



City of Winooski
Vermont's Opportunity City

27 West Allen Street
Winooski, Vermont 05404
802 655 6410
winooski.vt.gov

Development Review Board Agenda

Thursday, February 20, 2020
6:30 PM - Winooski City Hall (27 West Allen Street)

- I. Call to Order
- II. Changes to the Agenda
- III. Public Comment
- IV. Election of Officers
- V. Approve Previous Meeting Minutes
https://www.winooski.vt.gov/AgendaCenter/ViewFile/Minutes/_12192019-603
- VI. Review and Approval of Rules of Procedure
 - Documents:
 - [DRB Rules Procedures - FINAL - 02.20.2020.pdf](#)
 - [DRB Rules Procedures Draft v.4 - 02.20.2020--with redlines.pdf](#)
- VII. Introduction of Parking Waiver Amendment
 - Documents:
 - [Parking Waiver Information - v.3 - As Amended - 02.13.2020.pdf](#)
- VIII. City Updates
- IX. Other Business
- X. Adjourn

**DEVELOPMENT REVIEW BOARD
RULES OF PROCEDURE**

Article 1: Purpose.

The City of Winooski Development Review Board is required to conduct meetings in accordance with the Vermont Open Meeting Law (1 V.S.A. §§ 310-314). The authorities of the Development Review Board and Zoning Administrator are established in the City of Winooski's Unified Land Use and Development Regulations, Article VIII.

Article 2: Application.

This policy setting forth rules of procedure shall apply to the City of Winooski Development Review Board. These rules shall apply to all regular and special meetings of the Development Review Board.

Article 3: Membership.

- a. The Development Review Board shall consist of five regular members and two alternate members.
- b. Each member of the Development Review Board shall be appointed by the City Council to serve a term of not more than two years, and can be reappointed to serve additional terms at the discretion of the City Council.
- c. The Development Review Board shall annually appoint a Chair, Vice-Chair, and Secretary from among the membership. The Chair shall preside over all meetings and the Vice Chair shall preside over all meetings in the Chair's absence. If the Chair, Vice-Chair, and Secretary are absent, a member selected by the Development Review Board shall act as chair for that meeting.
- d. Alternate members shall have all of the rights and responsibilities of regular members, including the participation in meetings, discussions, and deliberations, except (i) they cannot be appointed to an officer position, and (ii) they will only vote if fewer than five regular members are present at a meeting.
- e. All members are encouraged to attend and participate in all meetings.



Article 4: Organization of the Development Review Board.

- a. The Chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
- b. Three members shall constitute a quorum of the Development Review Board. If less than three members (regular or alternates) are present at a meeting, no actions shall be considered.
- c. No single member of the Development Review Board shall have authority to represent or act on behalf of the Development Review Board unless, by majority vote, the Development Review Board has delegated such authority for a specific matter at a duly noticed meeting and such delegation is recorded in the meeting minutes.
- d. Motions made by members of the Development Review Board require a second. The Chair may make motions and may vote on all questions before the Development Review Board. A motion will only pass if it receives the votes of a majority of the quorum.
- e. There is no limit to the number of times a member of the Development Review Board may speak to a question. A member may speak or make a motion only after being recognized by the Chair. Motions to close or limit debate will be entertained.
- f. Any member of the Development Review Board may request a roll call vote at any time.
- g. Members are allowed to attend a meeting electronically. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous. At least one member of the Development Review Board must be present in the physical location where the meeting is scheduled to be held.
- h. Meetings may be recessed to a time and place certain.
- i. These rules may be amended and readopted by majority vote of the Development Review Board when deemed appropriate and necessary.



Article 5: Development Review Board Meeting Agendas.

- a. Each regular and special meeting of the Development Review Board shall have an agenda.
 - i. Persons proposing a land development project that requires review by the Development Review Board shall contact the Zoning Administrator by the date identified on the *Development Review Board Meeting Schedule and Deadlines* to ensure complete application materials have been provided.
 - ii. Each agenda will contain an item on Changes to the Agenda and City Updates.
- b. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in the municipal office, the O'Brien Community Center, and in the lobby of the Winooski Police Department. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda and supporting materials shall be posted on www.winooski.vt.gov. The agenda must also be made available to any person who requests such agenda prior to the meeting.
- c. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition, deletion, or change in order to the noticed agenda must be made as the first act of business at the meeting. Changes to the agenda shall be approved by a majority of the members present. No additions, deletions, or changes to the noticed agenda shall be considered once the first act of regular business at the meeting has commenced.

Article 6: Development Review Board Meeting Schedule.

- a. Regular meetings shall take place on the third Thursday of the month at 6:30 p.m. at the Claire Burke Council Chambers at Winooski City Hall.
- b. Special meetings shall be publicly announced 24 hours in advance by giving notice to all members of the Development Review Board; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings in writing. In addition, notices shall be posted in the municipal clerk's office, the O'Brien Community Center, and in the lobby of the Winooski Police Department.



- c. A member of the Development Review Board may attend a regular or special meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the Development Review Board attend a meeting (regular or special) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the Development Review Board shall be physically present at each designated meeting location.
- d. The Development Review Board shall follow the most recent version of Robert's Rules of Order when a particular action or procedure is not addressed by these Rules of Procedure; the Unified Land Use and Development Regulations; or the City Charter.

Article 7: Public Participation in Development Review Board Meetings.

- a. All meetings of the Development Review Board are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the Development Review Board, so long as order is maintained according to these rules.
- b. The Chair can limit the time of the public comment, or the time an individual is allowed to speak, to ensure the timely work of the Development Review Board. It is the intention that at least ten minutes be allocated for public comment at the beginning of each meeting. This may be expanded if needed, at the discretion of the Chair.
- c. At the end of discussion of each agenda item, but before any action is taken by the Development Review Board at each meeting, there must be time afforded for open public comment.
- d. Comment by the public or members of the Development Review Board must be addressed to the Chair or to the Development Review Board as a whole, and not to any individual member of the Development Review Board or public.
- e. Members of the public must identify themselves by name and residence address and be acknowledged by the Chair before speaking.



- f. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
- g. Order and decorum shall be observed by all persons present at the meeting. Neither members of the Development Review Board, nor members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the Development Review Board and members of the public are prohibited from making personal, impertinent, or threatening remarks.
- h. Members of the Development Review Board and members of the public shall obey the orders of the Chair or other presiding member. The Chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - i. Call the meeting to order and remind the members of the applicable rules of procedure.
 - ii. Declare a recess or table the issue.
 - iii. Adjourn the meeting until a time and date certain.
 - iv. Order the constable or police to remove disorderly person(s) from the meeting.

Article 8: Meeting Format of the Development Review Board.

- a. The Development Review Board, as a quasi-judicial body, receives testimony on issues related to land development decisions and provides a determination that is appealable to the Environmental Division of the Vermont Superior Court. The Development Review Board's role in these proceedings is to open a public hearing; take direct testimony from the applicant, adjacent property owners, or interested persons (as defined by 24 VSA §4465); close the hearing; deliberate on the question; and issue a decision.
- b. Any person giving testimony before the Board shall be sworn in prior to speaking. Any document presented to the Board in connection with a hearing shall be marked as an exhibit and shall be initialed by the Chair or other presiding officer to indicate its inclusion in the record.
- c. Questions or comments from those persons attending the meeting shall be directed to the Chair or the Development Review Board as a whole, and not to any one member of the Development Review Board, the applicant, staff, or other persons in attendance.



The Chair will recognize individuals to speak during the public hearing. During the public hearing, the Development Review Board should refrain from interjecting opinions or perspectives and seek to identify issues or concerns related to the specific project.

- d. After the hearing is closed and the Development Review Board enters a deliberative session, no member of the public shall interrupt these deliberations unless the Chair specifically requests input or clarification on a subject. The Development Review Board may solicit input from the Zoning Administrator, other City staff, or counsel regarding the regulatory context of a question before the Development Review Board. During the deliberative session, members of the Development Review Board should discuss the testimony or exhibits that were presented during the public hearing as they debate the question before them. A deliberative session can be continued to a date certain in order to obtain additional information related to the question. Any continued deliberative session shall not be deemed a public meeting subject to prior notice requirements.

Article 9: Electronic Communications and Public Records.

- a. All business communications other than deliberative communications by a Development Review Board member are considered public and are subject to Vermont Public Records Act requests. All questions and discussions related to the solicitation of information on a public hearing should take place in an open session of the Development Review Board.
- b. Deliberations of the Development Review Board may take place in a closed session at the discretion of the Development Review Board. Discussions during the deliberative session are not recorded. The only record of the deliberative session is captured in the Findings and Decision which serves as the decision of record issued by the Development Review Board.

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Members of the media may contact the Development Review Board for a quote or for perspective on an issue before them. Matters discussed in deliberative session are not subject to public disclosure, except as revealed in a written decision. Members may only speak on the Development Review Board's behalf if authorized to do so by the Development Review Board. Questions and inquiries related to day-to-day operations should be directed to the Zoning Administrator.



Article 11: Conflicts of Interest.

The Development Review Board shall follow the Conflict of Interest Policy as established by the Winooski City Council.

Article 12: City Staff.

- a. The Zoning Administrator is the primary contact between the City and the Development Review Board. The Zoning Administrator provides support to the Development Review Board at the meetings, but does not participate in the public hearings regarding questions, answers, or other information unless directly requested by the Chair to provide clarification on issues related to the regulations or process.
- b. The Zoning Administrator may participate in deliberations of the Development Review Board to provide clarification or information on the matter being discussed, but does not vote on any question before the Development Review Board.
- c. The Zoning Administrator may assist the Development Review Board in taking minutes, preparing decisions, or providing information necessary for the Development Review Board to render a decision.
- d. Other City staff may be invited to attend meetings, as requested, to offer information related to their specific department or area of expertise.

Article 13: Effective Date.

These Rules of Procedure will take effect immediately following adoption.

Article 14: Adoption.

Duly adopted this _____ day of _____ 2020



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- d. Alternate members shall have all of the rights and responsibilities of regular members, including the participation in meetings, discussions, and deliberations, except (i) ~~can~~ participate in the election of officers but they cannot be appointed to an officer position, and (ii) they will only vote if fewer than five regular members are present at a meeting.
- e. All members are encouraged to attend and participate in all meetings. ~~Alternates may participate in meetings, discussions and deliberations, but will only vote if fewer than five regular members are present at a meeting.~~

Article 4: Organization of the Development Review Board.

- a. The Chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.

- b. A majority of the ~~regular~~ members (as noted under Article 3 item a.) shall constitute a quorum. If less than three members (regular or alternates) are present at a meeting, no actions shall be considered.
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Commented [RD1]: This creates ambiguity. It suggests that if you have two members and an alternate present, you do not have a quorum. The word "regular" should be deleted here.

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Commented [RD2]: I know the current practice is for all participating members to initial an exhibit. I don't see the point of that practice, but can be convinced otherwise.

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Article 11: Conflicts of Interest.

- a. In the event a member of the Development Review Board has a personal or direct or indirect financial interest with any individual, partnership, firm, or corporation that is seeking approval or relief from the Development Review Board or who is a party to the proceeding, the member shall state on the record the nature of their interest.
- b. If a member is uncertain as to whether a conflict exists, the Development Review Board shall determine by vote whether the member should participate.
- c. The Development Review Board may also make a determination of conflict if the majority of voting members in attendance determine a conflict of interest exists.
- d. A member of the Development Review Board with an identified conflict of interest shall not deliberate or vote with the Development Review Board, but may participate in the open public discussion.

Article 12: City Staff.

- a. The Zoning Administrator is the primary contact between the City and the Development Review Board. The Zoning Administrator provides support to the Development Review Board at the meetings, but does not participate in the public hearings regarding questions, answers, or other information unless directly requested by the Chair to provide clarification on issues related to the regulations or process.
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- d. Other City staff may be invited to attend meetings, as requested, to offer information related to their specific department or area of expertise.

Article 13: Adoption.

Duly adopted this _____ day of _____ 2020

Signed;

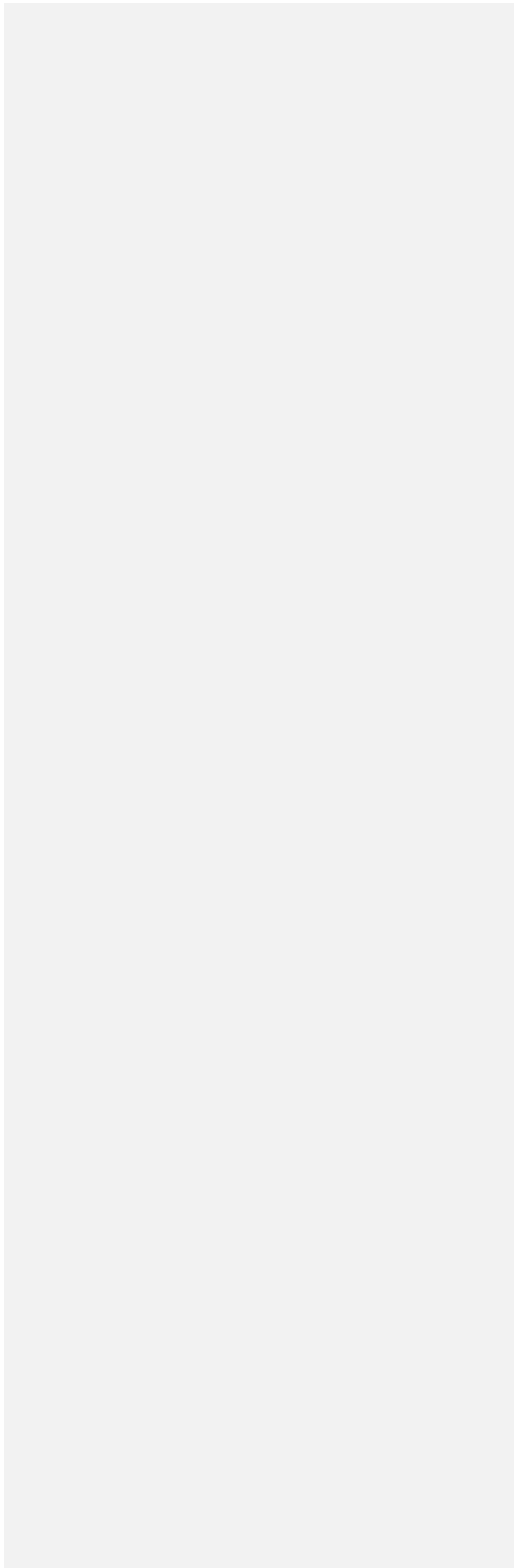
Chair

Vice-Chair

Secretary

7800802_1:10780-00028

Attest



SECTION 4.12 - PARKING, LOADING AND SERVICE AREAS

- A. **Intent.** These parking standards are intended to:
1. Enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.
 2. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
 3. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
 4. Maximize on-street parking where available.
- B. **Applicability.** These parking requirements shall apply only to uses and buildings newly constructed, changed, extended, or restored and shall not apply to those uses and buildings lawfully repaired or improved where no increase in gross floor area or change of use is made. The regulations in this section shall apply to all Zoning Districts except the Downtown Core District; and only **Section 4.12. C** shall apply to the Gateway Districts.
- C. **Minimum Reserved Parking Requirements.**
1. The quantity of parking spaces to be provided in each development proposal shall be determined based on the following requirements. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.

Uses	Base Parking Requirements
Residential in R-A, R-B and R-C districts	2.0 space/dwelling unit, except 1.0 space/accessory unit
Residential – in all other districts	1.0 space/dwelling unit + 0.50 space/3 bedroom or larger dwelling unit + 1 space for every 4 units (calculated at increments of 4)
Commercial (retail, restaurant, etc.)	3.0 spaces/1,000 sq. ft. of gross floor area
Hotel/B&B	1.0 space/room
Theater	0.25 spaces/seat
Industrial	3.0 spaces/1,000 sq. ft. of gross floor area
Office	4.0 spaces/1,000 sq. ft. of gross floor area

2. Uses not listed under Section 4.12. C. 1 shall follow the process outlined under Section 4.12. C. 4 to determine the required minimum parking.
3. The applicant shall provide a calculation of the parking spaces allocated for each use (including for employees and for customers/clients) and by time period, and any proposed shared use or transportation demand management reductions, and the location of the parking spaces. The required reserved parking spaces may be adjusted, with approval from the DRB or ZA depending on the application requested, as follows:
 - a. Shared Use: Sites over 10,000 square feet in non-residential gross floor area, may be applicable for shared use of the required reserved parking spaces. No more than 60% of the required reserved spaces may be shared. Shared use calculations must be submitted and approved by the Applicable Authority.

- b. Transportation Demand Management (TDM): Use of TDM strategies may be incorporated for a reduction of no greater than 10% of the required reserved parking spaces. Specific strategies, and the associated single occupancy vehicle trip reductions must be submitted and approved by the Applicable Authority.
 - c. Location: The applicant shall demonstrate sufficient parking for residents and employees are available and reserved for use on the applicant's site or off-site within 1400 feet from the project site. No more than 20% of the required reserved parking or 10 spaces, whichever is more, shall be allowed off-site. Each application involving the provision of reserved parking spaces off-site shall submit written proof of contractual arrangements with the owner of the lot which guarantees the continuous use of the required parking spaces for the particular use(s) for the duration of the use(s). The off-site parking provision is not permitted for development proposals within the Residential Zoning Districts.
 - d. Public Parking: The customer or client (non-employee) portion of the minimum parking requirements may be accommodated in the City's public parking inventory upon approval of the Director of Public Works or Downtown Parking Administrator. However, the parking associated with the public parking inventory will not be reserved explicitly for any one business.
4. Waivers. In addition to the administrative reductions listed under subpart 3, waivers to the required minimum number of parking spaces may be granted by the DRB as outlined in Section 6.8. Requests for waivers to the parking requirements shall include:
- a. A zoning application for a specific use (or uses) requesting the waiver including:
 - i. a narrative outlining the reason(s) the waiver should be granted
 - ii. the specific relief requested
 - iii. how the requested relief from the minimum parking standards will be managed to accommodate the proposed use(s)
 - b. A Transportation Demand Management Plan or similar study stamped by a Vermont Licensed Engineer outlining the justification for the waiver.
 - c. A site plan identifying the location(s) of the proposed parking.
 - d. Applicable fees for DRB hearings as outlined in Chapter 28 of the Winooski Municipal Code.
 - e. Other information as deemed necessary for review by the Zoning Administrator or DRB.
 - f. It is understood that a waiver is typically used to provide relief from an established standard. In lieu of creating a duplicative procedure, this waiver process is being utilized as the mechanism to establish the minimum parking requirement for uses that are not listed in Section 4.12. C. 1, on a case-by-case basis.
- 5 3. Handicapped-Accessible Parking Spaces. Parking spaces for handicapped persons shall be provided for all non-residential uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be eight feet (8'0") wide, with an adjacent access aisle five feet (5'0") wide. One in every eight (8) accessible spaces must have an access aisle eight feet (8'0") wide and must be signed "van accessible". The number of accessible spaces to be provided in each development proposal shall be determined

based on the following requirements. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.

Total parking spaces in lot	1-25	26-50	51-75	76-100	101-150	151-200	201-300	301-400	401-500	501-1000	> 1,000
Number of accessible spaces required in lot	1	2	3	4	5	6	7	8	9	2% of total	20 + 1 per 100 over 1,000

- 6.4.** Required Bicycle Parking. Sites and/or projects over 10,000 square feet in land area have the following requirements:
- a. For non-residential uses, the Applicant must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of non-residential gross floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of non-residential gross floor area. The employee and visitor racks may be co-located.
 - b. For residential, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units. Projects under 10 units shall have no requirement.
 - c. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress.

SECTION 6.8 - WAIVERS & VARIANCE REVIEW

- A. **Applications & Review Standards.** The DRB may waive application requirements, and site plan or conditional use review standards under Sections 6.6 and 6.7, that it determines are not relevant to a particular application.
- B. **Dimensional Waivers.** The DRB, in association with site plan or conditional use review, or on appeal of a ZA's determination, may reduce minimum district setback requirements (under Table 2.5) or minimum surface water and wetland setbacks (under Section 4.8) in accordance with the Act [§ 4414] and the following requirements.
1. A waiver request, including information regarding the specific circumstances, need and justification for the waiver shall be submitted in writing with the application for site plan or conditional use review.
 2. A waiver under this section may be granted by the DRB only as necessary to:
 - a. Allow for the reasonable development and use of a pre-existing nonconforming lot under Section 4.9.
 - b. Allow for additions or improvements to a pre-existing nonconforming structure under Section 4.9.
 - c. Comply with federal or state public health, safety, access and disability standards.
 - d. Allow for the siting of renewable energy structures.
 3. The minimum required setback distance shall be reduced by no more than 50% under this provision. Variance approval under Section 6.8 shall be required for any further reduction in dimensional requirements.
 4. In granting a waiver under this section, the DRB shall find, based upon clear and convincing evidence of a specific need and circumstances that:
 - a. No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.
 - b. The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Winooski Municipal Development Plan, or the intent of these regulations.
 - c. The waiver represents the minimum setback reduction necessary to allow for the proposed development.
 - d. Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, or other accepted mitigation measures.
- C. **Parking Waivers.** The DRB, upon application, may grant a waiver to the minimum required parking for land uses as outlined in Section 4.12. C.
1. The DRB shall consider the specific reasons outlined when considering the waiver to the minimum parking requirements including:

- a. Identified need for parking reductions as outlined in the provided parking study
 - b. Ability for the proposed development to support the parking needs as indicated on the provided site plan
 - c. Potential impacts to surrounding parking facilities including City maintained streets or parking structures
 - d. The parking waiver request represents the minimum parking relief necessary to allow for the proposed development to occur
2. Following review of the parking waiver request, the DRB shall take action to:
- a. Approve the parking waiver request as submitted
 - b. Approve the parking waiver request with modifications as deemed appropriate
 - c. Deny the parking waiver request

D. €. **Variations.** In accordance with the Act [§ 4469], a variance from the provisions of these regulations may be granted by the DRB for a structure only if literal enforcement of these regulations results in an undue hardship to the appellant that precludes any reasonable use of the property.

3. **Variations within the Flood Hazard Area District.** In addition to the requirements under **Section 6.8.€ D**, variations from flood hazard area development standards are also subject to requirements in Appendix A.

