

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
28 OCTOBER 2020**

The South Burlington Planning Commission held a special meeting on Wednesday, 28 October 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; L. Kingsbury, L. Ravin,

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:

No announcements or reports were presented.

4. Work Session on Land Development Regulation Amendments:

a. Continue review of Subdivision & Master Plan Standards:

Ms. Louisos noted that in the list to be removed from “buildable” density, it had been suggested to add Level 2 resources. This includes moderate slopes, intermittent streams and class 3 wetlands with wetland buffers. The latter 2 are typically very small and could be in a buildable property but not be built on. Mr. Gagnon noted the intent was to allow increased density in other areas of the property with level 2 resources.

Mr. Conner reminded members that the rules in Article 12 would still apply. He added that the result of taking Level 2 out of the buildable area would encourage lot lines to be drawn around them. They would also have to figure a way to be consistent with “moderate slopes.” He stressed that Article 12 still protects Level 2 resources even if they are in a buildable area.

Members agreed to keep the language as written.

Master Plans:

Mr. Conner said for projects that qualify, a Master Plan provides a wholistic view and lays out a broad perspective at an early time in the process. It also rewards an applicant for providing more detail early on.

Ms. Louisos said she liked the neighborhood meeting idea but suggested it might come earlier in the process.

Ms. Ostby liked the idea of a sign on a property before anything is planned. She felt abutting property owners should be notified of any upcoming plan.

Mr. Mittag questioned whether it is possible to have an early warning list on the city's website before anything is done. Mr. Gagnon said he didn't want "rumors" to be posted on the website. He did think the early neighborhood meeting was a good idea.

Mr. Conner said that for the Planning Department, the marker for announcing a project is when the application is complete. That is when it gets a number. He was not comfortable posting that someone is "thinking about" a project. He did feel that getting feedback on an actual project is better early in the process.

Ms. Ostby said people shouldn't feel afraid to come to the Planning & Zoning Department with an idea because it might get posted. She then asked whether a proposal that has been through the staff process can be changed before it goes to the DRB.

Mr. Conner said a "complete" submittal doesn't mean a project meets all the regulations. A lot happens before it goes to the DRB, but the DRB is likely to continue it because of the new information. If there is a "wholesale" change, a new application is required.

Mr. Gagnon felt the neighborhood meeting should happen before the formal submission, even if it is only a concept drawing. The minutes of that meeting should be submitted with the application. Mr. Conner said that could be a requirement for a full submission.

Ms. Ostby said the meets should be allowed to be via ZOOM. She felt the notification should be to abutters and via a sign on the property. To do more would create anxiety and would not be fair to the property owners. She also was opposed to having a pre-conceptual meeting posted in the newspaper.

Mr. Conner said the big "carrot" for a Master Plan is "vesting." If you do a good Master Plan, you would have the opportunity to say this is how we will build the project (e.g. antique lighting). That item would not have to be approved again. If there were choices, the DRB would say the applicant would come under the rules at the time the Master Plan was submitted. If there is not enough information provided, the DRB could say the applicant is subject to the rules when the project comes to them.

Ms. Ostby asked what happens when there is new technology. Mr. Conner said it is the design that is relevant. The technology can be upgraded.

Mr. Conner then reviewed the sketch plan requirements:

- a. Neighborhood meeting
- b. Submittal of sketch plan
- c. Presented at DRB (5 weeks later)
- d. Master Plan presented within the next 6 months
- e. Presented to DRB 5 weeks after submittal

Ms. Ostby asked what happens if all the neighbors don't want an applicant to do something that is allowed. Mr. Conner said that is the downfall of a neighborhood meeting that is not in front of the DRB. The other problem is with something that neither the applicant nor the neighbors want, but that is the rule.

Mr. Mittag asked about using the Master Plan tool in the Form Based Code district to be consistent. Mr. Conner said it is not an "easy drop in." Mr. Gagnon asked if they are excluded from being a Master Plan. Mr. Conner said he would have to consider that as he wasn't sure. Mr. Engels said PUDs, TDRs and Master Plans don't exist in Form Based Codes.

b. Recap and Review of Environmental Protection Standards & PUD Applicability:

Mr. Conner said staff received the Natural Resources mapping today. He showed a map including the 500-year flood plain and noted that in checking with the State floodplain manager, they were not aware of a municipality in Vermont that has treated the 500 year flood plain the same as the 100 year flood plain, but noted that based on research that has been performed there is a likelihood that the current 500-year could in the future become the 100-year.

Mr. Conner asked what the Commission's objectives are. Mr. Mittag said he wanted to expand buffer zone expanded to equal the boundary of the 500-year flood plain. He also felt that any new development in a developed area should be more resilient. Ms. Louisos felt if there is no development, new development shouldn't be allowed. She felt their buffer language does that. She also felt that where there is development, new development should adhere to 100-year flood plain standards.

Mr. Conner noted that in South Burlington, almost nothing is built in the 100-year flood plain. The only tricky thing is that because it is not a "one size fits all," they would have to identify which ones are subject to which rules. It would have to be clear and obvious to people. Ms. Louisos felt that if someone is modifying an existing building beyond 25%, they should meet a certain standard.

Mr. Macdonald said there needs to be communication with people in the Ethan Allen Business Park as to what is coming. Many of the people with businesses there have forgotten they are in a flood plain. Mr. Gagnon agreed. He felt it may cost them if they modify a building, but it could save them in the long term.

Ms. Ostby asked when they can look at maps of the habitat blocks. She felt there is a connector missing. Mr. Conner said they are close to that. He then showed maps with new forested blocks and what is removed. Connectors are not yet shown.

Mr. Conner said his new task is to go back to Article 12 and do edits and incorporate cross-discussions to sew it all together.

Ms. Ostby asked at what point they will talk about when a PUD can go further than the underlying zoning, or does the building type process address that. Mr. Conner said that is already addressed.

5. Staff Status Report on PUD/Subdivision/Master Plan project components:

Mr. Conner said that by November 15th, he should have the PUD language from the consultant. That is where the Commission can get into all the “pieces.” He will have a map of where PUD types will apply. TDRs will have to be sorted out (within and outside the SEQ).

Mr. Conner raised the question of whether “pieces” can go the City Council individually. He felt it made more sense to do it all together. He also explained the expiration of Interim Zoning and the potential for a maximum one-year extension.

6. Discussion of presentation to the City Council on 2 November:

Mr. Conner noted that Ms. Louisos will be giving the Council a brief overview of where the Commission is now. Mr. MacDonald asked how far they are from “the finish line.” Mr. Conner said he felt that before the holidays the Commission should have seen all the language and will be able to share it with the public after January. Ms. Louisos felt spring was the earliest it would be sent to the City Council.

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 November 24, 2020