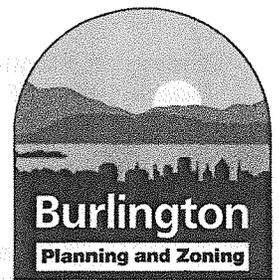


Burlington Planning Commission

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



Burlington Planning Commission Minutes Tuesday, March 08, 2011

Present: B. Baker, Y. Bradley, L. Buffinton, A. Montroll, P. Potts, H. Roen, J. Wallace-Brodeur

Absent:

Staff: D White, S Thibault, M O'Neil & E Tillotson

I. Agenda

No changes to the agenda.

II. Public Forum

P. Potts – Opened the public forum at 6:32pm.

P. Potts - Closed the public forum at 6:33pm.

III. Report of the Chair

The Chair presented the following report:

- He has spoken with all the city councilors on the Board of Finance and also Councilor Bushor about how the budget cuts may evolve in the future. It is his sense that probably the Planning and Zoning department may have an easier time than some other departments; that is not to say that there will not be cuts. He believes it is the mayor's hope to impact the city functions as little as possible.
- The Chair received a call from Andy Bromage of Seven Days with whom he had a substantive exchange, he was very pleased that it turned out to be an in depth chat. Andy asked Peter how he anticipated the reaction to the contemplated changes in the historic building materials policy, and then suggested that probably some would view it with relief and some would view it with horror. The Chair issues an Invitation to anyone to join the commission and provide input and solution.
- Peter has received a call from City Councilor Kranichfeld inquiring what city entity is in charge of livestock in city policy and commenting that it seems important that the City sort out who has jurisdiction. An ad hoc committee is being formed to address this issue and the Chair will serve on the committee from the Planning Commission unless someone else wants to. Assistance is needed from the city attorney's office.

IV. Report of the Director

The Director presented the following report:

- Citizens have contacted the Director to ask what the rules are related to the Board of Health and the result has been that the recently formed ad hoc committee to which the Chair had just referred, will report to the City Councilors at the end of their research with recommendations.
- With the issues that have been arising,
 - It is clear that the City needs a more comprehensive policy around urban agriculture

As approved by the Burlington Planning Commission on April 5, 2011.

- Clarification of rules
- Clarification of responsibility for individual aspects of the rules
- Larry Kupferman and he are alternates for Mayor Kiss to the Steering Committee for the Regional Planning Commission administering the recently granted HUD funds of almost \$1,000,000. The focus is the implementation of a sustainable plan for Chittenden County.
- Mary O Neil and he met with a UVM class for historic preservation.
- The canceled City Council meeting last night delayed two ordinance matters for first reading, as well as the Transportation Plan for final public hearing.
- He was asked by the Mayor to serve on the hiring committee for the new Director of Aviation.
- The monthly meeting of the Vermont Economic Progress Council will be held on March 24th in Burlington, and one of the items on the agenda to be submitted at the meeting will be the proposal of a Tax Increment Finance area for Burlington. This is a proposal which has had substantial involvement and efforts from the Assessor, CEDO, and Planning and Zoning Departments. The definition of a TIF District is establishment of the base line tax revenue in an area, then use the tax increment of the value of properties raising in assessed value over time and the incremental taxes generated to fund previously identified public improvements. Burlington has an existing TIF area which consists of Burlington Square Mall and the Waterfront District. The expanded TIF area, which would involve mostly the south and east portion of the downtown area would fund streetscape and parking improvements. TIFs are common public investment tools over the country, are not commonly used in VT.

V. Historic Building Materials Discussion

P. Potts – The City's Fire Marshall is present to discuss life safety issues, specifically ingress and egress requirements involving windows as well as Mary O'Neil, Associate Planner.

T. Francis - He deals with (283) specific fire codes which are commonly state and nationally used. A typical stumbling block in a non-sprinklered building is the secondary means of escape, typically a window. An awning style window is not an acceptable structure to serve an egress function. There are some newer types, European style, that do work and are fairly expensive. He probably receives an average of a call a day asking about window compliance.

Sprinklering a residential building is a way to avoid the window problem and it so happens that sprinklering in new construction is surprisingly economical and reliable. In older sprinklered buildings such as the Sigma Phi building, in which there was a fire, the system discharged and functioned very well. The payback on a sprinkler system is usually eight years for new buildings.

Egress windows are required in living areas, not kitchens, baths (mainly areas where people sleep). This requirement has been in effect since 1977. The fire department has requested time of sale inspections as a tool to check compliance with safety regulations. Time of sale inspections have been in practice for 18 months but are not legally required. Attorneys and realtors, usually as a condition of sale, to satisfy the Bianchi requirements, like to require this inspection in mostly residential transactions, sometimes other types. State law says smoke detectors meet current standard, not sale inspections. On occasion, they find during inspections that new windows have been inappropriately installed that are sometimes not large enough. 13E system for sprinkler retro fit with pex piping is an economic approach to sprinklering older buildings. The combined certificate of occupancy has helped to improve the standard of compliance.

Compliance in large projects is relatively easy given the degree of scrutiny to which they are subject, small projects are more difficult since the degree of review is usually less. Access need is determined by the use of the building. Waivers are not allowed, but equivalencies are. Everything is on the website!

D. White - Given the market for property in Burlington there is tremendous pressure to utilize buildings in ways they were not originally intended to be used which creates work without permits, plumbers and electricians are licensed, but not contractors. Creates conflict between regulatory board and public.

E. Bergman – Suggests the importance of a change in the definition of historic buildings.

T. Francis - Code 914 (for the protection of historic properties) states the difference between practice and code, code is law, eight specific criteria.

J. Wallace-Brodeur - What does trump historic windows vs sprinklering? If something is not an historic material, what is value of keeping original material?

D. White - Historic material will still function better, more environmental, still fits, has authenticity, aesthetic appeal.

Y. Bradley - Current owner is beneficiary of original windows. Clearly articulate that the benefit is tangible benefit of living in an historic district. Economic and aesthetic values have to balance each other.

H. Roen – Wants to know if there is any Burlington specific research on how historic designation affects home values.

M. O'Neil - Statistical analysis of historic sales vs non historic. Quotes from a 2005 Don Rypkema study which indicates that historic districts do increase the value of properties.

P. Potts - Quotes an economics' article by Don Rypkema 2009 which the present Commission should consider. We should strive for balance and exert caution not to fall into group think.

D. White – Regarding the interior of buildings, Planning and Zoning regulates use of exterior of buildings only.

Option of moving location of bedrooms if egress is a problem. Code enforcement does not enforce the fire codes. If there is an undue adverse impact, it is not made a requirement from zoning.

J. Wallace-Brodeur - Is the City losing historic features at an unreasonable rate, is there a need to be more restrictive in Burlington?

D. White - Tremendous amount of change, some necessary, some the result of salesmanship and not necessary (contractors changing siding and windows).

M. O'Neil - Echoes the comments, marketing by retailers, contractors and utilities.

P. Potts – He suggests that the staff articulate the benefits of being on the historic register for further discussion and asks of the Commission "Are we ready to comment on question 12?" of the Decision Points in view of what we have heard tonight.

A. Montroll - How do we keep balance between benefits and balance between public and owner economically as well as aesthetically?

J. Wallace Brodeur - Would like to see more fleshed out undue adverse impact definition as well as community benefit comparison. Where do we stack up as a community? What is the impact of replacement and stricter standards? Does Burlington actually have a problem at this point? By eliminating properties that are described as eligible for historic register and not actually on the historic register, many less properties are affected by this categorization. At what point is it appropriate to replace a given historic material?

P. Potts - Any general conclusions about what we have heard tonight?

B. Baker – Materials should be safe, functional, look historic which includes an economic benefit. Sprinklering can work.

D. White - Take time to analyze all options for development, perhaps require energy audit. T Francis and M O'Neil work closely together.

VI. Downtown & Waterfront Plan Update

S. Thibault presented an update on the Downtown Plan project:

- On February 15, the cooperative agreement with HUD was signed and the City has 60 days to provide them with a final workplan.
- The Department has hired a planning and engineering firm Milone and MacBroom from Connecticut to do a land use inventory and build out analysis and they have started work this week.
- Sent out Requests for Proposals for the retail feasibility study and the transportation study proposals, one due the 18th and the other the 25th.
- Also met with VHFA last week to discuss the housing analysis study and the scope of work that they will be doing for the City.
- Contracts and procurements policy allows Department Heads to approve contracts for less than \$50,000, and perhaps Planning Commission Executive Committee could be delegated the power by the Commission for approval of others. This question will be examined further.

VII. Committee Reports

The Executive Committee meets on the 28th.

VIII Commissioner Items

A. Montroll - The MPO and RPC merger is moving ahead pretty quickly, likely official July 1st. It appears that Burlington's votes will be pretty well preserved on the new organization.

IX. Minutes/Communications

On a motion by A Montroll, seconded by H Roen, the Commission unanimously accepted the communications and placed them on file.

X. Adjournment

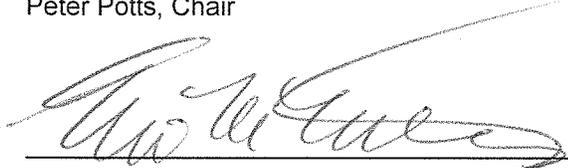
On a motion by L. Buffinton, seconded by H. Roen, the Commission unanimously adjourned the meeting at 8:57 pm.



Peter Potts, Chair

4/18/11

Date



Elsie Tillotson, recording secretary