

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
2 PLANNING ADVISORY COMMITTEE - MINUTES  
3

4 DATE: Wednesday, June 13, 2018  
5 TIME: 2:30 p.m. to 4:00 p.m.  
6 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT  
7

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

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9  
10 **1. Welcome and Introductions**

11 Joss Besse called the meeting to order at 2:35 p.m.  
12

13 **2. Approval of May 9, 2018 Minutes**

14  
15 Ken Belliveau made a motion, seconded by Victor Sinadinoski, to approve the May 9, 2018 minutes, with an  
16 amendment to correct the spelling of Darren Schibler's name. No further discussion. MOTION PASSED. Dean  
17 Pierce abstained.  
18

19 **3. Implementing Form Based Codes**

20 Regina Mahony stated as part of our Sharing Skill Sets agenda item your fellow planners will give a quick overview  
21 of their experiences thus far with form based codes including what's worked well, what has been a challenge, and  
22 any observations in comparison to traditional zoning. We have form based codes in Burlington, South Burlington,  
23 Winooski, Colchester, Shelburne, Jericho and Westford (close to it).  
24

25 We've printed out a comparison chart between Winooski's, Burlington's and South Burlington's codes (**attached**); as  
26 well as some sections from each of them. South Burlington, Burlington, and Winooski will give a quick overview;  
27 and Colchester and Shelburne as well.  
28

29 South Burlington – melded a number of various zoning districts together to create the form based code district. Only  
30 one building was conforming after adoption. The little things have really helped – much simpler list of uses and  
31 simple parking standards has proven useful for property owners and staff. So far they've fully approved two brand  
32 new buildings (both by same architect) on Market Street and by Staples. Currently reviewing a third building; and a  
33 smaller project. Process didn't feel faster for the applicant the first time, because there was a big learning curve. Staff  
34 now has more answers so it seems to be going faster. Margins of things have become more important than before (for  
35 example, measuring window from the outside or the inside) which rarely came up at the DRB under the traditional  
36 zoning. There are very specific open space rules, and applicants have typically left the open space to the end of the  
37 design process, but that is proving challenging. It needs to be thought through up front to ensure you meet the code.  
38 Applicants have gotten 97% of the way there and it is difficult to know if the code should be adjusted, or if applicants  
39 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  
40 consider changing anything.  
41

42 Burlington – Adopted last Fall, though the basic elements were adopted in an earlier amendment that guided City  
43 Place development. Since the code has been adopted haven't had any other big buildings except for some  
44 amendments. Approvals are administrative, except there are thresholds that kick the review to the DRB, such as over  
45 65' in height goes to DRB for any change in mass. Applicants having the hardest time with the code are struggling

1 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  
2 scratching moments, that will likely result in some tweaks in the future. Currently, they are looking at expanding the  
3 area subject to form based code for an additional 18 properties around the current transition zone (the FBC is now in  
4 the City Center and transition zone). They have asked applicants to prove that they meet the standards which has  
5 aided the review process.

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

18  
19 Shelburne – the form based code is an optional overlay. There is still a fair amount of consideration of use. It  
20 addresses non-conformities but since its optional there really isn't a non-conforming trigger. The FBC gets you more  
21 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.  
22 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  
23 at the end and that they would get an approval at the end. However, there were some challenges over a road that is  
24 included on the Regulating Plan approved as part of the form based code. So the project was ultimately pulled. Took  
25 months and months and months to get the code through the PC, and the SLB adopted it in one night. They do have a  
26 second set of amendments that they'd like to make; however they are now focused on the Town Plan. The code does  
27 default to underlying zoning for some standards like signs, and parking (though the FBC does allow you to reduce  
28 parking). Approval is by the DRB and you do have to convince the Board that it will work, so it is still fairly  
29 discretionary.

30  
31 Colchester – Severance Corners had several large subdivisions approved but the development of them slowed during  
32 the recession. The Town took that time to re-look at the area, and adopted the Form Based Code as a result. However,  
33 most of the developments have been building out under their original subdivision permits. They've only seen one  
34 building approved under the FBC. They worked out some non-conformities, and provided some incentives in the  
35 FBC that they are hoping developers will want to take advantage of. So far developers have not wanted to embrace it.  
36 The older subdivisions are expiring soon. They have no transects, but they have A, B and C streets. Approval is by  
37 the DRB with discretion to some extent. A lot of the standards are under the public works standards. They have open  
38 space standards, but not required set asides. No density (one thing they are hoping the developers take advantage of).  
39 Table of uses is broad and pretty wide open, including some industry. There is no maximum or minimum for  
40 parking; instead they regulate the form of it (for example, required landscape islands, and break up the lots behind the  
41 buildings to discourage massive surface parking lots).

42  
43 Questions –

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

52  
53 The discussion continued regarding 'form based codes' in their pure form and the need to stick to all of the  
54 component pieces and intentions. The reality for those that have included form based code elements in their

1 regulations is that they've established regulations that are intended to improve the process and outcomes. The exact  
2 components vary and none of them are 'pure'. Regarding amending these codes in the future, the hope is that we are  
3 building local expertise.  
4

5 How is the design community reacting to this? South Burlington - People that are used to the previous regulations  
6 had a challenge with it. While a firm that never worked with us before got it 97% off the bat. Some see it as  
7 constricting, while others view it as open. Burlington - Have a similar experience; and some designers like it because  
8 it helps them hold the line on a good design. South Burlington - We are wondering if the inability to reach the  
9 last 3% of compliance is a problem with the code, or a leap that the applicants can meet. The challenge in meeting  
10 the last 3% does vary, though the open space requirement seems to be consistent as it hasn't been thought through  
11 early enough in the process.  
12

13 Regina Mahony will email the comparison chart out to the PAC. If those with a form based code could fill it in for  
14 their municipality that would be greatly appreciated.  
15

#### 16 **4. Richmond Plan Review**

17 Emily Nosse-Leirer provided an overview of the staff comments on the draft Richmond Town Plan, including where  
18 Richmond is in the process. There have been a number of significant changes since the last time the PAC reviewed  
19 the Plan including a full and thorough land use chapter. Staff is asking for additional detail on the compatibility with  
20 adjacent municipal plans and the regional plan to meet the statutory requirements. There is also a minor suggestion to  
21 clarify the terms river corridor and river corridor protection area. Emily Nosse-Leirer indicated that while CCRPC  
22 can't provide a formal recommendation on the energy determination because CCRPC does not yet have it's own  
23 determination, Staff did review the draft Plan for the necessary content and called for one edit to meet the standard  
24 which is to clarify the reference to the maps. There is also a question regarding the reference to trails in the list of  
25 possible constraints.  
26

27 Jess Draper provided some additional information. The Planning Commission's public hearing that took place after  
28 the last PAC review was three hours long and not very positive. The Planning Commission heard that the energy  
29 section was not robust enough, there was not enough protection of natural resources, and it was not Richmond  
30 enough. The Plan has been heavily revised since then to address these concerns, and they have had informal outreach  
31 since then.  
32

33 Joss Besse asked Jess if she thinks they can add more on the compatibility piece. Jess Draper indicated that they  
34 probably can, however when she brought the comment to the Planning Commission last time they didn't address it.  
35 Paul Conner recalled that there was a suggestion to more closely link between the agricultural land use section and  
36 the natural resource review section; and asked if this was done. Jess Draper stated that they did address this, and it  
37 was actually through the energy planning work and identification of constraints. Jess Draper anticipates that there  
38 may still be a contingent that is unhappy with the Plan and they may take up their concerns with the Selectboard.  
39

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

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

49 No further discussion. MOTION PASSED.  
50

#### 51 **5. Regional Act 250/Section 248 Projects on the Horizon**

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

4 Richmond: Nothing

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

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

11 Burlington: UVM Arena

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

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

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

17 Bolton: Nothing.

## 18 19 **6. Other Business**

- 20 a. ECOS Plan to be adopted next week on June 20<sup>th</sup>. We will send it to DPS for Determination of Energy  
21 Compliance. They have 60 days to review and act on our request.
- 22 b. The VLCT Municipal Assistance Center recently developed a model highway access policy and drainage  
23 management best practice standards. You can find them here: [https://www.vlct.org/resource/highway-access-  
25 drainage-management-standards](https://www.vlct.org/resource/highway-access-<br/>24 drainage-management-standards).
- 26 c. The Form-Based Codes Institute (FBCI) did not respond to the PAC's questions about their class offerings.  
27 Regina Mahony assumes they got enough interest from other locations. Regina Mahony will provide the  
28 dates and locations of these classes when they are announced.
- 29 d. The next Housing Convening will probably take place at the end of August or October. Likely on the topic of  
30 Housing Trust Funds.

## 31 **7. Adjourn**

32 The meeting adjourned at 4:02 p.m.

33  
34 Respectfully submitted, Regina Mahony

### Form Based Codes Comparison

	Winooski	Burlington	South Burlington	Your Town!
<b>Structure &amp; Admin:</b>				
<b>Organizing Format</b>		Transect Zone	Transect Zone	
<b>Optional or Required</b>	Required	Required	Required	
<b>Review Type - Small projects</b>	Administrative	Administrative	Administrative	
<b>Review Type - Large Projects</b>	Administrative	Administrative & DRB depending on height	Administrative	
<b>Does the Code allow for staff or DRB discretion?</b>	Yes within limits: "Administrative Adjustment Standards"	Fixed criteria for administrative; some discretion for DRB	None except DRB for doorway spacing	
<b>Features:</b>				
<b>Street Types</b>	no	no	Yes	
<b>Building Types</b>	no	yes	No	
<b>Frontage Types</b>	yes	yes	No	
<b>Open Space Standards</b>	yes (urban space)	yes (Civic)	Yes	
<b>Design Standards</b>	yes	yes	No	
<b>Others?</b>	Affordable Housing Bonus	Green & High Performance Buildings for larger buildings	Stretch Energy Code (Citywide)	
<b>Others?</b>	Energy Efficiency Bonus	Inclusionary Zoning over 5 units	Inclusionary Zoning	
<b>Functional Elements</b>				
<b>T-Zones Included</b>	no	T5 & T6	T3, T4, T5	
<b>Density</b>	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	
<b>Table of Uses</b>	3 uses: residential, commerce and civic use	yes	Limited table of Prohibited Uses	
<b>Parking</b>	min, no max	min for new office and residential, max for all	small min for non-res; max for res	
<b>Nonconformities</b>	yes, some minor amendments can be made on existing lots without bringing it up to the FBC standard	yes	Custom	
<b>Special Circumstances</b>	Civic uses not subject to building form or architectural standards	Civic Buildings and Spaces	Public Buildings, Drive-throughs, etc.	