Members Present:  
Michael Burris, Milton  
Victor Sinadinoski, Milton  
Ken Belliveau, Williston  
Matt Boulanger, Williston  
Jessica Draper, Richmond  
Paul Conner, South Burlington  
Joss Besse, Bolton  
Dean Pierce, Shelburne  
Dana Hanley, Essex  
Darren Schibler, Essex  
Sarah Hadd, Colchester (here at 2:45pm)  
Zach Maia, Colchester Intern  
Jessie Baker, Winooski  
David White, Burlington  
Staff:  
Regina Mahony, Planning Program Manager  
Emily Nosse-Leirer, Planner

1. **Welcome and Introductions**
Joss Besse called the meeting to order at 2:35 p.m.

2. **Approval of May 9, 2018 Minutes**
Ken Belliveau made a motion, seconded by Victor Sinadinoski, to approve the May 9, 2018 minutes, with an amendment to correct the spelling of Darren Schibler’s name. No further discussion. MOTION PASSED. Dean Pierce abstained.

3. **Implementing Form Based Codes**
Regina Mahony stated as part of our Sharing Skill Sets agenda item your fellow planners will give a quick overview of their experiences thus far with form based codes including what’s worked well, what has been a challenge, and any observations in comparison to traditional zoning. We have form based codes in Burlington, South Burlington, Winooski, Colchester, Shelburne, Jericho and Westford (close to it).

We’ve printed out a comparison chart between Winooski’s, Burlington’s and South Burlington’s codes; as well as some sections from each of them. South Burlington, Burlington, and Winooski will give a quick overview; and Colchester and Shelburne as well.

South Burlington – melded a number of various zoning districts together to create the form based code district. Only one building was conforming after adoption. The little things have really helped – much simpler list of uses and simple parking standards has proven useful for property owners and staff. So far they’ve fully approved two brand new buildings (both by same architect) on Market Street and by Staples. Currently reviewing a third building; and a smaller project. Process didn’t feel faster for the applicant the first time, because there was a big learning curve. Staff now has more answers so it seems to be going faster. Margins of things have become more important than before (for example, measuring window from the outside or the inside) which rarely came up at the DRB under the traditional zoning. There are very specific open space rules, and applicants have typically left the open space to the end of the design process, but that is proving challenging. It needs to be thought through up front to ensure you meet the code. Applicants have gotten 97% of the way there and it is difficult to know if the code should be adjusted, or if applicants can make it. For now, the PC wants to keep the bar where it is, to push applicants to meet the code in full before they consider changing anything.

Burlington – Adopted last Fall, though the basic elements were adopted in an earlier amendment that guided City Place development. Since the code has been adopted haven’t had any other big buildings except for some amendments. Approvals are administrative, except there are thresholds that kick the review to the DRB, such as over 65’ in height goes to DRB for any change in mass. Applicants having the hardest time with the code are struggling
with the things that aren’t discretionary. They don’t want to be in a box, but that is the idea. Have had some head
scratching moments, that will likely result in some tweaks in the future. Currently, they are looking at expanding the
area subject to form based code for an additional 18 properties around the current transition zone (the FBC is now in
the City Center and transition zone). They have asked applicants to prove that they meet the standards which has
aided the review process.

Winooski – It was adopted in 2016 on the Gateways (Mallets Bay Ave, Main St/Route 7 and East Allen/Route 15),
one property deep with residential neighborhoods on the back side. It was intended to focus development on the
gateways, and protect those residential neighborhoods. Two projects are fully built and occupied; one more is fully
approved; and 6 more are underway in permitting. Pretty big impact, quickly. The administrative approval process
has worked well for relationship building between the development community and the staff leadership team. The
leadership team in the City does the review from a City service perspective. What hasn’t worked well: 1. While this
was anticipated, there are utility conflicts with buildings right to the sidewalks and overhead lines (the silver lining is
a $23 bond passed to revitalize the Main St. streetscape); 2. DRB and public have felt very out of the loop (so
working on the communication pieces with the rest of the community); and 3. neither the energy efficiency or
affordable housing bonus has been utilized. The City Council is really looking to make the affordable housing
component more workable.

Shelburne – the form based code is an optional overlay. There is still a fair amount of consideration of use. It
addresses non-conformities but since its optional there really isn’t a non-conforming trigger. The FBC gets you more
density so there is an incentive to use it. The district goes from the bridge on the LaPlatte all the way north to the So.
Burlington line. One applicant has opted to use the code, and while it wasn’t easy they knew they’d get more out of it
at the end and that they would get an approval at the end. However, there were some challenges over a road that is
included on the Regulating Plan approved as part of the form based code. So the project was ultimately pulled. Took
months and months and months to get the code through the PC, and the SLB adopted it in one night. They do have a
second set of amendments that they’d like to make; however they are now focused on the Town Plan. The code does
default to underlying zoning for some standards like signs, and parking (though the FBC does allow you to reduce
parking). Approval is by the DRB and you do have to convince the Board that it will work, so it is still fairly
discretionary.

Colchester – Severance Corners had several large subdivisions approved but the development of them slowed during
the recession. The Town took that time to re-look at the area, and adopted the Form Based Code as a result. However,
most of the developments have been building out under their original subdivision permits. They’ve only seen one
building approved under the FBC. They worked out some non-conformities, and provided some incentives in the
FBC that they are hoping developers will want to take advantage of. So far developers have not wanted to embrace it.
The older subdivisions are expiring soon. They have no transects, but they have A, B and C streets. Approval is by
the DRB with discretion to some extent. A lot of the standards are under the public works standards. They have open
space standards, but not required set asides. No density (one thing they are hoping the developers take advantage of).
Table of uses is broad and pretty wide open, including some industry. There is no maximum or minimum for
parking; instead they regulate the form of it (for example, required landscape islands, and break up the lots behind the
buildings to discourage massive surface parking lots).

Questions –
Did you start out wanting to do a FBC and end up with a hybrid? South Burlington – in some ways have a very
classic code because other parts of the zoning still come into account. Burlington - don’t know what a pure FBC is.
Burlington’s been trying to do something like this since 1973. They’ve known that design is really important, but the
regulations have gotten so subjective over the years. So they decided to try another approach that was more
prescriptive and less subjective. We never called it a “form based code” just as we never would have called our other
zoning “Euclidean zoning”. We simply framed it as making some changes that would be more prescriptive.
Shelburne – a key player on Planning Commission was under the mindset of old is bad, new is good and we need to
call it something very different, so they used the term.

The discussion continued regarding ‘form based codes’ in their pure form and the need to stick to all of the
component pieces and intentions. The reality for those that have included form based code elements in their
regulations is that they’ve established regulations that are intended to improve the process and outcomes. The exact components vary and none of them are ‘pure’. Regarding amending these codes in the future, the hope is that we are building local expertise.

How is the design community reacting to this? South Burlington - People that are used to the previous regulations had a challenge with it. While a firm that never worked with us before got it 97% off the bat. Some see it as constricting, while others view it as open. Burlington – Have a similar experience; and some designers like it because it helps them hold the line on a good design. South Burlington – We are wondering if the inability to reach the the last 3% of compliance is a problem with the code, or a leap that the applicants can meet. The challenge in meeting the last 3% does vary, though the open space requirement seems to be consistent as it hasn’t been thought through early enough in the process.

Regina Mahony will email the comparison chart out to the PAC. If those with a form based code could fill it in for their municipality that would be greatly appreciated.

4. Richmond Plan Review

Emily Nosse-Leirer provided an overview of the staff comments on the draft Richmond Town Plan, including where Richmond is in the process. There have been a number of significant changes since the last time the PAC reviewed the Plan including a full and thorough land use chapter. Staff is asking for additional detail on the compatibility with adjacent municipal plans and the regional plan to meet the statutory requirements. There is also a minor suggestion to clarify the terms river corridor and river corridor protection area. Emily Nosse-Leirer indicated that while CCRPC can’t provide a formal recommendation on the energy determination because CCRPC does not yet have it’s own determination, Staff did review the draft Plan for the necessary content and called for one edit to meet the standard which is to clarify the reference to the maps. There is also a question regarding the reference to trails in the list of possible constraints.

Jess Draper provided some additional information. The Planning Commission’s public hearing that took place after the last PAC review was three hours long and not very positive. The Planning Commission heard that the energy section was not robust enough, there was not enough protection of natural resources, and it was not Richmond enough. The Plan has been heavily revised since then to address these concerns, and they have had informal outreach since then.

Joss Besse asked Jess if she thinks they can add more on the compatibility piece. Jess Draper indicated that they probably can, however when she brought the comment to the Planning Commission last time they didn’t address it. Paul Conner recalled that there was a suggestion to more closely link between the agricultural land use section and the natural resource review section; and asked if this was done. Jess Draper stated that they did address this, and it was actually through the energy planning work and identification of constraints. Jess Draper anticipates that there may still be a contingent that is unhappy with the Plan and they may take up their concerns with the Selectboard.

Dean Pierce made a motion, seconded by Ken Belliveau, that the PAC finds that the draft 2018 Richmond Town Plan, as submitted meets all other statutory requirements for CCRPC approval with the exception of describing adjacent municipalities plans and regional plan compatibility; otherwise, the PAC finds the municipality’s planning process meets all statutory requirements for CCRPC confirmation.

Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any information relevant to the confirmation process, including confirmation that the compatibility statement has been changed. If staff determines that changes are substantive, those changes will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval.

No further discussion. MOTION PASSED.

5. Regional Act 250/Section 248 Projects on the Horizon
South Burlington: There is a sub-station pre-application by the airport that will go to the PUC. There is a project in front of the Holiday Inn in the FBC that is subject to Act 250. Eventually a large residential neighborhood (160 housing units at Nolan Farm and Dorset) will go to Act 250.

Richmond: Nothing

Williston: Northridge residential subdivision Phase I (22 units) by Black Rock will go to Act 250 soon. State police barracks are potentially moving; they are meeting with Staff to discuss. A membership type store is potentially coming in.

Milton: There is a proposal for a warehouse and retail store at the Charlebois property. 252 Middle Road - solar project, 45 day notice already submitted. Update – There has been a successful mediation on the sand pit project with the Winterlane neighbors.

Burlington: UVM Arena

Colchester: They have 4 solar farm applications (2 are the Towns). The street addresses they are using are not official. 92 room hotel on Water Tower Circle.

Shelburne: pretty quiet on 248. Act 250: Snyder golf course housing development – sketch approval and partial preliminary approval from the Town so far. Water is an issue.

Essex: Nothing new since last meeting. Solar project moving forward.

Bolton: Nothing.

6. Other Business

a. ECOS Plan to be adopted next week on June 20th. We will send it to DPS for Determination of Energy Compliance. They have 60 days to review and act on our request.

b. The VLCT Municipal Assistance Center recently developed a model highway access policy and drainage management best practice standards. You can find them here: https://www.vlct.org/resource/highway-access-drainage-management-standards.

c. The Form-Based Codes Institute (FBCI) did not respond to the PAC’s questions about their class offerings. Regina Mahony assumes they got enough interest from other locations. Regina Mahony will provide the dates and locations of these classes when they are announced.

d. The next Housing Convening will probably take place at the end of August or October. Likely on the topic of Housing Trust Funds.

7. Adjourn

The meeting adjourned at 4:02 p.m.

Respectfully submitted, Regina Mahony
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<tr>
<th>Structure &amp; Admin:</th>
<th>Winooski</th>
<th>Burlington</th>
<th>South Burlington</th>
<th>Your Town!</th>
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<tbody>
<tr>
<td>Organizing Format</td>
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<tr>
<td>Review Type - Large Projects</td>
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<td>Administrative &amp; DRB depending on height</td>
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<td>Does the Code allow for staff or DRB discretion?</td>
<td>Yes within limits: &quot;Administrative Adjustment Standards&quot;</td>
<td>Fixed criteria for administrative; some discretion for DRB</td>
<td>None except DRB for doorway spacing</td>
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| Features: | |
|---------------------------|--------|--------|--------|
| Street Types | no | no | Yes |
| Building Types | no | yes | No |
| Frontage Types | yes | yes | No |
| Open Space Standards | yes (urban space) | yes (Civic) | Yes |
| Design Standards | yes | yes | No |
| Others? | Affordable Housing Bonus | Green & High Performance Buildings for larger buildings | Stretch Energy Code (Citywide) |
| Others? | Energy Efficiency Bonus | Inclusionary Zoning over 5 units | Inclusionary Zoning |

| Functional Elements | |
|---------------------|--------|--------|--------|
| T-Zones Included | no | T5 & T6 | T3, T4, T5 |
| Density | Detached building form allows for a max 3 units, otherwise none | none | No Min or Max in T4 + T5, minimum of 4 du/a in T3 |
| Table of Uses | 3 uses: residential, commerce and civic use | yes | Limited table of Prohibited Uses |
| Parking | min, no max | min for new office and residential, max for all | small min for non-res; max for res |
| Nonconformities | yes, some minor amendments can be made on existing lots without bringing it up to the FBC standard | yes | Custom |
| Special Circumstances | Civic uses not subject to building form or architectural standards | Civic Buildings and Spaces | Public Buildings, Drive-throughs, etc. |