

## Burlington Planning Commission

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Andy Montroull, Chair  
Bruce Baker, Vice-Chair  
Yves Bradley  
Alexander Friend  
Emily Lee  
Harris Roen  
Jennifer Wallace-Brodeur



# Burlington Planning Commission

## Wednesday, January 9, 2019, 6:30 P.M.

### Conference Room 12, City Hall, 149 Church Street

## Minutes

Members Present	A Montroull, B Baker, Y Bradley, A Friend, E Lee, H Roen, J Wallace-Brodeur
Members Absent	
Staff Present	M Tuttle, D White, S Draper, S Gustin, K Sturtevant

### **I. Agenda**

Call to Order	Time: 6:31pm
Agenda	Approved As Is

### **II. Public Forum**

Name	Comment	Commission Action?
No members of the public spoke		

### **III. Update on ZA-18-08 Form District 5 Boundaries**

Action: No Action Required		
Motion by:	Second by:	Vote:
Type: Update	Presented by: M Tuttle	
Discussion/Notes: <ul style="list-style-type: none"><li>M Tuttle noted that the Council Ordinance Committee changed parcels between S. Champlain, King and Maple streets to not be in special height area E, but did include the Advanced Music Site. Referred back to Commission by statute for opportunity to comment.</li></ul>		

### **IV. Public Hearing: ZA-19-07 Commercial Uses in the E-LM**

Action: No Action Taken		
Motion by:	Second by:	Vote:
Type: Public Hearing	Presented by: M Tuttle	
Discussion/Notes: <ul style="list-style-type: none"><li>This amendment is working to address several requests brought to the commission to reconsider certain allowable commercial uses in the Enterprise-Light Manufacturing (E-LM) district.</li><li>The amendment proposes to permit additional commercial uses in certain parts of the E-LM zoning district, while making a stronger connection to preserving manufacturing uses, consistent with the vision articulated in the draft planBTV: South End Master Plan.</li></ul>		

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- This includes permitting banks, removing the limitations on performing arts centers, and establishing a requirement that a majority of the gross floor area on a lot south of Home Avenue be an industrial/manufacturing/warehouse use.
- Public Comments:
- Justin Worthley (Burton)- The new amendment would allow Burton to move forward with their project plans; however, the additional restrictions that the amendment would impose would not be worth moving forward, particularly limits on the company's office building. Provided memo in packet suggesting alternative routes for the amendment.
  - Jim Foster (Edlund Manufacturing)- Concerned that the amendment is too restrictive. Owns additional property near current facility that has been on the market for several years, has had trouble finding potential buyers in that zone. Encourages increased flexibility in the E-LM.
  - Ted Castle (Rhino Foods)- Against the amendment as written, and supportive of Burtons plans. Would like to see growth in the community in the E-LM, not necessarily only manufacturing.
  - Ben Traverse (residential property owner)- Concerns regarding how the potential changes will affect the residential area. Would like an opportunity to meet with Burton to learn more about their projects and discuss the concerns. Suggests putting the amendment on hold to give the community members time to have those discussions.
  - Kelly Devine (BBA)- Would like to continue promoting manufacturing within the city, but would like to see more flexibility for uses that will create more jobs and provide more community involvement. Agrees that the impacts on the residential community needs to be discussed further.
  - Mary Deloche (residential property owner)- Concerns for the proposed use of Burton, and how it will affect the residential area (traffic, noise, etc.).
- Commissioner Comments:
- More flexibility for allowed uses in the E-LM is needed to promote growth, perhaps look at the definition of manufacturing, percent for manufacturing as a limiting factor.
  - Need to treat issues of manufacturing and allowing performing arts venues separately, and look at what are the impacts on the district and the neighborhood. Important to allow the district to evolve, but not become another downtown.
  - Making existing uses non-conforming is a problem. Amendment should do no harm.
  - Suggestion that Burton have neighborhood meetings and outreach to address the concerns from the homeowners and community members.
  - Continue discussing at Jan 29 meeting after more staff work on this amendment.

**V. Proposed CDO Amendment ZA-19-04: Trees, Junkyards, Cross Reference**

Action: Approve the Municipal Bylaw Amendment Report and warn for public hearing		
Motion by: H Roen	Second by: A Friend	Vote: Approved Unanimously
Type: Discussion	Presented by: M Tuttle, S Gustin	
Discussion/Notes:		
<ul style="list-style-type: none"> <li>• The purpose of this amendment is to make a number of technical corrections to the Burlington Comprehensive Development Ordinance related to tree removal standards, Junkyards and Automobile/Vehicle Salvage Yards, and a cross reference to Article 5.</li> <li>• The standards are not being changes, the amendment is only clarifying the standards and cross references.</li> </ul>		

**VI. Proposed CDO Amendment ZA-19-08: Dwelling Unit**

Action: No Action Taken		
Motion by:	Second by:	Vote:
Type: Discussion	Presented by: S Gustin, K Sturtevant	

Discussion/Notes: <ul style="list-style-type: none"> <li>• This amendment is proposed to clarify the term “dwelling unit”.</li> <li>• Presently the term “dwelling unit” includes reference to family; however, dwelling units are allowed in most of the city’s zoning districts, but family occupancy limitations pertain only to the residential zones. By removing the reference to “family” in the definition of “dwelling unit”, we clearly define its residential purpose, and the occupancy limitations for the residential zones remain intact.</li> <li>• Commissioners asked questions about whether there are unintended impacts of removing the reference to family in the definition in terms of the residential occupancy limitations.</li> <li>• A Commissioner asked a question about the intended applicability of the residential occupancy limitations in various zoning districts. It was clarified that it was residential zones only, as the standards appear within the residential standards of the ordinance and because the amendment was expanded to apply in RH in addition to RL and RM.</li> <li>• The Commission agreed that any discussion expanding the applicability of the occupancy limits is a separate question that should be taken up as a separate matter.</li> <li>• Agree to continue discussion at the next meeting.</li> </ul>
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**VII. Committee Reports**

Executive	No Report
Ordinance	Next Meeting, February 7, 2019
Long Range	No Report

**VIII. Commissioner Items**

Next Meeting	Joint meeting with the DRB, DAB, & Conservation Board on January 15, 2019 @ 5:00pm in Contois Auditorium, City Hall
Chair Report	The draft planBTV was presented to City Council on Monday, January 7. They will hold their first public hearing in February, and the second in March.
Director Report	Appointed as the interim CEDO Director, as well as continuing position as Planning & Zoning Director. Will continue to work on projects for both departments.
B Baker	Encourages commissioners to read through the Inclusionary Zoning Working Group Report included in the agenda packets. The committee looked at it in great detail and was well done.

**IX. Minutes & Communications**

Action: Approve Minutes & Accept Communications		
Motion by: A Friend	Second by: Y Bradley	Vote: Approved Unanimously
Changes to Minutes: N/A		
Communications Filed: <ul style="list-style-type: none"> <li>• Burton’s comments to the proposed CDO Amendment ZA-19-07 Commercial Uses in the E-LM</li> <li>• Inclusionary Zoning Joint Committee Resolution, Recommendations, Presentation, and Final Report</li> <li>• Email communications regarding the proposed CDO Amendment ZA-19-07</li> <li>• Burlington Business Association comments on the proposed CDO Amendment ZA-19-07</li> </ul>		

**X. Adjourn**

Adjournment	Time: 8:15pm	
Motion: J Wallace-Brodeur	Second: H Roen	Vote: Approved Unanimously



Signed: January 30, 2019

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Andy Montroll, Chair



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Shaleigh Draper, Planning and Zoning Clerk