

## Burlington Planning Commission

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*Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Andrew Saba  
Lee Buffinton  
Harris Roen  
Andy Montroll  
Jennifer Wallace-Brodeur  
Vacant, Youth Member*



## Burlington Planning Commission Minutes

**Tuesday, April 8, 2014 - 6:30 pm**

**PC Present:** Y. Bradley, A. Montroll, H. Roen, B. Baker, E. Lee

**Absent:** L. Buffinton, J. Wallace-Brodeur

**Staff:** S. Thibault

### **I. Agenda**

No change.

### **II. Public Forum**

Y. Bradley- Opened the public forum at 6:35 to accommodate visitors.

Ernie Pomerleau -There has been great work done in the City recently with planBTV and the new FBC that is coming, under which there will be no ORB review for the architecture of a building. He watched the process for proposed Champlain College project on St-Paul which addressed the shortage of housing and for which the city council approved the deal on the parking lot This project is located in the transition zone and there are larger buildings all around. The permitting process offers no predictability now. What do we do in the community to meet the goals of planBTV on the ground? He was very surprised that this project proposal was denied and that there is no action to turn it around. He was proud of what was proposed and would love to hear what to do now. Should not have happened?

K. Devine, BBA Director -In the last few days, she has heard from many people on the dismay about the denied of the Champlain College project It has been an exciting year and the BBA was closely involved in planBTV. Solving the housing crisis is the other main issue to deal with and is vital to the economic future of the city. She would love to live in Burlington and cannot, and many others are in the same predicament How do we solve that? Adding student housing will help. She is working on the parking initiative under way and it would have been great to see surface parking lot to go away as well as increase more tax revenue. The parking initiative is looking at starting a public-private partnership to better manage parking downtown but the deny of the project last week makes her job much harder to develop that partnership in the future and sell that idea to private owners. Let us know how we can address the disconnect.

Katie Taylor with the Chamber and GBIC- Burlington is working hard to create more density and the way to do that is by going up. How to improve the economic vitality of our downtown is by increasing housing which is a statewide issue. The Commission has done a lot of work with planBTV and is now trying to move toward regulations that will provide that predictability. The denial of the project last week was a step in the wrong direction and she is dismayed about the decision. So much thought was put into the process and to see it denied. She wants to be part of the discussion in the future and get back on the right path.

F. Von Turkovich - The Commission can do something about it. The Development Review Board implements the ordinance that the Commission writes. It is a terrible feeling not to know what will happen when a developer comes forward, no predictability.

### **III. Report of the Chair**

The Chair provided the following report:

- He wanted to discuss the vote by the DRB to deny Champlain College's project on St-Paul Street, which may end up in environmental court. The project was designed and proposed to

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fit into planBTV and creating denser infill development and dealing in part with the housing problems we face. The project had support from planning staff and DAB and the Mayor Office. There seems to be an issue - Commission is going in one direction and DRB going in a different direction. He is very disappointed and believes the project should have gone through.

#### **IV. Report of the Director**

The director provided the following report:

- Dealing with projects under review by the office.
- He has been working on the Form-Based Code with S. Thibault and made a presentation to staff yesterday about the code, how it's organized. Next month, work will begin with the Commission and conversation with City Council for process review.

#### **V. Joint Institution Parking Management Plan**

D. White - Heard a presentation by CATMA on the current update to the Joint Parking Management Plan three meetings ago. The Commission requested more time to review the document at the last meeting. The Commission's role is to make a recommendation to the DRB on the adequacy of the document. Plan allows the institutions to be more creative and show how they do that with TDM and others mechanisms. Number of years around their work is now available and how well it has been working the past.

E. Lee - The plan doesn't address how to get people to live closer to the institutions rather than have to commute. She would love to see an initiative from the institutions to encourage their employees to live in Burlington and therefore reducing the need to commute into the city.

B. Baker - The Commission didn't pass this along at the last meeting, did it impact the decision of the DRB on the Champlain College project.

D. White – The update would have added greater clarity but the application was made at the time the current plan was in place. Students to live in the Eagles Club are already part of the plan and simply moved from Winooski.

B. Baker - The Commission has been very good at not being political and should remain that way. Need to make sure that we don't delay other processes.

E. Lee – She is the one who asked for the extension and had offered to abstain from the vote if the Commission wanted to move it forward that night.

**On a motion by B. Baker, seconded by A. Montroll, the Commission unanimously recommended approval of the Joint Parking Management plan and sent to DRB.**

#### **VI. Act 248 Solar**

D. White - Act 248 projects are exempt under local control, but there is a chance for the Commission to comment. While the project under development, the City Council asked the Conservation Board to look at the proposal and what impact it might have. The Conservation Board Chair is here tonight to discuss their recommendations after three public meetings. There is a very short timeline left for comments to the Public Service Board. If the Commission wants to offer comments it needs to happen tonight to then go to Council tomorrow for their meeting Monday night.

H. Roen - There is a full application coming and to be able to comment on that, we need to let the PSB know that we want to comment.

S. Gustin – Comment period is open now, within the 45 day. There is a separate timeframe for party status once the application has been filed.

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F. VonTurkovich- Present what the project is, where it is located and what the purpose and intent of the project is. A 1/3 of the site now remains as upland. Solar farm to go on 18 acres of the site; the upland area and some of the wetland area. Keep the southern part of the land open as wetland. BED needs the power to be generated locally, would produce 2.5MWH of electricity. Today, it makes sense financially and functions as a place holder in lieu of future development.

Metal posts in the ground are an accepted use by the state into wetlands. They should get at least 25 years of use of the project with BED agreement. The adjacent neighborhoods don't want housing there, but this present an opportunity to use the land. There are still questions with regards to the wetlands permit. Need to be sure that any change in cover type on the land addressed after development not to increase stormwater runoff into Strathmore development

E. Lee – Why did you chose the one side from the other?

F. VonTurkovich – The open area is a more important wetland and should be excluded. Want to make sure we get as much light as possible.

E. Lee – Will the wetland still function underneath the panels?

F. VonTurkovich – There will be no fill allowed in the area. Posts themselves do not constitute fill under the state regulations.

M. Moore, CB Chair - Applicant came to the board three times in response to the City Council resolution to address stormwater, wetland and buffer zones. The Conservation Board has discussed the meaning and intent of the project. The burden is on the applicant to come and address these issues and responded to all 60 questions and applicant can now move forward with the application. The Board passed a motion to general endorses the concept of the project by noting a few items that the applicant should provide more information on, i.e.: buffer to vernal pool, impact of the forest canopy, removal of shrubs in the wetland. Would comment to the DEC office putting forth skepticism as to the methodology the applicant used to calculate the impact to the wetland. Applicant has stated the impact is only the post = 90 square feet. Why is the 10 acres of clearing not used to describe the impact?

H. Roen – Is having the panels as an umbrella having an impact on the wetlands?

M. Moore - The clearing and its impact on the wetland is the main issue. The stormwater issue is ok for the most part. A board member did a 10 yr. analysis of the impact of stormwater and a 100yrs analysis should be done as well.

H. Roen – Is there precedent in the state?

F. VonTurkovich – 42 project have been approved in the state in wetlands.

B. Baked – He feels this project is not under the purview of the Commission and commissioners were not there to hear the debate at Conservation Board meetings. The board has the expertise to comment on the wetland and stormwater issues, the Commission doesn't.

S. Gustin- The Conservation Board is looking at this at the request of the Council. The Commission can play a role in this and comment independently which may result in the Commission saying something and Council saying something else. Does this make sense from the Municipal Development Plan standpoint is what the Commission could address.

A. Montroll - There is a role for the PC. The RPC is looking at this as well. To weigh in meaningfully, we would have to put more effort into it and understand all the issues. Is it more appropriate for housing or this type of project? The owner has tried in the past for housing and didn't happen.

Y. Bradley - He is ok with the Conservation Board and Council to weigh in and there is no need for the commission to delve into this as well. He trusts others to take care of this.

**On a motion by B. Baker, seconded by A. Montroll, the Commission agreed to take no action on this proposal. H. Roen opposed.**

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**VII. Committee Reports**

Executive Committee – meeting on April 10.

Long Range Planning Committee – meeting on April 15.

Ordinance Committee – met last week and talked about Major Impact, Conditional Use criteria and more.

**VIII. Commissioners Items**

A. Montroll – Champlain College project. There is a question of what role the PC can play. Looking forward there is a role. This parcel, the city has been looking at for more than 10 years along the lines of this project. Several sites were identified in the past and then in planBTV we expanded on that as well, to add and create more density. When I see deny of that application on something that looks like something the city has been gearing on for many years. When the denial is on massing and density, there is a disconnect between policies the city has with the review process. The Commission should take a close look at the DRB decision and see if there is a disconnect and what it is. How should that part of the city to be developed. Is there something that needs to change in the zoning to make that happen? Are the regulations really giving us what we are looking for?

B. Baker - Make sure predictability is in the ordinance.

D. White - Talked with DRB members for training on a regular basis.

Y. Bradley - Issues raised could have been taken care of but the denial sent it to Environmental Court. The new mall owner wants to redevelop it with lots of money and for them to see these kinds of denial makes them worried and doesn't send the right message.

E. Lee - 287-289 South Winooski Ave – listed on the national register. Garage torn down because of an order from the building inspector.

D. White – Being taken down with a dangerous building order.

E. Lee – The owner are getting what they want when they let it go and neglected to keep the building up.

D. White – More discussion needs to happen around demolition by neglect. Disconnect between desire to see these structures maintained and restored, and the fact that people just neglect the buildings.

E. Lee – Can we hear back at the next meeting about this application? Project on Pearl St. where the former dentist office was. Proposing a 10 foot tall retaining wall next to someone's property. Are retaining walls allowed in the setback?

**IX. Minutes/Communications**

**X. Adjourn**

**On a motion by A. Montroll, seconded by H. Roen, the Commission unanimously adjourned at 8:00pm.**



Y. Bradley, Chair



S. Thibault, recording secretary