

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
10 NOVEMBER 2020**

The South Burlington Planning Commission held a regular meeting on Tuesday, 10 November 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; S. Dooley, J. Wilking, A. Jensen-Vargas, J. Weith, B. Shearer, D. Long, C. Trombly, V. Bolduc, D. Long, A. Chalnack, C. & A. 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:

Ms. Louisos advised that the City Council extended Interim Zoning for 6 months with 2 more 3-month periods if needed. The hope is that the Commission will be finished with its work within 6 months. The Council also expressed interest in a presentation from the Commission regarding preservation of resources at it 7 December meeting.

Mr. Conner reminded members and others in attendance that tomorrow is Veterans' Day. There will be no formal ceremonies due to COVID. City Hall will be closed.

Mr. Riehle said the Spear Street project is interesting and shows some creativity. The project is in front of the DRB and was presented to the City Council. Mr. Conner showed the proposed plan of the development. It is a bit south of the Miller Farm and now has an existing single-family home and a metal storage building. A neighborhood is proposed in the middle with a new city street along the southern boundary. There will be a series of 4-plexes around a community civic space with pedestrian connectivity. It maximizes the current allowable density. Mr. Riehle noted the developer is proposing a solar farm that would take care of all the electricity for the development. The existing metal building could be storage of residents' recreational items, or work space. Ms. Jensen-Vargas suggested a gym. Mr. Mittag asked about dead end streets. Mr. Conner said a public and private street both extend to the north and south, so there are potential connections. He reminded the Commission that you can have up to 50 units with a single entrance. Ms. Ostby asked who is responsible to see if there is a hazard on the adjacent property so a road might not be able to be built. Mr. Conner said that is the purpose of a Master Plan. Ms. Ostby was also concerned that there would be many people sharing a vehicle charging station. She felt that could lead to chaos.

4. Public Hearing on Proposed Amendments to Land Development Regulations:

- a. **LDR-17-13A: Allow for increase in maximum building and lot coverage on properties with land in the Urban Design Overlay District via installation of an on-site civic space**
- b. **LDR-17-13B: Allow for increase in maximum building and lot coverage on properties with land in the Urban Design Overlay District via use of Transfer of Development Rights from designated sending areas**
- c. **LDR-19-06: Modify Table of Open Space Types (Appendix F) and applicability in the City Center Form Based Code District**
- d. **LDR-20-18A: Eliminate requirement for submission of paper copies of applications under the Land Development Regulations**

Mr. Mittag moved to open the public hearing. Mr. Gagnon seconded. Motion passed unanimously

Mr. Conner noted that one change was made after a legal review by the City Attorney. In LDR-17-13B, a TDR would equal 10,000 sq. ft. or it could be purchased in ¼ TDR increments. Zero to 10,000 sq. ft. as a range would require one TDR purchase. 11,000 to 20,000 sq. ft. would be a second TDR. A property owner could still do something other than a full TDR.

Ms. Ostby felt that for a seller, ¼ TDR would be difficult as it would leave something that's hard to deal with.

Mr. Conner noted that LDR-19-06 came about when changes were made to the Open Space Table last year which required the references to be changed.

Ms. Ostby asked if a business choosing the "civic space" could choose to enhance the Shelburne Rd. Cemetery which is city-owned. Mr. Conner reminded the Commission that they chose not to allow that option.

Public comment was then solicited.

Mr. Weith, representing Bill Shearer, asked how they might find someone interested in selling TDRs. Mr. Mittag said he could connect them to people who are interested in selling. Ms. Ostby suggested having a list of interested sellers.

There was no further public comment.

Mr. Mittag moved to close the public hearing. Mr. Gagnon seconded. Motion passed unanimously.

5. Review input from public hearing on Draft Amendments and possible action to approve and submit Amendments and Planning Commission Report to the City Council:

Mr. Gagnon moved to approve LDR Amendments LDR-17-13 A, LDR-17-13B, LDR-19-06 and LDR-20-18A as presented to this meeting with legal amendments and to submit Amendments and Planning Commission Report to the City Council. Mr. Mittag seconded. Motion passed unanimously.

6. Work Session on Land Development Regulation Amendments:

a. Review possible standards applicable to the 0.2% (500-year) flood plain zone:

Mr. Conner noted that currently no new structures are allowed in the 100-year flood plain. The new language will allow new building in the 500-year flood plain. Mr. Macdonald asked whether CCRPC had any issues with Zone B residential and commercial areas. Mr. Conner said they did a preliminary review but didn't provide any comment regarding residential and commercial. They did flag a question of non-mapping in the 100-year flood plain. The homeowner is responsible for that. In the 500-year flood plain, it would be very expensive so they just say "two feet above the existing grade of the property."

Ms. Louisos said a shed or a deck wouldn't have to meet the standard, only buildings with people living in them. Also, small improvements don't have to meet the standards either, but a major rebuild would, and it would have to be built above the flood elevation. In the 100-year flood plain, the homeowner has to make the study. For the Ethan Allen Industrial Park, they could use a study already done for the Winooski River.

Ms. Ostby asked about a building with a basement. Ms. Louisos said there are floodproofing guidelines. There is language to reduce damage if there is flooding. You can't put in new basements.

Mr. Engels said that "500 years" give people an unrealistic viewpoint. Ms. Louisos said that was a good point and noted that this is why it is more often referred to as to the 0.2% zone.

Mr. Mittag said the aim is also to protect infrastructure. He cited the damage to the bridge between South Burlington and Williston that occurred during a storm.

Mr. Gagnon said he didn't want to come up with an arbitrary number and then have people get damage at that level. They need to be confident that people are protected by the number they choose.

Ms. Louisos said whatever number they come up with, they should allow people to do their own study.

Mr. Mittag asked how those areas can be delineated.

Ms. Jensen-Vargas asked if there is a way to provide insurance if a property owner wants to know if they are in a flood plain. Ms. Louisos said the homeowner needs to have the property surveyed (100-year flood plain) in order to get insurance. Insurance is not required here, but lending agencies do require it.

Mr. Conner then showed a map and identified the 500-year flood plain areas. He also indicated which are built and those generally unbuilt. Mr. Riehle noted the Hill property is not built, but building is anticipated. He suggested using the term "never built." Ms. Louisos said she would prefer not to see new buildings in the areas not built on.

Mr. Macdonald asked if the parcel south of Dorset Farms isn't scheduled for development. Mr. Conner showed the buffers. He noted that the map does not show the wetland delineation. That would be a field delineation.

Ms. Ostby noted a lot of the areas are already "no build" areas. She felt that to be consistent they should be added to the resource list.

Noting the colors on the map, Mr. Conner said the difference between the "red" and "blue" areas is that no new buildings would be allowed in the "red" areas, but buildings could be added in the "blue" areas. He also noted there are some unbuilt parcels in Ethan Allen Park and asked whether the Commission would allow new buildings there. He noted that in some places the stream is underground, and they may want not prohibit a rebuild there.

Mr. Gagnon said the "blue" areas have existing development. If they are upgraded by more than 50%, they should have to take flood design into consideration. If nothing is built in a "blue" zone, you can't say you're improving a property by 50%, and you would have to meet the standards. He asked if they could say "build to flood standard" in the 500-year flood plain.

Mr. Conner asked about areas where a building just touches the flood plain. Ms. Louisos said they could rebuild to the same size with standards. Mr. MacDonald asked why they couldn't be larger. Ms. Louisos said you couldn't build a separate residential building, but you could build a shed. The question is whether to allow a new house or accessory unit within the flood plain in a developed area. Mr. Gagnon said he would allow it as long as it meets flood standards.

Mr. Engels noted the property at Hinesburg Road/Williston Road. He said it is a valuable property that will probably be redeveloped. Ms. Ostby said there is a difference between rebuilding when there was a building there and building where there never was a building. Ms. Louisos said that is why there are the "red" and "blue" areas. Mr. Conner said there are "shades" of developed and not developed. He cited a lot in the Ethan Allen Park that is right in the middle of the development and is not yet built on. Ms. Ostby said maybe they could make that business park an exception. Mr. Gagnon said he has no problem with a new build in Ethan Allen Park as long as it meets federal standards.

Mr. Riehle asked what would happen if a home burned down. What would apply? Ms. Louisos said they could rebuild with floodproof standards.

Mr. Conner pointed out the Farrell property where the city does and doesn't want development. He cautioned the Commission to be careful of the cumulative impact of regulations on a property.

Mr. Conner said he would come back with language cleaned up. Staff is also looking at how to notify property owners of changes to their property.

b. Habitat Blocks:

Mr. Conner showed a map indicating areas identified by Arrowwood and noted areas the Commission had decided to remove. All the identified areas were added to the NRP. He then showed a map indicating all the environmental/proposed standards. He noted that one thing the Commission did in the SEQ was to align forest blocks and the NRP. He then indicated some areas with forest blocks outside the NRP and asked members to think about what to do with them.

Ms. Ostby felt there were connectors that should be given their own protection in Article 12. The resources should be identified regardless of what zone they are in.

Ms. Louisos indicated one “finger” of land to be removed. Ms. Ostby said she thought it was to be kept because of what is below it. Mr. Conner said he will go back to the tape.

Mr. Mittag said he felt that the area at Autumn Hill Road should be NRP. He noted an area that is both forest block and NRP and asked if it has double protection. Mr. Conner showed that parcel. Currently, if a property is entirely in the NRP and is less than 15 acres, you can build one home on it. If it is more than 15 acres, you can build 3 houses. This can’t be in an “identified” area. In the future, these regulations would be replaced with new standards, and you would prioritize where a permitted home could and could not be built. Mr. Conner added that they tried to line up forest blocks and NRP zones to make it more user friendly to people.

Ms. Ostby felt a map of resources needs to exist in case zoning changes. Ms. Louisos noted that in forest blocks you cannot cut down trees, but in the NRP trees can be cut down in some cases.

Ms. Ostby noted that the connector between the UVM ropes course and the Hort Farm is not mapped. She felt Article 12 should recognize there is a habitat resource there. Ms. Louisos suggested adding that.

c. Discuss PUD types within the Southeast Quadrant Zoning District:

Mr. Conner asked how the Commission wants to look at/shape the remaining areas of the SEQ that have potential for development...large lots, TNDs, Conservation PUDs, etc. He also asked how they would handle a situation where one property only wants 3 or 4 homes on large lots and the neighboring property wants to fully develop.

Mr. Riehle noted that Butler Farms is a nice development, but there is a lot of wasted space there. Dorset Farms, on the other hand, is a nice neighborhood with smaller homes on smaller lots, well planned out. He suggested allowing more density but with public space in mind, not emulating Butler Farms. Mr. Conner noted the Rye development is more like what Mr. Riehle is describing.

Mr. Macdonald asked if anything is coming on board in the SEQ at the end of Interim Zoning. Mr. Conner said there is a short list of properties “in play.” He will update the map to show them.

Mr. Mittag said there is a question of “minimum density.” He asked if developers can be forced to all do the same thing. Mr. Conner said there could be identification of a “neighborhood area” and a “conservation area.” Ms. Ostby felt the Affordable Housing Committee should weigh in on this. Mr. Conner said he would be happy to talk with them as an introduction.

Public comment was then solicited. A number of comments were delivered to the “Chat Box” as follows:

Ms. Dooley: Did not want to create NRP areas outside the SEQ since that would mean more TDRs to compete in the TDR marketplace. She also said it is important to strive for density in combination with natural resource protection. She felt the Planning Commission needs to be better apprised of the advantages of density.

7. Meeting Minutes of 13 October and 27 October 2020:

Mr. Mittag moved to approve the Minutes of 13 and 27 October 2020 as written. Mr. Macdonald seconded. Motion passed unanimously.

8. 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 9:35 p.m.

Minutes approved by the Planning Commission November 24, 2020