

I. Call to Order

Members Present: David Weissberger, Chair; Felipe Hoyos; Jordan Matte; Riley Livermore

City Staff Present: Ravi Venkataraman, Director of City Planning

Guests Present: Kate Coffey

Call to Order by: David

Meeting Start Time: 6:30 pm

Minutes Recorded by: Ravi

II. Changes to the Agenda

David asked to add an ex parte communication disclosure after item VI. Motion by Felipe, seconded by Riley, to approve the agenda with David's requested addition to the agenda. Voting: Unanimous. Motion carried.

III. Public Comment

None

IV. Approve Previous Meeting Minutes

Motion by: Jordan

Second: Felipe

Decision: Voting: Unanimous. Motion carried

V. Disclosure of Ex Parte Communications

David said that after reviewing the DRB Rules of Procedure, he found that board members must disclose any ex parte communications to any person outside of a regularly scheduled meeting. David said that Kate Coffey contacted the DRB members regarding the rules of procedure and 50 Park Street. David said that he had copied Ravi in his response to Kate, which is in conformance with the rules of procedure.

VI. Discussion/Approval: DRB Rules of Procedure

Ravi gave an overview of the issue from the previous DRB meeting regarding the rules of procedure regarding continuances. Ravi said that he had the current DRB rules of procedure reviewed by the City attorney, and that the City attorney had given clarification on procedures for continuations and a review of the current rules of procedure. Ravi said that he has included in the meeting materials a markup of the current rules of procedure based on the City attorney's review, as well as the DRB rules of procedure from nearby municipalities to facilitate discussion. Ravi said that the DRB should discuss how it wants to regard continuations when

requested. Ravi said that after discussions, he will draft the rules of procedure for the City attorney to review before the DRB adopts it.

David reviewed the two hypothetical scenarios in which the question of a continuation would arise—(1) in which the applicant does not show up and does not give notice; and (2) in which the applicant does not show up, gives notice and requests a continuation. The board discussed the administrative burden of continuations and the helpfulness of flexibility. David asked for clarification about the City attorney's remark about hearings that go beyond the 120 days as stated in statute, and about whether the board can deny continuation requests. Ravi said that a public hearing has to be scheduled within 120 days from when applications are considered complete. Ravi said that based on the City attorney's comments, denying the initial continuation request may be legally questionable but denying a continuation request after one or two approved continuation requests would be less questionable.

David asked about the process for rendering a decision when the applicant isn't present and no continuation requests were submitted, adding that the City attorney's guidance says that applications must be ruled upon based on its merits even when the applicant isn't present. The board came to consensus that if an applicant does not appear for a public hearing and no continuation requests, the board should review the application, take public comment and deliberate on the merits of the application. David suggested asking the City attorney if this scenario violates due process for the applicant.

David asked about what the board can do when continuation requests are submitted. Ravi reviewed the statute reference on hearing applications within 120 days of it being determined complete. Ravi and the board discussed the mechanics of continuation requests.

Riley asked if continuations are primarily because of the applicant. Ravi said that continuation requests typically stem from staff not having enough time to review the application completely, from the DRB not hearing enough public input if many people are in attendance, or from the board if it does not have enough information to determine the impacts of the development.

Riley asked about the administrative burden on continuation requests. Ravi said that for the most part, the burden is on the applicant to fulfill the requests from the DRB, and that only in extremely rare instances in his experience, continuations are approved because of issues beyond staff's or the applicant's control. Riley concluded that continuing an application indefinitely is in no one's best interest.

David suggested adding in the rules of procedure that after two continuation requests or the continuation request would cause the hearing to occur after 120 days from when the application is determined complete, the DRB will adjudicate on the application. The board concurred with this suggestion, adding that this has enough flexibility. The board discussed when the continuation request should be provided. Ravi said he'd prefer to receive the request a week in advance.

David discussed references to ex parte communications and suggested adding language in the Rules of Procedure to address ex parte communications disclosures. Ravi suggested having all the necessary elements in the rules of procedure, so the board would not need to review external references for procedures. David noted the references to procedures in the Unified Land Use and Development Regulations (ULUDR) and the Conflict of Interest Policy, and suggested removing the procedural information in the ULUDR and adding any information in the ULUDR that is not in the Rules of Procedure into the Rules of Procedure.

Felipe asked about the service list that the City attorney mentioned. Ravi said that the Rules of Procedure does not have a reference to a service list, but that he has to furnish this for the

record in case of appeals. Ravi said that he has to mail the decision to all attendees who attended the public hearing per statute.

Riley asked about limits to the amount of time for public comment. Ravi reviewed Shelburne's Rules of Procedure on limits, and pointed out that the 10-minute limit in the Rules of Procedure is for the public comment at the beginning of a meeting for non-agenda items. Ravi said that in Shelburne, three minutes per person during public hearings is a rule of thumb that can be adjusted depending on the number of attendees, to make sure that everyone has the chance to provide comments. The board agreed on a three-minute limit per person for public comment during public hearings, and suggested clarifying the limitations of public comment in the rules of procedure.

Ravi said that he'll revise the rules of procedure ahead of the meeting in November for the board to review and approve sooner rather than later.

VII. Discussion: 2027 Winooski Comprehensive Plan – Land Use Section

Ravi reviewed the drafting phase of the Winooski Comprehensive Plan. Ravi gave an overview of the basis of the draft future land use map, and asked the board about their thoughts about the designations for Gilbrook. The board pointed out how wet the area highlighted as "Transition" are. Riley said that further development doesn't seem in alignment with improving the connectivity of the community, since access would be from Colchester. David asked about the relationship between the future land use map and the zoning map. Ravi said that the future land use map and the zoning map have to be in alignment, and that any changes to the zoning map have to be based on the future land use map. David asked why the school and the parks are designated as developable. Ravi said that designations are based on the developability of the site not on its current status.

David asked about the timeline for developing the Comprehensive Plan. Ravi said he hopes to complete a draft by the end of the year. Ravi said that the survey on the current draft goals and objectives will be live until the end of the week. Ravi said that additional iterations of the goals and objectives will be circulated next month and that the board will have a chance to give comments on updated drafts.

VIII. City Updates

Ravi said that his main focus has been on the Comprehensive Plan drafting, that zoning permit applications have slowed down, and that the hotel and housing project at the end of Winooski Falls Way is making progress.

IX. Other Business

Ravi said that the applicants for 50 Park Street have withdrawn their application and that this notice has been sent to all the adjoining property owners. Riley asked if the applicants would have to reapply in its entirety if they want to continue pursuing the project at 50 Park Street. Ravi said that the withdrawal only applies to Final Plan Review, and that the applicant can reapply for Final Plan Review within the validity of their Preliminary Plan Review decision, which expires at the end of May.

X. Adjourn

Motion by: Riley

Second: Felipe

Meeting End Time: 7:56 pm

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