

## Burlington Development Review Board

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Austin Hart  
Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Bob Schwartz  
Kevin Stapleton  
Jim Drummond  
Oscar Hernandez (Alt.)  
Alexandra Zipparo (Alt.)



### BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, January 15, 2013 - 5:00 p.m., Contois Auditorium, City Hall, 149 Church Street, Burlington, VT MINUTES

**Present:** Austin Hart (Chair), Jonathan Stevens (Vice Chair), Michael Long, Brad Rabinowitz, Bob Schwartz, Kevin Stapleton, Jim Drummond (late), Alexandra Zipparo (Alt.)

**Staff:** Ken Lerner, Nic Anderson, Scott Gustin, Mary O'Neil

**Absent:** Oscar Hernandez (Alt.) (not needed)

#### I. **Agenda**

No changes.

#### II. **Communications**

Photographs for 416 Pearl St delivered by applicant just before hearing. In file and available to the board for review.

#### III. **Minutes**

None.

#### IV. **Public Hearing**

##### 1. **13-0617CA: 416 Pearl Street (RL, Ward 1) Ricky Handy**

Appeal of administrative denial to replace all windows in 9-11 Handy Court with vinyl replacement sash. (Project Manager: Mary O'Neil)

Appellant Ricky Handy and attorney David Casier present. R. Handy sworn in, D. Casier not sworn in. Discussion was had on if he needed to be sworn in.

D. Casier – Detailed appeal and position. Noted housing inspection requested windows be addressed due to single glazing. Noted history of existing vinyl replacement on property already. The rest are all original wood windows. New windows proposed represent better technology than existing windows. Wont look the same, but view of property will be de-minimus change as is not viewable from public areas easily.

Kip de Moll - from Lowes representing appellant as window expert. Brought samples. Detailed difference between the two visually from inside and outside. Also detailed maintenance and energy efficiency. Significant price difference.

A. Hart asked for price.

K. de Moll – Replacing 26 windows. \$656 for wood clad and \$190 for vinyl.

B. Rabinowitz asked what the cost of exterior muntins on fiberglass would be.

K. de Moll – Fiberglass would be around \$300. Pella have only had for a year so does not advocate for them yet.

J. Stevens asked if existing vinyl window would be replace and if paintable.

K. de Moll – Yes. Can have different colors on the wood clad option.

J. Stevens – window replacements can be easily visible when vinyl and contrast with dark green trim.

K. de Moll - would have white windows.

B. Rabinowitz noted vinyl windows typically would not be colored due to expansion.

A. Hart asked about maintenance.

J. Stevens – Normally don't get involved in economic impact and do look at durability.

K. de Moll – Vinyl windows have lifetime warranty on the life of the building, not the owner.

D. Casier – Confirmed that it is an insert only. Trim to remain.

K. de Moll – Correct. Vinyl would be insert. Wood clad would replace all framing etc.

B. Rabinowitz asked if there is a vinyl window that has exterior muntins and a full sill plate.

K. de Moll – Would need to research. Price would add \$75 to the wood clad window for exterior muntins.

M. Long - so proposed would be exterior muntins and beige or white.

K. de Moll – Yes.

B. Schwartz asked about frame size.

J. Stevens asked how the muntins would be proposed.

M. O'Neil asked about minimum housing inspection. Failure was lack of storm windows, not failure. Asked if warranty covers 85 year period. Part of application was about warranty.

K. de Moll – Replied to M. O'Neil question about warranty. Physical window is warrantied not the adhered muntin,

M. O'Neil asked K. de Moll if he was working on commission.

A. Hart objected.

K. de Moll – Yes but selling the less expensive windows anyway.

B. Rabinowitz asked M. O'Neil about window materials and regulation.

B. Rabinowitz noted that vinyl window shown does not look like the existing windows at all and is not a comparable replacement. Asked if disputing historic designation.

D. Casier – Are disputing historic designation.

J. Drummond asked about original windows.

Sharon Bushor. Sworn in.

K. Stapleton asked K. de Moll asked about economics. Asked if cost is unreasonable over 30 year timeframe.

K. de Moll noted the cost differences.

D. Casier - looking at long term amortization is ok argument. Cash output today prohibit that money be used for other improvements. Landlord interest is not aligned with tenants interest and energy efficiency. Greater benefit is cost of reduced cost of tenancy. Higher costs put these interests out of alignment. Reducing cost breaks down barrier to increased energy efficiency and for tenant. Putting all money into windows takes it from other features.

K. Stapleton asked why it can't be amortized for home equity loan.

D. Casier - cost is reasonable. Question is what is the city getting.

M. Long - believes that money saved rarely goes into other improvements.

A. Hart – doesn't want to get into costs. From staff comments seems to be a lot of deferred maintenance on the property.

D. Casier – No argument that 416 Pearl St main building needs maintenance. Detailed location of building from street view. No debate about history of 416 Pearl St main building. Building in question is an 'add on' to the property as 'backyard condo'. Not sure it is all that significant. For casual observer Handy Court looks like street. Building doesn't have any special architectural features. Utilitarian property. Near UVM but is residential neighborhood. Proposing best fix. Thinks ordinance has flexibility in how it fits into the plan. Increasing energy efficiency is green and good for the planet. Did look at storm windows but would need to be constructed, would change look and would be problem for egress.

M. Long noted storm windows are operable just like double hung windows.

D. Casier – Wood storm didn't seem feasible. Three track aluminum would look worse.

Sharon Bushor – Lives in Ward 1 and is one of the City Councilors. Built as unique houses that have unique features. Has watched deterioration of buildings over time. Not

in good shape. Has had a lot of discussions about historic buildings previously and ownership comes with responsibility. There are alternatives that would be consistent with 1920's housing. Have exterior storm windows and they are removable which is more consistent of history and development. Happy that economics were discussed. Feel strongly about adhering to ordinance unless there is real reason to go against it.

D. Casier – Owner inherited property.

B. Rabinowitz - has issue with statement that windows shown as samples that are comparable. Would need better windows that are more sensitive to building. So far off the mark with example. Concerned that appellants are not concerned about the looks.

D. Casier – Challenges if this is a historically significant building. Would be better reviewed by architect. Everyone could be perfect but there also is 'good' in terms of energy efficiency. Questions judgment call of City.

A. Hart closed Public Hearing 5.55pm.

## V. Sketch Plan

### 1. 13-0518SP: 140 GROVE STREET (RL, Ward 1) SD Ireland Brothers Corp.

Continued sketch plan review for proposed removal of industrial buildings and development of 240 - 288 apartment units and associated site infrastructure. (Project Manager: Scott Gustin)

Patrick O'Brien asked about process.

A. Hart - would like to see presentation on changes since last time.

P. O'Brien – Referred to density determination from last time. Asked if Board were ok with density.

J. Stevens – Definition of low density development is single family and duplexes and we would need to ignore definition to approve this. Has real problems with density.

P. O'Brien – Wouldn't be here if it wasn't allowed by the ordinance.

A. Hart asked about administrative interpretation.

S. Gustin – Was not in packet. Was an oversight. Did give administrative interpretation which was issued in December. Detailed.

J. Stevens asked for verbatim of low density residential intent.

S. Gustin - Read section 4.4.5 of CDO.

J. Stevens – Density is not the only factor we have to consider.

P. O'Brien - read determination on bonuses and density.

M. Long – If density was divided up it would mean small lots 'per' unit.

K. Stapleton noted that PUD allows flexibility.

P. O'Brien detailed meetings on traffic with Public Works and neighbors and all changes proposed are in packet. Traffic study should be completed within the week and will be provided for preliminary plat and provided to Public Works. Have J. Hodgson from HK Wagner to do presentation on site design. Detailed options. Noted Option B-1 is the current application.

J. Hodgson – Landscape Architect. Detailed number of units.

J. Drummond asked about number of surface parking spaces.

M. Dufresne - Architect. Preference is option A. This includes under building parking with less surface parking.

P. O'Brien – Owner needs to make decision on retention of this site or new site in Williston for concrete plant. Did B-1 as this was what they believed that is what the board wanted to see.

B. Rabinowitz noted options B did have more scaled transition. Asked for reasons on choosing option A.

P. Obrien – Economics of construction and ease of underground parking.

J. Drummond noted B-1 has more usable fields and greens that could be useable, orderly and urban.

J. Hodgson - Not planning on Option A but a mix.

M. Dufresne – Detailed elevations and proximity to street creating residential feel.

P. O'Brien – Detailed perspectives.  
 A. Hart asked about profile of drop of buildings to the south.  
 B. Rabinowitz – Not concerned about number of units per property but more the scale of driving through the area. Options B seem to address scale and create streetscapes.  
 P. O'Brien – Differences between B and B-1 is that the buildings are closer to street. Wanted DRB comment on having one or some buildings up to street but not all.  
 A. Hart - having variation is not a problem as it is not interrupting a Grove St pattern.  
 J. Drummond - setback seems irrelevant. Worried about Barrett St neighborhood traffic impacts. Doesn't feel it needs to be as close to street as existing neighborhood. Asked about size of 6 units compared to 36 unit building.  
 M. Dufresne – Doesn't want them to all look the same. Elevation shows 36 unit building and would have welcoming pedestrian feel. Detailed elevations of larger 43 unit building elevations.  
 B. Rabinowitz asked how many bedrooms per unit.  
 M. Dufresne – Will be mix of studio, 1 and 2 bedroom units. No more than 2 bedrooms.  
 A. Zipparo asked about heights.  
 M. Dufresne – Detailed heights and handed out photos of neighboring buildings with heights.  
 B. Rabinowitz – Favors B-1 due to scale. Asked about sidewalks.  
 P. O'Brien – Will make continuous sidewalks and streetlights. Will revamp parking area for Park on behalf of City.  
 K. Stapleton – Concerned about larger setback and creating a front yard that would create activity issues with kids playing in front.  
 J. Drummond – Agrees with B. Rabinowitz and likes sidewalks and greens and scale variety.  
 P. O'Brien – Landscaping will help to blend in buildings and reduce views of larger scale. Asked DRB for a determination that Design Advisory Board is not required. Doesn't believe it is required based on their team.  
 A. Hart - never had request before to bypass DAB. DAB has expertise that they do not have on DRB. DAB is more of a working session and has its advantages.  
 S. Gustin - DAB review is required because of PUD requirements.  
 P. O'Brien asked if DAB waiver is trumped by another section.  
 S. Gustin - yes.  
 M. Long - asked about 24 unit building shown.

Michael Wiseman - Lives on Chase St. Traffic in last 6 or 7 years has become incredible. Sometimes traffic backs up to SD Ireland site from the Colchester Avenue traffic light. Putting that number of units will be nightmare for neighborhood. Would like to see traffic study. Problem now, so it will be worse. Traffic is already slow, as it will be bumper to bumper.

A. Hart asked if offset from current use would be equal.  
 M. Wiseman - Shocked to hear SD Ireland quote 280 employees. Doesn't think there is that many. 40 cement trucks never have been a problem. Traffic is already bad. Quality of life would be decreased.  
 J. Stevens asked where nearest bus stop is.

Jane Nicholson - Lives at 14 Grove St. Been there since 1983. In last several years the traffic has become worse. Getting out of driveway is really a challenge. People don't use current stop sign like they should. Increase in traffic could be impact. Trucks aren't a problem at present, it is automobiles. Rush hour will be more significant. Other issues are speed and car damage due to narrowness. Increased traffic will be challenge. Increase in pedestrian traffic will change feel of neighborhood. Mixed neighborhood right now.

Erhard Manhke - Lives at 60 Grove St. Read letter from neighbor Anne. Would like owner occupancy as rentals would have impact. HVAC units noise should be contained

within property. Rooftop units would spread sound to neighborhood. Will leave copy. Personal comments, agree that rental units and no ownership would have a negative impact on quality of life. Acknowledge need for rental units. Number of units is out of scale as it is using the maximum. Should be less than maximum. Appreciates change to scale and massing but buildings fronting Grove St are still out of character. Largest building in neighborhood is a 5 unit but most of neighborhood is single family and duplex. Far out of line of character of neighborhood. Noted 576 parking spaces would be needed for site. That number of cars would be huge impact on traffic in neighborhood. Long walk to any services. No shopping in Winooski so most trips to get supplies would be a drive. Vehicle trips would burden neighborhood. Understands CCTA bus service negotiations not happening. Walk to current bus locations would be too far for children etc. Needs bus service into neighborhood. Environmental issues need to be addressed such as riparian zone and Winooski River and Centennial Brook. Invited DRB to go to neighborhood to see traffic. Like some improvements for pedestrians but have some ideas for improvement such as gradual reduction on width to help grade into residential neighborhood.

J. Stevens asked about character of neighborhood. Noted possibility of SD Ireland staying.

EM - current use is known as opposed to unknown. OK with residential but thinks the number of units is still too high.

Richard Hillyard – Ward 1 NPA. Has had meetings with developer and is grateful for dialog. Grove St is a major artery. Asked what City is doing to mitigate traffic. Asked if appropriate to request distances from site to service sites such as walk to nearest bus stop and shops would be helpful.

Sharon Bushor – City Councilor from Ward 1. Likes sketch plan review process. Developer has been responsive to neighborhood and has been a good process. Noted commercial traffic. Residential traffic would be totally different and have different impacts on roads. Waiting for traffic study. Assume there would be bike racks throughout. Concept of car sharing should be incorporated into development. This would reduce the number of cars needed. CCTA could be part of transportation challenge. Have had discussions with Community and Economic Development Office about busses or small busses that will access site. Would like City to work with CCTA to understand importance. Referred to UVM previous proposals and thinks that needs of both could be met by development. Most persons getting to work would need to use car. Important to protect centennial woods but could have pedestrian pathway on periphery of woods that connects neighborhoods. Would like mix of owner occupancy and rentals. Would like 3 bedroom units too to encourage families. Number of units still seems high. Like to see options and prefer B-1. Like having interesting looking buildings and could have row housing look instead of just a wall. Feel like close building will give idea of pedestrians to feel pushed onto road. Would like more buildings pushed back. Close buildings are impacted by road with dust and noise etc. Asked where storage units would be?

A. Hart would be somewhere and shown in preliminary.

S. Bushor thinks using non-conforming use as height is a loop hole and shouldn't be applied as reference point.

P. O'Brien – Noted that problems can't be solved if they don't hear them. Maximum density would be 20 units. Not going for maximum density. Traffic will not be even. Will be more traffic but solution would be to pay impact fees (over \$700,000) and let city initiate traffic improvements to Colchester Ave. Need rental housing.

A. Hart – Density does not bother him. Traffic study will define what density is appropriate. Flexibility of setback is ok. Prefer B-1 option with smaller buildings and better green space. If larger buildings need to propose better use of green space.

M. Long likes B-1 option. 40 unit buildings are still too big. Should go down into the 20's.

B. Rabinowitz - likes variety of scales in Option B-1. Traffic study will have big impact. City is already constrained but that is one way to get into city which will have more traffic over time.

J. Stevens - the new use is in his opinion non-conforming based on low density residential. Would like owner occupancy somehow.

J. Drummond – would also like to see owner occupancy and sense of ownership. Not necessarily single family buildings but maybe more condo development. Still concerned about traffic. Barrett St not designed for high number of traffic. Will only get worse. Concerned about apartment buildings along Colchester Ave but doesn't know how to address.

K. Stapleton – Not much evidence that rental housing creates more problems. Sounds logical but rarely happens. Costs and design play more of a factor. DRB doesn't make decision on ownership.

A. Zipparo – Rental doesn't mean less maintenance. Needs to be accessible and well built sidewalks for accessibility. Should have impact study on parking use and demand. Wants serious consideration for biking ease. Prefers B-1 based on green space and community gardens. Mixed density and smaller buildings at front are preferred.

J. Drummond - prefers B-1 option based on open space and mixed sizes.

B. Rabinowitz worth noting small buildings are still huge.

J. Stevens prefers B-1 option.

A. Hart closed Sketch Plan at 7.35pm.

**VI. Other Business**

**VII. Adjournment**

Adjourned at 7.35pm.

Deliberation scheduled for Monday February 11<sup>th</sup> at 5pm.

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A. Hart - Chair, Development Review Board

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Date

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Nic Anderson, Zoning Clerk