

Burlington Planning Commission

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Burlington Planning Commission Minutes

Tuesday, March 25, 2014 - 6:30 pm

PC Present: L. Buffinton, H. Roen, J. Wallace-Brodeur, B. Baker, E. Lee

Absent: Y. Bradley, A. Montroll (Absent for attendance to RPC meeting)

Staff: S. Thibault, E. Tillotson, K Sturtevant

I. Agenda

No change to order of agenda.

H. Roen: Had sent an email to Commission members stating that he wanted to discuss the proposed solar farm tonight.

B. Baker: So shall we do Commissioner Items now since other people are here to discuss it also?

H. Roen: Did not want to discuss the merits of the project but the process or procedure for addressing the subject, and what the Planning Commission wants to do. He understands it is the preliminary application now and the comment period will close early in April. If the Commission is going to comment, there is opportunity now, the full application will come later.

S. Thibault: Has discussed with S Gustin the timing issue. The Conservation Board met March 10 and will discuss it again on April 7. The Department of Environmental Conservation will be meeting April 2nd. The pre-application has a 45 day period which is open for comments which ends April 18. The Conservation Board will send their comments by April 16. Comments from the City need to be filed a week before the applicant files its actual application. Staff has discussed this application and concluded that the Conservation Board is the place for stormwater and conservation issues.

H. Roen: The Conservation Board will do a thorough job on conservation and stormwater research. What about comments to the Conservation Board from the public?

S. Thibault: All items received from the public have been included in the Commission packets.

II. Public Forum

B. Baker – Opened the public forum at 6:35 to accommodate visitors.

T. Papp, President of the homeowners association, addresses the proposed solar farm.

1. The Association is not against solar but does have some concerns.
2. The Conservation Board does not have Public Service Board acknowledgement, the regional and local Planning Commissions are the entities that have a seat at this table.
3. The Association believes the current application is incomplete, more information from the developer was requested four months ago.
4. The developer, in the past, has clear cut and stumped the property creating stormwater problems.
5. A 45-day notice is invalid because the application is not complete.

There are wetland and stormwater issues as well as some set back issues. The Association Board has a fiduciary duty to its members to represent their interests.

As approved by the Burlington Planning Commission on May 13, 2014.

J. Boucher, legal counsel for the Association: Comments that according to the PBS rules, the plans must include sufficient information to understand the project. At present information is lacking.

H. Roen: Could the Conservation Board be considered a part of the Planning Commission for review purposes?

B. Baker: Is concerned about having a public hearing without proper notice and the next opportunity for a warned meeting is April 8.

L. Buffinton: The public hearing is about content, is this procedural since there no information to review? It is imperative that the Planning Commission take some action, plans are lacking, the Commission should address the 45 day concern.

B. Baker: The City Council will comment based on the Conservation Board's comments and research. Do we need to comment in any other way?

J. Boucher: His reaction this evening, is that the City Council is in an odd situation. It is unusual for the Planning Commission to have equal status to the City Council, but the PSB hearing is to look at all issues. The Planning Commission has its own authority and mission. He would suggest asking the PSB to send report to the Commission. Without adequate information an evaluation cannot be made. It seems that the developer should start the clock again.

T. Papp: The Regional Planning Commission discussed the same problem.

J. Boucher: The PSB wants to hear all sides of the issues.

J. Wallace-Brodeur: Can the Commission act independently or not?

H. Roen: Can the Commission say that we agree with the recommendation of the Conservation Board? They have done an extremely thorough job.

S. Thibault: The Conservation Board meets the day before the next Commission meeting making it a very tight timeline for reacting.

B. Baker: We can put this on the agenda for April 8.th

L. Buffinton: If there is no stormwater plan, can we indicate that we believe the plan is not complete?

J. Wallace-Brodeur: And can somebody from staff help with process and information? She would like land use analysis to understand if the is current policy speaks to this issue, etc.

L. Krohn: The Commission has an opportunity to proceed or comment, generally relevant issues are linked to the act 250 process but policies in the Municipal Plan are relevant. He hasn't seen the application, but cautions to be careful with process.

B. Baker: – Closed the public forum at 6:59pm.

III. Report of the Chair

None, since he is not present.

IV. Report of the Director

Report by S. Thibault: Work on the Form Based Code has slowed somewhat due to complications with staff. They have reached out to the NPAs offering to visit in May or June to expose the public to the proposed changes, they will meet with Wards 4 and 7 in late April, and again in June for changes specific to Burlington. In April they will start to work with Commission to familiarize them with the new FBC. This is specific to the Planbtv study area, the downtown area. The hope is to visit all NPAs.

V. Affirmatively Furthering Fair Housing Training

Ted Wimpy, Director of Fair Housing Project at CVOEO, and Lee Krohn from the RPC

As approved by the Burlington Planning Commission on May 13, 2014.

T. Wimpy: This is a statewide program in outreach providing information and advice training to developers, providers, planners, etc., basically anyone who relates to fair housing issues. Federal and state laws protect people from discrimination. HUD wants to see that people in positions to affect housing, receive training around fair housing issues. He will be leading training for the Burlington Development Review Board. Lee Krohn has also had some training and he will give an overview.

L. Krohn: He has been a planner for many years in Manchester. The Commission is familiar with their own community needs. In Burlington there is pressure on housing stock from colleges and businesses. There are many ways to provide fair housing but Burlington is the only city that has inclusionary housing. Champlain College and UVM are proposing to build student rentals to relieve housing pressure. There is a lot of strain on families to find housing which creates social issues, inability to participate in civic events, difficulty in owning the experience of belonging. Housing is the biggest piece of the puzzle and the real challenge is the political will to approve and stand up for projects that meet city policy. The standards need to be clear and predictable. It is tough issue, more housing is needed, there is demand but the cost of housing is a challenge. VHFA has done a study for Burlington and has, as well, information for many towns.

T. Wimpy: The need is there, in the entire county and state. Every municipality is supposed to abide by the fair housing laws, the object is to go beyond requirements. Race, color, religion, family status, gender, public assistance, sexual preferences are all circumstances protected by the fair housing laws. Providing more affordable housing affects lower income people. Policies if not intended to be discriminatory, with disparate impact, can be fair housing policy against a disproportionate number of people in disadvantaged class. He would encourage the City to move assertively toward creating fair housing. Burlington does have an inclusionary housing policy, density bonuses, PUDs of a nature that encourage affordable housing, so the City is doing a pretty good job. There is a need to continue going in the same direction. At one time HUD was not serious about enforcing affirmative fair housing practices, but now there is a different approach.

L. Buffinton: It is good to go through each of pages and see where Burlington stands.

T. Wimpy: Creative interest in transportation/housing policies intersection is a big part of this.

L. Buffinton: Another issue for Burlington is that housing trusts now can get more funding for projects outside of the City which creates a higher cost for housing in Burlington.

T. Wimpy: Creativity linking housing with transportation is key. Conversations with VNRC examine issues within affordability, there seems to be potential for more streams of funding in a creative manner. It would be good to dialogue with neighboring communities to support affordable housing in the area.

J. Wallace-Brodeur: She is pleased with and appreciates the discussion. Some of the issues have to be a subject of further discussion. She appreciates the connection between transportation and housing, it's important to keep talking about.

T. Wimpy: Inclusionary zoning perhaps needs to be tweaked. He hopes everybody is cautious not to roll it back.

VI. Downtown Parking Amendment

S. Thibault: Members all received a memo from D. White last week containing a draft from the comments of the first meetings. We would like to send it to the City Council as a recommendation.

J. Wallace-Brodeur: The first page, last paragraph refers to parking as a secondary use, what does that mean?

S. Thibault: Without unencumbering the present ordinance, it would be for the Commission to look into allowing the leasing spaces to another entity as a separate use, if they are above and beyond the requirements of the permits.

E. Lee: It seems like a reasonable idea.

As approved by the Burlington Planning Commission on May 13, 2014.

H. Roen: It might help downtown with parking for commuters, something which is a problem for the Price Chopper on Shelburne Road for instance.

L. Buffinton: D. White mentioned unencumbering in reference to the equity issue, could we elaborate on this issue?

K. Sturtevant: Yes it is possible to do that based on the use analysis.

L. Buffinton: Why would there need to be two approaches?

K. Sturtevant: Perhaps it doesn't, it may just need more thought and focus.

B. Baker: He thinks the letter is fine. An engineer friend stated that the Burlington requirements are more exacting than those of other towns.

S. Thibault: Yes, we are looking to change some dimensional requirements when FBC is incorporated.

B. Baker: Measurements are relevant to the FBC. Conversations examining the land use perspective need to happen with the Downtown Parking Task Force. The LRPC meeting could be the driving force and Long Range Planning Committee will keep the Commission informed.

On a motion by J. Wallace-Brodeur, seconded by H. Roen, the Commission unanimously approved a motion to provide the City Council with a memorandum on the proposed changes drafted by staff and reviewed by the Board.

VII. Joint Institution Parking Management Plan

S. Thibault: You had a presentation at your last meeting and Sandy from CATMA is here again tonight. Tonight is your chance to discuss it a little bit more – the meeting was running long last time. I think that we are looking for ultimately, is a motion to recommend approval and refer to the Development Review Board as they are the Body who will ultimately approve this.

E. Lee: I would love more time to review it. I haven't really had a chance to really review the package and I apologize. I have been busy but it's pretty thick and I know there is some projects that are referencing it, for instance, this development where The Eagle's Club is. I know that during a presentation, it seems like those off campus projects were still going to be held to the same parking requirements as any other project, but then I've been hearing through the grapevine that because they participated in the Transportation Joint Institutional Management Plan that they were not going to be required to have the same parking requirement... so I would I really like some clarification on that and have some more time to read that completely because I feel like it is going to have a big impact on some huge development.

S. Thibault, CATMA: As far as The Eagles Club Project, I mean, the requirements are per the ordinance. The parking that is/will be available which is basically what's there today is for public use only and no students will be, you know, allowed to park at that site. So the parking is according to the ordinance.

E. Lee: Does that truly follow the ordinance if you provide parking but then don't allow anyone to park there?

S. Thibault, Planner: The project is in Downtown Transition zone allows for off-site parking.

L. Buffinton: There is concern that students will park on streets.

E. Lee: : Yeah, I think there is a concern that students are parking nearby and there is a concern that the project is not going to be by Champlain College, well, I guess the land is owned by Champlain College, the building is owned by the developer and it's a lease-back agreement, so the question is, what happens if there is a reduction in students at Champlain College and they decide they don't need this facility anymore, then you've got a 300 body apartment building with no parking. And what is the long term commitment for Champlain to provide this parking for a building that it doesn't really.... So Champlain decides we don't want this dorm anymore, and so we are no longer going to house our students there...then what?

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S. Thibault, CATMA: Actually, Champlain College enforces their streets around the main campus that their 173 affiliates are not allowed to use, but Champlain enforces them and they do license plate checks with the Burlington Police Department to make sure they are not a Champlain College Affiliate.

E. Lee: This will be a reduction in publicly provided parking spaces.

S. Thibault, Planner: Can I just ask, is it time sensitive from your perspective to get approval to the DRB in a certain amount of time?

S. Thibault, CATMA: Well, we always like to try to have it final and approved, you know, by April, typically, or by the end of April, and so once The Planning Commission reviews and provides comments for the DRB and then it goes to them for their approval, so just that timing for that process...

E. Lee: I could also abstain from the vote.

S. Thibault, Planner: I think we can move it to another agenda, but just keeping in mind there is a process that needs to move forward also.

E. Lee: Okay, I'm happy also to abstain from the vote, I could spend more time reading it and I could comment at DRB and say, "I didn't have a chance to review it, so I didn't vote, and here are my comments..."

B. Baker: If they aren't pushed up against the wall, we might as well take a full opportunity... any other comments?

L. Buffinton: It's a pretty thick plan, so... I think a little more time for everybody... we're missing a few votes tonight, so I think that's a good idea.

B. Baker: Where is the "drunk bus", walk by noise is huge problem. It would be nice to provide this.

L. Ravin: I think we do have a late bus.

B. Baker: I think it is shut down. That's what he hears in the community.

S. Thibault, CATMA: 10 pm to 3 in the morning, every ten minutes on Fridays and Saturdays.

J. Wallace-Brodeur: I do actually want to say that I think that this Parking Management is something that the city actually, this is the model that the city looks to in terms of the downtown stuff, so I do want to acknowledge that having a Parking Management Plan or a Transportation Management Plan is a really good thing for really transportation challenged facilities on the hill, so I do appreciate that we have this other resource in the community, and it is a really important way that we can manage the flow of traffic in our community and getting people to use other modes of transportation, so I do appreciate that.

This item will be place on the next Commission agenda.

VIII. Committee Reports

Executive Committee - met last week.

Long Range Planning Committee - hasn't met.

Ordinance Committee - scheduled during the storm, didn't happen.

IX. Commissioners Items

J. Wallace-Brodeur: Will miss both meetings in April.

H. Roen: He has been named to the Board of Renewable Energy Vermont.

X. Minutes/Communications

On a motion by H. Roen, seconded by J. Wallace-Brodeur, the Commission unanimously approved the minutes with corrections for February 11 and March 3, 2014.

As approved by the Burlington Planning Commission on May 13, 2014.

XI. Adjourn

On a motion by L. Buffinton, seconded by E. Lee, the Commission unanimously adjourned at 7:59 pm.



Y. Bradley, Chair



E. Tillotson, recording secretary