

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
29 SEPTEMBER 2020**

The South Burlington Planning Commission held a special meeting on Tuesday, 29 September 2020, at 7:00 p.m., via Go to Meeting remote technology.

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; C. & A. Long, J. Simson, J. Morway, D. Long

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

No changes were made to the agenda.

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

No issues were raised.

3. Planning Commissioner announcements and staff report:

Mr. Riehle spoke to the need to have neighborhoods understand the potential for development so that people aren't surprised by what happens. He suggested something to alert people to changes in zoning (e.g., infill potential) that are being considered. He noted that in Shelburne they are talking about the undue adverse impact of infill on a neighborhood. He felt the Commission should continue to look into this issue.

There was no staff report.

4. Work Session on Land Development Regulation Amendments:

- a. Continue review of Forested Habitat Block Applicability**
- b. Discuss applicability of Planned Unit Development Types throughout the City**
- c. Preview of minor amendment to SEQ-NRP subdistrict design standards to support conservation**
- d. Staff update on 500-year Floodplain questions from Commissioners:**

Mr. Conner showed a series of maps which were done by Arrowwood. These included forested habitat blocks as identified by Arrowwood, NRP, parks, privately protected forested blocks, those protected by Articles 10 and 12, those not regulated, and parcels conserved that are not in the regulations. In regards to the forest blocks, they show the "core" areas and the outer 300 feet.

Mr. Riehle expressed surprise at the west side of the Hill property. Mr. Conner said it is just outside of the SEQ and is in the Industrial-Open Space District, and therefore was not part of the SEQ rezoning in 2006.

Mr. Macdonald asked about the proposed extension of Swift Street. Mr. Conner showed the proposed route. He also noted that the Tilley Drive study talks to the pros and cons of that.

Ms. Ostby said it would be nice to get into the details, particularly the lighter green areas, areas of the transitional habitat blocks. Mr. Conner indicated the drawn in connectors.

Ms. Louisos suggested having a subcommittee come back with suggestions. She noted a lot of overlap with other protected areas.

Ms. Ostby drew attention to “fingers” of light green that don’t seem connected to anything and don’t seem to have hazard or core. Mr. Gagnon said he thought there was “wiggle room” with the light green areas. He added that a buffer around a critical habitat area is important, but what that is is the question. Ms. Louisos suggested the light green could possibly move to a Level 2 resource or could be lopped off the map. Mr. Riehle said there is no basis for how deep they go into the light green and asked if there is a way to get a professional recommendation.

Mr. Gagnon said he is still concerned with invasive species in these areas. He stressed that Arrowwood did their study from a vehicle, not on the ground. He wanted to be sure the Commission is not “chasing after invasives.” Mr. Mittag said an area could be reforested after invasives are removed.

Mr. Macdonald asked if land is in the light green, what is not there that is important and where would those fingers of land lead to. He questioned whether they would be “dead ends” for critters. He cited one near Spear Street.

Mr. Gagnon said he was OK with identifying areas of concern and what they are looking to conserve and then to have a developer come back with a plan that shows they are protecting core areas. He noted there aren’t many of those areas, and like wetlands which are identified, they still have to be delineated.

Ms. Louisos said she has almost the opposite view and felt this is very different from wetlands. People are trained specifically for forests, and you would never get 2 people to agree.

Mr. Gagnon said a lot of Arrowwood was windshield and aerial surveying, and is not defensible. That opens it up to experts who are seeing things differently.

Ms. Louisos said she sees these as areas based on size and type of vegetation. They need to put a line somewhere. She sees them more as an NRP zone. She felt that may be where the light green line comes into play. She also noted that people could chop down trees in anticipation of a delineation or trees could grow and expand into a forested area. She felt that requiring delineation could open up a “can of worms.” She added it might be better to try to preserve the core and come up with language regarding use of the outer area.

Mr. Gagnon said he agreed with flexibility in light green areas. He asked whether they could decide that some dark green areas are not so important. Ms. Louisos said if there is something on the official map, they should take a look at it.

Mr. Conner said that one thing that became apparent to him is that the amount of land in the green is very small in the SEQ. Starting with the SEQ, the Commission might decide whether to just expand the NRP in those areas or not. He noted that one of these areas is in South Village, and it is either built on or conserved. Mr. Gagnon said he could buy into that approach.

Ms. Ostby asked if they go that route, should they also look at areas in the NRP to see if there are any buildable areas without hazards, etc. She felt that adding to Article 12 is the most streamlined way to go. She also felt that habitat connectors are important but noted they can be moved.

Mr. Mittag suggested using State resources to delineate what is on the ground.

Ms. Louisos suggested protecting the core, but the 300 foot outer areas would become partially developable (Level 2). Then the land would not be taken away completely from a landowner.

Mr. Gagnon questioned whether the edges and boundaries of the NRP are related to anything on the ground and whether the edges and boundaries of Arrowwood are related to anything on the ground. He asked how they can tie boundaries into what is on the ground.

Mr. Conner said the NRP replaced a system where there were developable and restricted areas. Arrowwood looked at a few core areas, and the Planning Commission added buffers to some of them. It was entirely policy based, and the intent was to move some boundaries around. Mr. Gagnon asked if the edges are defined in any way. Mr. Conner said they are defined by the map. Ms. Ostby asked if anything is staked in the ground. Mr. Conner said it is not. He added that someone could come to the Commission and ask for an interpretation of where the one is. On any application to the DRB, a plan has to show zoning boundaries. The DRB can adjust those boundaries 50 feet in either direction. Mr. Gagnon asked if the green areas could be treated the same way. Ms. Louisos said that is what she has been thinking. The Commission would be creating a "policy district." Mr. Conner reminded members of the possibility of Conservation PUDs.

Ms. Louisos noted receipt of emails regarding the "fingers" that don't lead anywhere. There is also an email noting areas where habitat blocks have been found to be appropriate for housing. Ms. Ostby said they should look at areas that are in the core but have no resources under them to see what is contained in those areas.

Mr. Gagnon said the light and dark green areas are not otherwise protected, and the Commission should go through them. He thought the southern half of them could possibly be added to the NRP, but those in the northern half should be looked at.

Mr. Conner said that in terms of substantive change, there are maybe 6 areas that are consequential. He suggested having the Commission focus on those and let staff deal with the smaller ones.

Mr. Conner then showed one of the "finger" areas. He asked the Commission whether they felt it was more important to connect 2 habitat blocks or to connect 2 neighborhoods. Mr. MacDonald said that a

“finger” between two developments seems like it could be developed, especially with a road going through there. Mr. Gagnon agreed. Ms. Louisos suggested using this process with other blocks in future meetings. Mr. Gagnon said they should indicate areas where there is already protection then see where to focus the Commission’s limited time. Mr. Conner felt that was reasonable and suggested focusing time on areas where there is a policy decision (e.g., the Hill Farm area). He said he would put together information on several of the areas for members to consider.

The Commission then considered PUD applicability. Mr. Conner said that what the staff and consultant recommend is that lower density areas be traditional neighborhoods. Medium density areas (Kennedy Drive, Allen Road, etc.) could be either a TND or a Neighborhood Commercial Center. Higher density areas could be Neighborhood Commercial Districts.

Conservation PUDs would be an option in any low-density areas (e.g., waterfront, R-1 districts, and areas where more than 70% is covered with natural resources). This does not cover the Industrial areas, and though they are important, the consultant was asked to focus on more neighborhood areas. Mr. Conner noted the Hill Farm area would require a zoning change, and staff has some other zoning change recommendations.

Ms. Ostby said that members of the Affordable Housing Committee asked to be included on an agenda to see how affordability would fit into all of this.

Mr. Riehle felt the Hill Farm area should be residential due to what is around it. Mr. Conner said a TND would have very neighborhood scale commercial. An NCD typically would allow more commercial (offices, grocery, etc.). He suggested there could be R7 zoning along Kennedy Drive with some small scale offices and the rest residential. It is one of the largest remaining pieces of land in the city.

Mr. Engels asked whether the zoning allows for an Exit 12B. Mr. Conner said that would be a decision point as to whether that should be a high-intensity area which is common near an Interchange exist. He noted that 2B is a very active discussion. Ms. Ostby said that for that area, she would give an owner the option for the most flexibility.

Mr. Mittag felt there should be a transition on the west and south of the Hill property because of the forest areas and proximity to Wheeler. Mr. Conner said they can do an intensive look at that. Mr. Mittag said he was OK with some flexibility on the Hill Farm with concern for the forested area and the piece connecting to Wheeler. He was not OK with the Swift St. Extension.

Mr. Conner then showed the Conservation PUD map. He noted that is a conversation with UVM regarding defining their properties. The Commission will have to decide regarding any zoning changes (e.g., Edlund property). Ms. Ostby asked whether there is anything other than hazards and Level 1. Mr. Conner said the issue is to give an owner the value of the property even if there are significant resources.

Mr. Mittag said he would oppose any zoning change to Edlund. He felt it is one of the most valuable natural resources the city has. Mr. MacDonald said it is probably the biggest chunk of unprotected

forest. Mr. Conner said it could remain Institute-Agricultural zoning. They will have to look at what would happen if UVM decides to come in with a plan for dorms there to know what laws would apply.

Mr. Conner then addressed potential minor amendments to the NRP area as follows:

- a. If someone is not in a developable area, they wouldn't be required to by a TDR. They would have to build on a certain portion of the land and conserve the rest. They could bring in TDRs up to the cap for development.
- b. Tweaks to the NRP standards would include how encompassing the area for a house can be. Staff is suggesting a maximum building envelope (e.g., garage, tennis court, etc., would have to fit within that envelope).

A member of the public questioned "forcing development on a lot." Mr. Conner said there are options for owners:

- a. Carving out just one lot
- b. Have a couple of lots and conserve the large piece
- c. For a number of homes on a property, the owner would have to consider the whole property

Regarding the 500-year flood plain discussion from the last meeting, it was noted that there aren't many towns with a full regulatory plan. There is some reason to have a plan as climate change is bringing about more storms, and a 500-year flood plan is a potential 100-year flood plain.

Mr. Conner showed a map indicating the city's 500-year flood plain areas. The biggest is at Ethan Allen Industrial Park. The question is what to do with new and existing development there. Ms. Ostby said there could still be building but with certain restrictions. Ms. Louisos noted that most towns have 500-year flood plains targeted to standards for 100-year flood plains. Mr. Gagnon said they could say "no new construction." Where you are replacing a building you would have to use "flood resiliency standards."

Ms. Ostby said that in every lot where the Commission is making a change, the city should send a letter to the landowner pointing out the impact of the change and when there is a public hearing. Mr. MacDonald agreed noted the number of businesses in the Ethan Allen Industrial Park. He felt business owners should know they are in a flood plain.

Mr. Conner noted that there are probably a dozen homes in Butler Farms in the 500-year flood plain and some in the Chamberlain area. Ms. Louisos said she wouldn't change the zoning, just change what can go there.

5. Consider approach to review of LDR amendments under consideration:

Mr. Conner said there is one amendment related to PUDs, one to Form Based Codes, one to the Traffic Overlay District. These are not controversial but require review. He suggested that the Form Based Code Committee might meet again. He also suggested a subgroup of the Commission be formed to deal with these amendments. Mr. Conner said he would work with Ms. Louisos to see if there are some amendments that can be done quickly by the Commission.

6. Other Business:

a. Act 250 Notice of Initial Application Filing – Chittenden Solid Waste District, 1021 Redmond Road Williston:

Mr. Conner noted that the City of Burlington has is allowing temporary tents to remain for a longer time. They are also allowing day cares in more areas.

As there was no further business to come before the Commission, the meeting was adjourned by common consent at 9:35 p.m.

Minutes Approved by the Planning Commission October 27, 2020