

## Burlington Planning Commission

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



## Burlington Planning Commission Minutes - DRAFT Tuesday, September 08, 2015 - 6:35 pm

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

**Absent:**

**Staff:** D. White, E Tillotson

### I. Agenda

No changes

### II. Public Forum

Martha Lang: 138 Colchester Avenue, to discuss 111 Colchester Avenue, UVM Medical Center Zoning permits for the Medical Center are not placing any restrictions on traffic. She has spoken at the DRB Public Hearing, requesting traffic restrictions which are allowed in projects of this size, she has requested the traffic study. Colchester Avenue is only a secondary road, not a primary road. The construction is a one hundred million dollar addition, presently with no traffic restrictions. There have been two traffic studies, the first reports that 100% of the construction traffic will go by her house, the second study says there is no traffic impact. Additionally the Medical Center includes 1 acre of land which is zoned for institutional land use, not medical. Why are the DRB, the Planning Commission, not applying the appropriate process? For a Certificate of Appropriateness or a Major Impact the Medical Center must go back and reapply. Either the DRB or the PC is turning a blind eye, or it is an oversight.

Charlie Messing: Holds up a booklet with a cover picture (2985) needed one convention center, he lives on College Street. This is the only access route to the waterfront, ten thousand people will be walking past my door. Another way to get to the waterfront is necessary. In the draft plan, buildings will bring in money to developers, but there is no housing for the homeless. A livable city is an admirable city, but our city can't get much bigger and retain its present character.

Maggie Standley; Lives in Ward 3, on Myrtle Street and owns a business in the south end. The need for more beautification of North Street to counter heroin use and violence in the neighborhood. She would like to see more resources directed to North Street and has spoken with Dan Cahill and Warren Spinner, She personally planted flowers, which were cut down by City Staff (?) It is important for kids and all citizens to see beauty which should exist on all main streets and corners, there should be permanent flower beds. She appreciates that planBTV: South End is on the agenda and is an advocate for the stakeholder community members. There has been lots of time and effort spent on the plan, and she is pleased to be invited to have a seat at the table during the process but feels the table hasn't been as large it could be. The process deserves a steering committee, there are lots of things to consider. Also the Long Range Planning Committee meets rarely. She would like to see Planning & Zoning form a steering committee, diversity in feedback is needed.

Megan Sterns: Is working on a new business, a high end hourly dog sitting business. Hotels would see this as a great service, a rising tide raises all boats, presently zoning does not allow this use downtown. She is asking that it be changed, and presents letters to P & Z and the Commission.

### III. Report of the Chair

The Chair presented the following:

- This is going to be an interesting fall with lots to do.
- There is an Executive Committee meeting coming up.

- There are plans to continue meeting on a biweekly basis, there is lots to do: code enforcement, planBTV South End, etc
- The Chair has a date with his 12 year old son and will leave at 8 or 8:15, the Vice Chair will take over.

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

The Director presented the following:

Most of his items are on the agenda and he will defer to future presentations.

#### **V. Family Definition**

D White: There is a correction of a couple of mistakes: the July 23rd letter was missing and now is included in the packet. The Director did forward the letter to all Commission members.

Leon Beliveau: Author of the letter speaks about several properties in Burlington and one in Fairfax. Askes Commission if anyone lives in a multi-unit structure?

Y Bradley: Yes, about 30 condo units.

C Messing: Yes, about 65 units.

L Beliveau: What are you living in in terms of definition of the zoning ordinance, family vs non family. There was a court case in Fairfax pertaining to this that he was involved in.

E Lee: This seems very out of context for us, could you clarify problem and what you really want out of this?

L Beliveau: People who sign non family leases have to commit to a series of acts or if you have more than four unrelated adults occupying a living unit it seems that they are non family.

A Montroll: More than four living in one unit in many cities is not allowed. He is not exactly sure what you are asking.

Y Bradley: Are you asking us to redefine what does and does not constitute a family? Is it that the language doesn't really match, is it for more flexibility in the number of people living in a house?

D White: There are allowances for pre existing, non conforming uses.

Y Bradley: Moving forward, the zoning ordinance would control how many unrelated people can live together. How was it different? When he lived with thirteen people in a single family house, it was very hard to regulate. The point is, the more people there are in house, the more difficult it is to monitor how the house is treated, how the neighborhood is treated, safety is an issue. Are you asking us to redefine the family definition?

L Beliveau: Yes, remove some words and add some words. The towns of South Burlington and Fairfax are somewhat different.

L Buffinton: If present requirements were removed, the changes would leave the community wide open to noise, trash problems, parking issues, disrespect, and disrepair.

A Montroll: We appreciate your coming. The Commission has gone through this in past and has spent quite a lot of time on this issue.

**A Montroll: Motion to take no action. J Wallace-Brodeur: Seconds the motion.**

E Lee: Would suggest that the Commission ask legal counsel for an opinion about pre existing non conforming use being grandfathered only in the RH district. She would love the City Attorney to state that pre existing more than four occupants are not allowed.

H Roen: Agrees with the concept, supports the motion.

**All vote in favor as amended by E Lee.**

## **VI. Department Reorganization Plan**

D White: Is included in the packet. The long and short of it is with the assistant director absence, the possibility of creating two new positions known as principle planner, who would take on customer service, education, development review workload and add an associate planner. A second factor is that budgetary impacts are positive.

H Roen: Likes what he has seen.

Y Bradley: What kind of training will be provided to get to the next level? Customer service could be better, what tools could be used? And is there going to be a system in place to see that what is promised is delivered?

D White: It is important to have training. Also we are just beginning an effort to look at permit reform, best practices, examining other communities. He has no specific examples at this point.

Y Bradley: Colleges provides customer service training. Neophytes to the process tend to be nervous, it is necessary to have the ability to be a welcoming and supportive experience and incorporate best practices.

B Baker: There needs to be a way to explore other avenues.

E Lee: It can be like going to a French counselor, "C'est impossible!"

B Baker: There are other ways to accomplish what is needed.

D White: Our two Planners know what works, and want to change the face of the process.

Y Bradley: We have faith in David as a leader, culture change is necessary. He has received a call from the mayor's office today asking if he believes this reorganization is a good idea. He suggested that it is a good idea but paying attention to see if it works, not as a lengthy process. There have been positive comments with expectations.

**A Montroll moved to endorse the proposal as presented, seconded by L Buffinton.**

**All vote in favor.**

## **VII. Mobile Home Parks**

*postponed to next meeting*

## **VIII. planBTV South End Update**

Y Bradley: We need to recognize A Montroll for his cognizance of customer service for this project.

D White: There is an email in the packet from the South End Alliance.

B Baker: Is there someone to speak for the group?

G. Grill: Basically we are asking for a steering committee to examine the threats and possibilities associated with the process. We have discovered through interviews that there are a lot of people who have not been engaged in the process, ie: manufacturers and other people with direct concerns. This is a new experience for most of the group, NPA meetings, school officials. Champlain School is full which poses the question about where to put more schooling. This is an example of conversations to consider for an extension of time, real discussions with real people are needed. The whole process has taken longer for the public to become educated about the project; residents, businesses, schools, haven't known what was going on to the extent that was needed. They would suggest a manufacturing study to assess the result of a decreased industrial area. It seems that there is a need for a real study addressing: business retention, jobs, etc. A steering committee could consist of members from CEDO, transportation, the walk/bike group, environmental design, art, etc. It would be a group to go to the next level. It seems as if the planning has actually just really begun to progress.

M Standley: The draft plan is a great working document for a steering committee to work from, it would really serve the whole purpose, students, business owners, don't really understand what is going on. It is of the utmost importance that citizens understand; planBTV Downtown was a very thorough process, geographically it extended to Howard Street ?). The proof is in the zoning. We are at a pivotal point in city growth; enterprise, south end, arts, the general public doesn't know the difference. A lot of opportunities and risks exist but this can be a win/win situation. The process has been interesting and involved and not comprehensive enough. The City needs to be very thoughtful and take its time. Dealer.com has brought so many jobs and provided community support, when they moved, if this had been a mixed use district, condos and other housing would have happened, and dealer would have had to move out of town.

Regina Brault, 125 Cherry Lane: This Commission is not talking about smell on Pine Street, from Zero Gravity Brewery. It's terrible, she has called them and they don't care. She doesn't want this, she has lived there for 30 years, the neighborhood doesn't want this, it's horrible. Young people love to party all the time; the odors haven't been in existence the past few days.

E Lee: This situation is totally relevant to what we are talking about.

D White: The City Council is talking about this tonight. The solution to a nuisance would be code enforcement, noise is police. This information should be forwarded to those entities.

A. Radcliffe: FBC gets rid of traditional uses, original zoning was to segregate from residential, bringing more housing to industrial area, consolidate industrial, with perhaps buffers, government regulates well, really close together, perhaps too close. There are better ways to regulate.

Charlie Messing: has read south end hands out three pictures, cover of south end, opposite side of street, dealer.com trees will be torn up, details buried in tiny type, handy catch phrases, need to put whole plan on hold and get more input from the community.

Donna Walters, Maple Street: Has been active in the South End participatory process. Her observation is that people usually feel good when they are involved but people were not happy, were shocked and taken aback by public response, people did not feel represented. She recommends that the group read Bruce Seifer's book which should be a prerequisite for protecting the enterprise zone, and she highly recommends that you do so. A steering committee should be comprised of local stakeholders. There are experts in the community who could make up a steering committee and we should utilize these experts. The housing piece is underdeveloped, even housing planning in our community is underdeveloped as such. She doesn't see much input through the community of baby boomers, senior housing is the next big need. Developers haven't been heard or seen, she wants to hear from them and discuss the possibility that there maybe ways together to work. Some of the major businesses haven't been present. It would be nice if it were a conversation with everyone. A core dedicated group would make this plan great. How can so much going be distilled, need a steering committee.

H Roen: The LRPC has review planned. He has attended as many meetings as possible, the main comments on the plan are a lot of good stuff, the area that needs exploration is the housing piece. A steering committee could create a better plan although a lot of work is done already. A steering committee will run into the same barriers, on the other hand this energy should be utilized.

M Standley: Housing in the south end, does this mean the enterprise district?

H Roen: Thinking on that question has evolved, he has questions now.

Y Bradley: Personally believes that housing in the enterprise district is a bad idea. In the south end, enterprise development but no housing is appropriate. There is predicted growth in jobs, manufacturing in the next fifteen plus years. planBTV South End has been active for a year, moving and evolving, the Commission has to move forward, don't want to start over which sounds as if it is proposing a different answer. The City, the Commission, the Department, look at all districts in the city sometimes with outside consultants, their analysis not always correct. A portion of this unrest is about showing flexibility, there is fear around FBC. No one is 100 % sure what it is yet, but there is still a lot of work being done on it. In the past he has seen the Commission and City Council unable to move forward.

G. Grill: Are you concerned whether all of the important stakeholders have had adequate input?

A. Radcliffe: She is hungry for something that doesn't fit into a fifteen minute conversation, there is not enough time to talk things through, need to have the conversation. Public dialogue, is more like conversations.

(?) E Lew; There has been a lot of dialogue, public meetings are a lot of work and she has had so many personal conversations with people. She feels as if there has been mistrust from the beginning. Responses should not be reactionary. What is good for the process is to be neutral, there can be no secret back room.

Y Bradley: The School Board has known that this plan is in the works. If you give a shit you are going to be there. We take your comments extraordinarily seriously.

L Buffinton: These are good points, they show a way to move forward constructively. We do not rubber stamp things. There is nothing carved in stone saying that the enterprise zone is going to change. We want to move forward but are not going to rush this thing.

A Montroll: Feels the same as the others, that this is part of the process. Individual Planning Commission members have had participation, the process is still in the public comment period which closes October 1<sup>st</sup>. Then the Planning Commission job begins. Changing the process now, sending it back doesn't seem good thinking. He

would suggest that the public comment period be closed out and then the process could take a couple of different directions. The Commission has its own process during which it will give its own assessment of the situation.

Y Bradley: Completely agrees with A Montroll, now is the juicy part for us. This is a good process, the Commission will be listening to the public, listening seriously, and we want you to talk to us during the process.

Lady, black shirt: We appreciate your active listening.

B Baker: The process starts with the technical people, then it gets to us. I strongly believe that we reflect the community.

D White: Wishes to point out that the conversation doesn't end October 1<sup>st</sup>. Staff will assemble and organize the comments, the Planning Commission will have recommendations, the plan is intended to spur conversation around a wide range of comments. The Commission will come up with a final draft and start the process to adopt the plan. That process could rewind the clock, public hearings on the draft can produce further changes. The City Council has public hearings, and finally adopts the plan which has a whole series of recommendations. Each item needs further work to/from the Planning Commission, DPW, Parks and Recreation, each entity will take up the plan as needed, work on implementation of each element.

E Lee: Wants to have opportunities in the South End for further conversation.

J Wallace-Brodeur: Recommends that we talk about the public process. It could be helpful to have a session at the LRPC discussing how to proceed. There might be other things that we can do produce a more robust public conversation.

B Baker: We will put a finer point on the process, and I believe it happens here at the Planning Commission.

A Montroll: There are many meetings to be had.

L Buffinton: Wants to hear from other voices.

M Standley: I appreciate your efforts. There were a lot of meetings this first year, resulting in not much substance. The LRPC meeting was much clearer.

G. Grill: The web based tool never has never tabulated and been commented on. Is there a second report on the web based comments? The second one has a few comments. It needs a summary for validation.

D White: I will see about getting it available.

B Baker: We want to see all the data anyone has. We are excited that you came tonight with comments.

D White: Let's schedule a LRPC meeting the week of 21st.

B. McGrew: FBC meeting will be Tuesday 29<sup>th</sup> here.

## **IX. Committee Reports**

- LRPC: Has been involved in SEABA meetings, there will be a meeting the last week of September.
- Joint CC/PC Form Based Code Committee – next meeting September 29<sup>th</sup>. The committee meetings have been constructive. There are six more meetings scheduled with hope to wind up in November. The last meeting the committee started talking about process. After that, he (A Montroll) feels apprehensive about dumping the results on everyone's laps and would suggest a joint work session with the City Council and the Planning Commission.
- Ordinance Committee: Meeting on parking/sharing and low impact, and rezoning Fletcher Place area.
- Executive Committee: Will meet September 22.

## **X. Commissioner Items**

E Lee: Has met with Mary Burns about the YMCA and the purchase of the Ethan Allen Club.

## **XI. Minutes/Communications**

L Buffinton: Page 3 needs a correction for: are there time limits *for operation*.

**Motion: J Wallace-Brodeur, second by H. Roen:** Approve the minutes from the July 14, 2015 meeting with correction as noted.

**Motion approved: unanimous.**

D White: Thoughts about the October 13 meeting when he will be gone. Meagan starts the first full week in October, so should that meeting be moved to October 6<sup>th</sup>?

**XII. Adjourn** (8:56 pm)

**Motion: J Wallace-Brodeur, second by L Buffinton:** Unanimously vote to adjourn.



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Chair

December 10, 2015

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Date



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Elsie Tillotson, Recording Secretary

DRAFT