

Burlington Planning Commission

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Burlington Planning Commission

Tuesday, May 10, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, A Friend, E Lee, Y Bradley, B Baker, M Gaughan, B. Martin,
Staff Present	M. Tuttle, C. Dillard, B. Pine, J. Olson
Public Attendance	S. Bushor

I. Agenda

Call to Order	Time: 6:33pm
Agenda	No change

II. Public Forum

Name(s)	Comment
S. Bushor	Voiced reservations with the possibility of administrative approval for emergency temporary shelters. Asked how the concerns that arise from the neighborhood meeting(s) get resolved when the permit is administratively approved. Also asked how the public would be notified if their concerns were addressed in the administrative approval.

III. Chair's Report

A Montroll	No report.
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IV. Director's Report

M Tuttle	APA Planning Conference Recap New Planner, Sarah Morgan, starting in new role with the City of Burlington this week. M Tuttle will present at the Board of Finance next week to present the Planning Department's budget for FY23. All City Departments were asked to make budget cuts but these cuts should not affect the Planning Department's operations overall. The full presentation will be shared after this BoF meeting. Two new initiatives for FY23: Preparing the Historic Preservation Plan Preparing PlanBTV New North End Some projects, including the CDM Study, will carry over into the next fiscal year.
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V. 248a Waiver – Redstone Water Tower Rehabilitation

Motion by: A. Friend	Second by: E. Lee	Vote: 6-0
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Type: Discussion	Presented by: C Dillard, Jenna Olson (DPW), Hayley McClenahan (BCAO)
<p>Commissioner discussion:</p> <ul style="list-style-type: none"> • AT&T is requesting to waive a non-statutory 30 day comment period required in the 248a procedures order. • AT&T is seeking a certificate of public good because they have to move a large amount of telecommunication equipment off the Redstone Water Tower in order for DPW to conduct rehabilitation work on the Water Tower. • The waiver essentially removes the 30-day period where the public gets to weigh in on aspects of Act 250 requests. • The temporary tower is anticipated to be live for 3-6 months, depending on when the rehabilitation contractor is able to start their work. • Ultimately, the Mayor will sign the waiver, but the Planning Commission is being asked to approve a motion to grant the waiver. • This is being asked on an urgent basis to accommodate the rehabilitation work that needs to start this summer or it will be pushed back to summer 2023. 	

VI. Proposed CDO Amendment: Burlington High School Zoning

Motion by: M. Gaughan			Second by: B. Baker			Vote: 6-0		
Type: Discussion				Presented by: M Tuttle, J. Weith, R. Burnett				
<p>Commissioner discussion:</p> <ul style="list-style-type: none"> • Burlington High School is trying to amend zoning from RCO (Recreation Conservation) to Institutional Zone with Burlington High School specific overlay on top of that zoning. • The Design team (J Weith and R Burnett) are now ready with more details specific to the conceptual design of the high school. Three details have been modified: • Being asked to allow for buildings up to 60 feet in height and potentially up to 80 feet in height as you move 100 feet or more away from North Avenue. This helps address the sloped lot and the Ordinance requiring that building height be set in intervals. • Clarifying language asks that the Institutional Zone primarily promote school usage, K-12. The scope has been narrowed to include uses commonly associated with Burlington Technical Center or community use of school spaces. • The High school site spans two different parking districts. The School district requests that parking be calculated in a different way: to use parking district where majority of the site is located. • A Commissioner asked if the school cafeteria needed to be accessible to the public, does this language properly address a café use? Right now it's worded that a café is only allowed for educational use, which can be limiting. Planning proposed that language be modified to include "part of an educational program or located in a school facility" so it is more flexible for café use. • A Commissioner asked what happened with Option D for the conceptual design plan. Survey results found Options C and D were the most popular, but Option D was polarizing with negative feedback as well. Relocating the road and the cost associated with Option D were considered negative features of this plan. • Option C has a proposed future expansion piece with a footprint closer to North Avenue. • The designers decided on the 100 foot setback from North Ave before going up to 80 feet in building height based on the size of the lot and the layout decision to have BHS on East side of the building and the Tech Center on the West side. • The 100 foot setback also addresses future expansion concerns as it allows flexibility with adding another story to the building rather than having to expand onto the footprint of the lot. • The Commission decided to move forward with approving the report and warn a public hearing. 								

VII. Proposed CDO Amendment: Interim Emergency Shelters

Motion by: E. Lee	Second by: A. Friend	Vote: 4-3, Gaughan, Baker, Bradley opposed
Type: Discussion	Presented by: M Tuttle, Brian Pine	
Commissioner discussion: <ul style="list-style-type: none"> • CEDO took into account two areas of modified language • Removing Recreation and Conservation districts from the list of possible zones where temporary emergency shelters are allowed, with the exception to allow temporary shelters in the campground areas (potentially seasonally). • Adding a scheduled interval of community meetings to discuss challenges and opportunities between re-application periods. This must be included in any organization’s operational plan. • B Pine shared a draft of the community guidelines to be considered by the DRB. Standards include verbiage around smoking, weapons, guest policies, etc. • The emergency shelter definition is intended to be broad and allows for flexibility, i.e. a tent may be the most temporary while a pod could be used for a longer period of time. However, the key part of the definition is that the site is managed. • Commissioners raised concerns on a lack of community involvement with the decision on temporary emergency shelter site locations, the 3 year length of time being designated as “temporary,” a precedence for overwhelming administrative power, and the inclusion of City Parks, specifically the North Beach campground, in the zoning. • Because North Beach has been used for a similar use in the past, it was determined to keep that site as a potential location based on the existing infrastructure. • M Gaughan raised the point that City policies should focus more heavily on creating permanent affordable housing for homeless individuals, rather than temporary solutions. • A Commissioner raised the point that because the definition is broad, this zoning can apply to other situations besides housing homeless people, like natural disasters. • Previously, emergency shelter was established at North Beach because of a Governor’s Emergency Order. Under City Ordinance, this (North Beach), and other locations like Sears Lane, were technically considered zoning violations without the Governor’s Order superseding those violations. • The 3 year benchmark for the “emergency” zoning was a result of the existing housing stock issues in Burlington. • A Montroll asked to either warn this for a public hearing, make changes and delay warning, or say no to the administrative approval. • E Lee made a motion to warn a public hearing and approve the report. 		

VIII. Commissioner Items

<ul style="list-style-type: none"> • The next meeting is May 25 at 6:30pm
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IX. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: B. Martin	Approved Unanimously
Minutes Approved: April 12, 2022		
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

X. Executive Session

Tuesday, March 22, 2022

Action: Approve motion to leave the Executive Session		
Motion by: E. Lee	Second by: A. Friend	Approved Unanimously
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

XI. Adjourn

Adjournment	Time: 8:15pm	
Motion: M Gaughan	Second: E Lee	Vote: Approved Unanimously