

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
11 AUGUST 2020**

The South Burlington Planning Commission held a regular meeting on Tuesday, 11 August 2020, at 7:00 p.m., via Go to Meeting remote participation.

MEMBERS PRESENT: J. Louisos, Chair; B. Gagnon, T. Riehle, M. Ostby, M. Mittag, D. Macdonald, P. Engels

ALSO PRESENT: P. Conner, Director of Planning and Zoning; B. Shearer, F. Von Turkovich, C. & A. Long, D. Long, A. Chalnack, R. Greco, J. Weith, J. Bellevance, S. Clarke

1. Opening Comments:

Ms. Louisos welcomed Mr. Engels to the Commission. She also noted that the Commission is coming back to work in a “new world” after months of dealing with the pandemic, social issues and more. She laid out the opportunities for public participation in remote meetings.

2. Agenda: Additions, deletions or changes in order of agenda items:

Ms. Ostby suggested that members acquaint themselves with the 10 March minutes which will lay the groundwork for the Commission moving forward.

3. Open to the public for items not related to the Agenda:

No issues were raised.

4. Planning Commissioner announcements and staff report:

Mr. Conner noted that Cathyann LaRose has moved on from the City. He thanked her for her 15 years of service and reported that she has left big shoes to fill. Effort is underway to fill the position.

5. Annual Appointments and Setting of Meeting Day and Time:

Mr. Conner presided over the election of a Commission Chair. He opened the floor for nominations.

Mr. Riehle nominated a slate consisting of Jessica Louisos as Chair, Bernie Gagnon as Vice Chair and Monica Ostby as Clerk. Mr. Mittag seconded. There were no further nominations. In the vote that followed Ms. Louisos, Mr. Gagnon, and Ms. Ostby were elected unanimously.

Ms. Louisos presided over the remainder of the meeting.

Mr. Gagnon then moved that the Commission continue to meet on the second and fourth Tuesdays of the month at 7 p.m. at a location to be determined for each meeting. Mr. Macdonald seconded. Motion passed unanimously.

6. Review of Draft Environmental Protection Standards:

Ms. Louisos noted that she and Mr. Gagnon and the City Council Chair and Vice Chair and Mr. Conner did a video chat as to how to coordinate on this. The hope had been for more feedback from the council, but they were waiting for all the Interim Zoning (IZ) reports to be in. That has now happened.

Ms. Louisos felt it would be good for members to look at the Chapter 12 overview to see if it is in the direction that makes sense for the City Council and then have a meeting with the Council and get their feedback and make any adjustments. The other piece of this, the PUD piece, will be presented at the next Commission meeting.

Mr. Conner suggested they focus on “big questions” and not get into wordsmithing and small details. Ms. Louisos said her idea of a “big question” is whether there is a lack of clarity as to what a forest core is and whether a forest core is Level 1 or Level 2.

Mr. Macdonald said that when he got to the habitat section, it felt incomplete to him. He also felt the mapping and delineation needs more structure.

Mr. Conner said what would be helpful is to consider what is the universe of natural resources the Commission would like to have covered in this section. The draft as written represented what the Commission had last talked about including all of the Arrowwood findings minus the Form Based Code area. It also includes some key connectors that were presented by Jens Hilke. The next level of discussion was going to be focused on other policy considerations.

Ms. Louisos said they need to be sure there are no other resources missing from the list.

Ms. Ostby felt that 12.05 and 12.07 are the 2 areas that are not thorough.

Mr. Conner then presented a series of maps:

Map #1: Current built environment (under four acres or 10% impervious or more) and also properties in various stages of review

Map #2: Delineation of current regulations including wetlands, streams, NPR areas, parks, etc.

Map #3: Proposed regulations, including forest blocks, steep slopes (over 20 or 25%), etc.

Map #4: Proposed regulations plus conservation lands.

Map #5: All of the above shown together, indicating where development would be permitted.

Map #6: Open Space IZ Committee recommendations for lands to be conserved.

Ms. Ostby recalled “fingers” of forest areas coming from forest blocks which they had just begun to discuss in March. She also noted the concern of land owners regarding planning for their property.

Mr. Conner noted that what Arrowwood put out was the best available review of habitat blocks. How the Commission translates that into their policy work is a Commission decision. He reminded members that they had removed Form Based Code areas and properties under one acre from consideration. Mr. Conner said that Arrowwood identified a minimum area needed to be a functional habitat block.

Ms. Louisos said that as it now stands, an entire habitat block is protected as Level 1. Ms. Ostby said that a minimum habitat block should have a 10-acre core which could have no encroachment and should be specifically mapped. She felt that should be identified as a “hazard.” There should also be a separate conversation about connectors. Mr. Conner said that people could do a habitat assessment as an option under the current draft, or could use the mapped boundaries. This would give an applicant a “known quantity.” Ms. Ostby said she didn’t agree with a full blanket statement and was willing to consider areas that may not be as critical.

Mr. Engels noted comments he got from attorney Tom Bailey who has written LDRs for many years. Mr. Bailey’s recommendation is to throw the draft out and start over. Mr. Macdonald said he found some of Mr. Bailey’s points valid and brought to the forefront how little land is available for housing in a city seeking to be “affordable.” He added that he wants to see the PUD piece and see how the 2 pieces complement each other.

Ms. Ostby asked how many acres of land have been added to the map beyond what already has some protection. Mr. Conner estimated 700 additional acres which were level 2 or had not previously restricted. Ms. Ostby said the question is which of those 700 acres are valuable and

where there is some flexibility. She added that connectivity is also important from “core to core.” Mr. Conner said he would work with the CCRPC to map this for the Commission.

Mr. Conner noted that Article 12 says where you can/cannot build. The PUD piece will dictate where you can draw a subdivision line around a resource. Does the development get any credits (e.g. shifting density) for the resource. He also noted there will be a Conservation Subdivision which will state how much of a natural resource can be impacted.

Mr. Conner agreed to provide members with a document they can mark up with their comments and return to him to coordinate into a compiled version.

Mr. Gagnon questioned whether members can agree on what is good and what can be tweaked. He hoped that could happen with a compiled document. He also questioned whether a higher density could be allowed in some areas in order to provide housing. He stressed the need to remember that these properties are assets to the people who own them.

Ms. Louisos said it makes sense to have the next meeting be on the PUDs so members can see how it will all fit together.

Ms. Ostby said members should also look at meeting minutes where decisions were made.

Public comment was then solicited:

Ms. Greco felt that Chapter 12 leaves out some types of environmental resources such as meadows, soils, etc., that need to be protected. She was also concerned with giving the DRB a lot to do and that their decisions would be “subjective” and could cause dissent. She felt there should be firm standards. She questioned the use of the word “hazard” and also felt “level 1” and “level 2” need to be defined. She suggested having the Land Trust people work with the Commission on this.

Mr. Gagnon was concerned with having people commenting prematurely on things that the Commission will be changing.

7. Proposed amendment to allow additional coverage within the urban design district:

Ms. Louisos apologized for the delay in addressing this request. She also noted receipt of a memo from the 3 Commission members who worked on this in recent weeks.

Mr. Gagnon noted the Commission had talked about this before the pandemic, and he felt that what is being proposed is where the Commission was heading then, specifically exchanging the additional coverage for some kind of mini-park. Mr. Riehle added that this would be applicable

to both the Shelburne Rd. and Williston Rd. corridors. The one question is how the public would know the mini-parks are there...possibly a sidewalk leading to them. The mini-parks must be adjacent to a street right-of-way. Mr. Gagnon said they did discuss the possibly having the mini-parks for employees, not necessarily open to the public.

Mr. Macdonald questioned whether there would be a liability to the property owner if the mini-parks are open to the public. Mr. Conner said he would look into that.

Ms. Ostby asked whether this could be an opportunity for a TDR. Mr. Conner said there is nothing to prevent that in the future, but it would be a very complex undertaking. He did not see it for the short term. Mr. Mittag said that since Mr. Shearer has been waiting 7 years for this to be addressed, they had decided not to deal with TDRs now.

Mr. Conner said this would be a design feature more than anything, not necessarily an allowance or a restriction at this point. It would be part of a site plan approval.

Mr. Shearer applauded the adding of Williston Road. He did question whether it would be possible to find a place for a pocket park. He also didn't think it would ever be used on his property. They have an air conditioned lunchroom, and also have traffic on 3 sides of the property. He would prefer to make a donation to something like the Library.

Mr. Gagnon said they identified 2 possible areas for a mini-park on the Google map. He also thought they could add language that would allow for a donation in lieu of a park. Mr. Conner said there would have to be a connection between the "donation" and the area where the added coverage is happening. He also noted there is no park near the Shearer property. He said he would talk with the City Attorney about what may be possible.

Mr. Mittag said the 2 areas they identified on the Shearer property were the northeast corner behind Acura and the south side of the showroom. Mr. Shearer said the Acura area is a utility location, very shady, and not pleasant. The other area is their snow removal site.

Members suggested an "either-or" option: a park or a TDR and possibly a "park fund."

Mr. Gagnon said that Mr. Shearer has been left hanging a long time, and he would like to see some language to keep this moving for his sake.

Mr. Shearer asked about the language Stephanie Clarke had provided and then coming up with a trade-off later. Ms. Clarke said her proposal was specific to this situation: a multi-structure lot with frontage on 2 roads in just the C-1Auto zone. Mr. Mittag asked whether that would be legal. Mr. Conner said it would be on the borderline. He added that the feedback he had gotten was that any plan should also meet a city goal.

Mr. Mittag suggested building into this a stipulation that he would buy a TDR in the future. TDRs are available, but there isn't currently a structure to accomplish them yet.

Mr. Gagnon proposed going with the language presented and adding the option of a TDR or contribution to a fund. Other members liked that idea. Mr. Conner said he will come back with options.

8. Commission Schedule and Work Plan:

Mr. Conner showed a listing of items on the Commission's work plan:

- a. Subdivision/Natural Resources/PUDs/TDRs/Master Plans
- b. Individual non-controversial issues
- c. Form Based Code amendments
- d. Individual amendments with policy implications

Other items for consideration include:

- a. Review of City policies in light of recent events (e.g., pandemic, social issues) and possibly working on these with other community groups

Ms. Ostby asked where they are with IZ. Mr. Conner said the next 3-month extension expires in September. The 2-year period ends in November. There is a potential for an additional year, but the Council has not discussed this. Mr. Conner said it is his feeling that the Council expects most of the work to be done by November.

9. Meeting Minutes of 10 March 2020:

Mr. Mittag moved to approve the Minutes of 10 March 2020 as written. Mr. Riehle seconded. Motion passed unanimously.

10. Other Business:

No other business was presented.

As there was no further business to come before the Commission, the meeting was adjourned by common consent at 9:05 p.m.

Minutes Approved by the Planning Commission 25 August, 2020