

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

Burlington Planning Commission

Tuesday, January 26, 2021, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	E Lee, A Montroll, H Roen, A Friend, J Wallace-Brodeur, Y Bradley
Staff Present	D White, M Tuttle, S Gustin, M O'Neil, K Sturtevant
Attendance	Cindi Wight (BPRW), Dan Cahill (BPRW), Rosaire Longe (Elks), A Magyar, S Bushor, A Stark, D Lyons

I. Agenda

Call to Order	Time: 6:33pm
Agenda	Add new item IX to update Commission on 2020 VT Legislative changes.

II. Chair Report

A Montroll	No report, thank you for participating virtually.
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III. Director's Report

D White	Planning staff continue to support city's COVID-19 research and data, and manage a team of contact tracers. FY22 budget process is starting. Applied to the CCRPC for the FY22 UPWP for funding for Impact Fee Study. Intern started this month, will be documenting residential development patterns specifically related to 2, 3, 4 unit buildings. Supporting project reviews by DPI and Airport.
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IV. Public Forum

Name(s)	Comment
A Magyar	First rule of governing is do no harm. Changes to STR contemplated has potential to make sweeping changes, and we do not know what the impact is. Please consider an option for non-owner occupant hosts as a conditional use.
S Bushor	Regarding shoreline buffer amendment, glad to see consistency with state standards. Concerned about lakeshore erosion and have further questions about the proposed change to setbacks, which seems to conflict with other parts of the ordinance.

V. Proposed CDO Amendment: Adaptive Reuse Definition

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: A Friend	Second by: J Wallace-Brodeur	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M O'Neil	
Discussion & Notes: <ul style="list-style-type: none">Proposal is largely a housekeeping item to more accurately reflect the federal standards for adaptive reuse.		

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VI. Proposed CDO Amendment: Parking Garage Illumination Standard

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: A Friend	Second by: H Roen	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M O'Neil	
Discussion & Notes:		
<ul style="list-style-type: none"> The lighting standards referenced in the CDO have changed, not only edition, but in some cases replacements of actual standards. A Commissioner asked if the language intended to limit lighting levels to minimum required by lighting standards. Staff clarified that this was the intent. A Commissioner requested that the Commission consider lighting standards, specifically spillover beyond property lines and exposed light fixtures. Staff noted there is also an interest in updating this section of the ordinance. The Chair requested this to be on the list of topics to review at an Executive Committee meeting. 		

VII. Proposed CDO Amendment: R-L Boundary at 925 North Ave.

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: J Wallace-Brodeur	Second by: E Lee	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M Tuttle	
Discussion & Notes:		
<ul style="list-style-type: none"> Requested change to the zoning boundary between RCO and R-L by the Elks to enable future use and flexibility for portion of the lot developed closest to North Avenue, while continuing to conserve the area adjacent to Rock Point and Arms Park. A Commissioner asked if this amendment was being contemplated in exchange for the sale of the conserved portion of the property. BPRW Director and Elks Trustee indicated that City and Elks have long discussed options for purchase or easement, but that the zoning request is not predicated on this. Planning staff further indicated that request is independent of discussion about ownership of the remaining conserved land, and is intended to facilitate development closer to North Ave, while preserving natural areas. Commissioners expressed support for the conservation of the open space on the property, as well as the community benefits from the Elks continued use of its building. 		

VIII. Proposed CDO Amendment: Shoreline Property Setbacks & Buffer

Action: Approve Municipal Bylaw Amendment report and warn for public hearing, with amendments to add a 50' limit on required no-mow zone and clarification of "no-mow".		
Motion by: E Lee	Second by: J Wallace-Brodeur	Vote: Approved unanimously
Type: Discussion, Action	Presented by: S Gustin	
Discussion/Notes:		
<ul style="list-style-type: none"> Initiated by the Conservation Board. A maximum setback is proposed to help preclude situations where setback based on neighboring properties causes situations where new development is pushed closer to the lakeshore than existing developments. Also proposes to improve conditions along the lakeshore for developments over a certain threshold by creating a no-mow zone along the lakeshore of a size equivalent to the area of development. Staff recommended to add an upper limit on a width of a no-mow zone of 50' within proposed text for Sec.4.5.4 (c) 4.1. This is specifically relevant for narrow, deep lots with frontage, where it is conceivable that a significant portion of the open space could be no-mow, which is not the intent. Commissioners requested that no-mow be further defined, specifically to ensure invasive species and seasonal vegetation management is enabled. 		

IX. 2020 VT Legislative Session Updates

Action: None required		
Motion by:	Second by:	Vote:
Type: Discussion	Presented by: M Tuttle, S Gustin, D White, K Sturtevant	
Discussion & Notes:		
<ul style="list-style-type: none"> As a result of statutory changes in Act 179, updates are required to the Burlington CDO, including: <ul style="list-style-type: none"> Removing bedroom and occupant limits for ADUs, and increasing the maximum size to 900 sq.ft. (from 800 sq.ft.). Small adjustments to existing small lot provisions regarding connections to water and sewer. Staff provided options for how to incorporate the change to conditional use review standards. Commission requested review by the Ordinance Committee and generally expressed that terms like "character of the area" can be problematic and should be clarified. Staff noted that the Act 164, the "Retail Cannabis" bill, is prompting a ballot question in March. Details about how cannabis establishments will function will be subject of state-wide rulemaking and licensing. Staff will follow the process over the next year, so it is unclear whether it will impact the CDO. Staff perspective is that cannabis establishments shouldn't be regulated differently than other uses of the same type within the zoning ordinance. Some Commissioners concurred that cannabis businesses don't necessarily require a separate use category. 		

X. Commissioner Items

Executive	No Report
Ordinance	No Report
Long Range	No Report
Next Meeting is Feb 9, 6:30pm as Joint Committee Meeting with Council Ordinance Committee. Commissioners asked about the timeline for discussion of STR amendments and how to inform property owners about when changes/enforcement go into effect. The Chair noted his intention for Committee discussion to focus on the details of the language, and staff reminded the Commission about the proposed grace period before active enforcement of any new requirements would begin.	

XI. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: H Roen	Vote: Approved unanimously
Minutes Filed: January 12, 2021		
Communications Filed:		
<ul style="list-style-type: none"> None 		

XII. Adjourn

Adjournment	Time: 8:07 pm	
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously



Signed: February 11, 2021

Andy Montroll, Chair

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Megan Tuttle". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Megan Tuttle, Comprehensive Planner