

Burlington Planning Commission

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Andrew Saba
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Andy Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member



Burlington Planning Commission Minutes

Tuesday, February 12, 2013 - 6:30 pm

Present: B. Baker (late), Y. Bradley, L. Buffinton, A. Montroll, H. Roen, J. Wallace-Brodeur

Absent: A. Saba

Staff: S. Thibault, D. White, E. Tillotson

I. Agenda

No changes.

II. Public Forum

Y. Bradley – Opened the public forum at 6:40 pm.

B. Bisonette, local property owner, states that the historic policy is confusing, would like clarification. He appreciates that the administrators are taking "heads up" observing there are issues between the ordinance and its implementation. He had thought this was decided but appears now to still be in the debating process and emphasizes the need of a method to find solution.

Y. Bradley: This is the reason we are here, the policy was meant to allow greater flexibility and it may contradict the zoning ordinance. The desire of the Planning Commission is to make it less subjective and clearer.

B. Bisonette: Moving forward still seems a question if there is not a definitive answer? Do we have definitive goal from Planning Commission yet? Are we where we are supposed to be or are we still at the debate stage?

A. Montroll: The Planning Commission came up with a policy but now needs to be sure it matches the ordinance. It is necessary to be sure what we are doing conforms to the ordinance.

B. Bisonette: As a group, is the Planning Commission philosophically moving forward with materials policy?

A. Montroll: The City Attorney will discuss how it is to proceed.

B. Bisonette: Doesn't wish to see the Attorney's Office make policy for the City.

J. Wallace-Brodeur: The adopted policy process question is to be addressed moving forward. The Commission doesn't wish to start over.

S. Offenhardt: Applauds the move forward. The decision needs to be made so the city can move forward. He has concerns that the issue of neglect of property may be endorsed, that the policy may provide disincentives to maintenance. Burlington needs a plan with definity.

B. Baker: The policy process has been a work in progress for a long time; the goal is to try to strike a balance. The Secretary of the Interior standards are very clear relating to federal projects, but less clear at the local level.

Y. Bradley – Closed the public forum at 6:53 pm.

III. Report of the Chair

The Chair presented the following report:

As approved by the Burlington Planning Commission on March 12, 2013.

- He has been approached by Jason Van Driesche of Local Motion and asked to be involved in a Compact Mixed-Use development group. The group is being respectful of planBTV, the Planning & Zoning Department, and has held two meetings. There is much discussion around parking but the group has pushed back to recognize that there is a broader range of problems. This is an ambitious project.
- He has accepted another appointment as a trustee to the Board of Burlington College, an exciting time to be involved with this institution.
- The Mayor has put out a request for concepts for the Public Investment Action Plan (PIAP) to include the Planning Commission suggestions.

IV. Report of the Director

The Director presented the following report:

- The Director and S. Thibault will meet with Jason van Driesche on Thursday this week to discuss the work of the Compact Mixed-use Group.
- He and S. Thibault have met with the Mayor's Office in an effort to move the Climate Action Plan forward to adoption.
- He has been asked by VTRANS Secretary Brian Searles to serve on a task force which will examine how closely the state transportation investments support smart growth principles.
- He and S. Thibault met with the Vermont Interfaith Action (VIA) group, which was supportive in discussing housing, inclusionary considerations, and zoning clarification.
- Last Friday he met with other city departments and local realtors to talk about the city's development process. Their comments were well received, and it was a great opportunity for the Director to engage and educate.

J. Wallace-Brodeur: How closely do the Moran concepts relate to the results of planBTV?

Y. Bradley: The Mayor is interested in hearing everything, we don't know yet how closely his thoughts will coincide with planBTV.

D. White: One principal filtering criteria for concepts proposed will be how they further any previous plans and planning documents, such as planBTV, which will be the foundation to implementation.

J. Wallace-Brodeur: Are we reinventing the wheel?

S. Thibault: All city departments have been asked to come forward with concepts and most of those come directly from planBTV and other previous planning efforts.

V. Historic Building Materials Policy

E. Blackwood: The City Council received a letter from Matt Viens representing Preservation Burlington which asked the City attorneys to examine a seeming conflict between the Planning Commission historic building materials policy and the Zoning Ordinance. The Attorney's Office decided to come back to the Planning Commission and discuss options. A portion of the policy directly conflicts with the ordinance. It is somewhat in contradiction with the Secretary of Interior standards. Specifically standards 9 and 2 in the policy.

Consistent with section 6, the second part of the policy doesn't address only deteriorating materials which need to be replaced. The intent of the policy is to provide flexibility which is not in the ordinance, which consequently puts focus on the ordinance to provide changes for flexibility.

Y. Bradley: If we look at the Secretary of Interior standards do we disassociate from federal standards.

J. Tanguay: The standards are fixed and cannot be changed.

As approved by the Burlington Planning Commission on March 12, 2013.

Y. Bradley: If the Planning Commission is looking at the standards and wants more flexibility, the Commission must consider making changes to the standards.

A. Montroll: How complicated is it to make amendments to zoning code to follow the intent of the policy?

E. Blackwood: There are ten very specific guidelines that will require clarification from the Commission. The Attorneys can provide language once the Planning Commission clarifies the intent of the policy.

B. Baker: Has a concern about the interim period, would this necessitate reverting to the previous policy? What happens while process is proceeding?

E. Blackwood: It could be possible to change the policy a little.

A. Montroll: He doesn't think the Planning Commission's intent is to define when material is failing, but to let the property owner decide when that material is failing.

L. Buffinton: Two things:

- It is better not to do a piecemeal approach.
- The last line in the paragraph being discussed is uncomfortable; confusion exists about the selection etc. And judgement of an average person is difficult to define. The intent is to have flexible approach to materials but preserve historic appearance. Are there any state ramifications to historic districts that would be a complication?

D. White: To the extent that policy institutes the possibility of making changes to historic materials, the eligibility to remain or be placed on national register can be lost. The designation is attached to an individual building.

H. Roen: Is the state uncomfortable with private ownership requirements at federal level?

Y. Bradley: Is it a good thing to apply federal standards to a historic district? Financial considerations are important. The question is policy change that contradicts the ordinance but doesn't produce clarity. Materials can be reversible. The Attorneys office will help with clarification.

E. Blackwood: Will take a look at the standards to see what the Commission wants to include. It would be possible to have a smaller working group and then bring the draft results back to be discussed.

G. Bergman: The focus on materials standards only will help the Attorney's office.

J. Wallace-Brodeur: Recommends that the Commission meet quickly to move on this.

Y. Bradley: And use the existing policy at present.

D. White: Material failure occurs at what point?

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously voted to select two Planning Commission members to work with the Attorney's Office and planning staff to prepare ordinance changes that reflect the Commission's policy by March 2013.

Volunteers to the group from the Planning Commission are L. Buffinton and A. Montroll.

A. Montroll: Is the existing policy on hold now?

Y. Bradley: Yes, we need to take action to affirm this.

On a motion by A. Montroll, seconded by B. Baker, the Commission unanimously voted to establish a hold on the Planning Commission policy until ordinance changes are put in place.

VI. Public Hearing: ZA-13-04 & ZA-13-05

1. ZA-13-04 – Garage Size and Orientation

D. White: The first change is something that has been discussed recently by the Planning Commission which is to change the present 30% of garage facing the streetscape to 50%, which allows for smaller building footprints and facades facing street.

As approved by the Burlington Planning Commission on March 12, 2013.

L. Buffinton: Section 4c needs correction of the spelling of principal.

B. Baker: Uncovered play structures doesn't belong in this proposal, a clarification amendment is needed.

On a motion by J. Wallace-Brodeur, seconded by A. Montroll, the Commission unanimously approved ZA-13-04 and sent to City Council for adoption, as amended.

2. ZA-13-05 – Nonconforming Structures Demolition

L. Buffinton: The first sentence doesn't make sense, suggest that we strike shall.

A. Montroll: Could a doghouse within the setback be removed but replaced at a height of 35 feet?

D. White: The next amendment that is being proposed will specifically deal with height in setbacks.

J. Wallace-Brodeur: Is the intent is to replace with the same?

D. White: The Ordinance Committee last week discussed non conformity in setbacks. Perhaps it would be beneficial to look at both policies together. The proposal is not specific to principle structures or accessory buildings.

On a motion by B. Baker, seconded by A. Montroll, the Commission unanimously closed the public hearing and wait to take up other setback amendments together at their next meeting.

Y. Bradley – Close the public hearing at 7:40pm.

VII. ECOS – Regional Plan Update

Charles Baker & Regina Mahoney from the Chittenden County Regional Planning Commission

C. Baker: First, the draft of the ECOS plan will be out Friday and a copy will be sent to the Commission and the planning office for review.

Second, the Agency of Commerce is providing funds to the Regional Planning Commission to fund communication to the Commission about how your plans are progressing and how can the RPC help?

For ECOS, the comment period is open until March 20 and during that time informal comments and conversation relating to the regional plan is welcome. The emphasis is on supporting municipalities and having accountability at regional level. The Regional Plan and Comprehensive Economic Development Strategy (CEDS) were all prepared and combined together in one document for more expedient implementation.

A RFP is out for the Unified Work Program proposal, the deadline being next Thursday. Other organizations are investing in land use changes as opposed to traffic planning. UPWP unified work program, an exciting program.

S. Thibault: Staff has met with DPW, Parks and Recreation and other departments and discussed different projects to submit for the program. One item that are risen to the surface with some urgency now is the residential parking program.

Y. Bradley: Are we really on track to add 60,000 people to the population of Chittenden County by 2030?

C. Baker: 1% a year growth rate seems to be anticipated. The question is: are we planning for that many more people? It will be a lot of people for this county to absorb. Housing is necessary and it is crucial that we plan for this rather than not plan. We must prepare for the future.

R. Mahoney: There will be a webinar on form based code presented on April 13th.

C. Baker: Our focus for next year is trying to improve services for local planners. The Burlington planBTV document is under review now and the public hearing will be March 20th also at RPC.

VIII. Proposed Amendment

Discussion of possible removal of Article 4.4.1 d, Downtown Mixed Use District

As approved by the Burlington Planning Commission on March 12, 2013.

D. White: The planBTV process created a uniform recommendation to get rid of the 50/50 housing/commercial requirement to encourage new development in downtown.

L. Buffinton: This consideration is long overdue, it has financial reasons. It makes environmental sense and appears to be a win-win situation.

A. Montroll: This article began as a balance between housing and commercial uses. PlanBTV broadens the vision for development.

Y. Bradley: The market will respond to this change.

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously voted to warn a public hearing on ZA-13-07 for March 12, 2013, as amended.

Discussion to remove additional sentence, and is agreed to strike the sentence.

IX. Committee Reports

Executive Committee – will meet next week.

Long Range Planning Committee – will meet this Thursday.

The Ordinance Committee has met and discussed accessory apartments.

X. Commissioner Items

None

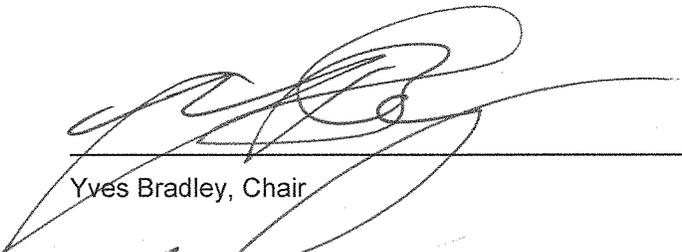
XI. Minutes/Communications

L. Buffinton: Correction to the January 22nd minutes, clarification on the quote relating to “amazing piece of work but not every piece will please every person” is the correction, page 2.

On a motion by L. Buffinton, seconded by H. Roen, the Commission unanimously approved the January 8th and January 22nd minutes as amended.

XII. Adjourn

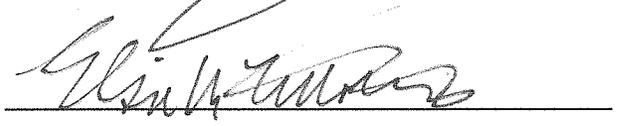
On a motion by H. Roen, seconded by L. Buffinton, the Commission unanimously adjourned the meeting at 8:02pm.



Yves Bradley, Chair

3.26.13

Date



Elsie Tillotson, recording secretary