

Burlington Planning Commission

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Wayne Senville
Andrew Saba, Youth Member*



Burlington Planning Commission Minutes Tuesday, January 12, 2010 - 6:30 pm

Present: B. Baker, Y. Bradley, R. Montefusco, A. Montroll, P. Potts, A. Saba, W. Senville

Absent: D. Cain

Staff: D. White & S. Thibault

I. Agenda

No changes.

II. Public Forum

P. Potts – Opened the public forum at 6:35 pm.

L. Kupferman – Concerning the request from the children’s museum to become a permitted use in the enterprise zone. CEDO is not opposed to the addition of the use in the Enterprise zone, but staff has some concerns and wants to ensure that the city will not lose light industrial uses in that zone. This is the area of the city where small manufacturing businesses should be located.

P. Potts – Closed the public forum at 6:36pm.

III. Report of the Chair

The Chair presented the following report:

- Atiya Harris, youth member has left the Commission. She has too much going on for continuing. He offered that she can return in the future if her schedule allows.
- He participated in the Code Enforcement Director interviews in early December. New director was since hired.
- He attended the last NPA 4/7 meeting to talk about the purpose of the Neighborhood Activity Center (NAC) zoning districts.
- He attended the City Council meeting on January 4, 2010 to address the open government recommendations that the department made. The Commission was requested by City Council to develop further recommendations for the review of major projects by neighborhoods.
- The City Council ordinance committee discussed the 50/50 for downtown at their last meeting. The proposed amendment is coming back to the Commission. The committee had concerns about leaving the market forces decide the outcomes of development downtown. The Executive Committee will discuss next week.
- He attended the Burlington Business Association (BBA) summit last week where there was discussion of our high tax rates and a comparison of commercial spaces developed in the region.
- The Commission’s quarterly report for City Council is in the packet.

As approved by the Burlington Planning Commission on January 26, 2010.

- The next panel on historic building materials will be in February. He will put into writing what he sees as likely outcome and list the information needed by the Commission. He has also asked Gene Bergman to continue with the discussion, as past interim code enforcement director.

IV. Report of the Director

The Director presented the following report:

- The City Council warned two amendments for public hearing on January 25, 2010: the conditional use exemption and the sign height in the Enterprise zone.
- Yesterday, departments received budget instructions for FY 2011. The administration is expecting a level funded budget with exceptions of salary and benefits. The budget is due by the end of the month and supplemental budget items will be expected to follow after that.
- The Downtown/Waterfront Plan Scope of Work will be going to City Council in February. Staff is preparing a presentation. Staff has been working with CEDO and the Marketplace to start some of the work soon.

V. Children's Museum Request

M. Graham Beer - Lindsay Tompkins Henderson is also here with her tonight. The board of the Green Mountain Children's Museum has been working on the project for 7 years now. The museum was previously involved with different locations, but is now looking at Pine Street locations as many are available.

Y. Bradley recused himself from the discussion.

R. Montefusco – Do you have a specific location yet?

M. Graham Beer – The museum has no agreement for a particular space now as it is a chicken and egg kind of process. Without the proper zoning they cannot proceed with leasing a place.

D. White – What is the optimal site for the museum, what are the criteria?

M. Graham Beer – Burlington in general is our preferred location because it is a diverse community. Pine Street is appealing for the arts that are already present and the school being there as well. Pine Street is also on a bus route for easy access and there is a range of affordable rates for leasing space. The museum also needs a large manufacturing type space.

W. Senville – Do you have a square footage maximum?

M. Graham Beer – Anywhere between 5,000 to 7,000 square feet, with a possibility to expand to 10,000 in the future.

P. Potts – What is the analysis based upon for determination of the expected number of visitors?

L. Tompkins Henderson – The calculation is based on similar museums and demographic in other communities.

M. Graham Beer – Some of the estimation is also based on U.S. Census data and attendance for elementary and middle schools. The numbers are conservative.

P. Potts – Have you spoken to other businesses in the area?

M. Graham Beer – Yes, we have a letter of support from Speeder and Earl's. The museum had connected with businesses in the past, and in general businesses felt it would be positive addition to the area.

A. Montroll – This proposal is a déjà vu and was discussed at the City Council level before the museum started looking at Moran. The City Council requested its ordinance committee to develop a change of zoning. The discussion was favorable at the time and the council was to allow them to get the zoning change.

B. Baker – Was it specific to the children’s museum?

A. Montroll – The City Council was going to include museums as a permitted use. Where do we go from here if the Commission supports this?

P. Potts – If the Commission wishes to entertain this proposal, staff could prepare a proposal for language change or we could send to ordinance committee. He would be interested to moving forward with a conditional use more then a permitted use.

M. Graham Beer – If museums become a conditional use in the district, the museum will be at the mercy of the process and is not an interesting tenant.

D. White – General retail has 2 distinction/categories depending on square footage, perhaps this could be used for museums.

W. Senville – It could be a way to preserve the enterprise uses in the zone. The Commission could set a square footage target.

B. Baker – He supports the proposal, but does have a concern and would want to create another category specific for children’s museum.

D. White – Our definition of museums centers around collection, more like art museum. The Commission could clarify the definition of museums. Regardless of what is going on inside, how does the use manifest itself outside of the building?

B. Baker – His concern is not from a planning perspective but more for the sorts of jobs we are creating and the impact the project might have on the economy. Manufacturing jobs are essential to maintain in Burlington.

A. Montroll – He would be more inclined to make the museum a permitted use. Conditional use is much more complicated.

P. Potts – Would that involve a specific definition of children museum?

A. Montroll – If the definition for museum need to be modified, let’s do that. If dimensional standards should be included, we should be clear with expectations.

R. Montefusco – We should talk about the interactive nature of exhibits in the definition. Perhaps we develop a sub-definition.

P. Potts – The Commission will ask staff to put together a proposed language regarding the definition, to be more specific about the use and size limitation that might be allowed.

VI. Neighborhood Improvement Night (NIN) Debrief

S. Thibault – She presented the results of the Neighborhood Improvement Nights (NINs) surveys.

R. Montefusco – Will this go to NPAs?

S. Thibault – Yes, the results will be shared with the NPAs.

Y. Bradley – Many of the respondents asked for year-round use of the waterfront. The City needs to incentivize people to go to the waterfront year-round.

VII. Wetland CDO Changes

S. Gustin – The City completed an updated wetlands inventory that resulted in a new wetlands map that the Commission has seen a few months ago. The ordinance currently refers to Class 1 and 2 state wetlands. The proposed change to the ordinance is to refer to the new wetlands map instead. This creates an extension of the applicability of the wetlands rules and comes to the Commission as a recommendation from the Conservation Board.

A. Montroll – Are there more protected wetlands now?

S. Gustin – Yes, there are about 488 acres of wetlands protected in Burlington now and we would increase the amount to 782 acres with making reference to the new map.

W. Senville – How are Class 1 and 2 wetlands identified now?

S. Gustin – They are identified on the state maps now.

D. White – The original language hangs its hat on the state language rules. Only class 1 and 2 are mapped, but the state recognizes that others wetlands also exist. The Commission wanted to see where the Class 3 wetlands are located and now that they are mapped we should make reference to our own inventory.

W. Senville – Who would amend the map in the future?

D. White – The city could undertake an update of the map. Changes to the map would have to be adopted into the ordinance.

A. Montroll – The language “as may be amended” is not clear and should be removed. Would the map (4.5.4-1) in front of us be in the ordinance?

D. White – All yellow and green areas are in the overlay district. Simply show the difference between wetlands and other protection areas regulated in the ordinance.

A. Montroll – The language should be clear to refer to the wetlands color on the map.

S. Gustin – There are four components of the natural protection overlay and they each have their own rules.

B. Baker – Do state and federal rules differentiate between the different classes?

J. Severson – Wetlands classes are state designations. There is a movement at the state level to eliminate the classes so what is proposed here would work with this change. The state map was originally based on a national wetland inventory done at a very high scale. Our study here used very recent aerial photos and field checking.

W. Senville – What is the level of details that would be adopted at the state level?

J. Severson – If a project was to impact a wetland’s function, one might need an actual delineation in the field that could be performed at that time. This is a planning tool versus a hard and fast delineation of wetlands.

W. Senville – He would recommend that this go to the ordinance committee. This map is not a specific delineation of wetlands?

J. Severson – No, the map only indicates areas in the city where wetlands might be found. Specific delineations are still needed for each site and are good for 5 years because wetlands are dynamic and change.

S. Gustin – The scale of the map is considerably better than the existing one, down to the parcel level.

Y. Bradley – If all Class 3 wetlands become part of the map, how does that affect the homes that might be in those areas now?

J. Severson – The state does not protect Class 3 wetlands now, based on the fact that they do not show up on the maps from the national inventory. The adoption of the new map would have implications for property owners if there were significant functions in those specific wetlands.

D. White – If the state changes its requirements, Class 3 wetlands would be regulated by the state because they have functions. Therefore, the city’s expansion would be consistent with future state regulations. There are 200 acres of wetlands in the city that are not protected by the state map. For an applicant, this is a red flag to develop more info or not.

B. Baker – How was the 100 feet buffer decided upon, when the state requires 50 feet?

J. Severson – Some wetland functions could benefit from more protection than 50 feet. The City decided in the past to cast a wider net for potential protection of wetlands. A number of wildlife species need

more than 50 feet to protect their habitat. The ordinance requires that a project be brought before the Conservation Board when it is within 100 feet of a mapped wetland.

B. Baker – He is concerned that the city would be putting property owners between two regulatory schemes that might conflict, state v. city. The Commission needs more time to study the differences between wetland classes and what approach the state is looking to take.

D. White – The proposed change does not conflict with existing state regulations. If the state does change and eliminates the classes, then our current ordinance would be in conflict referring to classes. We would regulate more wetlands than the state, but we would regulate then in the same way.

R. Montefusco – What happens when an application comes in is that staff looks at the map to see if the project is anywhere close to a wetland and then send out the applicant to do an actual delineation.

Y. Bradley – This change would mean treating Class 3 wetlands the same way as Classes 1 and 2?

R. Montefusco – No, because the delineation and functions of each wetland is decided when the delineation is done.

Y. Bradley – Are the standards the same for all wetlands?

D. White – No, and they depend on the delineation and functions of each wetland. The map simply identifies where wetlands are located in the city. The next step is to get a delineation that will be specific to each wetland and site.

On a motion by W. Senville, seconded by B. Baker, the Commission unanimously refers the wetlands CDO amendment to the ordinance committee for consideration and further discussion.

VIII. Transportation Plan

W. Senville – He would like to move forward with the plan. Is there something in the plan that does not make sense? He does not want to hold up the transportation plan approval unless issues are really worth dealing with. Are there issues that might be good to address down the road, in the next year?

Y. Bradley – He has concerns about parking, the plan does not do a great job with looking at parking and the impact of the lack of parking in downtown. It only addresses ways to reduce the demand on parking.

W. Senville – The plan does indicate that more parking is needed downtown.

A. Montroll – He is not sure that the parking component needs to hold up the adoption process, but parking does in fact need to be looked at carefully. Parking in downtown has been an issue for a long time. During the zoning re-write, it struck him that parking was dysfunctional. Each project proposed downtown has a parking requirement, but it does not make sense to build parking with each project. The transportation plan does not recognize that zoning needs to change to better address how we deal with parking in downtown.

D. White – He could not agree more, the plan does not and shouldn't address downtown in details. The downtown/waterfront plan should address that specifically. The transportation plan can articulate a broader philosophy in how to address parking in general in the city. The plan emphasizes management of parking; wayfinding; remote parking with shuttles; parking pricing; transportation demand management in general; and regulatory issues. The plan lays out the framework and gives direction for the downtown.

A. Saba – Parking needs to be discussed further. He was in Florida recently and heard that people there hated coming downtown because of parking issues, but they also loved the area. We hear the same issues regularly in Burlington.

P. Potts – The transportation plan hits all the points that it needs to hit. He has been struck with the parking management situation downtown as he never has problems with parking downtown. He feels that part of the problem can be addressed by better parking management and a better wayfinding system. He was also struck that even though managing the parking properly, that studies show that there is still not enough parking to meet the needs for 2020. The city needs to find a suitable location for more parking in downtown or close by.

J. Nick – The Marketplace has always been concerned with the availability of parking in downtown. We have to be realistic in how people get around town. The results of the 2003 downtown study are ignored in the plan. In the last 10 years, there has been 22 % growth in office space in the county. Of that 7.3% was developed in Burlington and 92% in the suburbs. Businesses would pay a premium to be downtown, but there is no available space and/or parking. He would like to see this plan take a much stronger view of the need for additional parking. Our tax rate is the highest in the county and it is difficult to attract businesses downtown because of that. The Transportation Management Associations (TMAs) called for in the plan were studied by the BBA 2 years ago and the study found that there was no interest back then. The plan should recognize that this study was done.

P. Potts – The plan does refer to the Wilbur Smith study. If this is not sufficient attention paid to this study, then what attention should it be given?

J. Nick – Perhaps simply incorporating a statement from the summary of Wilbur Smith into the plan would be sufficient.

W. Senville – The downtown/waterfront plan will take a much more in depth look at the downtown parking situation. The transportation plan calls for more parking in downtown. He feels comfortable enough with the plan not to tie this up with an issue that will be dealt with in the near future.

A. Montroll – The evolution of resident only parking in the city has taken a turn that was not intended. There is a need to share parking better in the neighborhoods. If residents are not home during the day, there is no need to restrict parking at that time. We should also re-study the concept of resident-only parking and refine the policies behind it. We should add one or two more sentences in the plan to mention that this needs a re-study.

Y. Bradley – There is a reluctance to put the emphasis on parking in downtown and link to planning. We have shuttle lots that exist and they are underutilized. The average person wants to drive their car downtown and park it. The reality is that parking is one of the most important elements of growth. We do micro-manage for each project in the city and we could do a better job at that. Let's build a parking facility that will allow for that growth.

B. Baker – Parking is definitely one of the most limiting factors for development in downtown.

A. Montroll – Could we ask staff to draft some language to be inserted into the plan, without taking too much time.

W. Senville – The plan already calls for additional parking and highlights that it is an issue. We also need to keep in mind that we have constraints on traffic at the gateways of the city. Parking is extensively discussed in the appendices of the plan and will be studied in the downtown plan.

A. Montroll – This plan will become part of the MDP and it does not properly address issues for parking downtown.

D. White – The Transportation, Energy and Utilities Committee of City Council will finalize their report to the Commission with comments relating to parking.

J. Nick – If the 2003 downtown parking study says that we are short on parking and most people drive downtown, why is the need for more parking not in the mission statement.

IX. Committee Reports

The Executive Committee meets on Tuesday, January 19, 2010.

The Ordinance Committee sent the site triangle amendment back to staff. The Pine and Flynn intersection rezoning will come to the Commission soon.

X. Commissioner Items

None

XI. Minutes/Communications

On a motion by A. Montroll, seconded by Y. Bradley, the Commission unanimously adopted the minutes and accepted the joint meeting notes from December 22, 2009.

On a motion by W. Senville, seconded by A. Montroll the Commission unanimously accepted the communications and placed them on file.

XII. Adjournment

On a motion by Y. Bradley, seconded by A. Montroll, the Commission unanimously adjourned the meeting at 9:00pm.

Peter Potts, Chair

Date

Sandrine Thibault, recording secretary