



southburlington

PLANNING & ZONING

September 29, 2023

Vermont Designated New Town Centers Program
c/o Jacob Hemmerick
Division for Community Planning & Revitalization
Department of Housing and Community Development
One National Life Drive, 6th Floor
Montpelier, VT 05620

re: South Burlington New Town Center Renewal Request

Dear Jacob,

We are pleased to submit the enclosed request to renew South Burlington's New Town Center (NTC) designation. The application includes each of the elements required under 24 VSA §2793b and follows the guidelines prepared by the Department of Housing and Community Development.

Since 2009, South Burlington's NTC has anchored the growing heart of the community. It is bound by Williston Road, Dorset Street, Hinesburg Road, and San Remo Drive. Its core is City Center – a compact, mixed-use infill development clustered along Market Street. With a population of 20,292 (2020 US Census) the City is eligible for a designation of up to 175-acres for the New Town Center, pursuant to the provisions of 24 VSA §2793b(b)(2)(A). The designation consists of 174.5 acres (gross, including roadways) and is proposed to remain in the same geography as it is presently.

The City is very excited to present this request to the Downtown Board and to bring these properties – which lie directly across Dorset Street from the present designated area – into the vision and plans for South Burlington's City Center.

Highlights and achievements since 2016

We are thrilled to share the continuing success story of South Burlington's New Town Center. We are witnessing, daily, the transformation of this part of our city into the downtown that the community has envisioned since the 1970s. Since inception, partners in the public, private, and non-profit realm have teamed up to create the *place* that is becoming South Burlington City Center, including affordable and market rate housing, commercial space and employment, park investments, a library, senior center & city hall, and important infrastructure investments.

The focus of this report is on the last eight years, since the City's last renewal. In a word, these past eight years have been *transformative*. Some highlights:

- Opening of new City Hall, Library, and Senior Center in 2021
- Approval / construction of 721 dwelling units, of which at least 129 are permanently affordable

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The items described above are the *physical* changes we have undertaken and seen. Perhaps more importantly, however, City Center is becoming the "downtown" envisioned by the community for the past 40 years.

- Among the commercial tenants will be a daycare, whose enclosed play-yard will have a gate to access the trail network that is being connected to City Center Park.
- Stoops of townhomes are adorned with seasonal decorations and complemented by occasional impromptu sidewalk chalk drawings on the recreation path out front
- The bike racks at Marcotte Central School, accessed via Market Street and just a few years ago unserved by any safe route to school, are becoming more full each year
- Market Street itself is becoming home to more and more community events, including most recently, on September 30th, an energy festival that opened a section of the street to pedestrians only.
- The Library/Senior Center/City Hall building has quickly become the hub of the entire community (and beyond). There were 95,010 visits to the Library in FY '23 and an average of 15,000 items out per month.

There has been even more activity outside the boundaries of the New Town Center. The City has a Neighborhood Development Area designation (renewal application separately submitted). This designated area, and surrounding areas in the city's core, have witnessed significant investment in the past eight years. Housing in each of these areas includes a mix of market rate and permanently-affordable housing, spurred by the state's priority housing project incentives, the City's inclusionary zoning requirements, and financial support from municipal, State, and Federal funds.

Up next

The City is well positioned for the next eight years. Below is a list of projects under development:

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Street and Hinesburg Road to add a shared use path, full-sized green belt, lighting, and street trees.

- City Center Park connections. TIF funding has been approved and design is underway to connect City Center park to the “Goose Park” and Garden Street via pedestrian routes and bridges over the Potash Brook. Wetland permits at all levels are already in place.
- The private sector is poised for further investment. Of the 721 dwelling units described above, many are occupied and some are under construction, and the most recent project, “Market Street Lot N”, consisting of three multi-story buildings received its approval this summer and is slated to break ground in the fall. We are working with several other property owners throughout the NTC, and in adjacent NDA areas, to bring forwards additional infill and redevelopment projects.

Obstacles

The New Town Center itself has not presented any notable obstacles. The program offers limited benefits, the most significant of which include eligibility to become a Neighborhood Development Area and (previously) eligibility for a Tax Increment Finance District, which has been tremendously impactful in our community.

The program’s obstacles lie with the size limitation (the 174.5 acres represent a portion of our downtown only), and the limitation of designating a single New Town Center in the community. South Burlington, which includes two distinct corridors (Williston Road and Shelburne Road), is ineligible to obtain a designation for a compact settlement area along Shelburne Road.

We look forward meeting with the Downtown Board in January.

List of documents included in this application

Below is an annotated list of documents included in this application, showing how South Burlington meets each of the required criteria under the renewal NTC legislation:

1. Primary Contact Person:

Paul Conner, Director of Planning & Zoning
City of South Burlington
180 Market Street, South Burlington, VT 05403
(802) 846-4106
pconner@southburlingtonvt.gov

2. Approval and notice requirements:

South Burlington’s City Council approved submittal of the renewal application of the City’s NTC designation at its December 18, 2023 meeting. In addition, a letter of notification was sent to the and Greater Burlington Industrial Corporation (GBIC).

Enclosures: Minutes of December 18, 2023 City Council meeting; copy of letter to GBIC.

3. Confirmed Planning Process:

The CCRPC has provided South Burlington with a letter confirming that the City has an approved comprehensive plan and has actively engaged in an ongoing planning process.

Enclosure: CCRPC resolution approving South Burlington’s Comprehensive Plan and Planning Process, dated August 21, 2023.

4. Community Investment Agreement:

The City of South Burlington has signed agreements that reinforce the commitment of three of the largest property owners to support development within the NTC. The University Mall and Snyder-Braverman properties are both centrally located within the New Town Center, while Larkin Realty owns two properties immediately adjacent to the NTC at the intersection of Dorset Street and Williston Road; the most prominent gateway to City Center.

Enclosures: Executed Community Investment Agreements dated September 20, 2023 with Snyder Braverman Development, LLC, Burlington Umall owner, LLC, and Larkin Realty.

5. New Town Center Map

As described in the introduction, the proposed NTC encompasses 174.5 acres of land. It includes much of the commercial heart of the City. No changes are proposed to the existing boundaries.

Enclosure: New Town Center Map

6. Municipal Center Plan

The City of South Burlington's Comprehensive Plan, adopted February 1, 2016, established a vision for City Center in the area of the NTC designation. South Burlington is currently updating its comprehensive plan with a document titled "CityPlan 2024". CityPlan 2024 further refines the original vision for a pedestrian-oriented, vibrant, mixed use area by incorporating development since 2016 and calls for renewing the NTC while expanding the co-located NDA beyond its current borders.

Enclosure: [Link to South Burlington Comprehensive Plan, adopted February 1, 2016.](#)

(NOTE: City Center portion located at Section 3-8)

Enclosure: [Link to Draft CityPlan 2024](#)

7. Land Development Regulations (Subdivision and Zoning)

In 2016 the prior zoning in the NTC area was replaced with the City Center Form Based Code District. These regulations encourage and require compact, pedestrian-friendly development, and specifically address the elements required of new town centers. This Code, with minor amendments since its inception, has been applied to the approval / construction of 19 new multi-story buildings.

Enclosure: [Link to South Burlington Land Development Regulations adopted June 5, 2023.](#)

a) Form Based Code District:

This District includes four "Transect Zones"– T3, T3+ T4, and T5. Each Transect Zone has specific requirements for building placement on streets, minimum and maximum stories, windows and doors, and materials. In addition, the FBC includes standards for the provision of open space, street design, and the placement of new streets, and substantially reduces parking requirements in the area.

In addition, all multi-family and family and non-residential development in the City is subject to a stringent site plan review, which looks at circulation, fencing, screening, landscaping, safety, and other important design elements.

b) Housing Density:

Since 2016, the City Center FBC district eliminates maximum residential density altogether. The lowest “intensity” Transect Zones, T3 and T3+, establish a minimum density of four units (residential or commercial) per acre, while the others set lower or upper limits.

The table below shows these Transect Zones in relation to adjacent zoning. Densities for all districts in the City can be found in Appendix C of the Land Development Regulations.

Residential Densities by Zoning District

Zoning District	Location	Maximum Residential Density
T3	Within NTC and to the east slightly	None
T3+	Within NTC	None
T4	Within NTC and to the north	None
T5	Within NTC	None
Residential 4 (outside NTC)	South, east, and Northeast of NTC	4 Units per Acre*
C1-R12	North of the NTC	12 units per acre

*to be updated following recent passage of Act 47

c) Multi-Story and Mixed Use Buildings:

The four Transect Zones within the City Center FBC encourage uses and, where not immediately adjacent to existing single family home neighborhoods, multi-story buildings.

Residential Densities by Zoning District

Zoning District	Uses Permitted / Required	Min / Mx Building Height (stories)
T3	Most uses permitted, except those requiring heavy truck traffic	1 / 2.5
T3+	Most uses permitted, except those requiring heavy truck traffic	1/ 3.5
T4	Most uses permitted	2* / 5
T5	Most uses permitted; first floor must be non-residential	2 / 6
Residential 4 (outside NTC)	South, east, and Northeast of NTC	1 / 28'
C1-R12	North of NTC	1 / 35'

*one story buildings are allowed in limited circumstances only

d) Mixed Income Housing Plan:

The City of South Burlington promotes mixed income housing through its Comprehensive Plan policies and through Land Development Regulation requirements and incentives. Within the existing and proposed NTC, the Land Development Regulations both require and incentivize mixed income housing by:

- Requiring that 10-15% of all housing in developments of 12 housing units or more within the City Center FBC be affordable (15% for rental units, 10% of ownership).
- Eliminating all minimum parking requirements for housing in all FBC Districts and establishing a maximum parking of 2 spaces per unit for new residential development.
- Eliminating maximum residential density in all FBC Districts.

In addition, in March 2015, the City established an Affordable Housing Trust Fund, funded at \$50,000 annually, to aid in the development and retention of affordable housing in the community. The City has also actively partnered with affordable housing providers to access and apply Vermont Community Development Program funds to this area.

8. Official Map:

South Burlington has an Official Map, adopted pursuant to 24 VSA §4421. Updates to the City Center portion of this Official Map were adopted March 21, 2016. Included in this map are several streets within the NTC area as well as bicycle / pedestrian facilities.

[Enclosure: Link to South Burlington Official Map](#)

9. Capital Budget and Program

The City of South Burlington annually adopts a 10-year Capital Budget and Program, presenting and prioritizes key capital projects in the City. The 2016-2025 Capital Budget and Program was adopted by the City Council on December 7, 2015. Multiple projects are underway or proposed for the proposed NTC, including those listed below:

- *Market Street Reconstruction.* Reconstruct Market Street from Dorset Street to Hinesburg Road. Street will be reconstructed with a streetscape, utility infrastructure, and street furniture. Stormwater infiltration will be accomplished within the right-of-way, and as a public amenity. This project is partly in permitting, and some buildings, although the City Hall-Library-Senior Center complex have been built out.
- *Garden Street.* Design, obtain right-of-way for and construct a street between Dorset Road at the Healthy Living access drive to Midas Drive, reconstruct Midas Street as needed as a commercial street and reconstruct the White Street/Williston Road intersection so that it functions as a standard cross intersection. May include Hinesburg Rd/Williston Rd Intersection. This project is in the project definition phase, though several mixed-use buildings are currently being constructed along the ROW.
- *Williston Road (Adjacent to New Town Center).* Build streetscape on Williston Road from Dorset Street to Hinesburg Road, north and south side to reduce pedestrian/bicycle vehicular conflicts, reduce the number of access points, and make alternative mode

facilities more comfortable and safe. In the future, this roadway will serve as a gateway to City Center. A Network Analysis has been completed for this project.

- *Pedestrian/Bicycle Bridge over I-89 (Adjacent to New Town Center)*. Design and build a pedestrian/bicycle bridge over I-89 in the vicinity of Williston Road so that these alternative modes are not crossing four accesses to I-89 and traveling directly adjacent to traffic.

Enclosure: [Link to complete CIP, Adopted December 7, 2015](#)

10. Wastewater Compliance, Capacity and Allocation

The NTC is served by the Airport Parkway Wastewater Treatment Facility, operated by the City of South Burlington and serving the Town of Colchester as well. The facility is in compliance with Agency of Natural Resources regulations.

The Facility's capacity was expanded in the early 2010s. Present capacity available to the City of South Burlington is approximately _____ gallons per day, which will provide ample capacity for future development and redevelopment within the New Town Center.

Through its Ordinance Regulating the Use of Public and Private Sanitary Sewerage and Stormwater Systems, the City Council has reserved ____ gallons per day for City Center development (See Article III).

PLEASE NOTE: due to changes in State staff contact information, South Burlington have not yet received approval from the appropriate state staff of its wastewater capacity as per Appendix A. City staff expect to have this form approved before January 12, 2024 for inclusion the final application package presented before the Downtown Board later that month.

Enclosures:

- *City-completed Appendix B (pending approval by ANR staff)*

Final Form Submitted on January 11, 2024

11. Water Supply Compliance, Capacity and Allocation

The NTC is served by the City of South Burlington's Water Supply Facility through the Champlain Water District. The facility is in compliance with Agency of Natural Resources regulations. Through its Regulations for Water Use (Article III, Section 14) the City Council has reserved 50,000 gallons per day for City Center development. The City is completing preliminary designs for an additional water tower and is scheduled for a bond vote in March 2024. The City recently received a \$500,000 State Community Recovery and Revitalization Program grant to support this facility.

Enclosures:

- *Completed Appendix A; ANR Notice of Approval dated 10/16/2023*

12. Highlights, Achievements, Benefits, and Obstacles from the Past Five Years of NTC Designation

See cover letter introduction.

13. Photos and Images of Progress made

Enclosed with this application are a sampling of images demonstrating the progress made on the New Town Center in the past five years.

We look forward to meeting with you and the Board regarding this application. Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Conner", is displayed on a light gray rectangular background.

Paul Conner, AICP
Director of Planning & Zoning
pconner@southburlingtonvt.gov



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(NOTE: City Center portion located at Section 3-8)

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Enclosure: [Link to complete CIP, Adopted December 7, 2015](#)

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The Facility's capacity was expanded in the early 2010s. Present capacity available to the City of South Burlington is approximately _____ gallons per day, which will provide ample capacity for future development and redevelopment within the New Town Center.

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PLEASE NOTE: due to changes in State staff contact information, South Burlington have not yet received approval from the appropriate state staff of its wastewater capacity as per Appendix A. City staff expect to have this form approved before January 12, 2024 for inclusion the final application package presented before the Downtown Board later that month.

Enclosures:

- *City-completed Appendix B (pending approval by ANR staff)*

11. Water Supply Compliance, Capacity and Allocation

The NTC is served by the City of South Burlington's Water Supply Facility through the Champlain Water District. The facility is in compliance with Agency of Natural Resources regulations. Through its Regulations for Water Use (Article III, Section 14) the City Council has reserved 50,000 gallons per day for City Center development. The City is completing preliminary designs for an additional water tower and is scheduled for a bond vote in March 2024. The City recently received a \$500,000 State Community Recovery and Revitalization Program grant to support this facility.

Enclosures:

- *Completed Appendix A; ANR Notice of Approval dated 10/16/2023*

12. Highlights, Achievements, Benefits, and Obstacles from the Past Five Years of NTC Designation

See cover letter introduction.

13. Photos and Images of Progress made

Enclosed with this application are a sampling of images demonstrating the progress made on the New Town Center in the past five years.

We look forward to meeting with you and the Board regarding this application. Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Conner", is displayed on a light gray rectangular background.

Paul Conner, AICP
Director of Planning & Zoning
pconner@southburlingtonvt.gov



SOUTH BURLINGTON CITY COUNCIL MEETING

18 DECEMBER 2023

The South Burlington City Council held a regular meeting on Monday, 18 December 2023, at 6:30 p.m., in the Auditorium, 180 Market Street, and by GoTo Meeting remote participation.

Members present: H. Riehle, Chair; M. Emery, T. Barritt, A. Chalnack, L. Kupferman

Also present: J. Baker, City Manager; Chief S. Locke, Deputy City Manager; C. McNeill, City Attorney; T. Francis, Fire Marshal; M. Machar, Finance Officer; C. Baker, CCRPC; B. Sirvis, R. Doyle, L. Bailey, D. Campbell, K. Ryder, K. Bailey, D. Philibert, C. Trombly, E. Krasnow, B. Milizia, C. Shaw, B. Britt, C. McQuillen, T. Warren, H. Gagne, M. Cota, S. Dopp, S. Dooley, D. Albrecht, M. Simoneau

1. Instructions on exiting building in case of emergency and review of technology option:

Ms. Baker provided instructions on emergency exit from the building and reviewed technology options.

2. Additions, deletions or changes in the order of Agenda items:

No changes were made to the Agenda.

3. Comments and questions from the public not related to the agenda:

No issues were raised.

4. Announcements and City Manager's Report:

Council members reported on meetings and events they had attended.

Ms. Baker: Thanked the Council for the budget retreat.

Municipalities are again going through flooding events; some roads in South Burlington are closed.

Attended an all-day meeting in Waterbury with Chief Burke regarding statewide issues regarding people feeling safe in their communities.

The city did not get the first of 4 grants applied for for the bike/ped bridge.

There will be a meeting tomorrow with a state delegation regarding projects to benefit Chittenden County.

There will be an upgrade to the laser fiche next week which will result in the system being down all day.

The light in front of the schools on Dorset Street will be put in next week.

City Hall will be closed on 25 December.

70 seniors attended the Senior Holiday event. The Center will be closed all of next week.

Reservations are now available for the Valentine Dance.

The Illuminate Vermont event will be held on 5 and 6 April 2024, the weekend before the eclipse. This should result in a lot of people being in the area.

5. Consent Agenda:

- a. Approve and Sign Disbursement
- b. Approve minutes from 6 November 2023 and 4 December 2023 City Council meetings
- c. Receive the November 2023 financials
- d. Authorize the submittal of applications to renew the City's New Town Center and Neighborhood Development Area designations
- e. Approve the VTrans Transportation Alternatives Program grant application for the Spear Street Shared Use Path
- f. Approve a Vermont Humanities Rapid Response Grant to implement Vermont Reads 2023

6. Receive the Chittenden County Planning Commission's (CCRPC) Annual Report:

Mr. Baker thanked city representative Chris Shaw and alternate Meaghan Emery. He then directed attention to the list of things that CCRPC engaged in with the city in the past year, including mapping, travel counts and more.

Mr. Chalnack said he had worked with 2 of CCRPC's staff on the Climate Action Plan and said the Committee could never have accomplished what it without them.

Mr. Baker said that with all the work VTrans has had to do because of state-wide flooding, some of the work will have to "slide back."

Mr. Shaw said CCRPC couldn't be more pleased with Mr. Baker. They just received a clean audit. They also now have an equity manager on board and are very excited about that. Mr. Shaw also noted that Mr. Baker is now serving on a national board and bringing back what he is learning there.



CITY COUNCIL MEETING AGENDA

December 18, 2023

Participation Options

In Person: 180 Market Street, Main Floor, Auditorium

Assistive Listening Service Devices available upon request

Electronically: <https://meet.goto.com/SouthBurlingtonVT/citycouncil-12-18-2023>

You can also dial in using your phone. [+1 \(872\) 240-3311](tel:+18722403311) Access Code: 812-712-461

Regular Session 6:30 p.m.

1. Pledge of Allegiance (6:30 p.m.)
2. Instructions on exiting building in case of emergency and review of technology options–Jessie Baker, City Manager (6:31–6:32 p.m.)
3. Agenda Review: Additions, deletions or changes in order of agenda items (6:33–6:34 p.m.)
4. Comments and questions from the public not related to the agenda (6:35–6:45 p.m.)
5. Councilors' Announcements and Reports on Committee assignments and City Manager's Report (6:45–6:55 p.m.)
6. **Consent Agenda: (6:55–7:00 p.m.)**
 - A. *** Consider and Sign [Disbursements](#)
 - B. *** Approve [minutes](#) from November 6, 2023 and December 04, 2023 City Council Meetings
 - C. *** Receive the [November 2023](#) Financials
 - D. *** Authorize the submittal of applications to [renew](#) the City's New Town Center and Neighborhood Development Area designations
 - E. *** Approve the VTrans Transportation Alternatives Program grant application for the [Spear Street Shared Use Path](#)
 - F. *** Approve a Vermont Humanities [Rapid Response Grant](#) to implement Vermont Reads 2023
7. *** Receive the Chittenden County Planning Commission's [\(CCRPC\) Annual Report](#) – Charlie Baker, Executive Director Chittenden County Regional Planning Association (7:00–7:20 p.m.)
8. Update to the community of the potential purchase of 1720 and 1730 Spear Street for conservation and affordable housing – Jessie Baker, City Manager (7:20–7:40 p.m.)



southburlington

PLANNING & ZONING

October 15, 2023

Mr. Frank Cioffi, President
Greater Burlington Industrial Corporation
60 Main Street
P.O. Box 786
Burlington, VT 05402

Re: New Town Center Renewal Application for South Burlington City Center

Dear Mr. Cioffi,

Pursuant to the Application Guidelines for New Town Center Designation, dated May 2022 and developed from 24 V.S.A. § 2793b, the City of South Burlington formally announces its intent to file for renewal of its New Town Center designation with the Vermont Agency of Commerce and Community Development. The area in question is centered on Market Street and will include lands adjacent to Williston Road, Dorset Street, and Hinesburg Road. Please see the attached map for details.

If you have any questions, please feel free to contact me.

Sincerely,

Paul Conner, AICP
Director of Planning & Zoning

Cc: Jessie Baker, City Manager
Helen Reihle, City Council Chair
Jessica Louisos, Planning Commission Chair



August 21, 2023

Gary Halloway, Downtown Program Manager
Community Planning and Revitalization
Vermont Department of Housing and Community Development
1 National Life Dr.
Davis Building, 6th Floor
Montpelier, VT 05620-0501

Re: South Burlington's New Town Center and Neighborhood Development Area Renewal Application

Dear Gary,

The Chittenden County Regional Planning Commission is pleased to support the City of South Burlington's application for renewal of its New Town Center and Neighborhood Development Area (NDA) designations. CCRPC approved South Burlington's Comprehensive Plan and confirmed its planning process on February 17, 2016; the plan is valid until February 1, 2024 (and its readoption is currently in progress).

Intention to maintain designation and re-evaluate the boundaries of the New Town Center and the NDA is specifically mentioned on pages 3-9 and 3-10 of the 2016 Comprehensive Plan. This acknowledges the need to adapt to the rapid pace of change within the City Center to achieve multiple planning goals that support a compact, well-planned downtown.

South Burlington's NDA is also within the Center and Metro Planning Areas on the Future Land Use map of the *2018 ECOS Plan* (Chittenden County's Regional Plan). Therefore, the designation will also help implement Strategy 2 of the *ECOS Plan*, which calls for 80% of new development in the areas planned for growth.

Please feel free to contact me should you have any questions.

Best regards,

Charlie Baker
Executive Director

COMMUNITY INVESTMENT AGREEMENT

City of South Burlington New Town Center Development Program

This Agreement executed and entered into on the last date of execution set forth below, by and between the City of South Burlington, a Vermont municipal corporation, acting by and through its duly elected legislative body, the South Burlington City Council, and Snyder-Braverman Development Co., LLC, with its principal place of business in the Town of Shelburne, State of Vermont, a principal landowner and developer of property located within the New Town Center.

The undersigned, by executing this Agreement, hereby affirm their commitment and willingness to participate, to date as well as in the future, in activities and programs that will support and enhance the economic and social health and viability of the area proposed for "town center" designation.

The undersigned further acknowledge and affirm that the documents listed below, attached hereto and incorporated herein by reference, where required, have been duly adopted under the applicable provisions of state and local law, or where not adopted are part of an ongoing implementation plan intended to comply with the statutory criteria required for new town center designation under 24 V.S.A. Chapter 76A, specifically section 2793(b)(2):

- A. A map of the proposed New Town Center;
- B. A copy of the City's 2016 Comprehensive Plan, including sections addressing land use for core area of the City and affordable/mixed income housing.
- C. A copy of the City's duly adopted Land Development Regulations, demonstrating that:
 - a. The New Town Center allows densities greater than those allowed outside the New Town Center;
 - b. Multi-story and mixed use buildings and mixed uses are permitted within the New Town Center;
 - c. Mixed income housing is permitted and encouraged within the in the New Town Center
- D. A copy of the City's duly adopted Capital Improvement Program and Budget, including planned investments for roads, public facilities and civic amenities in the New Town Center.
- E. A copy of the City's Official Map; and,
- F. A copy of the City's ordinances reserving capacity from its wastewater and water supply systems for the buildout of the New Town Center.

The undersigned hereby agree to commit to continuing to participating in planning for and developing the New Town Center as the community's central district. The New Town Center shall be composed of compact, pedestrian-friendly, multi-story, and mixed use development characteristic of a traditional downtown supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on street parking, storm water treatment, sanitary sewers, and water supply.

NOW THEREFORE, BE IT RESOLVED THAT the undersigned support the continued designation of the New Town Center and affirm and agree to the above listed commitments as part of this Community Reinvestment Agreement.

Executed at South Burlington, Vermont this 20 day of September, 2023.

City of South Burlington



Jessie Baker, City Manager

Executed at Stowe, Vermont this 18 day of Aug., 2023

Snyder-Braverman Development Co,
LLC



By Ken Braverman
Duly Authorized

COMMUNITY INVESTMENT AGREEMENT

City of South Burlington New Town Center Development Program

This Agreement executed and entered into on the last date of execution set forth below, by and between the City of South Burlington, a Vermont municipal corporation, acting by and through its duly elected legislative body, the South Burlington City Council (the "City"), and Burlington UMass Owner LLC, with its principal place of business at One Marina Park Drive, Suite 1500, in the City of Boston, Commonwealth of Massachusetts, a principal landowner and developer of property located within the New Town Center (the "Landowner").

The undersigned, by executing this Agreement, hereby affirm their commitment and willingness to reasonably participate, to date as well as in the future, in activities and programs that will support and enhance the economic and social health and viability of the area proposed for "town center" designation.

The City further acknowledges and affirms that the documents listed below, attached hereto and incorporated herein by reference, where required, have been duly adopted under the applicable provisions of state and local law, or where not adopted are part of an ongoing implementation plan intended to comply with the statutory criteria required for new town center designation under 24 V.S.A. Chapter 76A, specifically section 2793(b)(2) and the Landowner relies on the City's acknowledgement and affirmation thereof:

- A. A map of the proposed New Town Center;
- B. A copy of the City's 2016 Comprehensive Plan, including sections addressing land use for core area of the City and affordable/mixed income housing.
- C. A copy of the City's duly adopted Land Development Regulations, demonstrating that:
 - a. The New Town Center allows densities greater than those allowed outside the New Town Center;
 - b. Multi-story and mixed use buildings and mixed uses are permitted within the New Town Center;
 - c. Mixed income housing is permitted and encouraged within the in the New Town Center
- D. A copy of the City's duly adopted Capital Improvement Program and Budget, including planned investments for roads, public facilities and civic amenities in the New Town Center.
- E. A copy of the City's Official Map; and,
- F. A copy of the City's ordinances reserving capacity from its wastewater and water supply systems for the buildout of the New Town Center.

The undersigned hereby agree to commit to continuing to reasonably participate in planning for and, subject to market conditions, developing the New Town Center as the community's central district

composed of compact, pedestrian-friendly, multi-story, and mixed use development characteristic of a traditional downtown supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on-street parking, storm water treatment, sanitary sewers, and water supply.

NOW THEREFORE, BE IT RESOLVED THAT the undersigned support the continued designation of the New Town Center and affirm and agree to the above listed commitments as part of this Community Reinvestment Agreement.

Executed at South Burlington, Vermont this 20th day of September, 2023.


City of South Burlington


Jessie Baker, City Manager

Executed at Boston, Massachusetts this 18 day of September, 2023

Burlington U Mall Owner LLC

By: Burlington U Mall Holdings LLC

By 
Andrew Hayes, authorized signer

COMMUNITY INVESTMENT AGREEMENT

City of South Burlington New Town Center Development Program

This Agreement executed and entered into on the last date of execution set forth below, by and between the City of South Burlington, a Vermont municipal corporation, acting by and through its duly elected legislative body, the South Burlington City Council, and Larkin Realty, with its principal place of business in the City of South Burlington, State of Vermont, a principal landowner and developer of property located within the New Town Center.

The undersigned, by executing this Agreement, hereby affirm their commitment and willingness to participate, to date as well as in the future, in activities and programs that will support and enhance the economic and social health and viability of the area proposed for "town center" designation.

The undersigned further acknowledge and affirm that the documents listed below, attached hereto and incorporated herein by reference, where required, have been duly adopted under the applicable provisions of state and local law, or where not adopted are part of an ongoing implementation plan intended to comply with the statutory criteria required for new town center designation under 24 V.S.A. Chapter 76A, specifically section 2793(b)(2):

- A. A map of the proposed New Town Center;
- B. A copy of the City's 2016 Comprehensive Plan, including sections addressing land use for core area of the City and affordable/mixed income housing.
- C. A copy of the City's duly adopted Land Development Regulations, demonstrating that:
 - a. The New Town Center allows densities greater than those allowed outside the New Town Center;
 - b. Multi-story and mixed use buildings and mixed uses are permitted within the New Town Center;
 - c. Mixed income housing is permitted and encouraged within the in the New Town Center
- D. A copy of the City's duly adopted Capital Improvement Program and Budget, including planned investments for roads, public facilities and civic amenities in the New Town Center.
- E. A copy of the City's Official Map; and,
- F. A copy of the City's ordinances reserving capacity from its wastewater and water supply systems for the buildout of the New Town Center.

The undersigned hereby agree to commit to continuing to participating in planning for and developing the New Town Center as the community's central district. The New Town Center shall be composed of compact, pedestrian-friendly, multi-story, and mixed use development characteristic of a traditional downtown supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on street parking, storm water treatment, sanitary sewers, and water supply.

NOW THEREFORE, BE IT RESOLVED THAT the undersigned support the continued designation of the New Town Center and affirm and agree to the above listed commitments as part of this Community Reinvestment Agreement.

Executed at South Burlington, Vermont this 20 day of September, 2023.

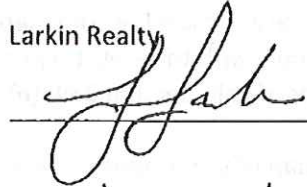
City of South Burlington



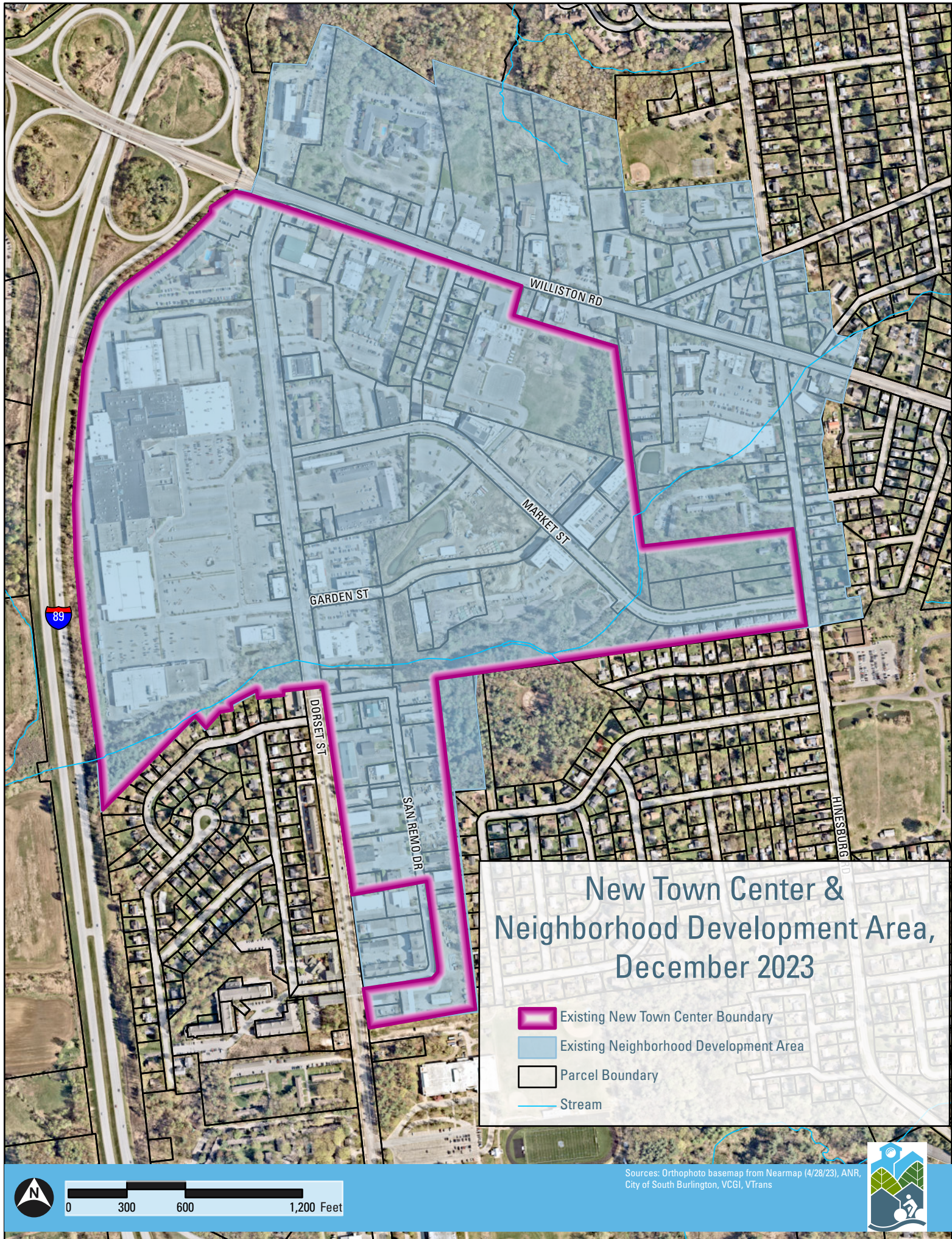
Jessie Baker, City Manager

Executed at 910 Shelburne Rd, Vermont this 24 day of Aug, 2023
Burlington VT

Larkin Realty



By Joseph Larkin
Duly Authorized



Checklist for Compliance Review of Community Wastewater System

Vermont Watershed Management Division
New Town Center District Designation

Discharge Permit

Number: State: 3-1278 Issued: June 1, 2023 Expires: June 30, 2026
Federal: VT0100366

Sludge and Septage Facility Certification or Approved Sludge Management Plan:

Number: Cert. #F2205 Issued: November 2, 2022 Expires (certifications only): September 30, 2027
Solid Waste Facility
I.D. #SW-164

Capacity

1. What is the design of your wastewater treatment facility? 3,300,000 gpd
2. What was the annual average discharge flow from your facility for the previous 12 months of record? 1,820,000 gpd
August 2022 through July 2023 (Total annual flow: 664.577 million gallons)
3. What is the total of unconnected commitments/allocation to your facility? _____ gpd
4. What is the uncommitted reserve hydraulic capacity of your facility? _____ gpd
design flow – (commitments + annual average flow) = uncommitted reserve hydraulic capacity _____ gpd
5. Gallons of capacity planned for designated area? _____ gpd

Owner or owner's authorized representative responsible for approving allocation of wastewater to connections and maintaining technical capacity records for the wastewater system.

Name: Tom DiPietro Date: August 18, 2023

Title: Public Works Director Phone: (802) 658-7961

E-mail: tdipietro@southburlingtonvt.gov

Implementation Schedule

Are you required by an order issued under section 1272 of Chapter 47 or through permit conditions to implement facility modifications to reduce pollutants in your discharge? _____ Yes X No

If you are not in compliance with the schedule dates in that order, please explain the cause and length of the delay.

Are you required by an order issued under section 1272 of Chapter 47 or through permit conditions to eliminate combined sewer overflows? _____ Yes X No

If you are not in compliance with the schedule dates in that order, please explain the cause and length of the delay.

Checklist for Compliance Review of Community Wastewater System

Vermont Watershed Management Division

New Town Center District Designation

[page 2]

Effluent Quality

Were limits for any of the following parameters exceeded during the past 12 months? If violations occurred, please discuss the cause and duration, remedial steps taken during the event and corrective action taken to prevent recurrence.

Biochemical Oxygen Demand (BOD):

Total Suspended Solids (TSS):

Phosphorus:

Ultimate Oxygen Demand (UOD):

Settleable Solids:

E. coli Bacteria:

Total Residual Chlorine:

Other: There were no violations of the listed parameters during the past 12 months.

South Burlington

Municipality

August 18, 2023

Date

Nick Atherton

Authorized Representative

City Planner

Title

The completed form must be submitted to the Agency of Natural Resources (ANR) at the address below. A complete designation application must include both a copy of the submitted form and written notice of approval from ANR.

Ernie Kelley, Program Manager
Ernie.Kelley@vermont.gov or (802) 490-6187
Wastewater Management Division
Department of Environmental Conservation
One National Life Drive – Main 2
Montpelier, VT 05620-3521

Checklist for Compliance Review of Community Water System

Vermont Watershed Management Division

New Town Center District Designation

WSID #: 5019

Public Water System (PWS) Permit to Operate Last Issued: January 5, 2018

Capacity (Technical)

1. What is the authorized capacity for the PWS? 3.1M gpd
2. What was the annual maximum water production rate (monthly high) provided by the water system for the previous 12 months? (Provide date range and monthly data.) July '21-'22: 2,058,645 GPD
3. What are the total unconnected water commitments/allocation for the water system? 400,000 gpd
4. What is the uncommitted reserve capacity for the PWS?
Add together items 2 and 3 above, and subtract from item 1 641,355 gpd
5. What are the gallons of capacity planned for the designated area? 382,173 gpd (partially built out)

Implementation Schedule

6. Does the operating permit contain an improvement schedule? Yes ☒ No
7. Is the PWS completing improvements in accordance with the permit schedule? Yes No
8. If not in compliance with the improvements schedule, what is the cause and length of the delay (provide detailed attachment as necessary)?

Owner or owner's authorized representative responsible for approving allocation of water to connections and maintaining technical capacity records for the PWS.

Name: Jay Nadeau Date: 8/24/2023

Title: Distribution Division Director, Champlain Water District Phone: (802) 861-4817

E-mail: Jay.Nadeau@champlainwater.org

The completed form must be submitted to the Agency of Natural Resources (ANR) at the address below. A complete designation application must include both a copy of the submitted form and written notice of approval from ANR.

Pat Smart, Operations Section Supervisor
pat.smart@vermont.gov or (802) 461-5661
Drinking Water and Groundwater Protection Division
Department of Environmental Conservation
One National Life Drive – Main 2
Montpelier, VT 05620-3521



**Vermont Department of Environmental Conservation
Drinking Water and Groundwater Protection Division**

One National Life Drive - Davis 4
Montpelier, VT 05620-3521

[phone]
[fax]

802-828-1535
802-828-1541

<http://dec.vermont.gov/water>

Agency of Natural Resources

October 19, 2023

Town of South Burlington

Attn. Nick Atherton (via email NAtherton@southburlington.gov)

180 Market St.

South Burlington, VT 05403

Re: New Town Center Designation Notice of Approval, Town of South Burlington, South Burlington Water System, Public Community Water System, South Burlington, VT, WSID #5091

Dear Nick Atherton:

This letter serves as the Official Notice of Approval for the South Burlington Water System's (Water System) New Town Center Designation Application. The Vermont Department of Environmental Conservation, Drinking Water and Groundwater Protection Division (Division) finds that the Water System is in compliance with the enclosed Permit to Operate and has the source capacity and authority to expand. Please remember that if any new construction is to be done, the proper water and wastewater permits will need to be obtained from the Division before introducing new service connections to the Public Community Water System.

If you have any questions or would like to discuss anything regarding this Notice, please feel free to contact me at the address above, by email at megan.young@vermont.gov, or by phone at 802-585-4903.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Young", written over a light blue horizontal line.

Megan Young

Sustainable Infrastructure and Management Program Manager

c. Addressee via email

Dana Nagy, Operations Supervisor, DWGWPD

Jay Nadeau, Operator, WSID 5091

WSID File 5091

Enclosure: South Burlington Water System WSID 5091 Permit to Operate

New Town Center Designation



Jacob Hemmerick, Planning & Policy Manager

New Town Center Program

What is it?



Designated
New Town Centers

- New Town Center means*** the area planned for or developing as
- ✓ a community's central business district,
 - ✓ composed of compact, pedestrian-friendly, multistory, and mixed-use development that is
 - ✓ characteristic of a traditional downtown,
 - ✓ supported by planned or existing urban infrastructure,
 - ✓ including
 - ✓ curbed streets with sidewalks and on-street parking,
 - ✓ stormwater treatment,
 - ✓ sanitary sewers and
 - ✓ public water supply.

24 V.S.A. § 2791

New Town Center Program

How does it work?



New Town Center Program

Program Benefits

- Special **assessment districts** (24 V.S.A. §2793b(c)(1))
- Vermont Buildings and General Services **State office buildings** priority when a designated downtown is not feasible (24 V.S.A. §2793b(c)(2))
- **Land gains tax exemption** (32 V.S.A. 10002(p))
- **Tax increment financing** district location criteria presumption (32 V.S.A. § 5404a(h)(3)(B))
- Act 250 permit exemption for '**Priority Housing Projects**' (10 V.S.A. §6081(p)(2))
- Act 250 reduced mitigation fee for loss of **primary agricultural soils** (10 V.S.A. §6093(a)(1))
- Act 250 presumption of existing settlement criterion "**9L**" **compliance** (10 V.S.A. § 6001(16)(a)(i) & 10 V.S.A. §6086(a)(9)(L))
- Eligibility for an 'add-on' **neighborhood development area** designation
- And **other technical and financial benefits** made available by State agencies, such as priority for Municipal Planning Grants and Transportation Alternatives Grants.

New Town Center Program

Board Authority & Question

The State Board reviews NTCs according to [24 V.S.A. § 2793b](#) and the Board's adopted [program guidelines](#) authorized by 24 V.S.A. §2792(d).

Renewals occur every 8 years.

Board Question. *Does the State Board find that the municipality's application meets the statutory and Board requirements for designation of a new town center development district?*

New Town Center Program

Renewal Application Requirements

Complete renewal application. All requirements met.

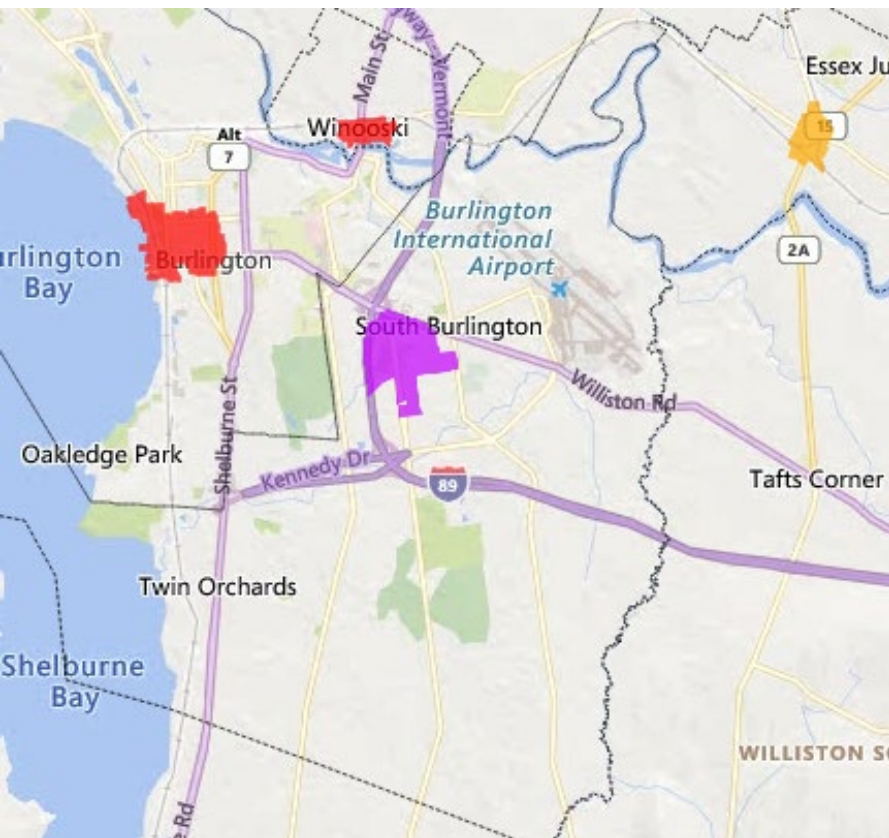
- Cover letter
- Notification to regional planning commission and regional development corporation
- Authorization from Selectboard
- Confirmed planning process & plan content
- Community investment agreement
- Map of proposed center
- Municipal center plan
- Official map
- Center Regulations
- Mixed-income housing plan
- Capital improvement program
- Evidence of a civic or public building
- Water & wastewater compliance
- Map of center (*no boundary change proposed*)



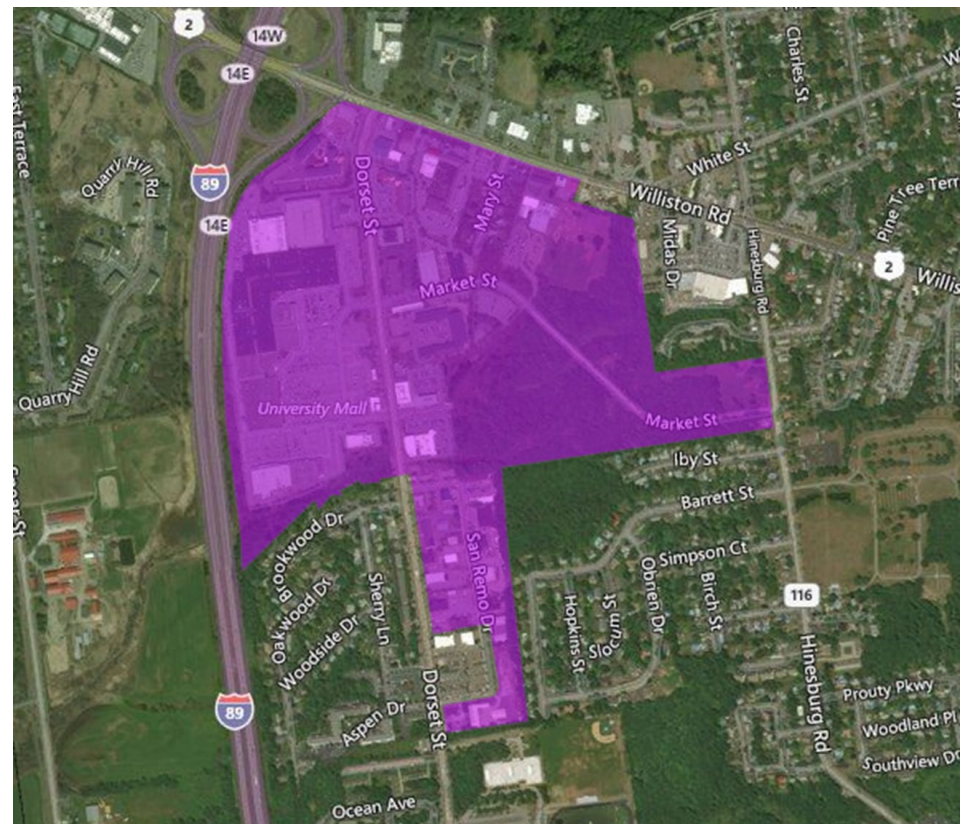
South Burlington New Town Center

New Town Center Approvals & Location

Approved 2008, Renewed & Expanded 2016



Location in Municipality & Region



New Town Center boundary



South Burlington New Town Center

Town Highlights & Report: Physical Improvements

- Opening of new **City Hall, Library, and Senior Center** in 2021
- Approval / construction of **721 dwelling units**, of which at least 129 are permanently affordable
- Approval / construction of over **50,000 s.f. of ground-floor commercial space**
- **City Center Park investments**, from unimproved woods to a neighborhood destination, with wild play structures, accessible paths and trails, and significant stormwater improvements
- **Reconstruction of Market Street**, including 21' wide sidewalks, street trees and landscaping, on-street parking, infrastructure and conduit, stormwater management, and electrical outlets for events
- **Construction (under way) of Garden Street** with sidewalk and shared use path, on-street parking, street trees.
- Creation of "**Goose Park**", an **innovative stormwater facility** designed for public use with accessible paths and a series of sculptured geese throughout



South Burlington New Town Center

Town Highlights & Report



southburlington
PLANNING & ZONING



South Burlington New Town Center

Town Highlights & Report: Physical Improvements





South Burlington New Town Center

Town Highlights & Report: Center Activation

- Among the commercial tenants will be a **daycare**, whose enclosed play-yard will have a gate to access the **trail network** that is being connected to **City Center Park**.
- Stoops of **occupied townhomes** are adorned with seasonal decorations and complemented by occasional impromptu sidewalk chalk drawings on the recreation path out front
- The bike racks at Marcotte Central School, accessed via Market Street and just a few years ago unserved by any **safe route to school**, are becoming more full each year
- Market Street itself is becoming home to more and more **community events**, including most recently, on September 30th, an energy festival that opened a section of the street to pedestrians only.
- The Library/Senior Center/City Hall building has quickly become the hub of the entire community (and beyond). There were **95,010 visits to the Library** in FY '23 and an average of 15,000 items out per month.



South Burlington New Town Center

Town Highlights & Report: Physical Improvements





South Burlington New Town Center

Town Highlights & Report: Supportive Developments

- **Neighborhood Development Area Designation.** There has been even more activity outside the boundaries of the New Town Center. The City has a Neighborhood Development Area designation (renewal application separately submitted). This designated area, and surrounding areas in the city's core, have witnessed significant investment in the past eight years. Housing in each of these area includes a mix of market rate and permanently-affordable housing, spurred by the state's priority housing project incentives, the City's inclusionary zoning requirements, and financial support from municipal, State, and Federal funds.



South Burlington New Town Center

Town Highlights: Up Next

- **New water tower:** Preliminary design work and preparations for 2024 bond vote are underway to add an additional water tower to provide drinking water for the next generation. [And last month received news of a State CRRP Grant award to support the project]
- **I-89 Bike/Ped Bridge.** A new dedicated bicycle & pedestrian bridge over I-89, immediately south of Ext 14, has received a Federal RAISE for construction and has matched by TIF and local funds. Scheduled for construction by 2026.
- **Garden Street completion.** Funding through TIF and Impact Fees has been approved, and design is continuing, to fully connect Garden Street from Dorset Street to Midas Drive
- **White Street/Garden Street/Midas Drive Intersection.** Funding through TIF and local funds has been approved, and design is underway, to align the intersection and install pedestrian crossings.



South Burlington New Town Center

Town Highlights: Up Next





South Burlington New Town Center

Town Highlights & Report: Up Next

- **Williston Road Streetscape.** Grant and local funding is largely in place, and design is underway, to upgrade the streetscape on the south side of Williston Road between Dorset Street and Hinesburg Road to add a shared use path, full-sized green belt, lighting, and street trees.
- **City Center Park connections.** TIF funding has been approved and design is underway to connect City Center park to the “Goose Park” and Garden Street via pedestrian routes and bridges over the Potash Brook. Wetland permits at all levels are already in place.
- **The private sector is poised for further investment.** Of the 721 dwelling units described above, many are occupied and some are under construction, and the most recent project, “Market Street Lot N”, consisting of three multi-story buildings received its approval this summer and is slated to break ground in the fall. We are working with several other property owners throughout the NTC, and in adjacent NDA areas, to bring forwards additional infill and redevelopment projects.



South Burlington New Town Center

Town Highlights & Report: Up Next





South Burlington New Town Center

Town Highlights & Report: Obstacles

- The program's obstacles lie with the **size limitation** (the 174.5 acres represent a portion of our downtown only), and the limitation of designating a single New Town Center in the community. South Burlington, which includes two distinct corridors (Williston Road and Shelburne Road), is ineligible to obtain a designation for a compact settlement area along Shelburne Road.
- The New Town Center itself has not presented any notable obstacles. The program offers **limited benefits**, the most significant of which include eligibility to become a Neighborhood Development Area and (previously) eligibility for a Tax Increment Finance District, which has been tremendously impactful in our community.



South Burlington New Town Center

Discussion/Questions and Motion

Staff Recommended Motion

Approve renewal



Vermont Department of Environmental Conservation

Watershed Management Division
1 National Life Drive, Davis 3
Montpelier VT 05620-3522
www.watershedmanagement.vt.gov

Agency of Natural Resources

[phone] 802-828-1535

January 11, 2024

Town of South Burlington
Attn. Nick Atherton (via email NAtherton@southburlington.gov)
180 Market St.
South Burlington, VT 05403

Re: New Town Center Designation Notice of Approval, Town of South Burlington, South Burlington Airport Parkway Wastewater Treatment Facility, South Burlington, VT, NPDES Permit VT0100366, Permit #3-1278

Dear Mr. Atherton:

This letter serves as the Official Notice of Approval for the South Burlington Airport Parkway Wastewater Treatment Facility's (WWTF) New Town Center Designation Application. The Vermont Department of Environmental Conservation, Watershed Management Division's Wastewater Management Program finds that the WWTF is in compliance with NPDES Permit VT0100366 (Permit #3-1278).

If you have any questions or would like to discuss anything regarding this Notice, please feel free to contact me at the address above, by email at Amy.Polaczyk@Vermont.gov, or by phone at 802-490-6185.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy Polaczyk".

Amy Polaczyk
Wastewater Program Manager

Cc: Jamie Bates, Wastewater Management Program, VT DEC
Mari Cato, Business Operations and Support Services, VT DEC
Robert Fischer, Water Quality Superintendent, City of South Burlington, VT
Jacob Hemmerick, Community Planning & Policy Manager, Vermont Department of Housing & Community Development

Checklist for Compliance Review of Community Wastewater System

Vermont Watershed Management Division

New Town Center District Designation

Discharge Permit

Number: State: 3-1278 Issued: June 1, 2023 Expires: June 30, 2026
Federal: VT0100366

Sludge and Septage Facility Certification or Approved Sludge Management Plan:

Number: Cert. #F2205 Issued: November 2, 2022 Expires (certifications only): September 30, 2027
Solid Waste Facility
I.D. #SW-164

Capacity

1. What is the design of your wastewater treatment facility? 3,300,000 gpd
2. What was the annual average discharge flow from your facility for the previous 12 months of record? 1,820,000 gpd
August 2022 through July 2023 (Total annual flow: 664.577 million gallons)
3. What is the total of unconnected commitments/allocation to your facility? 43,002 gpd
4. What is the uncommitted reserve hydraulic capacity of your facility? 1,436,999 gpd
design flow – (commitments + annual average flow) = uncommitted reserve hydraulic capacity _____ gpd
5. Gallons of capacity planned for designated area? 104,192 gpd

Owner or owner's authorized representative responsible for approving allocation of wastewater to connections and maintaining technical capacity records for the wastewater system.

Name: Bob Fischer Date: January 9, 2024

Title: Water Quality Superintendent Phone: (802) 476-2053 (cell)

E-mail: bfischer@southburlingtonvt.gov

Implementation Schedule

Are you required by an order issued under section 1272 of Chapter 47 or through permit conditions to implement facility modifications to reduce pollutants in your discharge? _____ Yes X No

If you are not in compliance with the schedule dates in that order, please explain the cause and length of the delay.

Are you required by an order issued under section 1272 of Chapter 47 or through permit conditions to eliminate combined sewer overflows? _____ Yes X No

If you are not in compliance with the schedule dates in that order, please explain the cause and length of the delay.

Checklist for Compliance Review of Community Wastewater System

Vermont Watershed Management Division

New Town Center District Designation

[page 2]

Effluent Quality

Were limits for any of the following parameters exceeded during the past 12 months? If violations occurred, please discuss the cause and duration, remedial steps taken during the event and corrective action taken to prevent recurrence.

Biochemical Oxygen Demand (BOD):

Total Suspended Solids (TSS):

Phosphorus:

Ultimate Oxygen Demand (UOD):

Settleable Solids:

E. coli Bacteria:

Total Residual Chlorine:

Other: There were no violations of the listed parameters during the past 12 months.

South Burlington

Nick Atherton

Municipality

Authorized Representative

January 9, 2024

City Planner

Date

Title

The completed form must be submitted to the Agency of Natural Resources (ANR) at the address below. A complete designation application must include both a copy of the submitted form and written notice of approval from ANR.

Ernie Kelley, Program Manager
Ernie.Kelley@vermont.gov or (802) 490-6187
Wastewater Management Division
Department of Environmental Conservation
One National Life Drive – Main 2
Montpelier, VT 05620-3521