

Burlington Planning Commission

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Andy Montroll, Chair

Bruce Baker, Vice-Chair

Yves Bradley

Alexander Friend

Emily Lee

Harris Roen

Jennifer Wallace-Brodeur

Eamon Dunn, Youth Member



Burlington Planning Commission

Tuesday, September 26, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
Minutes

Note: times given are approximate unless otherwise noted.

Commissioners Present: A Montroll, B Baker, E Lee, J Wallace-Brodeur, H Roen, A Friend, E Dunn

Commissioners Absent: Y Bradley

Staff Present: D White, M Tuttle, K Sturtevant, A Wade

I. Agenda

Meeting was called to order at 6:30pm. The agenda was amended to remove Item VIII.

II. Public Forum

No members of the public wished to speak.

III. Report of the Chair

A Montroll: City Council took action 9-3 following first reading to warn the Form Based Code for public hearing. The Joint Committee went over proposed changes mostly pertaining to green buildings and City council accepted these changes.

IV. Report of the Director

D. White: City Council's public hearing on the Form Based Code will be warned on September 27 for a Monday, October 16 hearing. This means it goes into effect for P&Z on September 27. Not expecting many applications because one of the requirements is a pre-application meeting with staff prior to submitting an application. Planning & Zoning will be designated as the City's E911 coordinator; have been serving this role, but clarifies that department has responsibility for addresses and street names in coordination with the State. Working on some other projects, including a zoning amendment to the City's sign regulations.

V. Proposed CDO Amendment: NAC-Riverside Boundary Adjustment

M Tuttle: Originated from a request from several property owners to look into boundary lines for RCO and NAC-R on the north side of Riverside Avenue. Staff's initial recommendation was to move the boundary 25ft to the north while still preserving the area along the river. Staff completed additional analysis, site walks, discussed with the City Engineer, and attended 3 Conservation Board meetings to discuss this further. Not a lot of support to change the boundary line due to uncertainty regarding the slope and lack of concrete evidence to support a change. City Engineer felt a geotechnical report could assist with a determination. The

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Conservation Board recommended no change to the boundary and discussed whether the buildable area definition should also be applied.

M Furnari: Appreciate the staff and boards' cooperation. The 75 ft. boundary is arbitrary. Confused by staff not wanting to take recommendations without geotechnical studies, don't see the danger when this area hasn't changed in a long time and has minimal erosion.

E Farrell: Recently finished a geotechnical report at Cambrian Rise because you don't build anything without it. Is the reluctance about changing this mostly to do with structures or erosion and stability? Will a geotechnical report make a difference?

B Baker: Primary concern is that we could do harm here because we don't know the conditions.

E Farrell: Then a geotechnical study could help support a change to expand the boundary?

D White: Difficult to look at one parcel at a time. Ultimately need to protect an active river bank. Adding more activity creates more instability from erosion and adding more activity, weight, and stormwater concerns at the top of the slope.

M Tuttle: In addition to the suitability of hillside for building, looked at other conditions. The red boundaries on the map are a set back from the river for its protection, and an additional overlay boundary which closely aligns with the NAC-R boundary is there to protect water quality and pollution. So, in addition to slopes, we're looking at development within the setbacks and their impacts on erosion and water quality.

M Furnari: Only talking about properties to the east of the wastewater treatment plant with different topography; not looking for rezoning of entire boundary.

E Farrell: Can you amend conditionally based on a geotechnical report?

B Baker: Under current law we cannot, it is not required.

D White: Could incorporate a requirement into ordinances more generally, but looking at these properties the slope becomes steep quickly.

J Wallace Brodeur: Would rezoning only the properties on the east side be spot zoning?

M Tuttle: We are looking at an approach to apply to the entire street corridor.

D White: There are only a few properties within the vicinity of Mr. Furnari's that seem to be well situated. The remaining parcels are similar to rest of the corridor with very steep slopes.

M Tuttle: There was a significant landslide in 1950's with the bank falling away most of the way to the road. The boundary line is highly variable due to slopes having changed overtime and the soil being fill.

H Roen: Don't think it would be spot zoning for these parcels and moving the line 25 ft. seems reasonable.

J Wallace Brodeur: The issue was brought to us due to one parcel, question is whether this would be spot zoning.

K Sturtevant: One factor in spot zoning is when one parcel is singled out; the smaller the geographic area, the higher the likelihood its considered spot zoning.

A Montroll: Would we have to do an overlay of some parcels?

D White: Better to just alter underlying zoning, but it is not right to treat all of those properties the same because their conditions clearly aren't.

A Montroll: What is the significance of the boundary from the river's edge?

M Tuttle: This is a riparian overlay to protect and preserve the waters and upland areas. Discussed Mr. Furnari's intent not to develop on the areas closer to the street, but just to incorporate recreational areas in the rear. Staff has advised him that the current zoning would not preclude this.

J Wallace Brodeur: Two issues that slopes are unstable and degradation of the Winooski River.

E Lee: Require geotechnical report for overlay?

D White: Mostly look at overall general conditions and not just one situation.

M Furnari: The elevation lines on the map are not exactly what's here. This property was all fill. It is not clear what's going on near this section of the river

E Farrell: Disagree with the notion of consistency for the corridor. The restriction of 75 ft. makes it challenging here. An extra 25 or 100 ft. would make a difference and great improvement for this location.

A Friend: We'll continue to get bigger storms and nothing is stable. Find it hard to vote against staff and the Conservation Board recommendations.

H Roen: We always try to accommodate people and it's not a big ask to move the boundary 25 ft.

B Baker: The city engineer said he is not supportive unless there are geotechnical studies.

M Tuttle: To clarify, the City engineer didn't feel comfortable recommending any changes to policy without that information, not that he recommended it should be a condition of this amendment.

A Montroll: Not informed enough to make a decision.

J Wallace Brodeur: Is there any other kind of study that we should think about concerning watershed protections and erosion?

D White: Concerned with how stormwater is being managed and that is not undermining what's already built there.

J Wallace Brodeur: Sympathetic to this situation, but wants to follow the recommendation of the Conservation Board based on proximity to river, greater storm events, and a concern with overall damage.

E Farrell: Seems there is reluctance to endorse development here due to challenges. If we do studies to prove case could this come back?

A Montroll: The Planning Commission wishes to move this along, but we can always revisit it later.

The Commission approved a motion by A Friend, seconded by E Lee, to support the staff recommendation not to move forward with an amendment. Commissioners Friend, Montroll, Lee and Wallace-Brodeur voted affirmatively, with Baker and Roen opposed.

VI. Proposed CDO Amendment: Accessory Dwelling Units

M Tuttle: City staff is looking at range of issues from the Housing Action Plan. The topic of ADU's is included within the strategies for aging in place and off-setting cost. A white paper in conjunction with CEDO is forthcoming, will include information about ADU's, any abuses, and incentives. In the interim, a resident brought a concern that local ordinance regarding ADU's isn't consistent with statute, which doesn't differentiate between conforming and nonconforming single-family homes. Amendment removes accessory units from the use table because they are by nature accessory and do not need to be listed in this way. And adds language in Section 5.3.4 where a change or expansion allows additional housing units to a non-conforming single family to include ADUs.

A Friend: What are the consequences?

D White: Only applicable for single-family homes even in state statute.

K Sturtevant: Legal question is whether we are in compliance, but you should decide if these are policy considerations you want to make. Statute is silent on non-conformity, but could argue that this change would conflict with statute regarding the elimination of non-conformities.

A Montroll: Does this apply anywhere besides RH?

M Tuttle: ADU's and single-family homes are presently permitted in RL, RM, and Institutional zoned districts. Adding this language will affect any district where there is a nonconforming single family home.

E Lee: This helps clarify and encourages accessory units especially in RH, and could help encourage higher ownership rates.

D White: Single detached units are not allowed in RCO or Enterprise districts, so we would need to see if there are any nonconforming single-family homes in these zones.

J Wallace Brodeur: Should make the changes for areas where the changes can be made.

A Montroll: How does this relate to the amendment we made earlier this year to allow single-family homes in RH? Aren't those homes considered to be conforming, so this is irrelevant?

M Tuttle: The Commission's interest in this is more broad, so staff can bring this back with a more comprehensive set of considerations.

E Lee: Would like to see requirements for single family homes in RH as loose as possible.

B Baker: Community's thinking on this has evolved; tried to be as restrictive as possible when this first come forward. The RH allows less space with parking that's too restrictive, so unless we change requirements, people won't add them.

A Montroll: We are addressing several different things, which opens the door for what we should review. Need to check on the previous amendment the commission made regarding single-family in RH.

E Lee: Suggest looking at owner-occupied with no parking requirements. Could even pull RH out from other zones.

M Tuttle: The range of comments here is great. As mentioned, currently working on extensive report on how policies are shaped around the country to allow or restrict accessory units to see and see how this might work for Burlington. Staff will discuss with CEDO, and bring it back to Planning Commission for discussion.

A Montroll: And we need to look at single family homes in RH to see if the code reflects what we intended regrading conformity with the last amendment.

VII. Reapprove Municipal Bylaw Amendment Report ZA-18-01

D White: Statute allows the Commission to review the report and make any changes based on change to the amendment approved by Council. Staff does not feel any changes were required to this report. The City Council and Joint Committee changes are in line with recommendations of the Commission with one modification pertaining to green buildings. This will to make sure all new buildings are built using a nationally recognized standard.

The Commission unanimously approved a motion by E Lee, seconded by J Wallace-Brodeur, to reapprove the municipal bylaw amendment report.

VIII. Municipal Planning Grant Application

This item was removed from the agenda.

IX. Great Streets- City Hall Park Plan

M Tuttle: Informational report and update on concept plans for City Hall Parl. Revisions were made in response to discussions and public comments. Last year, recieved feedback from community about elements of the park

addressing four major planning goals-access and ecology, historic preservation and modern uses. Revised plan includes changes to the shape and arrangement of core, pathways, and connections, but not to functional elements. With respect to historic preservation, changes include a round center and straighter pathways. Ecological changes include spreading out stormwater collectors and layout of plantings and tree preservation. The program elements still accommodate a wide range of activities, and create balance with unprogrammed areas. Two elements that received a lot of comments were kiosks and restrooms. We are looking at a pilot concept for both of these structures. The City Council has approved contract amendment to continue to move forward; will now go to DRB process.

H Roen: This is a big improvement on previous plan. I like idea for carts instead of kiosk as a good compromise. Not sure about the terrace on northeast corner.

M Tuttle: Does show terraces along all city edges, which was an element our design team discussed regarding how to make buildings more connected to space and to better manage those areas. All spaces in park are public spaces.

B Baker: Is there a way to activate the alleyway between City Hall and Firehouse Gallery?

M Tuttle: Concept is to make spaces connected with Church St with similar brick sidewalks around City Hall. The mechanical equipment needs to be addressed in the alley before other treatment can be added.

A Montroll: Cross walks are close to other cross walks already in place. This could be dangerous with conflicts between pedestrian and vehicles.

M Tuttle: This is an illustration and need to look at strategies on how it would function near the Flynn.

A Montroll: The evolution is really nice, and this fits into the story about how it has evolved in 150 years.

X. Committee Reports

None.

XI. Commissioner Items

H Roen: Does it make sense for the Planning Commission to look at Memorial Auditorium?

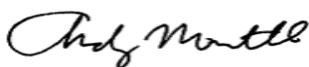
D. White: The Mayor put out a press release about Memorial Auditorium that states the City will put out a call for proposals to evaluate the future of this building and its use. There will be a more formal public engagement around its options in the future.

XII. Minutes & Communications

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the minutes of September 12, 2017 meeting and accept communications.

XIII. Adjourn

The Commission unanimously approved a motion by A Friend, seconded by J. Wallace Brodeur, to adjourn the meeting at 8:10pm.



Andy Montroll, Chair

Signed: October 10, 2017



Megan Tuttle, Comprehensive Planner