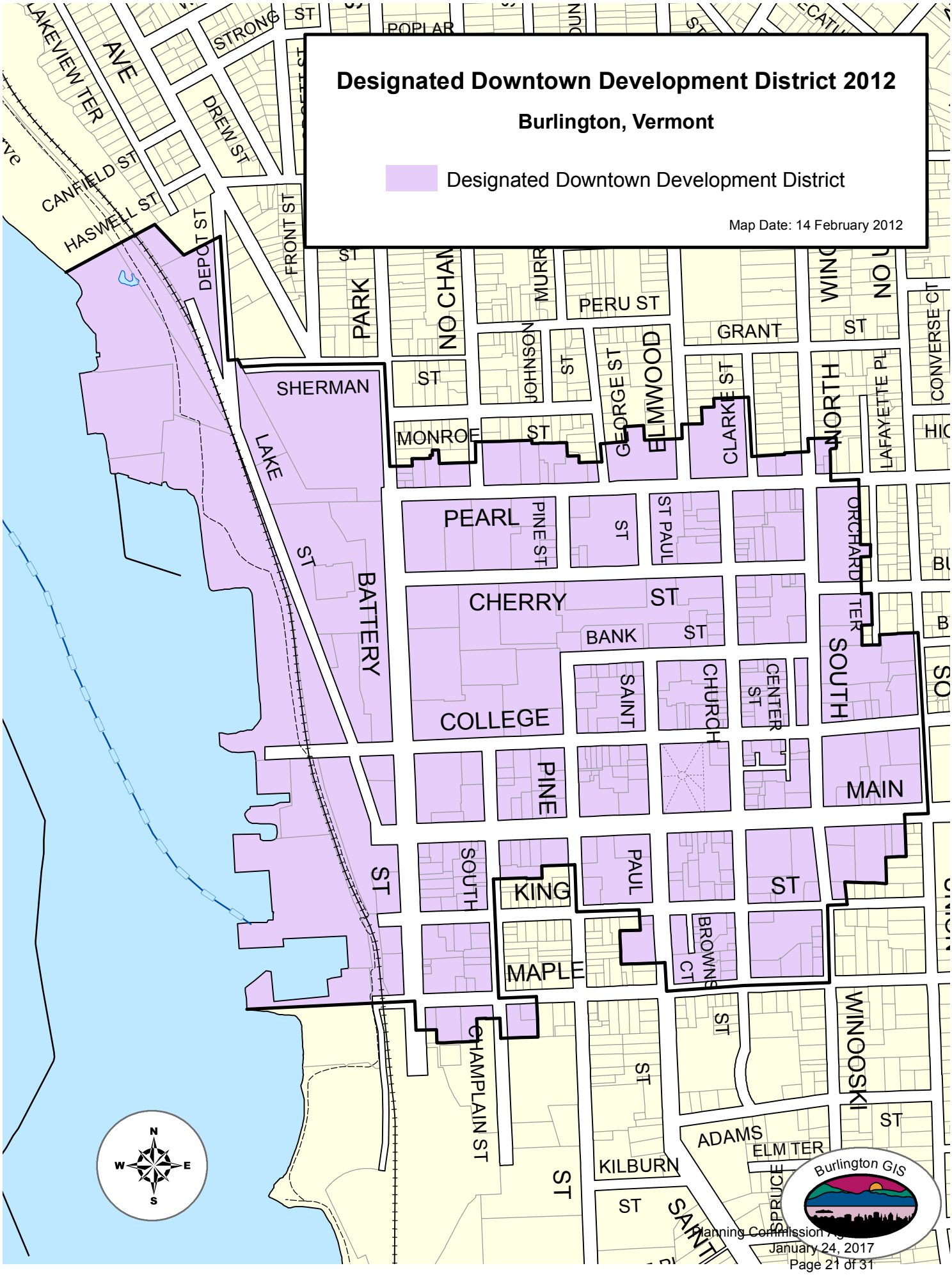
With this Memorandum of Agreement, CEDO, Church Street Marketplace, Dept. of Planning & Zoning, and the Burlington Business Association pledge to jointly develop and support the Downtown Partnership as the primary organization focusing on the health and vitality of Burlington's Designated Downtown. This indicates a commitment by the partners to adopt, accept responsibility for tasks, and commit resources to the attached work plan. They will engage and collaborate as necessary with other organizations in the community to ensure long-term success and sustainability of the revitalization efforts in the Designated Downtown.

Signed: _____ Date: _____
Noelle MacKay, Downtown Designee & CEDO Director
for the Community & Economic Development Office

Signed: _____ Date: _____
David E. White, AICP, Director
for the Burlington Dept. of Planning & Zoning

Signed: _____ Date: _____
Ronald Redmond, Executive Director
for the Church Street Marketplace

Signed: _____ Date: _____
Kelly Devine, Executive Director
for the Burlington Business Association


Designated Downtown Development District 2012
Burlington, Vermont
Designated Downtown Development District
Map Date: 14 February 2012
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CANFIELD ST
HASWELL ST
DEPOT ST
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GRANT
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JOHNSON
GEORGE ST
ELMWOOD
CLARKE ST
NORTH
LAFAYETTE PL
CONVERSE CT
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MONROE
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Burlington GIS

Downtown Designation Benefits

The program supports local revitalization efforts across the state by providing technical assistance and state funding to help designated municipalities build strong communities. Once designated, the community will be eligible for the following benefits.

10% Historic Tax Credits

- Available as an add-on to approved Federal Historic Tax Credit projects.
- Eligible costs include interior and exterior improvements, code compliance, plumbing and electrical upgrades.

25% Facade Improvement Tax Credits

- Eligible facade work up to $25,000.

50% Code Improvement Tax Credits

- Available for up to $50,000 each for elevators and sprinkler systems and $12,000 for lifts.
- Eligible code work includes ADA modifications, electrical or plumbing up to $25,000.

50% Technology Tax Credits

- Available for up to $30,000 for installation or improvements made to data and network installations, and HVAC (heating, cooling or ventilation systems) reasonably related to data or network improvements.

Downtown Transportation Fund

- Eligible to receive loans, loan guarantees, or grants up to $100,000 for capital transportation and related capital improvement projects.
- Grants may not exceed 50% of a project's cost.

Traffic Calming and Signage Options

- Authority to post speed limits of less than 25 mph to help calm traffic and make the downtown a more pedestrian-friendly environment.
- May erect and post informational signs to help guide visitors to downtown and to significant historical, educational, recreational or cultural landmarks.

Priority Consideration for State Grants and Siting of State Buildings

- Priority consideration for Municipal Planning Grants, Vermont Agency of Transportation Grants and funding from Vermont's Community Development Program.
- Priority site consideration by the State Building and General Services (BGS) when leasing or constructing buildings.

Special Assessment Districts

- May create a special assessment district (also known as special benefits district or business improvement district) to raise funds for both operating costs and capital expenses to support specific projects in the designated Downtown.

Neighborhood Development Area (NDA) Eligibility

- Communities may also designated Neighborhood Development Areas within ½ mile from the downtown district. Qualified projects are:
  - Exempt from Act 250 regulations and the land gains tax.
  - Eligible for, once designated, reduced Agency of Natural Resources review fees.

Act 250

- No permit fees and special downtown process with reduced criteria.
- Qualified mixed use-housing projects are exempt from review.

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
vacant, Youth Member

Burlington Planning Commission

Tuesday, January 10, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
DRAFT Minutes

Present: A. Montroll, B. Baker, Y. Bradley, A. Friend, E. Lee, H. Roen
Staff: S. Gustin, M. Tuttle, L. Brelsford

Note: times given are approximate unless otherwise noted.

I. Agenda

Called to order at 6:37 pm

II. Public Forum

No members of public spoke.

III. Report of the Chair

No report offered.

IV. Report of the Director

M Tuttle: D. White absent due to illness. Department is busy with applications for the major projects the PC worked on this year, and prioritizing how to bring projects to a close in the coming year.

V. Proposed CDO Amendment ZA-17-08 Food & Beverage Processing

M. Tuttle: Began as an amendment to remove restriction on accessory café for microbrewery, and to add a definition of craft beverage production. At last meeting, discussed this becoming a new use "Food and Beverage Processing" to include both craft beverage, as well as bakeries and other food production. PC wanted to ensure the definition does not include restaurants and cafes unless as accessory. Language has been updated to reflect this.

H Roen: Is there still a production limit?

M Tuttle: No production limits due to variability of businesses. Size limit on the use is 25,000 sq.ft. and only applies to downtown and neighborhood mixed use areas.

B Baker: Accessory uses still permitted under accessory definition?

S Gustin: Yes.

The Commission unanimously approved a motion by Y. Bradley, seconded by A. Friend, to approve the Municipal Bylaw Amendment report and warn the amendment for public hearing.

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.

VI. Proposed CDO Amendment ZA-17-10 Green Roof Lot Coverage

David G. White (White & Burke), Gail Henderson-King (White & Burke), and Dave Keelty (UVM Medical Center) shared a presentation regarding green roofs and applications at the UVM Medical Center. These representatives are concerned that the proposed language for the amendment is unclear, and needs more specific detail on how to measure portions of a green roof at or above grade. They provided three alternatives that could be included in the ordinance for how to measure green roofs and corresponding lot coverage or open space.

A Montroll: Main goal of lot coverage is to preserve appearance of open space above grade; this was focus of Ordinance Committee.

Y Bradley: Want to incorporate green roofs in the City. Using examples in UVM-MC presentation, where is the measuring point for what is considered above grade versus below grade?

S. Gustin: Simple is better when it comes to calculating coverage. Have similar provisions in the ordinance for measuring building height on slopes.

E. Lee: Green roofs are expensive compared to regular roofs, and we should do more to encourage them. If the example of the Radiation/Oncology building were a flat open space built into the hill using a retaining wall, it would be counted as open space. That has a diminished aesthetic value to pedestrians versus seeing the side of a building built into the hill. In current form, does not seem to work. Also need to consider definition for green roof to get an appropriate and functional system.

Y. Bradley: We should promote intelligent design and plans that appreciate our topography, and reduce ambiguity in our ordinances.

D.G. White: Hospital is not looking for credit for its open space. This is about developing a clear standard that both applicants and the general public can understand. As defined, it is unclear how the existing green roofs at UVM-MC would be measured.

A Montroll: We also should look at longevity of these roofs.

M Tuttle: Send back to Committee or keep at full Commission level?

The Commission unanimously approved a motion by E Lee, seconded by H Roen, to send the amendment back to the Ordinance Committee for modification.

VII. Municipal Bylaw Amendment Report: ZA-17-05

M Tuttle: This amendment was modified by City Council Ordinance Committee to include downtown and downtown transition zones. These districts were not included in the original amendment by the Planning Commission. Statutory requirement is for Commission to reapprove Municipal Bylaw Amendment for ZA-17-05 regarding this change.

A Montroll: What are the Commission's feelings on whether or not to provide comment with the report?

Y Bradley: Do not think we should discourage people from investing in single family properties in the City if they wish to. What if someone wanted to convert the Follette house back to a single-family.

A Montroll: Not consistent with our policies. Don't think that would be an appropriate use in that part of downtown. Not so concerned about the downtown transition.

E Lee: There is an historic preservation argument that can be made for allowing single-family use.

The Commission unanimously approved a motion by A. Friend, seconded by E. Lee, to amend and reapprove the Municipal Bylaw Amendment report without comment by the Commission.

VIII. Municipal Bylaw Amendment Report: ZA-17-02

M Tuttle: Staff and the City Council Ordinance Committee updated the language of the amendment to be explicit about including both large and small daycares and preschools, and to rely on statute for the definition of home daycares to avoid inconsistencies. No substantive change to the amendment, but statutory requirement for Commission to reapprove the Municipal Bylaw Amendment for ZA-17-02 for these changes.

The Commission unanimously approved a motion by Y. Bradley, seconded by A. Friend, to reapprove the Municipal Bylaw Amendment report.

IX. Committee Reports

A.Friend: Ordinance Committee has had a meeting with the Community Health Center and Champlain Housing Trust regarding homeless shelters and a proposal to create defining language.

M Tuttle: CEDO reports the City of Burlington received an additional $200,000 this year from HUD due to the work of the partner agencies to address homelessness with the goal to move people towards permanent housing. While homelessness is decreasing in Chittenden County, on any given night there are approximately 300 homeless individuals in the county, many of them children.

Y Bradley: If anyone is interested in having lunch and learning more about board and Pathways to Housing, Vermont, let him know.

H Roen: Long Range Committee waiting to complete work on planBTV South End. Timeline?

M Tuttle: Hope to be able to resume work in February. Will set up a meeting with H Roen and Executive Committee to discuss.

X. Commissioner Items

No items.

XI. Minutes & Communications

The Commission unanimously approved a motion by H. Roen, seconded by E. Lee to accept the minutes of the December 13, 2016 meeting and the packet provided by Gail Henderson-King for the January 10, 2017 meeting.

XII. Upcoming Meetings

Meeting scheduled for February 28, 2017 may not have a quorum. Will discuss whether or not there are agenda items for that meeting at the Executive Committee meeting on February 2, 2017.

XIII. Adjourn

The Commission unanimously approved a motion by B. Baker, seconded by A. Friend, to adjourn the meeting at 7:56pm.

DRAFT

CHITTENDEN COUNTY RPC
Communities Planning Together

110 West Canal Street, Suite 202
Winooski, VT 05404-2109
802-846-4490
www.ccrpcvt.org

January 11, 2017

Judith C. Whitney, Clerk
Vermont Public Service Board
112 State Street, 4th Floor
Montpelier, VT 05620

Re: Petition of Vermont Green Line Devco, LLC, pursuant to 30 V.S.A. §248, for a certificate of public good to own, operate and construct an underwater and underground 400 MW high voltage direct current ("HVDC") electric transmission line, converter station and associated facilities to be located in Lake Champlain and the Towns of Ferrisburgh, Waltham and New Haven, Vermont, and for *de minimis* regulation.

Docket # 8847

Dear Ms. Whitney:

Enclosed for filing in the above captioned matter please find our Notice of Appearance and Motion to Intervene on behalf of Chittenden County Regional Planning Commission, and original Certificate of Service.

Thank you for your attention on this matter. Please contact me if you have any questions or concerns.

Sincerely,

Charlie Baker
Executive Director

cc: Service List

STATE OF VERMONT
PUBLIC SERVICE BOARD

Petition of Vermont Green Line Devco, LLC, pursuant to 30 V.S.A. §248, for a certificate of public good to own, operate and construct an underwater and underground 400 MW high voltage direct current ("HVDC") electric transmission line, converter station and associated facilities to be located in Lake Champlain and the Towns of Ferrisburgh, Waltham and New Haven, Vermont, and for *de minimis* regulation.	)	Docket #8847

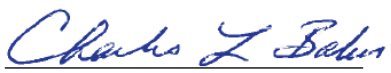
NOTICE OF APPEARANCE

Please take notice of the appearance of Charlie Baker, Regina Mahony and Emily Nosse-Leirer for the Chittenden County Regional Planning Commission, in the above captioned matter.

Dated January 11, 2017 at Winooski, Vermont.

Chittenden County Regional Planning Commission

By:



Charlie Baker
Executive Director
Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05404

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2017 a copy of the foregoing entry of appearance was sent to the following individuals without email addresses and by email to the individuals with email addresses listed:

Parties:
Geoffrey Commons, Esq.
Director of Public Advocacy
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

June Tierney, Commissioner
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Leslie A. Cadwell Esq. (for Vermont Green Line Devco, LLC)
Alison Milbury Stone, Esq.
Legal Counselors and Advocates, PLC
PO Box 827
Castleton, VT 05735

Joslyn L. Wilschek Esq. (for National Grid)
Primmer Piper Eggleston & Cramer PC
100 East State Street, PO Box 1309
Montpelier, VT 05601-1309

Donald J. Einhorn, Esq.
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Interested Persons:
James Volz, Margaret Cheney, Sarah Hofmann, Board Members
Thomas Knauer, Michael Tousley, Esq., David Watts, Public Service Board

JoAnn Q. Carson (Court Reporter)
11 Northside Drive
Burlington, VT 05408

Kim Sears (Court Reporter)
18 Paddock Lane
Williston, VT 05495

Bridget Kipp
4665 Ethan Allen Highway
New Haven, VT 05472

Sandy Levine, Esq.
Conservation Law Foundation
15 East State Street – Suite 4
Montpelier, VT 05602

Lake Champlain International
531 Main Street
Colchester, VT 05446

Lake Champlain Maritime Museum
4472 Basin Harbor Road
Vergennes, VT 05491

Michael Adams
US Army Corps of Engineers
New England District
Vermont Project Office
11 Lincoln Street, Room 210
Essex Junction, VRT 05452

Statutory Interested Persons:
Office of the Vermont Attorney General
c/o Mary-Kay Swanson, Executive Assistant
Pavilion Building – 109 State Street
Montpelier, VT 05609

Mark Levine, MD, Commissioner
Vermont Department of Health
108 Cherry Street
Burlington, VT 05402

James Duggan
Scott Dillon
Vermont Historic Preservation Division
1 National Life Drive – Floor 6
Montpelier, VT 05620-0501

Joe Flynn, Secretary
Vermont Agency of Transportation
National Life Building – Drawer 33
Montpelier, VT 05633-5001

Chuck Ross, Secretary
Vermont Agency of Agriculture, Food and Markets
116 State Street – Drawer 20
Montpelier, VT 05620-2901

Chair, Town of Ferrisburgh Planning Commission
c/o Gloria Warden, Town Clerk
PO Box 175
Vergennes, VT 05491

Chair, Town of Waltham Selectboard
c/o Mary Ann Castimore, Town Clerk
PO Box 175
Vergennes, VT 05491

Chair, Town of New Haven Selectboard
c/o Pam Kingman, Town Clerk
78 North Street
New Haven, VT 05472

Chair, Town of Grand Isle Selectboard
c/o Melissa Boutin, Town Clerk
PO Box 49
Grand Isle, VT 05458

Chair, Town of South Hero Selectboard
c/o Sharon Roy, Town Clerk
PO Box 175
South Hero, VT 05486

Chair, Town of South Hero Planning Commission
c/o Sharon Roy, Town Clerk
PO Box 175
South Hero, VT 05486

Adam Lougee, Executive Director
Addison County Planning Commission
14 Seminary Street
Middlebury VT 05478

Catherine Dimitruk, Executive Director
Northwest Regional Planning Commission
75 Fairfield Street
St. Albans VT 05478

STATE OF VERMONT
PUBLIC SERVICE BOARD

Petition of Champlain VT, LLC, d/b/a TDI New England, for a certificate of public good, pursuant to 30 V.S.A. §248, authorizing the installation and operation of a high voltage direct current (HVDC) underwater and underground electric transmission line with a capacity of 1,000 MW, a converter station, and other associated facilities, to be located in Lake Champlain and in the Counties of Grand Isle, Chittenden, Addison, Rutland and Windsor, Vermont, to be known as the New England Clean Power Link Project ("NECPL")	)	**Docket #8400**

MOTION TO INTERVENE

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

Now comes Chittenden County Regional Planning Commission ("CCRPC"), pursuant to Vermont Public Service Board ("Board") Rule 2.209, hereby files the following Motion to Intervene. In support hereof, CCRPC states the following:

1. Petitioner seeks to develop a high voltage direct current (HVDC) underwater and underground electric transmission line with a capacity of 1,000 MW, a converter station, and other associated facilities, to be located in Lake Champlain and in the Counties of Grand Isle, Chittenden, Addison, Rutland, and Windsor, Vermont.
2. The CCRPC is a political entity that represents the needs of member municipalities and the region as a whole. CCRPC member municipalities located within close proximity to the project include the City of Burlington, Town of Charlotte, Town of Colchester, Town of Shelburne, and the City of South Burlington. Petitioner's project will impact these municipalities in the CCRPC Region; therefore, the project will impact CCRPC as well. The CCRPC is uniquely interested in the project's impact on, among others, the region's environmental and economic interests.
3. A person has the right to intervention, pursuant to Board Rule 2.209(A): "Upon timely application, a person shall be permitted to intervene in any proceeding (1) when a statute confers an unconditional right to intervene; (2) when a statute confers a conditional right to intervene and

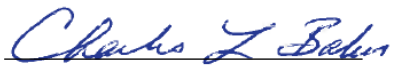
the condition or conditions are satisfied; or (3) when the applicant demonstrates a substantial interest which may be adversely affected by the outcome of the proceeding, where the proceeding affords the exclusive means by which the applicant can protect that interest and where the applicant's interest is not adequately represented by existing parties." Id.

4. A person shall be permitted to intervene, at the discretion of the Board, upon timely application "when the applicant demonstrates a substantial interest which may be affected by the outcome of the proceeding." See Board Rule 2.209(B). The Board shall consider the following: "(1) whether the applicant's interest will be adequately protected by other parties; (2) whether alternative means exist by which the applicant's interest can be protected; and (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public." Id.
5. CCRPC's motion is timely and has been made well within the deadline to file for intervention.
6. CCRPC has a substantial interest in economic and environmental issues in the CCRPC region and its particularized interests may be adversely affected by the outcome of this proceeding.
7. CCRPC's interests potentially diverge from the interests of the other parties and therefore may not be adequately protected by other parties. CCRPC's unique interests within its jurisdictional boundaries cannot be protected unless it directly participates in this proceeding.
8. There are no alternative means by which CCRPC's interests can be protected as they relate to this matter.
9. Intervention will not unduly delay the proceeding or prejudice the interests of existing parties or the public.

WHEREFORE, the Chittenden County Regional Planning Commission respectfully requests that the Board grant its Motion to Intervene pursuant to Board Rule 2.209(A), or in the alternative, Board Rule 2.209(B).

Dated at Winooski, Vermont this 11th day of January, 2017.

Chittenden County Regional Planning Commission

By: 

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

Burlington Planning Commission

Tuesday, January 24, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street

Minutes

Present: A. Montroll, A. Friend, H. Roen, J Wallace-Brodeur
Staff: M. Tuttle, D White, L. Brelsford

I. Agenda

Called to order at 6:33 pm

Note: times given are approximate unless otherwise noted.

II. Public Forum

No members of public spoke.

III. Report of the Chair

A Montroll: Communication in packet regarding CCRPC motion to intervene in a public service board matter regarding high voltage line in Lake Champlain. Purpose for intervention is to participate to keep municipalities updated, and to determine whether any tax benefits to shoreline communities. Similar projects before, municipalities generally supportive as a way to get clean energy into Vermont.

IV. Report of the Director

D White: Staff consumed by four major projects: Burlington Town Center, Cambrian Rise, Fletcher Place/Colchester Avenue, and Pine/Flynn. DAB approved Burlington Town Center on 1/24 and will go to DRB on 2/7.

J Wallace-Brodeur: What is the timeline for phasing the project?

D White: Current application only for portion between St. Paul and Pine. No estimate on phase between St. Paul and Church. March 2019 first phase occupancy floors of UVMMC office space, Dec 2019 second phase occupancy Champlain College student housing, May 2020 third phase occupancy of other residential tower and completion of street improvements on St. Paul & Pine.

V. Public Hearing: Proposed ZA-17-09 Thresholds for Major Impact Review

D White: This amendment initially send to Council in December 2015, however it expired before Council action. Council Ordinance Committee has recommended some tweaks to the proposal from 2015. This includes restoring applicability of Major Impact in Downtown Mixed Use Districts. Threshold is 50 residential units, 50,000 sq.ft. footprint, or 100,000 sq.ft. GFA. Separated low-density residential districts from other districts and kept the current thresholds of 5 residential units, 5,000 sq.ft. footprint, or 10,000 sq.ft. GFA. Finally, maintained

the pre-application neighborhood meeting for any development more than 5 residential units, 5,000 sq.ft. footprint, or 10,000 sq.ft. GFA in any district in the City, but removes this from the Major Impact review.

A Montroll: Open public forum. Seeing no one wishing to speak, closing public forum.

A Friend: What are the downsides to making this change?

D White: Downside is not making any change. Goal is to remove duplication and artificially low thresholds for projects; meets plan goals of facilitating infill development and simplifying public approval process.

The Commission unanimously approved a motion by JWB, seconded by AF, to forward the amendment to City Council and approve the Municipal Bylaw Amendment report.

VI. planBTV Walk/Bike

N Losch: Finalizing updates to draft planBTV Walk Bike presented to Commission in October. Clarified language around supporting mixed-use zoning in neighborhoods and updating parking ratios. These recommendations do not impact city zoning in any way without separate action to update. Finalizing impartial enforcement recommendations in coordination with BPD, and added information about speed control and slow streets.

M Tuttle: Some perceived that the recommendation was to upzone residential areas; this recommendation simply recognizes the relationship between land use and transportation and to be mindful of opportunities to support land use with multi-modal transportation infrastructure. May work with CCRPC on updating bike parking ratios.

The Commission unanimously approved a motion by HR, seconded by JWB, to endorse the planBTV Walk Bike and to instruct staff to bring it back to the Commission to consider including in the next Municipal Development Plan update.

VII. Designated Downtown Renewal Application

M Tuttle: Burlington is applying for renewal for Downtown Designation with the state, through a partnership with Planning & Zoning, CEDO, Church Street Marketplace and Burlington Business Association. Designation offers grants and other support to property owners and municipalities to invest in the continued revitalization of downtowns.

JWB: Why are boundaries located where they are? Great program with lots of benefits for smart growth in Vermont.

D White: follows residential properties.

The Commission unanimously approved a motion by JWB, seconded by HR, to endorse the City's renewal application and authorize David White to sign on behalf of the Planning & Zoning department to advance goals of the partnership.

VIII. Committee Reports

No reports.

IX. Commissioner Items

No items.

X. Minutes & Communications

The Commission unanimously approved a motion by H. Roen, seconded by A Friend to accept the minutes of the January 10, 2017 meeting and communications.

XI. Upcoming Meetings

Meeting scheduled for February 28, 2017 may not have a quorum. Will discuss whether or not there are agenda items for that meeting at the Executive Committee meeting on February 2, 2017.

XII. Adjourn

The Commission unanimously approved a motion by A. Friend, seconded by H. Roen, to adjourn the meeting at 7:15pm.

_____ Signed: March 6, 2017

Andy Montroll, Chair

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Submitted by: Lynn Brelsford